

# AGENDA

Meeting of the

## CITY COUNCIL OF THE CITY OF TROY

AUGUST 11, 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](mailto: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 outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **Outcome Statements**

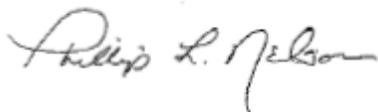
I. Troy has enhanced the health and safety of the community

II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues

III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world

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**

**August 11, 2008 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317**

**CALL TO ORDER:** **1**

**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Paul Monson – St. Augustine Ev. Lutheran Church** **1**

**ROLL CALL** **1**

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

- A-1 Presentations: 1
  - a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (June), Carol Anderson, Parks & Recreation Director will present and accept a check in the amount of \$503.17 to the Troy Seniors ..... 1

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

- B-1 No Carryover Items 1

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

- C-1 City of Royal Oak Hospital Financing Authority Issuing Tax-Exempt Bonds for William Beaumont Hospital – Troy 1

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

- D-1 Proposed Ballot Language to the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5 2

---

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

---

**PUBLIC COMMENT: Limited to Items Not on the Agenda** **4**

**REGULAR BUSINESS:** **4**

- E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Historic District Commission; Historical Commission 5
- E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Study Committee; Historical Commission; Liquor Advisory Committee; and Parks and Recreation Board 6
- E-3 Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South Side of Long Lake and West Side of John R, Section 14, Currently Zoned PUD 7
- E-4 Bid Waiver – Printing of Election and Voter Registration Materials 7
- E-5 Ordinance to Add Chapter 101 to Troy City Code - Liquor Licenses 8
- E-6 Amendment to Chapter 98 of Troy City Code – Criminal Code for Liquor License Decoy Enforcement Operations 8
- E-7 Amendment to Chapter 13 of Troy City Code – Historic Preservation 9
- E-8 Phase II Stormwater Permit – Administrative Challenge 9

**CONSENT AGENDA:** **9**

- F-1a Approval of “F” Items NOT Removed for Discussion 9
- F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public 10
- F-2 Approval of City Council Minutes 10
- F-3 Proposed City of Troy Proclamation(s): None Submitted 10
-

F-4	Standard Purchasing Resolutions	10
	a) Standard Purchasing Resolution 8: Best Value Award – Vending Machine Services.....	10
	b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Stain Exterior General Store .....	10
	c) Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program .....	11
	d) Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking Program .....	11
	e) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment .....	11
	f) Standard Purchasing Resolution 2: Lowest Bidders Meeting Specifications – Troy Daze Tents.....	12
	g) Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Community Center Treadmills.....	12
	h) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-8 – Civic Center and Town Center Mill and Overlay .....	12
	i) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.).....	13
F-5	Request for Approval of Purchase Agreement for John R Road Improvements, Long Lake Road to Square Lake Road, Project No. 02.203.5 – Parcel #15 – Sidwell #88-20-11-226-037 – Dynex Properties, Inc.	13
F-6	Approval of MDOT Contract No. 08-5205 Street Lighting System Beneath I-75 at Long Lake Road – Project No. 08.102.6	13
F-7	Traffic Committee Recommendations – July 16, 2008	14
F-8	Request for Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-233-022, Perry and Ramona Sankovich	14

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:** **14**

G-1	Announcement of Public Hearings:	14
	a) EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – August 25, 2008.....	14
	b) Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District – August 25, 2008 .....	15

---

G-2 Memorandums: None Submitted 15

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda** 15

H-1 Discussion on the Possibility of City Council Adopting a Civility Pledge, Requested by Council Member Kerwin 15

**COUNCIL COMMENTS:** 15

I-1 No Council Comments Advanced 15

**REPORTS:** 15

J-1 Minutes – Boards and Committees: 15

- a) Traffic Committee/Final – February 20, 2008 ..... 15
- b) Traffic Committee/Final – March 19, 2008 ..... 15
- c) Downtown Development Authority/Final – June 18, 2008 ..... 15
- d) Troy Daze Advisory Committee/Final – June 24, 2008 ..... 15
- e) Planning Commission/Draft – July 8, 2008..... 15
- f) Planning Commission/Final – July 8, 2008..... 15
- g) Board of Zoning Appeals/Draft – July 15, 2008..... 15
- h) Board of Zoning Appeals/Final – July 15, 2008..... 15
- i) Ethnic Issues Advisory Board/Draft – July 15, 2008..... 15
- j) Board of Zoning Appeals/Draft – July 29, 2008..... 15

J-2 Department Reports: 15

- a) City Attorney’s Office – 2008 Second Quarter Litigation Report..... 15
- b) Police Department – 2008 Year-To-Date Calls for Police Service Report..... 15
- c) Building Department – Permits Issued During the Month of July, 2008 ..... 15
- d) Council Member Kerwin’s Travel Expense Report – Institute for Local Government’s “Who Controls our Water System” Session on May 22, 2008..... 15
- e) Council Member Kerwin’s Travel Expense Report – SME Chapter One Workshop: Michigan’s Economy on June 17, 2008..... 15
- f) Council Member Kerwin’s Travel Expense Report – MSUE Master Planner Advanced Academy on June 18, 2008..... 15
- g) Council Member Kerwin’s Travel Expense Report – SEMCOG University Workshop: Asset Management on July 15, 2008 ..... 15
- h) Council Member Kerwin’s Travel Expense Report – “Building a Championship Team” – Troy Chamber of Commerce on July 30, 2008 ..... 15

J-3 Letters of Appreciation: 16

---

a)	Letter of Thanks to Chief Craft from Troy High School Teacher Gail Yax Regarding the Cooperation and Services Received from Troy Police Personnel with Troy High School Students .....	16
b)	Letter of Appreciation from Shelley Spinner Regarding the Troy Family Aquatic Center.....	16
c)	Letters of Appreciation from H&S Inspection Service Regarding the Contributions of Richard Kessler, Gary Bowers, and Robert Winkelman during 422 Oliver Building Reconstruction.....	16
J-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	16
J-5	Troy Youth Assistance Board Meeting Draft Minutes from May 15, 2008	16
J-6	Communication from City Manager Phillip Nelson Regarding the Fitness Trail in Raintree Park	16
<b>STUDY ITEMS:</b>		<b>16</b>
K-1	No Study Items Submitted	16
<b>PUBLIC COMMENT: Address of “K” Items</b>		<b>16</b>
<b>CLOSED SESSION:</b>		<b>16</b>
L-1	Closed Session	16
L-2	Closed Session – Performance Evaluation of the City Manager as Permitted by Council Resolution #2008-07-232	17
<b>RECESSED</b>		<b>17</b>
<b>RECONVENED</b>		<b>17</b>
<b>ADJOURNMENT</b>		<b>17</b>
<b>FUTURE CITY COUNCIL PUBLIC HEARINGS:</b>		<b>17</b>
	Monday, August 25, 2008.....	17
1.	EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD).....	17

---

2. EcoMotors, 1055 West Square Lake – Issuance of an Industrial Facilities Exemption Certificate (IFEC).....	17
3. Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District.....	17

**SCHEDULED CITY COUNCIL MEETINGS:** **17**

Monday, August 25, 2008 Regular City Council .....	17
Monday, September 8, 2008 Regular City Council.....	17
Monday, September 22, 2008 Regular City Council.....	17
Monday, October 6, 2008 Regular City Council .....	17
Monday, October 20, 2008 Regular City Council .....	17
Monday, November 10, 2008 Regular City Council.....	17
Monday, November 24, 2008 Regular City Council.....	17
Monday, December 1, 2008 Regular City Council.....	17
Monday, December 15, 2008 Regular City Council.....	17

**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Paul Monson – St. Augustine  
Ev. Lutheran Church**ROLL CALL**

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

**CERTIFICATES OF RECOGNITION:**

---

**A-1 Presentations:**

- a)** On behalf of the City of Troy Employees' *Casual for a Cause* Program (June), Carol Anderson, Parks & Recreation Director will present and accept a check in the amount of \$503.17 to the Troy Seniors

**CARRYOVER ITEMS:**

- 
- B-1** No Carryover Items

**PUBLIC HEARINGS:**

- 
- C-1** City of Royal Oak Hospital Financing Authority Issuing Tax-Exempt Bonds for William Beaumont Hospital – Troy

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue

Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$825,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk; and

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$825,000,000 in aggregate principal amount of the Bonds by the Authority; and
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes:

No:

## POSTPONED ITEMS:

---

### **D-1 Proposed Ballot Language to the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5**

#### Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

- a) Approval of Ballot Question To Amend Section 9.16 of the Troy City Charter As Recommended By City Administration

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**A PROPOSAL TO CHANGE THE TERM “ASSESSED VALUATION” to “TAXABLE VALUE” IN ORDER TO BE CONSISTENT WITH STATE LAW.**

Shall Section 9.16 be amended by replacing the term “Assessed Valuation” with the term “Taxable Value,” so that it would read as follows:

*“The Council shall not raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount 0.8100 percent of the taxable value of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City.”*

Yes \_\_\_\_\_ No \_\_\_\_\_

b) Approval of Ballot Question As Requested By City Council

1. RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**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 \_\_\_\_\_*

**OR/AND:**

2. RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER BY ADDING SECTION 9.16.1- MILLAGE RATE LIMITATION.**

Shall Section 9.16.1 regarding Millage Rate Limitation be added to the Troy City Charter as follows:

*“Section 9.16.1- Millage Rate Limitation: The Council shall not increase the millage rate pursuant to Section 9.16 of this charter above 0.8100 percent unless the increased rate shall be first approved by a majority of the City electors voting on the increased millage rate”? Yes \_\_\_\_\_ No \_\_\_\_\_*

**OR/AND:**

3. RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**A PROPOSAL TO LIMIT THE MILLAGE RATE TO 2008 LIMITATIONS.**

Shall Section 9.16, Tax Levy; Limitations of the Troy City Charter be amended to reduce the maximum amount of the general tax levy that Council can raise on real and personal property from the current millage of one percent to a reduced millage rate of 0.81 percent? Yes \_\_\_\_ No \_\_\_\_\_

**OR/AND:**

4. RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**A PROPOSAL TO LIMIT THE CITY'S TAX LEVY TO 0.8100 MILLS**

Shall Section 9.16, Tax Levy; Limitations of the Troy City Charter be amended by reducing the "one percent" allowable municipal levy limitation to "0.8100 percent," which would then read as follows:

*"The Council shall not raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount 0.8100 percent of the assessed valuation\* of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City."*

Yes \_\_\_\_ No \_\_\_\_\_

Yes:

No:

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

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

**REGULAR BUSINESS:**

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

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

**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Historic District Commission; Historical Commission**

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 Appointments**

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

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

**Historic District Commission**

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

**Emily Wang-Student**

Term Expires 07/01/09

**Historical Commission**

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

**Yanyu (Andrew) Liu-Student**

Term Expires 07/31/09

Yes:

No:

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Study Committee; Historical Commission; Liquor Advisory Committee; and Parks and 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 #2008-08-

Moved by

Seconded by

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

**Historic District Study Committee**

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

---

Ad Hoc

**Historical Commission**

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

---

Term Expires 07/31/11

**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)

Gary Hauff

**\*\*Troy School District  
Rep.**

---

Term Expires 07/31/09

**\*\*NOTE: Received Recommendation from Troy School District**

Yes:

No:

---

**E-3 Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South Side of Long Lake and West Side of John R, Section 14, Currently Zoned PUD**

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, On September 10, 2007, City Council granted Concept Development Plan approval, pursuant to Article 35.50.01, for The Oasis at Centennial Park Planned Unit Development (PUD 6), located on the south side of Long Lake and west side of John R, Section 14, being approximately 9.35 acres in size; and

WHEREAS, The property was rezoned to the Planned Unit Development zoning district designation on September 10, 2007; and

WHEREAS, The petitioner Oasis at Centennial Park, LLC has requested that the Concept Development Plan be abandoned.

BE IT RESOLVED, That Troy City Council hereby **DECLARES** The Oasis at Centennial Park Planned Unit Development (PUD 6) project to be abandoned; and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the Concept Development Plan approval for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **INVALIDATES** the Development Agreement for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** any and all rights and approvals granted under and as a part of the Concept Development Plan for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record this resolution with the Oakland County Register of Deeds as evidence of City Council action.

Yes:

No:

---

**E-4 Bid Waiver – Printing of Election and Voter Registration Materials**

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, Printing Systems, Inc. provides Election related supplies and printed materials that comply to State of Michigan standards;

WHEREAS, Printing Systems, Inc. has provided the City of Troy with the required materials as a result of the lowest quote and regularly as the only vendor able to provide the materials requested in the quotes; and

WHEREAS, Printing Systems, Inc. holds the contract for ballot printing and supply kits with Oakland County and it is desirable to utilize Printing Systems, Inc. for ballot folding and specialized forms in conjunction with the County procurement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of printing of Election and Voter Registration materials from Printing Systems, Inc. at an estimated cost of \$40,000.00.

Yes:  
No:

---

**E-5 Ordinance to Add Chapter 101 to Troy City Code - Liquor Licenses**

Suggested Resolution  
Resolution #2008-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 101, Liquor Licenses, to the Troy City Code City, as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

---

**E-6 Amendment to Chapter 98 of Troy City Code – Criminal Code for Liquor License Decoy Enforcement Operations**

Suggested Resolution  
Resolution #2008-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 98.10.06 and 98.10.11 and the addition of a new Section 98.10.14 of Chapter 98 of the Troy City Code as recommended by the City Attorney, a copy of which shall **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

**E-7 Amendment to Chapter 13 of Troy City Code – Historic Preservation**Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 3 of Chapter 13 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-8 Phase II Stormwater Permit – Administrative Challenge**Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AFFIRMS** City Administration's filing of a Contested Case Proceeding Challenging the NPDES Storm Water Permit, and **AUTHORIZES** the payment of any necessary costs and expenses 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 #2008-08-

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 #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of July 21, 2008 as submitted.

---

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

---

**F-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 8: Best Value Award – Vending Machine Services**

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** a five-year contract to provide for the installation, operation and management of on-site vending machine services for various City of Troy facilities with additional options to renew at one-year intervals for a maximum length of ten (10) years to Vendtek / Satellite Vending Company of Wixom, MI, the bidder with the highest score as a result of a best value process, which the Troy City Council determines to be in the public interest, at a 15% - 18% return on gross receipts, which is offset by the cost of \$45/month for money changers at the Library and Community Center; or a guaranteed minimum of \$11,000.00 per year whichever is greater, to expire August 31, 2013; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and contract documents, including insurance certificates, agreement and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement when in acceptable form.

**b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Stain Exterior General Store**

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to stain the exterior of the General Store located at the Troy Historical

Museum to the sole bidder meeting specifications, Hermes Painting Company of Troy, MI, for an estimated total cost of \$45,000.00, at prices contained on the bid tabulation opened June 11, 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 the contractor submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

Suggested Resolution  
Resolution #2008-08-

WHEREAS, On August 20, 2007, a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods was awarded to the low total bidder, Viking Construction, Inc. of Warren, Michigan (Resolution #2007-08-250-E-4e); and

WHEREAS, Viking Construction has agreed to exercise first of two one-year options to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Viking Construction to provide sidewalk replacement and installation for the 2008/09 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened July 19, 2007, to expire June 30, 2009.

**d) Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking Program**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to furnish major street pavement markings with an option to renew for one (1) additional year to the low total bidder, RS Contracting, Inc. of Casco Twp, MI, at unit prices contained in the bid tabulation opened July 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2010; and

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

**e) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to supply two-year requirements of initial issue police uniforms and equipment for newly hired Police Department employees, with an option to renew for two one-year periods, to the lowest bidder meeting specifications, Metropolitan Uniform Company, 3065 Orchard Lake Road, Keego Harbor, MI 48320, at an estimated cost of \$1,638.98 per employee, plus tailoring charges of \$8.00 per flashlight pocket, shirt or pants, at unit prices contained in the bid tabulation opened on July 16, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire August 11, 2010.

**f) Standard Purchasing Resolution 2: Lowest Bidders Meeting Specifications – Troy Daze Tents**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish, set-up and take down tents for the Troy Daze Festival to the lowest bidders meeting specifications, Dial Tent & Awning Co., Inc of Saginaw, MI, and Ace Canvas & Tent of Detroit, MI for an estimated total cost of \$11,656.00 and \$5,255.00 respectively, at unit prices contained in the price quote submitted August 4, 2008 and bid tabulation opened August 1, 2008, copies of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

**g) Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Community Center Treadmills**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install thirteen (13) new commercial treadmills at the Community Center to the lowest bidder meeting specifications, All Pro Exercise, Inc. of Farmington Hills, MI, at an estimated net total cost of \$51,142.00 including trade-ins, at prices contained in the bid tabulation opened July 21, 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 the company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

**h) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-8 – Civic Center and Town Center Mill and Overlay**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-8, Civic Center and Town Center Mill and Overlay, to Ajax Paving Industries, Inc., 830 Kirts Blvd., Suite 100, Troy, MI 48084, at an estimated total cost of \$595,675.70; 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.

**i) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2009 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of \$15,671.36.

---

**F-5 Request for Approval of Purchase Agreement for John R Road Improvements, Long Lake Road to Square Lake Road, Project No. 02.203.5 – Parcel #15 – Sidwell #88-20-11-226-037 – Dynex Properties, Inc.**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Dynex Properties, Inc., owners of property having Sidwell #88-20-11-226-037, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Long Lake Road to Square Lake Road in the amount of \$34,000.00, plus closing costs; and

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

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

---

**F-6 Approval of MDOT Contract No. 08-5205 Street Lighting System Beneath I-75 at Long Lake Road – Project No. 08.102.6**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 08-5205 between the City of Troy and the Michigan Department of Transportation for the replacement of the street lighting system under I-75 at the Long Lake Road structure, Project No. 08.102.6, 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-7 Traffic Committee Recommendations – July 16, 2008**

**(a) Establishment of Fire Lanes – 1607 E. Big Beaver**

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** for the establishment of fire lanes at 1607 E. Big Beaver as recommended by the Fire Department as shown in the attached sketch.

**(b) Establishment of Fire Lanes – 6475 Rochester Road**

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** for the establishment of fire lanes at 6475 Rochester Road as recommended by the Fire Department as shown in the attached sketch.

---

**F-8 Request for Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-233-022, Perry and Ramona Sankovich**

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from property owner Perry J. Sankovich and Ramona Sankovich, owners of the property having Sidwell #88-20-09-233-022; and

BE IT FURTHER RESOLVED, That Troy City Council the City Clerk is hereby **DIRECTED** to record the Permanent Easement 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) – August 25, 2008

- b)** Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District – August 25, 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** Discussion on the Possibility of City Council Adopting a Civility Pledge, Requested by Council Member Kerwin
- 

**COUNCIL COMMENTS:**

- I-1** No Council Comments Advanced
- 

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

- a)** Traffic Committee/Final – February 20, 2008
  - b)** Traffic Committee/Final – March 19, 2008
  - c)** Downtown Development Authority/Final – June 18, 2008
  - d)** Troy Daze Advisory Committee/Final – June 24, 2008
  - e)** Planning Commission/Draft – July 8, 2008
  - f)** Planning Commission/Final – July 8, 2008
  - g)** Board of Zoning Appeals/Draft – July 15, 2008
  - h)** Board of Zoning Appeals/Final – July 15, 2008
  - i)** Ethnic Issues Advisory Board/Draft – July 15, 2008
  - j)** Board of Zoning Appeals/Draft – July 29, 2008
- 

**J-2 Department Reports:**

- a)** City Attorney's Office – 2008 Second Quarter Litigation Report
  - b)** Police Department – 2008 Year-To-Date Calls for Police Service Report
  - c)** Building Department – Permits Issued During the Month of July, 2008
  - d)** Council Member Kerwin's Travel Expense Report – Institute for Local Government's "Who Controls our Water System" Session on May 22, 2008
  - e)** Council Member Kerwin's Travel Expense Report – SME Chapter One Workshop: Michigan's Economy on June 17, 2008
  - f)** Council Member Kerwin's Travel Expense Report – MSUE Master Planner Advanced Academy on June 18, 2008
  - g)** Council Member Kerwin's Travel Expense Report – SEMCOG University Workshop: Asset Management on July 15, 2008
  - h)** Council Member Kerwin's Travel Expense Report – "Building a Championship Team" – Troy Chamber of Commerce on July 30, 2008
-

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Craft from Troy High School Teacher Gail Yax Regarding the Cooperation and Services Received from Troy Police Personnel with Troy High School Students
  - b) Letter of Appreciation from Shelley Spinner Regarding the Troy Family Aquatic Center
  - c) Letters of Appreciation from H&S Inspection Service Regarding the Contributions of Richard Kessler, Gary Bowers, and Robert Winkelman during 422 Oliver Building Reconstruction
- 

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

---

**J-5 Troy Youth Assistance Board Meeting Draft Minutes from May 15, 2008**

---

**J-6 Communication from City Manager Phillip Nelson Regarding the Fitness Trail in Raintree Park**

---

**STUDY ITEMS:**

---

**K-1 No Study Items Submitted**

---

**PUBLIC COMMENT: Address of "K" Items**

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

**CLOSED SESSION:**

---

**L-1 Closed Session**Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

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

Yes:

---

No:

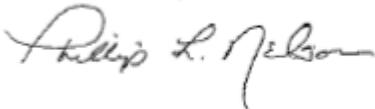
**L-2 Closed Session – Performance Evaluation of the City Manager as Permitted by Council Resolution #2008-07-232**

**RECESSED**

**RECONVENED**

**ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, August 25, 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)
3. Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District

**SCHEDULED CITY COUNCIL MEETINGS:**

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
Monday, November 10, 2008 .....	Regular City Council
Monday, November 24, 2008 .....	Regular City Council
Monday, December 1, 2008 .....	Regular City Council
Monday, December 15, 2008 .....	Regular City Council



## CITY COUNCIL ACTION REPORT

July 17, 2008

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy

### **BACKGROUND**

As required by the Internal Revenue Code of 1986, as amended (the "Code") the City of Troy is holding a public hearing to receive public input in advance of authorizing the City of Royal Oak Hospital Finance Authority to issue bonds that will be used for improvements and an addition to William Beaumont Hospital – Troy.

It should be noted that approval of the issuance of bonds by the City of Royal Oak Hospital Finance Authority for the benefit of the City of Troy will not have any effect on the ability of the City of Troy to issue bonds, nor will it involve any liability to the City of Troy for the bonds.

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

LISA C. HAGAN  
TEL (313) 496-7910  
FAX (313) 496-8451  
E-MAIL [hagan@millercanfield.com](mailto:hagan@millercanfield.com)

Miller, Canfield, Paddock and Stone, P.L.C.  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
TEL (313) 963-6420  
FAX (313) 496-7500  
[www.millercanfield.com](http://www.millercanfield.com)

MICHIGAN: Ann Arbor  
Detroit • Grand Rapids  
Kalamazoo • Lansing  
Saginaw • Troy

FLORIDA: Naples

ILLINOIS: Chicago

MASSACHUSETTS: Cambridge

NEW YORK: New York

CANADA: Toronto • Windsor

POLAND: Gdynia  
Warsaw • Wrocław

July 15, 2008

Via e-mail to: [p.nelson@ci.troy.mi.us](mailto:p.nelson@ci.troy.mi.us)

Phillip Nelson, City Manager  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

[bluhmlg@ci.troy.mi.us](mailto:bluhmlg@ci.troy.mi.us)

Lori Grigg Bluhm, Esq., City Attorney  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

[lameratojm@ci.troy.mi.us](mailto:lameratojm@ci.troy.mi.us)

John Lamerato, Assistant City Manager/Finance & Admin.  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

RE: City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Lady and Gentlemen:

Earlier this month, I spoke with your City Clerk's office regarding the City of Royal Oak Hospital Finance Authority – William Beaumont Hospital's 2008 financing. William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the City of Royal Oak Hospital Finance Authority, as permitted by State law, a portion of the proceeds of the bonds will be used to construct, acquire, renovate, equip, rehabilitate and/or improve hospital facilities in the City of Troy as well as to refund bonds the proceeds of which were used to construct an addition to the hospital facility of William Beaumont Hospital in the City of Troy.

As required by the Internal Revenue Code of 1986, as amended (the "Code"), the City of Royal Oak must hold a public hearing and permit the issuance of the bonds. In addition, the Code requires, when proceeds of the bonds will be used outside of the jurisdiction issuing the bonds, that such other jurisdiction also hold a public hearing and authorize the issuance of the bonds.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Philip Nelson, Ms. Lori Bluhm,  
Mr. John Lamerato

-2-

July 15, 2008

To meet the requirements of the Code, we would like to request being placed on your City Council agenda for your August 11, 2008 meeting for the purpose of conducting a public hearing and approving the issuance of the bonds by the City of Royal Oak Hospital Finance Authority. I am attaching a draft of the notice that, when completed, will be released for publication later this week or early next week. I will send you a completed copy when it is available. I am also attaching the proposed resolution that would be considered. The format of the resolution is identical to ones that the City Council for the City of Troy has passed in previous years for financings of William Beaumont Hospital through the City of Royal Oak Hospital Finance Authority.

The approval of the bonds by the City Council of the City of Troy is solely for the purposes of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of the City of Troy (or affiliates) to issue bonds and will not involve any liability to the City of Troy (or affiliates).

Please confirm that we can be placed on your agenda for your August 11, 2008 City Council meeting. Also, please confirm the time and location I have used in the attached notice for the Troy meeting.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: Lisa C. Hagan  
Lisa C. Hagan

LCH/hfm

Enclosure

cc: Tonni L. Batholomew (clerk@troymi.gov)  
Joel L. Piell, Esq. (piell@millercanfield.com)  
Lisa C. Hagan, Esq. (hagan@millercanfield.com)  
Timothy Sochocki, Esq. (sochocki@millercanfield.com)

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice contained in this document and its attachments, if any, may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties. Advice that complies with Treasury Circular 230's "covered opinion" requirements (and thus, may be relied on to avoid tax penalties) may be obtained by contacting the author of this document.

# DRAFT

NOTICE OF PUBLIC HEARINGS ON THE ISSUANCE  
BY THE CITY OF ROYAL OAK HOSPITAL FINANCE AUTHORITY  
OF HOSPITAL REVENUE AND HOSPITAL REVENUE AND REFUNDING BONDS  
FOR THE BENEFIT OF WILLIAM BEAUMONT HOSPITAL

NOTICE IS GIVEN that the City Commission of the City of Royal Oak will hold a public hearing at 7:30 o'clock p.m., in the Commission Chambers of City Hall, 211 Williams Street, Royal Oak, Michigan on the 18<sup>th</sup> day of August, 2008, that the City Council of the City of Sterling Heights will hold a public hearing at 7:30 o'clock p.m. in the City Hall Council Chambers, 40555 Utica Road, Sterling Heights, Michigan on the 6<sup>th</sup> day of August, 2008, that the City Council of the City of Troy will hold a public hearing at 7:30 o'clock p.m. in the City Council Chambers, City Hall, 500 W. Big Beaver, Troy, Michigan on the 11<sup>th</sup> day of August, 2008, and that the City Council of the City of Grosse Pointe will hold a public hearing at 7:00 o'clock p.m. in the Municipal Complex, 17147 Maumee Avenue, Grosse Pointe, Michigan on the 18<sup>th</sup> day of August, 2008, each on the proposed issuance of hospital revenue and hospital revenue refunding bonds (the "Bonds") in one or more series in the maximum aggregate principal amount of \$825,000,000 by the City of Royal Oak Hospital Finance Authority to provide funds to loan to William Beaumont Hospital (the "Hospital") to be used by the Hospital, together with other available funds, to (a) finance or refinance the costs of the acquisition, construction, renovation and equipping of the health care facilities described below (collectively, the "Projects"), (b) to refund the bonds described below (the "Prior Bonds"), (c) to pay a portion of the interest to accrue on the Bonds, (d) to fund a debt service reserve fund for the Bonds, (e) to pay costs related to interest rate swaps, and (f) to pay the costs of issuing the Bonds.

The Projects (a portion of which will be financed with the proceeds of the Bonds) consists of the following: (a) at a presently estimated cost of \$59,587,000, the refinancing of

indebtedness of the Hospital, which indebtedness was used to acquire facilities known as Bon Secours Health Systems Inc., including related assets located at 468 Cadieux Road, Grosse Pointe, Michigan (the "Grosse Pointe Facilities") and (b) the financing of the costs of construction, acquisition, renovation, equipping, rehabilitation and/or improvements to the hospitals and other health care facilities (i) located at the Main Hospital Campus (at a presently estimated cost of \$35,000,000), (ii) located at the Troy Hospital Facility (at a presently estimated cost of \$130,000,000) and (iii) located at the Sterling Heights Facility (at a presently estimated cost of \$35,000,000) (each as defined below).

The Prior Bonds consist of all or a portion of (a) the \$48,675,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2001N (the "Series N Bonds"); (b) the \$34,475,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2001O (the "Series O Bonds"); (c) the \$82,675,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) Series 2003P (the "Series P Bonds"); (d) the \$60,600,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2003Q (the "Series Q Bonds"); (e) the \$64,125,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) Series 2006R (the "Series R Bonds"); (f) the \$64,100,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) Series 2006S (the "Series S Bonds"); (g) the \$39,225,000 City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2006T (the "Series T Bonds"); and (h) the \$39,250,000 City of Royal Oak Hospital Finance

Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) Series 2006U (the "Series U Bonds").

The proceeds of the Series N Bonds were used by the Hospital to (a) finance (i) a portion of the costs of the acquisition, construction, remodeling, renovation, installation and equipping of facilities on the main campus of the Hospital located at 3601 West Thirteen Mile Road, Royal Oak, Michigan (the "Main Hospital Campus"), including the acquisition, construction, installation and equipping of an approximately 629,056 square foot addition to the Hospital for use as a neonatal intensive care unit, operating rooms, patient care rooms, minor surgery and procedure rooms, general radiographic/fluoroscopic rooms, ultrasound rooms and storage, and (ii) the construction and equipping of a five story addition to the Troy campus of the Hospital located at 44201 Dequindre Road, Troy, Michigan (the "Troy Hospital Facility"), which expanded the obstetrical services, added new operating rooms and endoscopy rooms and increased the number of private rooms while decreasing the number of semi-private rooms (collectively, the "2001 Project"), (b) currently refund (i) the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1996J (the "Series J Bonds"), and (ii) the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1997L (the "Series L Bonds") and (c) pay costs of issuing the Series N Bonds. The proceeds of the Series J Bonds were used by the Hospital to (a) finance the acquisition, construction, replacement, remodeling and equipping of capital improvements at the Main Hospital Campus, generally comprising improvements to the existing hospital facilities at the Main Hospital Campus to replace and upgrade heating, ventilation and air handling systems, refrigeration and utility distribution systems, fire protection and elevators, to improve roofing, building facilities, external signage and landscaping, to remodel patient care areas in the

neonatal intensive care unit, patient care rooms, the nuclear medicine department, the continuing care department, the security department and storage areas and to acquire and install various radiology, surgical, endovascular, bed replacement and other patient care equipment, and (b) to pay costs of issuing the Series J Bonds. The proceeds of the Series L Bonds were used by the Hospital to (a) construct an approximately 88,200 square foot, five story Heart Center at the Main Hospital Campus and to renovate approximately 41,825 square feet of existing space at the Main Hospital Campus to facilitate expansion, replacement and consolidation of cardiovascular services into a vertically arranged facility, including the addition of two new cardiac catheterization laboratories, replacement of two existing cardiac catheterization laboratories and the conversion of two existing cardiac catheterization laboratories to multi-purpose special radiological rooms, and (b) pay costs of issuing the Series L Bonds.

The proceeds of the Series O Bonds were used by the Hospital to (a) finance the 2001 Project; (b) currently refund (i) the City of Royal Oak Hospital Finance Authority Revenue Bonds (Beaumont Properties, Inc.) Series 1992E (the "Series E Bonds") and (ii) the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1992F (the "Series F Bonds") and (c) pay costs of issuing the Series O Bonds. The proceeds of the Series E Bonds were used by the Hospital to refund the Beaumont Properties, Inc. Taxable Revenue Bonds, Series 1988B (the "Series B Bonds"), the proceeds of which were used to (a) pay the costs of constructing and equipping (i) a 120,000 square foot medical office building adjacent to an existing medical office building located at the Main Hospital Campus, (ii) a parking structure located north of the existing medical office building located at the Main Hospital Campus, and (iii) a 78,995 square foot medical office building located at 6900 Orchard Lake Road, West Bloomfield, Michigan (the "West Bloomfield Campus") and (b) pay costs of

# DRAFT

issuing the Series E Bonds. The proceeds of the Series F Bonds were used by the Hospital to (a) pay costs of constructing approximately 65,516 square feet of new space at the Main Hospital Campus to contain eight new operating rooms, an expanded emergency center, a laboratory and mechanical space, and the renovation of approximately 4,770 square feet at the Main Hospital Campus, and (b) pay costs of issuing the Series F Bonds. The Hospital defeased \$3,200,000 of the Series O Bonds due to the sale of the West Bloomfield Campus to a private developer in 2006.

The proceeds of the Series P Bonds were used by the Hospital to (a) pay the construction, renovation and equipping of a nine-level addition to the Hospital located at the Main Hospital Campus which added operating rooms, replaced and relocated existing licensed acute care beds and increased the number of private rooms and (b) pay costs of issuing the Series P Bonds.

The proceeds of the Series Q Bonds were used by the Hospital to currently refund the City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital), Series 1993G (the "Series G Bonds") which Series G Bonds refinanced the indebtedness incurred by the Hospital in connection with the issuance of the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1989C (the "Series C Bonds"). The proceeds of the Series C Bonds were used by the Hospital to (a) pay the cost of acquiring, construction, remodeling and equipping (i) an administration building, powerhouse expansion, site and utilities improvement, the research facilities and a project control center, all located at the Main Hospital Campus, (ii) a diagnostic radiology expansion and the replacement of radiology equipment at the hospital of the Hospital located at the Troy Hospital Facility, (iii) a diagnostic nuclear medicine facility and the expansion of an area providing acute therapeutic rehabilitation services located at the West Bloomfield Campus, (iv) a

# DRAFT

facility for data processing operations located at the 1350 Stephenson Highway, Troy, Michigan (the "BIS Center") and (b) pay costs of issuing the Series C Bonds. The Hospital defeased \$750,000 of the Series Q Bonds due to the sale of the West Bloomfield Campus to a private developer in 2006.

The proceeds of the Series R Bonds and the Series S Bonds were used by the Hospital to finance (a) the renovation of the north and central towers of the hospital facility of the Hospital located at the Main Hospital Campus generally consisting of the renovation of medical care areas, the improvement of architectural, electrical and mechanical infrastructure of the hospital facility and the improvement of fire alarm and fire protection systems, (b) the construction of an ambulatory care center on the hospital campus of the Hospital located at 44300 Dequindre Road, Sterling Heights, Michigan (the "Sterling Heights Facility"), and (c) pay costs of issuing the Series R Bonds and the Series S Bonds.

The proceeds of the Series T Bonds and Series U Bonds were used by the Hospital to (a) advance refund the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital), Series 1996I (the "Series I Bonds") which Series I Bonds refinanced the indebtedness incurred by the Hospital in connection with the issuance of the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital) Series 1991D (the "Series D Bonds"), and (b) pay costs of issuing the Series T Bonds and Series U Bonds. The proceeds of the Series D Bonds were used by the Hospital to (a) construct a critical care tower and a four level addition to the hospital facility, related parking and a shipping and receiving facility, all at the Main Hospital Campus, (b) construct a six level addition to and renovation of the hospital facility of the Hospital located at the Troy Facilities, and (c) pay costs of issuing the Series D Bonds.

# DRAFT

The Grosse Pointe Facilities, the Main Hospital Campus, the Troy Hospital Facility, the BIS Center and the Sterling Heights Facility are owned and operated by the Hospital, a nonprofit corporation. The West Bloomfield Campus was sold to a private developer in 2006.

The public hearing will provide an opportunity for interested persons to be heard and communications in writing will be received and considered. The hearing will provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue.

Dated: \_\_\_\_\_, 2008

/s/ Don Johnson  
Chairperson, City of Royal Oak  
Hospital Finance Authority  
211 Williams Street  
Royal Oak, Michigan 48068  
(248) 246-3030

AALIB:527154.3\006839-00008  
DRAFT 07/01/08 3:02 PM



## CITY COUNCIL ACTION REPORT

TO: Members of the Troy City Council

FROM: Phillip L. Nelson, City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Ballot Question

### Background:

- State law provides two ways of submitting proposed charter amendments to the voters:
  - Charter amendment ballot questions can be submitted by a 3/5 vote of City Council.
  - Charter amendment ballot question can be submitted by initiatory petition.
- Initiatory petition charter amendment questions can either be set forth in full on each circulated petition sheet, or it can be determined by a resolution of City Council. Initiative petitions that satisfy statutory criteria must be presented to the voters for action.
- Proposed charter amendments must be in the form of a question, and each ballot question must include an impartial statement of purpose in 100 words or less. The Attorney General's Office reviews each proposed charter amendment ballot question to insure compliance.
- Through the preparation of the proposed ballot language, a flaw in Section 9.16 was discovered. This section uses the term "assessed valuation." Proposal A created a new term, "taxable value." The City of Troy is now required, under State Law, to use taxable value as the basis for calculation. Therefore, the Troy City Charter should be amended to be consistent with State Law. This can be accomplished by placing a charter amendment question before the voters. A proposed ballot question is as follows:

A PROPOSAL TO CHANGE THE TERM "ASSESSED VALUATION" to  
"TAXABLE VALUE" IN ORDER TO BE CONSISTENT WITH STATE LAW.

Shall Section 9.16 be amended by replacing the term "Assessed Valuation" with the term "Taxable Value," so that it would read as follows:

*"The Council shall not raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount 0.8100 percent of the taxable value of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City." Yes \_\_\_\_\_ No \_\_\_\_\_*

- According to the Attorney General's Office, initiatory petition charter amendment ballot questions must be true to the language circulated on the petitions. The most conservative form of the initiatory petition charter amendment ballot question, therefore, is as follows:

**1) 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 \_\_\_\_\_

- At the July 21, 2008 City Council meeting, City Council requested alternative proposals for consideration. Council could possibly submit the following alternate charter amendment ballot proposal, which is a different way of phrasing the statement on the initiatory petitions. However, since the language varies from the actual language contained on the circulated petitions, the Attorney General may or may not approve the language of the following question:

**2) A PROPOSAL TO AMEND THE TROY CITY CHARTER BY ADDING SECTION 9.16.5~~1~~- MILLAGE RATE LEVY LIMITATION.**

*Shall Section 9.16.~~1~~5 regarding Millage Rate Levy Limitation be added to the Troy City Charter as follows:*

*“Section 9.16.~~1~~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 0.8100 percent unless the increased rate shall be first approved by a majority of the City electors voting on the increased millage rate question.”?*

Yes \_\_\_\_\_ No \_\_\_\_\_

- Upon information and belief, the following ballot questions are also re-statements of the language on the citizen initiated charter amendment petition.

**3) A PROPOSAL TO LIMIT THE MILLAGE RATE TO 2008 LIMITATIONS.**

*Shall Section 9.16, Tax Levy; Limitations of the Troy City Charter be amended to reduce the maximum amount of the general tax levy that Council can raise on real and personal property from the current millage of one percent to a reduced millage rate of 0.81 percent?*

Yes \_\_\_\_ No \_\_\_\_\_

#### **4) A PROPOSAL TO LIMIT THE CITY'S TAX LEVY TO 0.8100 MILLS**

*Shall Section 9.16, Tax Levy; Limitations of the Troy City Charter be amended by reducing the "one percent" allowable municipal levy limitation to "0.8100 percent," which would then read as follows:*

*"The Council shall not raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount 0.8100 percent of the assessed valuation\* of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City." Yes \_\_\_\_\_ No \_\_\_\_\_*

\*The current language uses the term "assessed valuation." As noted above, the term should actually be changed to "taxable value." This change would require a separate ballot question, since each ballot question is limited to one subject.

- Council has the option of approving the form of the initiatory petition ballot proposal question and also approving any other ballot question as a Council initiated ballot proposal (requires 3/5 vote).
- City Administration has not hired outside experts to analyze the potential impact of the ballot proposal(s), due to Campaign Finance Act limitations. Under the Campaign Finance Act, it is a misdemeanor for a public body to knowingly "use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure . . ." in support of a ballot question (MCL 169.257).

There are exceptions to this prohibition, including:

- Elected or appointed public officials with policy making responsibilities can express views without violating this provision.
- The production and/or dissemination of factual information concerning issues relevant to the function of the public body is permitted.

#### Financial Considerations:

- Should City Council choose to produce and/or disseminate factual information concerning these ballot questions, outside counsel should be retained. Upon request, names of attorneys who specialize in tax law will be provided for Council's consideration.

#### Legal Considerations:

- City Council can propose amendments to the existing city charter to be submitted to the voters at the next election. This action would require a 3/5 vote of the members-elect. (MCL 117.21 (1))
- Proposed initiatory charter amendments submitted in compliance with State Law SHALL be submitted to the voters. (MCL 117.21(1))

Policy Considerations:

- Troy is building for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can resolve to approve the form of the initiatory petition charter amendment ballot question (majority vote).
- City Council can approve additional charter amendment ballot question(s) (3/5 vote).

LGB. Ballot Language Proposals



## CITY COUNCIL ACTION REPORT

DATE: July 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South side of Long Lake and West side of John R, Section 14 – Currently Zoned PUD

### Background:

- At the September 10, 2007 Regular meeting, City Council granted Concept Development Plan Approval of The Oasis at Centennial Park Planned Unit Development, including approving the Planned Unit Development Agreement. Additionally, City Council rezoned the property to Planned Unit Development.
- The project consisted of a mixed-use project with a combination of a 20-bed senior housing facility and retail, restaurant, day care, and office uses. The applicant has indicated that the project is no longer viable given the state of the economy in Michigan.
- The applicant has submitted a written request to abandon the Planned Unit Development.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to rescind the PUD Agreement as per Section 35.60.02 of Chapter 39 City of Troy Zoning Ordinance.
- The PUD parcel was assembled from a number of smaller contiguous parcels. The applicant, Oasis at Centennial Park, LLC, has not completed purchase of all of the smaller properties comprising the PUD parcel. The owner of one of the smaller properties is attempting to sell their single family home, but the sale is complicated by the existing PUD zoning and Planned Unit Development Agreement.

- To formally abandon The Oasis at Centennial Park Planned Unit Development, the PUD Agreement needs to be rescinded and the property rezoned to an appropriate designation, as per the requirements of the City of Troy Zoning Ordinance. City Management will initiate the rezoning process with the City of Troy Planning Commission.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 Special Council meeting:  
  
III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the request to abandon the PUD and rescind the PUD Agreement for The Oasis at Centennial Park Planned Unit Development.
- City Council can deny the request to abandon the PUD and rescind the PUD Agreement for The Oasis at Centennial Park Planned Unit Development.

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

Attachments:

1. Letter from Oasis at Centennial Park, LLC, dated July 22, 2008.
2. Section 35.60.02 of City of Troy Zoning Ordinance.

Prepared by RBS/MFM

cc: Applicant  
File /PUD 6

G:\PUD's\PUD 006 Oasis at Centennial Park PUD\CC Meeting Memo PUD Agreement 08 11 08.doc

**Oasis at Centennial Park, LLC  
48593 Hayes Road  
Shelby Township, MI 48315**

July 22, 2008

The Honorable  
The City Council  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

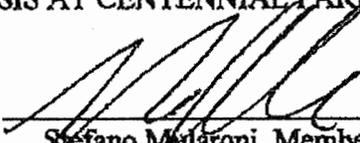
Re: Oasis at Centennial Park -- Abandonment of Development Agreement

Dear Council Members:

We regret to inform you that, due to economic conditions, we have been unable to fully market the property so as to implement the development plan as set forth in the Development Agreement between us dated September 10, 2007. We therefore must abandon the development plan for the Oasis at Centennial Park, as described in the Development Agreement.

Very truly yours,

OASIS AT CENTENNIAL PARK, LLC

By: 

Stefano Mularoni, Member

cc: Susan Lancaster, Esq.  
Mark F. Miller, AICP  
Norman Hyman, Esq.

## Chapter 39 - Zoning Ordinance

### 35.50.03 Step Three: Final Development Plan Approval:

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

### 35.60.00 Amendment or Abandonment:

35.60.01 Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

35.60.02 Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

(Rev. 04-02-07)

### 35.60.03 PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS:

- A. For public hearings required with respect to a Planned Unit Development, notice shall be given not less than 15 days before each public hearing at which the Planned Unit Development will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:
1. The applicant.
  2. The owner(s) of the property, if the applicant is not the owner.
  3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.



## CITY COUNCIL ACTION REPORT

July 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Bid Waiver – Printing of Election and Voter Registration Materials

### **Background**

- Michigan Election Law mandates the City Clerk's Office to provide election and voter registration related materials to voters during election cycles and throughout the year.
- Materials include ballots, voter identification cards, absentee voter ballot envelopes and secrecy sleeves, absentee voter ballot applications, voter registration applications, and voter notice postcards.
- The State of Michigan requires adherence to printing standards that currently only one company is able to consistently provide the City of Troy with materials that meet standards and are customized with specific Troy information and processing requirements to accommodate the volume of forms required.
- The State of Michigan and Oakland County contract with Printing Systems, Inc. for ballot printing, and therefore require the City of Troy to also purchase from Printing Systems, Inc. for school district, countywide or larger elections. The City of Troy utilizes Printing Systems, Inc. via Oakland County during those elections to provide additional services such as ballot folding for these elections.

### **Financial Considerations**

- Printing Systems, Inc. consistently offers the lowest quote on all election and voter registration materials.

### **Legal Considerations**

- If formal bidding procedures are waived, no benefit would be derived from soliciting formal bids.

### **Policy Considerations**

- Elections and Voter Registration are statutorily required functions of the City Clerk's Office; no perceived policy consideration outcome statement.

### **Options**

- City Management and the City Clerk's Office are requesting a waiver of the formal bid process for the printing of election and voter registration materials, to include ballots, voter registration materials, and absentee voter ballot materials from Printing Systems,

Inc., Taylor, MI, one of the only authorized election printing companies in Michigan. The estimated total expenditures for fiscal year 2008-2009 are \$40,000.00, which includes 60,000 absentee voter ballot envelopes, 28,000 voter identification cards, and 20,000 absentee voter ballot applications.



## MEMORANDUM

TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
Susan M. Lancaster, Assistant City Attorney  
Allan T. Motzny, Assistant City Attorney

DATE: August 5, 2008

SUBJECT: Proposed New Liquor License Ordinance

---

At the July 21, 2008 meeting, City Council was provided with a proposed draft liquor license ordinance. This proposal was red lined, to incorporate several of the suggestions made by the Liquor Advisory Committee. A copy of that red lined proposal is attached as background information. Since that time, we have received additional comments and proposed revisions. We considered all requested modifications before proposing the attached draft liquor license ordinance for your consideration. It is a clean copy version, and proposed to be the new Chapter 101 of the Troy City Ordinances.

The new liquor license chapter incorporates some of the liquor license criteria set forth in City Council resolutions, which are now rescinded. In addition, the liquor license hearing procedure has been codified, and the duties of the Liquor Advisory Committee are specified in this proposed ordinance. This new chapter takes into account recent cases and state statutory provisions that govern liquor licensing. It is our recommendation that this proposed liquor license ordinance be adopted. City Management concurs in this request.

If Council has any questions or concerns about the proposed ordinance, please let us know.

CITY OF TROY  
AN ORDINANCE TO ADD  
CHAPTER 101 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 to Chapter 101, Liquor Licenses, of the Code of the City of Troy.

Section 2. New Ordinance Provisions

Chapter 101 of the Code of the City of Troy shall incorporate the following:

1. Definitions. The following definitions shall apply in this Chapter.
  - a. "Alcoholic Liquor" shall mean any beverages or compounds containing one-half of one percent or more of alcohol by volume, which is used for human consumption. For purposes of this chapter, the term includes beer, wine, and spirits.
  - b. "Assembly or convention center" shall mean a facility that provides a demonstrated public purpose which is equipped with a bona fide restaurant or food service and seating capacity that accommodates more than 1,000 persons in banquet style.
  - c. "License" shall mean a license issued by the Michigan Liquor Control Commission to sell alcoholic liquor for consumption on or off the premises.
  - d. "Licensee" shall mean all persons, including their agents, servants and employees, holding a license to sell alcoholic liquor for consumption on or off the premises.
  - e. "Licensed Premises" shall mean the location where the licensee is authorized to sell alcoholic liquor on or off the premises.
  - f. "Persons" shall mean an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.
  - g. "Premises" shall mean the location for which a license has been issued by the Michigan Liquor Control Commission.

- h. "Quota license" shall mean one of a specific number of licenses available to the City of Troy based on population which may be issued by the Michigan Liquor Control Commission to sell alcoholic liquor.
  - i. "Related Permit" shall mean any permit issued by the Michigan Liquor Control Commission to a licensee for entertainment or other activities at the licensed premises, which legally require such a permit.
  - j. "Sale" shall mean, the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor which is regulated by the Michigan Liquor Control Act and this Chapter.
  - k. "SDD" shall mean Specially Designated Distributor which is a person engaged in an established business licensed by the Michigan Liquor Control Commission to distribute spirits and mixed spirit drink in the original package for consumption off the premises.
  - l. "SDM" shall mean Specially Designated Merchant which is a person to whom the Michigan Liquor Control Commission grants a license to sell beer or wine, or both, at retail for consumption off the premises."
2. Liquor License Required. No person shall engage in the business of selling alcoholic liquor for consumption on or off the premises in the City of Troy or elsewhere without first obtaining the appropriate liquor license as set forth in the Michigan Liquor Control Act.
3. City Council Approval; Applications for new and transferred licenses.
- a. No person shall sell alcoholic liquor for consumption on the premises in the City of Troy without obtaining the approval of City Council of the application for a new or transferred license.
  - b. City Council may deny approval of an available quota license if it is in the best interest of the public. This determination may include consideration of future development opportunities.
  - c. City Council approval is not necessarily required for new or transferred applications for special licenses, club licenses, 24 hour licenses, or off- premises SDM or SDD licenses. However, each club license request and each SDM or SDD license request shall be submitted to Troy's Liquor Advisory Board for a recommendation to the Troy City Council. City Council may then make a recommendation of approval or denial or highlight special concerns about each such license application to the Michigan Liquor Control Commission.

4. City Council Approval; Gas Stations and/or businesses with fuel pumps.
  - a. Both of the following shall be established for any applicant seeking City Council approval for a liquor license for a gas station and/or a business with fuel pumps:
    - 1) The site of payment and selection of alcoholic liquor shall be at least 50 feet from that point where motor fuel is dispensed; and
    - 2) The applicant must establish that one or both of the following conditions exist and will continue to exist:
      - (i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space; and/or
      - (ii) At all times, the applicant or licensee maintains a minimum inventory on the premises of not less than \$250,000.00 (at cost) of those goods and merchandise customarily marketed by approved types of businesses, excluding alcoholic liquor and motor vehicle fuel.
        - A.) Services, prizes, offers, contests, coupons, and other items which require purchase before a cash value attaches shall not be considered inventory.
        - B.) The applicant or licensee shall allow inspection of the inventory at the licensed premises during regular business hours by the Director of Building and Zoning or his/her designee, the Treasurer or Finance Director or his/her designee, or the Troy Police Department.
        - C.) Upon a verbal or written request of the City, the applicant or licensee shall produce documents and/or records of the cost of inventory on the premises on a specific date. If the applicant or licensee fails to produce such documents or records, or if the documentation presented does not contain enough information to determine if the inventory is based on cost, within 3 days of the request, then there shall be a rebuttable presumption that the inventory on that

specific date was below the \$250,000 minimum requirement of this Chapter, which can be raised in any legal proceeding.

b. Failure to satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a denial recommendation from the Troy City Council. In the event that a gas station or business with gas pumps is granted a liquor license by the State of Michigan, the failure to continuously satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a recommendation for revocation or other adverse action against the liquor license.

5. City Council approval; Related permits.

No person shall engage in entertainment, dancing or other activities at the licensed premises within the City of Troy without first having obtained the recommendation of approval of City Council of the application for the related permit, and obtaining any necessary permits from the Michigan Liquor Control Commission. City Council shall take action on all requests for entertainment, dance, topless activity, or banquet facility permits, and shall forward its resolution to the Michigan Liquor Control Commission.

6. Application; Application Requirements; Administrative Review.

a. The applicant shall submit to the Police Department a fully completed "City of Troy Liquor License Application" on the form that is prepared and furnished by the Police Department.

b. The application shall include at least the following information:

i. Name and address of applicant. If the applicant is a partnership, the name and address of each partner shall be provided, and a copy of any partnership agreement attached. If the applicant is a privately held corporation, the name and address of each corporate officer, member of board of directors, and stockholder shall be provided, and a copy of the articles of incorporation attached. If the applicant is a publicly held corporation, the name and address of each corporate officer, each member of the board of directors and each stockholder who owns five percent or more of the corporate stock shall be provided. If the applicant is a limited liability company, the name and address of each member, manager and assignee of membership interest shall be provided, and the articles of organization attached.

ii. Type of license or related permit(s) desired.

- iii. Address of the property where the license or permit activities will occur.
  - iv. Three (3) written references as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued.
  - v. Any other information pertinent to the applicant and operation of the proposed facility.
  - vi. The application shall be accompanied by a non-refundable application and investigation fee, in the amount that is set forth in Chapter 60 of the City of Troy Ordinances.
- c. By submitting an application to the City of Troy, the applicant is agreeing to a complete background investigation, including, but not limited to: fingerprinting of applicant and any individual listed in Section 6.b.; an investigation of any criminal activities; civil actions; actions or investigations by other governmental bodies; moral character; business reputation; or any other background areas deemed necessary by the Troy Police Department investigators.
- d. City Council shall not take any action on a liquor license or related permit application until the application for said license or related permit has been timely reviewed by the following:
- i. Police Department
  - ii. Fire Department
  - iii. Treasurer
  - iv. Building Inspection Department
  - v. Planning Department
- e. The Chief of Police or his/her designee shall coordinate the administrative review process, and shall submit the documentation to the Liquor Advisory Committee for a recommendation, pursuant to Section 13 of this Chapter. Within 60 days of the Liquor Advisory Committee recommendation, the application and supporting documentation shall be forwarded to the Troy City Council for action.

7. Criteria for Approving Liquor Licenses and Related Permits.

City Council shall consider the following factors in determining whether to approve a new or transferred liquor license or related permit:

- a. The applicant's experience in operating other similarly licensed businesses.
- b. The applicant's general business management experience.
- c. The applicant's general business reputation.
- d. The applicant's moral character.
- e. Past convictions of the applicant for any of the following:
  - i) A felony.
  - ii) A crime involving the excessive use of alcoholic liquor.
  - iii) A crime involving any of the following:
    - a) Gambling.
    - b) Prostitution.
    - c) Weapons.
    - d) Violence.
    - e) Tax evasion.
    - f) Fraudulent activity.
    - g) Controlled substances.
    - h) Serious moral turpitude.
    - i) A misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
- f. The applicant's excessive use of alcoholic liquor.
- g. The history of non-payment or late payment of taxes by the applicant.
- h. The type of service, menu, or entertainment offered.
- i. The overall theme, atmosphere, or ambience of the proposed business.
- j. The proposed hours and days of operation.
- k. The need for proposed business in the particular area.
- l. The proximity of the proposed business to other similarly licensed businesses.
- m. The proximity of the proposed business to a residentially zoned or used zoning district.

- n. The diversification or uniqueness of the proposed business in the City.
  - o. The overall fit and compatibility with the Master Plan of the City.
  - p. The compatibility of the proposed business with surrounding uses.
  - q. The impact of the business on police and code enforcement.
  - r. The effect that the issuance of a license would have upon the economic development of the surrounding area.
  - s. The effect the establishment will have upon vehicular and pedestrian traffic.
  - t. The effect that the proposed business would have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, churches, schools, and public parks.
  - u. The overall benefits of the proposed establishment to the City.
  - v. Whether the proposed activities on the premises will have a deleterious effect on the surrounding neighborhood.
  - w. Any other factors that may affect the health, welfare, and/or safety of the general public.
  - x. Any other factors that City Council may deem proper, provided such considerations are reasonable under all of the circumstances.
8. Restrictions on Licenses and Related Permits.
- a. No license or related permit shall be issued to:
    - i. A person whose previous liquor license and/or related permit(s) were revoked for cause.
    - ii. A person who does not meet the ordinance requirements, even if previously granted a liquor license and/or related permit(s).
    - iii. A co-partnership, unless all of the members of such co-partnership qualify to obtain a license.

- iv. A corporation if any officer, manager or director or a stock owner or stockholders owning more than 5 percent of the stock of such corporation would not be eligible to receive a license or related permit.
- v. A person whose place of business is operated by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the licensee.
- vi. A person who has been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, fraud, violence, controlled substances, or alcoholic liquors.
- vii. A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued.

b. No license or related permit shall be issued when there exists a violation of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.

c. Prior to the issuance or transfer of any liquor license and/or related permit by the State of Michigan Liquor Control Commission, the applicant or transferee shall sign a contract with the City of Troy agreeing to assure compliance with any and all restrictions and/or conditions placed on the licenses and/or related permit and compliance with statutes and regulations of the State of Michigan and the City of Troy Code of Ordinances, regulations and conditions. The licensee or holder of any permits shall post the restrictions and/or conditions with the license and/or permits issued by the Michigan Liquor Control Commission in a conspicuous place within the facility.

9. Required Restaurant Operation Affiliation. On-premises license or related permit applications must be in connection with and incidental to a bona fide restaurant operation, which shall be determined by the Troy City Council in its sole discretion, or an assembly or a convention center use.

10. Annual License Review. City Council may undertake an annual review of any license for purposes of making recommendations to the Michigan Liquor Control Commission regarding renewal or revocation of any license. City Council may also review a license more frequently if warranted by the circumstances.

11. License Revocation. Each licensed premises within the City shall be operated and maintained in accordance with all applicable laws, ordinances and regulations. Upon any violation of any federal or state law or regulation, or any city ordinance, the City Council may, after a notice and hearing, request the Michigan Liquor Control Commission revoke such license or refuse to renew such license, as set forth below.

12. Procedure for License Review.

- a. Before filing any objection to renewal or request for revocation of a license or related permit with the Michigan Liquor Control Commission, City Council shall serve the licensee with a notice of hearing, sent by first class mail at least seven days prior to hearing, which notice shall contain the following:
  - i. Notice of proposed action.
  - ii. Reasons for the proposed action.
  - iii. Date, time and place of hearings.
  - iv. A statement that the licensee may present evidence, testimony, and/or confront adverse witnesses.
- b. This hearing shall be open to the public and notice of said public hearing shall be mailed to each residence and business within 500 feet of the boundary line of the property of the licensed establishment, and shall be published in a newspaper of general circulation in the City of Troy.
- c. Following the hearing, City Council shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.

13. Criteria for Review. After a public hearing, City Council may recommend non-renewal or revocation of a license or related permit to the Michigan Liquor Control Commission upon a determination, based upon a preponderance of the evidence, that any of the following exist:

- a. Violation of any of the restrictions on licenses set forth in any law or ordinance or statute or the administrative rules or any provision of the Michigan Liquor Control Act.
- b. Maintenance of a nuisance upon the licensed premises, including, but not limited to, any of the following:
  - i. Existing violations of building, zoning, plumbing, mechanical, electrical, health, fire prevention or regulatory codes.
  - ii. A pattern of patron conduct in the neighborhood of the licensed establishment which is in violation of the law or

disturbs the peace, order and tranquility of the neighborhood.

- iii. The failure to maintain the grounds and exterior of the licensed establishment by allowing litter, debris, and/or refuse to be deposited on the property or adjoining properties.
  - iv. Providing entertainment without the required permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.
  - v. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed establishment.
- c. An off- premises licensee has sold alcoholic liquor on at least 3 separate occasions in a single calendar year to a person who is less than 21 years of age.
  - d. An on- premises licensee has sold alcoholic liquor to a person who is less than 21 years of age.

14. Liquor Advisory Committee.

- a. It is the responsibility of the City of Troy Liquor Advisory Committee to make a recommendation to City Council as to whether it should approve a liquor license or related permit. In making its recommendation, the Liquor Advisory Committee shall follow the rules, guidelines, and procedures set forth in this ordinance.
- b. City Council may grant the Liquor Advisory Committee authority to conduct review or revocation hearings by a resolution. If such authority is granted, the Liquor Advisory Committee shall follow the procedures as set forth in sections 10 thru 13 of this Chapter.
  - i. Upon completion of the hearing, the Liquor Advisory Committee shall make a written statement of its findings and submit to City Council a recommendation as to renewal or revocation within 14 days after the hearing.
  - ii. Upon receiving the Liquor Advisory Committee's recommendation, and reviewing its written statement of findings, City Council shall pass a resolution, which shall either:
    - a. Accept the recommendation of the Liquor Advisory Committee.

- b. Reject the recommendation of the Liquor Advisory Committee.
- c. Hold another hearing at a later date to be determined by City Council. If another hearing is held, City Council shall follow all rules set forth in Sections 11 and 12 of this chapter, and the decision made by City Council shall be final.

15. Violation and Penalty. In addition to any other sanction set forth in this Chapter, any person, whether acting as an individual, owner, manager, employee of the owner, or whether acting as an agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who operates a business without first obtaining a license as set out above or who violates any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for a period not to exceed ninety (90) days and/or a fine not to exceed five hundred dollars (\$500.00), plus costs as within the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

### Section 3. Repeal

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

### Section 4. Savings

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

### Section 5. Severability Clause

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

Section 6. Effective Date

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

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

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

## Red Line Version With LAC Recommendations

### Chapter 101: Liquor Licenses

1. Definitions. The following definitions shall apply in this Chapter.
  - a. “Alcoholic Liquor” shall mean any beverages or compounds containing one-half of one percent or more of alcohol by volume, which is used for human consumption. For purposes of this chapter, the term includes beer, wine, and spirits.
  - b. “Assembly or convention center” shall mean a facility that provides a demonstrated public purpose which is equipped with a bona fide restaurant or food service and seating capacity that accommodates more than 1,000 persons in banquet style.
  - c. “License” shall mean a license issued by the Michigan Liquor Control Commission to sell alcoholic liquor for consumption on or off the premises.
  - d. “Licensee” shall mean all persons, including their agents, servants and employees, holding a license to sell alcoholic liquor for consumption on or off the premises;
  - e. “Licensed Premises” shall mean the location where the licensee is authorized to sell alcoholic liquor on or off the premises;
  - f. “Persons” shall mean an individual, firm, partnership, limited partnership, association, limited liability company, or corporation.
  - g. “Premises” shall mean the location for which a license has been issued by the Michigan Liquor Control Commission.
  - h. “Quota license” shall mean one of a specific number of licenses available to the City of Troy based on population which may be issued by the Michigan Liquor Control Commission to sell alcoholic liquor.
  - i. “Related Permit” shall mean any permit issued by the Michigan Liquor Control Commission to a licensee for entertainment or other activities at the licensed premises, which legally require such a permit.
  - j. “SDD” shall mean Specially Designated Distributor which is a person engaged in an established business licensed by the Michigan Liquor Control Commission to distribute spirits and mixed spirit drink in the original package for consumption off the premises.



1.) The site of payment and selection of alcoholic liquor shall be at least 50 feet from that point where motor fuel is dispensed; and

2.) The applicant must establish that one or both of the following conditions exist and will continue to exist:

- (i) The applicant or licensee is located in a neighborhood shopping center composed of 1 or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space; and/or
- (ii) At all times, the applicant or licensee maintains a minimum inventory on the premises of not less than \$250,000.00 (at cost) of those goods and merchandise customarily marketed by approved types of businesses, excluding alcoholic liquor and motor vehicle fuel.
  - A.) Services, prizes, offers, contests, coupons, and other items which require purchase before a cash value attaches shall not be considered inventory.
  - B.) The applicant or licensee shall allow inspection of the inventory at the licensed premises during regular business hours by the Director of Building and Zoning or his/her designee, the Treasurer or Finance Director or his/her designee, or the Troy Police Department.
  - C.) Upon a verbal or written request of the City, the applicant or licensee shall produce documents and/or records of the cost of inventory on the premises on a specific date. If the applicant or licensee fails to produce such documents or records, **or if the documentation presented does not contain enough**

information to determine if the inventory is based on cost, within 3 days of the request, then there shall be a rebuttable presumption that the inventory on that specific date was below the \$250,000 minimum requirement of this Chapter, which can be raised in any legal proceeding.

- b. Failure to satisfy the requirements of sub-section 1.) and sub-section 2.), as set forth above, will result in a denial recommendation from the Troy City Council. In the event that a gas station or business with gas pumps is granted a liquor license by the State of Michigan, the failure to continuously satisfy the requirements of sub-section 1.) and sub-section 2.), as set forth above, will result in a recommendation for revocation or other adverse action against the liquor license.

5. City Council approval; Related permits.

No person shall engage in entertainment, dancing or other activities at the licensed premises within the City of Troy without first having obtained the recommendation of approval of City Council of the application for the related permit, and obtaining any necessary permits from the Michigan Liquor Control Commission. City Council shall take action on all requests for entertainment, dance, topless activity, or banquet facility permits, and shall forward their resolution to the Michigan Liquor Control Commission.

6. Application; Application Requirements; Administrative Review.

- a. The applicant shall submit to the Police Department a fully completed "City of Troy Liquor License Application" on the form that is prepared and furnished by the Department.
- b. The application shall include at least the following information:
  - i. Name and address of applicant. If the applicant is a partnership, the name and address of each partner shall be provided, and a copy of any partnership agreement attached. If the applicant is a privately held corporation, the name and address of each corporate officer, member of board of directors, and stockholder shall be provided, and a copy of the articles of incorporation attached. If the applicant is a publicly held corporation, the name and address of each corporate officer, each member of the board of directors and each stockholder who owns five percent or more of the corporate

stock shall be provided. If the applicant is a limited liability company, the name and address of each member, manager and assignee of membership interest shall be provided, and the articles of organization attached.

- ii. Type of license or related permit(s) desired.
  - iii. Address of the property where the license or permit activities will occur.
  - iv. Three (3) written [references statements](#) as to the applicant's character, experience, and financial ability to meet the obligations and business undertakings for which the license is to be issued.
  - v. Any other information pertinent to the applicant and operation of the proposed facility.
  - vi. The application shall be accompanied by a non-refundable application and investigation fee, in the amount that is set forth in Chapter 60 of the City of Troy Ordinances.
- c. By submitting an application to the City of Troy, the applicant is agreeing to a complete background investigation, including, but not limited to: [fingerprinting of applicant and any individual listed in Section 6. b.](#); an investigation of any criminal activities; civil actions; actions or investigations by other governmental bodies; moral character; business reputation; or any other background areas deemed necessary by the Troy Police Department investigators.
- d. City Council shall not take any action on a liquor license or related permit application until the application for said license or related permit has been timely reviewed by the following:
- i. Police Department
  - ii. Fire Department
  - iii. Treasurer
  - iv. Building Inspection Department
  - v. Planning Department
- e. The Chief of Police or his/her designee shall coordinate the administrative review process, and shall submit the documentation to the

Liquor Advisory Committee for a recommendation, pursuant to Section 13 of this Chapter. Within 60 days of the Liquor Advisory Committee recommendation, the application and supporting documentation shall be forwarded to the Troy City Council for action.

7. Criteria for Approving Liquor Licenses and Related Permits.

City Council shall consider **all of** the following factors in determining whether to approve a new or transferred liquor license or related permit:

- a. The applicant's experience in operating other similarly licensed businesses.
- b. The applicant's general business management experience.
- c. The applicant's general business reputation.
- d. The applicant's moral character.
- e. ~~Past criminal convictions of the applicant for crimes involving moral turpitude, fraud, violence, controlled substances, or alcoholic liquors.~~ Past convictions of the applicant for any of the following:
  - i) A felony.
  - ii) A crime involving the excessive use of alcoholic liquor.
  - iii) A crime involving any of the following:
    - a) Gambling.
    - b) Prostitution.
    - c) Weapons.
    - d) Violence.
    - e) Tax evasion.
    - f) Fraudulent activity.
    - g) Controlled substances.
    - h) Serious moral turpitude.
  - iv) A misdemeanor of such a nature that is may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
  - v) Sentencing for any of the offenses specified in this section after a plea of nolo contendere.
- f. The applicant's excessive use of alcoholic liquor.
- g. The history of non-payment or late payment of taxes by the applicant.
- ~~h. The type of service, menu, or entertainment offered.~~

~~i. The overall theme, atmosphere, or ambience of the proposed business.~~

h. The proposed hours and days of operation.

~~i. The need for proposed business in the particular area.~~

The proximity of the proposed business to other similarly licensed businesses.

~~The proximity of the proposed business to a residentially zoned or used zoning district.~~

~~The diversification or uniqueness of the proposed business in the City.~~

~~The overall fit and compatibility with the Master Plan of the City.~~

~~The compatibility of the proposed business with surrounding uses.~~

The impact of the business on police and code enforcement.

The effect that the issuance of a license would have upon the economic development of the ~~surrounding~~ area.

The effect the establishment will have upon vehicular and pedestrian traffic.

~~The effect that the proposed business would have upon the surrounding neighborhood and/or business establishments, including impacts upon residential areas, churches, schools, and public parks. (Note: See 8.c. below)~~

~~The overall benefits of the proposed establishment to the City.~~

~~The overall detriment of the proposed establishment to the City.~~

Whether the proposed activities on the premises will have a deleterious effect on the surrounding neighborhood.

Any other factors that may affect the health, welfare, and/or safety of the general public.

Any other factors that City Council may deem proper provided such considerations are reasonable under all of the circumstances.

8. Restrictions on Licenses and Related Permits.

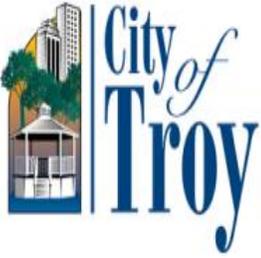
- a. No license or related permit shall be issued to:
- i. A person whose previous liquor license and/or related permit(s) were revoked for cause.
  - ii. A person who does not meet the ordinance requirements, even if previously granted a liquor license and/or related permit(s).
  - iii. A co-partnership, unless all of the members of such co-partnership qualify to obtain a license.
  - iv. A corporation if any officer, manager or director or a stock owner or stockholders owning more than 5 percent of the stock of such corporation would not be eligible to receive a license or related permit.
  - v. A person whose place of business is operated by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the licensee.
  - vi. A person who has been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, fraud, violence, controlled substances, or alcoholic liquors.
  - vii. A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued.
- b. No license or related permit shall be issued when there exists a violation of the applicable building, electrical, mechanical, plumbing, or fire prevention codes, applicable zoning regulations, or applicable public health regulations.
- c. No license shall be issued to sell alcoholic beverages at retail, or a request to transfer location of an existing license shall be denied, if the contemplated location is within 500 feet of a church or a school building. The distance between the church or school building and the contemplated location shall be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building.

- d. Prior to the issuance or transfer of any liquor license and/or related permit by the State of Michigan Liquor Control Commission, the applicant or transferee shall sign a contract with the City of Troy agreeing to assure compliance with any and all restrictions and/or conditions placed on the licenses and/or related permit and compliance with statutes and regulations of the State of Michigan and the City of Troy Code of Ordinances, regulations and conditions. The licensee or holder of any permits shall post the restrictions and/or conditions with the license and/or permits issued by the Michigan Liquor Control Commission in a conspicuous place within the facility.
9. Required Restaurant Operation Affiliation. On premises license or related permit applications must be in connection with and incidental to a bona fide restaurant operation, which shall be determined by the Troy City Council in its sole discretion, or an assembly or a convention center use.
10. Annual License Review. City Council may undertake an annual review of any license for purposes of making recommendations to the Michigan Liquor Control Commission regarding renewal or revocation of any license. City Council may also review a license more frequently if warranted by the circumstances.
11. License Revocation. Each licensed premises within the City shall be operated and maintained in accordance with all applicable laws, ordinances and regulations. Upon any violation of any federal or state law or regulation, or any city ordinance, the City Council may, after a notice and hearing, request the Michigan Liquor Control Commission revoke such license or refuse to renew such license, as set forth below.
12. Procedure for License Review.
  - a. Before filing any objection to renewal or request for revocation of a license or related permit with the Michigan Liquor Control Commission, City Council shall serve the licensee with a notice of hearing, sent by first class mail at least seven days prior to hearing, which notice shall contain the following:
    - i. Notice of proposed action.
    - ii. Reasons for the proposed action.
    - iii. Date, time and place of hearings.
    - iv. A statement that the licensee may present evidence, testimony, and/or confront adverse witnesses.
  - b. This hearing shall be open to the public and notice of said public hearing shall be mailed to each residence **and business** within 500

feet of the boundary line of the property of the licensed establishment, and shall be published in a newspaper of general circulation in the City of Troy.

- c. Following the hearing, City Council shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.
13. Criteria for Review. After a public hearing, City Council may recommend non-renewal or revocation of a license or related permit to the Michigan Liquor Control Commission upon a determination, based upon a preponderance of the evidence, that any of the following exist:
- a. Violation of any of the restrictions on licenses set forth in any law or ordinance or statute and the administrative rules or provision of the Michigan Liquor Control Act.
  - b. Maintenance of a nuisance upon the licensed premises, including, but not limited to, any of the following:
    - i. Existing violations of building, zoning, plumbing, mechanical, electrical, health, fire prevention or regulatory codes.
    - ii. A pattern of patron conduct in the neighborhood of the licensed establishment which is in violation of the law or disturbs the peace, order and tranquility of the neighborhood.
    - iii. The failure to maintain the grounds and exterior of the licensed establishment by allowing litter, debris, and/or refuse to be deposited on the property or adjoining properties.
    - iv. Providing entertainment without the required permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.
    - v. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed establishment.
  - c. An off- premises licensee has sold alcoholic liquor on at least 3 separate occasions in a single calendar year to a person who is less than 21 years of age.
  - d. An on- premises licensee has sold alcoholic liquor to a person who is less than 21 years of age.

14. Liquor Advisory Committee.
- a. It is the responsibility of the City of Troy Liquor Advisory Committee to make a recommendation to City Council as to whether it should approve a liquor license or related permit. In making its recommendation, the Liquor Advisory Committee shall follow the rules, guidelines, and procedures set forth in this ordinance.
  - b. City Council may grant the Liquor Advisory Committee authority to conduct review or revocation hearings by a resolution. If such authority is granted, the Liquor Advisory Committee shall follow the procedures as set forth in sections 10 thru 13 of this Chapter.
    - i. Upon completion of the hearing, the Liquor Advisory Committee shall make a written statement of its findings and submit to City Council a recommendation as to renewal or revocation within 14 days after the hearing.
    - ii. Upon receiving the Liquor Advisory Committee's recommendation, and reviewing its written statement of findings, City Council shall pass a resolution, which shall either:
      - a. Accept the recommendation of the Liquor Advisory Committee.
      - b. Reject the recommendation of the Liquor Advisory Committee.
      - c. Hold another hearing at a later date to be determined by City Council. If another hearing is held, City Council shall follow all rules set forth in Sections 11 and 12 of this chapter, and the decision made by City Council shall be final.
15. Violation and Penalty. In addition to any other sanction set forth in this Chapter, any person, whether acting as an individual, owner, manager, employee of the owner, or whether acting as an agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who operates a business without first obtaining a license as set out above or who violates any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for a period not to exceed ninety (90) days and/or a fine not to exceed five hundred dollars (\$500.00), plus costs as within the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** August 5, 2008  
**SUBJECT:** Amendment to Chapter 98, Criminal Code for Liquor License  
Decoy Enforcement Operations

---

Our comprehensive review of the liquor licensing provisions in the City of Troy ordinances extended to Chapter 98, and we make the following recommended revisions to Section 98.10.06 and 98.10.11, as well as the addition of a new section, 98.10.14, in order to be consistent with revisions in the state law. Specifically, state law provides that in those instances where a clerk or employee of a liquor licensee sells alcohol to a minor who is a decoy in a sting operation, the maximum punishment is a \$100 civil infraction.

According to the legislative analysis:

*The reduced consequences this bill offers for selling alcohol to a minor involved in a sting operation are fairer than the standard penalty, since a sting deliberately creates an opportunity for an employee to sell to a minor, when the employee might not ever be faced with such a situation otherwise. Holding the employee responsible for a civil infraction rather than a misdemeanor still provides a punishment but is more appropriate when a potential sale is set up. Senate Fiscal Agency Bill Analysis.*

The proposed amendments incorporate these changes in the state law, and we recommend approval. If you have any questions, please let us know.

CITY OF TROY

AN ORDINANCE TO AMEND  
CHAPTER 98 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 98 of the Code of the City of Troy.

Section 2. Amendment

Section 98.10.06 of Chapter 98 shall be amended as follows:

98.10.06      Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. **Except as set forth in Section 98.10.14, a** A-person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

Section 98.10.11 of Chapter 98 shall be amended as follows:

98.10.11      Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. **Except as set forth in Section 98.10.14, a** A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

Chapter 98 shall be amended to add a new Section 98.10.14 as follows:

**98.10.14**      **Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action**. **If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic liquor by the Michigan Liquor Control Commission violates either Section 98.10.06 or 98.10.11, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action,**

then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

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 provision of this ordinance shall remain in full force and effect.

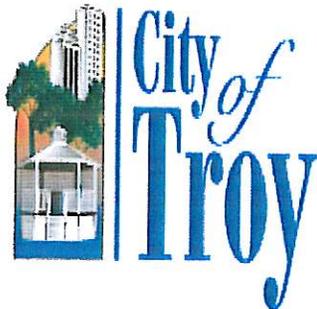
Section 5. Effective Date

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:** Mayor and City Council Members  
**FROM:** Lori Grigg Bluhm, City Attorney *LG*  
Allan T. Motzny, Assistant City Attorney *AM*  
**DATE:** August 4, 2008  
**SUBJECT:** Proposed Amendments to Chapter 13- Historic Preservation

---

Michigan law authorizes the designation of local historic districts, starting at MCL 399.201. The City of Troy has utilized this tool of historic preservation, and has several designated historic districts that are described in its Historic Preservation Ordinance, which is Chapter 13 of the Troy City Code. The Museum property at 60 W. Wattles is one such designated historic district, as set forth in Section 3 of the ordinance. Two lots adjacent to the Museum property were recently purchased by the City for the purpose of expanding the facilities at the Troy Museum & Historic Village. Since the properties are described using legal descriptions, Chapter 13 needs to be amended in order to incorporate these properties into the Museum property. Under Chapter 13, any such amendment requires action from the Historic District Study Committee and also the Planning Commission.

Section 14 of Chapter 13 sets forth the process for modifying designated historic districts. Initially, the Historic District Study Committee is required to prepare a preliminary report on a proposed modification, and then hold a public hearing. Thereafter, the Historic District Study Committee must approve a final report. The report is then forwarded to Historic District Commission and the Planning Commission for its review and recommendation. The final report must then be submitted to City Council, along with a proposed ordinance to amend the Historic Preservation Ordinance. Since Troy City Council has the final authority in making any changes to designated local historic districts, modification occurs only if the proposed ordinance is adopted.

On December 4, 2008, the Historic District Study Committee approved a preliminary report to amend the boundaries of the historic district at 60 W. Wattles. On April 1, 2008, the Historic District Study Committee held a public hearing on the matter, and approved the report that recommended modification of the historic district (See attached minutes). The Planning Commission has also reviewed the matter, and has no objection to the proposed modification, as indicated in the minutes of the Planning Commission meeting of May 13, 2008. Additionally, as revealed by the minutes of their April 15, 2008 meeting, the Historic District Commission also approves the modification of the historic district. Since the required procedure for modification has been followed as required by the ordinance, we recommend the approval of an ordinance modifying the historic district.

We have attached a proposed amendment to Chapter 13 for your review and approval. We have also included a copy of the Historic District Study Committee final report. If the ordinance is approved by Council, it will amend section 3 to expand the boundaries of the Troy Museum & Historic Village. If the ordinance amendment is adopted, a certified copy of the amendment must be recorded with the Oakland County Register of Deeds.

Please let us know if you have any questions about the proposed amendment.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 13 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 13 of the Code of the City of Troy.

Section 2. Amendment

Section 3 of Chapter 13 – Historic Preservation is amended to expand the historic district identified as Museum Properties, as follows:

*(Strikeout and underlining denotes changes as a result of this amendment).*

3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

- A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

**Troy Union Cemetery, 1199 E. Square Lake** (Tax ID: 88-20-02-301-009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

**6890 Norton** (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

**770 W. Square Lake** (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

**330 W. Square Lake** (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E  
169.92 FT of W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT  
TAKEN FOR RD 0.941A 2-6-93 FR 025

**6091 Livernois** (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY  
ACRES S 70 FT OF LOT 1

**6071 Livernois** (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, &  
10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD  
6-11-96 CORR

**6059 Livernois** (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 &  
10, SUPERVISOR'S PLAT NO. 7 LOT 2

**90 West Square Lake** (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4,  
TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT  
COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT,  
TH S 38.98 FT TO BEG 6-13-96 CORR

**Former Stone School, 3995 South Boulevard** (Tax ID: 88-20-06-101-  
001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC ¼ EXC  
PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY  
91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91  
FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

**Beach Road Cemetery** (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7  
N 147 FT OF 167 FT OF SW ¼ OF SE ¼ 0.57A  
5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, &  
10 SUPERVISORS PLAT NO. 7 LOT 13

**46 East Square Lake Road** (Tax ID: 88-20-10-101-002) T2N, R11E,  
SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26  
BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO  
PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT  
ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

**54 East Square Lake Road** (Tax ID: 88-20-10-101-003) T2N, R11E,  
SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT  
NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO  
PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT  
ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG

**90 East Square Lake Road and 110 East Square Lake Road** (Tax ID  
88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS  
PLAT NO. 7 LOT 25

**126 East Square Lake Road** (Tax ID: 88-20-10-101-005) T2N, R11E,  
SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

**138 East Square Lake Road** (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

**160 East Square Lake Road** (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW ¼ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

**101 East Square Lake Road** (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22

**Sylvan Glen Clubhouse, 5725 Rochester Road** (Tax ID: 88-20-10-200-001) T2N, R11E, SEC 10 NE ¼ 160 A

**5871 Hilmore** (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

**Hill House, 4320 John R** (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

**4820 Livernois** (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG

**Emerson Church – Unitarian Universalist, 4320 Livernois** (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

**Troy Museum Properties & Historic Village - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, Log Cabin and Wagon Shop, 60 W. Wattles** (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD.

and 100 W WATTLES (Tax ID 88-20-16-478-027) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 130 EXC S 20 FT TAKEN FOR WATTLES RD.,

and 109 LANGE (Tax ID: 88-20-16-478-026) T2N, R113, SEC 16 LAKEWOOD SUB LOT 93.

**4800 Beach** (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A

**Crooks Road Cemetery** (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

**3645 Crooks** (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70

**839 W. Wattles** (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

**3864 Livernois** (Part of Tax ID: 88-20-22-101-005) Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

**36551 Dequindre** (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

**1934 Livernois** (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27  
ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

**Perrin Cemetery (Coolidge)** (Tax ID: 88-20-32-152-002) T2N, R11E,  
SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT,  
TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S  
01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT  
TO BEG 0.78

- 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.

### 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 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
Louise Schilling, Mayor

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

**TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**

**DECEMBER 4, 2007**

This meeting of the Troy Historic District Study Committee was held Tuesday, December 4, 2007 at the Troy Museum & Historic Village. The meeting was called to order at 7:36 P.M.

**ROLL CALL**

**PRESENT:** Kevin Lindsey  
Kinda Hupman  
Paul Lin  
Bob Miller  
Charlene Harris-Freeman

**ABSENT** Linda Rivetto

**STAFF:** Loraine Campbell

**Resolution #HDSC-2007-12-001**

**Moved by Harris Lin**

**Seconded by Miller**

**RESOLVED, That the absence of Rivetto be excused**

**Yes:** 5— Lindsey, Hupman, Lin, Miller, and Harris-Freeman

**No:** 0

**MOTION CARRIED**

**Resolution #HDSC-2007-12-001**

**Moved by Harris Lin**

**Seconded by Miller**

**RESOLVED, That the minutes of September 4, 2007 be approved**

**Yes:** 5— Lindsey, Hupman, Lin, Miller, and Harris-Freeman

**No:** 0

**MOTION CARRIED**

**OLD BUSINESS**

**A. Above Ground Surveys**

No additional surveys completed.

**B. 60 W. Wattles - Request to expand boundaries**

The committee reviewed the draft of the preliminary report.

**Resolution #HDSC-2007-12-002**

**Moved by Miller**

**Seconded by Harris Freeman**

**RESOLVED, That the preliminary report to amend the boundaries of the historic district known as the Troy Museum & Historic Village be approved as submitted and forwarded to the appropriate state and local agencies for review as required by Chapter 13 of the City Ordinance.**

Yes: 5— Lindsey, Hupman, Lin, Miller and Harris-Freeman

No: 0

**MOTION CARRIED**

The Troy Historic Study Committee Meeting was adjourned at 8:15 PM. The next meeting will be held Tuesday, February 5, 2008 at 7:30 PM at the Troy Museum & Historic Village.

---

Kevin Lindsey  
Chairman

---

Loraine Campbell  
Recording Secretary

**TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**

**FEBRUARY 5, 2008**

This meeting of the Troy Historic District Study Committee was held Tuesday, February 5, 2008 at the Troy Museum & Historic Village. The meeting was called to order at 7:40 P.M.

**ROLL CALL**

**PRESENT:** Kevin Lindsey  
Kinda Hupman  
Paul Lin  
Charlene Harris-Freeman

**ABSENT** Linda Rivetto  
Bob Miller

**STAFF:** Loraine Campbell

**Resolution #HDSC-2008-02-001**  
Moved by Lin  
Seconded by Harris-Freeman

**RESOLVED, That the absence of Rivetto and Miller be excused**  
Yes: 4— Lindsey, Hupman, Lin, and Harris-Freeman  
No: 0

**MOTION CARRIED**

**Resolution #HDSC-2008-02-002**  
Moved by Harris-Freeman  
Seconded by Hupman

**RESOLVED, That the minutes of December 4, 2007 be approved**  
Yes: 4— Lindsey, Hupman, Lin, and Harris-Freeman  
No: 0

**MOTION CARRIED**

**OLD BUSINESS**

**A. Above Ground Surveys**  
No additional surveys completed.

**B. 60 W. Wattles - Request to expand boundaries**  
Loraine Campbell will post the notice for the Public Hearing to be held at at 8:00 PM.

**NEW BUSINESS**

**B. Certified Government Application**

The group discussed the process for completing a comparison of the language and organization of the preservation ordinances of co communities that are certified local governments. They will spend significant time on this project during the summer.

**NEW BUSINESS**

**A. Final Report on the revised boundaries of the Museum Historic District**

The Commission reviewed the final report and discussed the status of the Troy heritage Campaign to expand the Museum.

**Resolution #HDC-2008-04-003**

**Moved by Partlan**

**Seconded by Lin**

**RESOLVED, That the Final Report by the Historic District Study Committee to expand the boundaries of the historic district known as The Troy Museum & Historic Village be accepted as submitted Chapter 13, the Historic Preservation Ordinance be amended as described in the Final Report.**

Yes: 5— Chambers, Lin, Rounds, Partlan and Voigt  
No: 0

**MOTION CARRIED**

**B. HB 5952**

Loraine Campbell provided a request from the Michigan Municipal League via the City Attorneys office to provide comments on changes proposed by the State Historic Preservation Office in HB 5952. The comments listed below refer to the attached Summary Statement.

Bullet 1

A 1 year time frame is acceptable

Bullet 2

Requiring the HDSC to submit a final report to the legislative body within 90 days of the public hearing rather than a year is not realistic when the conflicting timetable of regular meetings, large council agendas, and meeting cancellations are considered. Submission within 180 days quickens the pace and is realistic.

Bullet 3

State control rather than the discretion of the local unit of government is emphasized. This is a serious concern. Please see final comments.

Bullet 4

No comment. All of our districts are presently single lot designations.

**TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**

**APRIL 1, 2008**

This meeting of the Troy Historic District Study Committee was held Tuesday, April 1, 2008 at the Troy Museum & Historic Village. The meeting was called to order at 7:34 P.M.

**ROLL CALL**

**PRESENT:** Kevin Lindsey  
Kinda Hupman  
Bob Miller  
Charlene Harris-Freeman

**ABSENT** Linda Rivetto  
Paul Lin

**STAFF:** Loraine Campbell

**GUEST** Ross Nicol  
1718 Rolling Woods Dr.  
Troy, MI

**Resolution #HDSC-2008-04-001**

**Moved by Harris-Freeman**

**Seconded by Hupman**

**RESOLVED, That the absence of Rivetto and Lin be excused**

**Yes:** 4— Lindsey, Hupman, Miller, and Harris-Freeman

**No:** 0

**MOTION CARRIED**

**Resolution #HDSC-2008-04-002**

**Moved by Miller**

**Seconded by Harris-Freeman**

**RESOLVED, That the minutes of February 5, 2007 be approved**

**Yes:** 4— Lindsey, Hupman, Miller, and Harris-Freeman

**No:** 0

**MOTION CARRIED**

**OLD BUSINESS**

**A. Above Ground Surveys**

No additional surveys completed.

**A. Request to Delist 5875 Livernois**

Kevin Lindsey will draft the preliminary report for the May meeting.

**PUBLIC HEARING**

The hearing to review the preliminary report to amend the boundaries of the historic district known as The Troy Museum & Historic Village was called to order at 8:20 PM by Kevin Lindsey. The report and comments by the State Historic Preservation Office were reviewed by the committee.

**Resolution #HDSC-2008-04-003**

**Moved by Hupman**

**Seconded by Harris-Freeman**

**RESOLVED, That the Preiminary Report to amend the boundaries of the Historic District known as The Troy Museum & Historic Village be approved as amended and referred to the Historic district Commission and Planning Commission for approval and their recommendations to City Council.**

Yes: 4— Lindsey, Hupman, Miller, and Harris-Freeman

No: 0

**MOTION CARRIED**

The Public Hearing was adjourned at 8:25 PM.

The Troy Historic Study Committee Meeting was adjourned at 8:27 PM. The next meeting will be held Tuesday, May 6, 2008 at 7:30 PM at the Troy Museum & Historic Village.

---

Charlene Harris-Freeman  
Acting Chairman

---

Loraine Campbell  
Recording Secretary

**TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL**

**April 15, 2008**

A regular meeting of the Troy Historic District Commission was held Tuesday, April 15, 2008 at the Troy Museum. Barbara Chambers called the meeting to order at 7:10 P.M.

**ROLL CALL**

<b>PRESENT</b>	Barbara Chambers Paul Lin Muriel Rounds Ann Partlan Kent Voigt Nishita Parmar, Student Representative Loraine Campbell, Museum Manager
<b>ABSENT</b>	Sabah Jihad Gary Castile
<b>GUESTS</b>	Ashish Manek 4820 Livernois

**Resolution #HDC-2008-04-001**  
**Moved by Rounds**  
**Seconded by Voigt**

**RESOLVED, That the absence of Jihad and Castile be approved.**

Yes: 5— Chambers, Lin, Rounds, Partlan and Voigt  
No: 0

**MOTION CARRIED**

**Resolution #HDC-2008-04-002**  
**Moved by Voigt**  
**Seconded by Lin**

**RESOLVED, That the minutes of the January 15, 2008 meeting be approved.**

Yes: 5— Chambers, Lin, Rounds, Partlan and Voigt  
No: 0

**MOTION CARRIED**

**OLD BUSINESS**

**A. Progress Report on the Troy Museum Wagon Shop**

Loraine reported that the wood repairs have been completed. The windows are presently being restored by the same company. The building will be stripped of exterior lead paint and restained during the summer.

**B. Certified Government Application**

The group discussed the process for completing a comparison of the language and organization of the preservation ordinances of co communities that are certified local governments. They will spend significant time on this project during the summer.

**NEW BUSINESS**

**A. Final Report on the revised boundaries of the Museum Historic District**

The Commission reviewed the final report and discussed the status of the Troy heritage Campaign to expand the Museum.

**Resolution #HDC-2008-04-003**

**Moved by Partlan**

**Seconded by Lin**

**RESOLVED, That the Final Report by the Historic District Study Committee to expand the boundaries of the historic district known as The Troy Museum & Historic Village be accepted as submitted Chapter 13, the Historic Preservation Ordinance be amended as described in the Final Report.**

Yes: 5— Chambers, Lin, Rounds, Partlan and Voigt  
No: 0

**MOTION CARRIED**

**B. HB 5952**

Loraine Campbell provided a request from the Michigan Municipal League via the City Attorneys office to provide comments on changes proposed by the State Historic Preservation Office in HB 5952. The comments listed below refer to the attached Summary Statement.

Bullet 1

A 1 year time frame is acceptable

Bullet 2

Requiring the HDSC to submit a final report to the legislative body within 90 days of the public hearing rather than a year is not realistic when the conflicting timetable of regular meetings, large council agendas, and meeting cancellations are considered. Submission within 180 days quickens the pace and is realistic.

Bullet 3

State control rather than the discretion of the local unit of government is emphasized. This is a serious concern. Please see final comments.

Bullet 4

No comment. All of our districts are presently single lot designations.

Bullet 5  
No problem

Bullet 6  
Strongly disagree. The waiting period provides a reasonable period of time for additional public input and should be preserved.

Bullet 7  
Providing copies of all this additional information is a waste of time and resources and is costly. If a decision is questioned, the documents can be requested and provided as needed. Additionally, a 10 day submission period is completely unrealistic.

The members of the Troy Historic District Commission are in complete agreement that additional historic preservation legislation, if too restrictive or onerous, will "frustrate the goal ". In the workgroup's efforts to tighten state control, reduce local control, and increase the bureaucratic process, local units of government will more likely repeal their ordinances and turn their backs on historic preservation.

**C. Secretary of Interior Standards**

Barbara Chambers reviewed the Standards for Rehabilitation with the Commission

**D. 4820 Livernois**

Mr. Manek wishes to subdivide and further develop the site. He will meet with Mark Miller regarding the merits of Historic Resource designation and other zoning classifications.

The Troy Historic District Commission Meeting was adjourned at 9:05 p.m. The next meeting will be held Tuesday, May 20 at 7:0 p.m. at The Troy Museum.

---

Barbara Chambers  
Chairperson

---

Loraine Campbell  
Recording Secretary

**Resolution # PC-2008-05-061**

Moved by: Tagle  
 Seconded by: Hutson

**RESOLVED**, That the proposed Second Floor Roof Top Addition and Minor Care Unit, William Beaumont Hospital, located on the west side of Dequindre, south of South Boulevard, Section 1, approximately 67.695 acres, within the C-F and E-P zoning districts, be granted, subject to the following condition:

1. Show the pedestrian bridge across Dequindre on the Final Site Plan.

Yes: All present (7)  
 Absent: Vleck, Wright

**MOTION CARRIED**

Mr. Strat commended the petitioner on the hospital expansion.

**OTHER ITEMS**

9. **FINAL REPORT FROM TROY HISTORIC DISTRICT STUDY COMMITTEE** – Proposal to Revise Boundaries of the Historic District at the Troy Museum and Historic Village to Include Newly Acquired Property

Mr. Miller gave a brief review on the proposed expansion of the Troy Museum and Historic Village.

There was discussion on the relevance of a particular document attached to the background material of the report submitted by the Troy Historic District Study Committee. The document, created by Paul Lin, has a subject line titled "New Master Plan Suggestions".

Mr. Hutson suggested excluding the written correspondence of Paul Lin's, so it could not be construed as part of the Historic District report.

**Resolution # PC-2008-05-062**

Moved by: Hutson  
 Seconded by: Strat

**RESOLVED**, To exclude Paul Lin's letter.

Yes: All present (7)  
 Absent: Vleck, Wright

**MOTION CARRIED**

**Resolution # PC-2008-05-063**

Moved by: Hutson  
 Seconded by: Strat

**RESOLVED**, That the Planning Commission accepts the Final Report and supports the expansion of the Historic District classification for the Museum Properties, as recommended in the Final Report of the Historic District Study Committee.

Yes: All present (7)  
 Absent: Vleck, Wright

**MOTION CARRIED**

10. **CITY OF TROY MASTER PLAN** – Planning Commission Update

Mr. Miller reviewed the status of the Master Plan. Mr. Miller indicated concerns of the City Council would be addressed without any substantial effects to the Plan. He said the Plan with revisions would be ready for review at the June 3, 2008 Special/Study meeting.

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

There was no one present who wished to speak.

**Resolution # PC-2008-05-064**

Moved by: Sanzica  
 Seconded by: Tagle

**RESOLVED**, That Members Vleck and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)  
 Absent: Vleck, Wright

**MOTION CARRIED**

The Troy Museum & Historic Village has evolved since 1968 on a 3.7-acre parcel of land owned by the City of Troy. Recently land adjacent to 60 W. Wattles road was purchased to accommodate a proposed museum expansion. The City of Troy has petitioned the Historic District Study Committee to revise the boundaries of the historic district to include the newly acquired property.

The following is the final report by the Troy Historic District Study Committee and their recommendation to revise the boundaries of the district.

*Composition of Committee:*

Kevin Lindsey:	Historical Commission and historic property owner
Linda Rivetto:	Graduate Student, EMU, Historic Preservation
Kinda Hupman:	Troy Historical Society Board of Directors
Charlene Harris-Freeman:	Historic Homeowner
Paul Lin:	Architect, Historic District Commission
Bob Miller:	Historic Homeowner

*Description of Resource:*

60 w. Wattles Road  
Referred to as the Troy Museum & Historic Village

*Legal Description of Parcel A of 60 W. Wattles:*

(Tax ID: 88-20-16-478-033)  
T2N, R11E, SEC 16 Lakewood Sub Lot 89 to 92 INCL, also Lots 131 to 134 INCL EXC S 27 FT taken for road, also N 30.75 FT of Lot 138, also Lots 139 to 142 INCL, EXC E 27 FT taken for Livernois Rd 11-15-94 FR 028 & 030

*Boundary Justification:*

The City of Troy in partnership with the Troy Historical Society wishes to expand the facilities at the Museum to more effectively interpret the agricultural heritage of the township and the development of the city. Two lots adjacent to 60 W. Wattles Road were purchased. The City of Troy proposes to expand the boundaries of the historic district so that the entire museum campus is included. There are currently no historic structures on the newly acquired parcels.

*History of District:*

The historic district at 60 W. Wattles, referred to as The Troy Museum & Historic Village received local historic designation on July 11, 1973. There are presently 10 historic structures on the site including three buildings on original foundations and seven relocated and rehabilitated historic buildings. The structures on original foundations include the 1927 Troy Township Hall, a small workshop rehabilitated as a Print Shop and a two-story clapboard building that closely resembles the community's old general store. The relocated buildings, detailed in the attached Above Ground Surveys include:

1. Log Cabin
2. Caswell House

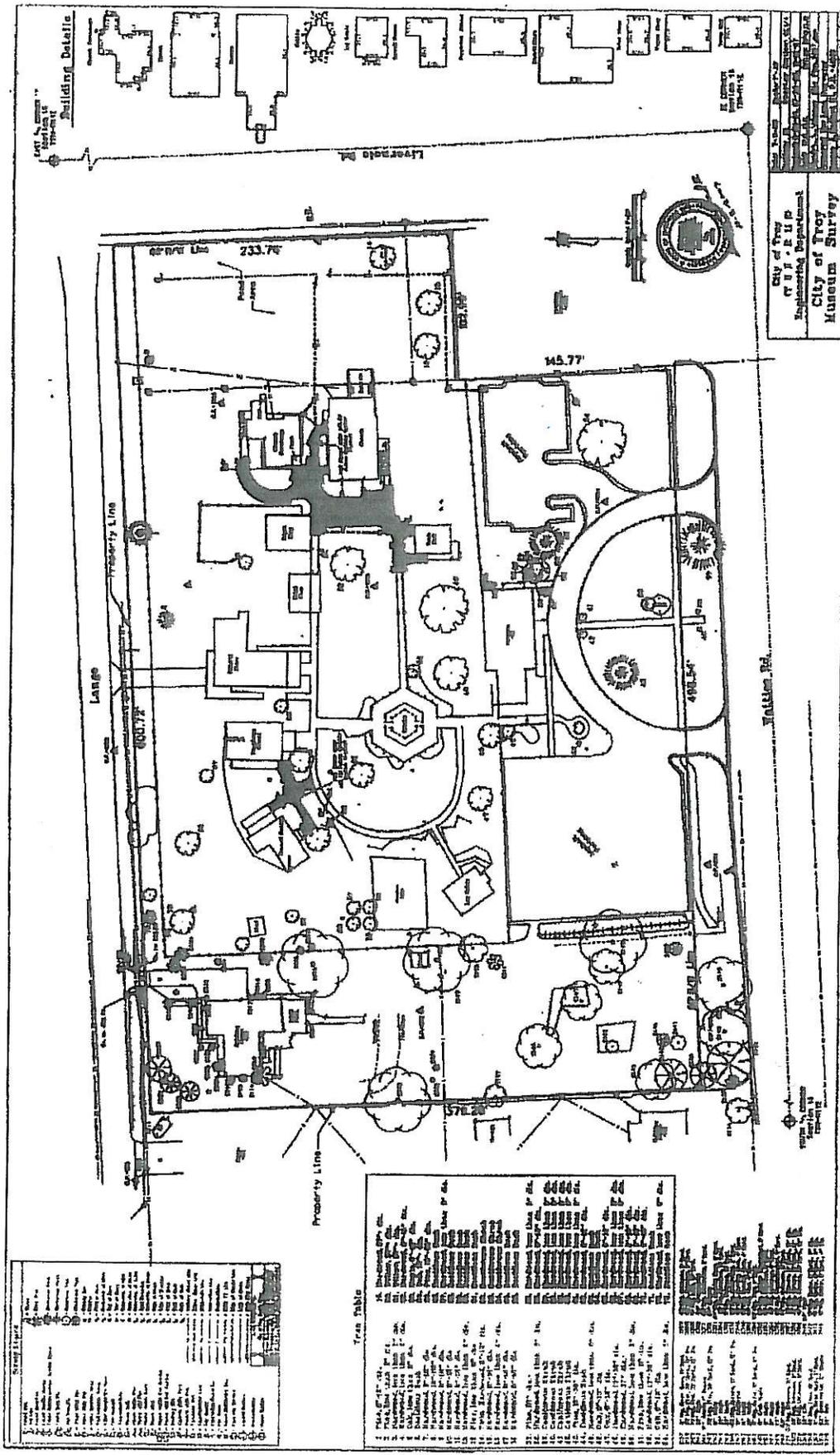
3. Poppleton School
4. Wagon Shop
5. Parsonage
6. Old Troy Church
7. Troy Hall

*Statement of Significance:*

*Photo Documentation*

The existing historic resources in the district were listed because they had met National Register Criteria B and C, in that they are associated with locally significant people, or they are representative of a type of, or periods of, construction used locally in Troy. The proposed expansion of the Historic District to incorporate the adjacent property will enhance the district, as it will increase the size and character of the district and will better recall the basic qualities of the rural historic environment and settings of the historic structures. This will also assist the museum to fulfill its stated mission:

"The mission of the Troy Museum and Historic Village is to preserve and interpret the history and heritage of Troy and the region in a historic setting."



City of Troy  
 C. J. P. E. P.  
 Engineering Department  
 City of Troy  
 Museum Survey

**SYMBOLS**

1	As shown on plan
2	As shown on plan
3	As shown on plan
4	As shown on plan
5	As shown on plan
6	As shown on plan
7	As shown on plan
8	As shown on plan
9	As shown on plan
10	As shown on plan
11	As shown on plan
12	As shown on plan
13	As shown on plan
14	As shown on plan
15	As shown on plan
16	As shown on plan
17	As shown on plan
18	As shown on plan
19	As shown on plan
20	As shown on plan
21	As shown on plan
22	As shown on plan
23	As shown on plan
24	As shown on plan
25	As shown on plan
26	As shown on plan
27	As shown on plan
28	As shown on plan
29	As shown on plan
30	As shown on plan
31	As shown on plan
32	As shown on plan
33	As shown on plan
34	As shown on plan
35	As shown on plan
36	As shown on plan
37	As shown on plan
38	As shown on plan
39	As shown on plan
40	As shown on plan
41	As shown on plan
42	As shown on plan
43	As shown on plan
44	As shown on plan
45	As shown on plan
46	As shown on plan
47	As shown on plan
48	As shown on plan
49	As shown on plan
50	As shown on plan
51	As shown on plan
52	As shown on plan
53	As shown on plan
54	As shown on plan
55	As shown on plan
56	As shown on plan
57	As shown on plan
58	As shown on plan
59	As shown on plan
60	As shown on plan
61	As shown on plan
62	As shown on plan
63	As shown on plan
64	As shown on plan
65	As shown on plan
66	As shown on plan
67	As shown on plan
68	As shown on plan
69	As shown on plan
70	As shown on plan
71	As shown on plan
72	As shown on plan
73	As shown on plan
74	As shown on plan
75	As shown on plan
76	As shown on plan
77	As shown on plan
78	As shown on plan
79	As shown on plan
80	As shown on plan
81	As shown on plan
82	As shown on plan
83	As shown on plan
84	As shown on plan
85	As shown on plan
86	As shown on plan
87	As shown on plan
88	As shown on plan
89	As shown on plan
90	As shown on plan
91	As shown on plan
92	As shown on plan
93	As shown on plan
94	As shown on plan
95	As shown on plan
96	As shown on plan
97	As shown on plan
98	As shown on plan
99	As shown on plan
100	As shown on plan

**Tree Table**

No.	Tree Name	Size	Location
1	Maple	12"	Area A
2	Oak	18"	Area B
3	Pine	24"	Area C
4	Elm	30"	Area D
5	Birch	36"	Area E
6	Walnut	42"	Area F
7	Cherry	48"	Area G
8	Plum	54"	Area H
9	Apple	60"	Area I
10	Peach	66"	Area J
11	Apricot	72"	Area K
12	Almond	78"	Area L
13	Walnut	84"	Area M
14	Cherry	90"	Area N
15	Plum	96"	Area O
16	Apple	102"	Area P
17	Peach	108"	Area Q
18	Apricot	114"	Area R
19	Almond	120"	Area S
20	Walnut	126"	Area T
21	Cherry	132"	Area U
22	Plum	138"	Area V
23	Apple	144"	Area W
24	Peach	150"	Area X
25	Apricot	156"	Area Y
26	Almond	162"	Area Z
27	Walnut	168"	Area AA
28	Cherry	174"	Area AB
29	Plum	180"	Area AC
30	Apple	186"	Area AD
31	Peach	192"	Area AE
32	Apricot	198"	Area AF
33	Almond	204"	Area AG
34	Walnut	210"	Area AH
35	Cherry	216"	Area AI
36	Plum	222"	Area AJ
37	Apple	228"	Area AK
38	Peach	234"	Area AL
39	Apricot	240"	Area AM
40	Almond	246"	Area AN
41	Walnut	252"	Area AO
42	Cherry	258"	Area AP
43	Plum	264"	Area AQ
44	Apple	270"	Area AR
45	Peach	276"	Area AS
46	Apricot	282"	Area AT
47	Almond	288"	Area AU
48	Walnut	294"	Area AV
49	Cherry	300"	Area AW
50	Plum	306"	Area AX
51	Apple	312"	Area AY
52	Peach	318"	Area AZ
53	Apricot	324"	Area BA
54	Almond	330"	Area BB
55	Walnut	336"	Area BC
56	Cherry	342"	Area BD
57	Plum	348"	Area BE
58	Apple	354"	Area BF
59	Peach	360"	Area BG
60	Apricot	366"	Area BH
61	Almond	372"	Area BI
62	Walnut	378"	Area BJ
63	Cherry	384"	Area BK
64	Plum	390"	Area BL
65	Apple	396"	Area BM
66	Peach	402"	Area BN
67	Apricot	408"	Area BO
68	Almond	414"	Area BP
69	Walnut	420"	Area BQ
70	Cherry	426"	Area BR
71	Plum	432"	Area BS
72	Apple	438"	Area BT
73	Peach	444"	Area BU
74	Apricot	450"	Area BV
75	Almond	456"	Area BW
76	Walnut	462"	Area BX
77	Cherry	468"	Area BY
78	Plum	474"	Area BZ
79	Apple	480"	Area CA
80	Peach	486"	Area CB
81	Apricot	492"	Area CC
82	Almond	498"	Area CD
83	Walnut	504"	Area CE
84	Cherry	510"	Area CF
85	Plum	516"	Area CG
86	Apple	522"	Area CH
87	Peach	528"	Area CI
88	Apricot	534"	Area CJ
89	Almond	540"	Area CK
90	Walnut	546"	Area CL
91	Cherry	552"	Area CM
92	Plum	558"	Area CN
93	Apple	564"	Area CO
94	Peach	570"	Area CP
95	Apricot	576"	Area CQ
96	Almond	582"	Area CR
97	Walnut	588"	Area CS
98	Cherry	594"	Area CT
99	Plum	600"	Area CU
100	Apple	606"	Area CV

**Notes**

1. All dimensions are in feet and inches.
2. All trees are to be planted by the contractor.
3. All trees are to be planted by the contractor.
4. All trees are to be planted by the contractor.
5. All trees are to be planted by the contractor.
6. All trees are to be planted by the contractor.
7. All trees are to be planted by the contractor.
8. All trees are to be planted by the contractor.
9. All trees are to be planted by the contractor.
10. All trees are to be planted by the contractor.
11. All trees are to be planted by the contractor.
12. All trees are to be planted by the contractor.
13. All trees are to be planted by the contractor.
14. All trees are to be planted by the contractor.
15. All trees are to be planted by the contractor.
16. All trees are to be planted by the contractor.
17. All trees are to be planted by the contractor.
18. All trees are to be planted by the contractor.
19. All trees are to be planted by the contractor.
20. All trees are to be planted by the contractor.
21. All trees are to be planted by the contractor.
22. All trees are to be planted by the contractor.
23. All trees are to be planted by the contractor.
24. All trees are to be planted by the contractor.
25. All trees are to be planted by the contractor.
26. All trees are to be planted by the contractor.
27. All trees are to be planted by the contractor.
28. All trees are to be planted by the contractor.
29. All trees are to be planted by the contractor.
30. All trees are to be planted by the contractor.
31. All trees are to be planted by the contractor.
32. All trees are to be planted by the contractor.
33. All trees are to be planted by the contractor.
34. All trees are to be planted by the contractor.
35. All trees are to be planted by the contractor.
36. All trees are to be planted by the contractor.
37. All trees are to be planted by the contractor.
38. All trees are to be planted by the contractor.
39. All trees are to be planted by the contractor.
40. All trees are to be planted by the contractor.
41. All trees are to be planted by the contractor.
42. All trees are to be planted by the contractor.
43. All trees are to be planted by the contractor.
44. All trees are to be planted by the contractor.
45. All trees are to be planted by the contractor.
46. All trees are to be planted by the contractor.
47. All trees are to be planted by the contractor.
48. All trees are to be planted by the contractor.
49. All trees are to be planted by the contractor.
50. All trees are to be planted by the contractor.
51. All trees are to be planted by the contractor.
52. All trees are to be planted by the contractor.
53. All trees are to be planted by the contractor.
54. All trees are to be planted by the contractor.
55. All trees are to be planted by the contractor.
56. All trees are to be planted by the contractor.
57. All trees are to be planted by the contractor.
58. All trees are to be planted by the contractor.
59. All trees are to be planted by the contractor.
60. All trees are to be planted by the contractor.
61. All trees are to be planted by the contractor.
62. All trees are to be planted by the contractor.
63. All trees are to be planted by the contractor.
64. All trees are to be planted by the contractor.
65. All trees are to be planted by the contractor.
66. All trees are to be planted by the contractor.
67. All trees are to be planted by the contractor.
68. All trees are to be planted by the contractor.
69. All trees are to be planted by the contractor.
70. All trees are to be planted by the contractor.
71. All trees are to be planted by the contractor.
72. All trees are to be planted by the contractor.
73. All trees are to be planted by the contractor.
74. All trees are to be planted by the contractor.
75. All trees are to be planted by the contractor.
76. All trees are to be planted by the contractor.
77. All trees are to be planted by the contractor.
78. All trees are to be planted by the contractor.
79. All trees are to be planted by the contractor.
80. All trees are to be planted by the contractor.
81. All trees are to be planted by the contractor.
82. All trees are to be planted by the contractor.
83. All trees are to be planted by the contractor.
84. All trees are to be planted by the contractor.
85. All trees are to be planted by the contractor.
86. All trees are to be planted by the contractor.
87. All trees are to be planted by the contractor.
88. All trees are to be planted by the contractor.
89. All trees are to be planted by the contractor.
90. All trees are to be planted by the contractor.
91. All trees are to be planted by the contractor.
92. All trees are to be planted by the contractor.
93. All trees are to be planted by the contractor.
94. All trees are to be planted by the contractor.
95. All trees are to be planted by the contractor.
96. All trees are to be planted by the contractor.
97. All trees are to be planted by the contractor.
98. All trees are to be planted by the contractor.
99. All trees are to be planted by the contractor.
100. All trees are to be planted by the contractor.

City/Village Troy

County Oakland

**SURVEY INFO**

Survey Date Feb 2006

Surveyor Ray Lucas

**NAME**

Historic Name Troy (MI) Township Hall

Common Name Troy Museum

**DATE/PROPERTY TYPE/STYLE**

Date Built 1927

Source of Data Government Papers

Style Dutch Colonial

Property Type Government/Museum

**MATERIALS**

Foundation Brick sides and concrete floor

Walls Brick

Roof Slate

**DESCRIPTIVE NOTES**

The building was designed by Birmingham architect J. Bissel, under the direction of the township supervisor Morris Wattles. It was modeled after a Dutch Colonial Tavern in Troy, New York. The building has two sections; the main part (55' x 35') is a two-story building with five dormers (three on the south side & two on the north side & fire escape) on the second floor and has four 6x6 windows with shutters and three sets of double windows in the back. The right side has three shuttered windows (one on the second floor and two on the first floor). There are two chimneys on either side of the building. The second section is on the west end, is one-story (24' x 20') and has two shuttered 6x6 windows in the front and two 6x6 windows without shutters in the back and a side entrance with a built up porch of six steps.

**FEATURES**

The basement has one large room and seven small rooms one of which was a small two man holding cell, the rest is used for archival storage. A handicap ramp has been added to the front to meet current rules for public buildings.

**HISTORY**

Troy Township Hall 1927-1955

Troy City Hall 1955-1966

Various Government functions

Troy Museum 1969 to Present

**COMMENTS**

Currently used as the museum office, upstairs display area, and archival storage in the basement

**PHOTO INFO**

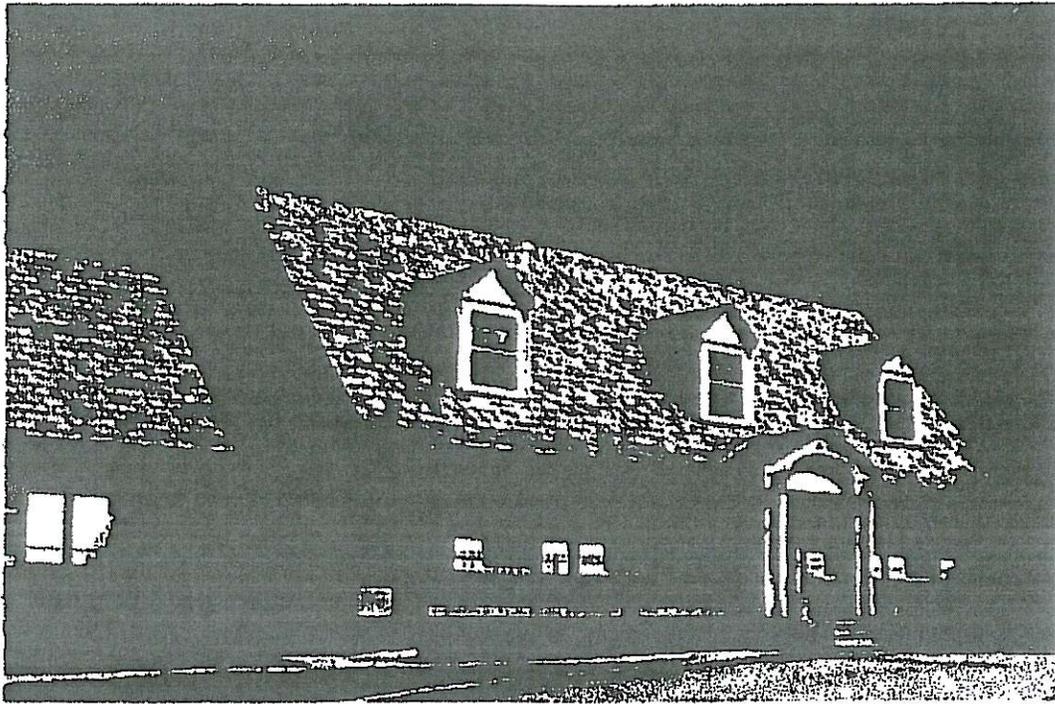
File Name

Roll No.

Photographer

Frame No.

E-mail address



MICHIGAN ABOVE-GROUND SURVEY FIELD FORM

ADDRESS

Number 60 Direction West Street Wattles  
City/Village Troy County Oakland

SURVEY INFO

Survey Date Dec 2007 Surveyor Ray Lucas

NAME

Historic Name Log Cabin  
Common Name Log Cabin

DATE/PROPERTY TYPE/STYLE

Date Built 1840's Source of Date Newspapers  
Style Rectangle One Room L. C. Property Type Early style Domestic  
 With full loft House

MATERIALS

Foundation Mortared together field stone and a wood planked floor  
Walls Hand-hewn Logs  
Roof Wood Shakes

DESCRIPTIVE NOTES

The log cabin was originally located 2485 Stewart Rd., Frenchtown Twp. Monroe Co. MI. It was in the way of road expansion. Offered to the Troy Museum in 1981, removed log by log numbered and re-assembled 1981 & 1982. Size is 20 x28 feet. Cost of the project was \$20,000 donated by the Troy Historical Society. A mortared field stone fireplace was built for it and the walls were chinked with a special plastic mortar which does not dry out.

HISTORY

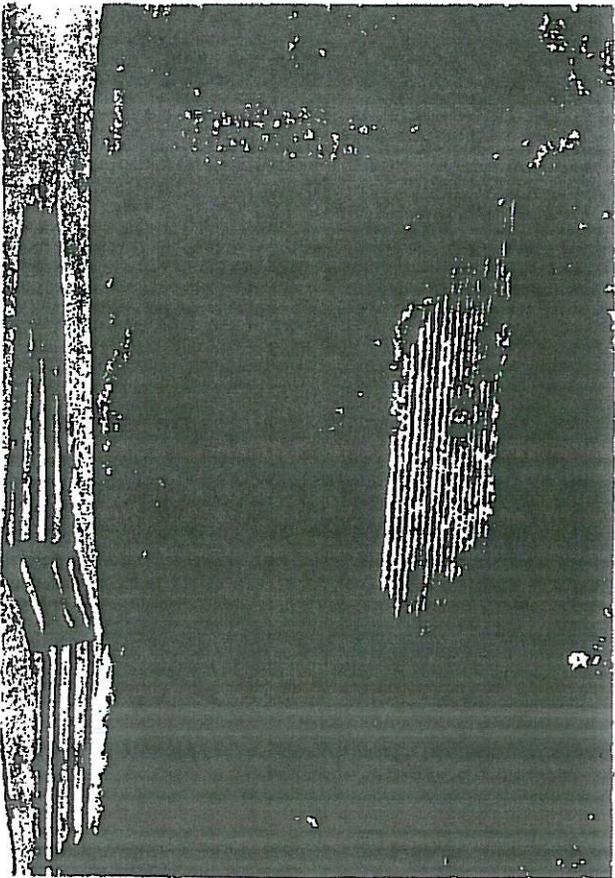
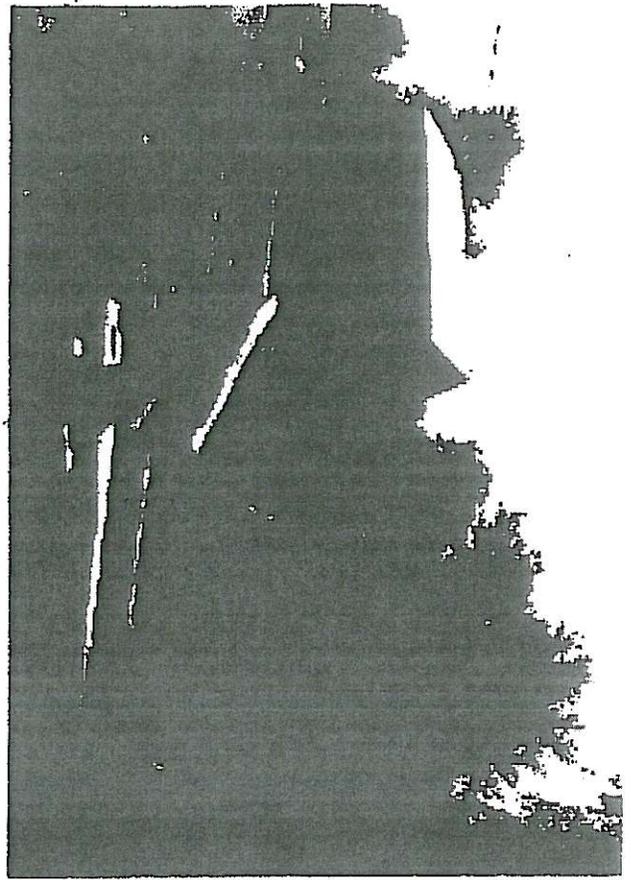
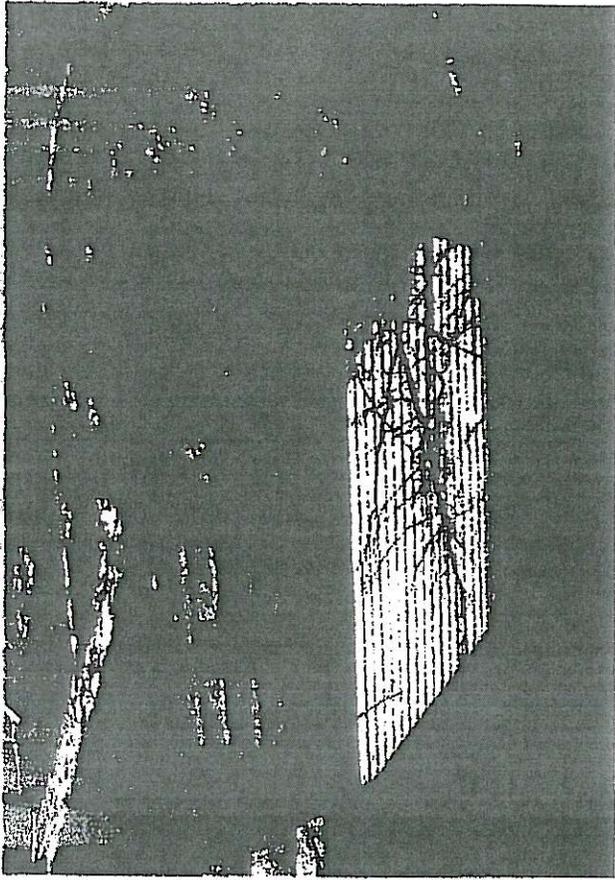
1840c -1947 History unknown  
 1947-1981 Owned by Edward & Matilda Doederlein & uses as a rental property  
 1981 Moved to the Museum and rebuilt  
 1982 Open for museum use as part of a historic village

COMMENTS

The building is currently used to demonstrate early life in Troy during the 1820's to 1840's.

PHOTO INFO

File Name  
Roll No. Frame No.  
Photographer E-mail address



MICHIGAN ABOVE-GROUND SURVEY FIELD FORM

ADDRESS

Number 60 Direction West Street Wattles  
City/Village Troy County Oakland

SURVEY INFO

Survey Date Feb 2006 Surveyor Ray Lucas

NAME

Historic Name The Caswell House  
Common Name Caswell house/oldest (framed) house in Troy

DATE/PROPERTY TYPE/STYLE

Date Built 1832 Source of Date Papers of Solomon Caswell  
Style Simple Greek-revival Property Type Domestic House of a early  
Farm house leading family

MATERIALS

Foundation Concrete Block  
Walls Wood  
Roof Wood Shakes

DESCRIPTIVE NOTES

This is the oldest (existing) wood frame home in Troy. It is a side-gable two-story house built with all light framing members and heavy timbers are hand hewn. The building is put together with wooden pegs and mortised and tenoned joints. It has sawtooth/dental trim under the eaves of the house.

The windows have multiple panes (two sets of 6x6) and they have shutters.

The front door has sidelights with Greek style pilasters and a thick entablature.

The footing are of split field stone and two chimneys on the ends of the gable roof

OTHER BUILDINGS/FEATURES

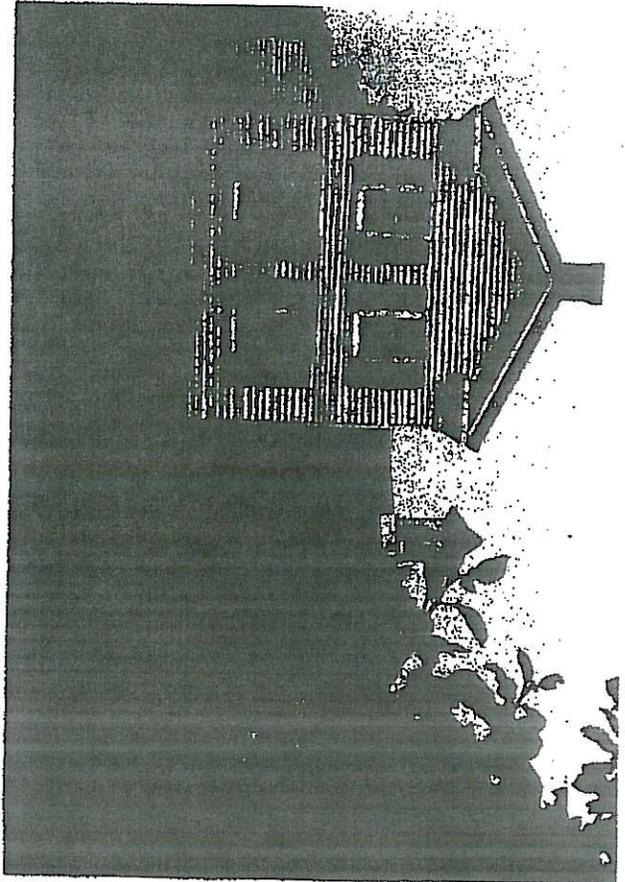
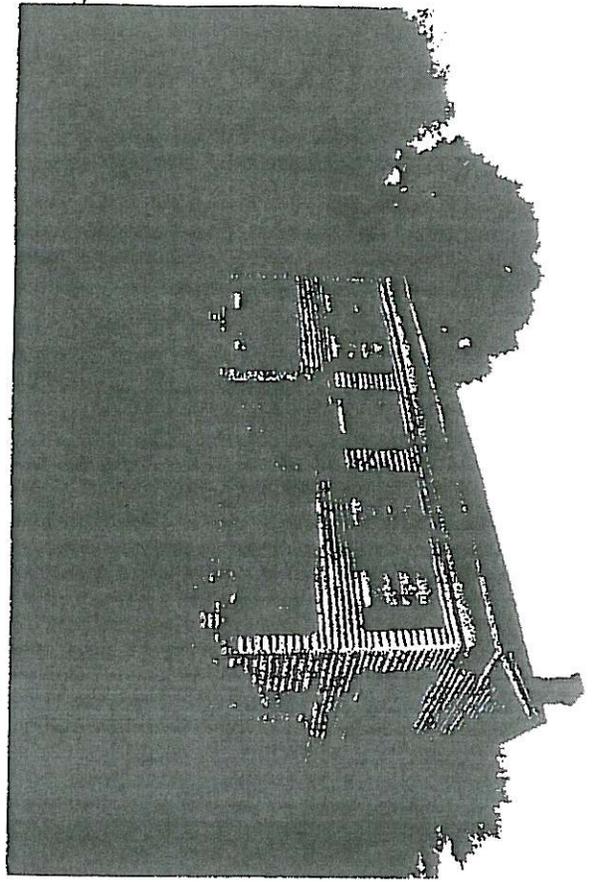
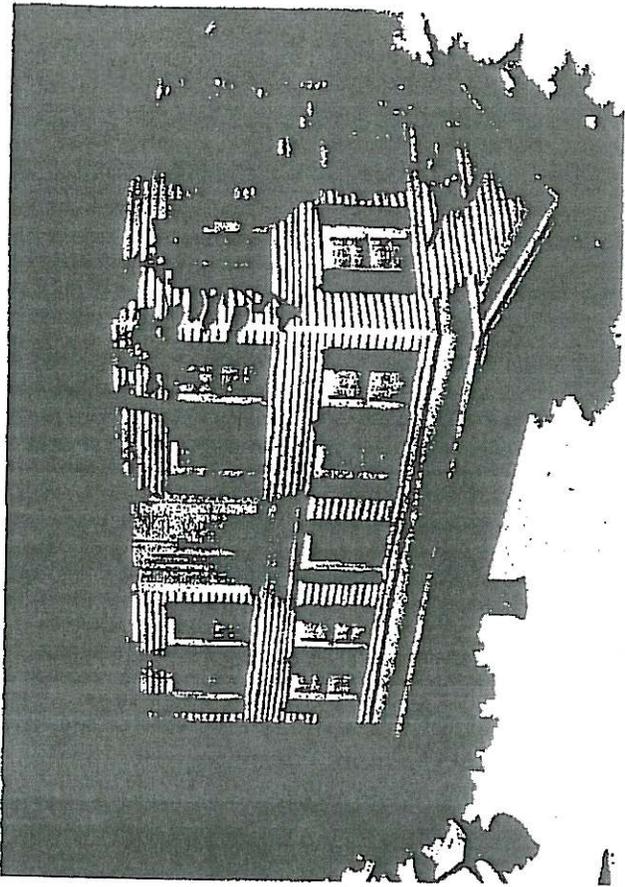
Small Cobbler shed is in the back. A modern Basement is used for light storage  
A handicap ramp has been added to the front right side to meet current rules for public buildings.

HISTORY

Owned by the Caswell family 1832-1966  
Donated to the Troy Historical Society 1966  
Moved to the Museum 1968  
Museum 1968 to Present

COMMENTS

The house was formerly on Adams North of Big Beaver road in Troy  
Currently used to show a typical home life setting around 1865 [(a second home setting (the first is a log cabin))]



**PHOTO INFO**

File Name

Roll No.

Photographer

Frame No.

E-mail address

**MICHIGAN ABOVE-GROUND SURVEY FIELD FORM**

**ADDRESS**

Number 60

City/Village Troy

Direction West

County Oakland

Street Wattles

**SURVEY INFO**

Survey Date Feb 2006

Surveyor Ray Lucas

**NAME**

Historic Name Troy School District No. 8

Common Name Poppleton School

**DATE/PROPERTY TYPE/STYLE**

Date Built 1877

Source of Date Stone Plate on building

Style Large Brick One-Room School

Property Type Education

39 x 26 One-room Schoolhouse

**MATERIALS**

Foundation Footings of split field stone over concrete block

Walls Brick

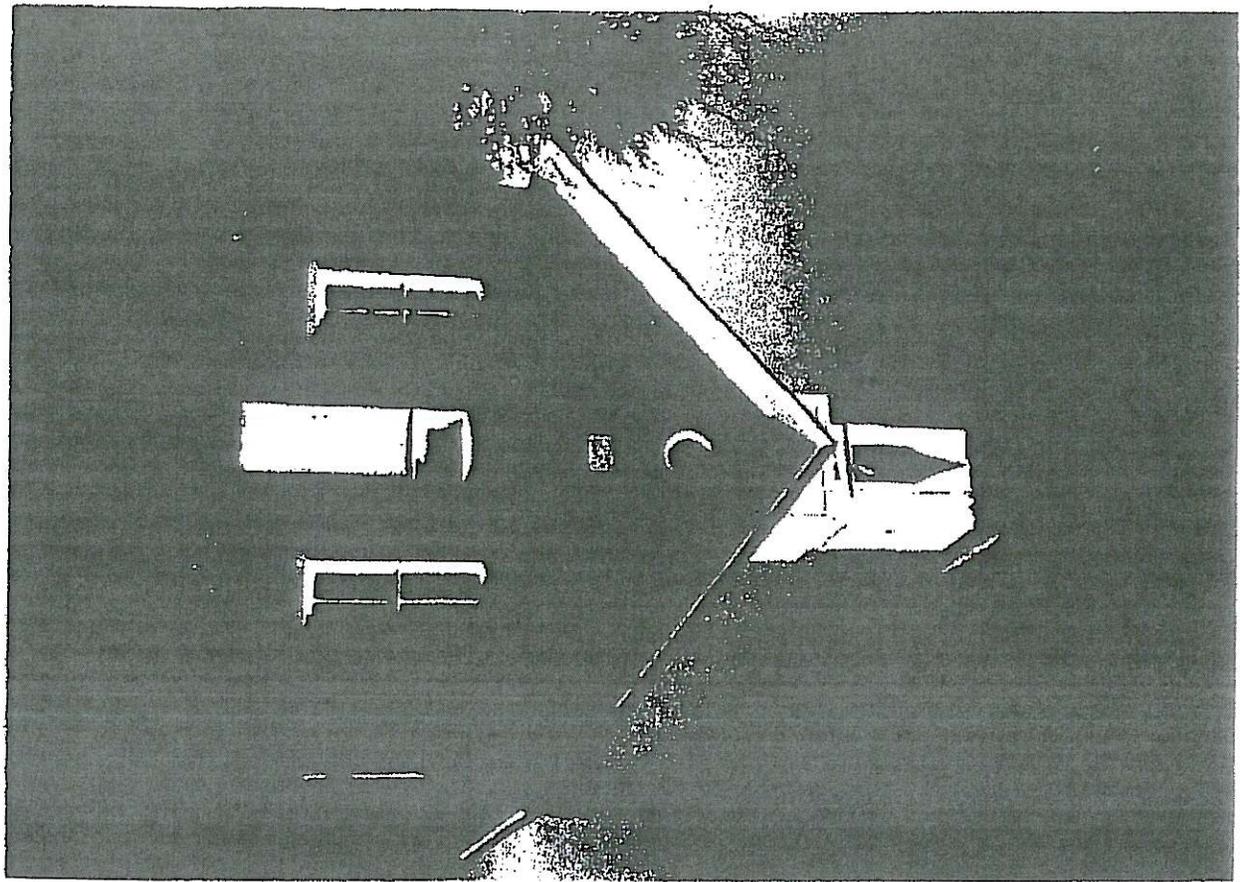
Roof Wood Shakes

**DESCRIPTIVE NOTES**

A third generation One-room school (a large brick building)(1<sup>st</sup> log 2<sup>nd</sup> wood frame) Italianate/Gothic Revival (?) style cupola bell tower (built after building was moved) It has a front-gable roof with a large front overhang of wood. The chimney is in the center of rear roof. There are three steps to the center entrance door Three long narrow windows on each side and two on the front, all are rounded at the top as well as over the front door. There is a small oculus window above the stone plate that is over the front door.

**FEATURES**

The bricks on the front and side of the building have extra creative patterns  
A handicap ramp has been added to the front left side to meet current rules for public buildings.



**HISTORY**

One-room School 1877-1923, a private home 1924-1939  
Used with another school Building 1939 - 1976  
Donated to the Troy Historical Society  
Moved to Museum 1980  
Museum 1986 to Present

**COMMENTS**

The building was originally the school was located on 1480 W. Big Beaver west of  
Crooks road. It was currently used to demonstrate what it was like to teach and  
learn in a 19<sup>th</sup> century one-room school

**PHOTO INFO**

File Name

Roll No.

Photographer

Frame No.

E-mail address

**MICHIGAN ABOVE-GROUND SURVEY FIELD FORM**

**ADDRESS**

Number

60

Direction West

Street Wattles

City/Village Troy

County Oakland

**SURVEY INFO**

Survey Date Feb 2006

Surveyor Ray Lucas

**NAME**

Historic Name Voorheis Blacksmith shop

Common Name Blacksmith and Carriage Repair Shop

**DATE/PROPERTY TYPE/STYLE**

Date Built c1854

Source of Date Census and Tax records

Style Board & Batten Shed/Store

Property Type Small 19<sup>th</sup> Century

Commercial

building

**MATERIALS**

Foundation Dirt

Walls Wood painted brick red

Roof Wood Shakes

**DESCRIPTIVE NOTES**

It is a low front-gable 31 x 25 x 12/14 store. It has large 4x3 and a smaller 2x2 window in front and a door on the left. The right side has two small 2x2 windows in the back. It has two large sliding door in back and the forge chimney on the left side.

**OTHER BUILDINGS/FEATURES**

In the back and on the right side of the building is a corral that has old farm equipment

**HISTORY**

Voorheis? Blacksmith shop (Believed to be owned by Fred Voorheis around 1854)

Alexander Gow -1976

Moved to Museum Feb 1978

Museum 1978 to Present

**COMMENTS**

The shop was located on Livernois, north of Square Lake and was part of "Troy Corners"

Currently used to demonstrate and train blacksmithing and woodworking skills

**PHOTO INFO**

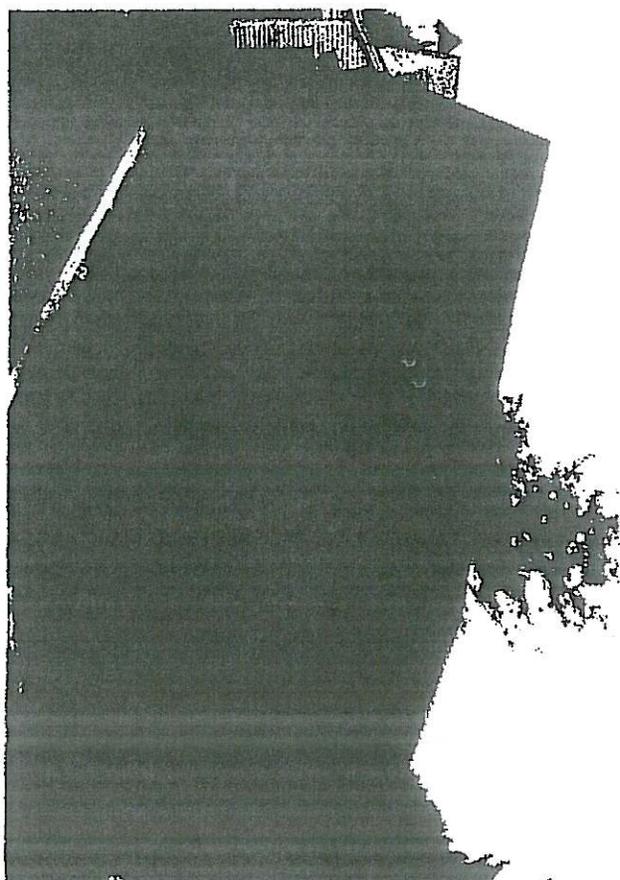
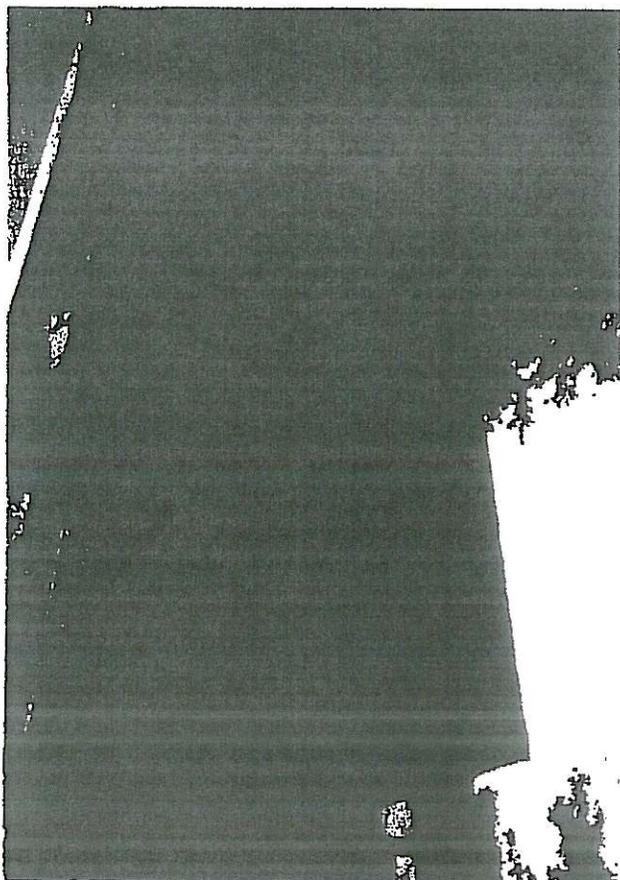
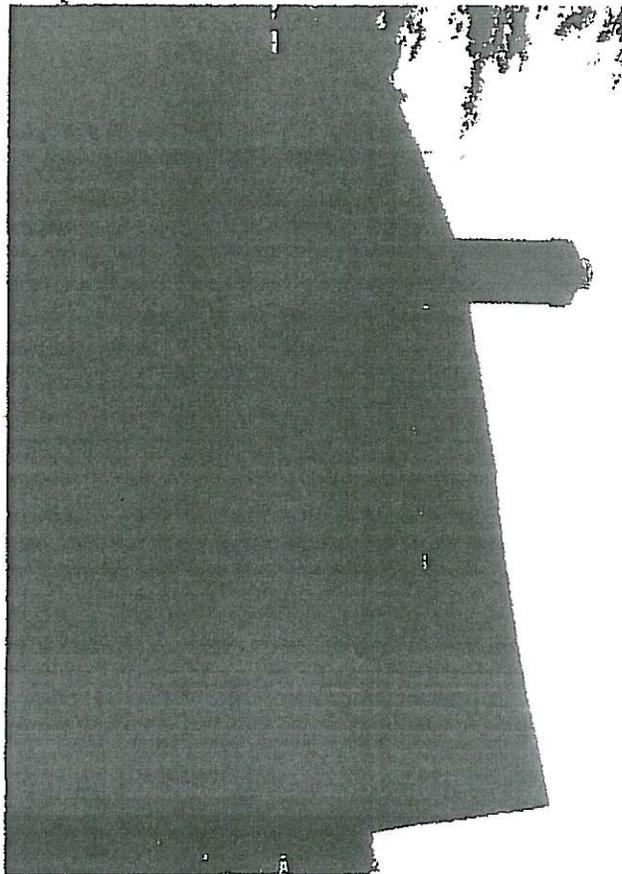
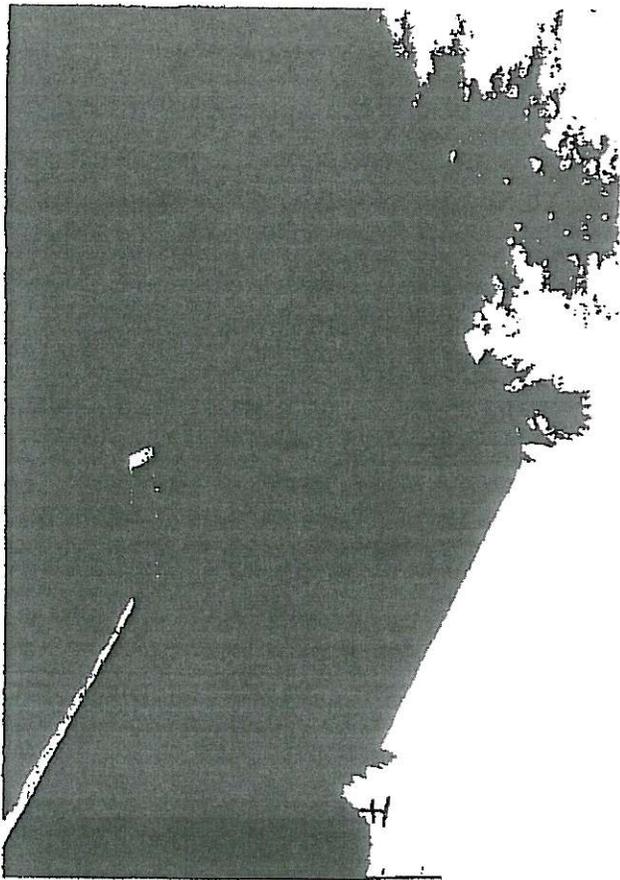
File Name

Roll No.

Photographer

Frame No.

E-mail address



City/Village Troy

County Oakland

**SURVEY INFO**

Survey Date Feb 2006

Surveyor Ray Lucas

**NAME**

Historic Name Troy Methodist Church

Common Name Old Troy Church

**DATE/PROPERTY TYPE/STYLE**

Date Built 1837

Source of Date Title records

Style Clapboard of Post  
Beam Construction

Property Type Religious

**MATERIALS**

Foundation Concrete Block

Walls Wood

Roof Wood Shakes

**DESCRIPTIVE NOTES**

It is a front-gable building 33.5' x 56' and the steeple (in the front) is approximately 60 feet in height. There are three long narrow stained glass windows on both sides of the building, and in the front the main door is located on the right side with a half circular stained glass window above the door and a large stained glass window in the center.

**OTHER BUILDINGS/FEATURES**

The back of the building is a new addition with bathrooms and kitchenette; it has a large basement, which is used for large archival storage.

A handicap ramp has been added to the front right side to meet current rules for public buildings.

**HISTORY**

Episcopal Church 1837-1862

First United Methodist Church of Troy 1862-1963

Antique Store - 1996

Troy Historical Society 1996-2003

Moved to Museum 2003

Museum 2003 to Present

**COMMENTS**

The Church was original on Square Lake, east of Livernois, and was part of "Troy Corners". It is current used for programs and meeting run by the museum and weddings and other outside events. The stained windows are from about 1900.

**PHOTO INFO**

File Name

Roll No.

Photographer

Frame No.

E-mail address

MICHIGAN ABOVE-GROUND SURVEY FIELD FORM

ADDRESS

Number 60 Direction West Street Wattles  
City/Village Troy County Oakland

SURVEY INFO

Survey Date Feb 2006 Surveyor Ray Lucas

NAME

Historic Name Troy Methodist Parsonage  
Common Name Old Troy Church

DATE/PROPERTY TYPE/STYLE

Date Built c. 1878 Source of Date Church and Tax records  
Style Two Story discontinuance Property Type Domestic  
House/Religious  
cruciform-public farmhouse

MATERIALS

Foundation Concrete Block  
Wall Wood  
Roof Wood Shakes

DESCRIPTIVE NOTES

The front of the building has four steps on the right side, which originally lead to two doors (one to the pastor office, the other into the home). The house is roughly 37' x 37'. It has a cross gable in the front right and a cross gable in the back left.

OTHER BUILDINGS/FEATURES

A handicap ramp has been added to the left side of the building to meet current rules for public buildings.

HISTORY

Parsonage for First United Methodist Church c. 1878 - 1963  
House owned by Antique shop owners 1963-1996  
Troy Historical Society 1996-2003  
Moved to Museum 2003  
Museum 2003-Present

COMMENTS

The house was original on Square Lake, east of Livernois, and was part of "Troy Corners".

The building is currently used show a typical home life setting around 1910 (a third home setting). The modern basement is used for archival restoration and storage.

**PHOTO INFO**

File Name

Roll No.

Photographer

Frame No.

E-mail address

**MICHIGAN ABOVE-GROUND SURVEY FIELD FORM**

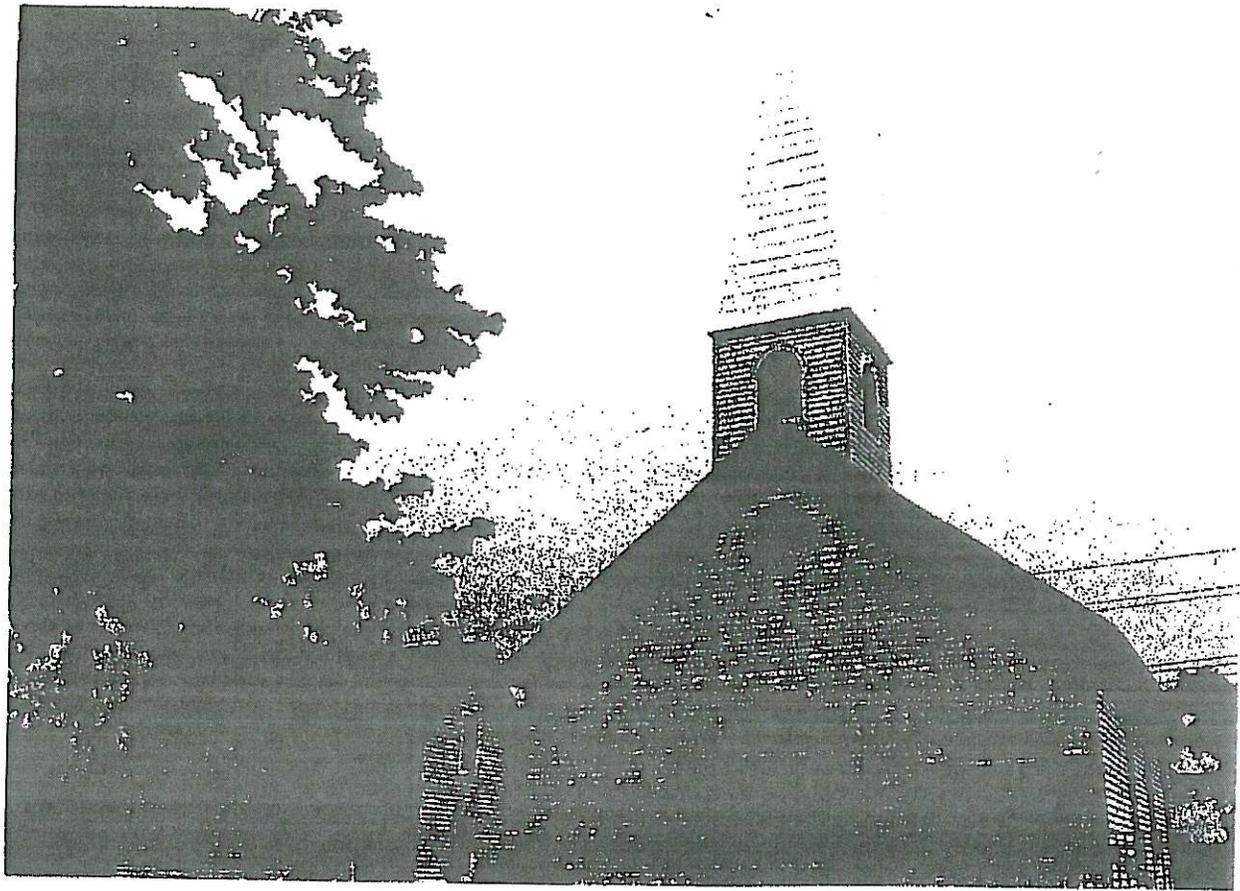
**ADDRESS**

Number

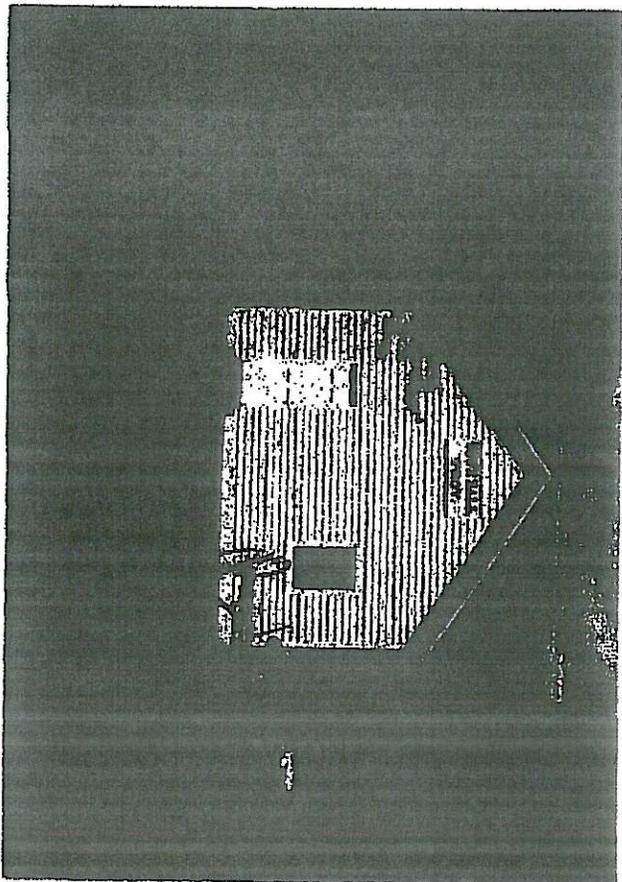
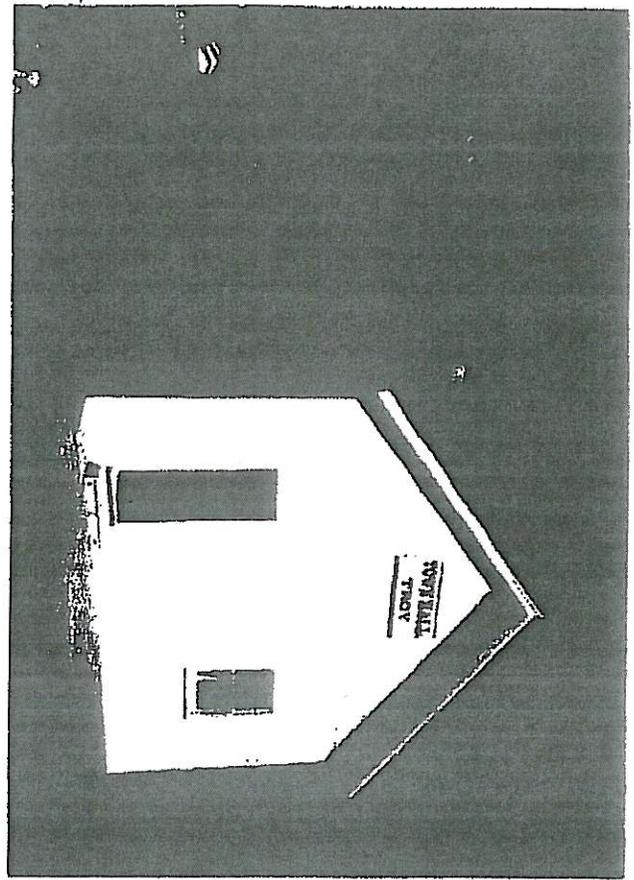
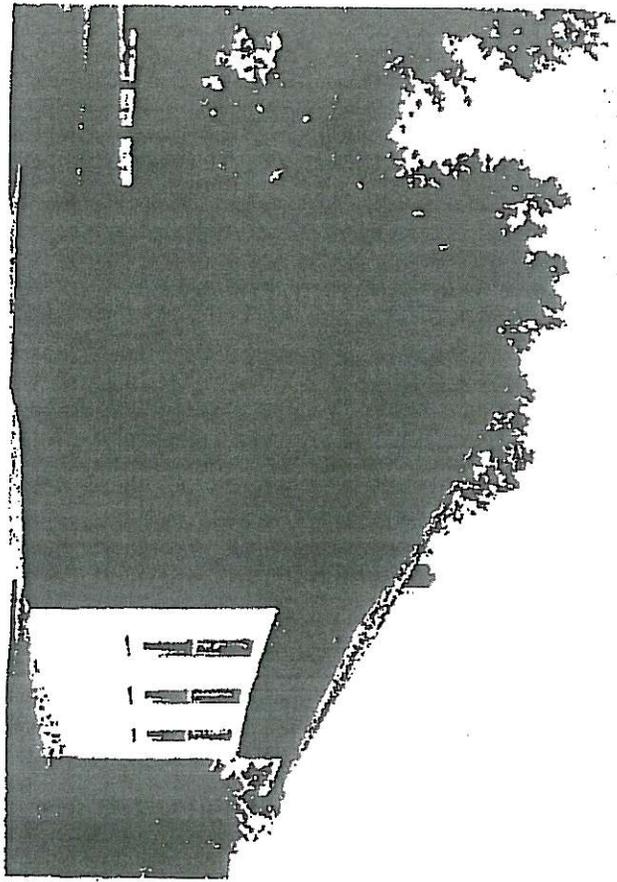
60

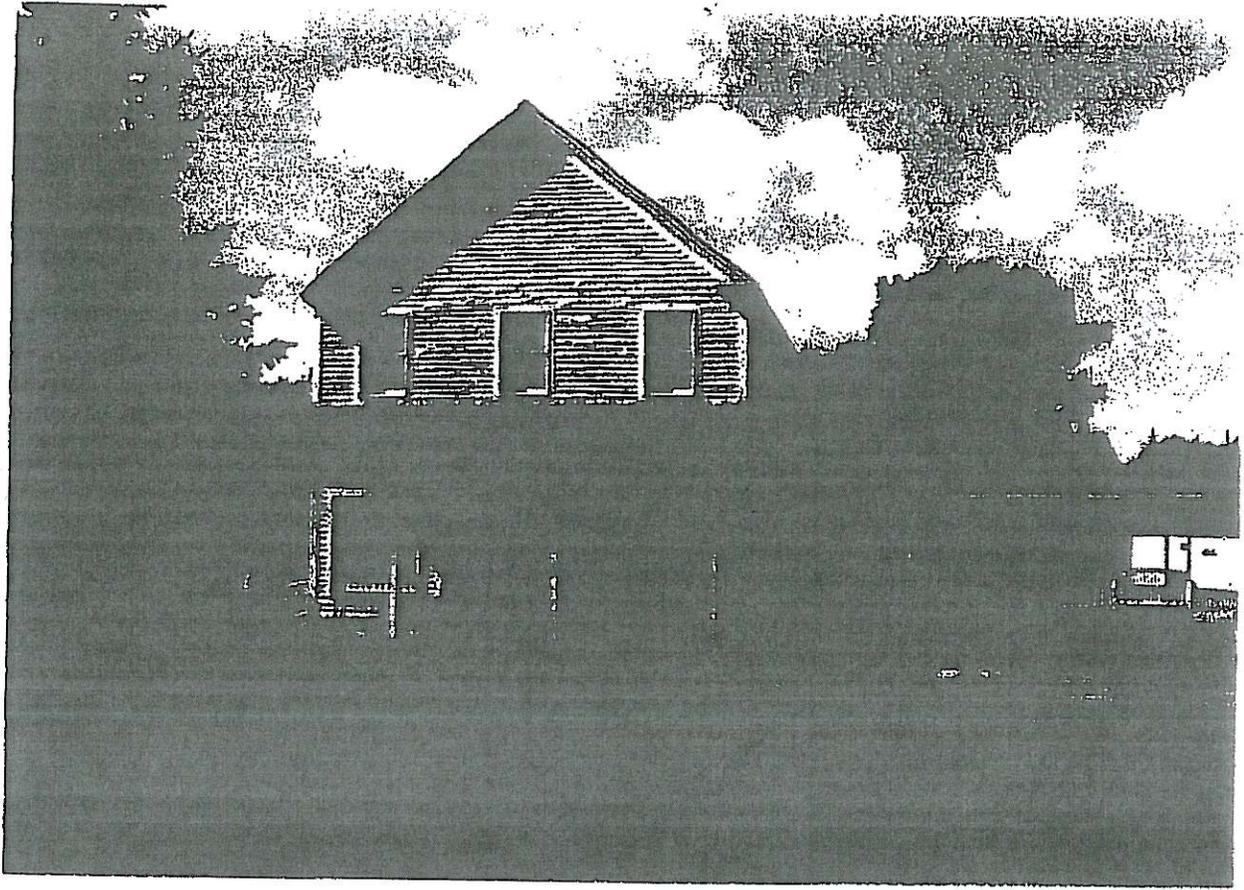
Direction West

Street Wattle

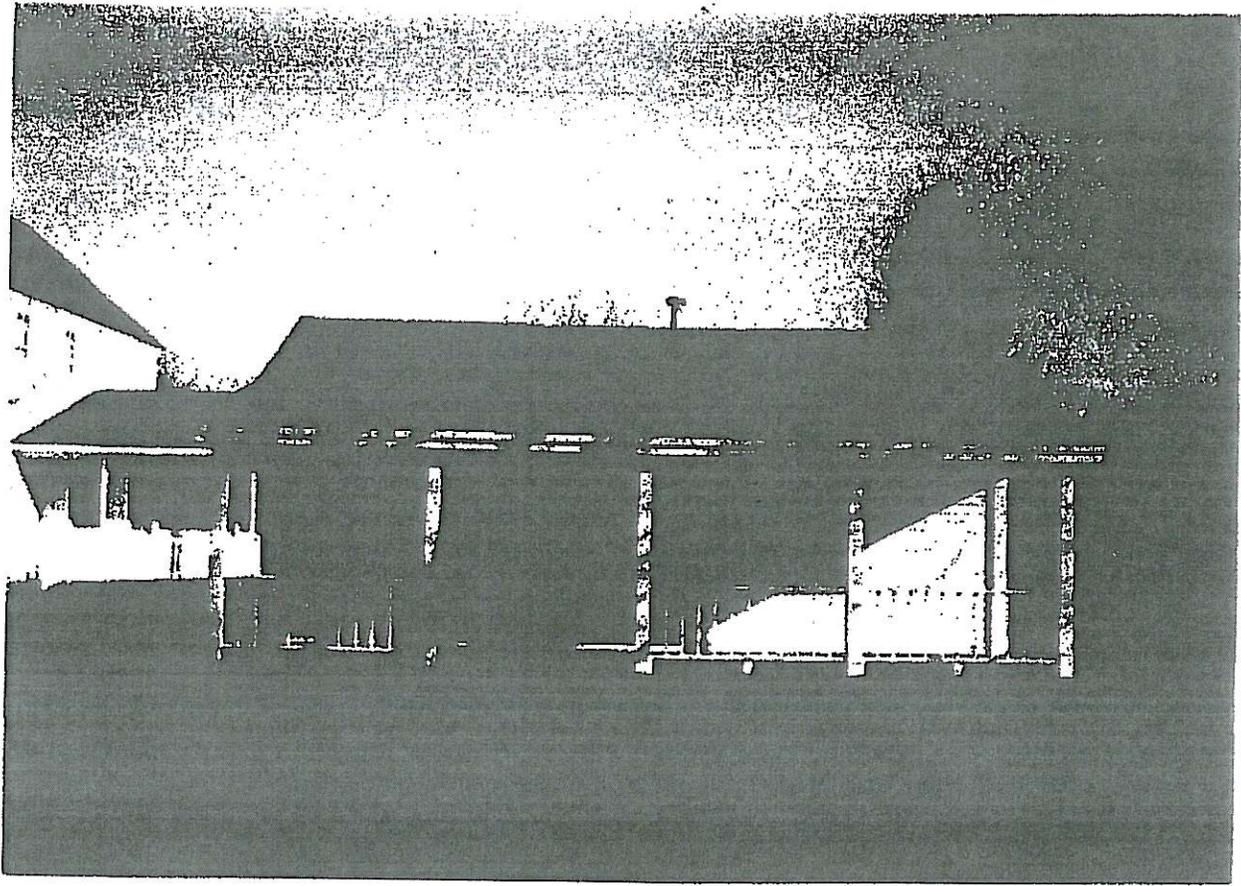








General Store  
Non-historic structure  
in village



PRINT SHOP  
NON-HISTORIC  
STRUCTURE IN VILLAGE

The Troy Museum & Historic Village has evolved since 1968 on a 3.7-acre parcel of land owned by the City of Troy. Recently land adjacent to 60 W. Wattles road was purchased to accommodate a proposed museum expansion. The City of Troy has petitioned the Historic District Study Committee to revise the boundaries of the historic district to include the newly acquired property.

The following is the preliminary report by the Troy Historic District Study Committee and their recommendation to revise the boundaries of the district.

*Composition of Committee:*

Kevin Lindsey:	Historical Commission and historic property owner
Linda Rivetto:	Graduate Student, EMU, Historic Preservation
Kinda Hupman:	Troy Historical Society Board of Directors
Charlene Harris-Freeman:	Historic Homeowner
Paul Lin:	Architect, Historic District Commission
Bob Miller:	Historic Homeowner

*Description of Resource:*

60 w. Wattles Road  
Referred to as the Troy Museum & Historic Village

*Legal Description of Parcel A of 60 W. Wattles:*

(Tax ID: 88-20-16-478-033)  
T2N, R11E, SEC 16 Lakewood Sub Lot 89 to 92 INCL, also Lots 131 to 134 INCL EXC S 27 FT taken for road, also N 30.75 FT of Lot 138, also Lots 139 to 142 INCL, EXC E 27 FT taken for Livernois Rd 11-15-94 FR 028 & 030

*Boundary Justification:*

The City of Troy in partnership with the Troy Historical Society wishes to expand the facilities at the Museum to more effectively interpret the agricultural heritage of the township and the development of the city. Two lots adjacent to 60 W. Wattles Road were purchased. The City of Troy proposes to expand the boundaries of the historic district so that the entire museum campus is included. There are currently no historic structures on the newly acquired parcels.

*History of District:*

The historic district at 60 W. Wattles, referred to as The Troy Museum & Historic Village received local historic designation on July 11, 1973. There are presently 10 historic structures on the site including three buildings on original foundations and seven relocated and rehabilitated historic buildings. The structures on original foundations include the 1927 Troy Township Hall, a small workshop rehabilitated as a Print Shop and a two-story clapboard building that closely resembles the community's old general store. The relocated buildings, detailed in the attached Above Ground Surveys include:

1. Log Cabin
2. Caswell House

3. Poppleton School
4. Wagon Shop
5. Parsonage
6. Old Troy Church
7. Troy Hall

*Statement of Significance:*

*Photo Documentation*

The existing historic resources in the district were listed because they had met National Register Criteria B and C, in that they are associated with locally significant people, or they are representative of a type of, or periods of, construction used locally in Troy. The proposed expansion of the Historic District to incorporate the adjacent property will enhance the district, as it will increase the size and character of the district and will better recall the basic qualities of the rural historic environment and settings of the historic structures. This will also assist the museum to fulfill its stated mission:

“The mission of the Troy Museum and Historic Village is to preserve and interpret the history and heritage of Troy and the region in a historic setting.”



## CITY COUNCIL ACTION REPORT

August 5, 2008

TO: Troy City Council

FROM: Phillip L. Nelson, City Manager  
Lori Grigg Bluhm, City Attorney  
Brian Murphy, Assistant City Manager/Economic Dev. Services  
Steven J. Vandette, City Engineer

SUBJECT: Phase II Stormwater Permit – Administrative Challenge

### Background:

- On May 22, 2008, the Michigan Department of Environmental Quality unilaterally issued the new National Pollutant Discharge Elimination System Wastewater Discharge General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems – Watershed General Permit (NPDES permit).
- The City of Troy is required to comply with a NPDES permit, since we are a municipality that discharges storm water from our owned or operated facilities (detention basins, non-county drains, creeks, ditches, enclosed ditches, etc.) to waters of the State.
- For at least the past ten years, the City of Troy has aggressively implemented planning, development and standard operations that are designed to enhance our water quality and ecological management issues. Many of these items have been done on a voluntary basis, or in connection with the now-expired NPDES permit.
- In addition to the measures that Troy has already undertaken, the new NPDES permit mandates additional activities. According to environmental experts that work for the Rouge River Watershed (of which Troy is an active member), the impact of some of these measures on the overall water quality is not justified by the anticipated cost.
- There is also some confusion with the requirements of the NPDES permit, and a contested case will allow for clarification of these issues.
- Several other communities in the region have evaluated the new mandates of the NPDES permit, and agree with City Administration that the new mandates of the NPDES permit exceed the regulatory authority of the MDEQ and/or are not the most effective methods of enhancing the water quality and ecological management issues. As such, several communities have joined together to administratively contest the new NPDES permit. In order to preserve Troy's ability to contest the new mandates of the NPDES permit, Troy joined several other communities in administratively filing a petition contesting the NPDES permit.
-

- The City Attorney's Office and Engineering Department staff are working cooperatively to represent the City's best interests in this endeavor, and will continue to do so absent objections from City Council.
- Numerous other municipalities are contesting this permit, including Wayne County, Macomb county, Oakland County, the City of Rochester Hills, the City of Auburn Hills, Clinton Township, the City of Southfield, and numerous Wayne County communities. It is expected that these communities will jointly pursue these cases contesting the NPDES permit.

#### Financial Considerations:

- The contested case proceedings could allow for financial savings by removing costly mandates that only marginally improve water quality.
- The anticipated costs for this contested case proceeding are nominal.

#### Legal Considerations:

- The contested case petition was administratively filed on July 21, 2008 to preserve the City's rights.

#### Policy Considerations:

Troy has enhanced the health and safety of the community.

Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.

#### Options:

- Council can pass a resolution affirming City Administration's filing of a contested case proceeding.
- Council can pass a resolution directing City Administration to terminate the contested case proceeding.

A Regular Meeting of the Troy City Council was held Monday, July 21, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Chaplain Jeff Totten of Troy Police Department gave the Invocation and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

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

## CERTIFICATES OF RECOGNITION:

---

### A-1 Presentations:

- a. On behalf of the State of Michigan and State Senator John Pappageorge, State Representative Marty Knollenberg presented a proclamation recognizing the City of Troy as one of CNN/Money Magazine's *America's Best Small Cities* which rated Troy as first in Michigan and 22<sup>nd</sup> overall in the United States. In addition, Representative Knollenberg provided a brief legislative update to City Council, City Administration and members of the public.

## CARRYOVER ITEMS:

---

### B-1 No Carryover Items

## PUBLIC HEARINGS:

---

### C-1 Establishment of an Industrial Development District (IDD) – EcoMotors, 1055 West Square Lake – Removed at the Request of City Administration

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

---

### C-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) to EcoMotors, 1055 West Square Lake – Removed at the Request of City Administration

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

---

**POSTPONED ITEMS:**

---

**D-1 Standard Purchasing Resolution 1: Award to Low Bidder – Building Demolition****Proposed Resolution Award to Low Bidder-Building Demolition-Option 1**

Resolution  
Moved by Beltramini  
Seconded by Kerwin

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.

**Proposed Resolution to Amend by Substitution-Option 2**

Resolution #2008-07-225  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** resolution to *Award to Low Bidder-Building Demoliton-Option1* by **STRIKING** it in its entirety and **INSERTING:**

“RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide demolition of various building sites for park land expansion acquisitions to the low bidders: Ahern Contracting, Inc. of Chesterfield, MI for Proposal A - 4265 Rochester Road, Ferguson Enterprises, Inc. of Detroit for Proposal B - 4305 Rochester Road, and Blue Star, Inc. for Proposal C - 1660 East Square Lake 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 awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.”

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

**MOTION CARRIED**

**Vote on Resolution Award to Low Bidder-Building Demolition as Amended by Substitution**

Resolution #2008-07-226

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide demolition of various building sites for park land expansion acquisitions to the low bidders: Ahern Contracting, Inc. of Chesterfield, MI for Proposal A-4265 Rochester Road, Ferguson Enterprises, Inc. of Detroit for Proposal B-4305 Rochester Road, and Blue Star, Inc. for Proposal C-1660 East Square Lake 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 awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Beltramini, Kerwin, Schilling

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

Ann Comiskey: As a 33 year resident, is pleased about the City's designation as the safest city in Michigan.

Appreciated Mayor Schilling's support in writing a letter of application for the Chamber of Commerce's *Non-profit Network* for the *Collaboration Prize* which is awarded to associations whose collaborations seem to work.

Discussed the doors recently harvested from the K-mart and appreciates the city's support of the *Art Unhinged* project. She noted that the proceeds will benefit the Historical Society and the Troy Coalition.

Marvin Reinhardt: Discussed ongoing water problem on his property and his support of Automation Alley.

Scott Walker: Discussed various matters pertaining to his interactions with the city.

David Ross: Restated his continued dissatisfaction in regard to the asphalt path located behind his home in Raintree Park.

**REGULAR BUSINESS:**

---

**E-9 Verizon's Request for Amendment to Lease – Sylvan Glen Communications Tower**

Resolution #2008-07-227 (a)

Moved by Kerwin

Seconded by Eisenbacher

**(a) Vote to Grant a Gas Line Easement to Consumer's Power**

RESOLVED, That Troy City Council hereby **GRANTS** to Consumers Power the attached ten-foot wide easement for gas pipeline at the Sylvan Glen Golf Course, Parcel Number 88-20-10-200-001, and **AUTHORIZES** the Mayor and City Clerk to execute the document, and **DIRECTS** the City Clerk to record the document with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED****(b) Vote to Approve the First Amendment to the Lease Agreement**

Resolution #2008-07-227 (b)

Moved by Kerwin

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the First Amendment to the Lease Agreement, between the City of Troy and New Par, d/b/a Verizon Wireless, allowing for a generator to be located on the Sylvan Glen Golf Course for the communications tower equipment, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**


---

**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Building Code Board of Appeals and Library Advisory Board**

**(a) Mayoral Appointments – No appointments scheduled****(b) City Council Appointments**

Resolution #2008-07-228

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:

**Building Code Board of Appeals**

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

Theodore Dziurman

Term Expires 07/31/13

**Library Advisory Board**

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

Junxiao (Joel) Xu-Student

Term Expires 07/31/09

Yes: All-7

**MOTION CARRIED**

---

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Commission and Historical Commission**

(a) **Mayoral Nominations – No nominations scheduled**

(b) **City Council Nominations**

Resolution #2008-07-229

Moved by Howrylak

Seconded by Fleming

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

**Historic District Commission**

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

Emily Wang-Student

Term Expires 07/01/09

**Historical Commission**

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

Yanyu (Andrew) Liu-Student

Term Expires 07/01/09

Yes: All-7

**MOTION CARRIED**

---

**E-3 Fire Station 2 Kitchen Renovation**

Resolution #2008-07-230

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to renovate the kitchen at Fire Station 2, including the purchase of kitchen cabinets from The Home Depot

utilizing the U.S. Communities contract, for an estimated total project cost of \$27,600.00 as detailed in Appendix A, using in-house personnel, approved contracts and standard purchasing procedures.

Yes: All-7

## **MOTION CARRIED**

---

### **E-4 Dates for the Annual Performance Evaluations of the (a) City Manager and (b) City Attorney in Closed Session**

#### **Vote on Resolution to Separate the Vote**

Resolution #2008-07-231

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SEPARATES** the vote for *Dates for the Annual Performance Evaluations of the (a) City Manager and (b) City Attorney in Closed Session*.

Yes: All-7

## **MOTION CARRIED**

### **(a) City Manager Evaluation – Closed Session**

Resolution #2008-07-232

Moved by Broomfield

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a Closed Session to immediately follow the Regular City Council Meeting on Monday, August 11, 2008 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Manager, pursuant to MCL 15.268(a).

Yes: All-7

## **MOTION CARRIED**

### **(b) City Attorney Evaluation – Closed Session**

Resolution #2008-07-233

Moved by Broomfield

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a Closed Session to immediately follow the Regular City Council Meeting on Monday, August 25, 2008 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Attorney, pursuant to MCL 15.268(a).

Yes: All-7

## MOTION CARRIED

---

**E-5 Authorization to Make Unconditioned Offer to Purchase Property for John R Road Improvements, Square Lake to South Boulevard – Project No. 02.204.5, Parcel #43 – Sidwell #88-20-02-279-002 and Request for Authorization to Institute Court Action**

**(a) Authorization to Make Unconditioned Offer**

Resolution #2008-07-234 (a)  
Moved by Kerwin  
Seconded by Beltramini

WHEREAS, In order to proceed with the proposed John R Road Improvements, between Square Lake Road and South Boulevard, it is necessary for the City to acquire the property at 6675 John R, having Sidwell #88-20-02-279-002 from James W. Munchiando and Elizabeth S. Munchiando; and

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an unconditioned offer to purchase property at 6675 John R in the amount of \$531,881.75, plus closing costs.

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

## MOTION CARRIED

**(b) Authorization to Institute Court Action**

Resolution #2008-07-234 (b)  
Moved by  
Seconded by

WHEREAS, In order to proceed with the John R Road Improvements, from Square Lake to South Boulevard, it is necessary for the City to obtain the needed property from the property owners of 6675 John R, having Sidwell #88-20-02-279-002; and

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

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

**MOTION CARRIED**

---

**E-6 Amendment to Chapter 20 of Troy City Code – Financing of Water and Sewer Benefit Fees**

Resolution #2008-07-235

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 10.03 of Chapter 20 of the Troy City Code, to include additional financing options for new homes constructed to replace an existing home in accordance with the proposal prepared by City Management and laid on the table tonight by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

The meeting **RECESSED** at 8:58 PM.

The meeting **RECONVENED** at 9:11PM.

---

**E-7 Conservation Easement to the State of Michigan – Department of Environmental Quality in Connection with Sylvan Glen Golf Course and Section 4 Weir Projects**

Resolution #2008-07-236

Moved by Beltramini

Seconded by Fleming

WHEREAS, The City of Troy has received and is implementing MDEQ Permit 03-63-0084P, which requires the City of Troy to grant a Conservation Easement of 2.24 acres to the State of Michigan; and

WHEREAS, The City of Troy has created over 7 acres of wetlands as a part of the Sylvan Glen Golf Course Streambank Stabilization Project;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **GRANTS** a Conservation Easement over 1.1 acres at the Section 4 Weir Project site, and 1.14 acres of wetlands at the Sylvan Glen Golf Course to the State of Michigan; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Conservation Easement between the City of Troy and the State of Michigan, and **AUTHORIZES** the Mayor and City Clerk to execute the Conservation Easement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the installation of signage at both sites to ensure that these areas remain natural wetland, and educate visitors about the importance of wetlands.

Yes: All-7

**MOTION CARRIED**

---

**E-8 Charter Revision Committee Recommendation of Proposed Ballot Language to the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5 and Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office**

**Vote on Resolution to Postpone *Proposed Ballot Language to the Citizens Initiated Charter Amendment- Section 9.16.5 Ballot Language***

Resolution #2008-07-237  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the *Proposed Ballot Language to the Citizens Petition Initiated Charter Amendment-Section 9.16.5* until the Regular City Council meeting scheduled for Monday, August 11, 2008 for the purpose of receiving an additional language proposal from City Staff.

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

**MOTION CARRIED**

**Vote on Resolution to Refer *Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office to the Charter Revision Committee***

Resolution #2008-07-238  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **REFERS** the proposed amendment to *Section 6.2(g)-Vacancies to Elective Office* back to the Charter Revision Committee for study, input and additional amendment options to be proposed by City Administration, and provide a recommendation to City Council

Yes: All-7

**MOTION CARRIED**

**CONSENT AGENDA:**

---

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

Resolution #2008-07-239  
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-2 and F-5 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

## MOTION CARRIED

---

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

---

### F-4 Standard Purchasing Resolutions

#### a) Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirts

Resolution #2008-07-239-F-4a

WHEREAS, On October 15, 2007, a one-year contract with an option to renew for one additional year for tee shirts was awarded to the low total bidder, EA Graphics of Sterling Heights, Michigan (Resolution #2007-10-294-E-4c); and

WHEREAS, EA Graphics has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with EA Graphics to provide tee shirts under the same prices, terms, and conditions for one year at unit prices contained in the bid tabulation opened October 2, 2007, to expire September 30, 2009.

#### b) Standard Purchasing Resolution 8: Best Value Award – General Consulting Engineering Services

Resolution #2008-07-239-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** contract(s) to provide General Consulting Engineering Services for three (3) years with an option to renew for three (3) additional years, to the three (3) highest rated bidder(s), Hubbell, Roth & Clark, Inc., (HRC), of Pontiac, MI; Spalding DeDecker Associates, Inc., (SDA), of Rochester Hills, MI; and Orchard, Hiltz & McCliment, Inc. (OHM), of Livonia, MI, as a result of a best value process expiring June 30, 2011, at unit prices contained in the tabulation opened June 18, 2008, with additional services priced as outlined in their respective rate schedules, copies of which are **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon consultants' submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements once in acceptable form.

---

**F-6 Approval to Purchase Property from the Oakland County Drain Commission – King Drain District, Sidwell #88-20-04-476-011 and -012**

Resolution #2008-07-239-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the purchase of two parcels of land located in the City of Troy owned by the Oakland County Drain Commission – King Drain District, having Sidwell #88-20-04-476-011 & 012 in the amount of \$3,240.00; and

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

---

**F-7 Application for New SDM License, Agrusa International Marketplace, LLC – 5047 Rochester Road****(a) New License**

Resolution #2008-07-239-F-7a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Agrusa International Marketplace, LLC, for a new SDM license to be located at 5047 Rochester, Troy, MI 48085, Oakland County; and

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

**(b) Agreement**

Resolution #2008-07-239-F-7b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Agrusa International Marketplace, LLC, for a new SDM license to be located at 5047 Rochester, Troy, MI 48085, Oakland County, from MJMN, Inc., and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**F-8 Application for New Outdoor Service Permit, Transfer of Class C Resort and SDM License, Loccino, Inc. – 5600 Crooks Road, Suite 106****(a) Transfer License and New Outdoor Service Permit**

Resolution #2008-07-239-F-8a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Loccino, Inc., to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company). {MLCC Req #441407}; and

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

**(b) Agreement**

Resolution #2008-07-239-F-8b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Loccino, Inc., to transfer ownership of 2007 Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**F-9 Application for Location Transfer of SDD and SDM License, Arbor Drugs, Inc. – 1980 E. Big Beaver Road**

**(a) Transfer Location**

Resolution #2008-07-239-F-9a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Arbor Drugs, Inc. to transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County; and

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

**(b) Agreement**

Resolution #2008-07-239-F-9b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Arbor Drugs, Inc. to transfer location of 2008 SDD and SDM licensed business from 2963

E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County; and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**F-10 Public Hearing for the Purpose of Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds**

Resolution #2008-07-239-F-10

WHEREAS, William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds;

WHEREAS, The Internal Revenue Code of 1986, as amended (the "Code"), requires a public hearing before authorizing the issuance of bonds by a hospital authority in all jurisdictions benefitting from the issuance; and

WHEREAS, A portion of the proceeds of the bonds will be used to construct, acquire, renovate, equip, rehabilitate and/or improve hospital facilities in the city of Troy as well as to refund bonds, the proceeds of which were used to construct an addition to William Beaumont Hospital – Troy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a public hearing for Monday, August 11, 2008 at 7:30 PM in Council Chambers of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority issuing tax-exempt bonds for William Beaumont Hospital.

---

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

---

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

Resolution #2008-07-240  
Moved by Howrylak  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 5:00 PM Special City Council Meeting of July 7, 2008 and the 7:30 PM Regular City Council Meeting of July 7, 2008 as amended.

Yes: All-7

**MOTION CARRIED**

---

**F-5 Contract Extension – Banking Services**

Resolution #2008-07-241  
Moved by Beltramini  
Seconded by Kerwin

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 renewal option for an additional three years under the same prices, terms and conditions expiring September 30, 2005 (Resolution #2002-05-288-E2), and on June 20, 2005, the contract was extended for a three-year period expiring October 1, 2008, with fee reductions in Controlled Disbursement Accounts from \$100.00 to \$50.00 per account per month and deposit fees from \$.60 cents to \$.50 cents per deposit (Resolution #2005-06-304-F3);

WHEREAS, Fifth Third Bank has offered to extend their contract for three years under the same prices, terms and conditions currently in place; and

WHEREAS, The City has successfully implemented lock box and procurement card services to enhance payment collection and improve efficiencies of purchasing procedures;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a three-year contract to provide Banking Services with Fifth Third Bank under the same pricing, terms, and conditions expiring October 1, 2011.

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

No: Howrylak

#### **MOTION CARRIED**

#### **MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

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

---

##### **G-2 Memorandums:**

- a. Proposed New Liquor License Ordinance – August 11, 2008  
Noted and Filed

#### **COUNCIL REFERRALS:**

---

##### **H-1 No Council Referrals Advanced**

---

#### **COUNCIL COMMENTS:**

---

##### **I-1 Council Comments:**

Council Member Beltramini referred to a newspaper article about Oakland County greening their fleet and believes this is another example of how another governmental entity is getting press coverage about something that the City of Troy has been doing for years. Council Member Beltramini explained that Fleet Maintenance has been purchasing hybrid vehicles for at least three years and has been using synthetic fuels in all city vehicles long before she became a council member. Council Member Beltramini appreciates the type of foresight the City of Troy's cutting edge staff demonstrates.

Council Member Beltramini suggested that Council Members and City Staff attend the SEMCOG green seminar scheduled for Thursday, August 7<sup>th</sup>.

Council Member Kerwin encouraged anyone wishing to participate in the tour portion of the green seminar to sign up as soon as possible because participation is limited to 60 attendees. Council Member Kerwin noted that City Council has not discussed public policies that would encourage developers and those looking at redevelopment projects to make an investment in green. Council Member Kerwin would welcome a future Council discussion about ways to encourage this type of discussion.

Council Member Kerwin discussed the difference between debate and deliberation. She believes their job as a City Council is to deliberate or to have dialogue and tonight it was evident to her that at certain times this type of discussion took place. She continued by stating that during debate they listen to find flaws and make counter arguments. However, she believes that during deliberation, they listen to understand and find meaning and agreement. Council Member Kerwin believes there is value in having true deliberation with City Council, City Staff and the public.

Council Member Kerwin reminded the public that a Blood Drive is taking place on Tuesday, July 22<sup>nd</sup> and Wednesday, July 23<sup>rd</sup> at the Troy Community Center.

Council Member Kerwin reported that she attended the first "Family Drive-In" event last night at Somerset Mall. In addition, she advised "Concert on the Green" was held yesterday afternoon and believes there are many activities available in the City for all ages.

Council Member Broomfield asked City Staff to provide a list of structures with a history of having a long standing building permit similar to David Parks' structure.

Mayor Schilling referred to an article in the Somerset Gazette showcasing the City of Troy's Fleet Maintenance Division's use of hybrid vehicles and suggested that this information be forwarded to the other newspapers.

## **REPORTS:**

---

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

- a. Liquor Advisory Committee/Final – March 10, 2008
- b. Brownfield Redevelopment Authority Special/Final – March 20, 2008
- c. Brownfield Redevelopment Authority Special/Final – March 31, 2008
- d. Retiree Health Care Benefits Plan & Trust/Final – April 9, 2008
- e. Brownfield Redevelopment Authority/Final – April 15, 2008
- f. Liquor Advisory Committee/Final – May 12, 2008
- g. Ethnic Issues Advisory Board/Draft – June 3, 2008
- h. Building Code Board of Appeals/Final – June 4, 2008
- i. Board of Zoning Appeals/Draft – June 17, 2008
- j. Board of Zoning Appeals/Final – June 17, 2008
- k. Planning Commission Special/Study/Draft – June 24, 2008
- l. Planning Commission Special/Study/Final – June 24, 2008
- m. Building Code Board of Appeals/Draft – July 2, 2008

- n. Employees' Retirement System Board of Trustees/Draft – July 9, 2008
- o. Retiree Health Care Benefits Plan & Trust/Draft – July 9, 2008
- p. Liquor Advisory Committee/Draft – July 14, 2008  
Noted and Filed

---

**J-2 Department Reports:**

- a. Building Department – Permits Issued July 2007 through June 2008
- b. Building Department – Permits Issued January through June 2008
- c. Building Department – Permits Issued during the Month of June 2008
- d. Purchasing Departments – Final Reporting – BidNet On-Line Auction – Fleet Vehicles – June 2008

Noted and Filed

---

**J-3 Letters of Appreciation:**

- a. Letter of Thanks to Tonni Bartholomew from Adult Services Librarian Barbara Williams Regarding the Service Received from Laura Campbell

Noted and Filed

---

**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a. City of Royal Oak – Resolution Requesting the Federal Legislature to Increase the Formula for Community Development Block Grant Funding

Noted and Filed

---

**J-5 Report from Gabriel Roeder Smith & Company – City of Troy Incentive Plan for Volunteer Firefighters – 28<sup>th</sup> Annual Actuarial Valuation – December 31, 2007**

Noted and Filed

---

**J-6 Communication from Public Works Director Timothy Richnak Regarding Program Year 2008 Community Development Block Grant (CDBG) Funds**

Noted and Filed

---

**J-7 Communication from City Manager Phillip Nelson Regarding CNNMoney.com Designation of America's Best Cities**

Mayor Schilling believes Mr. Nelson's comments in response to the article in CNN/Money Magazine complements City Council and City Staff's *Budgeting for Outcomes* discussions. She explained Mr. Nelson's memo clarifies why Troy was selected by CNN/Money Magazine. Mayor Schilling believes that today's decisions will affect the community in years to come and that previous councils understood that concept as they made their decisions and when they created the Charter. She continued by stating that former councils also kept the city fiscally sound and solvent, and developed a Master Plan that works well for the city. The Mayor encouraged everyone to read the article in CNN/Money Magazine noting that she was pleased that all the local newspapers mentioned the article. She continued by stating that City Council and the community should continue to work to stay on the grid because this type of recognition does not come easily. Therefore, the Mayor believes as they continue the *Budgeting for Outcomes* process, they should include the Futures process and the Downtown Development Authority.

Council Member Howrylak concurs with the Mayor's comments except for her inclusion of the Downtown Development Authority. He explained he recently received a communication from the Mackinac Center for Public Policy about the demise of Pontiac. He believes the most

important item cited was that Pontiac has five tax increment financing authorities which divert much needed revenue and assets into bodies which are run by unelected officials and control vast sums of money. For example, Council Member Howrylak did not realize that Pontiac owned the Strand Theatre, although he did know they owned the Phoenix Center. He believes it would be wise for Troy to study Pontiac to make sure they do not make the same mistakes. However, Council Member Howrylak admits it is nice to be recognized.

Council Member Howrylak added that he likes the placement of the promotional videos on the City's website and would like the link added to the front page.

Mayor Schilling noted that the Governor recently signed bills bringing forth seven initiatives for Downtown Development Authorities. The Mayor believes if DDA's are developed properly they can be a great benefit to communities. Mayor Schilling noted that the initiatives will be discussed at the DDA meeting scheduled for Wednesday, July 23<sup>rd</sup>.

## **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 10:39 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk



## CITY COUNCIL ACTION REPORT

July 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Award –  
Vending Machine Services

### **Background**

- On April 21, 2008, requests for proposals (RFP) were received for the installation, operation and management of on-site vending machine services for various City of Troy facilities.
- Fifty-Two (52) vendors were notified via the MITN e-procurement website. Five (5) companies responded with two statements of no bid received.
- Six committee members representing the various City facilities independently evaluated the proposals considering factors such as professional competence, sufficient number of employees, service/maintenance plan, reporting system and equipment type.
- Vendors with the ability to out score the highest rated firm were invited to participate in the food sampling portion of the process.
- Based on the scoring criteria of the proposal, commission rates, and sample food, the committee recommends awarding the contract to the highest rated bidder, Vendtek /Satellite Company of Wixom, MI.

### **Financial Considerations**

- Based upon the commission rate schedule ranging from 15% - 18% of gross receipts, the Vendtek/Satellite Company proposal is the most beneficial to the City of Troy with a guaranteed minimum of \$11,000.00 per year.
- Gross sales for 2007 were approximately \$68,000.00 with commissions of \$10,000.00.

### **Legal Considerations**

- RFP-COT-08-04 was competitively bid and all vendors were given the opportunity to respond with their level of interest in providing vending machine services for various City of Troy facilities.
- The contract award is contingent on the recommended bidder's submission of proper contract and proposal documents including insurance certificates, agreement, and all other specified requirements.

### **Policy Considerations**

- By establishing vending machine services for employees, patrons, and visitors; the City will benefit from the quoted commission rates, while offering a variety of products at competitive prices. (Goal I)

July 25, 2008

To: Phillip L. Nelson, City Manager  
Re: Best Value Award – Vending Machine Services

**Options**

- City management recommends awarding a five-year contract for the installation, operation and management of on-site vending machine services for various City of Troy facilities, with additional options to renew at one-year intervals for a maximum length of ten (10) years to Vendtek/ Satellite Vending Company of Wixom, Michigan, the highest rated vendor as a result of best value process with a 15% - 18% return on gross receipts, which is offset by the cost of \$45/month for money changers at the Library and Community Center; or a guaranteed minimum of \$11,000.00 per year whichever is greater.

G:/Purchasing/Bid Award 08-09 New Format/Best Value SR8 – RFP – Vending Machine Services 08.08.doc



## EXECUTIVE SUMMARY

### VENDING MACHINE SERVICES

#### STATISTICS:

- ◆ **Fifty-Two (52) company's were notified via the MITN e-procurement website**
- ◆ **Five (5) proposals were received, as well as two (2) statements of no bid**
- ◆ **All Five (5) company's met the pass/fail criteria**
- ◆ **The top three (3) companies participated in a food tasting survey**
- ◆ **Vendtek/Satellite Company received the highest score as a result of a best value process**

The following Five (5) firms received the indicated final scores as a result of the proposal and pricing selection criteria. Only these three top rated firms were invited to participate in food sampling.

Company	SCORE
Vendtek/Satellite Company	<b>82</b>
Austin Vending	77
All Star Services, Inc.	73

Variety Food Services	53
Corporate Dining	52

#### Attachments:

- ✓ Weighted Final Scoring Including Proposal and Price Scoring
- ✓ Evaluation Process
- ✓ Original Tabulation



WEIGHTED FINAL SCORING  
VENDING MACHINE SERVICES

Final Score Calculation:

$$\begin{aligned}
 &40\% \times \text{Commission Rate/Return Score} \\
 &35\% \times \text{Proposal Score} \\
 &15\% \times \text{Sample Food Score} \\
 &\underline{10\% \times \text{Other (Deleted Phase)}} \\
 &100\% \qquad \qquad \qquad = \text{Final Weighted Score}
 \end{aligned}$$

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 the order of their summary score for both the proposal, price and sample food, from highest to lowest. For the final score the vendors are listed in the order of rating from highest to lowest.

Weighted Average Score for Price: 40%

	Weighted Criteria – Difference in Costs [1-(High Return – Proposal Return) / high return] x available points	Final Weighted Score (x .40)
Vendors:		
Vendtek/Satellite Company	{1-(240.50–240.50)/240.50} x 100 = 100	<b>100 x .40= 40</b>
Austin Vending	{1-(240.50–230.00)/240.50} x 100 = 95	95 x .40= 38
All Star Services, Inc.	{1-(240.50–162.20)/240.50} x 100 = 67	67 x .40= 27
Variety Food Services	{1-(240.50–132.80)/240.50} x 100 = 55	55 x .40 = 22
Corporate Dining	{1-(240.50–147.00)/240.50} x 100 = 61	61 x .40= 24

Weighted Average Score for Proposals: 35%

Raters:	1	2	3	4	5	6	Average	Final Weighted Score (x .35)
Vendors:								
Vendtek/Satellite Company	95	60	89	99	76	78	83	29
Austin Vending	76	71	79	91	56	70	74	26
All Star Services, Inc.	98	97	93	97	66	87	90	32
Variety Food Services	95	95	91	99	70	82	89	31
Corporate Dining	94	66	82	99	64	70	79	28

Summary: Proposal and Price Scores

	Price Score	Proposal Score	Score
Vendors:			
Vendtek/Satellite Company	40	29	<b>69</b>
Austin Vending	38	26	64
All Star Services, Inc.	27	32	59
Variety Food Services	22	31	53
Corporate Dining	24	28	52

Only the top three rated firms were invited to participate in the food sampling portion.

(Maximum # of points – 15)



Weighted Average Score for Sample Food: 15%

RATERS	1	2	3	4	5	6	Average	Final Weighted Score (x .15)
Vendors:								
All Star Services, Inc.	100	95	80	96	93	100	94	<b>14</b>
Vendtek/Satellite Company	99	89	85	87	86	92	90	13
Austin Vending	100	87	80	90	61	94	85	13

FINAL SCORE:

VENDORS:	Vendtek/ Satellite Company	Austin Vending	All Star Service, Inc	Variety Food Services	Corporate Dining
Proposal Score	40	38	27	22	24
Price Score	29	26	32	31	28
Food Sampling Score	13	13	14	N/A	N/A
FINAL SCORE	82	77	73	53	52

\*\*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 company 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
- C. Financial strength and capacity of the company
- D. Correlation of the proposals submitted to the needs of the City of Troy
- E. Any other factors which may be deemed to be in the City's best interest
- F. Evaluation Process

### Phase 1: Minimum Qualifications Evaluation

Companies 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; each Committee Member will calculate a weighted score. The scores of the Evaluation Committee Members will be averaged into one score for each company for this phase of the process.

### Phase 3: Food Evaluation Process (Optional)

Based on the scores from the *Evaluation* – Phase 2, the City, at their option, will invite at least the top three (3) rated company's to participate in a food evaluation process. If less than three (3) company's remain in the process, all will be included in the food evaluation process. Each Committee member will use a weighted scoring sheet to evaluate the submitted food samples. Each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each bidder for this phase of the process.

### Phase 4: Commission Rate / Return

Points will be calculated as follows:

$$[1 - (\text{High Return} - \text{Proposal Return}) / \text{high return}] \times \text{available points}$$

### Phase 5: Other

Proposals may be assessed "Other" points for items not specified, but for which the Evaluation Committee deems as outstanding.

### Phase 6: Final Scoring and Selection

The company with the highest final weighted score will be recommended to the Troy City Council for Award.

- 40% Commission Rate/Return Score (100 point base)
- 35% Proposal Score (100 point base)
- 15% Sample Food Score (100 point base)
- 10% Other (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.**

RFP-COT 08-04

VENDING MACHINE SERVICES

MACHINE	EST. QTY	SELLING PRICE	UNIT SIZE	GROSS SALES	Corporate Dining Concepts		Variety Food Services		All Star Services, Inc.		Vendtek/Satellite Company		Austin Vending	
					%	\$	%	\$	%	\$	%	\$	%	\$
Coffee/Hot Beverage	100	\$ 0.50	8 oz	\$ 50.00	10%	\$ 5.00	N/A	\$ -	22.2%	\$ 11.10	18%	\$ 9.00	20%	\$ 10.00
Bottle Beverage	100	\$ 1.35	20 oz	\$ 135.00	10%	\$ 13.50	10.1%	\$ 13.64	5.2%	\$ 7.02	15%	\$ 20.25	20%	\$ 27.00
Can Beverage	100	\$ 0.90	12 oz	\$ 90.00	10%	\$ 9.00	10.1%	\$ 9.09	10.2%	\$ 9.18	15%	\$ 13.50	20%	\$ 18.00
Can Energy Drinks	100	\$ 1.25	16 oz	\$ 125.00	10%	\$ 12.50	10.1%	\$ 12.63	DMS	\$ -	15%	\$ 18.75	Blank	\$ -
Sports Drinks	100	\$ 1.75	20 oz	\$ 175.00	10%	\$ 17.50	10.1%	\$ 17.68	10.2%	\$ 17.85	15%	\$ 26.25	20%	\$ 35.00
Juice	100	\$ 1.75	15.2 fl oz	\$ 175.00	10%	\$ 17.50	10.1%	\$ 17.68	10.2%	\$ 17.85	15%	\$ 26.25	20%	\$ 35.00
Water	100	\$ 1.00	20 oz	\$ 100.00	10%	\$ 10.00	10.1%	\$ 10.10	5.2%	\$ 5.20	15%	\$ 15.00	20%	\$ 20.00
Snacks/Cookies	100	\$ 0.85	1 oz - 2 oz	\$ 85.00	10%	\$ 8.50	10.1%	\$ 8.59	18.2%	\$ 15.47	16%	\$ 13.60	20%	\$ 17.00
Large Chips	100	\$ 0.90	1.5 oz	\$ 90.00	10%	\$ 9.00	10.1%	\$ 9.09	18.2%	\$ 16.38	16%	\$ 14.40	20%	\$ 18.00
Regular Chips	100	\$ 0.60	1 oz	\$ 60.00	10%	\$ 6.00	10.1%	\$ 6.06	18.2%	\$ 10.92	16%	\$ 9.60	20%	\$ 12.00
Pastry	100	\$ 1.00	2.75oz-4.25oz	\$ 100.00	10%	\$ 10.00	10.1%	\$ 10.10	18.2%	\$ 18.20	16%	\$ 16.00	20%	\$ 20.00
Candy	100	\$ 0.90	1.2 oz - 2.7 oz	\$ 90.00	10%	\$ 9.00	10.1%	\$ 9.09	18.2%	\$ 16.38	16%	\$ 14.40	20%	\$ 18.00
Food/Etc.	100	\$ 3.00	Various	\$ 300.00	0%	\$ -	0%	\$ -	0%	\$ -	0%	\$ -	Blank	\$ -
Novelty	100	\$ 5.00	Each	\$ 500.00	10%	\$ 50.00	0%	\$ -	0%	\$ -	15%	\$ 75.00	Blank	\$ -
<b>OPTIONAL:</b>														
Coffee/Hot Beverage	100	\$ 0.75	12 oz	\$ 75.00	10%	\$ 7.50	12.1%	\$ 9.08	22.2%	\$ 16.65	18%	\$ 13.50		\$ 230.00
<b>SUBTOTAL:</b>				\$ 2,150.00		\$ 185.00		\$ 132.80		\$ 162.20		\$ 285.50		
<b>Additional Equipment - Cost per Month</b>	1			1		\$ (38.00)		\$ -		\$ -		\$ (45.00)		\$ -
<b>TOTAL:</b>						\$ 147.00		\$ 132.80		\$ 162.20		\$ 240.50		\$ 230.00

40%

$[1-(240.50-147.00)/240.50] \times 100$	61	24	Corporate Dining
$[1-(240.50-132.80)/240.50] \times 100$	55	22	Variety Food Services
$[1-(240.50-162.20)/240.50] \times 100$	67	27	All Star Services, Inc.
$[1-(240.50-240.50)/240.50] \times 100$	100	40	Vendtek/Satellite Co
$[1-(240.50-230.00)/240.50] \times 100$	95	38	Austin Vending

FIRM NAME:

** Vendtek/Satellite Vending Company	Austin Vending	All Star Services, Inc.
--------------------------------------	----------------	-------------------------

**PROPOSAL: TO PROVIDE INSTALLATION, OPERATION, AND MANAGEMENT OF ON SITE VENDING MACHINE SERVICES FOR VARIOUS CITY OF TROY FACILITIES**

<b>VENDOR QUESTIONNAIRE:</b>	(Yes or No)	Yes	Yes	Yes
<b>SEVEN (7) COPIES</b>	(Yes or No)	Yes	Yes	Yes

<b>INSURANCE:</b>	Can Meet	XX	Current Vendor	XX
	Cannot Meet		Insurance on file	
	Signed Y or N			

MACHINE	SELLING PRICE	UNIT SIZE	COMMISSION RATE	COMMISSION RATE	COMMISSION RATE
Coffee/Hot Beverage	\$.35 - \$.50	8 oz	18%	20%	22.2%
Bottle Beverage	\$1.25 - \$1.35	20 oz	15%	20%	5.2%
Can Beverage	\$.80 - \$.90	12 oz	15%	20%	10.2%
Can Energy Drinks	\$.90 - \$1.25	16 oz	15%	Blank	DMS
Sports Drinks	\$1.50 - \$1.75	20 oz	15%	20%	10.2%
Juice	\$1.50 - \$1.75	15.2 fl oz	15%	20%	10.2%
Water	\$1.00	20 oz	15%	20%	5.2%
Snacks/Cookies	\$.75 - \$.85	1 oz - 2 oz	16%	20%	18.2%
Large Chips	\$.70 - \$.90	1.5 oz	16%	20%	18.2%
Regular Chips	\$.50 - \$.60	1 oz	16%	20%	18.2%
Pastry	\$.85 - \$1.00	2.75oz-4.25oz	16%	20%	18.2%
Candy	\$.75 - \$.90	1.2 oz - 2.7 oz	16%	20%	18.2%
Food/Etc.	\$1.50 - \$3.00	Various	0%	Blank	0%
Novelty	\$.75 - \$5.00	Each	15%	Blank	0%

<b>OPTIONAL:</b>			<b>COMMISSION RATE</b>	<b>COMMISSION RATE</b>	<b>COMMISSION RATE</b>
Coffee/Hot Beverage	\$.50 - \$.75	12 oz	18%	Blank	22.2%
<b>OTHERS: (List)</b>			Blank	Blank	Blank
			<b>Guarantee \$11K/yr</b>		

			<b>COST PER MONTH</b>	<b>COST PER MONTH</b>	<b>COST PER MONTH</b>
<b>ADDITIONAL EQUIPMENT:</b>			\$45.00	\$0.00	\$0.00

<b>FORMS:</b>	Indemnification Clause	Y or N	Yes	Not in RFP Package	Yes
---------------	------------------------	--------	-----	--------------------	-----

**TERMS:** SEE ACCOUNTING (PAGE 20 of 20) of RFP docs

<b>EXCEPTIONS:</b>	SEE RFP				
	No Hot Drink Machine in Library, Too low of sales		Not in RFP Package		Blank
	No Snack in P&R, too low of sales - etc.....				

<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Not in RFP Package	Yes
-------------------------	--------	-----	--------------------	-----

**NO BID:**  
 AVI Food Systems  
 Continental Canteen  
 Provided a selling price outside the City's designated range

**ATTEST:**  
 Diane Fisher  
 Julie Hamilton  
 Linda Bockstanz  
 G/RFP-COT 08-04 Vending Machine Services

\*\* DENOTES HIGHEST RATED BIDDER AS A RESULT OF A BEST VALUE PROCESS  
 Susan Leirstein CPPB  
 Purchasing Director

FIRM NAME:

Corporate Dining

Variety Food

Concepts

Services

**PROPOSAL: TO PROVIDE INSTALLATION, OPERATION, AND MANAGEMENT OF ON SITE VENDING MACHINE SERVICES FOR VARIOUS CITY OF TROY FACILITIES**

**VENDOR QUESTIONNAIRE:** (Yes or No)

Yes

Yes

**SEVEN (7) COPIES** (Yes or No)

Yes

Yes

**INSURANCE:** Can Meet  
 Cannot Meet  
 Signed Y or N

XX

XX

MACHINE	SELLING PRICE	UNIT SIZE	COMMISSION RATE	COMMISSION RATE	COMMISSION RATE
Coffee/Hot Beverage	\$.35 - \$.50	8 oz	10%	N/A	
Bottle Beverage	\$1.25 - \$1.35	20 oz	10%	10.1%	
Can Beverage	\$.80 - \$.90	12 oz	10%	10.1%	
Can Energy Drinks	\$.90 - \$1.25	16 oz	10%	10.1%	
Sports Drinks	\$1.50 - \$1.75	20 oz	10%	10.1%	
Juice	\$1.50 - \$1.75	15.2 fl oz	10%	10.1%	
Water	\$1.00	20 oz	10%	10.1%	
Snacks/Cookies	\$.75 - \$.85	1 oz - 2 oz	10%	10.1%	
Large Chips	\$.70 - \$.90	1.5 oz	10%	10.1%	
Regular Chips	\$.50 - \$.60	1 oz	10%	10.1%	
Pastry	\$.85 - \$1.00	2.75oz-4.25oz	10%	10.1%	
Candy	\$.75 - \$.90	1.2 oz - 2.7 oz	10%	10.1%	
Food/Etc.	\$1.50 - \$3.00	Various	0%	0%	
Novelty	\$.75 - \$5.00	Each	10%	0%	

**OPTIONAL:**

Coffee/Hot Beverage \$\$.50 - \$.75 12 oz  
**OTHERS: (List)**

**COMMISSION RATE COMMISSION RATE COMMISSION RATE**

10%

12.1%

Blank

Two Coin Changers  
 Free Rental

**COST PER MONTH COST PER MONTH COST PER MONTH**

**ADDITIONAL EQUIPMENT:**

\$38.00

\$0.00

**FORMS:** Indemnification Clause Y or N

No

Yes

**TERMS: SEE ACCOUNTING (PAGE 20 of 20) of RFP docs**

**EXCEPTIONS:**

Blank

See High Commission  
 Offer

**ACKNOWLEDGEMENT:** Y or N

Blank

Yes



## CITY COUNCIL ACTION REPORT

August 5, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Stain Exterior General Store

### **Background**

- On June 11, 2008, bids were opened to furnish all equipment, material and labor to stain the exterior of the General Store located at the Troy Historical Museum.
- Maintaining the exterior of the General Store has been problematic. Exterior latex paint has repeatedly peeled off the building within a year of application. In 2006, a test area on the north side of the building was stripped of all paint. Semi-translucent stain was applied and allowed to weather for two winters. This stain was recommended because it is porous and would adhere to the clapboard. The stain has weathered well and has not peeled. Specifications for the entire building were developed using the stripper and stain that produced these good results in the test area.
- Stripping and staining the General Store will reduce future maintenance costs for the building by eliminating the cost of scraping peeling paint. Stain slowly wears but does not peel. This will minimize the cost and increase the efficiency and effectiveness of City government.
- 147 vendors were notified via the Michigan Intergovernmental Trade Network (MITN) system. One vendor, Hermes Painting Company, 2582 Blackpine, Troy MI 48098, submitted a total bid of \$45,000.00. One statement of no bid was also received.
- Three companies that completed site inspections were asked why they did not submit bids and provided the following responses:
  - Felt that semi-translucent stain would not provide a completely uniform, visually appealing finish.
  - Insufficient staff to complete the project.
  - Could not provide the bid deposit when bids were due.

### **Financial Considerations**

- Funds for stripping and staining the General Store are available in the Museum capital account #4018047975900.

August 5, 2008

To: Phillip L. Nelson, City Manager  
Re: Bid Award – Stain Exterior General Store

### **Legal Considerations**

- ITB-COT 08-14, Staining of the General Store Exterior was competitively bid as required by City Charter and Code.
- All bidders were given the opportunity to respond with their level of interest in supplying all equipment, labor, and materials to strip and stain the exterior of the General Store.
- The contractor has submitted proper insurance and specified requirements.

### **Policy Considerations**

This recommendation addresses the following Outcome Statement:

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.

### **Options**

- City management and the Museum staff of the Library Department recommend awarding a contract to strip and stain the exterior of the General Store to the sole bidder, Hermes Painting Company, 2582 Blackpine, Troy MI 48098 for a total estimated cost of \$45,000.00 at prices contained in the bid tabulation opened on June 11, 2008.

LC/councilmemostripandstain.doc

Opening Date -- 6/11/08  
 Date Prepared -- 8/4/08 sl

CITY OF TROY  
 BID TABULATION  
 STAINING GENERAL STORE

VENDOR NAME:		**	<b>Hermes</b>			
			<b>Painting Co.</b>			
	Ck #		1250360430			
	Amount	10%	\$ 4,500.00			
Proposal: FURNISH ALL EQUIPMENT, MATERIAL, AND LABOR TO STAIN THE EXTERIOR OF THE GENERAL STORE LOCATED AT THE TROY HISTORICAL MUSEUM						
<b>COMPLETE FOR THE SUM OF:</b>			<b>\$ 45,000.00</b>			
STAIN BRAND:			<b>Woodscapes Semi Transparent</b>			
MANUFACTURED BY:			<b>Sherwin Williams</b>			
<b><u>ADDITIONAL COSTS</u></b>			UNIT PRICE			
Clapboard Replacement:			Per Ln.Ft			
			<b>\$ 5.00</b>			
<b>INSURANCE:</b>	Can Meet		XX			
	Cannot Meet					
<b>SITE INSPECTION</b>	Visited the Site		Yes			
	Date:		6/4/2008			
	Did not visit Site					
<b>COMPLETION DATE</b>	Can complete by		<b>August 15, 2008</b>			
	Cannot complete					
	But offers:		Date Depends on the			
<b>PROGRESS PAYMENTS</b>	Payment Schedule		Stripping			
			Blank			
<b>TERMS:</b>			Blank			
<b>WARRANTY:</b>			3 yrs			
<b>EXCEPTIONS:</b>			Blank			
<b>ACKNOWLEDGEMENT: Signed</b>		Y or N	Yes			

NO BID:  
Regal Painting of Michigan

\*\* DENOTES SOLE BIDDER

ATTEST:  
Loraine Campbell  
Diane Fisher  
Linda Bockstanz

\_\_\_\_\_  
 Susan Leirstein CPPB  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

August 4, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option –  
Sidewalk Replacement and Installation Program

### **Background**

- On August 20, 2007, Troy City Council approved a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods to the low total bidder, Viking Construction, Inc of Warren, MI (Resolution #2007-08-250-E4e).
- Viking Construction has been producing a quality product for the City and has offered to renew their contract for the 2008/09 construction season under the same prices, terms, and conditions.
- A favorable market survey was conducted by the Purchasing department. Economic conditions indicate prices have risen and will continue to rise on concrete, fuel and wages.

### **Financial Considerations**

- Funds for this project are available in the 2008/09 Capital Accounts for Public Works Construction.
- Acc.# 401.447.513.7989.700 Sidewalk Replacement, \$400,000.00
- Acc.# 401.447.513.7989.650 Sidewalk Installation, \$100,000.00

### **Legal Considerations**

- ITB-COT 07-26, Sidewalk Replacement and Installation Program was competitively bid and opened with five bidders responding, in accordance with City Charter and Code.
- Viking Construction Inc. has agreed to renew the contract under the same prices, terms, and conditions

### **Policy Considerations**

- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal I)

August 4, 2008

To: Phillip L. Nelson, City Manager  
Re: Exercise Renewal Option – Sidewalk Program

**Options**

- City management and the Public Works department recommend exercising the option to renew for one-year to low total bidder, Viking Construction, Inc of Warren to complete the sidewalk replacement and installation program for 2008/09 at the same unit prices contained in the bid tabulation opened July 19, 2007, not to exceed budgetary limitations expiring June 30, 2009.

Prepared by: Marina Basta-Farouk, Project Construction Manager

July 23, 2008

TO: Susan Leirstein CPPB  
Purchasing Director

FROM: Linda N. Bockstanz  
Associate Buyer

RE: MARKET SURVEY – Sidewalk Replacement and Installation Program

KOALA-T - Dean (248) 322-2751

Per Dean, Concrete has increased 14½% from last year because of fuel costs. Materials are being delivered to make the concrete and the suppliers are adding a fuel surcharge of about \$25.00 per load, along with the cost of the trucks needing fuel to deliver.

MAJOR CEMENT COMPANY– Frank Jacoboni (313) 215-0972

Frank has indicated that with Union wages going up about \$1.50 to \$1.75 per year (In June) and concrete materials going up \$2.00 per yard, along with fuel surcharges of about \$12.00 per load per truck for the fuel costs; it looks like about a 1% to 5% increase overall for concrete.

LACARIA CONCRETE – CONSTRUCTION – Salvatorie Lacaria (313) 843-3865

According to Sam – their cost would increase because of the following items: 1.) Delivery of materials now have a fuel surcharge per load per truck, 2.) Fuel keeps increasing at the pumps, and 3.) Materials to make the cement or concrete have increased about 10%.

AUDIA CONCRETE CONSTRUCTION – Ronetta Audia (248)-676-9570

Ronetta has indicated that their prices will increase a little or not at all depending on the jobs. They are trying to keep their costs down if possible but with fuel, union labor and materials to make the product increasing, it will be hard.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Sidewalk Replacement & Installation to the current vendor based on the increase cost to make the product, union wages, and fuel increases.

CC: File

G:/Bid Award 08-09 New Format/Award Standard Purchasing Resolution 3 – MarketSurvey-Sidewalk Replacement & Install 7-23-08.doc

ATTN: Joe Vitale  
Viking Construction Inc  
277222 Gloede Dr  
Warren, MI 48093

Dear Mr. Vitale:

On July 19, 2007, the City of Troy entered into contract 20700218 -OB with Viking Construction Inc to provide one (1) year requirements of the sidewalk replacement and installation program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Viking Construction Inc. wishes to renew this contract until June 30, 2009. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

**CHECK ONE:**

**Viking Construction Inc. is interested in renewing the contract under the same prices, terms, and conditions:**

**Viking Construction Inc. is not interested in renewing the contract:** ( )

X. Joe Vitale  
Signed: Authorized Company Representative

Date: 7/8/08

Thank you,  
Marina Basta Farouk  
Project Construction Manager

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service Contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2008 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of \$18,687.50.

c) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Troy Daze Electrical Services**

Resolution #2007-08-250-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract to furnish all electrical services for the Troy Daze Festival to the lowest bidder meeting specifications, Winiarski Electric of Fowlerville, MI, for an estimated three-year total cost of \$31,000.00, plus a materials allowance of \$3,250.00 and other work as assigned at the rate of \$60.00 per hour; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the bidder's submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

d) **Standard Purchasing Resolution 1: Award to Low Bidders – Purchase of Firearms Ammunition**

Resolution #2007-08-250-E-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish one-year requirements of ammunition to the low bidders: Michigan Police Equipment of Charlotte, MI, Michigan Ammo Co., Inc. of Ecorse, MI, TJ Conevera's, Inc. of Rockford IL, and CMP Distributors, Inc. of Lansing MI, at unit prices as contained on the bid tabulation opened July 24, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring August 20, 2008; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** bids for lead-free .223 caliber, duty carry Cor-Bon .40 caliber, and duty carry 12 gauge shotgun ammunitions due to budgetary limitations.

e) **Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program**

Resolution #2007-08-250-E-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods to the low total bidder, Viking Construction, Inc. of Warren, MI, at unit prices contained in the bid tabulation opened July 19, 2007, a copy

of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall not exceed budgetary limitations; and

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

---

**E-5 Resolution to Excuse Mayor Pro Tem Broomfield from the Special Joint City Council Meeting of Wednesday, August 1, 2007**

Resolution #2007-08-250-E-5

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Broomfield at the Special Joint City Council Meeting of August 1, 2007 due to being out of the county.

---

**E-6 Acceptance of Permanent Easement for Sanitary Sewer and Authorization of Payment for Easement and Temporary Construction and Grading Permit – Patricia Willard-Bonnici Revocable Intervivos Trust and William and Helen Yeyna – Section 6, Sidwell #88-20-06-328-007**

Resolution #2007-08-250-E-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Sanitary Sewer from Patricia Willard-Bonnici individually and as trustee of the Patricia Willard-Bonnici Revocable Trust dated November 4, 2000, and William and Helen Yeyna owners of the property having Sidwell #88-20-06-328-007; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** payment in the amount of \$13,330.00 for the easement and \$6,670.00 for the temporary construction and grading permit, plus closing costs; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-7 Acceptance of Permanent Easement for Water Main – Rochester Professional Building, LLC, Section 3, Sidwell #88-20-03-226-104**

Resolution #2007-08-250-E-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner Rochester Professional Building, LLC, having Sidwell #88-20-03-226-104; and



# CITY COUNCIL ACTION REPORT

August 14, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Sidewalk Replacement and Installation Program

## **Background**

- On July 19, 2007, bids were received for the sidewalk replacement and installation program for the 2007/2008 fiscal year with an option to renew for two (2) additional one-year periods.
- Five (5) bid responses were received.
- Viking Construction is the low total bidder for both Proposal A – Sidewalk Replacement and Proposal B – Sidewalk Installation.
- 180 vendors were notified via the MITN system with six (6) additional vendor walk-ins.

## **Financial Considerations**

- Funds for this project are available in the 2007/08 Capital Accounts for Public Works Construction.
- Proposal A – Account # 401513.7989.700 Sidewalk Replacement
- Proposal B – Account # 401513.7989.650 Sidewalk Installation

## **Legal Considerations**

- ITB-COT 07-26, Sidewalk Replacement and Installation was competitively bid and opened with five bidders responding.
- The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

## **Policy Considerations**

- All bidders were given the opportunity to respond with their level of interest in the Sidewalk Replacement and Installation program for the City of Troy. (Goal II).
- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal I)

## **Options**

- City management and the Public Works department recommend a contract award to the low total bidder, Viking Construction, Inc of Warren, MI, for an estimated total cost of \$513,815.00, at unit prices contained in the bid tabulation not to exceed budgetary limitations.

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:/Bid Award 06-07 New Format/Award Standard Purchasing Resolution 1 – Sidewalk 07.07.doc

VENDOR NAME:	** Viking Construction Inc	KoaLa-T	Lacaria Concrete Construction
CHECK #:	65443	707136288	336474028
CHECK AMOUNT:	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00

**PROPOSAL A: Sidewalk Replacement**

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	100,000 S.F.	\$ 2.98	\$ 298,000	\$ 3.00	\$ 300,000	\$ 3.10	\$ 310,000
2	Remove and Replace 6" Concrete	19,800 S.F.	\$ 3.15	\$ 62,370	\$ 3.40	\$ 67,320	\$ 3.35	\$ 66,330
3	Remove and Replace 8" Concrete	7,700 S.F.	\$ 3.95	\$ 30,415	\$ 4.50	\$ 34,650	\$ 4.00	\$ 30,800
4	Adjusting Drainage Structure	20 EACH	\$ 150.00	\$ 3,000	\$ 50.00	\$ 1,000	\$ 200.00	\$ 4,000
5	Reconstruct Drainage Structure	20 EACH	\$ 175.00	\$ 3,500	\$ 150.00	\$ 3,000	\$ 220.00	\$ 4,400
6	Reconstruct Sanitary Manhole	10 EACH	\$ 195.00	\$ 1,950	\$ 250.00	\$ 2,500	\$ 245.00	\$ 2,450
7	Handicap Ramps	150 EACH	\$ 298.00	\$ 44,700	\$ 475.00	\$ 71,250	\$ 600.00	\$ 90,000
8	Tree Root Grind	350 EACH	\$ 47.50	\$ 16,625	\$ 25.00	\$ 8,750	\$ 40.00	\$ 14,000
9	Traffic Maintenance	Included	Included		Included		Included	
10	Soil Erosion Control	Included	Included		Included		Included	
11	Restoration	Included	Included		Included		Included	
<b>Est. Total Cost - Proposal A - Replacement</b>				<b>\$ 460,560</b>		<b>\$ 488,470</b>		<b>\$ 521,980</b>

**PROPOSAL B: Sidewalk Installation**

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	1.0	\$ 275.00	\$ 275	\$ 50.00	\$ 50	\$ 200.00	\$ 200
2	Removing Trees 8" - 18"	Ea	1.0	\$ 500.00	\$ 500	\$ 300.00	\$ 300	\$ 600.00	\$ 600
3	Removing Sidewalk & Driveway App	S.Y.	10.0	\$ 9.00	\$ 90	\$ 9.00	\$ 90	\$ 6.30	\$ 63
4	Relocate Hydrant, If needed	Ea	1.0	\$ 3,500.00	\$ 3,500	\$ 4,000.00	\$ 4,000	\$ 7,500.00	\$ 7,500
5	Relocate Flag Pole, If needed	Ea	1.0	\$ 250.00	\$ 250	\$ 1,000.00	\$ 1,000	\$ 1,000.00	\$ 1,000
6	Relocate Sign & Posts, If needed	Ea	1.0	\$ 150.00	\$ 150	\$ 50.00	\$ 50	\$ 150.00	\$ 150
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 29.00	\$ 580	\$ 25.00	\$ 500	\$ 25.00	\$ 500
8	Class A Culvert, 12", If needed	L.F.	10	\$ 65.00	\$ 650	\$ 40.00	\$ 400	\$ 50.00	\$ 500
9	Adjust Drainage Structures	Ea	2.0	\$ 180.00	\$ 360	\$ 150.00	\$ 300	\$ 250.00	\$ 500
10	Drainage Structure Covers	LBS	2000	\$ 1.15	\$ 2,300	\$ 1.20	\$ 2,400	\$ 1.20	\$ 2,400
11	Install Concrete Sidewalk 4"	S.F.	10394	\$ 3.35	\$ 34,820	\$ 3.15	\$ 32,741	\$ 3.50	\$ 36,379
12	Install Concrete Sidewalk 6"	S.F.	530	\$ 3.80	\$ 2,014	\$ 3.50	\$ 1,855	\$ 3.75	\$ 1,988
13	Install Handicap Ramps	EACH	7.0	\$ 298.00	\$ 2,086	\$ 475.00	\$ 3,325	\$ 600.00	\$ 4,200
14	Traffic Maintenance	LSUM	1.0	\$ 2,500.00	\$ 2,500	\$ 1,000.00	\$ 1,000	\$ 3,000.00	\$ 3,000
15	Soil Erosion Control	LSUM	1.0	\$ 1,500.00	\$ 1,500	\$ 4,000.00	\$ 4,000	\$ 1,000.00	\$ 1,000
16	Class A Sod	S.Y.	335	\$ 3.50	\$ 1,173	\$ 7.00	\$ 2,345	\$ 8.00	\$ 2,680
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	\$ 8.00	\$ 8	\$ 300.00	\$ 300	\$ 200.00	\$ 200
18	Mowing Grass Areas	TIMES	4.0	\$ 125.00	\$ 500	\$ 100.00	\$ 400	\$ 500.00	\$ 2,000
19	Restoration	Included		Included		Included		Included	
<b>Est. Total Cost - Proposal B - Installation</b>				<b>\$ 53,255</b>		<b>\$ 55,056</b>		<b>\$ 64,859.50</b>	

<b>ESTIMATED GRAND TOTAL - PROPOSALS A &amp; B:</b>				<b>* \$ 513,815</b>	<b>\$ 543,526</b>	<b>\$ 586,839.50</b>
INSURANCE:	Can Meet			XX	XX	XX
	Cannot Meet					
PROGRESS PAYMENTS:	Identified as			Blank	Blank	Monthly
TERMS				Blank	Blank	As Specified
WARRANTY				Blank	1 Year	As Specified
EXCEPTIONS				Blank	Blank	Blank
TWO FORMS COMPLETED:						
	Legal Status	Y or N		No	Yes	Yes
	Non-Collusion	Y or N		Yes	Yes	Yes
ADDENDUM #1		Y or N		Yes	Yes	Yes
ACKNOWLEDGEMENT:	Y OR N			Yes	Yes	Yes

ATTEST:  
 Marina Basta Farouk  
 Tom Rosewarne  
 Yvonne Ranzinger  
 Julie Hamilton

**\*\* DENOTES LOW TOTAL BIDDER**  
 Proposal - Sidewalk Replacement/Installation Program for 2007/2008 Fiscal Year with an Option to Renew for Two(2)  
 Additional One-Year Periods

Susan Leirstein CPPB  
 Purchasing Director

VENDOR NAME:

Audia Concrete Construction Inc	Major Cement Company, Inc.
11792433	336472542
\$ 3,000.00	\$ 3,000.00

CHECK #:

CHECK AMOUNT:

**PROPOSAL A: Sidewalk Replacement**

ITEM	DESCRIPTION	EST. QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	100,000 S.F.	\$ 3.20	\$ 320,000	\$ 3.75	\$ 375,000
2	Remove and Replace 6" Concrete	19,800 S.F.	\$ 3.30	\$ 65,340	\$ 4.50	\$ 89,100
3	Remove and Replace 8" Concrete	7,700 S.F.	\$ 4.50	\$ 34,650	\$ 4.75	\$ 36,575
4	Adjusting Drainage Structure	20 EACH	\$ 250.00	\$ 5,000	\$ 250.00	\$ 5,000
5	Reconstruct Drainage Structure	20 EACH	\$ 75.00	\$ 1,500	\$ 120.00	\$ 2,400
6	Reconstruct Sanitary Manhole	10 EACH	\$ 75.00	\$ 750	\$ 120.00	\$ 1,200
7	Handicap Ramps	150 EACH	\$ 640.00	\$ 96,000	\$ 775.00	\$ 116,250
8	Tree Root Grind	350 EACH	\$ 40.00	\$ 14,000	\$ 80.00	\$ 28,000
9	Traffic Maintenance	Included	Included		Included	
10	Soil Erosion Control	Included	Included		Included	
11	Restoration	Included	Included		Included	
<b>Est. Total Cost - Proposal A - Replacement</b>				<b>\$ 537,240</b>		<b>\$ 653,525</b>

**PROPOSAL B: Sidewalk Installation**

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Tress 3" - 7"	Ea	1.0	\$ 400.00	\$ 400	\$ 300.00	\$ 300
2	Removing Trees 8" - 18"	Ea	1.0	\$ 600.00	\$ 600	\$ 600.00	\$ 600
3	Removing Sidewalk & Driveway App	S.Y.	10.0	\$ 15.00	\$ 150	\$ 9.00	\$ 90
4	Relocate Hydrant, If needed	Ea	1.0	\$ 4,500.00	\$ 4,500	\$ 2,000.00	\$ 2,000
5	Relocate Flag Pole, If needed	Ea	1.0	\$ 1,000.00	\$ 1,000	\$ 200.00	\$ 200
6	Relocate Sign & Posts, If needed	Ea	1.0	\$ 300.00	\$ 300	\$ 100.00	\$ 100
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 30.00	\$ 600	\$ 25.00	\$ 500
8	Class A Culvert, 12", If needed	L.F.	10	\$ 38.00	\$ 380	\$ 45.00	\$ 450
9	Adjust Drainage Structures	Ea	2.0	\$ 1,800.00	\$ 3,600	\$ 250.00	\$ 500
10	Drainage Structure Covers	LBS	2000	\$ 2.50	\$ 5,000	\$ 1.00	\$ 2,000
11	Install Concrete Sidewalk 4"	S.F.	10394	\$ 3.25	\$ 33,781	\$ 4.25	\$ 44,175
12	Install Concrete Sidewalk 6"	S.F.	530	\$ 3.35	\$ 1,776	\$ 4.75	\$ 2,518
13	Install Handicap Ramps	EACH	7.0	\$ 640.00	\$ 4,480	\$ 775.00	\$ 5,425
14	Traffic Maintenance	LSUM	1.0	\$ 2,000.00	\$ 2,000	\$ 2,000.00	\$ 2,000
15	Soil Erosion Control	LSUM	1.0	\$ 1,000.00	\$ 1,000	\$ 1,000.00	\$ 1,000
16	Class A Sod	S.Y.	335	\$ 4.00	\$ 1,340	\$ 8.00	\$ 2,680
17	Watering Lawn Areas (1,000 Gal)	UNITS	1.0	\$ 900.00	\$ 900	\$ 400.00	\$ 400
18	Mowing Grass Areas	TIMES	4.0	\$ 2,000.00	\$ 8,000	\$ 125.00	\$ 500
19	Restoration	Included		Included		Included	
<b>Est. Total Cost - Proposal B - Installation</b>				<b>\$ 69,806</b>		<b>\$ 65,437</b>	

**ESTIMATED GRAND TOTAL - PROPOSALS A & B:**

\$ 607,046      \$ 718,962

INSURANCE:      Can Meet  
                          Cannot Meet

XX      XX

PROGRESS PAYMENTS:  
                          Identified as

Every 30 Days      N/A

TERMS

30 Days      Per Contract

WARRANTY

2 Year Maint Bond      Per Contract

EXCEPTIONS

Blank      N/A

TWO FORMS COMPLETED:

Legal Status      Y or N  
Non-Collusion      Y or N

Yes      Yes  
Yes      Yes

ADDENDUM #1

Y or N

Yes      Yes

ACKNOWLEDGEMENT: Y OR N

Yes      Yes



## **CITY COUNCIL ACTION REPORT**

July 30, 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 1: Award To Low Bidder – Major Street Pavement Marking Program

### **Background**

- On July 11, 2008, bids were received to furnish two-year requirements of Major Street Pavement Marking with an option to renew for one additional year with mutual consent of both parties.
- (32) Vendors were notified of the bid opportunity via the MITN system and two (2) bid responses were received.
- RS Contracting Inc of Casco Twp, MI, was the low total bidder. The project is being awarded on a low total basis due to bonding and insurance requirements.

### **Financial Considerations**

- Funds for this project are available in the 2008/09 Streets Budget for Major Road Markings, account # 101.447.22.477.7802.070.

### **Legal Considerations**

- The pavement-marking program was competitively bid as required by City Charter and Code.
- All bidders were given the opportunity to respond with their level of interest in the pavement-marking program for the City of Troy.
- Contract contingent upon vendor submission of properly executed bid and contract documents, including bonds, insurance certificate(s) and all other specified requirements.

### **Policy Considerations**

- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal I)

### **Options**

- City management and the Public Works department recommend awarding a contract to RS Contracting Inc of Casco Twp for an estimated total two-year cost of \$136,430.00 at unit prices contained in the bid tabulation opened 7/11/08, not to exceed budgetary limitations.

Opening Date -- 7/11/08  
 Date Prepared -- 7/30/08 sl

CITY OF TROY  
 BID TABULATION  
 STREET PAVEMENT MARKINGS

VENDOR NAME:

Check Number  
 Check Amount

		** R.S. Contracting Inc	P.K. Contracting Inc		
		1250385450	2116458		
		\$ 2,500.00	\$ 2,500.00		
ITEM EST QTY	Year 1	Year 2	Year 1	Year 2	
# Lineal Feet DESCRIPTION	Unit Price	Unit Price	Unit Price	Unit Price	
<b>PROPOSAL A Retrace</b>					
1 175,000 Sprayable Thermo Plastic 4"Solid white	0.08	0.083	0.089	0.098	
2 57,000 Sparyable Thermo Plastic 4" Skip white	0.08	0.083	0.089	0.098	
3 296,000 Sprayable Thermo Plastic 4" Solid Yellow	0.08	0.083	0.089	0.098	
4 34,000 Sprayable Thermo Plastic 4"Skip Yellow	0.08	0.083	0.089	0.098	
5 1,000 Removal/Pavement Marking 4"Yellow/White	0.50	0.50	0.40	0.40	
<b>ESTIMATED TOTAL OF PROPOSAL A:</b>		\$ 45,460.00	\$ 47,146.00	\$ 50,418.00	\$ 55,476.00
<b>PROPOSAL A -GRAND TOTAL- 2 YEARS</b>		Estimated Year 1 Unit Price	Estimated Year 2 Unit Price	Estimated Year 1 Unit Price	Estimated Year 2 Unit Price
		\$ 92,606.00	\$ 105,894.00		
<b>PROPOSAL B New Pavement</b>					
1 500 4" Solid White	0.25	0.35	0.25	0.25	
2 500 4" Skip White	0.25	0.35	0.25	0.25	
3 500 4" Solid Yellow	0.25	0.35	0.25	0.25	
4 500 4" Skip Yellow	0.25	0.35	0.25	0.25	
<b>ESTIMATED TOTAL OF PROPOSAL B:</b>		\$500.00	\$700.00	\$500.00	\$500.00
<b>PROPOSAL B -GRAND TOTAL- 2 YEARS</b>		Estimated Year 1 Unit Price	Estimated Year 2 Unit Price	Estimated Year 1 Unit Price	Estimated Year 2 Unit Price
		\$1,200.00	\$1,000.00		
<b>PROPOSAL C Legends - Removal</b>					
1 2 ea School Legend	40.00	40.00	33.25	33.25	
2 35 ea Only Legend	22.00	22.00	21.85	21.85	
3 35 ea Right Arrow & Left Arrow	16.00	16.00	19.95	19.95	
4 2 ea Straight Left Turn or Right Turn	29.00	29.00	33.25	33.25	
5 200 L.F. Stop bars (Local Rd.) - 12"	1.00	1.00	0.95	0.95	
6 330 L.F. Stop bars (Major Rd.) - 24"	2.00	2.00	1.90	1.90	
7 450 L.F. Cross walk (Major Rd.) -24"	2.00	2.00	1.90	1.90	
<b>ESTIMATED TOTAL OF PROPOSAL C:</b>		\$3,228.00	\$3,228.00	\$3,268.00	\$3,268.00
<b>PROPOSAL C -GRAND TOTAL- 2 YEARS</b>		Estimated Year 1 Unit Price	Estimated Year 2 Unit Price	Estimated Year 1 Unit Price	Estimated Year 2 Unit Price
		\$6,456.00	\$6,536.00		
<b>PROPOSAL D Polyurea</b>					
1 2 ea School Legend	90.00	95.00	90.00	95.00	
2 48 ea Only Legend	70.00	75.00	70.00	75.00	
3 48 ea Right Arrow & Left Arrow	65.00	70.00	65.00	70.00	
4 2 ea Straight left turn or right turn	80.00	85.00	80.00	85.00	
5 200 L.F. Stop bars (Local Rd.) - 12"	2.65	2.80	2.65	2.80	
6 330 L.F. Stop bars (Major Rd.) - 24"	5.25	5.60	5.25	5.60	
7 450 L.F. Cross walk (Major Rd.) -24"	5.25	5.60	5.25	5.60	
<b>ESTIMATED TOTAL OF PROPOSAL D:</b>		\$11,445.00	\$12,248.00	\$11,445.00	\$12,248.00
<b>PROPOSAL D -GRAND TOTAL- 2 YEARS</b>		Estimated Year 1 Unit Price	Estimated Year 2 Unit Price	Estimated Year 1 Unit Price	Estimated Year 2 Unit Price
		\$23,693.00	\$23,693.00		
<b>PROPOSAL E Tape</b>					
1 2 ea School Legend	125.00	140.00	135.00	140.00	
2 6 ea Only Legend	75.00	80.00	95.00	99.50	
3 3 ea Right Arrow & Left Arrow	70.00	75.00	90.00	95.00	
4 2 ea Straight left turn or right turn	140.00	150.00	135.00	141.75	
5 100 L.F. Stop bars (Local Rd.) - 12"	4.00	4.00	4.25	4.50	
6 100 L.F. Stop bars (Major Rd.) - 24"	8.00	8.00	8.50	9.00	
7 100 L.F. Cross walk (Major Rd.) -24"	8.00	8.00	8.50	9.00	
<b>ESTIMATED TOTAL OF PROPOSAL E:</b>		\$3,190.00	\$3,285.00	\$3,505.00	\$3,695.50
<b>PROPOSAL E -GRAND TOTAL- 2 YEARS</b>		Estimated	Estimated	Estimated	Estimated
		\$6,475.00	\$7,200.50		

Opening Date -- 7/11/08  
 Date Prepared -- 7/30/08 sl

CITY OF TROY  
 BID TABULATION  
 STREET PAVEMENT MARKINGS

ITB-COT 08-22  
 Page 2 of 2

VENDOR NAME:

\*\*

**R.S. Contracting Inc**

P.K. Contracting Inc

**PROPOSAL F MDOT Special Provisions**

- 1 1000 Recessing Pavement Marking
- 2 1000 Primerless Patterned 4" Tape

**ESTIMATED TOTAL OF PROPOSAL E:  
 PROPOSAL F -GRAND TOTAL- 2 YEARS**

**GRAND TOTALS OF ESTIMATED A - F  
 PROPOSAL A TO F -GRAND TOTAL- 2 YEARS**

CONTACT INFORMATION Hr of Operations  
 24 Hr Phone No.

COMPLETION SCHEDULE:  
 Cannot Meet - but offers  
 Can Meet

YEARS OF EXPERIENCE:

INSURANCE:  
 Cannot Meet  
 Can Meet

LIST OF EQUIPMENT Yes or No

PREQUALIFICATION REQUIREMENTS:  
 MDOT Classification:  
 Company Numerical Rating:

PROGRESS PAYMENTS:

TERMS:

WARRANTY:

EXCEPTIONS:

ACKNOWLEDGEMENT: Y or N

FORMS: Legal Status of Bidder Y or N  
 Non-Collusion Affidavit Y or N

Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
1.00	1.00	0.95	0.95
2.00	2.00	1.25	1.25
\$3,000.00	\$3,000.00	\$2,200.00	\$2,200.00
Estimated	<b>\$6,000.00</b>	Estimated	<b>\$4,400.00</b>
<b>\$ 66,823.00</b>	<b>\$ 69,607.00</b>	\$ 71,336.00	\$ 77,387.50
	<b>\$ 136,430.00</b>		<b>\$ 148,723.50</b>
Jim Valente		1-248-362-2130	
810-217-1659		248-640-4948	
By October 1st			
XX		XX	
25 yrs		29 yrs	
XX		XX	
YES		NO	
N3 & N96I		N39	
8102		46,000,000.00	
N/30		30 Days from Invoice	
N/30		Net 30	
Blank		Per MDOT	
Blank		NONE	
Yes		Yes	
Yes		Yes	
Yes		Yes	

\*\* DENOTES LOW TOTAL BIDDER

Susan Leirstein CPPB  
 Purchasing Director

**ATTEST:**

Emily Frontera  
 Laura Campbell  
 Linda Bockstanz



## CITY COUNCIL ACTION REPORT

July 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director  
Charles T. Craft, Chief of Police

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment

### **Background**

- On July, 16, 2008, bid proposals were received to provide two-year requirements of initial issue police uniforms and equipment for newly hired Police Department uniformed employees with an option to renew for two one-year periods.
- One-hundred and six (106) vendors were notified via the MITN system with two (2) bidders responding. One vendor was considered non-responsive for failure to include a bid surety check, as specified. One (1) statement of no bid was also received.
- Metropolitan Uniform Company, 3065 Orchard Lake Road, Keego Harbor, MI 48320, was the only bidder meeting specifications.
- Metropolitan Uniform Company agrees to provide initial issue police uniforms and equipment at an estimated cost of \$1,638.98 per employee. Tailoring charges are additional, at a cost of \$8.00 per flashlight pocket, shirt, (for up to 8 shirts), or pants, (for up to 3 pants).
- The Police Department hires the majority of new employees as replacements for retiring employees. The Department cannot predict the number of retirements or the need for replacement or additional employees during the length of this contract.
- For purposes of establishing this contract, the Police Department estimates hiring 10 employees per year.

### **Financial Considerations**

- Funds are available in the Police Department Uniform Patrol Clothing Allowance Account #101.301.12.315.7768.

### **Legal Considerations**

- The Purchasing Department competitively bid the initial issue of police uniforms and equipment through ITB-COT 08-23, as required by City Charter and Code.

July 18, 2008

To: Phillip L. Nelson, City Manager

Re: Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment

### **Policy Considerations**

- The competitive bid for the initial issue of police uniforms and equipment complies with Troy City Council's ongoing objective to minimize the cost and increase the efficiency and effectiveness of City government, as we pursue our continued goal of community safety. (Outcome I).

### **Options**

- City management and the Police department recommend awarding a two-year contract, with an option to renew for two one-year periods, for the purchase of initial issue police uniforms and equipment to the lowest acceptable bidder, Metropolitan Uniform Company of Keego Harbor, MI, who complies with the specifications for an estimated cost of \$1,638.98 per employee, plus tailoring charges of \$8.00 per flashlight pocket, shirt or pants at unit prices contained in the bid tabulation opened July 16, 2008.

G:/Bid Award 08-09 NewFormat/Award Standard Purchasing Resolution 2 –Police Uniform Initial Issue 08-08.doc

VENDOR NAME:

<b>Metropolitan</b>		
<b>Uniform Company</b>		
78968046		
\$2,500.00		

CHECK NUMBER  
 CHECK AMOUNT

ITEM	EST QTY	DESCRIPTION	PRICE/EA		
	EACH				
1.	2	<b>Navy Blue Ties</b> Dark Navy, 75% polyester, 25% wool, Mfr: Broome	\$ 2.99		
2.	4	<b>Shirts (Long Sleeve) w/Patches</b> Dark Navy, 65% Dacron 35% Rayon Mfr: Flying Cross	\$ 45.50		
3.	4	<b>Shirts (Short Sleeve) w/Patches</b> Dark Navy, 65% Dacron 35% Rayon Mfr: Flying Cross	\$ 41.50		
4.	3	<b>Duty Uniform Pants</b> 55% Dacron, 45% worsted wool Mfr: Fecheimer	\$59.99 / #34291 \$82.50 / #32260		
5.	1	<b>Pair of smooth toe oxford Shoes</b>	\$ 59.99		
6.	1	<b>Blauer Winter Duty Jacket</b> Navy blue, hip length Mfr: Blauer	\$ 189.99		
7.	2	<b>Silver Name Bars - Shirt</b>	\$ 3.99		
8.	1	<b>Sliver Name Bars - Jacket</b>	\$ 3.99		
9.	1	<b>Police Insignia Tie Bar</b>	\$ 5.99		
10.	1	<b>Fatigue Pants</b> Dark Navy blue - tactical twill fabric Mfr: Elbeco Styles: E614, E9614	\$ 44.99		
11.	1	<b>Fatigue Shirt w/Patches (Long Sleeves)</b> Mfr: Elbeco Styles: G074-3	\$ 35.00		
12.	1	<b>Fatigue Shirt w/Patches (Short Sleeves)</b> Mfr: Elbeco Styles: G964-3	\$ 34.99		
13.	1	<b>Garrison Hat w/tubular plastic grommet</b> Navy Blue, slouch style, round top Mfr: Keystone	\$ 34.50		
14.	1	<b>Raincoat, Black/Orange reversible</b> Mfr: Rainfair	\$ 48.99		
15.	1	<b>Raincover for Garrison Hat</b> Mfr: Rainfair	\$ 6.00		
16.	1	<b>Velcro Garrison Belt</b> Mfr: Bianchi Style: B8V	\$ 17.99		
17.	1	<b>Woodland Camo Fatigue Pants</b> (Academy Recruits Only) Any Mfr	\$ 19.99		
18.	2	<b>Tan Khaki Academy Uniforms</b> (Academy Recruits Only) Any Mfr	\$ 21.99		
19.	1	<b>Uncle Mikes Mirage Ultra Gunbelt</b>	\$ 32.00		

VENDOR NAME:

ITEM	EST QTY	DESCRIPTION	Metropolitan		
			Uniform Company		
			PRICE/EA		
20.	1	<b>Uncle Mikes Mirage Pro-3 Holster</b> Style: 6521-4 & 6521-5	\$	<b>62.50</b>	
21.	1	<b>Uncle Mikes Mirage Double Mag.Carrier</b>	\$	<b>19.99</b>	
22.	1	<b>Uncle Mikes Mirage Single Handcuff Case</b>	\$	<b>18.99</b>	
23.	1	<b>Uncle Mikes Mirage Key Holder</b>	\$	<b>11.99</b>	
24.	1	<b>Uncle Mikes Mirage 21" ASP Baton holder</b>	\$	<b>15.99</b>	
25.	1	<b>Uncle Mikes Mirage Chemical Spray holder</b>	\$	<b>16.99</b>	
26.	1	<b>Uncle Mikes Mirage Latex Glove Pouch</b>	\$	<b>13.99</b>	
27.	4	<b>Uncle Mikes Mirage Keepers</b>	\$	<b>2.00</b>	
28.	1	<b>Uncle Mikes Mirage Pouch Style Radio Hldr</b>	\$	<b>29.99</b>	
29.	1	<b>Uncle Mikes Mirage Flashlight holder</b>	\$	<b>12.99</b>	
30.	1	<b>Aluminum Ticket Book Cover</b>	\$	<b>17.00</b>	
31.	1	<b>Aluminum Possebox Clipboard</b>	\$	<b>20.99</b>	
32.	1	<b>Streamlight Stinger Flashlight</b>	\$	<b>79.99</b>	
33.	1	<b>Leather Badge Wallet</b>	\$	<b>20.99</b>	
34.	1	<b>21" ASP Baton</b>	\$	<b>59.00</b>	
35.	1	<b>Set of Handcuffs (Chain or Hinge)</b>	\$	<b>22.75</b>	
36.	1	<b>Garrison Belt with buckle (PSA's Only)</b>	\$	<b>18.99</b>	
<i>ESTIMATED TOTAL COST PER OFFICER:</i>			\$	<b>1,638.98</b>	
<i>ESTIMATED TOTAL-One Officer x 10 (Ten) =</i>			\$	<b>16,389.80</b>	
TAILORING CHARGES:			Flashlight Pckts \$8/ea		
			Tapping on Shirts		
			\$8.00/Each		
INVENTORY LOCATED AT			Value		
STORE LOCATION: W/I 25 Miles of Troy			\$500,000.00		
DELIVERY			Keego Harbor, MI		
TERMS			5 Miles		
WARRANTY			AS SPECIFIED - 10 BUSINESS DAYS ARO		
EXCEPTIONS			Net 30 Days		
			Per Manufacturers Warranty Policy		
			None		
ACKNOWLEDGEMENT: Y or N			Yes		

**DISQUALIFIED:**

Allie Bros. Inc. (Did not submit bid surety check with bid)

**BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**

**NO BIDS:**

Excellent Police Equipment

PROPOSAL: Two-Year Requirements of Police Uniforms (Initial Issue) with an Option to Renew for Two One-Year Periods

**ATTEST:**

Barbara A. Pallotta

Michael P. Lyczkowski

Julie Hamilton

\_\_\_\_\_  
 Susan Leirstein CPPB  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

August 5, 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 2: Lowest Bidders Meeting Specifications – Troy Daze Tents

### **Background**

- On August 1, 2008, bids were received to furnish and set up tents for the Troy Daze Festival.
- 18 vendors were notified via the MITN system with one vendor responding.
- Ace Canvas & Tent, 5644 W. Fort St., Detroit, MI 48209 was the only bidder to submit a bid, but was unable to quote on the larger tents.
- Staff solicited bids from two other known suppliers of large tents. Dial Tent & Awning Co. Inc., of Saginaw, the company that has provided the two large tents in the past will be able to provide the tents (1 – 80' x 100' and 1 – 80' x 240') again this year, at a cost of \$11,656.00, an increase of \$480.00 over last year's cost.

### **Financial Considerations**

- Funding for the rental and set up of tents for the Troy Daze Festival is available in the Parks and Recreation Community Fair Fund operating account #103.784.7942.

### **Legal Considerations**

- ITB-COT 08-28, to furnish and erect tents for the Troy Daze Festival was competitively bid and opened with one bidder responding.
- All bidders were given the opportunity to respond with their level of interest to provide and set-up various tents for the Troy Daze Festival.
- The awards are contingent upon the recommended bidders' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

### **Policy Considerations**

#### Outcome Statement III

- The Troy Daze Festival is an annual event celebrating the community.
- Business and community groups showcase their organizations under these tents at the event.

### **Options**

- City management and the Parks and Recreation department recommend awarding contracts to furnish all labor, materials, and equipment to set-up and take down tents for the Troy Daze Festival to the lowest bidders meeting specifications, Dial Tent & Awning Co. Inc., of Saginaw, MI, and Ace Canvas & Tent of Detroit for an estimated total cost of \$11,656.00 and \$5,255.00 respectively.

Price Quote  
Page 1 of 2

**City of Troy  
Magic of Fall/Troy Daze Festival**

The undersigned proposes to furnish Tents and Sidewalls for the 2008 Troy Daze Festival in accordance with the specifications attached hereto and to be considered a part hereof, at the following prices:

COMPANY NAME: Dial Tent And Awning

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
One (1)	80' x 100' tent (Entertainment)	\$ 3500.00	\$ 3500.00
One (1)	80' x 240' tent (Booths)	\$ 7700.00	\$ 7700.00
As Req.	Tent Stakes, with Plastic Covers	\$ 1.00	\$ 176.00
As Req.	Provide 140 lineal feet of additional sidewalls	\$ 2.00	\$ 280.00
<b>TOTAL PRICE</b>			<b>\$ 11,656.00</b>

PRICES: The prices quoted shall remain firm for 120 days or contract award, whichever comes first, except the contract awardee whose price shall remain firm through the specific Festival dates.

EXCEPTIONS: Any exceptions, substitutions, deviations, etc. from the City specifications and this proposal must be stated below. The reason(s) for the deviation, substitution, or exception are an integral part of this bid proposal.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TERMS \_\_\_\_\_ WARRANTY \_\_\_\_\_

DELIVERY DATE(S) \_\_\_\_\_

IMPORTANT: All City of Troy purchases require a MATERIAL SAFETY DATA SHEET, where applicable, in compliance with the MIOSHA "Right to Know" Law.

INSURANCE: The insurance requirements shall be in accordance with the attached SAMPLE INSURANCE CERTIFICATE. Insurance Certificates should be attached to the bid proposal at the time of bid submission.  
 We can meet the specified insurance requirements.  
 We cannot meet the specified requirements.  
 We do not carry the specified limits but can obtain the additional coverage at the cost of \$ \_\_\_\_\_.

COMPANY: DIAL Tent and Awning Company

ADDRESS 5330 Davis CITY Saginaw STATE MI ZIP 48604

TELEPHONE NUMBER (989) 793-0741 REPRESENTATIVE NAME Mike  
(please print)

SIGNATURE OF COMPANY REPRESENTATIVE: Mike MacFarlane

VENDOR NAME:

**\*\* Ace Canvas  
 & Tent, Inc.**

CHECK # 12197283906  
 CHECK AMOUNT \$100.00

ITEM	EST QTY	DESCRIPTION	UNIT PRICE		
1.	1	TENT, 80' X 100' (Entertainment)	N/A		
2.	1	TENT, 80' X 240' (Booths)	N/A		
3.	1	TENT, 10' x 10' (Outdoor Stage)	\$ 130.00		
4.	3	TENT, 20' x 20' (Info Booth)	\$ 160.00		
5.	2	TENT, 20' x 40' (Crafts, Dressing Tent)	\$ 250.00		
6.	1	TENT, 20' x 40' (Waffle Breakfast)	\$ 250.00		
7.	1	TENT, 40' x 100' (Photo/Student Art)	\$ 945.00		
8.	1	TENT, 60' x 80' (Ethnicity)	\$ 1,240.00	=> 60x90	
9.	1	TENT, 40' x 60' (Magic Entertainment)	\$ 630.00		
10.	1	TENT, 40' x 40' (Picnic Area)	\$ 600.00		
11.	2	Erect 20' x 40' Tents (Cart Storage)	\$ 140.00		
12.	2	Erect 20' x 20' Tents (HQ, Special Children)	\$ 100.00		
13.	As Required	Tent Stakes w/Plastic Covers	N/C		
14.	As Required	Provide 140 Lineal Feet of Additional Sidewalls	N/C		

**ESTIMATED TOTAL AWARDED ITEMS: \$ 5,255.00**

**INSURANCE:** Can meet XX  
 Cannot meet  
 Signed Y or N Yes

**SET UP & TEAR DOWN SCHEDULE:** Can meet XX  
 Cannot meet

**CONTACT INFO** Hrs of Operations 7:30AM to 4:00PM  
 24 Hr Phone # 313-842-3011

**DELIVERY REQUIREMENTS:** Set up Fri 9/5/08 & Mon 9/8/08  
 Tear down Monday, 9/15/08

**TERMS:** Net 30 days

**EXCEPTIONS:** Blank

**ACKNOWLEDGEMENT: Signed Y or N** Yes

**ATTEST:**

Debra Painter  
 Jeff Biegler  
 Linda Bockstanz

**\*\* DENOTES SOLE BIDDER**

PROPOSAL - Furnish, Set-Up, and Take Down Tents and Sidewalls for the 2008  
 Troy Daze Festival

Susan Leirstein CPPB  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

July 30, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills

### **Background**

- On July 21, 2008, bids were received and opened for ITB-COT 08-24 to provide thirteen (13) Commercial Treadmills for the Community Center. The bid included trading in the City's existing thirteen (13) Precor C956i treadmills.
- 27 vendors were notified via the MITN system with six (6) bid responses received from four (4) vendors.
- The bids were examined and compared to the bid specifications for the Matrix T5x treadmill.
- Of the six responses received, one (1) vendor withdrew their trade-in offer; and four responses with a lower overall net total cost did not meet bid specifications.
  - Commercial Fitness submitted two bids, one for the Sports Art T-670 and one for the Sports Art T-650 treadmill. Their bid included subcontracting out all service and repair work to an independent contractor. The City's specifications stated that all service and warranty work could not be subcontracted; and the successful bidder had to be able to service and repair the equipment with in-house personnel.
  - All Pro Exercise submitted an alternate bid for a Matrix T3x1. This bid was rejected due to the treadmills only having a 3hp motor as opposed to a 5hp that was the minimum required in the specifications.
  - Fitness Things Inc. proposed a CS 4.0 TRUE Treadmill. After reviewing the treadmill specifications, it was determined that the walking deck is 11½" off the ground compared to the Matrix at 8¼ ". This is an important specification for the Community Center since we have a large senior population that has expressed concern when stepping off our current treadmills that are 10¼" off the ground. Also, the TRUE treadmill doesn't have any preset program options (i.e. fitness test, hill climb, fat burner, etc.) like the Matrix and the treadmills used the past six years.

July 30, 2008

To: Phillip L. Nelson, City Manager

Re: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills

**Financial Considerations**

- The department has funds budgeted in the Parks and Recreation Community Center General Operating Supplies account # 101.751.31.755.7740.010.

**Legal Considerations**

- ITB-COT 08-24 to provide thirteen (13) commercial treadmills less trade-ins for the Troy Community Center was competitively bid as required by City Charter and Code.
- Vendors were given the opportunity to respond with their level of interest in providing the specified treadmills.

**Policy Considerations**

- The purchase of these machines will help the Community Center maintain the highest level of safe service that meets the public's physical fitness needs. (Goal I)

**Options**

- City management recommends awarding a contract to purchase and install thirteen (13) new commercial treadmills for the Troy Community Center to the lowest acceptable bidder meeting specifications, All-Pro Exercise, Inc. of Farmington Hills, MI, for an estimated net total cost of \$51,142.00 including trade-ins, at prices contained in the bid tabulation dated July 21, 2008.

G:\Purchasing\Bid Award 08-09 New Format\Award Standard Purchasing Resolution 2 - Treadmills 08-08.doc

VENDOR NAME:

<b>All Pro Exercise</b>	Promaxima	All Pro Exercise	Fitness Things
	Manufacturing, Ltd		Inc.

**PROPOSAL: TO FURNISH THIRTEEN (13) TREADMILLS, LESS TRADE-INS FOR THE TROY COMMUNITY CENTER**

**PROPOSAL:**

Furnish & Install thirteen Commerical Grade Treadmills in the Troy Community Center - Fitness Room in accordance with the specifications

**COMPLETE FOR THE SUM OF:**

<b>\$ 57,135</b>	<b>\$ 61,087</b>	<b>DMS (\$50,635)</b>	<b>DMS (\$54,275)</b>
------------------	------------------	-----------------------	-----------------------

Quoting On:  
 Manufactured by:  
 Model Number:

Treadmills	CV-8025T	(Alternate Bid) Treadmills	CS 4.0 True
Matrix	Promaxima/Stex	Matrix	True
T5X	8025T	T3Xi AC	CS 4.0

**AUTHORIZED DEALER:** Y or N  
 # of Years -

Y	Y	Y	Y
3 years	Blank	3 years	Blank

**LESS - TRADE-INS:**

Thirteen (13) Precor C956i Treadmills - (Aug 2005)

<b>\$ (5,993.00)</b>	<b>\$ (3,900.00)</b>	<b>DMS (\$5,993)</b>	<b>WITHDREW (\$6,500)</b>
----------------------	----------------------	----------------------	---------------------------

**NET TOTAL:**

<b>\$ 51,142</b>	<b>\$ 57,187</b>	<b>DMS (\$44,642)</b>	<b>DMS / WITHDREW (\$47,775)</b>
------------------	------------------	-----------------------	----------------------------------

**DELIVERY SCHEDULE:**

**Week of August 25, 2008**

Can Meet  
 Cannot Meet

X	X	X	X
---	---	---	---

**SERVICE FACILITY:**

Location  
 # of Miles  
 Response Time

Farmington Hills, MI	Houston, TX	Farmington Hills, MI	Plymouth, MI
25	1,000	25	37.8
24 Hours	24 Hours	24 Hours	48 Hours

**CONTACT INFORMATION:**

Names:  
 Hours of Operation  
 24 Hr. Phone Number

Dan Coyez	Richard Head	Dan Coyez	Kristen Szymanski Eric Miles
Donald King	8am-6pm M-F	Donald King	
9am-6pm M-F	8am-12pm Sat	9am-6pm M-F	10am-7pm
(800) 525-2739 x 13	(800) 231-6652 x 258	(800) 525-2739 x 13	(734) 891-0015

**WARRANTY: Y or N**

AC Motor Controller 3 yrs  
 Mileage Deck & Belt 3 yrs  
 All Parts & Labor 3 yrs  
 Free 2nd day Parts 3 yrs  
 Free Service call/travel 3 yrs  
 AC Motor 7 yrs

**INCLUDED IN BID PRICE:**

Y	Y	Y	Y
Y	Y	Y	Y
Y	Y	Y	Y
Y	Y	Y	Y
Y	Y	Y	Y
Y	Y	Y	Y

Additional Warranty Costs - Marked

Blank	Warranty Attached to Bid N/A	Blank	N/A
-------	---------------------------------	-------	-----

**INSURANCE:**

Can Meet  
 Cannot Meet  
 but offer - Additional Cost

X	X	X	X
---	---	---	---

**TERMS:**

Net 30	Net 30	Net 30	Net 30 Days
--------	--------	--------	-------------

**WARRANTY:**

**As Specified**

**DELIVERY DATE:**

**As Specified**

VENDOR NAME:

	<b>All Pro Exercise</b>	Promaxima	All Pro Exercise	Fitness Things
		Manufacturing, Ltd		Inc.
<b>EXCEPTIONS:</b>	Provided 2 bids	Attached to Bid	Provided 2 bids	Attached
	One exact spec, one alt	substituting & specs & warranty information	One exact spec, one alt	to Bid
<b>ACKNOWLEDGEMENT: Signed</b> Y or N	Y	Y	Y	Y
<b>ADDENDUM #1 Attached</b> Y or N	Y	Y	Y	N

ATTEST:

Debra Painter

John Hug

Julie Hamilton

**BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**

\_\_\_\_\_  
 Susan Leirstein CPPB  
 Purchasing Director

VENDOR NAME:

Commercial Fitness	Commercial Fitness		
-----------------------	-----------------------	--	--

**PROPOSAL: TO FURNISH THIRTEEN (13) TREADMILLS, LESS TRADE-INS FOR THE TROY COMMUNITY CENTER**

**PROPOSAL:**

Furnish & Install thirteen Commerical Grade Treadmills in the Troy Community Center - Fitness Room in accordance with the specifications

**COMPLETE FOR THE SUM OF:**

	<u>Alternate</u>		
DMS (\$62,556)	DMS (\$51,324)		
13 Treadmills	13 Treadmills		
Sports Art	Sports Art		
T670	T650		
Y	Y		
3 years	3 years		
DMS (\$12,675)	DMS (\$12,675)		
<b>DMS</b> (\$49,881)	<b>DMS</b> (\$38,649)		

Quoting On:  
 Manufactured by:  
 Model Number:

**AUTHORIZED DEALER:** Y or N  
 # of Years -

**LESS - TRADE-INS:**  
 Thirteen (13) Precor C956i  
 Treadmills - (Aug 2005)

**NET TOTAL:**

**DELIVERY SCHEDULE:**

Can Meet  
 Cannot Meet

<b>Week of August 25, 2008</b>			
X	X		

**SERVICE FACILITY:**

Location  
 # of Miles  
 Response Time

Farmington, MI	Farmington, MI		
12	12		
48 Hours	48 Hours		

**CONTACT INFORMATION:**

Names:  
 Hours of Operation  
 24 Hr. Phone Number

Bob Kujath	Bob Kujath		
8am-8pm M-F	8am-8pm M-F		
10am-2pm Sat	10am-2pm Sat		
(616) 723-3338	(616) 723-3338		

**WARRANTY: Y or N**

AC Motor Controller 3 yrs  
 Mileage Deck & Belt 3 yrs  
 All Parts & Labor 3 yrs  
 Free 2nd day Parts 3 yrs  
 Free Service call/travel 3 yrs  
 AC Motor 7 yrs

<u>INCLUDED IN BID PRICE:</u>			
Y	Y		
Y	Y		
Y	Y		
Y	Y		
Y	Y		
Y	Y		

Additional Cost Warranty - Marked

Blank	Blank		
-------	-------	--	--

**INSURANCE:**

Can Meet  
 Cannot Meet  
 but offer - Additional Cost

X	X		
---	---	--	--

**TERMS:**

Net 30 with PO	Net 30 with PO		
----------------	----------------	--	--

**WARRANTY:**

<b>As Specified</b>			
---------------------	--	--	--

**DELIVERY DATE:**

<b>As Specified</b>			
---------------------	--	--	--

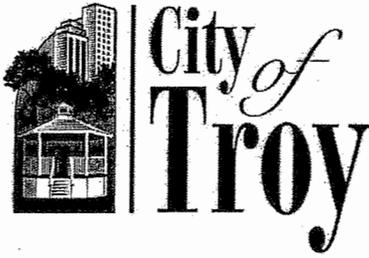
Opening Date -- 07/16/08  
 Date Prepared -- 08/1/08

CITY OF TROY  
 BID TABULATION  
 TREADMILLS

VENDOR NAME:

	Commercial Fitness	Commercial Fitness		
<b>EXCEPTIONS:</b>	Bid this as all or nothing	Bid this as all or nothing		
<b>ACKNOWLEDGEMENT: Signed</b> Y or N	Y	Y		
<b>ADDENDUM #1 Attached</b> Y or N	Y	Y		

G: ITB-COT 08-24 Treadmills - less trade-in



## CITY COUNCIL ACTION REPORT

August 4, 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 08-8 – Civic Center and Town Center Mill & Overlay

### Background:

- Bids were received and publicly read on August 4, 2008. The low bid of \$595,675.70 was submitted by Ajax Paving Industries, Inc., 830 Kirks Blvd., Suite 100, Troy, MI 48084, as shown on the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$772,873.00. The low bid is \$177,197.30 or 22.9% below the Engineer's estimate.
- Ajax Paving is a Troy based company and has completed numerous successful paving projects in the City of Troy.
- The work to be performed includes approximately 22,425 square yards of concrete pavement milling (grinding), 3,700 tons of asphalt overlay work plus various driveway replacements and ADA ramp and sidewalk replacements on the Civic Center site.
- Work is scheduled to begin by late August and be complete by late October, 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 health and safety of the community (Goal I).

- Add value to properties through maintenance of upgrades of infrastructure and quality of life venues (Goal II).

Options:

- It is recommended that City Council award a contract for the Civic Center and Town Center Mill & Overlay project to Ajax Paving Industries, Inc., 830 Kirts Blvd., Suite 100, Troy, MI 48084, for their low bid amount of \$595,675.70. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown pavement joint conditions after the milling operation that may need extensive repair work prior to placement of the asphalt overlay.

BID TABULATION  
CONTRACT 08-8  
CIVIC CENTER & TOWN CENTER  
CITY OF TROY  
OAKLAND COUNTY, MICHIGAN

Bids Due: August 4, 2008

**BIDDER**

**TOTAL AMOUNT OF BID**

Ajax Paving Industries	\$595,675.70
Florence Cement Company	\$646,784.67
ABC Paving Company	\$659,945.45
John Carlo Incorporated	\$692,690.25
Barrett Paving Materials	\$715,300.00
Nagle Paving Company	\$747,947.00
Asix Asphalt Paving	\$769,522.10
Cadillac Asphalt, L.L.C.	\$774,655.00



## CITY COUNCIL ACTION REPORT

August 5, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
Susan A. Leirstein, Purchasing Director  
Gert Paraskevin, Information Technology Director  
Steven J. Vandette, City Engineer *[Signature]*

SUBJECT: Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)

### Background:

- The City of Troy uses Microstation software (computer aided drafting program) for our civil design and computer aided drafting (CAD) needs.
- Microstation is used by six (6) city departments, including: Engineering, Traffic Engineering, Fire, Public Works and Building.
- Other software is used exclusively by the Engineering Department for survey work and sewer design, including: InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer.
- Bentley Systems, Inc. is the manufacturer of all of the above software and the sole provider of maintenance.
- The maintenance service contract for this software is purchased directly from Bentley Systems, Inc.
- The annual cost for the maintenance service contract is \$15,671.36, which is \$3,016.14 less than the previous contract due to renegotiation of the contract by city staff to be commensurate with the use of the software by city staff.
- The maintenance service contract includes all software fixes, updates and technical support through July 13, 2009.

### Financial Considerations:

- Funds are available in each department's 2008/09 budget in their respective computer software maintenance account.

### Legal Considerations:

- There are no legal considerations.

### Policy Considerations:

- Add value to properties through maintenance of upgrades of infrastructure and quality of life venues (Goal II).

### Options:

- It is recommended that City Council approve the proprietary maintenance service contract to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 at a cost of \$15,671.36 to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software from July 14, 2008 through July 13, 2009.



<b>Invoice</b>	
Invoice Number:	47171386A
Invoice Date:	8/1/2008
PO Number:	
Customer Number:	4010976
Currency:	USD
SELECT Vol Discount:	
SELECT Billing Period:	7/14/2008 - 7/13/09

<b>Billing Address</b> City of Troy Dan Michalec 500 W. Big Beaver TROY MI 48084 USA	<b>Shipping Address</b> City of Troy Dan Michalec 500 W. Big Beaver TROY MI 48084
---	---

<b>Remittance Information</b> Payment Terms : Net 30 Remit Payment To : PO BOX 828836 Philadelphia, PA 19182-8836 EIN: 95-3936623	<b>Federal Tax Identification</b>  <p style="text-align: center;"><b>95-3936623</b></p>
---	---

### Summary

Description	Qty	Unit Price	Gross Price	Discount/ Surcharge	Net Value
MicroStation SELECT Subscription	15	\$ 725.00	\$ 10,875.00		\$ 10,875.00
Bentley InRoads Survey SELECT Sub	1	\$ 300.00	\$ 300.00		\$ 300.00
Bentley InRoads SELECT Subscription	2	\$ 1,200.00	\$ 2,400.00		\$ 2,400.00
Product Sub, Bentley PowerSurvey PPA (8/18/08 - 7/13/09)	1	\$ 697.28	\$ 697.28		\$ 697.28
Product Sub, Bentley InRoads S & S PPA (8/18/08 - 7/13/09)	1	\$ 1,399.08	\$ 1,399.08		\$ 1,399.08

Bentley Systems Incorporated 685 Stockton Drive Exton, PA 19341-0678  
 Telephone (800) BENTLEY - #3 Fax (610) 458-2876



Invoice	
Invoice Number:	47171386A
Invoice Date:	7/24/2008
PO Number:	
Customer Number:	4010976
Currency:	USD
SELECT Vol Discount:	
SELECT Billing Period:	7/14/2008 - 7/13/09

### Summary Total

Total Excluding Tax	\$ 15,671.36
Total Tax	\$ -
Final Amount	\$ 15,671.36

Bentley Systems, Incorporated 685 Stockton Drive Exton, PA 19341-0878  
Telephone (800) BENTLEY - #3 Fax (610) 458-2876



# CITY COUNCIL ACTION REPORT

July 29, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PAP*

SUBJECT: Request for Approval of Purchase Agreement  
John R Road Improvements, Long Lake Road to Square Lake Road  
Project No. 02.203.5 – Parcel #15 – Sidwell #88-20-11-226-037  
Dynex Properties, Inc.

## Background:

- In connection with the proposed improvements to John R Road, from Long Lake Road to Square Lake Road, the Real Estate & Development Department received a purchase agreement from Dynex Properties, Inc. This parcel is located on the west side of John R Road, between Abbotsford and Square Lake Road in the northeast ¼ of Section 11.

## Financial Considerations:

- An appraisal was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$34,000, plus closing costs for the acquisition of the property described in the purchase agreement is a justifiable amount for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.022035.

## Legal Considerations:

- The format and content of the purchase agreement is consistent with documents previously accepted by City Council.

## Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Outcome Statements I, II and III)

## Options:

- City Management recommends that City Council approve the attached purchase agreement from Dynex Properties, Inc. so that the City can proceed with the acquisition of this right-of-way.

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Dynex Properties, Inc., a Michigan Corporation (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Thirty-Four Thousand and no/100 Dollars (\$34,000) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

---

---

---

---

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 29<sup>TH</sup> day of July, 2000.

In presence of:

*M. P. Baston*  
*Patricia A. Pettit*

CITY OF TROY (BUYER)

*Patricia A. Pettit*  
\_\_\_\_\_

SELLER:

*Catherine Dillon*

CATHERINE DILLON, President  
\_\_\_\_\_  
\_\_\_\_\_

## Exhibit "A"

Section 11, John R Widening Project  
Parcel: 88-20-11-226-037  
Parcel #15

### PARENT PARCEL #15 DESCRIPTION:

T2N, R11E, SECTION 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF NORTHEAST 1/4: BEGINNING AT A POINT DISTANT SOUTH 729.16 FT FROM NORTHEAST SECTION CORNER, THENCE SOUTH 280 FT, THENCE S 89°43'01" W 1328.53 FT, THENCE N 00°14'15" W 299.46 FT, THENCE N 89°41'38" E 669.79 FT, THENCE NORTH 93 FT, THENCE N 89°41'38" E 231.30 FT, THENCE SOUTH 108.42 FT, THENCE S 89°41'38" E 428.70 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 9.47 ACRES.

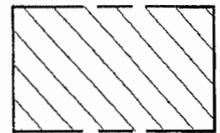
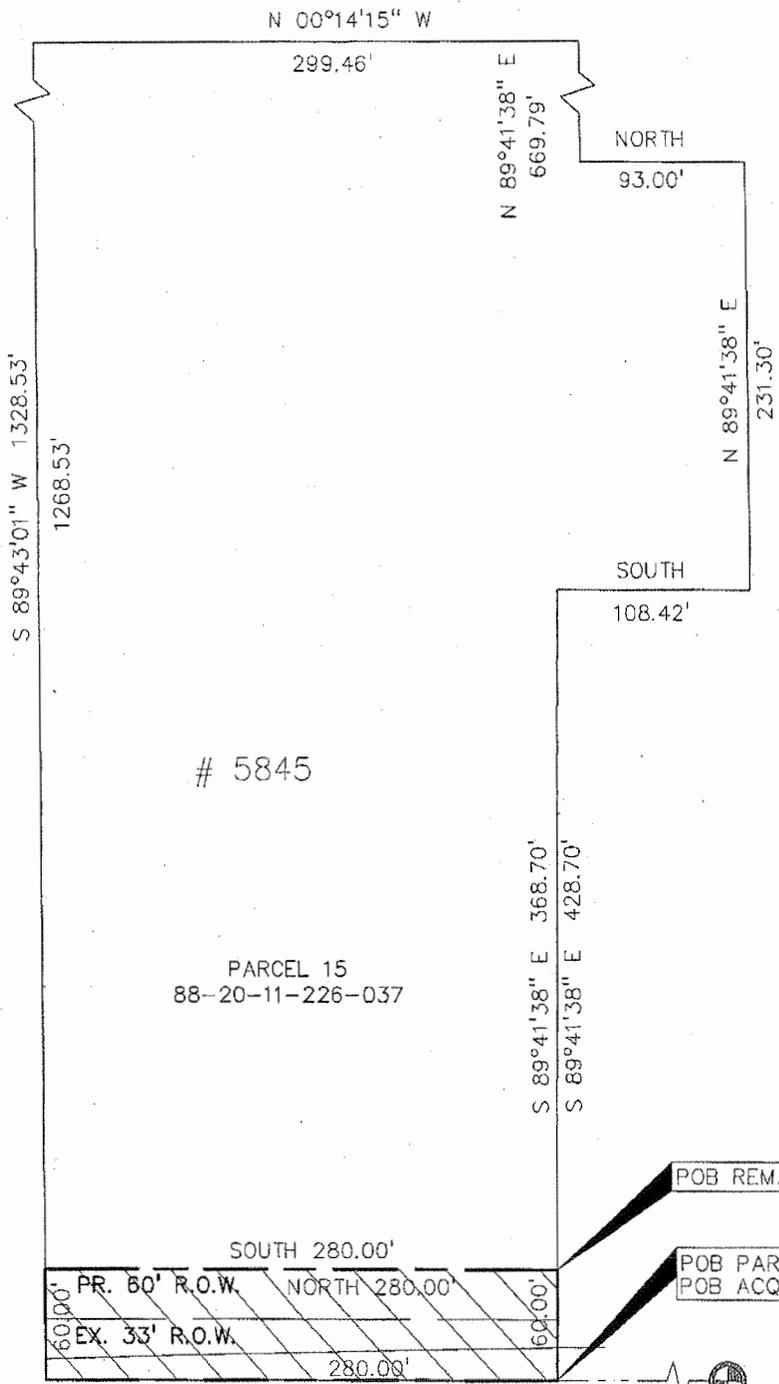
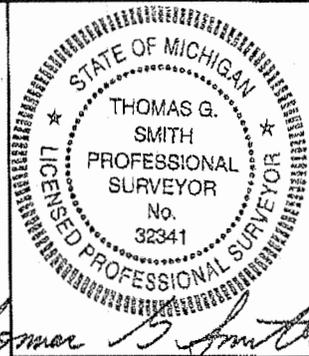
PARCEL #88-20-11-226-037

### REMAINDER PARCEL DESCRIPTION:

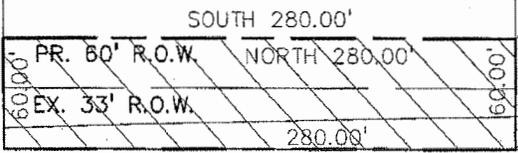
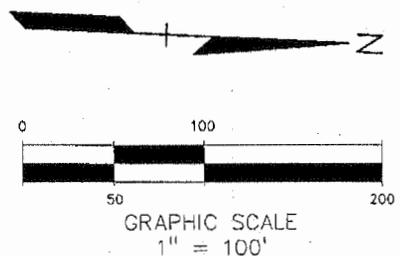
T2N, R11E, SECTION 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF NORTHEAST 1/4: BEGINNING AT A POINT DISTANT SOUTH 729.16 FT AND N 89°41'38" W 60.00 FT FROM NORTHEAST SECTION CORNER, THENCE SOUTH 280 FT, THENCE S 89°43'01" W 1268.53 FT, THENCE N 00°14'15" W 299.46 FT, THENCE N 89°41'38" E 669.79 FT, THENCE NORTH 93 FT, THENCE N 89°41'38" E 231.30 FT, THENCE SOUTH 108.42 FT, THENCE S 89°41'38" E 368.70 FT TO BEGINNING. CONTAINING 9.06 ACRES.

### PROPOSED RIGHT OF WAY ACQUISITION:

2N, R11E, SECTION 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF NORTHEAST 1/4: BEGINNING AT A POINT DISTANT SOUTH 729.16 FT FROM NORTHEAST SECTION CORNER, THENCE SOUTH 280 FT, THENCE S 89°43'01" W 60.00 FT. THENCE NORTH 280.00 FT, THENCE S 89°41'38" E 60.00 FT TO THE POINT OF BEGINNING ALSO KNOWN AS R.O.W. PARCEL #15, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 16,800 SQUARE FEET; 0.39 ACRES (GROSS) OR 7,560 SQUARE FEET; 0.17 ACRES (NET).



Right-of-Way Acquisition  
 Gross Area=16,800 sf; 0.39 AC  
 Net Area= 7,560 sf; 0.17 AC



JOHN R ROAD  
 (120' WIDE)

SOUTH 729.16' NE CORNER  
 SECTION 11  
 T2N-R11E

ORCHARD, HILTZ & McCLIMENT, INC.  
 34000 Plymouth Road  
 Livonia, MI, 48150 (734)522-6711

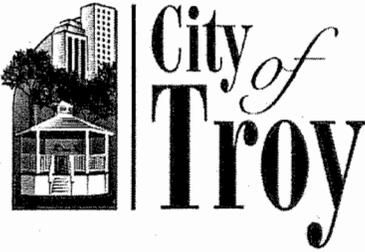
500 W. Big Beaver Rd.  
 Troy, Michigan 48064  
 (248) 524-3594  
 www.ci.troy.mi.us

5845 John R  
 Right-of-Way  
 Acquisition Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 100'	JRV	GWC	P15-SEC11 ROW
	1-27-06	2-17-06	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTIE		1 of 2	2002-234
CITY ENGINEER			

Document Prepared by  
 Professional Engineering  
 Associates, Inc.

3-06 DATE 1 REV.



## CITY COUNCIL ACTION REPORT

July 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
 Tim Richnak, Public Works Director *TR*  
 Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item – Approval of MDOT Contract No. 08-5205  
 Street Lighting System Beneath I-75 at Long Lake Road  
 Project No. 08.102.6

### Background:

- The Michigan Department of Transportation (MDOT) has started work on bridge repairs along I-75, from Maple Road to Crooks Road and M-24 to M-15 to the north.
- The proposed work at the Long Lake Road structure will require the removal of the existing street lighting system.
- Under this agreement, MDOT has agreed to reimburse the city for the cost of replacing the lighting system after the completion of the bridge work by MDOT.
- The lighting system will be replaced by Harlan Electric who has the current street light replacement contract with the city as approved by Resolution # 2006-10-381-E-4b
- Work on the street light system would not be anticipated to start until sometime in early 2009.

### Financial Considerations:

- The estimated construction cost is \$13,600.00.
- MDOT will participate in the cost of the project in an amount equal to 100 percent of the cost of the project and reimburse the city based on the actual cost of the work.
- Funds to complete the work prior to reimbursement will come from the Major Road Fund, account # 401.447.479.7989.081026.

### Legal Considerations:

- Contract No. 08-5205, as submitted, is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared when funding for the project is obligated and before actual costs are known. The city's actual cost will be reimbursed based on the actual cost incurred by the contractor's work within the parameters of the agreement.

### Policy Considerations:

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.

Options:

- Staff recommends that City Council approve the attached construction Contract No. 08-5205 with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of each agency for the replacement of the street lighting system under I-75 at the Long Lake Road structure. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

SPECIAL TRUNKLINE  
CONSTRUCTION  
BY LOCAL AGENCY

CAB  
Control Section IM 63174  
Job Number 86892A  
Federal Project # IM 0863(062)  
Federal Item # KK 1914  
CFDA No. 20.205 (Highway  
Research Planning &  
Construction)  
Contract 08-5205

PART I

THIS CONTRACT , consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the construction by the REQUESTING PARTY of street lighting work; together with necessary related work; all within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning construction work on Structures S11-1 of 63174 and S11-2 of 63174 which carry northbound and southbound Highway I-75 over East Long Lake Road within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT has determined that its construction work will require removal of the lighting system beneath these Structures S11-1 and S11-2; and

WHEREAS, the DEPARTMENT has determined it to be in the public interest to have the REQUESTING PARTY construct improvements in conjunction with its construction, said construction being hereinafter referred to as the "PROJECT" and being further described as follows:

Replacement of the street lighting system beneath Structures S11-1 of 63174 and S11-2 of 63174 which carry northbound and southbound Highway I-75 over East Long Lake Road; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT will participate in the cost of the PROJECT in an amount equal to 100 percent of the cost of the PROJECT, estimated to be \$13,600; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto approve of and shall undertake and complete the construction of the PROJECT in accordance with the terms of this contract. The term "PROJECT COST", as herein used, is hereby defined as the DEPARTMENT'S share of the cost of the physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT including construction engineering.

2. The REQUESTING PARTY shall cause to be performed all the PROJECT work. It is understood that portions or all of the PROJECT work will be placed under contract by the REQUESTING PARTY. The performance of the PROJECT work will be subject to the following conditions:

- A. The REQUESTING PARTY will advertise and award the contracted portions of the PROJECT work on a competitive bid basis.
- B. Concurrence by the DEPARTMENT will be secured by the REQUESTING PARTY prior to award of any contract for performance of the PROJECT work. The DEPARTMENT reserves the right to review the bids and to recommend rejection of the bids for the PROJECT work prior to the awarding of the contract thereof.
- C. The REQUESTING PARTY will design, or cause to be designed, the PROJECT, and shall accept full responsibility for that design. Any review undertaken by the DEPARTMENT shall not relieve the REQUESTING PARTY of its obligation hereunder.
- D. All work in connection with the PROJECT shall be performed in conformance with the DEPARTMENT'S current Standard Specifications for Construction, special provisions, and the supplemental specifications and plans pertaining to the PROJECT. All materials furnished and used in construction of the PROJECT shall conform to the aforesaid specifications.

The PROJECT work shall be performed in accordance with plans and specifications reviewed by the DEPARTMENT. No changes will be made to the plans and specifications reviewed by the DEPARTMENT which affect the PROJECT without the same being re-reviewed by the DEPARTMENT.

The DEPARTMENT'S review does not relieve the REQUESTING PARTY of meeting any applicable requirements of law or of other public bodies or agencies with respect to the design, construction, or operation of the PROJECT.

- F. The REQUESTING PARTY will comply with all applicable State, Federal and local statutes, ordinances and regulations, and obtain all permits that are required for the performance of the PROJECT work.
- G. The REQUESTING PARTY shall provide all construction engineering and inspection necessary for the PROJECT; however, the DEPARTMENT may, at its own expense, provide a competent inspector, together with necessary assistance, to assist the field representative of the REQUESTING PARTY in completing the PROJECT. Said inspector of the DEPARTMENT, acting through the REQUESTING PARTY'S engineer, shall have the right to reject any or all portions of the work which are not executed pursuant to the plans and specifications.
- H. Prior to the performance of any PROJECT work, the REQUESTING PARTY shall notify the Oakland TSC Manager, Michigan Department of Transportation at the following location when the work will commence so arrangements may be made, if necessary, to have an inspector present while the work is in progress.

Michigan Department of Transportation  
Paul Ajegba, Oakland TSC Manager  
2300 Dixie Highway, Suite 300  
Waterford MI 48328

- I. The REQUESTING PARTY shall require their contractor to provide standard Owner's Protective Public Liability and Owner's Protective Property Damage Liability Insurance with respect to the operations of its contractors or their subcontractors during the performance of the PROJECT work, naming the Michigan State Transportation Commission, the State of Michigan and the DEPARTMENT and its employees as insureds. The policy shall state that the DEPARTMENT must be given thirty (30) days written notice before said insurance is altered or cancelled.
  - (1) Standard Owner's Protective Public Liability Insurance providing for limits of liability of not less than One Million Dollars (\$1,000,000) for each occurrence with an aggregate of One Million Dollars (\$1,000,000) for the terms of the policy with respect to bodily injury or death.

- (2) Standard Owner's Protective Property Damage Liability Insurance providing for limits of liability of not less than One Million Dollars (\$1,000,000) for each occurrence with an aggregate of Two Million Dollars (\$2,000,000) for the terms of the policy with respect to property damage and physical damage to property.
- (3) Evidence of the above insurances is to be sent to the DEPARTMENT at the following address, prior to performance of the PROJECT work.

Michigan Department of Transportation  
Sandra Montes  
Oakland TSC Utilities-Permits Engineer  
2300 Dixie Highway, Suite 300  
Waterford MI 48328

- J. The REQUESTING PARTY shall secure a permit from the DEPARTMENT for the PROJECT work and shall conform with all DEPARTMENT permit requirements for any work to be performed on the state trunkline right-of-way.

No charge will be made by the DEPARTMENT to the REQUESTING PARTY for any inspection work on the PROJECT pursuant to the Supplemental Specifications of Permit Form 2205.

- K. The REQUESTING PARTY shall require their contractor to provide a Lien and Performance Bond for work on state trunkline right-of-way in accordance with existing law.

3. The PROJECT COST is presently estimated to be \$13,600 and shall be paid in its entirety by agencies of the federal government and the DEPARTMENT. In the event that the REQUESTING PARTY determines the PROJECT COST will exceed the estimate as set forth herein, the REQUESTING PARTY will advise the DEPARTMENT in writing and receive approval prior to the performance of such work.

4. In order to fulfill the obligations assumed by the DEPARTMENT under the terms of this contract, the DEPARTMENT shall make prompt payment to the REQUESTING PARTY for its share of the PROJECT COST upon execution of this contract and receipt of billing from the REQUESTING PARTY for work performed.

All billings submitted to the DEPARTMENT, for reimbursement for items of work performed under the terms of this contract, shall be prepared in accordance with the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be

submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number \_\_\_\_\_" or Final Billing".

Final billing under this contract shall be submitted in a timely manner but not later than twelve months after completion of the work. Billings for work submitted later than twelve months after completion of the work will not be paid.

5. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

6. Upon completion of construction, the REQUESTING PARTY shall operate and maintain the PROJECT at their cost and in accordance with existing procedures.

7. The REQUESTING PARTY agrees to comply with all applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended by 1995 PA 60, MCL 324.9101 et. seq., for all PROJECT work performed under this contract, and the REQUESTING PARTY shall require its contractors and subcontractors to comply with the same.

8. All work performed in connection with the PROJECT will be subject to the provisions of 1925 P.A. 17, Subsection 2, MCLA 250.62, but any reference to State Highway Commission shall be deemed to be the DEPARTMENT for the purposes of this section.

9. In addition to any protection afforded by a policy of insurance, the REQUESTING PARTY agrees to indemnify and save harmless the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and all officers, agents, and employees thereof:

- A. From any and all claims by persons, firms, or corporations for labor, materials, supplies or services provided to the REQUESTING PARTY in connection with the contract which the REQUESTING PARTY shall perform under the terms of this contract; and
- B. From any and all claims for injuries to, or death of, any and all persons, for loss of or damage to property, environmental damage, degradation, response and cleanup costs, and attorney fees or other related costs, arising out of, under, or by reason of this Agreement, including the design of the PROJECT, except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agents or employees.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

10. In the event that a contract for the PROJECT is not awarded within a period of two (2) years from the date of execution hereof, this contract shall be null and void.

11. The contracting parties do hereby agree to be bound by all of the provisions and conditions set forth in PART II hereof which are applicable to the PROJECT.

12. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

13. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the REQUESTING PARTY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

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

By \_\_\_\_\_  
Department Director MDOT

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

JRM APPROVED  
6/30/08  
*JRM*  
ASSISTANT  
ATTORNEY  
GENERAL

REVIEWED  
6-23-08  
CONTRACT ADMIN.

APPENDIX A  
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

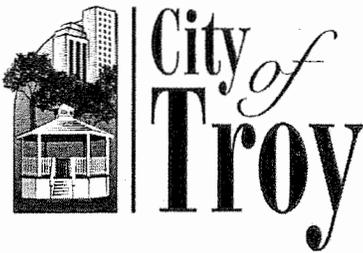
1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.



# CITY COUNCIL ACTION REPORT

July 23, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Traffic Committee Recommendations  
July 16, 2008

## Background:

The Traffic Committee considered this item at the July 16, 2008 meeting and made the following recommendations (minutes attached):

- Recommend that fire lanes be established at 1607 E. Big Beaver as shown in the attached sketch.
- Recommend that fire lanes be established at 6475 Rochester Road as shown in the attached sketch.

## Financial Considerations:

- There are no costs to the City. Fire lane signs are installed by the property owner.

## Policy Considerations:

- Troy has enhanced the health and safety of the community.

## Options:

- Council can approve or deny the recommendations.

A regular meeting of the Troy Traffic Committee was held Wednesday, July 16, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sara Binkowski  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Pete Ziegenfelder

ABSENT: John Diefenbaker  
Gordon Schepke  
(Sam) Yanting Jiang  
Lt. Eric Caloia, Troy Fire Dept.

Also present: Bill Huotari, Deputy City Engineer  
Lt. David Livingston, Troy Police Dept.  
Mike Johnson, 450 E. Square Lake Rd.

**RESOLUTION #2008-07-23**

Moved by Kilmer  
Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Schepke

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

**2. Minutes – April 16, 2008**

**RESOLUTION #2008-07-24**

Moved by Kilmer  
Seconded by Binkowski

To approve the April 16, 2008 minutes.

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

**PUBLIC HEARING**

**3. Request for Sidewalk Waiver – 674 Vanderpool**

Mike Johnson requests a waiver for the sidewalk at 674 Vanderpool. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing. There are utility poles and a ditch which would make sidewalk installation difficult (photos attached).

RESOLUTION #2008-07-25

Moved by Kilmer

Seconded by Hubbell

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and there are physical conditions which would make sidewalk installation difficult; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a waiver of the sidewalk requirement for the property at 674 Vanderpool, which is owned by Mike Johnson, until such time as physical conditions change.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

## REGULAR BUSINESS

### 4. Establish Fire Lanes at 1607 E. Big Beaver Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

#### RESOLUTION #2008-07-26

Moved by Hubbell

Seconded by Kilmer

Recommend establishing fire lanes/tow away zones at 1607 E. Big Beaver, as shown on the attached sketch.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

### 5. Establish Fire Lanes at 6475 Rochester Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

#### RESOLUTION #2008-07-27

Moved by Hubbell

Seconded by Kilmer

Recommend establishing fire lanes/tow away zones at 6475 Rochester Road, as shown on the attached sketch.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

### 6. Discussion of Sidewalk Waiver Process

Mr. Huotari has been working with the City Attorney's Office (CAO), and the Building Department and Public Works Departments to organize the sidewalk waiver procedures. He summarized the research he has done on all sidewalk waivers previously approved or denied. All information from three databases has been merged into one, and all sites have been inspected and photographed by the traffic technicians. Of the 178 waivers applied

for, 39 locations had sidewalks constructed, 32 were approved for an indefinite period of time, 59 were approved for a set time (many of which have expired), 32 were never required per Chapter 34, 14 were denied (six because the petitioner was not present at the hearing), and two are unknown and require further research. Those six may need to be reconsidered by the committee.

The City Attorney's Office will handle contacting the property owners whose waivers have expired, and will negotiate with any new owners of the properties in question. These will not have to be reconsidered by the committee.

Ms. Bluhm has drafted a new "Irrevocable Agreement Concerning Sidewalk Installation" to be executed by each petitioner, notarized and recorded with the Oakland County Clerk.

## 7. Discussion of Traffic Committee By-Law Revisions

City Attorney Lori Bluhm presented revised by-laws including a few minor changes and some additions requested by Mr. Ziegenfelder. She had these incorporated into a reference book distributed to committee members, also covering the subjects of: Freedom of Information Act, Open Meetings Act, Chapters 35, 34, 41 and 106 of the City Code.

### RESOLUTION 2008-07-28

Motion by Halsey

Seconded by Kilmer

To approve the revised by-laws as presented by the City Attorney.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

## 8. Public Comment

No one else wished to address the committee.

## 9. Other Business

There was extended discussion of procedural issues relating to the Traffic Committee. In the future, new members will be given copies of documents governing their role and responsibilities on the Committee, including, but not limited to, a city map, the Michigan Manual of Uniform Traffic Control Devices and a copy of the new sidewalk waiver procedures, when completed. Ms. Binkowski will forward some material she put together for the Dearborn Traffic Commission for the committee's possible use.

It was recommended by Ms. Bluhm that if a petitioner for a sidewalk waiver fails to attend the meeting, the issue should be postponed for a month, with a certified letter being sent to the petitioner as a reminder to attend. Additional mailings and legal ad are not required.

Mr. Kilmer asked Lt. Livingston to check Cherry Street between Plum and Hartshorn. He reports that there are cars parking there that impede school bus traffic.

Since Mr. Huotari is already preparing several items for action by the Committee, the members decided to meet in August. One item to be placed on the August 20 agenda will cover new signage at the Marketplace of Troy, at Big Beaver and Rochester.

10. **Adjourn**

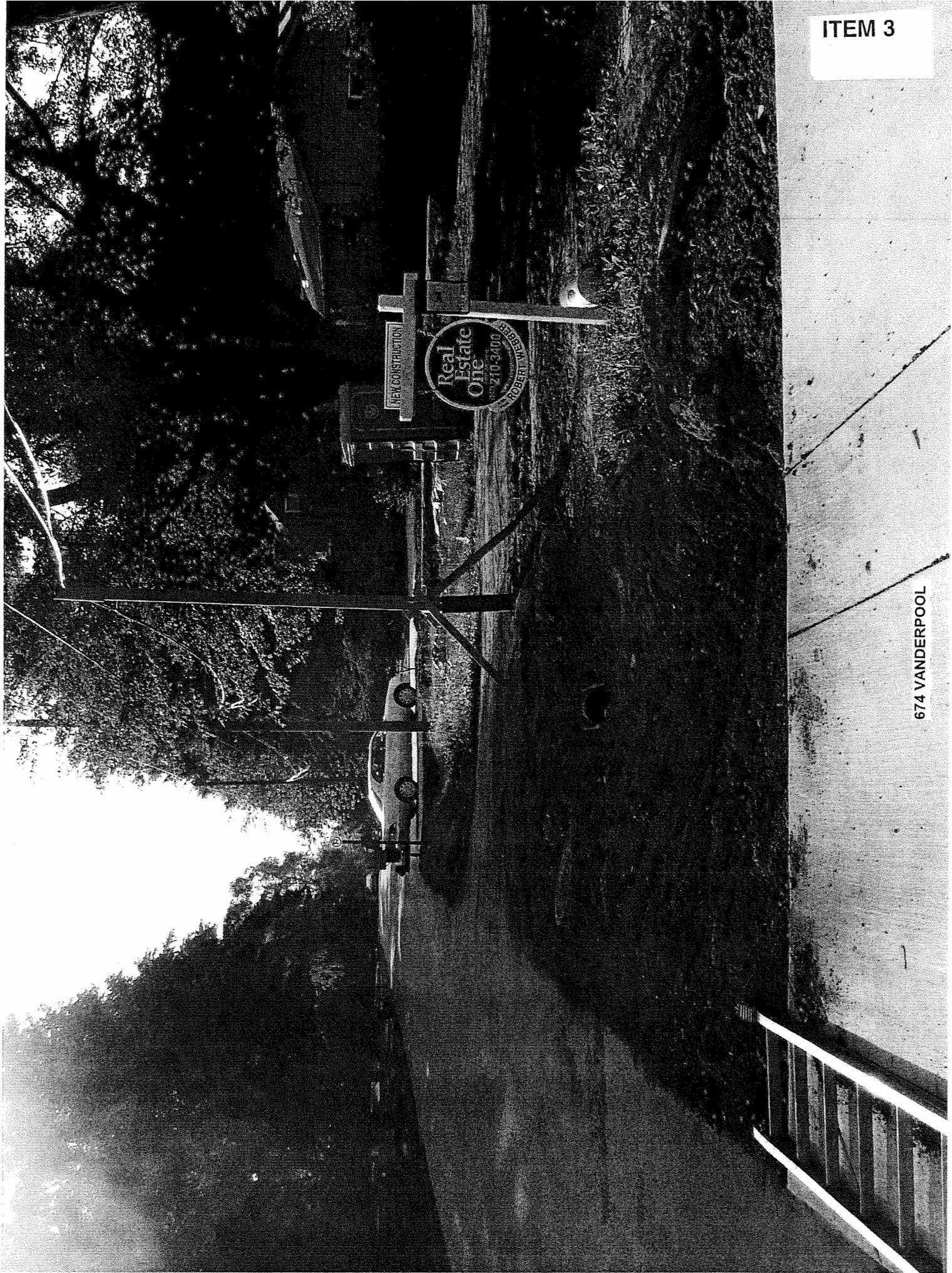
The meeting adjourned at 8:58 p.m.

---

Pete Ziegenfelder, Chair

---

Laurel Nottage, Recording Secretary

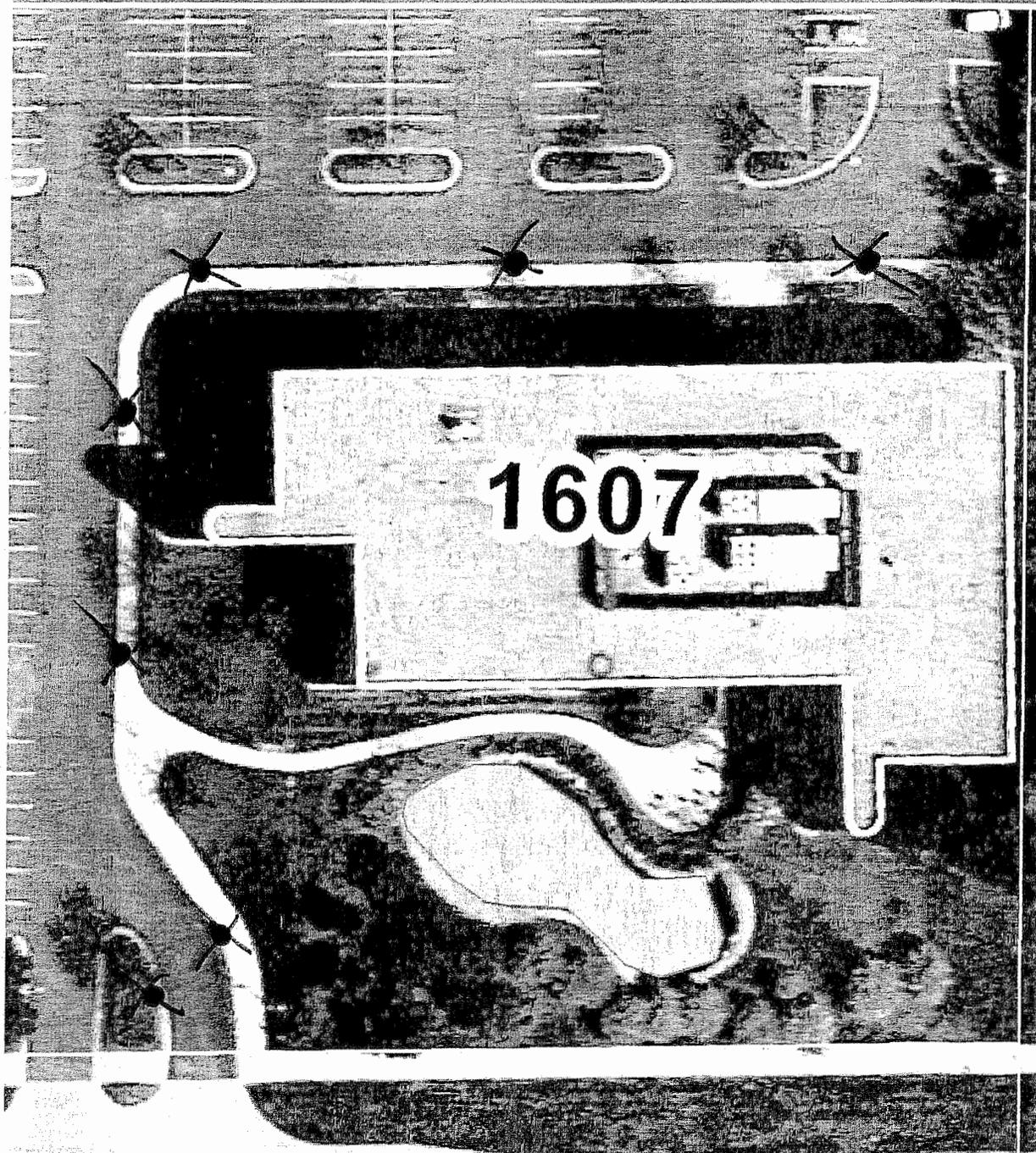


674 VANDERPOOL





# Geographical Information Systems Online



*FIRE LANE SIGN - APPROXIMATE LOCATION  
REFER TO SPECIFICATION SHEET*



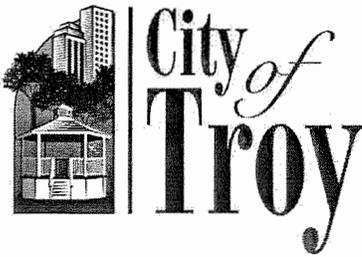
E BIG BEAVER

City of Troy - Michigan - Copyright (C) - 2008

0 43 Feet

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





## CITY COUNCIL ACTION REPORT

August 6, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services *MM for BPH*  
 Steven J. Vandette, City Engineer *SV*  
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Water main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-233-022

### Background:

- In connection with a Section 9 water main replacement project, the Real Estate Department has received a permanent easement for water main from Perry and Ramona Sankovich, owners of the property having Sidwell #88-20-09-233-022. The property is located at the southwest corner of Livernois and Florence.

### Financial Considerations:

- An appraisal was prepared by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser and Sr. Right-of-Way Representative. Staff believes that \$6,200 is a justifiable amount for acquisition of this easement.
- Funds for easement compensation are available in the 2008-09 Water Fund, account number 591.537.555.7972.015085.

### Legal Considerations:

- The format and content of this document is consistent with easements previously accepted by City Council.

### Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

### Options:

- City Management recommends that City Council accept the attached Permanent Easement for water main, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-09-233-022 (part of)
Resolution #

Perry J. Sankovich and Ramona Sankovich, husband and wife, Grantors, whose address is 25 Florence, Troy, MI 48098 for and in consideration of the sum of: Six Thousand Two Hundred and no/100 Dollar (\$6,200.00) 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 water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

That part of Lot 15 of "Supervisor's Plat No. 7", as recorded in Liber 45, Pager 21-21A of Oakland County, Michigan records being part of the Northeast 1/4 of Section 9, Town 2 North, Range 11 East, City of Troy, lying east of a line 60.00 feet west of and parallel to the east line of Section 9, except the North 25.00 feet taken for road purposes. Containing 4, 395 square feet or 0.095 acres, more or less.

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.

The property owner will be reimbursed for a Norway Maple removed for this project or that dies within two years of the date of this document, and as a result of our project. Reimbursement will be in the amount Five Thousand Three Hundred and Eighty dollars and no/100 (\$5,380.00).

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 signature(s) this 4th day of August A.D. 2008.

Perry J. Sankovich (L.S.)
\*Ramona Sankovich

STATE OF MICHIGAN )
COUNTY OF )

The foregoing instrument was acknowledged before me this 4th day of August, 2008, by Perry J. Sankovich and Ramona Sankovich, husband and wife.

PALWINDER VIRK
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jul. 10, 2012
Acting in the County of Washtenaw

Palwinder Virk
Notary Public, Washtenaw County, Michigan
My Commission Expires July 10, 2012
Acting in Wayne County, Michigan

Prepared by and when recorded return to:
Larysa Figol
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





## CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING

August 11, 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 August 25, 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, August 25, 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](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, August 25, 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](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**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**



## CITY COUNCIL REPORT

DATE: July 23, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West side of Crooks, North side of New King (5500 New King), Section 8 – O-M District

### Background:

- A public hearing is scheduled for this item for the August 25, 2008 City Council Regular meeting.
- The Planning Commission recommended Concept Development Plan Approval of PUD 13 at the July 8, 2008 Special/Study meeting.
- The applicant proposes a mixed-use development on the 6.16-acre parcel. The project includes a 5-story, 172-room hotel, with banquet facility and restaurant. The hotel is to be connected via ramped skywalk to 14 extended stay suites, which are located above a 14,000 square foot retail building (including a drive-thru). A stand-alone 3,400 square foot retail building (with a drive-thru) is also proposed on the site. Parking is to be provided using a combination of on-site at-grade parking, on-site decked parking, and shared spaces on adjacent parcels off-site.
- Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared a report summarizing the project and recommending Concept Development Plan Approval.
- The proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.
- The attached report was presented to the Planning Commission at the July 8, 2008 Regular meeting.

### Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.
- Concept Development Plan Approval will have the effect of rezoning the subject parcel to PUD 13.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 special Council meeting:
  - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
  - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the application for Concept Development Plan Approval.
- City Council can approve the application for Concept Development Plan Approval with conditions.
- City Council can deny the application for Concept Development Plan Approval.
- No action required until the August 25, 2008 Regular meeting.

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

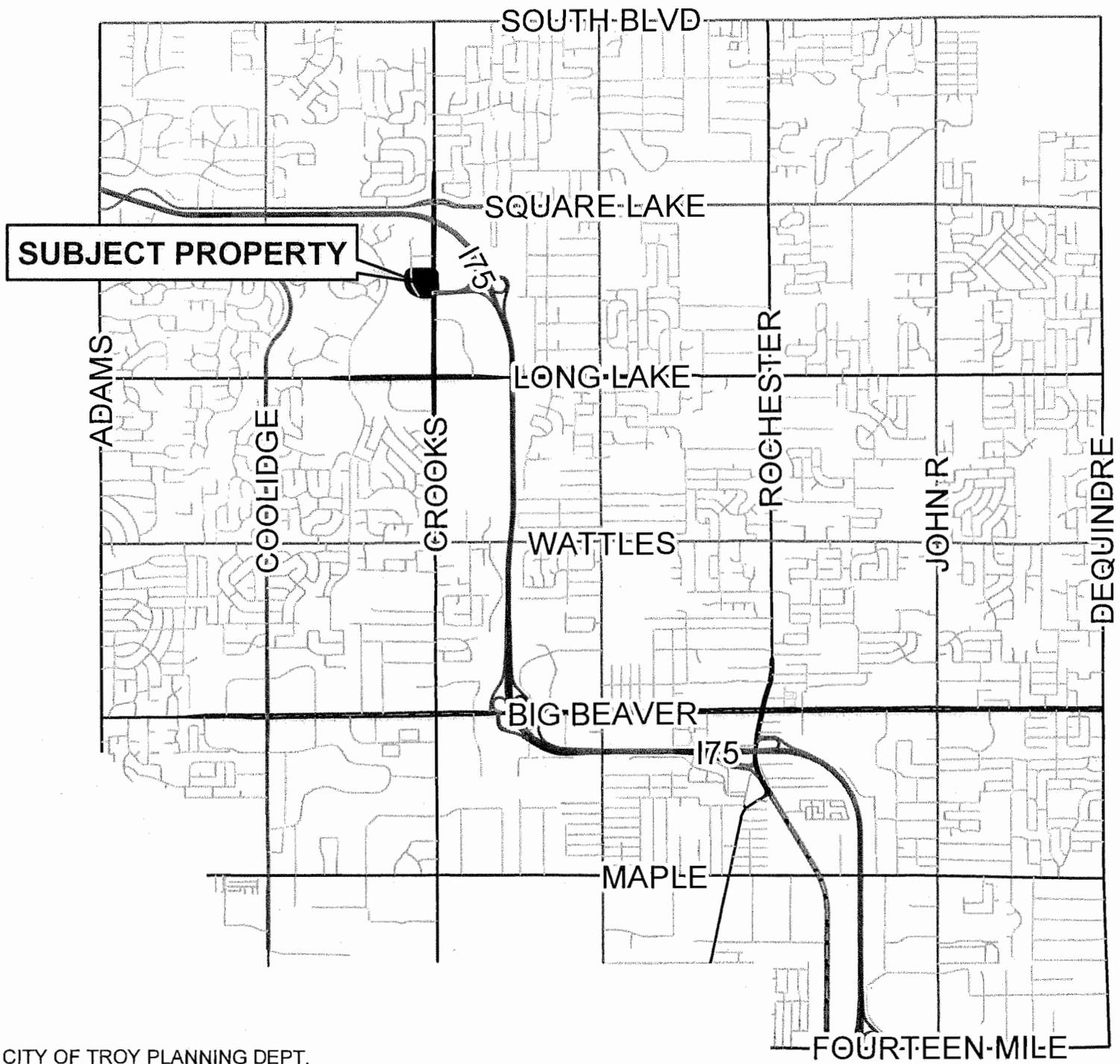
Attachments:

1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated July 1, 2008.
3. Draft PUD Agreement.
4. Traffic Impact Study Review prepared by HRC, dated May 5, 2008.
5. Traffic Impact Study Review (revised) prepared by HRC, dated May 28, 2008.
6. Planning Commission Minutes from the July 8, 2008 Regular meeting.
7. Public comment.
8. Troy Plaza PUD Conceptual Development Plan.

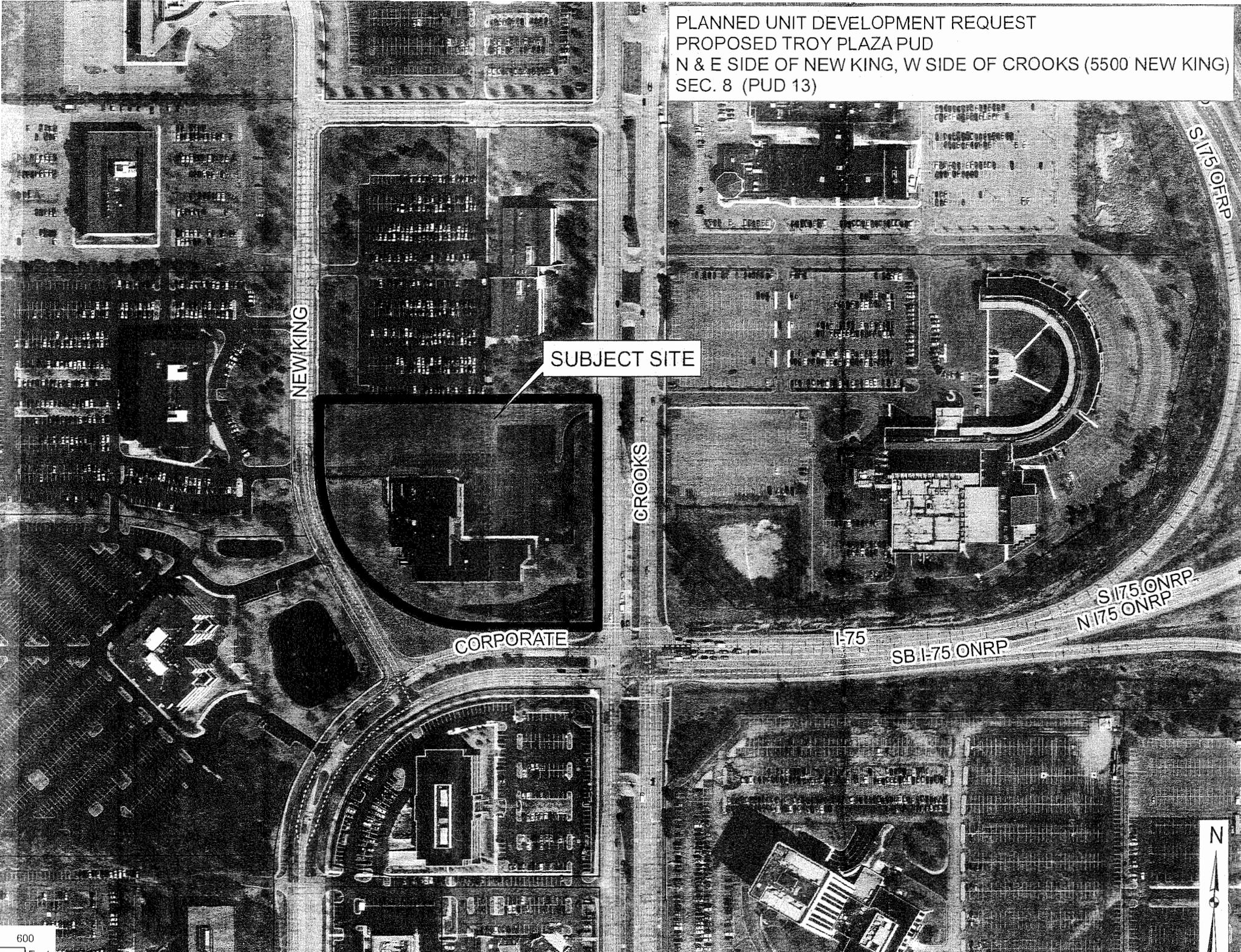
Prepared by RBS/MFM

cc: Applicant  
Richard Carlisle/CWA  
File /PUD 13

# CITY OF TROY



PLANNED UNIT DEVELOPMENT REQUEST  
PROPOSED TROY PLAZA PUD  
N & E SIDE OF NEW KING, W SIDE OF CROOKS (5500 NEW KING)  
SEC. 8 (PUD 13)



SUBJECT SITE

NEW KING

CROOKS

CORPORATE

I-75

SB I-75 ONRP

S I-75 ONRP  
N I-75 ONRP

S I-75 ONRP



PLANNED UNIT DEVELOPMENT REQUEST  
PROPOSED TROY PLAZA PUD  
N & E SIDE OF NEW KING, W SIDE OF CROOKS (5500 NEW KING  
SEC. 8 (PUD 13)



NEW KING

SUBJECT SITE

O-M

CROOKS

CORPORATE

I-75

SB I-75 ONRP

SI I-75 ONRP  
NI I-75 ONRP

OSC

B-2

O-1

600





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

605 S. Main, Suite 1  
Ann Arbor, MI 48104  
734-662-2200  
fax 734-662-1935

6401 Citation Drive, Suite E  
Clarkston, MI 48346  
248-625-8480  
fax 248-625-8455

Date: May 12, 2008  
Rev: July 1, 2008

## **Planned Unit Development/Site Plan Review For City of Troy, Michigan**

### **GENERAL INFORMATION**

<b>Applicant</b>	Ron Asmar, Tinelle Properties, LLC
<b>Project Name:</b>	Troy Plaza PUD
<b>Plan Date:</b>	April 10, 2008
<b>Revised:</b>	June 12, 2008
<b>Location:</b>	5500 New King Street, at the intersection of Crooks Road and Corporate Drive
<b>Zoning:</b>	O-M, Office Midrise
<b>Action Requested:</b>	<p>Planning Commission review and recommendation to the City Council for approval of the Concept Development Plan. The procedure for review and approval of a PUD is a three-step process:</p> <ul style="list-style-type: none"><li>• The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.</li><li>• The second step of the review and approval process is application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any</li></ul>

one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

**Required Information:** Deficiencies are noted throughout this review.

## **PROJECT, SITE DESCRIPTION, AND CONCEPT PLAN**

We are in receipt of a revised full conceptual submittal for the Troy Plaza mixed use PUD at the corner of Crooks Road and Corporate Drive. This revised conceptual plan has been provided in response to issues raised in our initial report on this project, dated May 12, 2008, a review provided to the City by Hubbell Roth and Clark, and the items discussed with the applicant at a meeting on May 20, 2008 at City Hall. We provided comments on a May 22, 2008 single sheet submittal demonstrating potential changes to the site plan in a memo dated May 28, 2008. The new full submittal incorporates changes demonstrated in the May 22 single sheet submittal.

Since the original full submittal, the applicant has made a number of changes to the conceptual plans that include:

- The proposed central driveway has been changed to two-way traffic for the entire length from the north to south boundary of the project. We support this change in that it will better allow for loading and unloading for the mixed-use building, safer entry and exit for the drive-through lanes, and a more logical and practical layout.
- The stacking lanes and circulation pattern for the proposed stand-alone building at the southeast corner of the property has been revised; it is now a 360 degree drive-through design, separating it from the other drive through stacking area along the west façade of the mixed-use building. We support this change in that it will no longer be necessary to circle around the large mixed-use building to access the drive-through and fewer conflicts with the drivers accessing the mixed-use building may occur.
- The proposed south driveway access to Corporate Drive has been moved west to expand the distance between the driveway and Crooks Road. This has also resulted in a reconfiguration of the driveway in the southern portion of the property, separating it from the parking lot at the southeast corner of the project. This has allowed the drive-through to exit into a parking area rather than the main north-south drive.

- The south driveway on New King Street has been relocated to be directly opposite the existing driveway on the west side of New King Street, resulting in a minor reconfiguration of the parking area there.
- The sidewalk network has been slightly revised in keeping with other changes and is now less impacted by the proposed drive-throughs as a result of their reconfiguration.
- A portion of the proposed parking spaces within parking easements on adjacent properties has been reduced to 306 spaces; however, the plans now indicate that 150 of those spaces will be available starting at 5 p.m.

The proposed Planned Unit Development (PUD) includes a 172 room hotel tower with a restaurant and banquet facility, a 14,000 square foot retail building with a drive through and 28 extended stay suites above, and a separate 3,400 square foot drive through restaurant building. The site is currently occupied by a vacant single-story structure and a surface parking lot. The site is 6.16 acres in area. The project is proposed in two phases.

Located on a site that is currently unused, the proposed project could supply lodging and meeting space for Troy businesses. While hotels and motels are permitted in the O-M District as uses subject to special use approval; they must meet a series of conditions. If developed under conventional zoning as a special land use, a hotel in the O-M District, they must be on a 5 acre or larger site, must have no less than 200 rooms or suites, have meeting room facilities accommodating 800 persons, and restaurant facilities accommodating a minimum of 250 persons. The 172 hotel rooms and 28 extended stay suites allow the project to meet the minimum number of rooms, and the site is over 5 acres in area. However, the proposed restaurant would house only 102 customers, and the proposed banquet facilities would accommodate only 700, therefore the project could not be permitted as proposed under current zoning.

The retail portion of the project would be permitted as a principal permitted use in the O-M District. While restaurants are also permitted in the O-M District, drive through facilities are not allowed, and therefore the retail and restaurant portion of the project could not be permitted as designed under the current zoning.

The project would also require a series of deviations from the dimensional and parking requirements of the O-M District. Given these proposed use and dimensional deviations, the applicant has elected to pursue PUD approval for this project.

*Items to be Addressed: None*

## **NEIGHBORING ZONING AND LAND USE**

The site is located within an existing O-M zone. A similar O-M District is located immediately south of the site across Corporate Drive. Two larger OSC District areas are situated on the north and south sides of the Interstate 75 interchange ramps on the east side of Crooks Road. The area to the north and to the west, across New King Street are zoned R-C, Research Center District.

Nearby land uses include a variety of office and research center uses, a small collection of retail establishments, and the Interstate. There are also existing hotels to the east on either side of the Interstate 75 ramp. A residential area is located to the west, on the opposite side of the office development immediately west of the site.

*Items to be Addressed: None*

## **MASTER PLAN**

The Master Plan designations for the site and surrounding area largely replicate current zoning. The subject site and immediate surrounding area is designated Office Research. Across Corporate Drive to the south is a small area planned for Office Service use. A combination of Mid-Rise Office, High-Rise Office, and Office/Research is located immediately east of the site across Crooks Road, surrounding the Interstate 75 ramp. Two elements of the proposed combination of uses, a hotel and retail, would be permitted as a special use and permitted use in the zoning districts associated with this future land use category, however, the drive through restaurants would not be permitted.

*Items to be Addressed: None.*

## **PUD STANDARDS**

The PUD provisions of the Zoning Ordinance are found in article XXXV. Criteria are set forth in Section 35.30.00 for consideration of a PUD project as a PUD. The following are our comments:

Section 35.30.00, A. The proposed development shall be applied for by a person or entity that has the legal right to execute a binding agreement concerning all process on the development.

*The application lists the owner as Ron Asmar, the applicant.*

Section 35.30.00, B.: The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met.

*The project includes a mix of uses. Given the current underlying zoning, O-M District, hotels and motels are permitted as a use subject to special use and retail and restaurant uses could be permitted as principal uses. However, conditions and specific requirements for these uses would not permit them to be developed as designed in this proposal without the PUD option.*

2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.

*The proposed hotel use does not constitute a public facility dedicated towards recreation transportation, safety or security. While the addition of a hotel use in the area may be a welcome addition for the adjacent office developments, and could contribute to the overall health of the surrounding development there, it does not specifically provide a public benefit which will directly enhance add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.*

3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations.

*The addition of a hotel in this area would contribute to the overall well being of the large-scale office developments in the area, as it would provide lodging for visiting professionals. This is especially true given the project's walkable design, easily access, and inclusion of a collection of restaurants and retail uses for visitors.*

*This project also includes a collection of other restaurant uses and retail spaces. The proposed mix of uses increases overall benefit of the project overall by providing dining and service, all within walking distance. The proposed combination of uses will be unable to meet all parking and dimensional requirements of the Ordinance under conventional zoning.*

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.

*The site is currently developed. The development would improve this condition by adding open space, landscaping, and stormwater management benefits.*

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.

*The project would improve on the existing conditions in this regard and does include small pockets of open space and landscaped areas. While it does not provide a great deal of open space, it does make effective use of the remaining open areas for stormwater management and for landscape features.*

*The project does include a useful pedestrian network, connecting the primary hotel to the extended stay suites via a skywalk. It also allows for effective, safe pedestrian access between the hotel and retail components, using a traffic island for a pedestrian respite point in order to bridge across the area adjacent the corner of the proposed stacking lanes. Given the high vehicle traffic likely to use this area, the surface pedestrian network takes an acceptable route between these major components of the site plan. Complements by the proposed skywalk, effective cross-access should be accommodated. The project also includes sidewalks around its entire perimeter, adequately connected to the uses within.*

6. Appropriate land use transitions between the PUD and surrounding properties.

*Given the nonresidential character of the area, we do not believe that any land use transition issues will be created by the development of a hotel, retail, and restaurants at this location and that the proposed project would be largely compatible with the overall area in terms of use.*

7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development.

*The project narrative and conceptual plan indicates that the project intends to promote green building techniques and low impact design. The conceptual plan indicates that green roofs will be part of the final design and that the project designers will seek LEED Certification for the project. Another benefit is the redevelopment of an underutilized surface parking lot and vacant building for a positive economic return, and which will improve the condition of the site with regard to permeability and stormwater management. The project includes bioswales designed to assist with pretreatment of stormwater runoff. Given the conceptual level of detail offered with this submittal, it is unclear what other green development practices are proposed by the applicant.*

8. Innovative and creative site and building designs, solutions and materials.

*The proposed PUD includes a hotel connected via a skyway to the upper level of a three-story structure. The connected upper level will house extended stay units, and will be located above retail and restaurant uses. The site plan includes an integrated parking structure, a thorough pedestrian network, and unprogrammed open space with distinct landscape features. This approach creates a compact, integrated development that maximizes the use of the property.*

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

*As noted in the previous response, this project does have a strong emphasis on street activity, mixed use, and pedestrians. It is designed to provide a gateway into the City of Troy and create a visually memorable landmark for the Interstate 75 exit. The proposed building designs are appropriate. The project provides an opportunity to maximize the impact this site has on the City, and bring maximum visibility to the uses on the site and in the immediate area.*

10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities.

*The City of Troy has retained a traffic consultant to provide a detailed review with regard to traffic impact and mitigation measures. Please refer to the section of this report entitled "site access and circulation."*

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;

*This project will be redeveloping what is a vacant structure and parking lot. Therefore, the project does allow for the positive redevelopment of an obsolete use.*

12. A complementary variety of housing types that are in harmony with adjacent uses;

*No permanent housing is proposed as part of this project.*

13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure.

*Please refer to comment #11 above.*

14. A development consistent with and meeting the intent of this Article; and will promote

the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area.

*As mentioned earlier, the proposed project represents a use which is complementary to the primary future land use designation for the area, and therefore meets the Master Land Use Plan designation.*

15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

- A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.

*The site plan includes conceptual drawings of the proposed buildings, but detailed drawings that adequately describe materials of construction have not yet been provided. The hotel tower and retail buildings appear to make extensive use of glass curtain walls and stone.*

- B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

*The project incorporates parking all around its perimeter. Two rows of parking are situated along Crooks Road. We support the incorporation of a parking structure and the concealment of the service drive and stacking areas for the proposed drive through uses.*

- C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

*Typical screening measures are shown on the site plan in the landscaping plans and detail sheets. Dumpster pads and loading and unloading areas are integrated throughout the project in accessible but unobtrusive areas.*

- D. The hours of operation of the proposed uses.

*Hours of operation for hotel uses are 24 hours a day, with typical busy times in the check-in and check-out windows. The retail and restaurant uses will likely have hours running until mid to late evening.*

- E. The location, amount, type and intensity of landscaping, and other site amenities.

*The submittal adequately describes the proposed concept landscaping plan.*

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to

the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

*Please refer to the section of this report entitled Parking and Loading. The project relies heavily on landbanked and shared parking to meet minimum requirements and anticipated demand.*

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

*As indicated earlier, the project does include bioswales. The project also includes a detention basin and an underground stormwater storage area to accommodate large rain events. The inclusion of green roofs in the project will also reduce the rate of stormwater runoff.*

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

*On the basis of the information provided all applicable laws and ordinances will be observed.*

*Items to be Addressed: None*

## **AREA, WIDTH, HEIGHT, SETBACKS**

The site slopes from west to east, allowing the buildings to be situated with offset heights. That is, the first story of the hotel building would connect via a skywalk to the second story of the extended stay suite and retail mixed use building.

The applicant has outlined a series of estimated anticipated deviations from the underlying dimensional requirements of the O-M District that are requested as part of this PUD submittal. The anticipated deviation would be an insufficient north setback. Only about 62 feet are provided, but 93 would be required, resulting in a proposed 31-foot encroachment into the setback along the north property boundary.

The dimensional requirements and proposed dimensions are as described on the following page:

	<u>Required:</u>	<u>Provided:</u>
<i>Lot Area</i>	5 acres	6.16 acres
<p><b>Setbacks:</b> 30 feet for all sides plus one additional foot for every foot in building height when the property abuts another non-residential property. (If a building is five stories or 75 feet in height, the minimum setback is 50 feet at the 4<sup>th</sup> story and above, with an additional foot for every foot of height above 30 feet when abutting a non-residential property.)</p>		
<i>New King Frontage</i>	Hotel: 50 feet plus 1 foot for every foot above 30 feet, in this case, 42.33, or 43 additional feet (at the 4 <sup>th</sup> story and above). A minimum of 93 feet of setback is required. For the single story building, 30 feet are required.	73 feet from the banquet center portico (first level), 93 feet from the main building The site plan meets the New King frontage setback.
<i>Crooks Frontage</i>	Three story mixed use building: 30 feet plus 1 foot for every foot above 30 feet, in this case, 13.33, or 14 additional feet. A minimum of 44 feet of setback is required. For the single story building, 30 feet are required.	103 feet. The site plan meets the Crooks Road setback.
<i>North Boundary</i>	Hotel: 50 feet plus 1 foot for every foot above 30 feet, in this case, 42.33, or 43 additional feet. A minimum of 93 feet of setback is required.	<b>62 feet. The site plan is deficient 31 feet from the required north boundary setback.</b>
<b>Building Height</b>	Minimum of 3 stories for 80 percent of the project; setback requirements are tiered for building higher than 30 feet.	<ul style="list-style-type: none"> <li>• Hotel: 5 stories</li> <li>• Mixed use building: 3 stories</li> <li>• Stand alone drive-through building: 1 story</li> </ul>

*Items to be Addressed: None.*

**PARKING, LOADING**

The applicant has submitted a description of proposed parking that requires the application of shared parking. Given the different peak demands for parking for the hotel, retail, restaurant and adjacent office uses, this does likely present a good opportunity to reduce overall surface parking and use the shared approach. The applicant has included a revised self-directed parking study in their submittal package.

The applicant's parking study and schedule provides the following information about parking for the proposed project:

Phase 1:

**87** required spaces

- Retail portion of mixed-use building: 14,000 square feet at one space per 200 square feet = 70 required spaces
- Retail portion of separate retail building: 3,400 square feet at one space per 200 square feet = 17 required spaces

**97** surface spaces provided in surface lots

Phase 2:

**695** required spaces

- Hotel: 200 rooms and 18 staff = 218 spaces required
- 102 seat restaurant at 1 space per 2 seats plus 1 space for every 10 seats = 61 spaces
- 2,100 square foot meeting rooms: 300 seats (7 square feet per person) at one space for every 2 seats (150 spaces) plus one space for every ten seats (30 spaces) for 180 required spaces.
- 5,900 square foot banquet rooms: 393 seats (15 square feet per person) at one space for every 2 seats (197 spaces) plus one space for every ten seats (40 spaces – the applicant's submittal incorrectly rounds down to 39) for 237 requires spaces.

**611** surface spaces provided in:

- surface lots (92 spaces)
- garage spaces (196 spaces)
- landbanked parking (17 spaces)
- parking easements for shared parking (306 spaces)

The total parking required for this project, including both phases, would be **782** spaces. The applicant has provided **708** spaces.

Given that parking for the proposed project cannot be met on the site due to constraints in the site's area, the applicant intends to utilize shared parking for the project. The proposed shared parking would total 306 spaces, 150 of which would be available for use between 5 p.m. and 2 a.m. on weekdays, and 156 of which would be available between 7 p.m. and 2 a.m. on weekdays. All 306 spaces would be available all day and night on weekends.

The applicant's parking study, conducted by Metro Transportation Group, concludes that the only period when the on-site parking would be exceeded by demand is between 6 pm and 7 pm (a 22 space deficiency) and when the banquet facility would be in use, after 7 pm. The study is based on The Institute of Transportation Engineers' *Parking Generation Manual* and on the Urban Land Institute's *Shared Parking* publication. In the case of the latter, the study takes into

account the time-of-day variations and peak hour demands of the proposed uses. Even though the proposed parking and shared parking would not meet minimum Ordinance requirements under conventional zoning, this study reveals that the parking proposed under the PUD option would be adequate to meet anticipated demand in that the peak hours of the various uses do not coincide.

The highest demand for parking could occur on a weeknight evening if the banquet center is occupied and hotel is full. The surplus parking provided by the shared parking easement (306 spaces) should now be sufficient to meet that peak hour demand in that a portion of those spaces would now be available starting at 5 p.m.

The two proposed drive through lanes include stacking areas. Both lanes provide at least 8 stacking spaces, meeting ordinance requirements. The applicant has significantly revised the layout of the proposed drive-throughs to reduce circulation conflicts and enhance efficiency.

*Items to be Addressed: None.*

## **SITE ACCESS AND CIRCULATION**

The existing site is served by a driveway on Crooks Road and a driveway on New King Street. The proposal includes four driveways in total, reusing the Crooks Road driveway in its current location. The remaining three driveways would be along the south and west portions of the site. The existing driveway on New King Street would be relocated to the extreme north end of the site, and a new driveway would be added close to the Corporate Drive and New King Street intersection. A final driveway would be added at the extreme south end of the site, off of Corporate Drive.

The City's traffic consultant, Hubbell Roth and Clark, issued an analysis of this project in a letter dated May 5, 2008. It states that the proposed reuse of the driveway to Crooks Road would be acceptable, but the remaining driveways raise concerns.

In response to Hubbell Roth and Clark, the applicant moved the new south driveway on New King Street to be directly opposite the existing driveway to the west, eliminating the potential inadequate offset condition. The proposed driveway on Corporate Drive was moved west, further from Crooks Road.

*Items to be Addressed: None.*

## **ESSENTIAL SERVICES**

The application includes a summary of proposed utility connections. The applicant intends to connect the site to the existing 8 inch water main on New King Street and provide a loop around the site. The on-site water system would then connect to the existing 12 inch water main in the greenbelt area along the north side of Corporate Drive.

A new 8 inch sanitary sewer line will connect to the existing 8 inch sewer line in the greenbelt area along the north side of Corporate Drive.

We defer to the City Engineer in this regard.

*Items to be Addressed: Consult with City Engineer with regard to water and sewer service.*

## **RECOMMENDATIONS**

We believe the innovative design and appropriate mix of uses included in this project largely complement the surrounding area. The PUD option allows the City to permit a compact, higher-density project that incorporates a number of complementary uses that would be highly beneficial in this office and research dominated area.

This revised submittal has addressed our primary concerns: parking, site access and internal circulation, through the use of revised drives and driveways, and by revising the shared parking plan to make a sufficient portion of those spaces available at 5:00 p.m. Therefore, we recommend the Planning Commission recommend to the City Council that the Concept Development Plan be approved.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

# 225-02-2603

RKC: zb

ATTACHMENT 3 – DRAFT PUD AGREEMENT

DRAFT PUD AGREEMENT  
TO BE PROVIDED AT PUBLIC HEARING



**HUBBELL, ROTH & CLARK, INC**  
**Consulting Engineers**

**Principals**  
George E. Hubbell  
Thomas E. Biehl  
Walter H. Alix  
Peter T. Roth  
Michael D. Waring  
Keith D. McCormack  
Curt A. Christeson  
Thomas M. Doran

**Senior Associates**  
Frederick C. Navarre  
Gary J. Tressel  
Lawrence R. Ancypa  
Kenneth A. Melchior  
Dennis M. Monsere  
Randal L. Ford  
David P. Wilcox  
Timothy H. Sullivan

**Chief Financial Officer**  
J. Bruce McFarland

**Associates**  
Thomas G. Maxwell  
Nancy M.D. Faught  
Jonathan E. Booth  
Michael C. MacDonald  
Marvin A. Olane  
Richard F. Beaubien  
William R. Davis  
Daniel W. Mitchell  
Jesse B. VanDeCreek  
Robert F. DeFrairi  
Marshall J. Grazioli  
Thomas D. LaCross  
Dennis J. Benoit

May 5, 2008

City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

Attn: Mr. William J. Huotari, P.E., Deputy City Engineer

Re: Troy Plaza – 5500 New King St.  
P.U.D. #13, North of Corporate Dr., West of Crooks Rd.  
Traffic Impact Study Review

HRC Job No. 20080307.02

Dear Mr. Huotari:

In accordance with your request, our office has reviewed the Traffic Impact Study for Proposed Troy Plaza Development (dated April 7, 2008) prepared by Metro Transportation Group, Inc.

The proposed development will be located on the site of the existing vacant building at 5500 New King St. The proposed development consists of a hotel totaling 172 rooms, which will include a 102 seat restaurant; 700 seat meeting and banquet facilities; 17,000 square feet of retail which includes two drive-thru restaurants; and 28 extended stay hotel rooms. The proposed development will be built in two phases, but for the purposes of the traffic impact study (TIS) the development was analyzed in one phase at total build out. The TIS indicates the projected site build out to be 2010. The TIS evaluated the impact of the proposed development on the surrounding intersections of: Crooks Road/Square Lake Road, Crooks Road/I-75 Ramps/Corporate Drive, Crooks Road/Tower Drive and Crooks Road/Long Lake Road. The TIS also evaluated the unsignalized intersection of New King Street and Corporate Drive.

The qualifications of the preparer were not provided. Traffic impact studies are required to be prepared by a professional engineer or planner who has at least three years of recent experience developing impact studies. The resume of the preparer should be provided.

Traffic volumes were collected at the study intersections and peak hours determined. Background traffic volumes were calculated to the build out year of 2010 based on 0.5% per year growth agreed upon by the City's Traffic Engineer.

Trip generation was calculated using the proper land use codes in the *ITE Trip Generation Manual*. Pass-by trips are expected for the retail land uses only. The TIS correctly accounted for pass-by trip reductions. The trip distribution methodology/assumptions were not well explained in the text, but based on knowledge of the surrounding area, the trip distribution assumptions adequately address local trip characteristics.

Level of service analysis was provided for existing, background and development scenarios. The traffic signals within the study area are controlled by SCATS, which is constantly monitoring traffic and adjusting the traffic signals to the traffic conditions.

Troy Plaza proposes the addition of two driveways to the existing site. The first is a proposed driveway on Corporate Drive that would not have adequate separation from the Crooks Road/I-75 Ramps/Corporate Drive intersection. The second is proposed driveway on New King Street. The existing site driveway on New King Street aligns with an office driveway on the west side of New King Street. This alignment is appropriate because it reduces traffic conflicts involving left turn movements and therefore reduces the potential for traffic crashes. The development proposes to remove this existing driveway and construct a new driveway approximately 100 feet to the north. The proposal to offset the driveways would increase conflicting traffic movements and increase the potential for traffic crashes. The existing New King driveway location should be retained. The additional driveways proposed are not necessary to handle the traffic expected to be generated by the proposed site.

The driveway to Crooks Road should be designed to Road Commission for Oakland County standards (i.e., width, radii, etc.). The New King Street drive should be designed to City Development/Engineering Standards. The storage for each drive-thru must accommodate 9 vehicles (one vehicle at the window and stacking for 8 additional vehicles) using a 25 feet vehicle length in accordance with Section 22.25.01 of the Zoning Ordinance.

A capacity analysis was conducted using Synchro, v.7, software. The traffic signal at the Crooks Road/I-75 Ramps/Corporate Drive intersection is operating at a failing level of service under existing traffic volumes during both the AM and PM peak periods. Existing traffic on eastbound Corporate Drive backs up past the intersection with New King Street during the PM peak period, thus it is unclear if traffic exiting the proposed development will find gaps to turn left onto Corporate Drive from New King Street during the PM peak hour.

The addition of an exclusive left turn lane for eastbound Corporate Drive at Crooks would improve operations at this intersection. The addition of an eastbound exclusive left turn lane improves delay for eastbound traffic entering I-75 by 45.3 seconds per vehicle from the proposed Metro base signal timing plan. The prohibition of eastbound left turns from Corporate Drive would improve the operations of the intersection by redirecting the left turns to the Crooks Road crossover south of Corporate Drive. The prohibition of left turns improves delay for eastbound traffic entering I-75 by 25.3 seconds per vehicle from the proposed Metro base signal timing plan. Prohibiting the eastbound left turn improves peak hour operations without eliminating the traffic island on Corporate Drive.

The TIS recommends optimizing the default signal timing for the Crooks Road/I-75 Ramps/Corporate Drive intersection. Metro's optimization of this intersection's signal timing improves the overall intersection level of service for both the AM and PM peak periods but Corporate Drive and the I-75 Ramps get less green time while Crooks Road gets more green time. As a result, Corporate Drive backs up half way to Long Lake Road. HRC does not agree that the proposed "optimization" is an appropriate signal timing plan.

## Recommendations

Troy Plaza proposes the addition of two driveways to the existing site and relocation of a third driveway. The proposed Corporate Drive driveway and second New King Street driveway should not be approved. The existing site driveways are adequate to handle development traffic. The existing driveway to New King Street should be retained at its current location.

The prohibition of eastbound left turns from Corporate Drive to Crooks is the preferred mitigation required to improve the operations of the intersection. The prohibition of left turns improves delay for eastbound traffic entering I-75 by 25.3 seconds per vehicle from the proposed Metro base signal timing plan.

The planned unit development agreement needs to address any parking variance or parking management plan required by the proposed development.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

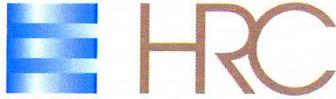
HUBBELL, ROTH & CLARK, INC.

A handwritten signature in black ink that reads 'Colleen L. Hill'.

Colleen L. Hill, P.E., PTOE  
Transportation Project Engineer

CLH

pc: HRC; File



**HUBBELL, ROTH & CLARK, INC**  
**Consulting Engineers**

**Principals**  
George E. Hubbell  
Thomas E. Biehl  
Walter H. Alix  
Peter T. Roth  
Michael D. Waring  
Keith D. McCormack  
Curt A. Christeson  
Thomas M. Doran

**Senior Associates**  
Frederick C. Navarre  
Gary J. Tressel  
Lawrence R. Ancypa  
Kenneth A. Melchior  
Dennis M. Monsere  
Randal L. Ford  
David P. Wilcox  
Timothy H. Sullivan

**Chief Financial Officer**  
J. Bruce McFarland

**Associates**  
Thomas G. Maxwell  
Nancy M.D. Faught  
Jonathan E. Booth  
Michael C. MacDonald  
Marvin A. Olane  
Richard F. Beaubien  
William R. Davis  
Daniel W. Mitchell  
Jesse B. VanDeCreek  
Robert F. DeFrain  
Marshall J. Grazioli  
Thomas D. LaCross  
Dennis J. Benoit

May 28, 2008

City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

Attn: Mr. William J. Huotari, P.E., Deputy City Engineer

Re: Troy Plaza – 5500 New King St.  
P.U.D. #13, North of Corporate Dr., West of Crooks Rd.

HRC Job No. 20080307.02

Dear Mr. Huotari:

In accordance with your request, our office has reviewed the revised plan for Proposed Troy Plaza Development (emailed on May 22, 2008) prepared by Moiseev/Gordon Associates, Inc. In general, the number of driveways to the site should be minimized to reduce traffic conflict points and thus reduce the potential for traffic crashes, the revised site plan appears to have mitigated several initial concerns with the additional driveways. Based on the revised site plan we have the following comments:

- The proposed driveway to Corporate Drive has been moved further away from the intersection of Corporate Drive and Crooks. The driveway on Corporate Drive is also located in a right turn lane to New King Drive. The increased distance from Crooks and the driveway being located in a right turn lane both help to minimize the potential for rear end crashes.
- The new driveway on New King aligns with the driveway from 5505 New King. Aligning the driveways reduces the potential for left turns from one driveway blocking the other driveway.
- Drive thru operations for the stand alone building in the southeast corner of the site have been modified to make the drive thru readily accessible for customers that enter the site from Corporate Drive.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Colleen L. Hill, P.E., PTOE  
Transportation Project Engineer

pc: City of Troy; Mark Miller, Brent Savidant  
Moiseev/Gordon Associates, Inc.; Robert Cliffe, Michael Gordon

Y:\200803\20080307\Design\Corrs\02ltr\_PUD13.doc

555 Hulet Drive, PO Box 824  
Bloomfield Hills, Michigan 48303-0824  
Telephone 248 454 6300 Fax 248 454 6312  
www.hrc-engr.com

Engineering. Environment. Excellence.

---

## PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – 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 gave a short summary of the proposed project.

Zak Branigan of Carlisle/Wortman Associates, Inc. reported on the revised submittal. He addressed the revisions relating to parking, site access and internal circulation. He said it is their recommendation that the Planning Commission recommend to the City Council approval of the Concept Development Plan for Troy Plaza New King PUD.

Michael J. Gordon of Moiseev/Gordon Associates (MGA Architects), 818 W. Eleven Mile Road, Royal Oak, was present to represent the petitioner. He introduced those present: the petitioner, Frank Asmar of Tinelle Properties; project architect, Robert Cliffe of MGA Architects; legal counsel, Alan Greene of Dykema Gossett; civil engineer, Scott Chabot of Giffels Webster Engineering; and transportation engineer, Dylan Foukes of Metro Transportation Group. Mr. Gordon gave a PowerPoint presentation and displayed different views of the project. He specifically addressed the water feature, banquet facility and extended stay hotel features.

### PUBLIC HEARING OPENED

Robert Wineman of Etkin Equities, 29100 Northwestern Highway, Southfield, was present. Mr. Wineman said they are significant property owners of office space in the area of the proposed project. He gave a history of their interest in the surrounding property and discussions they had with City staff approximately twelve years ago. Mr. Wineman voiced opposition to the proposed PUD as relates to the proposed retail. He said their opposition is based upon former conversations and agreements, verbal and otherwise, they had with City representatives relative to what they collectively envisioned for this portion of the City. Mr. Wineman addressed a potential for an oversaturated market and a potential competitive market as relates to existing tenants in the area.

Mr. Maxwell addressed the potential retail competition as relates to the size of the proposed establishments and the possibility that new retail could be complimentary to the existing retail. He asked if Mr. Wineman could substantiate that the proposed PUD would have a direct adverse affect on existing retail in the area.

Mr. Wineman said retail establishments in intense office areas focus on service-oriented types of establishments such as coffee purveyors and food users. He contended those uses are currently captured in that marketplace. Mr. Wineman considers the square footage of the proposed retail relatively large in comparison to the existing retail.

Bill Wylonis, General Manager of Emmes Realty Services, was present. He represented five buildings in the area (5600 New King, 5750 New King, 5505 Corporate, 5555 New King, and 5607 New King). Mr. Wylonis specifically addressed concerns with daytime parking in the area. To his knowledge, he said there has been no approval given for additional parking at those office buildings.

Mr. Tagle said the Planning Commission is in receipt of a letter from Emmes Asset Management out of New York under the signature of Audris Shau. The letter states that Tinelle Properties can use parking spaces on three of those office locations (5600 New King, 5555 New King and 5505 Corporate) on certain days and at certain times.

#### PUBLIC HEARING CLOSED

Mr. Tagle asked the petitioner to address the project's construction phases.

Mr. Gordon replied construction would not be in phases. It is their intent to construct under a single building permit. He said that because the retail portion would be completed and occupied prior to the completion of the hotel construction, a temporary front desk check-in area would be provided for extended stay hotel guests.

Mr. Tagle asked the petitioner to address parking on the site and adjacent properties.

Mr. Gordon said retail, hotel and extended stay guests would park on the property. Staff, banquet users and the valet service would use parking on adjacent properties.

Mr. Vleck addressed parking agreements in relation to preliminary and final PUD approval. He also suggested that gateway signage would be a positive addition in the approval process of the project.

Chair Schultz agreed. He said the project's location at an expressway entrance/exit is more or less a major gateway to the City.

Mr. Tagle asked for clarification on a comment in the Carlisle/Wortman report stating that retail hours of operation could run until mid to late evening. He asked if there were any concerns or issues should there be a 24-hour retail operation.

Mr. Branigan said there are no concerns with a 24-hour retail operation as relates to residential or parking.

**Resolution # PC-2008-07-084**

Moved by: Vleck

Seconded by: Tagle

**RESOLVED**, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Tinelle Properties LLC for the Troy Plaza Planned Unit Development (PUD 13), located on the west side of Crooks and the north side of New King, Section 8, within the O-M zoning district, being approximately 6.16 acres in size; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated July 1, 2008 that recommends Concept Development Plan approval of Troy Plaza Planned Unit Development; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends that Concept Development Plan Approval for Troy Plaza Planned Unit Development be granted.

Yes: All present (7)

Absent: Strat, Wright

**MOTION CARRIED**

June 6, 2008

VIA E-MAIL & FIRST CLASS MAIL

Mr. Mark Miller  
CITY OF TROY  
500 West Big Beaver Road  
Troy, MI 48084

REC'D

JUN - 9 2008

PLANNING DEPT.

Re: Proposed Market Place North  
5500 New King Street  
Troy, Michigan

Dear Mark:

I am writing on behalf of ownership of the Northfield Point office building, Northfield Marketplace, Northfield Point East (the Chrysler Financial office building), and the Timberland Office Park to express our objection to the proposed Planned Urban Development ("PUD") permitting the development of a 14,000 square foot retail shopping center and bank pad site at the above-referenced property. Our objection to the proposed PUD-zoning is specific to the proposed first floor and freestanding retail space fronting both Crooks Road and Corporate Drive.

This objection is based upon the history surrounding the development of what is now the Northfield Point office building, Northfield Marketplace and Red Robin Restaurant (formerly Cooker's Restaurant). Approximately 12 years ago, we and other office owners in the Northfield area engaged the City of Troy in conversations to re-zone the southwest corner of Crooks Road and Corporate Drive from mid-rise office to commercial retail for the express purpose of creating a "neighborhood service node" to support the immediate surrounding office properties and their populations.

Through these discussions a collaboratively conceived site plan was established and eventually implemented. Of note, this plan was materially less in commercial scope and density than we originally conceived, as it was our desire to act as a responsible developer and good corporate citizen. It also located the retail node south of the corner of our site at the City's insistence. On that corner we built an extremely high-quality office building. In so doing, the existing commercial developments seen today were not only approved by the City of Troy, but all of the neighboring landowners at that time (EDS, Kelly Services, and Bellemeade of Michigan) as well. In addition, it was agreed amongst ourselves, the City of Troy, and the aforementioned property owners that no other parcel of land within this quadrant would receive commercial zoning for the purpose of developing additional retail. Rather, the Big Beaver Road corridor would continue to serve as the City of Troy's principal service destination. The intersection of Crooks Road and Big Beaver now does provide an extensive service restaurant cluster.

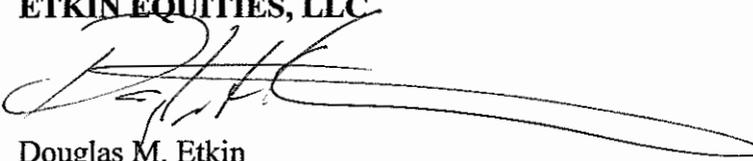
Mr. Mark Miller  
June 6, 2008  
Page Two

As a significant property owner within this immediate area, we recognize the value our "service node" provides to ourselves and neighboring property owners in meeting the amenity demands of today's market necessary to retain and attract tenants. It is our opinion and strong concern that the proposed Market Place North development will oversaturate and further dilute the current North Troy retail market at the sacrifice of current establishments operating within this already competitive marketplace. We also note that our area has the greatest vacancies and thus lowest daytime population it has had in years. In our view, expanding the existing retail competitive set would be irresponsible and result have materially negative effects on the market. Finally, it would be a breach of our understanding with the City.

As such, we strongly urge the Planning Commission and City Council to deny Bloomfield Development's PUD request. It should be noted, however, that we have no objection to the hotel component of Bloomfield Development's proposed PUD.

Very truly yours,

**ETKIN EQUITIES, LLC**



Douglas M. Etkin

DME/hbn

cc: Robert D. Wineman

DME-59.77

Troy Plaza Planned Unit Development  
Concept Development Plan Materials  
are included with Council's agenda packets  
and available for public viewing at the  
City Clerk's Office and the Troy Public Library



## Civility Pledge

In all of my daily interactions I pledge to do my best to:

View everyone in positive terms

Work on building common language

Build strong relationships of trust

Remember our shared humanity

Value both the process and the results

Look both inside and outside for guidance.

# Public Service Values

When we talk about the values that ought to guide one's public service, what kinds of values do we mean? The following provides some ideas on values that can inform one's public service and suggests examples of what those values mean in practice.

## TRUSTWORTHINESS

- I remember that my role is first and foremost to serve the community.
- I am truthful with my fellow elected officials, the public and others.
- I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.
- I do not accept gifts or other special considerations because of my public position.
- I do not knowingly use false or inaccurate information to support my position.
- I do not use my public position for personal gain.
- I carefully consider any promises I make (including campaign promises), and then keep them.

## FAIRNESS

- I make decisions based on the merits of the issues.
- I honor the laws and the public's expectation that agency policies will be applied consistently.
- I support the public's right to know and promote meaningful public involvement.
- I support merit-based processes for the award of public employment and public contracts.
- I am impartial and do not favor those who either have helped me or are in a position to do so.
- I promote equality and treat all people equitably.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I credit others' contributions in moving our community's interests forward.
- I maintain consistent standards, but am sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms.

## RESPONSIBILITY

- I work to improve the quality of life in the community and promote the best interests of the public.
- I promote the efficient use of agency resources.
- I do not use agency resources for personal or political benefit.
- I represent the official positions of the agency to the best of my ability when authorized to do so.

- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not promise that which I have reason to believe is unrealistic.
- I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political advantage.
- I do not disclose confidential information without proper legal authorization.
- I am proactive and innovative when setting goals and considering policies.
- I consider the broader regional and statewide implications of the agency's decisions and issues.
- I promote intelligent innovation to move forward the agency's policies and services.

## RESPECT

- I treat fellow officials, staff and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded, and I convey this to others.

- I listen carefully and ask questions that add value to discussions.
- I involve all appropriate stakeholders in meetings affecting agency decisions.
- I come to meetings, and I come to them prepared.
- I work to improve the quality of life in my community.

## COMPASSION

- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for, and commitment to, its community members.
- I am attuned to, and care about, the needs and concerns of the public, officials, and staff.
- I recognize my responsibility to society's less fortunate.
- I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

## LOYALTY

- I safeguard confidential information.
- I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.
- I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.
- I don't oppose final decisions once they have been made by the decision makers, except through internal lines of communication.
- I put loyalty to the public's interests above personal and political loyalties.

## THE IMPORTANCE OF PUBLIC PERCEPTION

The interesting—and somewhat unique—aspect of public service ethics is that it is not exclusively an introspective process. A public official can be absolutely confident that he or she is able to put personal interests or relationships aside, but the public may still question whether indeed that is so.

Public perception, therefore, matters a great deal in one's analysis of what the "right thing to do" is in public service. This is because, as public servants, public officials are stewards of the public's trust in the public's governing institutions.

In short, public service ethics are not only about doing the right thing, but also about

the public's confidence that indeed the right thing has been done. But not doing the right thing just because the public's perception may be negative can have its own pitfalls.

To step, or at times tiptoe, along the trail toward good government, here is a simple (but not necessarily easy) process:

- First Step: Figure out what "the right thing" to do is.
- Second Step: Figure out what the public's perception of "the right thing to do" would be.
- Third Step: When needed, balance the first two steps and follow the path which best supports public service values.

*Reprinted courtesy of the Institute for Local Government's Public Service Ethics Program. For more information, visit their Web site at [www.ca-ilg.org](http://www.ca-ilg.org).*

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

1. Roll Call

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

ABSENT: John Diefenbaker  
Richard Kilmer

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

RESOLUTION #2008-02-05

Moved by Halsey  
Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Kilmer.

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

2. Minutes – January 16, 2008

RESOLUTION ##2008-02-06

Moved by Halsey  
Seconded by Binkowski

To approve the January 16, 2008 minutes as printed.

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

### 3. Install STOP Signs on Candace at Carlson Park

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

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

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

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

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

#### RESOLUTION #2008-02-07

Moved by Halsey

Seconded by Hubbell

To recommend no changes at Candace and Carlson Park.

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

NO: 1 (Ziegenfelder)

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

### 4. Install a STOP Sign on Thistle at Walden

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

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

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

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

RESOLUTION #2008-02-08

Moved by Hubbell

Seconded by Binkowski

To recommend no changes at Thistle and Walden.

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

NO: 1 (Ziegenfelder)

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

**5. Parking at Troy Library**

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

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

RESOLUTION #2008-02-09

Moved by Hubbell

Seconded by Binkowski

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

RESOLUTION #2008-02-10

Moved by Hubbell

Seconded by Binkowski

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

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

6. Visitors' Time

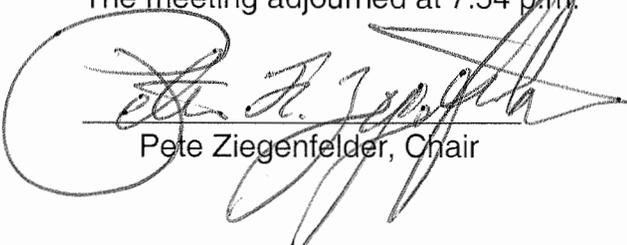
No one else wished to address the committee.

7. Other Business

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

8. Adjourn

The meeting adjourned at 7:54 p.m.



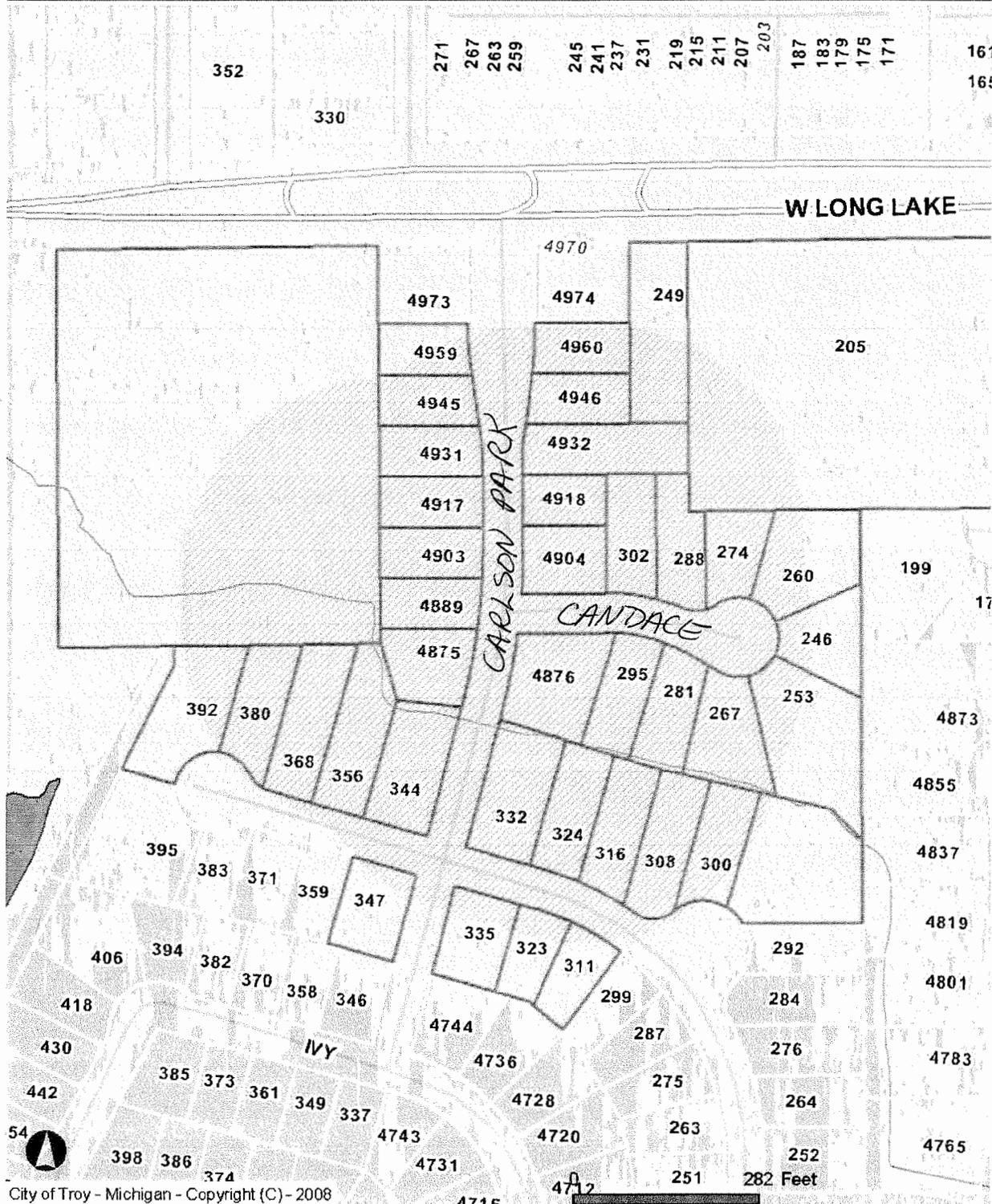
Pete Ziegenfelder, Chair



Laurel Nottage, Recording Secretary



# Geographical Information Systems Online



City of Troy - Michigan - Copyright (C) - 2008

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

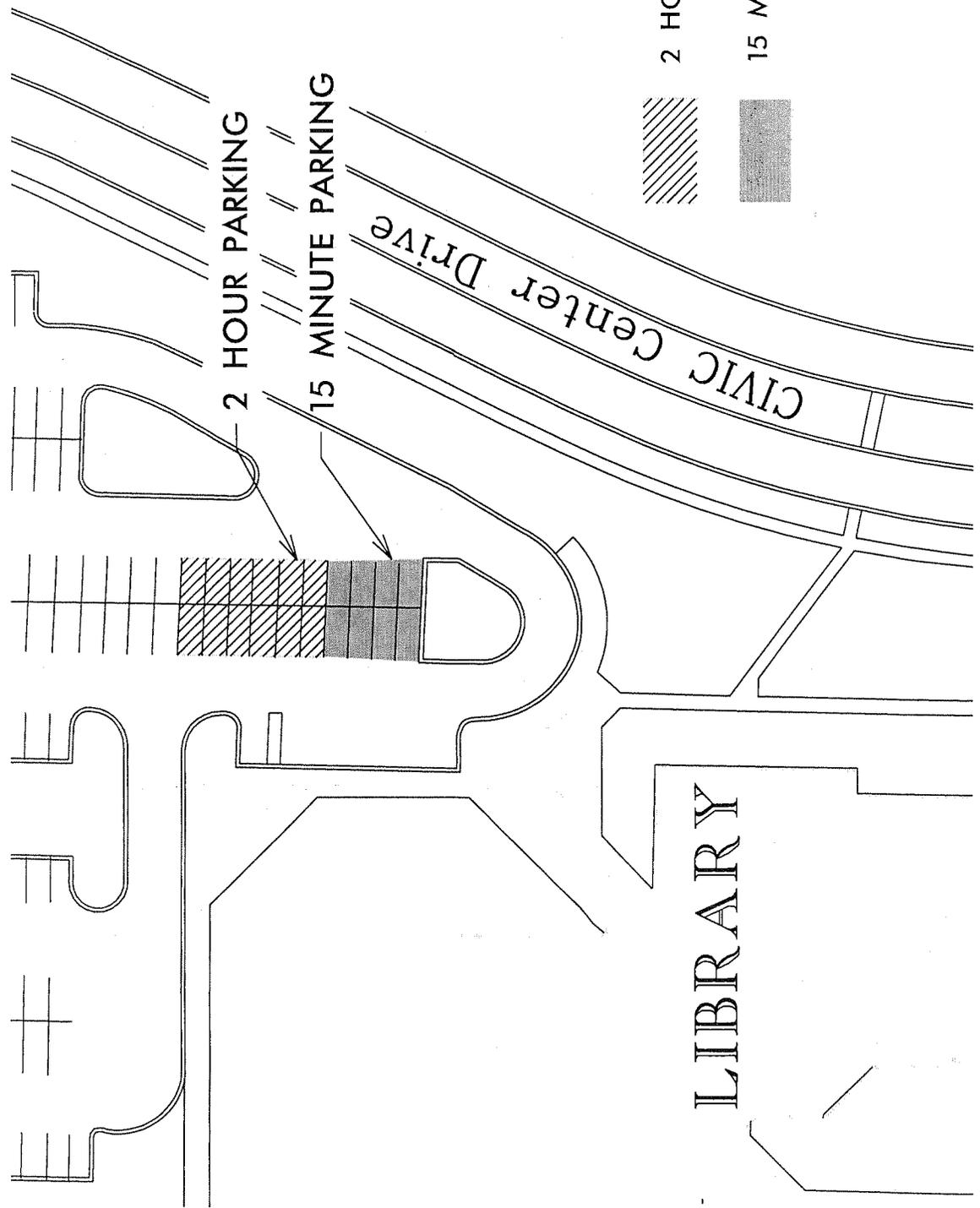


# Geographical Information Systems Online



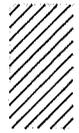
City of Troy - Michigan - Copyright (C) - 2008

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



2 HOUR PARKING (TOTAL 12 SPACES)

15 MINUTE PARKING (TOTAL 8 SPACES)



A regular meeting of the Troy Traffic Committee was held Wednesday, March 19, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

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

ABSENT: John Diefenbaker

Also present: Jim Tepel, 1725 John R  
Rita Dinovski, 1950 Birchwood  
Dobrija Stojanovski, 1950 Birchwood  
Jane Heffner, 1950 Birchwood  
Tom Moss, 1893 Birchwood  
and Lori G. Bluhm, City Attorney  
John Abraham, Traffic Engineer  
Sgt. Dan Daniel, Troy Police Dept.  
Lt. Eric Caloia, Troy Fire Dept.

RESOLUTION #2008-03-11

Moved by Kilmer  
Seconded by Hubbell

To excuse Mr. Diefenbaker.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**2. Minutes – February 20, 2008**

RESOLUTION ##2008-03-12

Moved by Hubbell  
Seconded by Binkowski

To approve the February 20, 2008 minutes as printed.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

### 3. Install NO PARKING Signs on Birchwood

Rita Dinovski, of Troy Tools, 1950 Birchwood, requests parking restrictions on both sides of Birchwood. She reports that tenants have difficulty with delivery trucks entering and exiting the property because of the on-street parking that is permitted on the north side of the street. At times commercial trucks cannot make the turn into their property, have to park on the street, and use a forklift for loading and unloading.

Ms. Dinovski believes that the Tepel business across the street at 1725 Birchwood does not have adequate parking in their lot, so their employees park on the street. She mentions that the City of Troy Ordinance 40.20.13, Section D reads: "The consequent reduction in on-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site."

She feels that this has severely affected the adjacent businesses where parking inhibits commercial vehicles from making deliveries.

On behalf of the owners, Stojan and Dobrila Stojanovski, she requests NO PARKING on the north side of Birchwood (making it NO PARKING on both sides) that can be enforced by local authorities.

Birchwood runs off Maple and ends in Larchwood, and serves predominantly industrial buildings. Site visits show that the parking lot of 1725 Birchwood was full and a number of cars were parked on the street.

The Troy Building Department also checked the area and made similar observations, and reports that the business at 1725 Birchwood has acquired some property to add more parking, so their employees will have adequate parking in their own lot.

Rita Dinovski, reports that Troy Tools has been at this location for 30 years, and there wasn't a parking problem until a few years ago. She fears losing tenants because of their inability to get deliveries.

Jim Tepel explained that he did not know that his employees/visitors had been blocking deliveries until he received notice of the Traffic Committee meeting. He had been trying for some time to acquire land from the City of Troy next to his business to expand his parking lot. He has recently finalized the acquisition, and expects the new parking area to be completed by early this summer, with another entrance on Woodslee.

Tom Moss, who has a business on Birchwood, showed a plan for the parking lot expansion at Mr. Tepel's business.

Mr. Tepel praised Sr. ROW Representative Larysa Figol for her help with this acquisition. He said she was "phenomenal," and the City couldn't have a better person on its staff.

Sgt. Daniel remarked that the parked cars are often too close to the corner, and can impede emergency vehicles. Mr. Tepel will instruct his employees not to park on Birchwood.

Mr. Schepke asked when the parking lot would be completed, and Mr. Tepel indicated that they expect it to be done by early summer.

Mr. Tepel offered to manufacture and install temporary NO PARKING signs at his expense, but the Traffic Engineer explained that as per City Code, private citizens are not permitted to place any signs that resemble official traffic control devices in the public right of way. They need to be standard issue and enforceable by the police. The Traffic Engineer will issue a Temporary Traffic Control Order for NO PARKING signs across the street from Troy Tools, to remain in place until the new parking lot is completed.

Mr. Tepel and Ms. Dinovski will meet and decide on a mutually agreeable distance and location for the NO PARKING zone and inform the Traffic Engineer so he can issue a Temporary Traffic Control Order

RESOLUTION ##2008-03-13

Moved by Hubbell  
Seconded by Schepke

To ask the Traffic Engineer to issue a Temporary Traffic Control Order providing for NO PARKING signs on the north side Birchwood, to remain in place until Tepel's new parking lot is finished.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**4. Establish fire lanes at 1785 E. Maple**

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION ##2008-03-14

Moved by Hubbell  
Seconded by Binkowski

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1785 East Maple, as recommended by the Troy Fire Department.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

## 5. Election of Officers

### RESOLUTION ##2008-03-15

Moved by Halsey  
Seconded by Schepke

To reappoint Pete Ziegenfelder as Chairperson until February 2009.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

### RESOLUTION ##2008-03-16

Moved by Kilmer  
Seconded by Hubbell

To reappoint Ted Halsey as Vice-Chair until February 2009.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

## 6. Discussion of Sidewalk Waiver Procedures

The Committee and City Attorney Lori G. Bluhm discussed changes in sidewalk waiver procedures. Ms. Bluhm pointed out that the City Code requires that sidewalks be installed at any property where there is new construction, an addition, or change of use. No Certificate of Occupancy shall be issued by the Building Department until sidewalks are installed or a waiver granted. At times the Building Department issues temporary Certificates of Occupancy when it is temporarily impossible to install sidewalks because of weather or pending City construction projects.

Ms. Bluhm will revise the Agreement for Irrevocable Petition for Sidewalks and present it to the committee at the next meeting. Marina-Basta Farouk, of the DPW, will do field studies/inventory of previously granted sidewalk waivers, and check for any changes since the waivers were granted, check natural features, and consider future City projects such as road widening.

## 7. Updating of By-Laws

Revise By-Laws to include public hearings in the Order of Business, and change "Transportation Engineer" to "Traffic Engineer."

The chair requested some additional revisions: In Article 1, add "Chapter 35", and spell out the objectives of the Traffic Committee;" Change "Visitors' Time" to "Public Comment." Revisions will be made and presented at the next Traffic Committee meeting for approval.

RESOLUTION ##2008-03-17

Moved by Hubbell  
Seconded by Binkowski

To table the approval of the updated By-Laws for further revisions until the next Traffic Committee meeting

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**8. Visitors' Time**

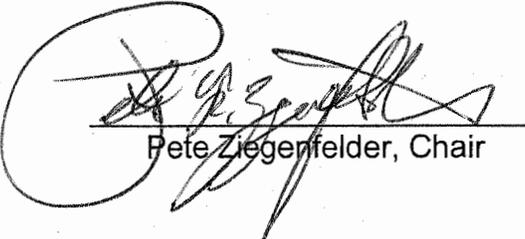
No one else wished to address the committee.

**9. Other Business**

There was no other business.

**10. Adjourn**

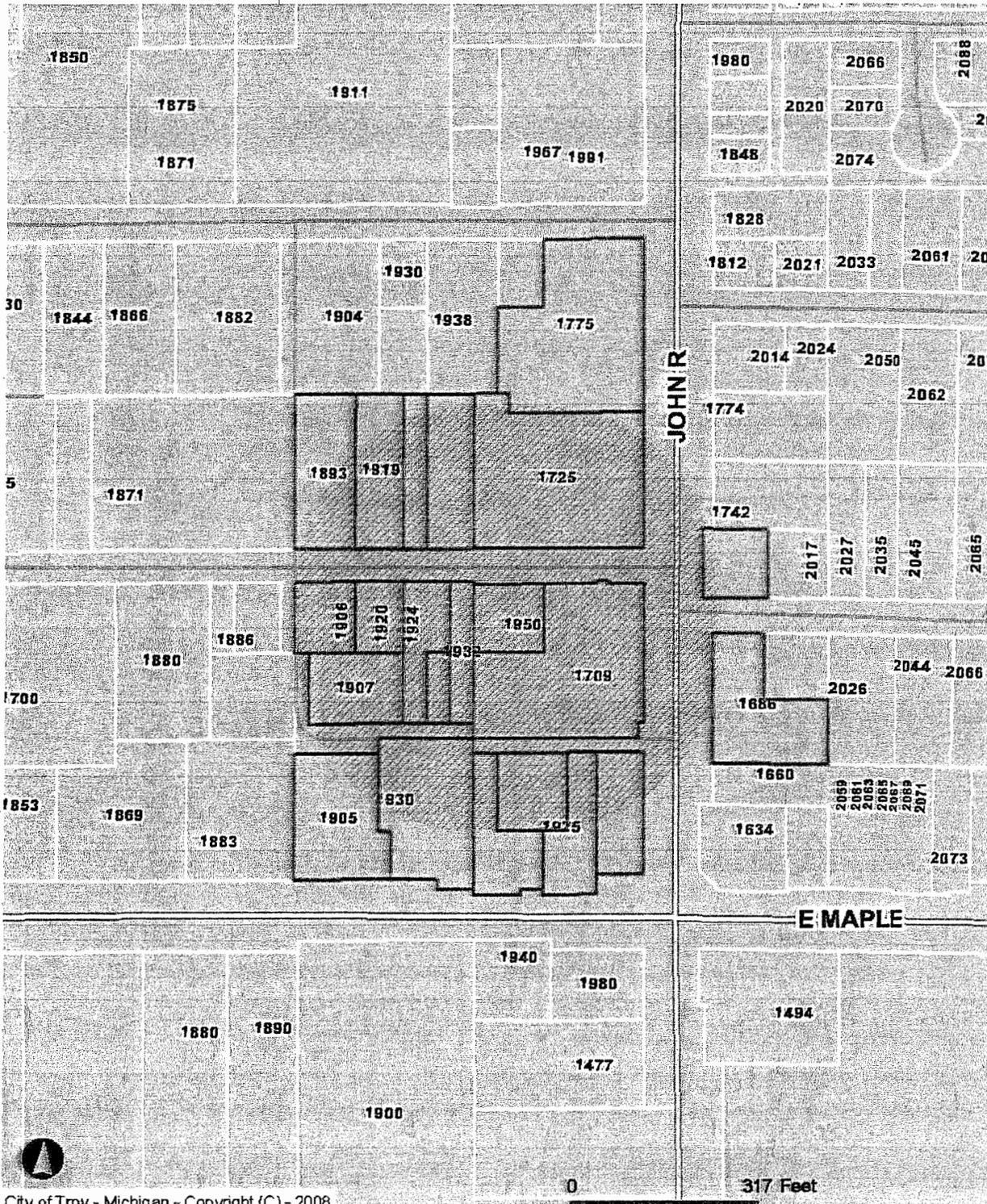
The meeting adjourned at 9:10 PM. The next meeting is scheduled for April 16, 2008.



Pete Ziegenfelder, Chair



Laurel Nottage, Recording Secretary



City of Troy - Michigan - Copyright (C) - 2008

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



PROVIDE 8' SIDEWALK

ADD (2) TREES  
THIS AREA

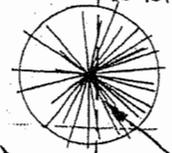
10'-0" REAR  
SIDE  
YARD  
SETBACK

1428 S.F.  
GREEN AREA

50'-10"

REAR FRONT YARD SETBACK  
EXISTING DECIDUOUS  
TREE

10'-0" REAR  
SIDE  
YARD  
SETBACK



(5) ACCESSIBLE SPACES

18'-0" 18'-0" 5'-0"

(6) SPACES

POSTED FIRE LANE - PER CITY OF TROY REQUIREMENTS

150'-0"

20'-6" OVERHEAD DOOR

ENTRANCE

30'-0"

OFFICE AREA

**EXISTING BUILDING INFORMATION:**

GROSS BUILDING AREA 10,183 SQUARE FEET  
CONSTRUCTION LOAD-BEARING, MASONRY WALLS  
W/ STEEL JOIST ROOF FRAMING  
HEIGHT 22 FEET

1785 E. MAPLE

TROY 48085

SHOP AREA

180'-0"

4,105 S.F. GREEN AREA

## DOWNTOWN DEVELOPMENT AUTHORITY MINUTES      FINAL      June 18, 2008

A meeting of the Downtown Development Authority was held on Wednesday, June 18, 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 (departed @ 7:50 a.m.)  
                         David Hay  
                         Michele Hodges  
                         William Kennis  
                         Daniel MacLeish  
                         Ernest Reschke  
                         G. Thomas York

**ABSENT:**            Alan Kiriluk  
                         Douglas Schroeder  
                         Louise Schilling  
                         Harvey Weiss

**ALSO PRESENT:**   Brian Murphy  
                         Lori Bluhm  
                         Mark Miller  
                         Steve Vandette

**APPROVAL OF MINUTES**

Resolution:    DD-08-16  
Moved by:      Culpepper  
Seconded by:   MacLeish

RESOLVED, That the minutes of the April 4, 2008 special meeting and the April 16, 2008 regular meeting be approved.

Yeas:            All (9)  
Absent:         Kiriluk, Schroeder, Schilling, Weiss

**OLD BUSINESS**

None

**NEW BUSINESS**

A. Planning Department Updates

Mark Miller, Planning Director updated the Board on the Master Plan. The Master Plan was presented to City Council on Monday and was deferred to the Planning Commission for review of possible changes requested by White Chapel.

B. Engineering Department Updates

Steve Vandette, City Engineer updated the Board of the schedule for the I-75 Bridge Rehab Project. Work will begin after July 4<sup>th</sup>. The Big Beaver Bridge will be done first, followed by all other bridges in Troy. Paint work on the Big Beaver Bridge will be started in January '09. Due to bridge construction, the Rochester/Big Beaver Intersection Park Project will be done in two phases. Phase I will begin this August, a portion of the park work will be done with no lane closures due to the bridge project. Spring of 2009, the balance of the park and intersection project will be completed. The Big Beaver/I-75 interchange landscape enhancement design work is scheduled for later this year with construction in spring of 2009.

C. Monthly Financial Report

The April 30, 2008 Financial Report was noted and filed.

**PUBLIC COMMENT**

None

**MEMBER COMMENT**

None

**EXCUSE ABSENT MEMBERS**

Resolution: DD-08-17  
Moved by: Culpepper  
Seconded by: MacLeish

RESOLVED, That Kiriluk, Schilling, Schroeder and Weiss be excused.

Yeas: All (9)  
Absent: Kiriluk, Schilling, Schroeder, Weiss

***The meeting was adjourned at 8:00 a.m.***

***Next Meeting: July 23, 2008 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.***

---

Tom York, Vice Chair

---

Brian P. Murphy, Executive Director

BPM/ph

**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-2008-06-18

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.

---

Mike Gonda, Co-Chairperson

---

Cindy Stewart, Community Affairs Director

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 8, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
 Mark Maxwell  
 Philip Sanzica  
 Robert Schultz  
 John J. Tagle  
 Lon M. Ullmann  
 Mark J. Vleck

Absent:

Thomas Strat  
 Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
 R. Brent Savidant, Principal Planner  
 Christopher Forsyth, Assistant City Attorney  
 Zak Branigan, Carlisle/Wortman Associates, Inc.  
 Bradley Raine, Student Representative  
 Kathy Czarnecki, Recording Secretary

**Note:** See page 9 for Resolution to Excuse Absent Members.

2. APPROVAL OF AGENDA

**Resolution # PC-2008-07-082**

Moved by: Vleck  
 Seconded by: Sanzica

**RESOLVED**, To approve the Agenda as submitted.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED**

3. MINUTES – June 24, 2008 Special/Study Meeting

**Resolution # PC-2008-07-083**

Moved by: Tagle  
 Seconded by: Maxwell

**RESOLVED**, To approve the minutes of the June 24, 2008 Special/Study meeting as submitted.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

Ted Wilson, representative of the Troy Chamber of Commerce, addressed sustainability as relates to the adoption of a revised Master Plan and Zoning Ordinance.

**PLANNED UNIT DEVELOPMENT**

5. PUBLIC HEARING – 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 gave a short summary of the proposed project.

Zak Branigan of Carlisle/Wortman Associates, Inc. reported on the revised submittal. He addressed the revisions relating to parking, site access and internal circulation. He said it is their recommendation that the Planning Commission recommend to the City Council approval of the Concept Development Plan for Troy Plaza New King PUD.

Michael J. Gordon of Moiseev/Gordon Associates (MGA Architects), 818 W. Eleven Mile Road, Royal Oak, was present to represent the petitioner. He introduced those present: the petitioner, Frank Asmar of Tinelle Properties; project architect, Robert Cliffe of MGA Architects; legal counsel, Alan Greene of Dykema Gossett; civil engineer, Scott Chabot of Giffels Webster Engineering; and transportation engineer, Dylan Foukes of Metro Transportation Group. Mr. Gordon gave a PowerPoint presentation and displayed different views of the project. He specifically addressed the water feature, banquet facility and extended stay hotel features.

PUBLIC HEARING OPENED

Robert Wineman of EtkinEquities, 29100 Northwestern Highway, Southfield, was present. Mr. Wineman said they are significant property owners of office space in the area of the proposed project. He gave a history of their interest in the surrounding property and discussions they had with City staff approximately twelve years ago. Mr. Wineman voiced opposition to the proposed PUD as relates to the proposed retail. He said their opposition is based upon former conversations and agreements, verbal and otherwise, they had with City representatives relative to what they collectively envisioned for this portion of the City. Mr. Wineman addressed a potential for an oversaturated market and a potential competitive market as relates to existing tenants in the area.

Mr. Maxwell addressed the potential retail competition as relates to the size of the proposed establishments and the possibility that new retail could be complimentary to the existing retail. He asked if Mr. Wineman could substantiate that the proposed PUD would have a direct adverse affect on existing retail in the area.

Mr. Wineman said retail establishments in intense office areas focus on service-oriented types of establishments such as coffee purveyors and food users. He contended those uses are currently captured in that marketplace. Mr. Wineman considers the square footage of the proposed retail relatively large in comparison to the existing retail.

Bill Wylonis, General Manager of Emmes Realty Services, was present. He represented five buildings in the area (5600 New King, 5750 New King, 5505 Corporate, 5555 New King, and 5607 New King). Mr. Wylonis specifically addressed concerns with daytime parking in the area. To his knowledge, he said there has been no approval given for additional parking at those office buildings.

Mr. Tagle said the Planning Commission is in receipt of a letter from Emmes Asset Management out of New York under the signature of Audris Shau. The letter states that Tinelle Properties can use parking spaces on three of those office locations (5600 New King, 5555 New King and 5505 Corporate) on certain days and at certain times.

#### PUBLIC HEARING CLOSED

Mr. Tagle asked the petitioner to address the project's construction phases.

Mr. Gordon replied construction would not be in phases. It is their intent to construct under a single building permit. He said that because the retail portion would be completed and occupied prior to the completion of the hotel construction, a temporary front desk check-in area would be provided for extended stay hotel guests.

Mr. Tagle asked the petitioner to address parking on the site and adjacent properties.

Mr. Gordon said retail, hotel and extended stay guests would park on the property. Staff, banquet users and the valet service would use parking on adjacent properties.

Mr. Vleck addressed parking agreements in relation to preliminary and final PUD approval. He also suggested that gateway signage would be a positive addition in the approval process of the project.

Chair Schultz agreed. He said the project's location at an expressway entrance/exit is more or less a major gateway to the City.

Mr. Tagle asked for clarification on a comment in the Carlisle/Wortman report stating that retail hours of operation could run until mid to late evening. He asked if there were any concerns or issues should there be a 24-hour retail operation.

Mr. Branigan said there are no concerns with a 24-hour retail operation as relates to residential or parking.

**Resolution # PC-2008-07-084**

Moved by: Vleck  
Seconded by: Tagle

**RESOLVED**, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Tinelle Properties LLC for the Troy Plaza Planned Unit Development (PUD 13), located on the west side of Crooks and the north side of New King, Section 8, within the O-M zoning district, being approximately 6.16 acres in size; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated July 1, 2008 that recommends Concept Development Plan approval of Troy Plaza Planned Unit Development; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends that Concept Development Plan Approval for Troy Plaza Planned Unit Development be granted.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

**SITE PLAN REVIEWS**

6. SITE PLAN REVIEW (SP 883-C) – Proposed Addition and Parking Lot Modifications, Heartland Health Care Skilled Nursing Facility (925 South Boulevard), South side of South Boulevard, East of Livernois, Section 3, Zoned R-1B (One Family Residential) and O-1 (Low Rise Office) Districts (controlled by Consent Judgment)

Mr. Miller announced the petitioner would be asking for a postponement of this item.

Peter DeLoof of Seeligson, DeLoof, Hopper & Dever PLLC, 401 E. Liberty, Ann Arbor, was present to represent Heartland Health Care Facility. Mr. DeLoof said parking issues have arisen during the course of the operation of the facility and the

City administration has called attention to those same issues. Mr. DeLoof said the petitioner, in addressing those concerns, is pleased to inform the Commission they have been successful in obtaining an option to purchase the 1.7-acre parcel to the west. He said it is their intent to come back to the Commission with an amended application inclusive of the additional parcel and an improved parking arrangement. Mr. DeLoof respectfully requested the members to table the item until such time that an amended application is ready for submission.

Mr. Vleck addressed his concerns with (1) parking on residential streets and (2) transplanting existing trees.

Mr. DeLoof expressed appreciation for Mr. Vleck's comments. He addressed their direct relationship with the neighbors as relates to parking and assured Mr. Vleck they are working with landscape contractors on all landscaping matters.

Chair Schultz said the facility has a serious parking problem. He addressed the nature of the business and its parking needs.

Mr. DeLoof said it is recognized that additional parking is needed, and it is believed that the additional parcel will solve all parking issues.

**Resolution # PC-2008-07-085**

Moved by: Vleck  
Seconded by: Maxwell

**RESOLVED**, To postpone this item until such a time that the petitioner has the opportunity to submit revised plans that includes the addition of the property to the west.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

7. PRELIMINARY SITE PLAN REVIEW (SP 345-B) – Proposed Parking Lot Expansion, Existing Office Building, Northeast corner of Big Beaver and McClure, (1800 W. Big Beaver), Section 20, Zoned O-1 (Low Rise Office) and P-1 (Vehicular Parking) Districts

Mr. Savidant presented a summary of the Planning Department report on the proposed parking lot expansion. He reported it is the recommendation of City Management to approve the site plan as submitted, with two conditions: (1) The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant proposes to occupy the building and potentially increase parking demand; and (2) If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Mr. Hutson addressed the two conditions recommended for site plan approval. He asked what mechanism is in place to inform the City of a new tenant and advise the tenant to come back to the City for site plan approval. He addressed future parking demands, the potential to increase parking, and a potential scenario should parking become a concern in the future as relates to tenancy.

Mr. Savidant said Section 40.20.12 of the Zoning Ordinance provides the Commission with flexibility for the unique characteristics of this use, and noted the Planning Commission has discretion in the matter. He indicated any future parking issue would trigger complaints to the Building Department, at which time the matter would become a code enforcement issue.

Mr. Miller said another effective stopgap measure would be the Building Department's analysis of parking whenever there is a changeover of tenants. A building permit would not be issued until all parking requirements are met.

Mr. Tagle addressed the second condition of the draft Resolution and asked if City Management feels there are practical ways to alleviate any parking problem if and when it might occur.

Mr. Savidant replied in the affirmative. He said there is potential for the acquisition of property to the north, shared parking and a change in tenant mix.

David Hunter of Professional Engineering Associates (PEA), 24300 Rochester Court, Troy, was present to represent the petitioner.

Michael Locricchio of MLS Equity LLC, 1800 W. Big Beaver Road, was present also. Mr. Locricchio is one of the owners of the CPA firm located on the first floor.

Mr. Hunter said they are exploring a cross access easement agreement with the owners to the east and have had conversations with the property owner to the north. He addressed the parking needs of the existing tenants and written documentation of their parking needs. Mr. Hunter said the property owner thinks there is enough parking on site. He also addressed the formula used to calculate the requirement of 141 parking spaces. Mr. Hunter briefly discussed the proposed storm water detention.

Mr. Locricchio addressed alternative solutions to a potential parking issue and ongoing negotiations with adjacent property owners.

Discussion continued on parking concerns:

- Rescission of parking space reduction, if needed.
- Proposed draft Resolution; is it failsafe or valid should conditions change?
- Civil infraction(s) of code enforcement violations.
- Setting a precedent for future matters.

Discussion to postpone the item followed.

Chair Schultz advised the petitioner that five (5) affirmative votes would be required for approval.

Mr. Hutson voiced his opposition to the proposed draft Resolution. He said the petitioner has not provided documentation that additional parking is imminent.

Mr. Sanzica voiced his support of the proposed draft Resolution. He said the applicant is diligently working toward obtaining additional parking, and is in good standing as a resident and businessperson.

Dr. Lee Weinstein of Child Health Associates, 36700 Woodward Avenue, Bloomfield Hills, was present. Child Health Associates is the prospective new tenant who would occupy the building's second floor. Dr. Weinstein gave a short history of the business and indicated a strong desire to occupy the space. Dr. Weinstein said they are comfortable with the available parking that exists today. He pleaded with the members to go forward with site plan approval this evening, sharing their financial commitments to the site.

Mr. Locricchio addressed a parking variance granted by City Council in 2004 and a calculation of 117 parking spaces required at that time.

Discussion followed on the following:

- Variation of parking calculations in 2004 and 2008.
- Determination by Building Department that parking variance has expired.
- Length of vacancy of building's second floor space.
- Time limitations placed on site plan approval (i.e., Beaumont Hospital site plan approval for temporary structure).
- Scenario that potential future parking issue cannot be alleviated and existing tenant refuses to move out.
- Prospective new tenant's financial ties to occupancy of space, and the flexibility of the Commission to welcome a new tenant to the City.
- Formula used to calculate parking space requirements.
- Existing parking does not currently pose problem.
- Large percentage in reduction of parking spaces.
- Parking variance granted in 2004.

(Student Representative Raine exited the meeting at 9:25 pm)

**Resolution # PC-2008-07-086**

Moved by: Sanzica  
 Seconded by: Maxwell

**RESOLVED**, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the office building to 98, when a total of 141 spaces are required on the site based on the off-street parking space requirements for general office and medical office uses, as per Article XL. This 43-space reduction meets the standards of Article 40.20.12.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval, as requested for the proposed parking lot expansion, located on the northeast corner of Big Beaver and McClure, in Section 20, within the O-1 and P-1 zoning districts, is hereby granted, subject to the following conditions:

1. The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant is proposed to occupy the building and potentially increase parking demand.
2. If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Yes: Maxwell, Sanzica, Schultz, Tagle  
 No: Hutson, Ullmann, Vleck  
 Absent: Strat, Wright

**MOTION DENIED****Resolution # PC-2008-07-087**

Moved by: Vleck  
 Seconded by: Hutson

**RESOLVED**, To reconsider this item.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED****Resolution # PC-2008-07-088**

Moved by: Vleck  
 Seconded by: Ullmann (after discussion on the motion)

**RESOLVED**, To postpone this item to the July 22, 2008 Special/ Study Meeting.

**FURTHER**, That the petitioner provide (1) recalculations of the required parking spaces using the formula for usable square footage and (2) copies of the City Council Resolution approved in 2004 for a parking variance.

Discussion on the motion on the floor.

Mr. Ullmann requested to include in the Resolution that the petitioner provide documentation from adjoining property owners of their intent to participate in cross access easement agreements.

[Motion seconded by Ullmann.]

Vote on the motion on the floor.

Yes: Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck  
 No: Hutson  
 Absent: Strat, Wright

**MOTION CARRIED**

Mr. Hutson voted against the motion because he would like the Resolution to request the petitioner to provide documentation on the negotiations with adjoining property owners for cross access easement agreements.

**OTHER ITEMS**

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

\_\_\_\_\_

MOTION TO EXCUSE ABSENT MEMBERS

**Resolution # PC-2008-07-089**

Moved by: Vleck  
 Seconded by: Hutson

**RESOLVED**, That Members Strat and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED**

\_\_\_\_\_

9. PLANNING COMMISSION COMMENTS

Mr. Sanzica asked the status of the former K-Mart Headquarters building.

Mr. Miller reported the proposed development, The Pavilions, is on hold because the petitioner is pursuing further tax credits for the demolition portion of project.

Mr. Tagle asked the process of site plan approval for historical properties.

Mr. Miller briefly addressed the site plan approval process for historical properties.

Mr. Vleck addressed parking at Kona Grill restaurant.

Mr. Miller announced the joint Planning Commission and Downtown Development Authority (DDA) meeting to discuss development guidelines is scheduled on Wednesday, July 23, at 7:30 a.m. Mr. Miller also announced that the City Council approved at their last meeting the distribution of the Draft Master Plan. He said the Planning Department would move forward on its distribution.

The Regular Meeting of the Planning Commission adjourned at 9:41 p.m.

Respectfully submitted,

---

Robert M. Schultz, Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2008 PC Minutes\Draft\07-08-08 Regular Meeting\_Draft.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 8, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
Mark Maxwell  
Philip Sanzica  
Robert Schultz  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck

Absent:

Thomas Strat  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.  
Bradley Raine, Student Representative  
Kathy Czarnecki, Recording Secretary

**Note:** See page 9 for Resolution to Excuse Absent Members.

2. APPROVAL OF AGENDA

**Resolution # PC-2008-07-082**

Moved by: Vleck  
Seconded by: Sanzica

**RESOLVED**, To approve the Agenda as submitted.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

3. MINUTES – June 24, 2008 Special/Study Meeting

**Resolution # PC-2008-07-083**

Moved by: Tagle  
Seconded by: Maxwell

**RESOLVED**, To approve the minutes of the June 24, 2008 Special/Study meeting as submitted.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

Ted Wilson, representative of the Troy Chamber of Commerce, addressed sustainability as relates to the adoption of a revised Master Plan and Zoning Ordinance.

**PLANNED UNIT DEVELOPMENT**

5. PUBLIC HEARING – 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 gave a short summary of the proposed project.

Zak Branigan of Carlisle/Wortman Associates, Inc. reported on the revised submittal. He addressed the revisions relating to parking, site access and internal circulation. He said it is their recommendation that the Planning Commission recommend to the City Council approval of the Concept Development Plan for Troy Plaza New King PUD.

Michael J. Gordon of Moiseev/Gordon Associates (MGA Architects), 818 W. Eleven Mile Road, Royal Oak, was present to represent the petitioner. He introduced those present: the petitioner, Frank Asmar of Tinelle Properties; project architect, Robert Cliffe of MGA Architects; legal counsel, Alan Greene of Dykema Gossett; civil engineer, Scott Chabot of Giffels Webster Engineering; and transportation engineer, Dylan Foukes of Metro Transportation Group. Mr. Gordon gave a PowerPoint presentation and displayed different views of the project. He specifically addressed the water feature, banquet facility and extended stay hotel features.

PUBLIC HEARING OPENED

Robert Wineman of Etkin Equities, 29100 Northwestern Highway, Southfield, was present. Mr. Wineman said they are significant property owners of office space in the area of the proposed project. He gave a history of their interest in the surrounding property and discussions they had with City staff approximately twelve years ago. Mr. Wineman voiced opposition to the proposed PUD as relates to the proposed retail. He said their opposition is based upon former conversations and agreements, verbal and otherwise, they had with City representatives relative to what they collectively envisioned for this portion of the City. Mr. Wineman addressed a potential for an oversaturated market and a potential competitive market as relates to existing tenants in the area.

Mr. Maxwell addressed the potential retail competition as relates to the size of the proposed establishments and the possibility that new retail could be complimentary to the existing retail. He asked if Mr. Wineman could substantiate that the proposed PUD would have a direct adverse affect on existing retail in the area.

Mr. Wineman said retail establishments in intense office areas focus on service-oriented types of establishments such as coffee purveyors and food users. He contended those uses are currently captured in that marketplace. Mr. Wineman considers the square footage of the proposed retail relatively large in comparison to the existing retail.

Bill Wylonis, General Manager of Emmes Realty Services, was present. He represented five buildings in the area (5600 New King, 5750 New King, 5505 Corporate, 5555 New King, and 5607 New King). Mr. Wylonis specifically addressed concerns with daytime parking in the area. To his knowledge, he said there has been no approval given for additional parking at those office buildings.

Mr. Tagle said the Planning Commission is in receipt of a letter from Emmes Asset Management out of New York under the signature of Audris Shau. The letter states that Tinelle Properties can use parking spaces on three of those office locations (5600 New King, 5555 New King and 5505 Corporate) on certain days and at certain times.

#### PUBLIC HEARING CLOSED

Mr. Tagle asked the petitioner to address the project's construction phases.

Mr. Gordon replied construction would not be in phases. It is their intent to construct under a single building permit. He said that because the retail portion would be completed and occupied prior to the completion of the hotel construction, a temporary front desk check-in area would be provided for extended stay hotel guests.

Mr. Tagle asked the petitioner to address parking on the site and adjacent properties.

Mr. Gordon said retail, hotel and extended stay guests would park on the property. Staff, banquet users and the valet service would use parking on adjacent properties.

Mr. Vleck addressed parking agreements in relation to preliminary and final PUD approval. He also suggested that gateway signage would be a positive addition in the approval process of the project.

Chair Schultz agreed. He said the project's location at an expressway entrance/exit is more or less a major gateway to the City.

Mr. Tagle asked for clarification on a comment in the Carlisle/Wortman report stating that retail hours of operation could run until mid to late evening. He asked if there were any concerns or issues should there be a 24-hour retail operation.

Mr. Branigan said there are no concerns with a 24-hour retail operation as relates to residential or parking.

**Resolution # PC-2008-07-084**

Moved by: Vleck  
Seconded by: Tagle

**RESOLVED**, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Tinelle Properties LLC for the Troy Plaza Planned Unit Development (PUD 13), located on the west side of Crooks and the north side of New King, Section 8, within the O-M zoning district, being approximately 6.16 acres in size; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated July 1, 2008 that recommends Concept Development Plan approval of Troy Plaza Planned Unit Development; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends that Concept Development Plan Approval for Troy Plaza Planned Unit Development be granted.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

**SITE PLAN REVIEWS**

6. SITE PLAN REVIEW (SP 883-C) – Proposed Addition and Parking Lot Modifications, Heartland Health Care Skilled Nursing Facility (925 South Boulevard), South side of South Boulevard, East of Livernois, Section 3, Zoned R-1B (One Family Residential) and O-1 (Low Rise Office) Districts (controlled by Consent Judgment)

Mr. Miller announced the petitioner would be asking for a postponement of this item.

Peter DeLoof of Seeligson, DeLoof, Hopper & Dever PLLC, 401 E. Liberty, Ann Arbor, was present to represent Heartland Health Care Facility. Mr. DeLoof said parking issues have arisen during the course of the operation of the facility and the

City administration has called attention to those same issues. Mr. DeLoof said the petitioner, in addressing those concerns, is pleased to inform the Commission they have been successful in obtaining an option to purchase the 1.7-acre parcel to the west. He said it is their intent to come back to the Commission with an amended application inclusive of the additional parcel and an improved parking arrangement. Mr. DeLoof respectfully requested the members to table the item until such time that an amended application is ready for submission.

Mr. Vleck addressed his concerns with (1) parking on residential streets and (2) transplanting existing trees.

Mr. DeLoof expressed appreciation for Mr. Vleck's comments. He addressed their direct relationship with the neighbors as relates to parking and assured Mr. Vleck they are working with landscape contractors on all landscaping matters.

Chair Schultz said the facility has a serious parking problem. He addressed the nature of the business and its parking needs.

Mr. DeLoof said it is recognized that additional parking is needed, and it is believed that the additional parcel will solve all parking issues.

**Resolution # PC-2008-07-085**

Moved by: Vleck  
Seconded by: Maxwell

**RESOLVED**, To postpone this item until such a time that the petitioner has the opportunity to submit revised plans that includes the addition of the property to the west.

Yes: All present (7)  
Absent: Strat, Wright

**MOTION CARRIED**

7. PRELIMINARY SITE PLAN REVIEW (SP 345-B) – Proposed Parking Lot Expansion, Existing Office Building, Northeast corner of Big Beaver and McClure, (1800 W. Big Beaver), Section 20, Zoned O-1 (Low Rise Office) and P-1 (Vehicular Parking) Districts

Mr. Savidant presented a summary of the Planning Department report on the proposed parking lot expansion. He reported it is the recommendation of City Management to approve the site plan as submitted, with two conditions: (1) The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant proposes to occupy the building and potentially increase parking demand; and (2) If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Mr. Hutson addressed the two conditions recommended for site plan approval. He asked what mechanism is in place to inform the City of a new tenant and advise the tenant to come back to the City for site plan approval. He addressed future parking demands, the potential to increase parking, and a potential scenario should parking become a concern in the future as relates to tenancy.

Mr. Savidant said Section 40.20.12 of the Zoning Ordinance provides the Commission with flexibility for the unique characteristics of this use, and noted the Planning Commission has discretion in the matter. He indicated any future parking issue would trigger complaints to the Building Department, at which time the matter would become a code enforcement issue.

Mr. Miller said another effective stopgap measure would be the Building Department's analysis of parking whenever there is a changeover of tenants. A building permit would not be issued until all parking requirements are met.

Mr. Tagle addressed the second condition of the draft Resolution and asked if City Management feels there are practical ways to alleviate any parking problem if and when it might occur.

Mr. Savidant replied in the affirmative. He said there is potential for the acquisition of property to the north, shared parking and a change in tenant mix.

David Hunter of Professional Engineering Associates (PEA), 24300 Rochester Court, Troy, was present to represent the petitioner.

Michael Locricchio of MLS Equity LLC, 1800 W. Big Beaver Road, was present also. Mr. Locricchio is one of the owners of the CPA firm located on the first floor.

Mr. Hunter said they are exploring a cross access easement agreement with the owners to the east and have had conversations with the property owner to the north. He addressed the parking needs of the existing tenants and written documentation of their parking needs. Mr. Hunter said the property owner thinks there is enough parking on site. He also addressed the formula used to calculate the requirement of 141 parking spaces. Mr. Hunter briefly discussed the proposed storm water detention.

Mr. Locricchio addressed alternative solutions to a potential parking issue and ongoing negotiations with adjacent property owners.

Discussion continued on parking concerns:

- Rescission of parking space reduction, if needed.
- Proposed draft Resolution; is it failsafe or valid should conditions change?
- Civil infraction(s) of code enforcement violations.
- Setting a precedent for future matters.

Discussion to postpone the item followed.

Chair Schultz advised the petitioner that five (5) affirmative votes would be required for approval.

Mr. Hutson voiced his opposition to the proposed draft Resolution. He said the petitioner has not provided documentation that additional parking is imminent.

Mr. Sanzica voiced his support of the proposed draft Resolution. He said the applicant is diligently working toward obtaining additional parking, and is in good standing as a resident and businessperson.

Dr. Lee Weinstein of Child Health Associates, 36700 Woodward Avenue, Bloomfield Hills, was present. Child Health Associates is the prospective new tenant who would occupy the building's second floor. Dr. Weinstein gave a short history of the business and indicated a strong desire to occupy the space. Dr. Weinstein said they are comfortable with the available parking that exists today. He pleaded with the members to go forward with site plan approval this evening, sharing their financial commitments to the site.

Mr. Locricchio addressed a parking variance granted by City Council in 2004 and a calculation of 117 parking spaces required at that time.

Discussion followed on the following:

- Variation of parking calculations in 2004 and 2008.
- Determination by Building Department that parking variance has expired.
- Length of vacancy of building's second floor space.
- Time limitations placed on site plan approval (i.e., Beaumont Hospital site plan approval for temporary structure).
- Scenario that potential future parking issue cannot be alleviated and existing tenant refuses to move out.
- Prospective new tenant's financial ties to occupancy of space, and the flexibility of the Commission to welcome a new tenant to the City.
- Formula used to calculate parking space requirements.
- Existing parking does not currently pose problem.
- Large percentage in reduction of parking spaces.
- Parking variance granted in 2004.

(Student Representative Raine exited the meeting at 9:25 pm)

**Resolution # PC-2008-07-086**

Moved by: Sanzica  
 Seconded by: Maxwell

**RESOLVED**, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the office building to 98, when a total of 141 spaces are required on the site based on the off-street parking space requirements for general office and medical office uses, as per Article XL. This 43-space reduction meets the standards of Article 40.20.12.

**THEREFORE BE IT RESOLVED**, That Preliminary Site Plan Approval, as requested for the proposed parking lot expansion, located on the northeast corner of Big Beaver and McClure, in Section 20, within the O-1 and P-1 zoning districts, is hereby granted, subject to the following conditions:

1. The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant is proposed to occupy the building and potentially increase parking demand.
2. If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Yes: Maxwell, Sanzica, Schultz, Tagle  
 No: Hutson, Ullmann, Vleck  
 Absent: Strat, Wright

**MOTION DENIED****Resolution # PC-2008-07-087**

Moved by: Vleck  
 Seconded by: Hutson

**RESOLVED**, To reconsider this item.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED****Resolution # PC-2008-07-088**

Moved by: Vleck  
 Seconded by: Ullmann (after discussion on the motion)

**RESOLVED**, To postpone this item to the July 22, 2008 Special/ Study Meeting.

**FURTHER**, That the petitioner provide (1) recalculations of the required parking spaces using the formula for usable square footage and (2) copies of the City Council Resolution approved in 2004 for a parking variance.

Discussion on the motion on the floor.

Mr. Ullmann requested to include in the Resolution that the petitioner provide documentation from adjoining property owners of their intent to participate in cross access easement agreements.

[Motion seconded by Ullmann.]

Vote on the motion on the floor.

Yes: Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck  
 No: Hutson  
 Absent: Strat, Wright

**MOTION CARRIED**

Mr. Hutson voted against the motion because he would like the Resolution to request the petitioner to provide documentation on the negotiations with adjoining property owners for cross access easement agreements.

**OTHER ITEMS**

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

\_\_\_\_\_

MOTION TO EXCUSE ABSENT MEMBERS

**Resolution # PC-2008-07-089**

Moved by: Vleck  
 Seconded by: Hutson

**RESOLVED**, That Members Strat and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)  
 Absent: Strat, Wright

**MOTION CARRIED**

\_\_\_\_\_

9. PLANNING COMMISSION COMMENTS

Mr. Sanzica asked the status of the former K-Mart Headquarters building.

Mr. Miller reported the proposed development, The Pavilions, is on hold because the petitioner is pursuing further tax credits for the demolition portion of project.

Mr. Tagle asked the process of site plan approval for historical properties.

Mr. Miller briefly addressed the site plan approval process for historical properties.

Mr. Vleck addressed parking at Kona Grill restaurant.

Mr. Miller announced the joint Planning Commission and Downtown Development Authority (DDA) meeting to discuss development guidelines is scheduled on Wednesday, July 23, at 7:30 a.m. Mr. Miller also announced that the City Council approved at their last meeting the distribution of the Draft Master Plan. He said the Planning Department would move forward on its distribution.

The Regular Meeting of the Planning Commission adjourned at 9:41 p.m.

Respectfully submitted,



---

Robert M. Schultz, Chair



---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2008 PC Minutes\Final\07-08-08 Regular Meeting\_Final.doc

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, July 15, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
Marcia Gies  
Matthew Kovacs  
David Lambert  
Tom Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 17, 2008**

Motion by Lambert  
Supported by Gies

MOVED, to approve the minutes of the meeting of June 17, 2008 with the following correction. Mr. Lambert asked that Item #7 show that Ms. Gies was in support of the motion made by Mr. Strat for approval.

Yeas; 6 – Clark, Courtney, Gies, Lambert, Strat, Bartnik  
Abstain: 1 – Kovacs

MOTION TO APPROVE MINUTES WITH ABOVE CORRECTION CARRIED

**ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4**

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Lambert  
Supported by Courtney

Yeas: All – 7

**ITEM #3 – RENEWAL REQUESTED. MNAD PROPERTY II LLC, 3236 ROCHESTER,** for relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

**ITEM #3 – con't.**

Mr. Stimac explained that the petitioner is requesting renewal of relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land. The variance was originally granted in 1968 and annually renewed for a number of years.

This item last appeared before this Board at the meeting of July 17, 2007 and was granted a one-year variance to allow a wooden fence in lieu of the wall and allow the Board to determine the appearance of the property with the fence.

MOVED, to grant MNAD Property, LLC, 3236 Rochester, a three-year (3) renewal of relief to have a six-foot high wood fence in lieu of the of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. PRISCILLA B. KING TRUST, 2212 LIVERNOIS,** for relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2005 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Priscilla B. King, Trust, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM # 5 - VARIANCE REQUESTED. ZACH & MELISSA KEEN, 3833 MEADOWBROOK,** for relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

**ITEM #5 – con't.**

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a covered screen porch. The site plan submitted indicates the construction on the rear of their home with a proposed 31.8' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

This item first appeared before this Board at the meeting of June 17, 2008. At that time it was discovered that the petitioners had changed their original request from a 33.8' rear yard setback to a 31.8' rear yard setback. The Building Department re-published this request and sent out the appropriate notices to property owners and occupants within 300' of this site.

Mr. Keen was present and stated that he had talked to his neighbors regarding the larger variance and no one objected to this request. Mr. Keen brought in two (2) approval letters (one of which had previously been received).

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are seven (7) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to grant Zachary and Melissa Keen, 3833 Meadowbrook, relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- 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.
- This property backs up to a landscape buffer along the freeway.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6- VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE,** for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

**ITEM #6 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing parcel of land. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85'. The site plan submitted indicates that this split will result in one lot that is 83.51' wide and the other lot 83.37' wide.

Due to an error in publishing this notice, this request has been postponed to a Special meeting of the Board of Zoning Appeals, on Tuesday, July 29, 2008.

Motion by Courtney  
Supported by Gies

MOVED, to postpone the request of Dennis Siavrakas, Bryden Homes, 660 E. Long Lake, for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- To allow for the proper Public Hearing notice to be placed in the newspaper.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL JULY 29, 2008 CARRIED

**ITEM #7 - VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO**, for relief of the Ordinance to split an existing parcel of land into home sites, which will result in each having a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

The petitioner was not present.

Mr. Strat stated that the Public Hearing could be opened at tonight's meeting and then adjourned if the Board decided to postpone this item.

Mr. Bartnik asked if the proposed houses would meet the minimum square footage for this Zoning District.

Mr. Stimac stated that in the R-1E Zoning District, the minimum square footage of homes is 1,000 square feet. These homes are proposed to be 40' x 32", which would result in homes that are 1,282 square feet.

**ITEM #7 – con't.**

Mr. Strat asked if the 60' lot width was typical for this area.

Mr. Stimac said that Ellenboro has an interesting mix of lot sizes. Lots on the west side of the road are very shallow and lots on the east side of the road are much deeper than what you typically see. All of the other lots comply with the Ordinance requirements. There are three (3) lots to the south that are close to what is being proposed. However, they are 61.5' wide and about 1' deeper than the subject lots and comply with the minimum area requirements.

Mr. Strat asked if the Board is approving the site plan submitted with the request.

Mr. Stimac stated that staff recommends to the petitioner when asking for a variance in lot size that they submit plans that demonstrate that the proposed lots are viable parcels for constructing conforming homes.

Mr. Strat said that the 60' lot width is within the size of the surrounding R-1E lots.

Mr. Stimac stated that there are thousands of lots within the City in the R-1E Zoning District that are 60' in width. The typical size of these lots is 60' x 125'. The petitioner is proposing two lots that are 60' x 122'.

Mr. Kovacs asked how far up the R-1E Zoning District goes.

Mr. Stimac explained that it stretches to the center line of Trombley. South of that line the property is zoned R-1E and north of that line the property is zoned R-1C.

The Chairman opened the Public Hearing.

Mrs. Jolene Roudebush, 3370 Kilmer was present. Mrs. Roudebush stated that her property backs up to this site. Mrs. Roudebush said that she is opposed to this variance. By allowing the smaller lots her property will overlook two smaller sites and Mrs. Roudebush believes it will bring her property value down. Mrs. Roudebush also stated that they have had a problem with drainage at the back of the property and this site sits higher than her property.

Mr. Courtney suggested that Ms. Roudebush put her concerns in writing and turn it into the Building Department for distribution to the Board members.

Mr. Kenneth Parrett, 3376 Ellenboro was present and stated that his property is across the street from this site. Mr. Parrett stated that he is neither for nor against this request. Mr. Parrett informed the Board that this request had been before the Board previously and at that time the members stated that they did not want to split the parcel as it would

**ITEM #7 – con't.**

resemble properties in Sterling Heights or Warren. At that time, the lady that owned the house was looking to sell the home due to financial concerns and wasn't able to. Six months after the Board met the home went into foreclosure. Mr. Parrett also stated that the Board had suggested that the petitioner purchase an extra 10' from the neighbors behind in order to comply with the Ordinance.

Mr. Courtney asked Mr. Stimac if he knew when this request was before the Board previously.

Mr. Stimac stated that he would check into the date but advised the Board that the previous request had been withdrawn by the petitioner and no final action was taken by the Board.

Mr. Kovacs stated that the comments may still apply but this is a new Board and this Board will have to consider all the facts.

Mrs. Roudebush stated that Gary Abitheira had approached her about selling him an additional 10' but they never sat down and discussed a serious offer. Mrs. Roudebush also stated that she was not interested in selling part of her property.

Mr. Stimac stated that this request had appeared before the Board on May 16, 2006 and according to the minutes of that meeting due to the fact that the petitioner withdrew the request no further action was taken by the Board.

The Chairman adjourned the Public Hearing at this time.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to deny the request of Gary Abitheira for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Bartnik stated that he would not be in favor of denying this request unless the petitioner did not show up for the next meeting.

Mr. Strat said that he would not vote to deny this request without input from the petitioner.

Mr. Courtney withdrew his motion to deny.

**ITEM #7 – con't.**

Motion by Courtney  
Supported by Bartnik

MOVED, to adjourn the public hearing on the request of Gary Abitheira, 3367 Ellenboro, for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet where Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District, until the next regular meeting of the Board of Zoning Appeals on August 19, 2008.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL AUGUST 19, 2008 CARRIED

Mr. Bartnik asked Mr. Stimac to find out who owned this piece of property.

Mr. Stimac stated that he would have that information for him at the August 19<sup>th</sup> meeting.

The Chairman adjourned the Board of Zoning Appeals meeting at 8:05 P.M.

---

Matthew Kovacs, Chairman

---

Pamela Pasternak, Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, July 15, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
Marcia Gies  
Matthew Kovacs  
David Lambert  
Tom Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 17, 2008**

Motion by Lambert  
Supported by Gies

MOVED, to approve the minutes of the meeting of June 17, 2008 with the following correction. Mr. Lambert asked that Item #7 show that Ms. Gies was in support of the motion made by Mr. Strat for approval.

Yeas; 6 – Clark, Courtney, Gies, Lambert, Strat, Bartnik  
Abstain: 1 – Kovacs

MOTION TO APPROVE MINUTES WITH ABOVE CORRECTION CARRIED

**ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4**

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Lambert  
Supported by Courtney

Yeas: All – 7

**ITEM #3 – RENEWAL REQUESTED. MNAD PROPERTY II LLC, 3236 ROCHESTER,** for relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

**ITEM #3 – con't.**

Mr. Stimac explained that the petitioner is requesting renewal of relief to have a six-foot high wood fence in lieu of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land. The variance was originally granted in 1968 and annually renewed for a number of years.

This item last appeared before this Board at the meeting of July 17, 2007 and was granted a one-year variance to allow a wooden fence in lieu of the wall and allow the Board to determine the appearance of the property with the fence.

MOVED, to grant MNAD Property, LLC, 3236 Rochester, a three-year (3) renewal of relief to have a six-foot high wood fence in lieu of the of the six-foot high screening wall required by Section 39.10.01 along the south property line where the property abuts residentially zoned land.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. PRISCILLA B. KING TRUST, 2212 LIVERNOIS,** for relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2005 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Priscilla B. King, Trust, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM # 5 - VARIANCE REQUESTED. ZACH & MELISSA KEEN, 3833**

**MEADOWBROOK,** for relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

**ITEM #5 – con't.**

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a covered screen porch. The site plan submitted indicates the construction on the rear of their home with a proposed 31.8' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

This item first appeared before this Board at the meeting of June 17, 2008. At that time it was discovered that the petitioners had changed their original request from a 33.8' rear yard setback to a 31.8' rear yard setback. The Building Department re-published this request and sent out the appropriate notices to property owners and occupants within 300' of this site.

Mr. Keen was present and stated that he had talked to his neighbors regarding the larger variance and no one objected to this request. Mr. Keen brought in two (2) approval letters (one of which had previously been received).

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are seven (7) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to grant Zachary and Melissa Keen, 3833 Meadowbrook, relief of the Ordinance to construct a covered screen porch that will result with a 31.8' rear yard setback where Section 30.10.02 of the Ordinance requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- 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.
- This property backs up to a landscape buffer along the freeway.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6- VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE,** for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

**ITEM #6 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing parcel of land. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85'. The site plan submitted indicates that this split will result in one lot that is 83.51' wide and the other lot 83.37' wide.

Due to an error in publishing this notice, this request has been postponed to a Special meeting of the Board of Zoning Appeals, on Tuesday, July 29, 2008.

Motion by Courtney  
Supported by Gies

MOVED, to postpone the request of Dennis Siavrakas, Bryden Homes, 660 E. Long Lake, for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- To allow for the proper Public Hearing notice to be placed in the newspaper.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL JULY 29, 2008 CARRIED

**ITEM #7 - VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO**, for relief of the Ordinance to split an existing parcel of land into home sites, which will result in each having a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

The petitioner was not present.

Mr. Strat stated that the Public Hearing could be opened at tonight's meeting and then adjourned if the Board decided to postpone this item.

Mr. Bartnik asked if the proposed houses would meet the minimum square footage for this Zoning District.

Mr. Stimac stated that in the R-1E Zoning District, the minimum square footage of homes is 1,000 square feet. These homes are proposed to be 40' x 32", which would result in homes that are 1,282 square feet.

**ITEM #7 – con't.**

Mr. Strat asked if the 60' lot width was typical for this area.

Mr. Stimac said that Ellenboro has an interesting mix of lot sizes. Lots on the west side of the road are very shallow and lots on the east side of the road are much deeper than what you typically see. All of the other lots comply with the Ordinance requirements. There are three (3) lots to the south that are close to what is being proposed. However, they are 61.5' wide and about 1' deeper than the subject lots and comply with the minimum area requirements.

Mr. Strat asked if the Board is approving the site plan submitted with the request.

Mr. Stimac stated that staff recommends to the petitioner when asking for a variance in lot size that they submit plans that demonstrate that the proposed lots are viable parcels for constructing conforming homes.

Mr. Strat said that the 60' lot width is within the size of the surrounding R-1E lots.

Mr. Stimac stated that there are thousands of lots within the City in the R-1E Zoning District that are 60' in width. The typical size of these lots is 60' x 125'. The petitioner is proposing two lots that are 60' x 122'.

Mr. Kovacs asked how far up the R-1E Zoning District goes.

Mr. Stimac explained that it stretches to the center line of Trombley. South of that line the property is zoned R-1E and north of that line the property is zoned R-1C.

The Chairman opened the Public Hearing.

Mrs. Jolene Roudebush, 3370 Kilmer was present. Mrs. Roudebush stated that her property backs up to this site. Mrs. Roudebush said that she is opposed to this variance. By allowing the smaller lots her property will overlook two smaller sites and Mrs. Roudebush believes it will bring her property value down. Mrs. Roudebush also stated that they have had a problem with drainage at the back of the property and this site sits higher than her property.

Mr. Courtney suggested that Ms. Roudebush put her concerns in writing and turn it into the Building Department for distribution to the Board members.

Mr. Kenneth Parrett, 3376 Ellenboro was present and stated that his property is across the street from this site. Mr. Parrett stated that he is neither for nor against this request. Mr. Parrett informed the Board that this request had been before the Board previously and at that time the members stated that they did not want to split the parcel as it would

**ITEM #7 – con't.**

resemble properties in Sterling Heights or Warren. At that time, the lady that owned the house was looking to sell the home due to financial concerns and wasn't able to. Six months after the Board met the home went into foreclosure. Mr. Parrett also stated that the Board had suggested that the petitioner purchase an extra 10' from the neighbors behind in order to comply with the Ordinance.

Mr. Courtney asked Mr. Stimac if he knew when this request was before the Board previously.

Mr. Stimac stated that he would check into the date but advised the Board that the previous request had been withdrawn by the petitioner and no final action was taken by the Board.

Mr. Kovacs stated that the comments may still apply but this is a new Board and this Board will have to consider all the facts.

Mrs. Roudebush stated that Gary Abitheira had approached her about selling him an additional 10' but they never sat down and discussed a serious offer. Mrs. Roudebush also stated that she was not interested in selling part of her property.

Mr. Stimac stated that this request had appeared before the Board on May 16, 2006 and according to the minutes of that meeting due to the fact that the petitioner withdrew the request no further action was taken by the Board.

The Chairman adjourned the Public Hearing at this time.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to deny the request of Gary Abitheira for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District.

Mr. Bartnik stated that he would not be in favor of denying this request unless the petitioner did not show up for the next meeting.

Mr. Strat said that he would not vote to deny this request without input from the petitioner.

Mr. Courtney withdrew his motion to deny.

**ITEM #7 – con't.**

Motion by Courtney  
Supported by Bartnik

MOVED, to adjourn the public hearing on the request of Gary Abitheira, 3367 Ellenboro, for relief of the Ordinance to split an existing parcel of land, which will result in two lots each with a lot area of 7,320 square feet where Section 30.10.06 of the Zoning Ordinance requires 7,500 square feet lot area in the R-1E Zoning District, until the next regular meeting of the Board of Zoning Appeals on August 19, 2008.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL AUGUST 19, 2008 CARRIED

Mr. Bartnik asked Mr. Stimac to find out who owned this piece of property.

Mr. Stimac stated that he would have that information for him at the August 19<sup>th</sup> meeting.

The Chairman adjourned the Board of Zoning Appeals meeting at 8:05 P.M.

---

Matthew Kovacs, Chairman

---

Pamela Pasternak, Recording Secretary

**TROY ETHNIC ISSUES ADVISORY BOARD  
Minutes for Tuesday, July 15, 2008**

I. Call to Order 7:05 pm

II. Roll Call

Present      Karen Yelder  
                  Kelly Jones  
                  William Lawrence  
                  Cathy Francois  
                  Mayada Fakhouri  
                  Grigore Buia  
                  Reuben Ellis (7:20 pm)  
                  Lily Huang, Student  
                  Cindy Stewart

Absent        Michelle Haight  
                  Tony Haddad

III. Approval of Minutes – June 3, 2008

Motion to approve by Cathy Francois, seconded by Kelly Jones.  
Approved unanimously

IV. Correspondence/ Articles – None

V. New Business – None

VI. Old Business

a. Troy Daze- Ethnicity

8 booths confirmed for the EthniCity Tent  
CAPA  
National Federation of Filipino American Association  
Peru  
Troy High Chinese Club  
Bharatiya Temple  
Filipino American Community Council

Coming:      African American Parent Support Group (Nadeen Brown)

No responses: Poland, Finland, Budda Light Intl., All Nations Lutheran is going to the Big Tent.

Kelly has calls to many organizations. Contact Kelly if any ideas on groups that would like to be involved.

EIAB Volunteers for tent looks good. Cindy will order 1,000 small flags to pass out to visitors.

Kelly will talk to Michelle. Re: passports. What information was on the ones they did at Barnard. Mayada will bring her sample to Cindy's office.

Willie Dechavez has a fashion show planned. "Asian Cultural Couture Fashion Show" – possible to put on the outdoor stage? Need to talk to Willie- no cooking under the tent!

Committee needs to bring artifacts for EIA Booth- be sure they are not breakable items or heirlooms.

b. Troy School District Update

- i. Elementary Schools: Kelly putting together a presentation for PTO's. with demographics, resources and information. Hopefully she will go to the PTO President meeting in September and perhaps a Principal's meeting. Karen offered to go with Kelly to get information for high schools.
- ii. High Schools: Karen looking to find out when she could talk to the high school principals and teachers. Athens High held an Ethnic Fair (May) very successful. Each ethnic group had a sponsor. They had a talent show, booths with information and food, fashion show.
- iii. African American Parent Support Group: Kelly was in attendance, along with Dr. Fowler, Kathy Davisson, Tim McAvoy, and some school board members. Students shared their feelings. Parents broke into groups on separate topics to brainstorm ideas and share resources.

Karen spoke on last night's planning committee meeting. They established a mission statement and goals, plan to come out with a brochure. Future plans include Saturday retreat to go along with their goals of academic excellence. Focus now to get parents involved. The group will have a booth at Troy Daze Ethnicity Tent.

Parents' workshop is scheduled by the African American Parent Support Group for Monday, August 11, 2008 6 – 9 pm at either Baker or Boulan (TBD). Invitation to EIAB to have a table to share information on EIAB. Reuben, Karen, and Cathy would be willing to be there.

VII. Adjournment 7:55 pm

Motion by Mayada Fakhouri, seconded by William Lawrence. Meeting adjourned.

**Next Meeting Tuesday, August 12, 2008 at 7 pm**

---

Kelly Jones, EIAB Vice Chair

---

Cindy Stewart, EIAB Recording Secretary

The Chairman, Matthew Kovacs, called the special meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, July 29, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Kenneth Courtney  
Glenn Clark  
Marcia Gies  
Matthew Kovacs  
David Lambert

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

ABSENT: Wayne Wright

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 17, 2008**

Motion by Gies  
Supported by Clark

MOVED, to approve the minutes of the meeting of July 17, 2008 as written.

Yeas: 6 – Courtney, Clark, Gies, Kovacs, Lambert, Bartnik  
Absent: 1 – Wright

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 - VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE,** for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51’ wide and the other lot 83.37’ wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85’ in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing vacant parcel of land to create two home sites. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85’. The site plan submitted indicates that this split will result in one lot that is 83.51’ wide and the other lot 83.37’ wide at the front setback line.

This item was originally scheduled for the meeting of July 17, 2008; however, due to an error in publishing it was postponed to allow for the correct publication to go out. Notices of the new date were sent out to property owners within 300’ of this parcel and the proper notice has now been published in the newspaper.

**ITEM #2 –con't.**

Mr. Lambert stated that Parcel B is a much larger piece of property and asked if this was a buildable lot for a single-family residence.

Mr. Stimac stated that as it stands right now you can only have one home on it. The street Nada dead ends into it and there is the possibility that this street will be extended farther in and the petitioner can potentially develop other lots at that time. It would only be possible with the extension of the existing street.

Mr. Courtney asked how many splits of this parcel would be allowed without going through the Subdivision Control Act.

Mr. Stimac stated that the Land Division Act, previously referred to as the Subdivision Control Act, would allow this property to be split into four parcels without doing a plat. This action would be included and it would allow them to divide two additional lots before they would have to go through subdivision platting or site plan condominium to get additional divisions of the property.

Mr. Courtney asked if Mr. Stimac had any idea how many lots would be allowed on this property.

Mr. Stimac said that he was not sure, but if they used lot averaging, he thought that it would be possible to create six sites on this parcel. This would be dependent on them extending the street to the eastern edge.

Mr. Courtney asked if he was correct in assuming that if the variance was granted now, Parcel B could still be used as a condominium site.

Mr. Stimac said that option would be available to the petitioner.

Mr. Dennis Siavrakas and Mr. Brian Vargason of Bryden Homes were present. Mr. Siavrakas stated that Houghten Drain is on the east side of the property and runs through the rear portion of the property. If they were to go through and request a Subdivision Plat or Site Condominium this drain would probably take up two lots. A total of five lots would be able to be built on this parcel.

Mr. Courtney asked if that was their plan.

Mr. Siavrakas said that if things go well that is what they would like to do in the future. Mr. Siavrakas also said that they would like to build two (2) new homes and the parcels to the west have just about the same exact frontage. This request is minor and the proposed development makes sense as it almost identical to the lots to the west of this site. They cannot look to the east for any additional property as it is owned by Oakland County and they did approach the neighbors to the west; however, they are not interested in selling any of their property. This variance is only about 2% and the lot to

**ITEM #2 – con't.**

the east is a little wider at the back of the property. These homes would increase property values and would not have an adverse effect to surrounding property. All other requirements including setbacks would be met.

Mr. Courtney asked if it would be possible for the petitioner to pick up extra property from the parcel to the east.

Mr. Siavrakas stated that Oakland County has the rights to the drain and the easement there. Riverbend Condominiums developed this property and they had to distinguish a line that was given to Oakland County as an easement line. If they developed the property to the south the same thing would apply, they would have to distinguish an easement line, which would be recorded against the property and it would be given to the Oakland County Drain Commission. Mr. Siavrakas said that there are wetlands on the property that are approximately 10' to 15' from the rear of the property. The drain runs through the side and rear of the property.

Mr. Courtney said that they could own the property they would just not be able to build on it.

Mr. Kovacs asked if they would be opposed to stipulations on the property that would state that the property could only be developed into single-family residential property.

Mr. Siavrakas said that they would definitely agree, and feels that this is how it should be.

Mr. Kovacs stated that is one of the concerns raised by surrounding property owners and he believes this is a valid concern. Mr. Kovacs also asked if they were planning to extend Nada.

Mr. Siavrakas said that they would like to and stated that this area will be kept to single-family residential. Nada is also zoned as R-1C and development as single-family residential would make the most sense. They have no intentions to develop the property any other way.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing closed.

There are two (2) written objections on file. There is one written approval on file.

Mr. Bartnik stated that one of the letters approving this request was from the property owner immediately to the west, 646 E. Long Lake, and the property, 632 E. Long Lake that is located two parcels to the west objected to this request. Mr. Bartnik stated that Mr. Siavrakas indicated that these lots were the same size as the proposed lots.

**ITEM #2 – con't.**

Mr. Stimac said that 632 and 646 E. Long Lake, as well as the properties on Nada were done as a Subdivision Plat and were done with the lot averaging option. This allows a variation in lot width as long as the minimum lot area is maintained.

Mr. Kovacs asked if the petitioner would need a variance to build a home on Parcel B if this variance was granted.

Mr. Stimac said that the petitioner is asking that the Board approve both lot widths, and make them buildable lots. Technically, both lots have the same width on the frontage along Long Lake Road, but since the Ordinance measures the lot width at the front setback, Lot A is slightly larger than Parcel B.

Mr. Kovacs asked if they could add Parcels C and D if they wanted to.

Mr. Stimac said that they couldn't do that until they found some other usable frontage to create Parcel C. Once Nada was extended, they would have the option to do that.

Mr. Courtney asked if they could put in homes that were substantially smaller than other homes in the area.

Mr. Stimac said that the minimum size of homes in R-1C Zoning is either 1,200 or 1,400 square feet. Mr. Stimac said that he thought that the homes to the west were substantially larger than that requirement. Due to the cost of land and the desire of builders to have a certain ratio of house cost to land cost, you rarely see homes that are constructed at the minimum square footage allowed.

Mr. Courtney asked what size homes the petitioners are planning to construct.

Mr. Siavrakas said that the intention is to build the same size homes that are currently in the area. Going back to land costs it does not pay to put in smaller homes. Mr. Siavrakas said that if they do develop the other half of the parcel, they would put in some type of subdivision control and make sure that those homes are consistent with the other homes in the area. Mr. Siavrakas also stated that he had a site plan of the area and the lots to the west are identical in width to this request.

Motion by Bartnik  
Supported by Gies

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.

**ITEM #2 – con't.**

- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Absent a variance, conformance is unnecessarily burdensome.

Mr. Kovacs stated that he would like to stipulate that Parcel B has to be developed as a single-family residential development.

Motion by Clark  
Supported by Lambert

MOVED, to amend the original motion to include the stipulation that Parcel B must be developed as single-family residential.

Mr. Lambert asked if the developer would have to come back to this Board if they decided they wanted to develop this property in another way.

Mr. Motzny said that if they wished to do anything other than single-family residential, they would have to have the property re-zoned. The record would indicate that this Board granted the variance with the stipulation that the property be developed as single-family residential.

Mr. Stimac clarified with the Board that the motion would not preclude the petitioner from developing site condominiums as long as they were detached single-family residential units.

Mr. Kovacs said that was his intention.

Vote to amend original motion.

Yeas: 6 – Courtney, Kovacs, Lambert, Bartnik, Clark, Gies  
Absent: 1 – Wright

**MOTION TO AMEND MOTION CARRIED**

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.
- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

**ITEM #2 – con't.**

- Absent a variance, conformance is unnecessarily burdensome.
- Property to be developed as Single-Family Residential.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Kovacs, Lambert  
Absent: 1 – Wright

**MOTION TO GRANT VARIANCE CARRIED**

Motion by Gies  
Supported by Clark

MOVED, to excuse Mr. Wright from tonight's meeting for personal reasons.

Yeas: 6 – Lambert, Bartnik, Clark, Courtney, Gies, Kovacs

**MOTION TO EXCUSE MR. WRIGHT CARRIED**

Mrs. Gies informed the Board that she would be out of town for the meeting of August 19, 2008.

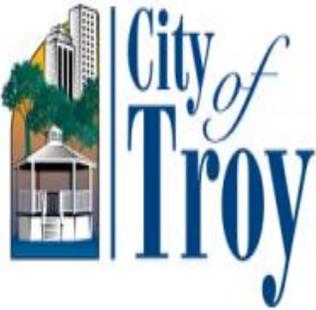
The Board of Zoning Appeals meeting adjourned at 8:00 P.M.

---

Matthew Kovacs, Chairman

---

Pamela Pasternak, Recording Secretary



**TO:** Members of the Troy City Council

**FROM:** Lori Grigg Bluhm, City Attorney  
Robert F. Davisson, Assistant City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
Susan M. Lancaster, Assistant City Attorney  
Allan T. Motzny, Assistant City Attorney

**DATE:** July 28, 2008

**SUBJECT:** 2008 Second Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the SECOND quarter of 2008 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. *Troy v. Papadelis and Papadelis v. Troy* - This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order was entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the court's order, and therefore

a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy. However, the court also determined that the defendants were in compliance with the City of Troy zoning ordinances as of the date of the court decision. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow. Troy filed a counterclaim in the Federal Court case but it was dismissed by Judge Tarnow, who refused to exercise jurisdiction over the counter-complaint, since it would require him to interpret the opinion of the Oakland County Circuit Court Judge. Troy has subsequently filed two separate motions to dismiss the Papadelis complaint. One of the motions asserted the same jurisdictional claim that was raised against the counter-complaint. The Court granted Troy's motion based on jurisdictional issues and dismissed the case without prejudice. The court did not rule on the other motion, but instead, directed the Papadelises to re-file their case in state court. The Papadelis family then re-filed its lawsuit in Oakland County Circuit Court. Troy filed an answer and a counterclaim. Troy also immediately filed a motion for summary disposition seeking dismissal of the complaint and a judgment in favor of Troy. The counterclaim seeks an order requiring the Papadelis family to remove two greenhouses and other structures that have been built upon the property without approvals that are required under the zoning ordinance. The Court scheduled an early intervention conference (settlement conference) for October 18, 2005. The Court has set the hearing date for the Motion for Summary Disposition for January 4, 2006. Subsequent to the filing of Troy's Motion for Summary Disposition, Plaintiffs' filed a Cross Motion for Summary Disposition, and the hearing was rescheduled for January 18, 2006. On February 17, 2006, the Court entered its written Opinion and Order, dismissing the Papadelis claim for money damages and their claim for injunctive relief. However, the Court also granted Summary Disposition in favor of the Plaintiffs on their claim for declaratory relief, and held that "retail" activity was not occurring on the northern parcel, and that the "agricultural" activities on the northern parcel were protected under the Right to Farm Act. Additionally the Court ruled the Plaintiffs' were exempt from City permitting requirements under the agricultural building permit exemption of the State Construction Code Act. The Court also dismissed the City's counterclaim. Troy has filed an appeal with the Michigan Court of Appeals. Plaintiffs' have filed a cross appeal challenging the dismissal of their claims for money damages and injunctive relief. All the required briefs have been filed with the Court of Appeals, which will either schedule an oral argument or will inform the parties that the case will be decided without oral argument. Since this case was assigned to the expedited track for summary disposition appeals, a final decision on appeal is

expected before the end of September of this year. On June 16, 2006, the Building Department discovered that the Papadelis family was erecting a new, large pole barn structure on the property at 3301 John R. Road. This structure was likely in violation of local and/or state law. The Building Department followed the procedure for issuing a Stop Work Order. In addition, our office filed an emergency motion with the Court of Appeals, seeking to enjoin construction of the building pending final outcome of the appeal. On June 21, 2006, the Court of Appeals granted the motion for immediate consideration, but denied the motion to enjoin construction of the building. The denial of the motion has no bearing on the final outcome of this appeal, and if Troy ultimately prevails on appeal, the new building will have to be removed. Despite the issuance of the Stop Work Order, the construction continued on the new building. The Papadelis Family then filed a Motion to hold the City Attorney and the Director of Building and Zoning in contempt of court. In this Motion, the Papadelis family argued that the Circuit Court ruling (Judge Colleen O'Brien) allows the construction of the new building without a permit and without having to comply with the zoning ordinance provisions regulating the size and location of buildings. Judge O'Brien denied this Motion on June 28, 2006, and ruled that her earlier ruling (the ruling on appeal) was limited to the buildings on the property at the time of the ruling, and did not extend to allow for new construction on the site. On September 19, 2006, the Court of Appeals affirmed the decisions of the Circuit Court. Thus, the Court affirmed the declaratory judgment in favor of the plaintiffs, but it also affirmed the dismissal of plaintiff's civil rights claims against the City, Mark Stimac, and Marlene Struckman. Troy has filed an Application for Leave to Appeal with the Michigan Supreme Court. The Michigan Municipal League is also filing an amicus brief in support of the City's Application for Leave to Appeal. The Papadelis family filed a Cross Application for Leave to Appeal. If the Supreme Court denies both the Application for Leave to Appeal and the Cross Application for Leave to Appeal, the Court of Appeals decision becomes the final decision in this case. The Supreme Court may grant both the Application and Cross Application for Leave to Appeal, or it may grant one and deny the other, or it may grant either Application in part and limit the issues that it will review. The Michigan Municipal League (MML) has prepared an Amicus Brief in support of the municipal position, and the Papadelis family has opposed the MML's Motion for Leave To File the Amicus Brief. The parties are now waiting for the Michigan Supreme Court to take action. On June 29, 2007, in lieu of granting leave to appeal, the Michigan Supreme Court ruled in favor of the City, and reversed the decisions of the Oakland County Circuit Court and the Court of Appeals. The case will now be remanded back to the Oakland County Circuit Court for an order requiring the Papadelis family to comply with Troy's zoning ordinances. The Michigan Supreme Court declared that the greenhouses and pole barn are not "incidental to the use for agricultural purposes of the land on which they are located." Plaintiff's cross appeal against the City was denied. Troy filed a motion in Circuit Court to enforce the Supreme Court's ruling, which requires all of the buildings constructed on the Papadelis property to be in compliance with Troy's zoning ordinance. In the alternative, the structures need to be removed.

The Court scheduled an evidentiary hearing on our Motion for October 17, 2007. A hearing/bench trial began on October 17<sup>th</sup> and continued on October 23<sup>rd</sup>. The City presented evidence in support of its request for an Order requiring the Papadelis family to remove two large greenhouses, eight smaller greenhouse type structures (cold frames) and a pole barn from the subject property. The Papadelis Family has started to present evidence in support of their defense and opposition to the City's requested relief. They contend the zoning ordinance is not applicable to the buildings. The Court has set the next hearing/ bench trial continuation date for January 30, 2008. The hearing/bench trial continued on January 30, 2008 and closing arguments were scheduled for March 5, 2008. After closing arguments were made, Judge O'Brien indicated she would prepare a written opinion. **On May 22, 2008, Judge O'Brien issued an Opinion and Order dismissing the City's counterclaim. On June 4, 2008, the City filed a Motion for Reconsideration, which was denied on June 10, 2008. On June 23, 2008, the City filed a Claim of Appeal with the Michigan Court of Appeals.**

- *Karagiannakis and Garrett Family Ltd.Partnership v. City of Troy, et. al.*  
The Plaintiffs, Nick and Leslie Karagiannakis, are the owners of property that is designated as "Outlot B" in the Troy Villas Subdivision No. 1 (north of Square Lake Road, west of Rochester Road). The Co-Plaintiff, Garrett Family Limited Partnership (hereinafter "Garrett") has a purchase agreement with the Karagiannakis family for a portion of this property, which has or will be combined with the rear portions of other parcels that front on Square Lake Road. Garrett proposes to build a 12-unit site condominium on this approximately 6.04 acre parcel, which is currently landlocked and is located behind several homes that front on Ottawa and Donaldson. The plat for the property does not expressly designate a public roadway easement that would allow for a roadway to be constructed over the property owned by co-defendants Arthur and Delphine Lubiarsz (480 Ottawa) and James and Cynthia Smith (536 Ottawa- actually on the adjoining plat). The express language of the plat grants only a 43-foot private easement- not a public road. In 1981, a private driveway agreement over this 43-foot private easement allowed for the construction of the Karagiannakis' residence (500 Ottawa). However, this agreement is extremely limited, and authorizes only a private driveway to a single-family residence. It could not be used to service a 12-unit condominium site. Plaintiffs seek to convert the private easement to a public road, which is required for the proposed development. The Plaintiffs previously filed an action for Declaratory Judgment, and the City argued that the complaint was not correctly filed, since the requested relief could only be granted through a re-plat lawsuit under the Michigan Subdivision Control Act. Under this law, a plat revision complaint needs to be filed against all persons having an interest that could be impacted by revisions to the plat. Plaintiffs thereafter agreed to voluntarily dismiss their Declaratory Judgment action lawsuit, and have now filed this plat revision lawsuit. In the alternative, Plaintiffs have also pled a count asking the Court to allow it to put in a public or private road that is less than the 60- foot width required by City ordinance. The City has filed an Answer to the Complaint and discovery is continuing. Trial is scheduled for April 3, 2008. Prior to the trial date, we filed a

Motion for Summary Disposition, seeking dismissal of the case. Plaintiffs filed a motion to adjourn the April trial date, and the new trial date was set for May 5, 2008. In the meantime, Plaintiffs recently submitted interrogatories to a number of Defendants, including the City. The City is in the process of preparing answers to these interrogatories. The City has filed a Motion for Summary Disposition, arguing that Plaintiffs have failed to serve all necessary parties with the Complaint and Summons. In addition, the City argues that dismissal in its favor is warranted to avoid potential takings claims or claims that the City has misused the powers of condemnation, for the benefit of a private developer. Oral argument on the motion will be April 16, 2008. If the motion is denied, the Court has set the bench trial in this matter for May 5, 2008. **At the oral arguments, an attorney representing the new owner of the Lubiarcz property (Eric Koliatis) appeared, and the Court ordered the Plaintiffs to meet with Mr. Kolaitis to see if the parties could voluntarily negotiate a sale of the property that was needed for the requested access road. Instead of purchasing the necessary property from Mr. Kolaitis, the Plaintiffs instead announced their intention to dismiss the case without prejudice and without costs to any party. The Court entered a dismissal order on June 23, 2008, and the case is now closed.**

3. **Behr America v. City of Troy, et. al.**- This case is a plat revision action filed by Behr America against the City of Troy, the Road Commission for Oakland County, the Oakland County Drain Commission, the Michigan Department of Transportation, the Michigan Department of Environmental Quality, The Michigan Department of Natural Resources, the Treasurer of State of Michigan, the Detroit Edison Company and owners within 300 feet of the Behr America property located at 2700 Daley Drive. Behr America is requesting a revision of Supervisor's Plat No. 11, in order to remove the plat's roadway designation of a portion of Daley Street, which has already been vacated by resolution of the Troy City Council. The City of Troy has filed an Answer to the Complaint, and the parties are now conducting discovery.

#### C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

There are no pending eminent domain cases at this time.

#### D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. *Gerald Molnar v. Janice Pokley, the City of Troy et al.*- Plaintiff filed this lawsuit against the City and Troy Detective Janice Pokley, after a jury found him not guilty of the charge of Criminal Sexual Conduct in the Second Degree. Plaintiff alleges that the City and Detective Pokley violated his constitutional rights to be free from an unreasonable seizure, due process, and equal protection. These constitutional violations allegedly occurred during the criminal sexual conduct investigation of Plaintiff. Plaintiff also claims that the Troy defendants conspired with other named defendants to violate his constitutional rights, and intentionally inflicted emotional distress on Plaintiff. Plaintiff is requesting an unspecified amount of compensatory, exemplary, and punitive damages. On February 27, 2007, Troy filed a motion to dismiss, or in the alternative summary judgment. Plaintiff filed his response to our motion to dismiss on May 21, 2007. As of the end of the **second** quarter, the Court had not yet set a date for oral argument on the motion or otherwise ruled on our motion to dismiss. Since the other defendant, Care House, subsequently filed its motion to dismiss the lawsuit, it is possible that the Court will simultaneously rule on both of these pending motions.
2. *Kenneth Morrell v Troy, et al.* Plaintiff Kenneth Morrell filed a lawsuit against the City of Troy and Troy Police Officer Meghan Broderick. In the complaint, Mr. Morrell alleges a count of assault, gross negligence, a violation of Michigan's Persons with Disabilities Civil Rights Act (PWDCRA), Constitutional violations, false imprisonment, and racial discrimination. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Steven N. Andrews. According to the complaint, the Plaintiff is a disabled person who is African-American. He contends that the PWDCRA entitles him to have employees of self-service gas stations pump gasoline into his car on demand. He alleges that on April 28, 2006 he drove to the BP gas station at Maple and John R., seeking some gasoline for his car. Plaintiff claims that his request for gasoline was denied, and that the gas station owner/ operator instead contacted the Troy Police, who sent Officer Broderick to the scene. In his complaint, he alleges that Officer Broderick aided and abetted the gas station employees in violating his rights under the PWDCRA. He also complains that Officer Broderick drew a weapon (a handgun) on the Plaintiff without justification. Officer Broderick denies that she drew a handgun, although the circumstances may have justified it. She did take her department issued taser out of the holster, but did not use it. Plaintiff also complains that another unidentified Troy police sergeant told him he was permanently barred from the BP gas station, and that he would be arrested for trespassing if he returned. He claims the incident resulted in emotional agitation, forcing him to seek medical help, including medication for his nerves. He is seeking over \$25,000 in damages, plus attorney fees and costs. Plaintiff has also named the gas station owners and its manager as co-defendants in this lawsuit.

Troy has filed a Motion for Summary Disposition. The hearing on the motion is scheduled for July 11, 2007. The Court granted Troy's motion in part and dismissed the assault, gross negligence and false imprisonment claims against the City of Troy. The Court also initially dismissed the alleged violation of PWDCRA claim against both Troy and Officer Broderick, but reinstated the claim in response to Plaintiff's Motion for Reconsideration. The case is now in the discovery phase. Plaintiff filed a motion to extend discovery. The motion was granted and the discovery phase has been extended to February 1, 2008. At the close of discovery, Troy filed a second Motion for Summary Disposition. Case evaluation was held on February 29, 2008. On March 12, 2008, the Court denied Troy's Motion for Summary Disposition. Additionally, the Court has ordered the remaining parties to facilitate/ mediate the case. If the case is not resolved through either case evaluation or facilitation, it will proceed to trial, which was initially scheduled for April 4, 2008. Plaintiff filed a motion to adjourn the trial, which was granted by the Court, and the trial is now set to start on April 21, 2008. **On the trial date of April 21, 2008, the parties reached a nominal settlement of this case, and the case has now been dismissed with prejudice and without costs.**

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Mary Ann Hennig v. City of Troy- Plaintiff has filed this lawsuit, claiming that the City is liable for injuries she sustained after her vehicle was struck by a Troy Police Officer as he was pursuing a suspected drug dealer. Her complaint alleges serious impairment of a bodily function, in that she has neurological damages. The City has filed an answer to the complaint, and the parties are now conducting discovery. The parties have exchanged witness list, expert witness lists and exhibit lists. The parties are continuing to do discovery including updating medical records and deposing witnesses. The Plaintiff has been examined by an orthopedic physician chosen by the City and is scheduled to be examined during the week of October 22, 2008 by a clinical neuropsychologist chosen by the City. Discovery is continuing. On December 12, 2007, the Court ordered facilitation of the case, which is scheduled for March 4, 2008. If the parties are unable to settle the case with facilitation, then a jury trial is scheduled to start on April 22, 2008. The Court ordered facilitation was conducted on

March 28, 2008. In the interim, the City filed a Motion for Summary Disposition, alleging that Plaintiff cannot establish negligence, or that Ms. Hennig's injuries satisfy the no-fault minimum threshold standard, which is that the injuries constitute a "serious impairment of a bodily function." Troy's Motion will be heard on April 23, 2008. The jury trial date has been adjourned to July 29, 2008.

**Judge Mester denied our motion for summary disposition, finding an issue of fact that would need to be resolved at trial. The City filed a motion for reconsideration of this decision, which was denied by Judge Mester in a written opinion. As allowed under the governmental immunity state statute, the circuit court case has now been stayed so that the City can pursue an appeal with the Michigan Court of Appeals prior to the conclusion of a trial. The City timely filed its appeal on June 3, 2008.**

2. Rome Love v. City of Troy- This lawsuit has been filed in the Wayne County Circuit Court, which is the county where the Plaintiff resides, as well as the location of the accident. Plaintiff argues in his complaint that the City is liable for his alleged injuries that were caused when a City of Troy tour bus hit the rear corner panel of a SMART bus on April 6, 2006. The Troy bus was driving on Woodward Avenue, returning from a senior field trip. The Troy bus sustained minor damage, including a broken mirror. Plaintiff claims to have been a passenger on the SMART bus. Plaintiff seeks damages in excess of \$25,000 for alleged pain, disability, and mental anguish, although the alleged injuries are not specified. The City's answer to the complaint is due on April 14, 2008. **Arguing that the City is entitled to governmental immunity, we filed a motion for summary disposition as our first responsive pleading. This motion argues that the Plaintiff's injuries do not meet the no-fault serious injury threshold standard under state statute. Troy's motion will be heard on July 18, 2008.**

#### F. MISCELLANEOUS CASES

1. Kocenda v City of Troy- David Kocenda has filed a complaint against the City of Troy, Chief Craft, Captain Murphy, Captain Mott, Lieutenant Hay, Lieutenant Pappas, and Lieutenant Rossman, alleging Defamation and Intentional Infliction of Emotional Distress. Plaintiff, a Troy police officer, claims he was offered a job as a police officer with the City of Palm Beach Gardens, Florida, but the offer was retracted because of false information provided by Troy and its officers. He contends remarks made by Troy employees constitute both Defamation and Intentional Infliction of Emotional Distress. He is seeking damages in excess of \$25,000. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Fred Mester. Troy's responsive pleading is due December 18, 2007. The City has filed a Motion for Summary Disposition, seeking a dismissal of the lawsuit against the City and its officers. The Court will set the date for the hearing on our motion. The Court granted the Motion for Summary Disposition and dismissed the case. **Several months after the dismissal of his lawsuit, Kocenda filed an untimely Motion for Reconsideration. The Motion for Reconsideration was denied. Kocenda has**

now filed a Claim of Appeal with the Michigan Court of Appeals, seeking a reversal of the dismissal and/or the denial of the Motion for Reconsideration.

2. **Amber Creek East Apartments, a Michigan Corporation, Nicole High, Michael and Caroline Jones, Jacquelyn Flack and Robert Abrogast, Charles Bartz and Robert Plater v. City of Troy.** This case is an appeal of the decisions of 52-4 Judicial District Court Judges William Bolle and Michael Martone. Judge Martone granted administrative search warrants to the City, so that five of the twenty four rental units at Amber Creek East Apartments could be inspected, as mandated by City ordinance and State statute. Just prior to the scheduled date of the apartment inspections, the property owners were granted a second court hearing, where they attempted to nullify the administrative search warrants. At this hearing, the property owners were provided with the opportunity to provide the legal basis for their requested relief. After hearing the legal arguments of the parties, Judge Bolle ruled in favor of the City, and the apartment inspections were conducted thereafter. Shortly afterwards, the property owners filed an appeal with the Oakland County Circuit Court, Judge Sheila Kumar. In this appeal, the property owners argue that the City ordinance and the State statute are unconstitutional. On June 18, 2008, at the oral arguments, Judge Kumar took the matter under advisement, and will likely issue a written opinion.

#### G. CRIMINAL APPEALS

1. **People v Dale E. Grein-** Defendant Mr. Grein was charged with operating a motor vehicle while intoxicated. He filed a motion asking the District Court to suppress the data master breath test results. In support of his motion, he alleged that the Troy Police Officer did not have a reasonable suspicion to make the stop and/or to arrest him. After an evidentiary hearing on April 14, 2008, 52-4 District Court Judge Dennis Drury denied Defendant's motion. Defendant then filed an application for an appeal of this decision to the Oakland County Circuit Court, Judge John J. McDonald. On May 21, 2008, Judge McDonald held a hearing on the application. The next day, the Court issued his favorable written opinion, upholding Judge Drury's decision. The case was then sent back to the District court, and Mr. Grein has subsequently pled guilty to the drunk driving charge.

#### ADMINISTRATIVE PROCEEDINGS

1. **In the Matter of the Application of International Transmission Company, d/b/a ITCTransmission, for a Certificate of Public Convenience and Necessity for the Construction of a Major Transmission Line Running From and Through Sterling Heights, Troy, Clawson, and Royal Oak, MI.** ITCTransmission has requested permission to construct a new major transmission line- the Bismark- Troy Project. After meeting with City Administration, ITC's proposed location for this new transmission line is primarily through industrial properties, and underground.

Previously, a route traversing Maple Road was considered. Before any construction can commence, ITC Transmission needs to obtain a Certificate of Public Convenience and Necessity from the Public Service Commission (PSC). In this proceeding, the PSC determines whether the public benefits justify the construction of the new transmission line; whether the proposed route is feasible and reasonable; and whether the proposed line presents an unreasonable threat to public health or safety. In this particular case, Detroit Edison and Consumers Power filed to intervene. On appeal, these petitions were granted. The parties are now conducting discovery. The expert witnesses of the parties were cross examined on September 27 and 28, 2007. The parties are now preparing written legal briefs for the Administrative Law Judge. Briefs have been filed, and the Administrative Law Judge issued his Notice of Proposal for Decision on December 5, 2007, concluding that ITC has not demonstrated that the quantifiable and nonquantifiable public benefits justify the line's construction, and/or that the proposed route is reasonable. Since Exceptions to this Notice of Proposal for Decision have been timely filed with the Michigan Public Service Commission, the Administrative Law Judge's Decision is not final, and the case will continue. On February 22, 2008, the Michigan Public Service Commission denied ITC's application for a Certificate of Public Necessity. On March 24, 2008, ITC timely filed its appeal of this decision with the Michigan Court of Appeals.

If you have any questions concerning these cases, please let us know.



## CITY COUNCIL REPORT

July 31, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police  
Wendell Moore, Research & Technology Administrator

SUBJECT: 2008 Year-To-Date Calls for Police Service Report

### Background:

- Each quarter the police department publishes a year-to-date report comparing current year calls for police service, criminal offenses, clearance rates, traffic crashes and citations issued to the same time period of previous year.
- A spreadsheet detailing the mid-year comparison is attached.
- The report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.
- Overall, Group A Crime increased 1.9% (30 incidents) from the 2007 level.
- Within Group A, the following categories show notable variations:
  - Breaking and Entering: Up 13.4% (17 incidents)
  - Motor Vehicle Theft: Up 16.4% (11 incidents)
  - Larceny: Up 3.1% (20 incidents)
  - Destruction/Damage to Property/Vandalism: Down 8.4% (14 incidents)
  - Drug Narcotics Offenses: Down 6.6% (7 incidents)
- Group B Crime decreased 22.9% (164 incidents). Significant variations from the 2007 levels occurred in the following:
  - Drunk Driving: Decreased 12.9% (27 incidents)
  - Liquor Law Violations: Decreased 37.5% (24 incidents)
- Total incidents of crime (Group A & B combined) decreased by 5.8% (134 incidents).
- Clearance rates (the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted) continue to be high, 30.5% for Group A Crime, and 79.7% for Group B Crime. In total, 44.5% of all reported crime has been cleared.
- Arrests have increased 3.9% (22 arrests) for Group A crime, which reflects the slight increase in Group A Crime. Group B Crime arrests decreased 28.6% (194 arrests). Overall, arrests decreased by 13.9% (172 arrests).
- Group C (non-criminal) calls for police service decreased by 2.2% (393 incidents).
- Alarms (Burglary, Robbery, Medical, etc.) continue to decrease and are down 0.5% (10 alarms) from 2007 levels.

- Overall, year-to-date reportable traffic crashes decreased by 2.1% (34 crashes)
  - Property Damage crashes decreased 2.6% (34 crashes).
  - Injury crashes are down 0.4% (1 crash).
  - 3 fatal crashes of occurred so far in 2008, as compared to 2 fatal crashes during the same time period of 2007.
- Overall, crimes and non-criminal calls for police service (including fire calls) are down 2.4% (477 crimes/calls for service).
- Non-criminal calls for service comprised approximately 89% of the total calls for service occurring in the first six-months of 2008. This is consistent with previous years.
- Traffic citations issued decreased by 13.8% overall (1018 citations).
  - Hazardous traffic citations issued are down 10.6%
  - Non-hazardous traffic citations issued are down 3.2%
  - License/title/registration citations decreased 16.9%
  - Parking citations decreased 50.8%

Financial Considerations:

- None

Legal Considerations:

- None

Policy Considerations:

- Troy has enhanced the safety and health of the community.



## Troy Police Department Midyear 2008/2007 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent Change	Y-T-D		Percent Change	Y-T-D		Percent Change	Y-T-D	
	2008	2007		2008	2007		2008	2007		2008	Percent
Alarms	1,827	1,837	-0.5%	1,827	1,837	-0.5%	NA	NA	NA	NA	NA
All Other	15,401	15,784	-2.4%	15,594	16,034	-2.7%	259	317	-18.3%	NA	NA
Group C Miscellaneous Total	17,228	17,621	-2.2%	17,421	17,871	-2.5%	259	317	-18.3%	NA	NA
Group E Fire Total	108	58	86.2%	108	58	86.2%	NA	NA	NA	NA	NA
Grand Totals	19,517	19,994	-2.4%	19,979	20,477	-2.4%	1,326	1,556	-14.8%	1,090	44.5%
<b>Traffic Crashes and Citations</b>											
<b>Reportable Traffic Crashes</b>			<u>2008 Alcohol Involved Crashes</u>								
Personal Injury	278	279	-0.4%	11 Incidents--4.0% involved alcohol.							
Property Damage	1,279	1,313	-2.6%	14 Incidents--1.1% involved alcohol.							
Fatal	3	2	50.0%	0 Incidents--0.0% involved alcohol.							
Total Reportable	1,560	1,594	-2.1%	25 Incidents--1.6% of all reportable crashes involved alcohol.							
Private Property Crashes	477	477	NC								
Crashes Grand Total	2,037	2,071	-1.6%								
<b>Traffic Citations</b>											
Hazardous	4,742	5,306	-10.6%								
Non-hazardous	419	433	-3.2%								
License, Title, Registration	1,074	1,292	-16.9%								
Parking	234	476	-50.8%								
Traffic Citations Total	6,469	7,507	-13.8%								

DATE: August 4, 2008  
 TO: Phil Nelson, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of July 2008

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Accessory Structure	1	\$6,500.00	\$155.00
Add/Alter	5	\$4,412,206.00	\$34,788.00
Parking Lot	2	\$415,000.00	\$4,380.00
Fire Repair	1	\$6,732.00	\$155.00
<b>Sub Total</b>	<b>9</b>	<b>\$4,840,438.00</b>	<b>\$39,478.00</b>
<b><u>COMMERCIAL</u></b>			
Tenant Completion	5	\$748,748.00	\$6,568.00
Add/Alter	17	\$934,917.00	\$11,055.00
Wreck	1	\$50,000.00	\$100.00
<b>Sub Total</b>	<b>23</b>	<b>\$1,733,665.00</b>	<b>\$17,723.00</b>
<b><u>RESIDENTIAL</u></b>			
New	4	\$1,431,000.00	\$14,770.00
Add/Alter	37	\$472,874.00	\$7,580.00
Garage/Acc. Structure	5	\$31,715.00	\$715.00
Pool/Spa/Hot Tub	4	\$7,900.00	\$260.00
Ent. Wall/Masonry Fence	1	\$1,000.00	\$35.00
Repair	7	\$166,308.00	\$2,275.00
Wreck	2	\$0.00	\$120.00
<b>Sub Total</b>	<b>60</b>	<b>\$2,110,797.00</b>	<b>\$25,755.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Add/Alter	5	\$13,500.00	\$355.00
Garage/Acc. Structure	1	\$600.00	\$390.00
<b>Sub Total</b>	<b>6</b>	<b>\$14,100.00</b>	<b>\$745.00</b>
<b><u>INSTITUTIONAL/HOSPITAL</u></b>			
New	1	\$1,500,000.00	\$13,615.00
Add/Alter	2	\$101,000.00	\$1,150.00
<b>Sub Total</b>	<b>3</b>	<b>\$1,601,000.00</b>	<b>\$14,765.00</b>
<b><u>RELIGIOUS</u></b>			
Add/Alter	2	\$197,107.00	\$2,210.00
<b>Sub Total</b>	<b>2</b>	<b>\$197,107.00</b>	<b>\$2,210.00</b>

**MISCELLANEOUS**

Signs	36	\$0.00	\$4,080.00
Fences	21	\$0.00	\$335.00

---

<b>Sub Total</b>	<b>57</b>	<b>\$0.00</b>	<b>\$4,415.00</b>
------------------	-----------	---------------	-------------------

<b>TOTAL</b>	<b>160</b>	<b>\$10,497,107.00</b>	<b>\$105,091.00</b>
--------------	------------	------------------------	---------------------

**PERMITS ISSUED DURING THE MONTH OF JULY 2008**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	263	\$2,630.00
Cert. of Occupancy	29	\$2,526.15
Plan Review	94	\$6,274.50
Microfilm	35	\$413.00
Building Permits	160	\$105,091.00
Electrical Permits	177	\$8,967.00
Heating Permits	96	\$4,845.00
Air Cond. Permits	62	\$2,520.00
Refrigeration Permits	2	\$390.00
Plumbing Permits	72	\$5,624.00
Storm Sewer Permits	13	\$1,433.00
Sanitary Sewer Permits	8	\$258.00
Sewer Taps	9	\$2,874.00

---

<b>TOTAL</b>	<b>1020</b>	<b>\$143,845.65</b>
--------------	-------------	---------------------

**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JULY 2008**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	22	\$110.00
Elec. Contr.-Reg.	13	\$195.00
Master Plmb.-Reg.	22	\$110.00
Sign Inst. - Reg.	5	\$50.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	4	\$40.00
Bldg. Contr.-Reg.	24	\$240.00
F.Alarm Contr.-Reg.	2	\$30.00

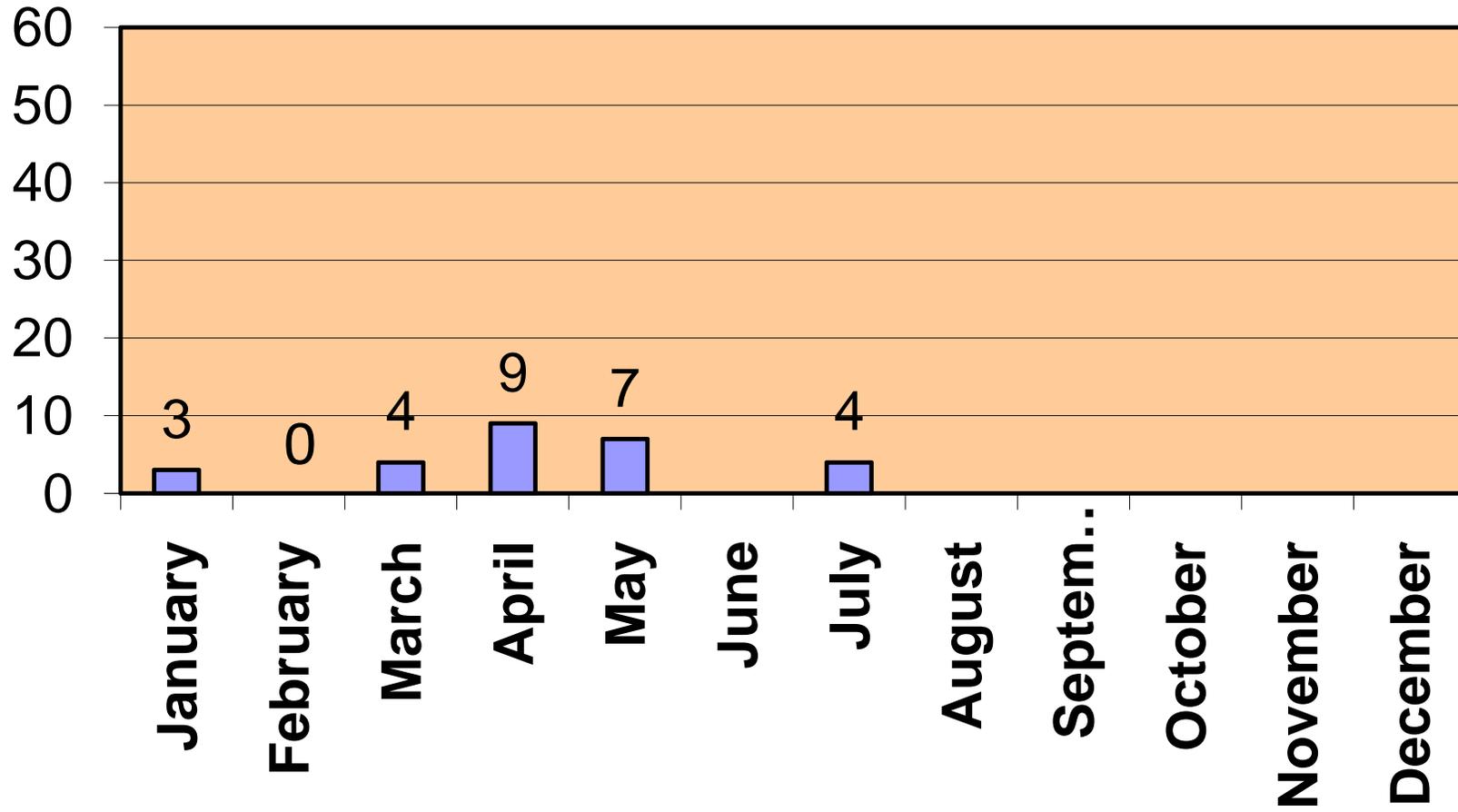
---

<b>TOTAL</b>	<b>93</b>	<b>\$790.00</b>
--------------	-----------	-----------------

## BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2007</u>	<u>PERMIT VALUATION 2007</u>	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>
JANUARY	119	\$7,595,008.00	71	\$4,678,432.00
FEBRUARY	101	\$8,056,092.00	81	\$5,464,681.00
MARCH	135	\$9,204,932.00	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	161	\$8,178,329.00
JULY	134	\$5,755,737.00	160	\$10,497,107.00
AUGUST	149	\$10,867,085.00	0	\$0.00
SEPTEMBER	151	\$15,498,043.00	0	\$0.00
OCTOBER	194	\$13,663,761.00	0	\$0.00
NOVEMBER	136	\$16,386,272.00	0	\$0.00
DECEMBER	102	\$4,572,214.00	0	\$0.00
<b>TOTAL</b>	<b>1714</b>	<b>\$113,702,606.00</b>	<b>882</b>	<b>\$47,174,408.00</b>

# SINGLE FAMILY DWELLING PERMITS 2008



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF JULY 2008**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	KORNACK, KARL	4054 ROCHESTER	130,000
Commercial, Add/Alter	HUNTINGTON CONSTRUCTION	801 W BIG BEAVER 6TH FLR	166,000
Commercial, Add/Alter	HUNTINGTON CONSTRUCTION	801 W BIG BEAVER 3RD FLR	167,000
Commercial, Add/Alter	HUNTINGTON CONSTRUCTION	801 W BIG BEAVER 2ND FLR	167,000
Total Commercial, Add/Alter			630,000
Commercial, Tenant Completion	RAND CONSTRUCTION ENG. INC	2095 E BIG BEAVER 400	125,000
Commercial, Tenant Completion	GLICK, DENNIS M. COMPANY	3415 LIVERNOIS	508,748
Total Commercial, Tenant Completion			633,748
Industrial, Add/Alter	SKANSKA USA BUILDERS INC	1670 AXTELL	1,072,000
Industrial, Add/Alter	SKANSKA USA BUILDERS INC	1145 ROCHESTER	3,168,206
Total Industrial, Add/Alter			4,240,206
Industrial, Parking Lot	J & R CONTRACTORS	1845 MAXWELL	135,000
Industrial, Parking Lot	KEMP BUILDING AND DEVELOPMENT	2477 W MAPLE	280,000
Total Industrial, Parking Lot			415,000
Inst./Hosp., Shell	CONTRACTING RESOURCE, INC	44201 DEQUINDRE 2 NORTH	1,500,000
Total Inst./Hosp., Shell			1,500,000
Religious, Add/Alter	TROY CHURCH OF THE NAZARENE	6840 CROOKS	177,107
Total Religious, Add/Alter			177,107
<b>Records 13</b>		<b>Total Valuation:</b>	<b>7,596,061</b>

**CITY OF TROY  
TRAVEL EXPENSE REPORT**

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: Dearborn, MI Date From: 5/22/2008 To: \_\_\_\_\_

Purpose of Trip: Institute for Local Government's "Who Controls our Water System" Session

Items	Dates:	Sun	Mon	Tues	Wed 22-May	Thurs	Fri	Sat	TOTAL
<b>Miles</b> (Personal Car)					58.00				58.00
Enter Current Mileage Rate: \$ 0.50 /mile					\$29.00				\$29.00
<b>City Car Expense</b> (Details on Bottom)									
<b>Air/Bus/Train</b>									
<b>Registration</b>									
<b>Room</b> (Attach all Receipts)									
<b>Meals</b> (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:									
<b>Other</b> Detail, Explain Below									
<b>Additional Other</b> Detail, Explain Below									
<b>TOTAL EXPENSE</b>					29.00				\$29.00

Details of City Car Expense	
Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
<b>Total</b>	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	
Balance Due Employee	\$29.00
(or) Balance Due City	

Mary Redder  
Requested By \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Department Head \_\_\_\_\_ Date \_\_\_\_\_

[Signature]  
Approved - Human Resources Director \_\_\_\_\_ Date \_\_\_\_\_

[Signature]  
Approved - Financial Services Director \_\_\_\_\_ Date 7-17-08

Notes and Explanations:

Charge to: Education & Training (City Council)

Account # 1027960110

CITY OF TROY  
TRAVEL EXPENSE REPORT

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: Warren, MI Date From: 6/17/2008 To: \_\_\_\_\_

Purpose of Trip: SME Chapter One: Michigan's Economy

Items	Sun	Mon	Tues 17-Jun	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)			42.00					42.00
Enter Current Mileage Rate: \$ 0.58 /mile			\$24.36					\$24.36
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration								
Room (Attach all Receipts)								
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below	0.00							
<b>TOTAL EXPENSE</b>			24.36					\$24.36

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	
Balance Due Employee	\$24.36
(or) Balance Due City	

Mary Boden 7/30/08  
Requested By Date

\_\_\_\_\_  
Department Head Date

\_\_\_\_\_  
Approved - Human Resources Director Date

[Signature] 7/30/08  
Approved - Financial Services Director Date

Notes and Explanations:

Charge to: Education and Training (City Council)

Account # 1027960110

CITY OF TROY  
TRAVEL EXPENSE REPORT

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: East Lansing, MI Date From: 6/18/2008 To: \_\_\_\_\_

Purpose of Trip: MSUE Master Planner Advanced Academy

Items	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)				182.00				182.00
Enter Current Mileage Rate: \$ 0.58 /mile				\$105.56				\$105.56
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration				95.00				\$95.00
Room (Attach all Receipts)				101.70				\$101.70
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below	0.00							
<b>TOTAL EXPENSE</b>				302.26				\$302.26

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	\$95.00
Balance Due Employee	\$207.26
(or) Balance Due City	

Mary Kerwin Requested By Date 7/30/08

\_\_\_\_\_  
Department Head Date \_\_\_\_\_

Approved - Human Resources Director Date \_\_\_\_\_

Approved - Financial Services Director Date 7/30/08

Notes and Explanations:

CITY OF TROY TRAVEL EXPENSE REPORT

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: Detroit, MI Date From: 7/15/2008 To:

Purpose of Trip: SEMCOG University: Asset Management

Table with columns: Items, Sun, Mon, Tues, Wed, Thurs, Fri, Sat, TOTAL. Rows include Miles (Personal Car), Enter Current Mileage Rate, City Car Expense, Air/Bus/Train, Registration, Room, Meals, Breakfast, Lunch, Dinner, Other, Additional Other, and TOTAL EXPENSE.

Details of City Car Expense

Table for City Car Expense details with rows: Total Mileage, Gasoline/Oil Purchased, Maintenance Work, Parking/Storage, Other, Total.

Table for Cash and P-Card details with rows: Cash Advanced and Prepaid Expenses, P-Card Purchases, Balance Due Employee, (or) Balance Due City.

Mary Redden Requested By 7/30/08 Date

Department Head Date

Approved - Human Resources Director Date 7/30/08
Approved - Financial Services Director Date

Notes and Explanations:

Charge to: Education and Training (City Council)

Account # 1027960110

CITY OF TROY  
TRAVEL EXPENSE REPORT

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: \_\_\_\_\_ Date From: 7/30/2008 To: \_\_\_\_\_

Purpose of Trip: "Building a Championship Team" - Sponsored by the Troy Chamber of Commerce

Items	Dates:	Sun	Mon	Tues	Wed 30-Jul	Thurs	Fri	Sat	TOTAL
<b>Miles</b> (Personal Car)									
Enter Current Mileage									
Rate: \$ 0.58 /mile									
<b>City Car Expense</b> (Details on Bottom)									
<b>Air/Bus/Train</b>									
<b>Registration</b>					15.00				15.00
<b>Room</b> (Attach all Receipts)									
<b>Meals</b> (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:									
<b>Other</b> Detail, Explain Below									
<b>Additional Other</b> Detail, Explain Below	0.00								
<b>TOTAL EXPENSE</b>					15.00				15.00

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	
Balance Due Employee	15.00
(or) Balance Due City	

Mary Kerwin  
Requested By \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Department Head \_\_\_\_\_ Date \_\_\_\_\_

Approved - Human Resources Director \_\_\_\_\_ Date \_\_\_\_\_

Approved - Financial Services Director \_\_\_\_\_ Date 7/31/08

Notes and Explanations:

Charge to: Education and Training (City Council)

Account # 1027960110

July 21, 2008

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver  
Troy, MI 48084



Dear Chief Craft:

This past school year, I had the pleasure of having the services of your officers and they definitely go above and beyond to educate the youth of Troy High School. This spring I had officers Mark Cole and Russ Barrows do a presentation to my four Business and Personal Law classes (and other teachers also attended with their classes) with their K-9 dogs. They provide a very educational demonstration and showed the students how the dogs find and sniff out drugs. The students thoroughly enjoyed the officer's presentation and the officers were very personable and answered any and all questions the students had. In years past, I have had the pleasure of having Ed Klute along with Mark Cole and Russ Barrows bring in their K-9 dogs and this continues to be a favorite of the students. Ed was always very excited about what he did which always spilled into his presentation—we miss him! Please thank them again, they are extremely professional and exemplary in what they do—it is obvious they absolutely enjoy their duties as police officers.

I would like to again thank you for so graciously allowing my Business and Personal Law students to visit your police station. Russell Weipert is so efficient and personable and has for many years been so cordial with the students and has set up this field trip for us. He gives us a tour of the facility and sometimes the jail, if unoccupied, and then works with the judges and we are able to sit in the courtroom and view the different workings of the District Court. The students always talk about this for days, as this is an excellent opportunity for them to actually see what goes on with our police officers and judges. Many times as we are touring, different officers step forward and also offer their kind expertise on many different topics. This is an extremely beneficial opportunity for our young adults and they are always very welcomed by your officers.

Lastly, Sean Morse, liaison officer, is such an asset to Troy High School. The students have an excellent rapport with him and I feel that with his knowledge and guidance, they behave much better and they actually go to him for advice. I run the peer mediation program at Troy High School, which gives me a different relationship with the students, and many times, a planned party will be halted because of his advice. Over the years, he has freely offered his time coming into my classroom and speaking with my peer mediators when he felt trouble could be brewing. Wayne Lepola also takes the time to visit the classroom with Sean and they talk about obtaining evidence and the students fingerprint themselves; this visit also gives the officers the opportunity to talk with the students about retail fraud. This is a very educational presentation

for the students. Sean also discusses search and seizure laws with the students and laws for minors. Sean really understands the workings of the high school and is very proactive in helping maintain a better attitude amongst our teens when working with law enforcement. Sean brings a wealth of knowledge to the classroom and is an integral part of our school, we will sadly miss him next year as he leaves us; he is an exemplary officer! Hopefully, he will be able to come and visit and continue speaking with the students!

Chief Craft, you should be proud of such a wonderful staff and I thank you for sharing them with the students of Troy High School. Have a wonderful summer!! Thanks again!

Sincerely yours,



Gail J. Yax, teacher  
Troy High School

cc: City Manager  
D/C Mauer  
Captains  
Off. Cole/FILE  
Off. Barrows/FILE  
PSA Weipart/FILE  
Off. Morse/FILE  
Off. LePola/FILE

CC: City Council

Re: Aquatic Center

I just wanted to say this is  
a wonderful place to bring  
kids. The Life Guards and everyone  
else that works here is great.  
The life guards pay attention,  
I was very pleased. ~~It~~

Shelley Spinnes

248-808-9913

J3b



H&S INSPECTION SERVICE, INC.  
422 Oliver Drive • Troy, Michigan 48084  
Telephone: 248-362-8141 • Fax: 248-362-8151

J-03c

August 4, 2008

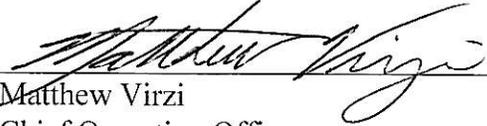
Mayor Louise Schilling  
CITY OF TROY  
500 W. Big Beaver Road  
Troy, MI 48084

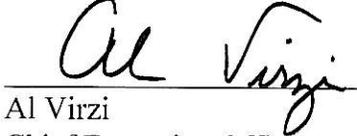
SUBJECT: 422 OLIVER BUILDING RECONSTRUCTION

Mayor Schilling:

During the past 8 months employees of the City of Troy were most helpful in the progressive reconstruction of our office facility (which had been demolished by a vehicle at the end of 2007).

Their expeditious contributions of time and expertise contributed towards the successful completion of the project with the least amount of delays. We felt you should be aware of their contributions in our behalf.

  
Matthew Virzi  
Chief Operating Officer

  
Al Virzi  
Chief Executive Officer

Attachments: (3)

Letters to: Richard Kessler, Plan Examiner/Coordinator  
Gary L. Bowers, Building Inspector  
Robert Winkelman, Building Inspector



H&S INSPECTION SERVICE, INC.  
422 Oliver Drive • Troy, Michigan 48084  
Telephone: 248-362-8141 • Fax: 248-362-8151

---

August 4, 2008

Mr. Richard Kessler  
Plan Examiner/Coordinator  
CITY OF TROY  
500 W. Big Beaver Road  
Troy, MI 48084

SUBJECT: 422 OLIVER BUILDING RECONSTRUCTION

Richard:

We have now reoccupied the office areas of our facility. The rebuilding task would have proven more difficult without the expeditious contributions of your time and expertise.

Thank you. Our sincere appreciation is extended in this matter.

  
Matthew Virzi  
Chief Operating Officer

  
Al Virzi  
Chief Executive Officer

cc: Mayor Louise Schilling  
File



H&S INSPECTION SERVICE, INC.  
422 Oliver Drive • Troy, Michigan 48084  
Telephone: 248-362-8141 • Fax: 248-362-8151

---

August 4, 2008

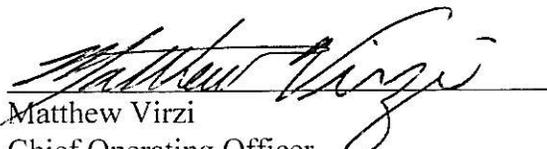
Mr. Gary Bowers  
Building Inspector  
CITY OF TROY  
500 W. Big Beaver Road  
Troy, MI 48084

SUBJECT: 422 OLIVER BUILDING RECONSTRUCTION

Gary:

We have now reoccupied the office areas of our facility. The rebuilding task would have proven more difficult without the expeditious contributions of your time and expertise.

Thank you. Our sincere appreciation is extended in this matter.

  
Matthew Virzi  
Chief Operating Officer

  
Al Virzi  
Chief Executive Officer

cc: Mayor Louise Schilling  
File



H&S INSPECTION SERVICE, INC.  
422 Oliver Drive • Troy, Michigan 48084  
Telephone: 248-362-8141 • Fax: 248-362-8151

---

August 4, 2008

Mr. Robert Winkelman  
Building Inspector  
CITY OF TROY  
500 W. Big Beaver Road  
Troy, MI 48084

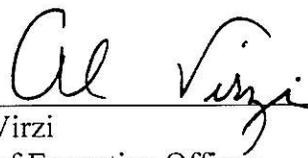
SUBJECT: 422 OLIVER BUILDING RECONSTRUCTION

Robert:

We have now reoccupied the office areas of our facility. The rebuilding task would have proven more difficult without the expeditious contributions of your time and expertise.

Thank you. Our sincere appreciation is extended in this matter.

  
Matthew Virzi  
Chief Operating Officer

  
Al Virzi  
Chief Executive Officer

cc: Mayor Louise Schilling  
File

**Troy Youth Assistance Board Meeting**  
**Draft Minutes - May 15, 2008**  
**6:00 p.m.**

**Present:** Nancy Piotrowski, Leonette Ciepielowski, Robin Beltramini, George Zielinski, Robin Lilly, Brian Goul, Beth Nowinski, Ann Comiskey, Mike Kerr, Dale Zygnowicz, Pat Breen.

**Call to order:** Nancy called the meeting to order at 6:09 p.m. All rose for the Pledge of Allegiance.

**Minutes:** George moved to approve the minutes of April 17, 2008. Leonette seconded; so moved.

**Treasurer's Report: George Zielinski:**

- George presented April 2008 Treasurers Report. Robin B moved to approve report as presented. Robin L seconded; so moved. Budget for 2008-2009 was presented. Brian moved to approve. Ann seconded; so moved.
- George is working on Grant from Bank of America which would provide financial support for our New Beginnings Scholarship. National City would like to be followed up with in the fall.
- It was suggested to contact Wal-Mart for donations.

**Communications:**

- Nancy passed information on Troy High School's fundraiser in which you buy a brick. Also received a thank you from Paul for our well wishes after his surgery, and a thank you from the Athens High School All Night Party Committee.

**Caseworker's Report:**

- Paul was unavailable for report this month due to medical leave. Pat Breen brought news on behalf of Oakland County YA; thanked the committee for moving ahead in Paul's absence.

**Executive Committee Report:**

- Voted to join Leadership Troy.
- Robin B will be attending the Troy Chamber Non-Profit Meetings.

**Committee Reports:**

**A. Camp/Skill Building:**

- Brian reports that applications are coming in. Sign up meeting will be scheduled when Paul returns.

**B. Family Education:**

- Nancy reported- an email was sent to the school district counselors asking for ideas they have on programs they would like to see.
- Letter was sent to Troy School District confirming Active Parenting content for drug free schools funds.
- The Internet Safety Town Hall meeting went well.

**C. Fundraising- Vacant:**

**D. Mentors Plus-Bruce Baxter reported.**

- Robin L. reported on Bruce's behalf that he is trying to set up a meeting with the Elks Club.

**E. Membership- Vacant**

**F. Publicity- Amy Johnson:**

- No report.

**E. Youth Involvement-**

- No report

**H. Youth Recognition-Committee**

- We had our evaluation meeting earlier this month. The event went well and ideas were generated for improvements next year.

**School Reports:**

- Beth Nowinski reports Troy High wrapping up school year. Prom is coming up, theme is Black & White.

**Old Business:**

- Talked about ideas for packets to be provided to potential new volunteers.
- Checked over volunteer application.

**New Business:**

- Leonette motioned to spend up to \$300.00 for a Banner and Stand. Ann seconded; so moved.

**Community Information From Organization/Agencies Liaisons:**

- Ann reports Volunteers are needed for Jam Fest.
- Robin B reports that the Barnard House will be moved. There is a golf package available four for the price of three. There are packets for movies and bowling, also lectures at the Troy Library.
- George reports that things are going well with the Troy PD. There will be a Memorial Awards ceremony for fallen officers.
- Brian reports the Troy Aquatics Center will be opening on May 23, 2008. Summer programs are starting.

**Other concerns:**

NONE

**Adjourned:** 7:30 p.m.

**Next meeting will be August 21, 2008 @ 6:00 p.m.**

Respectfully Submitted,  
Robin Lilly, Secretary



## CITY COUNCIL REPORT

August 6, 2008

TO: Mayor and City Council Members

FROM: <sup>PN</sup> Phillip L. Nelson, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: Fitness Trail in Raintree Park

### Background:

- Over the past several weeks, David Ross, has appeared before the Council seeking changes to the alignment of the fitness trail in Raintree Park.
- Mr. Ross feels that the path interferes with his privacy and that people walking dogs on the path create a conflict with his dogs.
- Original layout and construction of the path was based on layout of the entire park including adjacent land uses for baseball and soccer. Design around the perimeter of the park gives users a facility that offers exercise and fitness within a park that has been one of the most highly used parks in the City's system.
- Staff has looked at ways to improve the situation for homeowners adjacent to the path including planting additional landscaping and earth berming the area to the south of the path to try to reduce some of the views into the backyards of adjacent properties. A copy of a staff memo and landscaping plan is attached to this cover memo.
- Park staff has met with Mr. Ross to explain planting and landscaping plans. Thus far, Mr. Ross has rejected all options other than removal of the pathway.
- Two other property owners, one on the south side of the pathway, and one on the north side of the park have expressed interest in additional landscaping materials being installed.

### Financial Considerations:

- Estimated cost of the landscaping and berming plan is \$4,000.
- Removal of the pathway is estimated to cost \$11,600
- Realignment of the path to eliminate the two 90 degree turns and move the pathway further away from the adjacent properties is estimated at \$12,000 to \$15,000 if constructed by DPW staff. This would be in addition to the \$11,600 for removal of the existing pathway. Realignment of the pathway could also jeopardize some of the usability of the athletic fields to the north of the pathway.

Legal Considerations:

- The existing pathway was constructed as a part of the overall development plan to install walking/bicycle pathways in all city parks.
- The existing pathway is located entirely inside the legal boundaries of the park.

Policy Considerations:

- 42% of respondents to a community survey as part of the Parks Master Plan indicated that their highest priority is the development and construction of hike and bike trails. Overall, 67% of respondents listed hike and bike trails as either their first, second or third highest priorities.
- One of the “Preferred Futures” of the Troy Futures Report called for “In 2020, Troy has a special focus on fitness, helping residents maximize their health and fitness goals. Health and fitness opportunities are accessible, convenient, entertaining and diverse”.
- The proposed City Master Plan contains a quote by Richard Florida author of The Rise of the Creative Class that states “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”.
- According to a study completed by the Wharton School of Business at the University of Pennsylvania, homes located within one-quarter to one-half mile of a community park could add up to 20% to the value of a home.

Course of Action:

Staff has tried to offer options that could lessen some of the perceptions of adverse impacts voiced by neighboring property owners. Installation of landscaping and earth berms will enhance the property, and could reduce some of the perceived adverse impacts of the trail. The trail meets outcomes 1 and 2 by improving livability and the health of the community, and adds value to adjacent properties. Staff would recommend that landscaping and earth berming be completed, and that the trail not be removed.

July 31, 2008

To: Phillip L. Nelson, City Manager  
From: John M. Lamerato, Assistant City Manager/Finance and Administration  
Carol K. Anderson, Parks and Recreation Director  
Subject: Raintree Park Path Update

There has been an effort in recent years to offer more opportunities for residents to walk and bike in the community. Installation of the pathway at Raintree Park, as well as the pathways in Robinwood, Boulan, Beaver Trail Parks and the Troy Community Center is in response to this effort.

The asphalt pathway at Raintree Park was installed by the same process used in other installations. The installation was done by the DPW staff and the restoration (seeding, grading) is being done by the Parks staff. The estimated installation cost is \$108,800. Restoration is estimated at \$5000 including materials and labor.

The edges of the new pathway within the developed portion of the park have been seeded or hydro seeded. The edges of the portion of pathway that winds through the wooded area of the park have been treated with wood chips. The rerouting of the disc golf course was planned to be completed after installation and restoration later this year.

The path is an improvement to the park and a benefit to the community. It is being enjoyed by many, including parents with children, senior citizens, and wheelchair-bound individuals. It offers access to portions of the park that were previously unavailable, and opens up new recreational opportunities to park users.

It is unfortunate that the pathway has created perceived reductions of privacy for at least one resident whose property backs up to the park. Mr. Ross has requested removal of a portion of the path. Cost to remove is estimated at \$11,600. Removal and rerouting of the path would be impossible as the route would be through the soccer fields. Included in this memo is a schematic of the park showing the soccer field placement (attachment 1). Rerouting the path by removing the southern section parallel to North Lake would eliminate the use of the soccer fields.

Parks and Recreation department staff have met with and/or talked to Mr. Ross on several occasions with the intention of coming to an agreement about how best to resolve this situation. Most recently, Mr. Ross contacted Carol Anderson on July 22, 2008 requesting a scaled drawing of the proposed landscaping between the pathway and his property line that he could have reviewed by an architect. He also expressed frustration that the path had not been removed and that the city has done nothing. Ms. Anderson indicated that there had been no direction to remove the path.

Staff provided Mr. Ross with a scaled drawing on July 29, 2008 showing plant material planted on 2'- 3' berms, for consideration by him and his landscape architect. That drawing has been included with this memorandum (attachment 2). The berms and plant material illustrated on the drawing can be installed by City staff, with an estimated material cost of \$4000.00. There is some existing screening of the path on private property and the proposed landscaping should provide a complete screen of the pathway from Mr. Ross' property within two growing seasons.

As city crews have worked on the restoration, Mr. Ross has approached the staff asking about the tasks completed, what they were doing and why, etc.

Mr. Ross has contended that the reason for his opposition, in part is because of concerns about the safety of his dogs. He has also stated that if the dogs are outside they will bark anytime someone is on or near the path.

Two other property owners (one along North Lake and one on the north side of the park on Oakcrest) have contacted the City inquiring about additional screening. Both residents have indicated that they would like to wait to see the effect of the path but would like the option for the city to install screening in the future.

Staff efforts in this matter have been in good faith. Mr. Ross has indicated that he wants the path removed. Staff maintains that the location of the pathway at Raintree Park is appropriate and should not be moved or removed. Unless directed otherwise, the installation of the proposed landscaping will be initiated.

Pictures of the path are attached.

RAINTREE PARK



1 inch equals 175 feet



CITY OF TROY  
OAKLAND COUNTY MICHIGAN

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

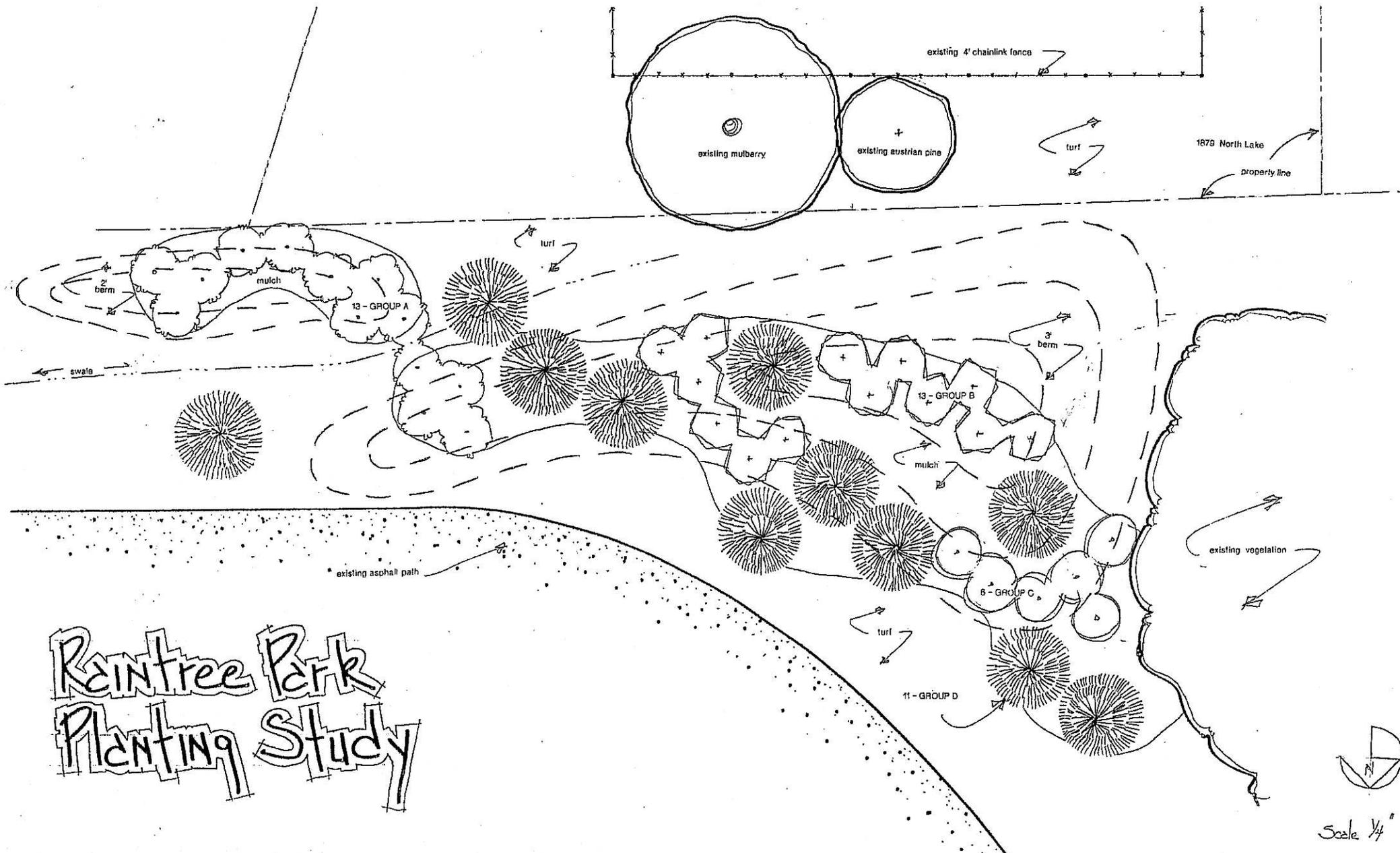
KEY

- ① 43' 6" To edge of Soccer field (west edge)
- ② 107' SOUTH PATH EDGE TO GOAL SLEEVES
- ③ 105' BETWEEN SOUTH EDGE PATH & PATH INTER-SECTION

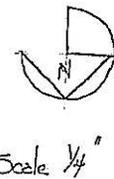
SOUTH



Attachment 2



# Raintree Park Planting Study



Scale 1/4"

# Possible Plants for Raintree Park Planting Study

---

## *Group A*

*Myrica pensylvanica*

*Physocarpus opulifolius*

---

## *Group B*

*Forsythia x intermedia*

*Juniperus chinensis*

*Juniperus scopulorum*

---

## *Group C*

*Syringa vulgaris*

*Spiraea x vanhouttei*

---

## *Group D*

*Picea pungens*

*Pinus sylvestris*

---

## Notes:

- Unless otherwise indicated cultivars may be used if form meets screening requirements.
- Groups A, B and C planted 4 feet on center typical unless cultural requirements for selected plants dictate otherwise.
- Group D minimum planting distance 10 feet.
- All plants to be planted in mulched beds with natural cut edge.
- Final locations of plants to be determined on site.
- Plant selection may vary depending on availability.

From Road Looking South



#A S



#7 S



#95



#105



#115

