



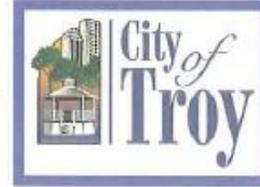
TROY CITY COUNCIL

REGULAR MEETING AGENDA

JANUARY 28, 2013
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Brian Kischnick, 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 adoption.

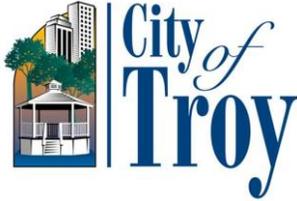
Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

GOALS:

Provide a safe, clean, and livable city

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

Provide effective and efficient local government

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

Build a sense of community

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

Attract and retain business investment

- Clearly articulate an economic development plan
- Create an inclusive, entrepreneurial culture internally and externally
- Clarify, reduce and streamline investment hurdles
- Consistently enhance the synergy between existing businesses and growing economic sectors
- Market the advantages of living and working in Troy through partnerships



CITY COUNCIL AGENDA

January 28, 2013 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor A. C. Phipps from Evanswood Church of God **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: **1**

C-1 Recognition and Appreciation to Barnes and Noble for Partnering with the Troy Public Library to Help Raise \$1369.30 for Library Programs 1

C-2 Information from Arushi Mahajan, President of the Troy Library's Teen Advisory Board, on Their Group's Mission and Goals 1

C-3 Transit Center Update by Glenn Lapin, Economic Development Specialist 1

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D-1 No Carryover Items 1

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Monday, April 22, 2013	Special Meeting	15
Monday, April 29, 2013	Special Meeting	15

INVOCATION: Pastor A. C. Phipps from Evanswood Church of God

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- Mayor Dane Slater
- Jim Campbell
- Wade Fleming
- Dave Henderson
- Maureen McGinnis
- Ed Pennington
- Doug Tietz

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of January 28, 2013, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Recognition and Appreciation to Barnes and Noble for Partnering with the Troy Public Library to Help Raise \$1369.30 for Library Programs

C-2 Information from Arushi Mahajan, President of the Troy Library's Teen Advisory Board, on Their Group's Mission and Goals

C-3 Transit Center Update by Glenn Lapin, Economic Development Specialist

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Rezoning Application (File Number Z 741) – Proposed 1170 Woodslee, North of Maple Road Between Rochester and Stephenson Highway, Section 27, From IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from IB to RT, File Number Z-741, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey (Parcel "C").

THEREFORE, BE IT RESOLVED, That the proposed rezoning from IB to RT is hereby **APPROVED**.

BE IT FINALLY RESOLVED, That the Zoning District Map is hereby **AMENDED**.

Yes:

No:

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *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.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen

minutes after the meeting’s start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.

- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 Adoption of Rules of Procedure

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby (**ADOPTS** or **AMENDS**) the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes:
No:

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Board of Review; b) City Council Appointments – Election Commission; Liquor Advisory Committee

a) Mayoral Appointments

Suggested Resolution
Resolution #2013-01-
Moved by
Seconded by

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

[Board of Review](#)
Appointed by Mayor
3 Regular Members
3-Year Term

Nominations to the Board of Review:

Term Expires: 1/31/2016

James Hatch

Term currently held by: James Hatch

Yes:
No:

b) City Council Appointments

Suggested Resolution
Resolution #2013-01-
Moved by
Seconded by

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

[Election Commission](#)
Appointed by Council
2 Regular Members and 1 Charter Member
1 Year Term

Nominations to the Election Commission:

Term Expires: 1/31/2014

David C. Anderson

Term currently held by: David C. Anderson

Term Expires: 1/31/2014

Timothy Dewan

Term currently held by: Timothy Dewan

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 1/31/2016

Patrick Hall

Term currently held by: Patrick Hall

Term Expires: 1/31/2016

Andrew Kaltsounis

Term currently held by: Andrew Kaltsounis

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Municipal Building Authority; Traffic Committee

a) Mayoral Nominations

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Date	Appointment Expire	Notes 1	Notes 3
Hay	David	11/16/2013	3/5/2012	9/30/2015	In District	
Jonna	Arkan	10/22/2014	1/14/2013	9/30/2016	In District	
Keisling	Laurence	5/25/2014	1/14/2013	9/30/2016	At large	
Kiriluk	Alan	10/12/2014	1/14/2013	9/30/2016	In District	
Knight	P.	1/4/2014	3/5/2012	9/30/2015	At Large	
MacLeish	Daniel	5/26/2014	1/14/2013	9/30/2016	In District	
Mayor					At large	
Randol	Ward	10/12/2013	10/17/2011	9/30/2014	In District	
Reschke	Ernest	9/21/2012	10/17/2011	9/30/2014	At large	
Schroeder	Douglas	9/30/2012	10/17/2011	9/30/2014	At large	
Vacancy				9/30/2013	In District	Michele Hodges' term (Resigned)
Vacancy				9/30/2016	In District	Greg Carnago's term (Resigned)
Van Dyke	Earle	1/31/2014	3/5/2012	9/30/2015	In District	

Nominations to the Downtown Development Authority:

Term Expires: 09/30/2013

Term currently held by: Vacancy-Michele Hodges resigned

Term Expires: 09/30/2016

Term currently held by: Vacancy-Gregory Carnago resigned

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Hoef	Paul	11/21/2013	EDC exp. 4/30/2015
Howrylak	Frank	2/1/2014	
Kempen	Edward	2/1/2014	Planning Comm exp 12/31/2013
Knight	Barbara	1/4/2014	EDC exp. 4/30/2015
Kornacki	Rosemary	11/15/2013	Brownfield Redev Authority exp 4/30/2014
Mallin	Aaron	10/10/2013	
Sawyer Jr.	Thomas	12/11/2014	Municipal Bldg. Authority exp. 01/31/2013
Schultz	Robert	11/11/2013	
Swartz	Robert	7/25/2013	Brownfield exp 4/30/2014; EDC exp 4/30/2018
Vassallo	Joseph	12/6/2013	Brownfield Redev. Auth. exp 4/30/2015
Wilberding	Bruce	2/8/2014	Brownfield Redev. Auth. exp 4/30/2013

Yes:
No:

b) City Council Nominations

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

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

Municipal Building Authority

Appointed by Council

5 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Date	Appointment Expire	Notes 1
Freliga	Victor	12/13/2012	10/17/2011	1/31/2014	
Sawyer Jr.	Thomas	12/11/2014	1/4/2010	1/31/2013	NO Reappointment
Vacancy				1/31/2011	Frank Shier's Term
Vacancy				1/31/2012	Mike Chaffee's Term
Darling	Thomas			1/31/2012	Director of Financial Services

Nominations to the Municipal Building Authority:

Term Expires: 01/31/2014

Term currently held by: Frank Shier

Term Expires: 01/31/2015

Term currently held by: Mike Chaffee

Term Expires: 01/31/2015

Term currently held by: Thomas Darling, Director of Financial Services

Term Expires: 01/31/2016

Term currently held by: Thomas Sawyer Jr.

Interested Applicants:

No Applications/Resumes on file.

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Date	Appointment Expire	Notes 1
Binkowski	Sarah	01/16/2015	2/2/2009	1/31/2013	Requests Reappointment
Halsey	Lawrence Ted	11/29/2013	3/19/2012	1/31/2015	
Huotari	William				Ex-Officio Member
Kilmer	Richard	12/23/2012	10/17/2011	1/31/2014	
Mayer	Gary				Ex-Officio Member
Nelson	William				Ex-Officio Member
Ogg	David	2/8/2014	3/19/2012	1/31/2015	Liquor Adv exp 1/31/2015
Petrulis	Al	6/11/2014	10/17/2011	1/31/2014	ACAB exp 9/30/2015; Requests Reappointment
Popovic	Stevan	5/29/2014	6/18/2012	1/31/2013	Requests Reappointment
Ziegenfelder	Peter	12/14/2012	10/17/2011	1/31/2014	

Nominations to the Traffic Committee:

Term Expires: 01/31/2016

Term currently held by: Sarah Binkowski

Term Expires: 01/31/2016

Term currently held by: Stevan Popovic

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Apahidean	Olimpiu (Ollie)	3/14/2014	
Chambers	Barbara	4/30/2014	Historic Dist exp 3/1/2014
McGee	Timothy	8/13/2014	

Yes:
No:

I-3 No Closed Session Requested

I-4 Troy Solar House Proposal (Introduction by: Glenn Lapin, Economic Development Specialist)

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

WHEREAS, In 2007, the Troy Chamber of Commerce acquired a prototype, energy-efficient solar-powered house from Lawrence Technological University (LTU) and donated the 800-square foot structure to the City of Troy. The Solar House was subsequently relocated and assembled on the Troy Community Center site, located at 3179 Livernois, to be used as an educational resource; and

WHEREAS, Due to ongoing maintenance issues and limited City resources, the Solar House was never fully utilized as initially proposed; and

WHEREAS, City Management approached the nonprofit WARM Training Center (WARM), one of Michigan’s leading energy education and training organizations, to explore a partnership for the future use of the Solar House; and

WHEREAS, The City of Troy proposes a partnership with WARM that would permanently move the Solar House to WARM’S Focus: Hope training location in Detroit and incorporate it into WARM’S education and training programs; and

WHEREAS, WARM has agreed to assume all the costs, expenses and any liability associated with disassembling, moving, reconstructing and maintaining the Solar House; and

WHEREAS, The City of Troy Department of Public Works will provide final Troy site restoration work after the structure has been removed from the Community Center site; and

WHEREAS, The proposed move of the house would be completed by June 30, 2013.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Agreement between the City of Troy and WARM Training Center for the purposes of permanently donating the Solar House to WARM Training Center, a Michigan nonprofit organization, for education and training;

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are **DIRECTED** to execute the Agreement.

Yes:
No:

I-5 Additional 2013 City Council Special Study Meeting Dates – A Departmental Overview – Troy Working Together (Introduction by: Brian Kischnick, City Manager)

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL HOLD** Special Study Meetings according to the following schedule at 6:00 PM in the Council Boardroom:

Discussion Topic

Monday,	February	4, 2013	Fund Balance, General Fund Revenue
Wednesday,	February	6, 2013	Department of Public Works, Recreation, Fire
Monday,	March	4, 2013	Administration
Monday,	March	11, 2013	Economic & Community Development Services, Capital

Yes:

No:

I-6 Standard Purchasing Resolution 8: Best Value Award – Banking Services (Introduction by: Tom Darling, Director of Financial Services)

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a five-year contract to provide Banking Services with an option to renew for five (5) additional years to Comerica Bank of Detroit, MI, the financial institution with the highest score as a result of a best value process from the formal solicitation identified as RFP-COT 12-15, which the Troy City Council determines to be in the public interest at an estimated annual cost of \$81,028.83, to be offset in part or in full by compensating balances.

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

BE IT FINALLY RESOLVED, That if during the term of the contract additional services such as Merchant and Procurement Card Services are necessary to improve overall efficiencies, City staff is **AUTHORIZED** to negotiate and implement those services as needed.

Yes:
No:

J. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2013-01-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) _____, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:
No:

J-1b Address of “J” Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2013-01-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Regular City Council Meeting – January 14, 2013

J-3 No Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2013 Capital Conference – Lansing, Michigan – April 9-10, 2013**

Suggested Resolution
Resolution #2013-01-

RESOLVED, That Council members are **AUTHORIZED** to attend the Michigan Municipal League 2013 Capital Conference from April 9 - 10, 2013 in Lansing, Michigan, in accordance with accounting procedures of the City of Troy.

b) **Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Suggested Resolution
Resolution #2013-01-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) 2013 GMC Terrain two (2) 2013 GMC Sierra Pickups, one (1) 2013 GMC Sierra Pickup 4X4 and two (2) 2013 Savana cargo extended vans for the Public Works and Police Departments from the low total bidder, Red Holman Buick GMC of Westland, MI; as per the Oakland County Cooperative Bid for an estimated total cost of \$128,430.00.

J-5 Private Agreement – Contract for Installation of Municipal Improvements – Big Beaver PUD4 – Project 05.927.3

Suggested Resolution
Resolution #2013-01-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Big Beaver Center LLC, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main, paving, sidewalks, soil erosion, and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Traffic Committee Recommendations & Minutes - January 15, 2013

Suggested Resolution
Resolution #2013-01-

Item #3 – Request to Extend No Parking Restrictions – Sandy Point

RESOLVED, That the no parking zone on Sandy Point be **REVISED** to start at Emerald Lake Drive and Sandy Point and continue to the west to the cul-de-sac and then counterclockwise around the cul-de-sac, approximately 2/3 of the way, to a point approximately between 6231 and 6221 Sandy Point.

J-7 2013 Poverty Exemption Guidelines

Suggested Resolution
Resolution #2013-01-

RESOLVED, That, pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed “Poverty Exemption Guidelines” for 2013, as presented by the City Assessor in a memorandum dated January 16, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Troy Police Officers Association v. City of Troy and Troy Employees Retirement System Board of TrusteesSuggested Resolution

Resolution #2013-01-

RESOLVED, That the City Attorney's Office is hereby **AUTHORIZED** and **DIRECTED** to defend the City of Troy and the City of Troy Retirement Board in the *TROY POLICE OFFICERS ASSOCIATION (TPOA) V. CITY OF TROY AND CITY OF TROY RETIREMENT BOARD* lawsuit (Oakland County Circuit Court Case No. 13-131524-CL). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**K-1 Announcement of Public Hearings:**

- a) February 18, 2013 – Zoning Ordinance Text Amendment (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**M. COUNCIL REFERRALS:**

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

M-1 No Council Referrals

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:**O-1 Minutes – Boards and Committees:**

- a) Traffic Committee-Final-November 14, 2012
b) Zoning Board of Appeals-Final-November 20, 2012
c) Planning Commission-Draft-January 8, 2013
d) Planning Commission-Final-January 8, 2013

O-2 Department Reports:

- a) Transit Center Status Report
- b) Planning Commission 2012 Annual Report
- c) Multi Modal Transit Center Status Report

O-3 Letters of Appreciation: None Submitted

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

P. STUDY ITEMS:

-
- P-1 Visioning for Success**

Q. CLOSED SESSION:

-
- Q-1 No Closed Session Requested**

R. ADJOURNMENT:

Respectfully submitted,



Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

Monday, February 4, 2013	Regular Meeting
Monday, February 18, 2013	Regular Meeting
Monday, March 4, 2013	Regular Meeting
Monday, March 18, 2013	Regular Meeting
Monday, April 8, 2013	Regular Meeting
Monday, April 15, 2013	Regular Meeting
Monday, May 13, 2013.....	Regular Meeting
Monday, May 20, 2013.....	Regular Meeting
Monday, June 3, 2013	Regular Meeting
Monday, June 17, 2013	Regular Meeting
Monday, July 8, 2013.....	Regular Meeting
Monday, July 22, 2013.....	Regular Meeting
Monday, August 12, 2013	Regular Meeting
Monday, August 26, 2013	Regular Meeting
Monday, September 9, 2013.....	Regular Meeting
Monday, September 23, 2013.....	Regular Meeting
Monday, October 7, 2013	Regular Meeting
Monday, October 21, 2013	Regular Meeting
Monday, November 11, 2013.....	Regular Meeting
Monday, November 25, 2013.....	Regular Meeting
Monday, December 2, 2013.....	Regular Meeting
Monday, December 16, 2013.....	Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

Monday, April 22, 2013	Special Meeting
Monday, April 29, 2013	Special Meeting

Certificate of Recognition

This certificate is awarded to

Barnes & Noble

In recognition for your partnership with the Troy Public Library, the City of Troy thanks you! Barnes & Noble supported the Troy Public Library by holding a holiday fundraiser from November 26-December 2, 2012 and Holiday Bookfair on December 1, 2012. A percentage of the sales generated by people shopping at any Barnes & Noble store nationwide or online during the special week, came back to the Troy Public Library in the amount of \$1370. Troy extends sincere appreciation to Barnes & Noble for your continued partnership with the Troy Public Library. Barnes & Noble is an inspiration to the Troy business community.

CITY OF TROY

500 W. BIG BEAVER

TROY, MI 48084



Dane Slater, Mayor

January 28, 2013



CITY COUNCIL AGENDA ITEM

Date: December 17, 2012

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING – REZONING APPLICATION (File Number Z 741) – Proposed 1170 Woodslee, North of Maple Road between Rochester and Stephenson Highway, Section 27, From IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District

Background

The applicant, Alvin Ballard, seeks a rezoning of the subject parcel from IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District. The applicant indicated that the rezoning is needed in order to eliminate the legal nonconforming status of his home, so that he can sell it.

The site is adjacent to both IB and RT zoned property. The Master Plan classifies this property as being on the border of Single-Family Residential and 21st Century Industrial. Access to the property is provided through the existing single family residential neighborhood. The rezoning is consistent with the Master Plan by protecting the neighborhood. The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the application.

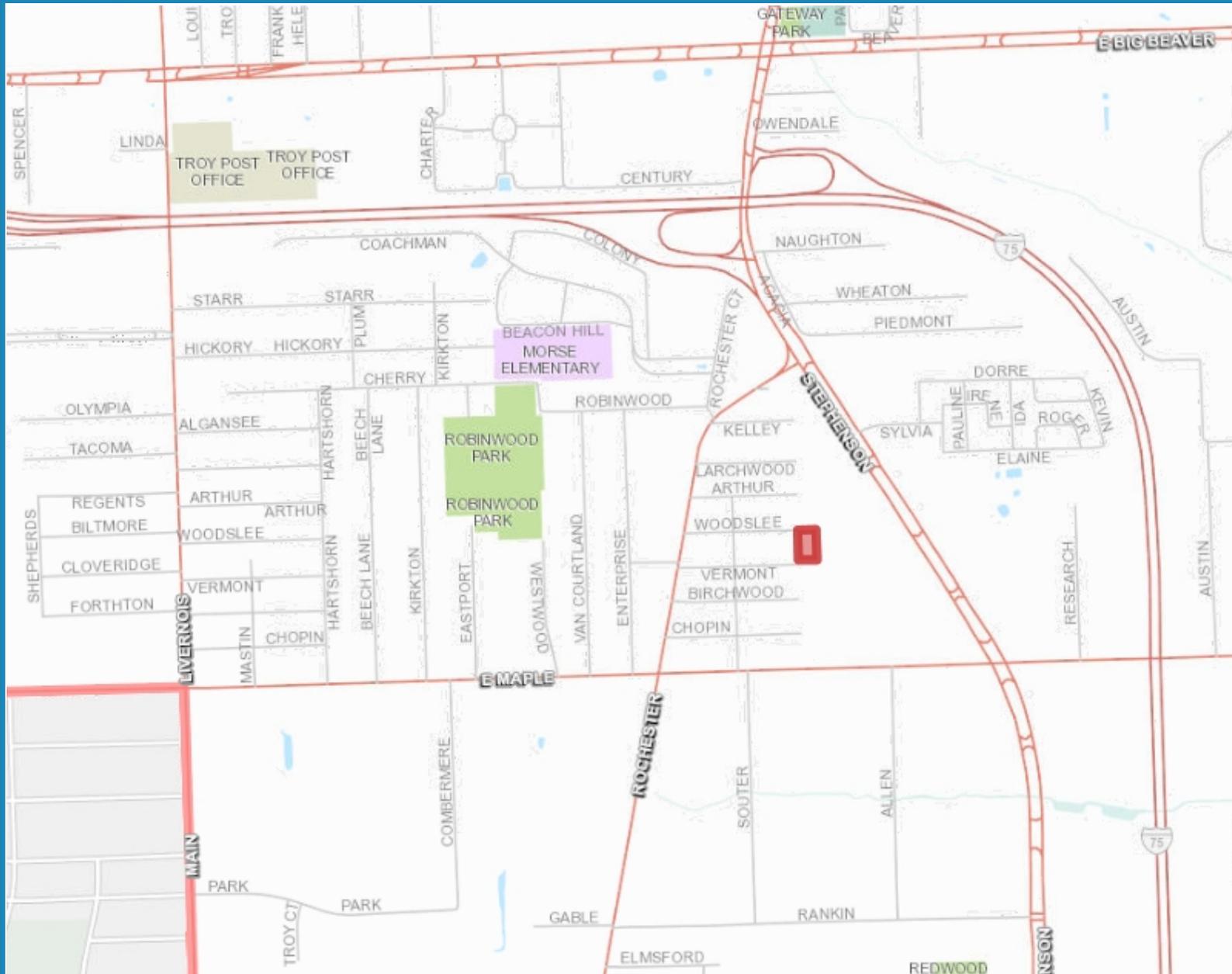
The Planning Commission held a public hearing on this item on December 11, 2012, and recommended approval of the rezoning.

Recommendation

The rezoning is consistent with the general character of the area and compatible with adjacent zoning districts and land uses. City Management recommends approval of the rezoning request from IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District.

Attachments:

1. Maps
2. Planning Commission Minutes from the December 11, 2012 Regular Meeting (excerpt)
3. City of Troy Master Plan (excerpt)
4. Report prepared by Carlisle/Wortman Associates, Inc.



Legend

Notes

1170 Woodslee

3,369.8 0 1,684.90 3,369.8 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- I-75
- Road Centerline**
 - Major Road
 - Industrial Road
 - Local Road
- Current Zoning Ordinance**
 - (PUD) Planned Unit Development
 - (CF) Community Facilities District
 - (EP) Environmental Protection District
 - (BB) Big Beaver Road (Form Based)
 - (MRF) Maple Road (Form Based)
 - (NN) Neighborhood Nodes (A-U)
 - (CB) Community Business
 - (GB) General Business
 - (IB) Integrated Industrial Business District
 - (O) Office Building District
 - (OM) Office Mixed Use
 - (P) Vehicular Parking District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (RT) One Family Attached Residential District
 - (MR) Multi-Family Residential
 - (MHP) Manufactured Housing
 - (UR) Urban Residential
 - (RC) Research Center District
 - (PV) Planned Vehicle Sales
- Ponds and Basins
- Streams and Creeks
- Parcels
- Aerial Photos - 2010**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

164 0 82 164 Feet

Scale 1: 983



REZONING REQUEST

- 5. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 741) – Proposed 1170 Woodslee, North of Maple Road between Rochester and Stephenson Highway, Section 27, From IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District**

Mr. Carlisle gave a brief report on the proposed rezoning application and recommended that the Planning Commission recommend to the City Council approval of the proposed rezoning.

The petitioner, Alvin Ballard, was present. Mr. Ballard provided interesting historical facts on the property.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2012-12-079

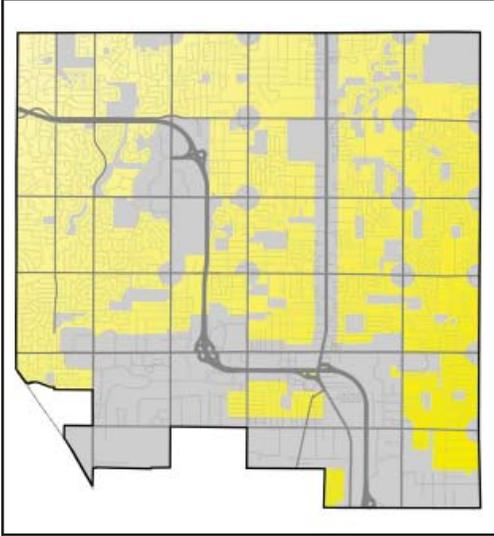
Moved by:	Sanzica
Seconded by:	Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the IB to RT rezoning request, located north of Maple Road between Rochester and Stephenson Highway (1170 Woodslee), in Section 27, being approximately 1.02 acres in size, be approved.

Yes: All present (9)

MOTION CARRIED

Single-Family Residential: The Social Neighborhood



- *Social units of the City.*
- *Walkable, safe places to live.*
- *Centered on schools or other community facilities.*
- *Linked with nearby services.*

The predominant land use in the City of Troy is single family residential. **This category is intended to preserve the existing quality residential neighborhoods of the City while recognizing the need for other uses that support the main function of residential areas.** The single family areas of the City are arranged around Social Neighborhoods. Social Neighborhoods are unique, self-contained areas bounded by Troy’s main thoroughfares. They are mostly single-family areas centered on community elements like schools or parks. Social Neighborhoods are described in more depth at the end of this Chapter, and are illustrated by the solid circles shown on the Neighborhoods Map.

In the Single Family Residential areas of the City, non-residential uses will be considered only when the use is clearly incidental to and

ancillary to single-family residential, or when the use is a park, school, or other community-oriented public or quasi-public use.

The Social Neighborhoods of the City are bounded by the mile square grid pattern of Troy’s thoroughfares. These defined areas can provide the sense of place that Vision 2020 and this Master Plan are striving for. **In most cases, they have a school as central focus.** Schools continue to be a means of stimulating social interaction on many fronts; children establish their first friendships, parents meet other local parents, schools often host public events. Furthermore, the play areas at school provide readily accessible recreation opportunities. Many Social Neighborhoods in Troy have sidewalks promoting accessibility and exercise, and Troy schools have walking paths that are open to the public.

The ideal Social Neighborhood will exemplify the safer, more enjoyable walking environments envisioned by the “Safe Routes to School” program.

DESIGN CONCEPT

- Neighborhoods are approximately 15 minutes walking from end-to-end.
- A wide variety of residential architecture characterizes the various neighborhoods of the City. Non-residential architecture for schools and places of worship complement the residential setting.

BUILDING LOCATION

- Homes must be located in relation to the street in a manner that complements surrounding, established homes.

SITE DESIGN ATTRIBUTES

- Walks which link residences to destinations such as schools, libraries, abutting neighborhood commercial service areas, coffee shops, and other neighborhoods are critical.

- The neighborhoods must include improved perimeter walks that are functional and aesthetically pleasing. These exterior walks will directly connect to the activity nodes at major intersections and adjacent neighborhoods. Wide walks will be constructed which will incorporate landscaping and innovative stormwater detention areas. These areas will be artistically developed, but functional landforms that carry visual interest. The perimeter walks have the ability to bring residents of adjacent neighborhoods together.
- Neighborhoods should be connected to one another to increase the area where residents can readily navigate on foot and expand the boundaries of social interaction. Crosswalks near the mid-mile areas of each grid will improve outside linkages.
- Lighting will not encroach on adjacent properties, and will be used carefully to provide safety and security, and for accent illumination.

21st Century Industry: A New Opportunity for Growth



- *Continued encouragement of a variety of industrial uses*
- *Light industrial uses with no outdoor storage or external nuisances are especially encouraged*
- *The emphasis for site design should be on screening, landscaping, buffering, and effective transitioning to allow this important category to succeed without negative impacts on residential or commercial areas of the City*

The 21st Century Industry classification provides area for conventional manufacturing and assembly uses, but with a broader interpretation of what industrial areas can become. In addition to conventional industrial uses, shops, and warehousing, this category can be home to business-to-business uses that don't require a significant public presence, but which work in tandem with the Knowledge Economy uses encouraged within the Smart Zone and Northfield. Suppliers, fabricators, printers, and many other supporting uses which strengthen the City's appeal as a home to 21st Century businesses are all encouraged in this category.

An alternative use that may be considered on a very limited basis in the 21st Century Industrial area is loft-style residential development in reclaimed industrial buildings. Opportunities for artist lofts and open-floorplan residential development may exist within new, innovative mixed-use projects. Such projects would be an ideal fit within the 21st Century Industrial area. Such housing will only be considered when all potential environmental limitations have been identified, and if necessary, neutralized.

The majority of the 21st Century Industrial lands in Troy surround the Maple Road category (see page 105), although they are intermingled with areas planned for the Automall, the Smart Zone, and the Transit Center. **Existing land uses along Maple Road vary widely, and do not have a clear, identifiable character.** Maple Road is primarily experienced as a series of nodes that center on north-to-south traffic leading into and out of Troy from the Big Beaver Corridor. For this reason, Maple Road is planned as a series of areas designed to support the Big Beaver Corridor and the Smart Zone, such as the business-to-business uses noted above.

DESIGN CONCEPT

- This area will recognize that manufacturing and distribution will continue to provide valuable jobs and a tax base. Emphasis will be on maintaining a strong image by concentrating on site and building maintenance as well as redevelopment, rather than redevelopment alone.
- Code enforcement will be a critical tool to maintain the visual and physical health of the district.
- As land becomes available, green space should double and storm water management should improve.

SITE DESIGN ATTRIBUTES

- Primary parking areas are located within rear or interior side yards.
- Front yards will be landscaped and well-maintained to continue an improved image.
- Green space will be placed along property perimeters to assist with controlling surface storm water runoff.

BUILDING DESIGN ATTRIBUTES

- The office portion of industrial developments will locate nearest the public street.



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street
Ste. 1
Ann Arbor, MI 48104
(734) 662-2200
(734) 662-1935 Fax

Date: November 20, 2012

Rezoning Analysis For City of Troy, Michigan

Applicant:	Alvin Ballard
Property Address:	1170 Woodslee Drive
Current Zoning:	IB, Integrated Industrial Business District
Requested Zoning:	RT, One-Family Attached Residential District
Action Requested:	Rezoning Request
Required Information:	The required information for a rezoning has been provided.

DESCRIPTION

The applicant is requesting a rezoning from IB, Integrated Industrial Business District to Residential RT, One-Family Attached District. The 1.02 acre parcel is currently improved and used as a single-family home. The site is assessed via a driveway off Woodslee Road.

Due to IB zoning, the single-family residential use of the property is non-conforming. Rezoning to RT zoning would bring this property into use conformance.

SURROUNDING PROPERTY

The site is adjacent to both IB and RT zoned property. This parcel and the adjacent parcel directly south are pockets of IB zoned properties that do not have access to Stephenson Highway.



Adjacent zoning and land uses to the subject property is listed below:

Adjacent Properties		
	Existing Use	Zoning
North	Light Industrial / Warehousing	IB, Intergrated Business
South	Vacant	IB, Intergrated Business
East	Light Industrial / Warehousing	IB, Intergrated Business
West	Single-family residential	Residential RT, One Family Attached

Items to be addressed: None

REZONING PROCEDURE

Unlike a Conditional Rezoning, there are no standards for a straight rezoning. The current procedure for a rezoning is as follows:

1. The Planning Commission shall review the application for rezoning, any supplementary materials, and the Planning Department report
2. The Planning Commission shall hold a public hearing.
3. Following the public hearing, the Planning Commission shall make a recommendation to the City Council.
4. City Council shall approve, approve with conditions, or deny rezoning.

Items to be addressed: None

MASTER PLAN RECOMMENDATION

The subject property is on the border of Single-Family Residential and 21st Century Industrial. The goal of the Single-Family Residential designation is to preserve the existing quality residential neighborhoods. The 21st Century Industry designation encourages a variety of general and light industrial uses including conventional manufacturing and assembly uses, but also promotes a broader spectrum of future higher technology industrial uses. Because this site is used as residential, has no access to Stephenson Highway, and the only access is through a single-family residential neighborhood, the current use of the property more closely aligns with the Single-Family Residential designation.

Items to be addressed: None

RT ZONING APPLICABILITY

The 1.02 parcel may be split however any split will require improvements to extend Woodslee Road as well as potential purchase of additional property to provide sufficient right-of-way. The applicant has not indicated that they intend to use the property as anything other than a single family residential property.

Items to be addressed: None

SUMMARY OF FINDINGS

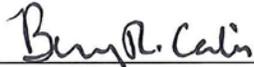
After reviewing the current land use and adjacent zoning districts, we would recommend that the Planning Commission recommend approval of the rezoning request for this parcel from IB, Integrated Industrial Business District to Residential RT, One-Family Attached:

- A. The rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan.
- B. If the site were developed in conformance with its underlying zoning, such development would be inconsistent and disruptive to the adjacent properties.

- C. The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern.

I look forward to discussing this with you at the next Planning Commission meeting.

Sincerely yours,

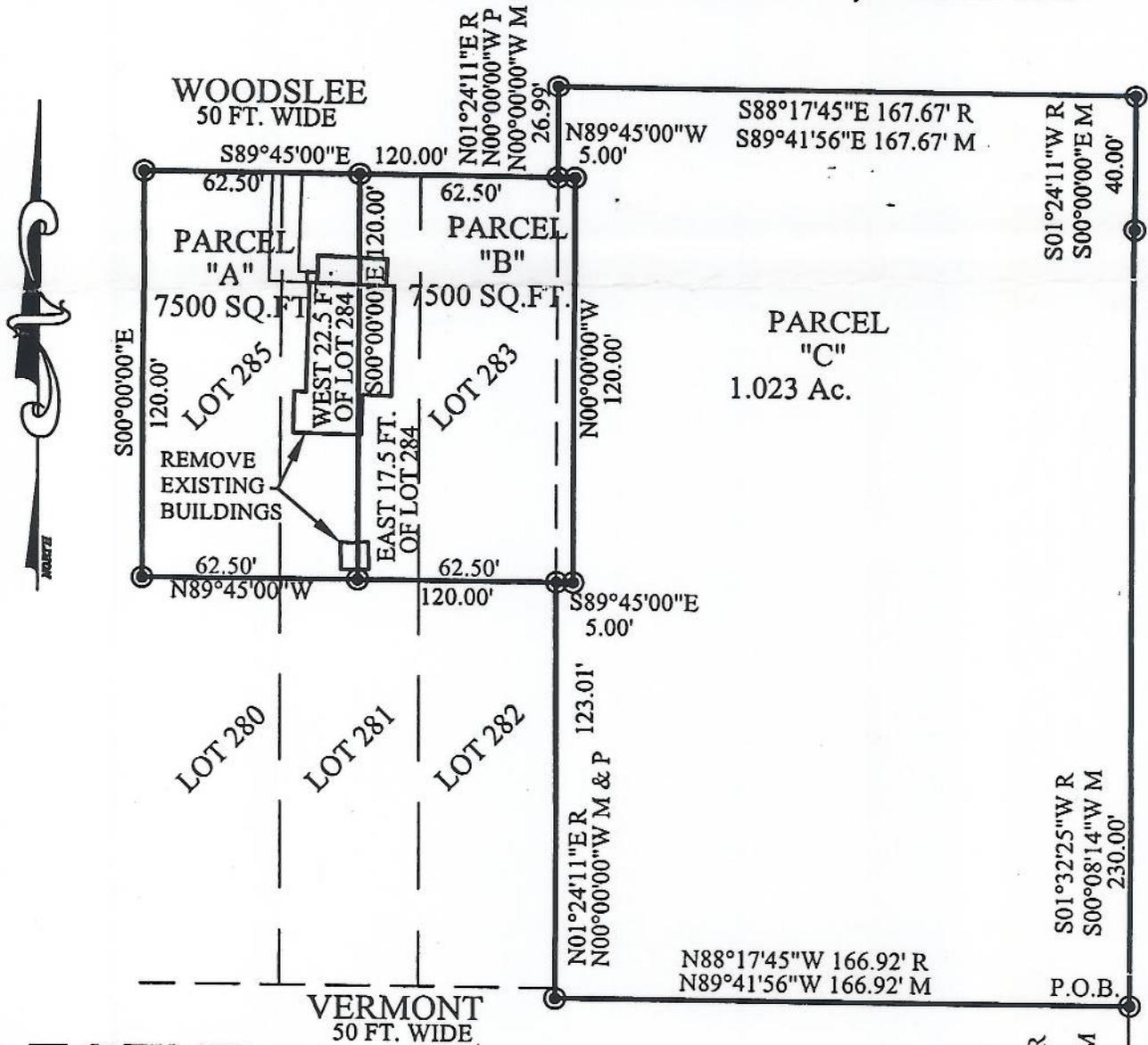


CARLISLE/WORTMAN ASSOC., INC.

Benjamin R. Carlisle, LEED AP, AICP

CERTIFICATE OF SURVEY

PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



N01°32'25"E R
899.83' R
N00°08'14"E M
899.83' M

S.E. CORNER
SECTION 27
T.2N., R.11E.
CITY OF TROY

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND DESCRIBED ABOVE ON JULY 27, 2004 AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS GREATER THAN 1:10,000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: SOUTH LINE OF WOODSLEE PER PLAT

PREPARED FOR:
THORNHILL CONSTRUCTION
2977 LOVINGTON
TROY, MI. 48083
248-515-9061

REV 9-1-04 ADDED 5 FT.

SHEET 1 OF 2

George H. Reichert
GEORGE H. REICHERT P.S. #30099

<p>Scale: 1"=50' Date: 8-2-04 Job No. 04-169</p>	<p>REICHERT SURVEYING INC. 140 FLUMERFELT LANE ROCHESTER, MICH. 48306 TELE: (248) 651-0592</p>	<p>Land Surveying</p>
----------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------	---------------------------

CERTIFICATE OF SURVEY

PARCEL A:

LOT 285 AND THE WEST 22.5 FT. OF LOT 284 OF "STUMPF'S BEECH GROVE SUBDIVISION" OF PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 AND 12, OAKLAND COUNTY RECORDS.

PARCEL B:

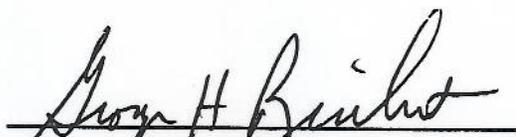
LOT 283, THE EAST 17.5 FT. OF LOT 284 OF "STUMPF'S BEECH GROVE SUBDIVISION" OF PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 AND 12, OAKLAND COUNTY RECORDS AND A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE N.00°08'14"E., 899.83 FT. (RECORDED AS N.01°32'25"E.); THENCE N.89°41'56"W., 166.92 FT. (RECORDED AS N.88°17'45"W.) TO A POINT ON THE EAST LINE OF SAID "STUMPF'S BEECH GROVE SUBDIVISION"; THENCE ALONG SAID EAST LINE N.00°00'00"W., 123.01 FT. (RECORDED AS N.00°24'11"E.) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE N.00°00'00"W., 120.00 FT. (RECORDED AS N.01°24'11"E.); THENCE S.89°45'00"E., 5.00 FT.; THENCE S.00°00'00"E., 120.00 FT.; THENCE N.89°45'00"W., 5.00 FT. TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE N.00°08'14"E., 899.83 FT. (RECORDED AS N.01°32'25"E.) TO THE POINT OF BEGINNING; THENCE N.89°41'56"W., 166.92 FT. (RECORDED AS N.89°41'56"W.) TO A POINT ON THE EAST LINE OF SAID "STUMPF'S BEECH GROVE SUBDIVISION" AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 AND 12, OAKLAND COUNTY RECORDS; THENCE ALONG SAID EAST LINE N.00°00'00"W., 123.01 FT. (RECORDED AS N.01°24'11"E.); THENCE S.89°45'00"E., 5.00 FT.; THENCE N.00°00'00"W., 120.00 FT.; THENCE N.89°45'00"W., 5.00 FT. TO A POINT ON SAID EAST LINE; THENCE ALONG SAID EAST LINE N.00°00'00"W., 26.99 FT. (RECORDED AS N.01°24'11"E.); THENCE S.89°41'56"E., 167.67 FT. (RECORDED AS S.88°17'45"E.); THENCE S.00°00'00"E., 40.00 FT. (RECORDED AS S.01°24'11"W.); THENCE S.00°08'14"W., 230.00 FT. (RECORDED AS S.01°32'25"W.) TO THE POINT OF BEGINNING. CONTAINING 1.023 ACRES OF LAND.

PREPARED FOR:
THORNHILL CONSTRUCTION
2977 LOVINGTON
TROY, MI. 48083
248-515-9061

REV 9-1-04 ADDED 5 FT.
SHEET 2 OF 2


GEORGE H. REICHERT P.S. #30099

Scale: 1"=50'
Date: 8-2-04
Job No. 04-169

 REICHERT SURVEYING INC.
140 FLUMERFELT LANE
ROCHESTER, MICH. 48308
TELE: (248) 651-0592


Land
Surveying



**RULES OF PROCEDURE FOR THE
CITY COUNCIL
CITY OF TROY, MICHIGAN**

Adopted: August 27, 2012

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1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall rotate annually in the following order: McGinnis, Slater, Fleming, Tietz, Henderson, Campbell.

2. CODE OF ETHICS

- a) The City Council Code of Ethics shall be reviewed in November of each calendar year, and all City Council members shall agree to abide by the City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.
- b) The Board and Committee Code of Ethics shall be reviewed in November of each calendar year, and all Board and Committee members shall agree upon appointment to abide by the Board and Committee Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.

3. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

4. SPECIAL MEETINGS

A. CALLING OF SPECIAL MEETINGS (Pursuant to City Charter Section 4.2):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

B. DOCUMENTATION:

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

C. POSTING AND DELIVERY:

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

D. ORDER OF BUSINESS:

At each Study Session (Special Meeting) of the Council, the business to be considered

shall include the items listed and in the following order:

A. Call to Order

B. Roll Call:

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 21.

C. Items as Indicated in the Motion Calling of the Meeting

D. Items Not Indicated in the Motion Call the Meeting (Pursuant to City Charter Section 4.2):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice), except as set forth below.

E. Amendments/Additions to Agenda (Pursuant to City Charter Section 4.3):

In order for City Council to address items at a Special Meeting that are in addition to the Items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

F. Public Comment

G. Adjournment

5. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

6. AGENDA

A. Regular Meeting Agenda: A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All items introduced by the City Council members that do not meet the Wednesday noon deadline will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

B. Closed Session Agenda: Where a Closed Session is requested for a pending case pursuant to MCL 15.268 (e), the specific name(s) of each case is to be identified in the resolution, even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit discussion pursuant to MCL 15.268 (c), the specific bargaining unit is to be identified pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

7. ORDER OF BUSINESS

At each Regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

Invocation

Pledge of Allegiance

A. **Call to Order**

B. **Roll Call**

1) Listing of Council Members

2) Excuse Absent Council Members pursuant to Rule Number 22

C. **Certificates of Recognition and Special Presentations**

D. **Carryover Items**

E. **Public Hearings**

F. **Public Comment for Items On the Agenda**– In accordance with the Rules of Procedure of the City Council, Rule Number 17 - Members of the Public and Visitors

G. **City Council/City Administration Response/Reply to Public Comment**

H. **Postponed Items**

I. **Regular Business**

J. **Consent Agenda**

1) Approval of “J” Items NOT Removed for Discussion

2) Address of “J” Items Removed for Discussion

K. **Memorandums and Future Council Agenda Items**

L. **Public Comment for Items Not on the Agenda** – In accordance with the Rules of Procedure of the City Council, Rule Number 17 – Members of the Public and Visitors

M. **Council Referrals** - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Rule 6 (A).

N. **Council Comments** - Items for the good of the order brought forward by Mayor and Council.

O. **Reports**

P. **Study Items**

Q. **Closed Session**

R. **Adjournment**

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed sessions and Council retreats.

9. MINUTES

A. **Minutes:** The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

Closed Session Minutes: No official City Council action will be necessary for closed session minutes, since the closed session minutes will reflect only the reason for the closed session (in compliance with Section 6 (B), the date, the starting and ending time and the persons in attendance.

10. PROCLAMATIONS

Proclamations, which are formal public announcements made by City Council, shall be included in the agenda under Reports and Communications and may be brought before Council or City Administration for consideration by any member. Proclamations will be placed

on the Consent Agenda for approval and may include a presentation listed under *Certificates of Recognition and Special Presentations*.

11. RECONSIDERATION OF QUESTIONS

A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an affirmative vote of the majority of the Council Members elect.

12. RESCISSION OF QUESTIONS

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. *Charter states "majority of the members elect."

13. WITHDRAWAL OF MOTIONS PRIOR TO VOTING

Any motion may be withdrawn by its maker prior to voting. A motion to withdraw must receive a second and the affirmative vote of the majority of the Council Members present.

14. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

15. 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 having 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 F.

16. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

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

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

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, for nomination. A brief summary of background and personal data as to

nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

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

B. Method of Voting on Nominees:

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

Appointment of City of Troy Representation to SEMCOG and SOCRRA

SEMCOG (Southeastern Michigan Council of Governments) Representation: The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.

SOCRRA (South Oakland County Resource Recovery Authority) Representation: The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15th.

17. MEMBERS OF THE PUBLIC AND VISITORS

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. ***NOTE TO THE PUBLIC:*** *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.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

Prior to *Public Comment for Items On the Agenda*, the Mayor will provide a verbal notification of the rules of decorum for City Council meetings. In addition, the written Agenda Packet will include the following language, as approved by City Council:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.

18. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

19. RULES OF ORDER

Robert's Rules of Order, current edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

20. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid for the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

21. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate, City pool car, City Vehicle rental rate, or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

22. ABSENCES AT COUNCIL MEETINGS

A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.

B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

23. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

24. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other

members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

26. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Troy City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

27. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

28. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.



CITY COUNCIL AGENDA ITEM

Date: January 7, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Carol Anderson, Interim Parks & Recreation Director
Tim Richnak, Public Works Director
Glenn Lapin, Economic Development Specialist

Subject: Troy Solar House Proposal (*Introduction by: Glenn Lapin, Economic Development Specialist*)

Background

In 2007, Lawrence Technological University (LTU) students designed and built a prototype, energy-efficient solar-powered house as a student project. The project was submitted as an entry for the Solar Decathlon 2007 event in Washington, D.C., a competition sponsored by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. Following the Solar Decathlon event in October of 2007, the Troy Chamber of Commerce acquired the Solar House (also known as ALOeTERRA) from LTU and donated the 800-square foot structure to the City of Troy. The Solar House was subsequently relocated and rebuilt on the Troy Community Center site located at 3179 Livernois. It was Troy's intent to open the Solar House to the public as an educational resource.

Due to ongoing maintenance issues and limited City resources, the Solar House was never fully utilized as initially proposed. During 2012, City Management explored new partnerships in order to help identify alternative strategies to better enable the Solar House to achieve its educational objectives.

Proposed Partnership

City management approached WARM Training Center; one of Michigan's leading energy education and training organizations, to explore a partnership for the future use of the Solar House.

WARM Training Center (WARM) is a Detroit based 31-year old nonprofit 501(c) 3 organization whose mission is to promote the development of resource efficient healthy homes and communities. WARM does this in a variety of ways, including consumer education, green consulting and job training. In 2009, WARM was one of the inaugural groups chosen as a Detroit Free Press Green Leader. The organization was also



CITY COUNCIL AGENDA ITEM

named one of Charter One Bank's Champions in Action. In 2011, WARM was a finalist for Crain's Detroit Business magazine's Best Managed Nonprofit. Over the past five years, WARM has conducted energy saving workshops for approximately 20,000 residents of Wayne and Oakland counties. The organization has trained over 200 men and women in how to properly weatherize homes. WARM prides itself on both high placement rates and strong relationships with private employers. WARM is one of only two locations in Michigan to be recognized by the federal Department of Energy as a regional Weatherization Training Center. The Weatherization Training Center is located on the campus of Focus: Hope in Detroit.

Proposal

WARM, in partnership with the City of Troy, proposes to permanently move the Solar House to its Focus: Hope location and incorporate it into WARM'S formal training programs. WARM would be solely responsible for all future programming, maintenance and obligations associated with the Solar House. The actual moving of the house will be used as an educational opportunity as well to teach about deconstruction and recycling of materials. The house would be used for two main purposes:

1. It would be used for general consumer education purposes, including school visits to the training sites and adult workshops on the principles of renewable energy and green building in general.
2. It would be used in adult job training as an introduction to renewable and green technology.

The City of Troy proposes to permanently donate the structure to WARM "as is". WARM has indicated that it has conducted a preliminary assessment of the structure's proposed dismantling, move and subsequent reconstruction on its site. WARM has agreed to assume all the costs and expenses and any liability of disassembling and moving the Prototype House. The City of Troy's Department of Public Works will be responsible for final site restoration, at the current Community Center location, after the structure has been removed. WARM will recognize Troy, the Troy Chamber of Commerce and LTU in any press releases and give recognition of the donation by signage at the relocated site. WARM's Board of Directors has approved the acquisition of the house along with its ongoing maintenance and insurance requirements.

It is expected that the proposed move of the house would be completed by June 30, 2013. The Troy Chamber and LTU have provided letters of support.

Conclusion

The proposed partnership with the WARM Training Center would result in permanently moving the Troy Solar House from its current location at the Troy Community Center to



CITY COUNCIL AGENDA ITEM

the WARM Training Center site located at Focus: Hope in Detroit. WARM would be responsible for all costs, expenses and liability associated with deconstructing, moving, reconstructing, and maintaining the structure. WARM would make all decisions and assume all financial responsibilities associated with the programming and future disposition of the structure. This proposed partnership would enable the Solar House to be used as originally intended for community education and training purposes.

Recommendation

City management recommends execution of the Agreement between the City of Troy and WARM Training Center for the purposes of permanently donating the Solar House to WARM Training Center, a Michigan nonprofit organization, to be used for community education and training.

City Attorney's Review as to Form and Legality

Date

Attachments

1. Agreement between City of Troy and WARM Training Center with insurance certificates.
2. WARM Training Center Proposal dated October 8, 2012
3. Letters of Support from Lawrence Technological University and Troy Chamber of Commerce

**AGREEMENT FOR THE DONATION OF PROTOTYPE
SOLAR HOUSE TO WARM TRAINING CENTER**

This Agreement is entered into by the City of Troy, Michigan, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (“Troy”) and WARM Training Center, a Michigan Nonprofit Corporation, 4835 Michigan Avenue, Detroit, Michigan 48210 (“WARM”).

PURPOSE

- A. In 2007, Lawrence Technological University (“LTU”) students (composed of a LTU team called ALOeTERRA) designed and built a prototype, energy-efficient solar-powered house as a student project (“Prototype House”) which was submitted as an entry for the Solar Decathlon 2007, a competition sponsored by the U.S. Department of Energy’s Office of Energy Efficiency and Renewable Energy. The LTU Prototype House was judged a runner-up for the BP’s People’s Choice Award Competition in October, 2007.
- B. The Troy Chamber of Commerce (“Chamber”) acquired on an “as is” basis the Prototype House from LTU and donated that Prototype House to Troy where it was relocated and rebuilt on the Troy Community Center site located at 3179 Livernois, Troy, Michigan 48083. It was Troy’s intent to open the Prototype House to the public as an educational resource.
- C. Due to a number of unforeseen building code compliance issues, Troy was never able to issue a certificate of occupancy to allow public admission to the Prototype House.

- D. WARM is a Detroit based 31 year old nonprofit 501 (c) 3 corporation whose mission is to promote the development of resource efficient healthy homes and communities in a variety of way, including consumer education, green consulting and job training.
- E. WARM desires to accept the donation of the Prototype House from Troy for the purpose of using the Prototype House as an educational and training resource for the principals of renewable energy and green buildings. Since the WARM Training Center program training site is located on the Detroit campus of Focus: Hope, a Michigan Nonprofit Corporation, the Prototype House will be moved to that location.
- F. WARM has agreed to assume all the costs and expenses and any liability of disassembling and moving the Prototype House and will recognize Troy, the Chamber and LTU in any press releases and give recognition of the donation by signage at the relocated site.

NOW THEREFORE, in consideration of the foregoing and the representations, warranties, conditions and terms as set forth in this Agreement, the Parties agree as follows:

1. Transfer of Ownership. On the terms and subject to the conditions set forth in this Agreement, and as of the date of the last date on the signature pages of this Agreement (“Effective Date”), Troy sells, transfers and conveys to WARM, on an “as is” basis, all rights, title and interest in the Prototype House, including any and all fixtures, appliances, items, deck components, and batteries (“Related Items”), if any,

consideration of which is hereby acknowledged by the Parties. The risk of loss or damage to the Prototype House and Related Items passes to WARM on the Effective Date.

2. Inspection. WARM acknowledges that it has inspected the Prototype House, is satisfied with the condition “As Is” and accepts the donation “As Is”.

3. Use of Prototype House for Educational and/or Training Purposes. WARM accepts the Prototype House on the condition that it will use the Prototype House for educational and training purposes only.

4. Permits, Licenses and Approvals. WARM has obtained or will obtain, or will cause to be obtained, all permits, licenses and approvals, including demolition permits if required, from any federal, state or local authority or administrative agency concerning the disassembly, relocation and placement of the Prototype House.

5. Limitation/Disclaimer of Warranties. WARM is accepting the Prototype House “As Is” with all faults. Troy makes no warranties or representations whatsoever, express or implied, concerning the Prototype House and Related Items including without limitation any warranties with respect to the condition, quality, utility or completeness thereof. Troy expressly disclaims any and all warranties, express or implied, including without limitation any warranty of merchantability or fitness for a particular purpose and any warranty of noninfringement of the proprietary rights of third parties, and to the extent permitted by law, WARM hereby waives any obligation, liability, right, claim or demand in contract, tort (including negligence), strict liability, or otherwise with respect to this Agreement.

Without limiting the generality of the foregoing waiver or disclaimer in this

Section, WARM acknowledges and agrees that (i) Troy neither represents nor warrants that the Prototype House and Related Items will operate satisfactorily or will comply with any applicable federal, state, or local laws, ordinances, regulations or standards, including, but not limited to, regulations and standards promulgated under federal and state environmental or building safety laws; (ii) WARM, on the Effective Date, accept the entire risk and responsibility of taking any necessary action including performing inspections and undertaking physical modifications to make the Prototype House and Related Items operate safely and satisfactorily and comply with any applicable federal, state or local laws, ordinances, regulations or standards, including regulations and standards promulgated under federal and state environmental and building laws; (iii) Troy shall have no liability or responsibility for the condition and/or operation of the Prototype House and Related Items after the Effective Date; (iv) WARM is accepting the Prototype House and Related Items based solely upon WARM's own inspection, evaluation, review and analysis; and (v) to the extent permitted by law, WARM assumes the entire risk associated with its inspection, evaluation, review and analysis being incomplete or inaccurate.

6. Authority. The Parties acknowledge and that they have full authority to execute and perform in accordance with this Agreement; that this Agreement constitutes a valid and binding obligation of the Parties; and that this Agreement and all transaction contemplated herein have been duly authorized by all requisite authority, and will not result in a violation of any of the terms and provisions of any charter, by-laws or other governing documents as applicable, or any other agreements to which either of the Parties are bound.

7. Certified Resolution: WARM shall give to Troy a certified resolution of its Board of Directors authorizing WARM to enter into this Agreement and giving the Executive Director of WARM authority to sign the Agreement accepting from Troy the donated Prototype House and authorizing WARM to move the Prototype House from Troy.

8. Insurance Requirements. WARM shall carry general liability insurance and automobile insurance each in the amount of \$500,000.00 per occurrence and aggregate limit for any actions, claims, liability or damages caused to others arising out of the performance of this Agreement. WARM shall also carry workers compensation and employers' liability insurance for any actions, claims, liability or damages caused to others arising out of the performance of this Agreement. Troy shall be named as an additional insured on the general liability policy using the following wording: "City of Troy, all elected and appointed officials, all employees and volunteers, those working as agents or on behalf of the City, boards, commissions and/or authorities, or board members, employees, and volunteers are additional insureds" on ISO form B or broader. Troy shall be notified of any cancellation of that insurance within 30 days. Cancellation or lapse of the insurance shall be considered a material breach of this contract and the contract shall become null and void unless WARM immediately provides proof of renewal of continuous coverage to Troy. All insurance carriers shall be licensed and admitted to do business in the State of Michigan and acceptable to Troy. Proof of insurance meeting these requirements shall be provided to Troy before execution of this Agreement.

WARM is responsible for any deductibles to any of the policies. WARM shall furnish three (3) complete copies of the acceptable Certificates of Insurance. If any of

the policies expire prior to the complete removal of the Prototype House and Related Items from the City of Troy, WARM shall deliver renewal certificates and/or policies to Troy, Risk Manager, at least ten (10) days prior to the expiration date.

9. Indemnification and Hold Harmless. To the fullest extent permitted by law, WARM agrees to defend, pay on behalf of, indemnify, and hold harmless Troy, Troy's elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from Troy, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the execution of activities by the WARM as outlined in this Agreement or as relating to or resulting from those activities.

10. Time for Removal of Prototype House. WARM shall have until June 30, 2013 ("Deadline Date") to remove the Prototype House and any Related Items from the City of Troy. If WARM is unable to remove the Prototype House and Related Items from Troy by the Deadline Date, an extension of time may be requested in writing to Troy's City Manager. Troy's City Manager may grant an extension of the Deadline Date in writing if WARM can demonstrate that it has been unable to timely remove the Prototype House and Related Items due to no fault of its own and has made every effort to complete the removal. Troy's City Manager shall have absolute discretion to

determine if WARM has demonstrated adequate effort or circumstances beyond WARM's control.

It is important to Troy that the disassembly and removal process be completed as quickly as possible after the process begins. Troy is willing to work with WARM to insure a successful relocation of the Prototype House and its Related Items. However, if WARM fails to remove the Prototype House and Related Items by the Deadline Date or any extension(s) granted by Troy's City Manager or if WARM begins the disassembly and removal process and fails to complete the removal in a timely manner, Troy may remove the Prototype House and its Related Items or any portion of the Prototype House and its Related Items to a different location in the City of Troy upon fourteen (14) days written notice to WARM. WARM agrees to pay all costs incurred by Troy to remove the Prototype House and its Related Items or any portion of the Prototype House and its Related Items. Troy shall not be responsible for any damages caused to the Prototype House or its Related Items resulting from its removal or relocation of the Prototype House or its Related Items.

11. Site of Relocation of Prototype House. WARM agrees that the Prototype House will be placed on property owned by FOCUS: HOPE, a Michigan Nonprofit Corporation, at: 1355 Oakman Blvd., Detroit, Michigan. Prior to the execution of this Agreement, WARM shall provide to Troy a certified resolution from the Board of Directors, or other appropriate entity having control over the actions of FOCUS: HOPE, authorizing WARM to place the Prototype House and related items that is the subject of this Agreement on the FOCUS: HOPE site designated above.

If, for any reason, WARM is unable to place the Prototype House at the location designated above, WARM shall request in writing addressed to the Troy City Manager that it be allowed to relocate the Prototype House to another specific location. The Troy City Manager shall have absolute discretion to authorize in writing an alternative site proposed by WARM for the Prototype House. All other terms and conditions of this Agreement would remain in effect.

12. Disassembly and Removal Planning Meeting. At least two (2) weeks prior to the date that WARM is planning to begin disassembly of the Prototype House and its Related Items, WARM shall schedule a meeting with the City Manager, or his designee, to discuss plans for disassembly and removal of the building. WARM and Troy may have its employees or representative attend the meeting to set a schedule for disassembly and to make plans for proceeding with the disassembly and removal.

13. Final Notice of Removal Date. WARM shall notify Troy at least two (2) weeks prior to the date WARM intends to begin disassembly of the Prototype House or any Related Items so that Troy may disconnect any water, sewer or electrical service. Troy shall assume the cost of disconnecting said services. If WARM fails to notify Troy and begins removal, Troy shall have the right to deny entry of WARM onto the property to remove the Prototype House or any Related Items until such time as those services have been disconnected.

14. Duty to Secure Site. On the effective date of this Agreement, it shall be WARM's responsibility to secure the site to prevent any hazardous conditions from existing on the site which may cause harm to the public. If WARM fails to secure the

site after the Effective Date, Troy shall have the authority to secure the site and WARM agrees to pay for Troy's costs, including materials and labor.

15. Repair of Damage to Troy Property. WARM shall be responsible for the removal and disposal of any debris left after the Prototype House and Related Items have been removed from the City of Troy. Any portions of the Prototype House or Related Items left on Troy's property after the Deadline Date for removal or the adjourned Deadline Date for removal may be disposed of by Troy after thirty (30) days written notice to WARM. WARM agrees to pay Troy for the cost of removal and/or disposal.

16. Independent Contractors. Each Party is an independent contractor and, except as otherwise provided herein, no Party is authorized to create any obligation on behalf of any other Party.

17. Entire Agreement, No Waiver. This Agreement constitutes the entire agreement of the Parties, and supersedes all prior and contemporaneous agreements and negotiations between the Parties concerning the subject matter herein. Except as otherwise set out herein, no amendment to the Agreement will be binding upon any Party unless it is in writing and is signed by an authorized representative of each Party. Failure by any Party to enforce any term or condition of this Agreement, or to exercise any right hereunder, will not be construed as a waiver of such term, condition or right.

18. Assignment. No Party may assign any of its rights or delegate any of its duties under this Agreement without prior written consent of the other Party unless otherwise set out herein.

19. Notices. All notices, requests, demands and other communications under this

Agreement will be in writing and will be deemed to have been given when delivered personally or by expedited courier service, or when mailed by certified mail return receipt requested with postage prepaid, or upon receipt of a facsimile transmission report in the case of a telefax, addressed to a Party at its address set forth below, or to such other address as may be designated by notice given to the other Party:

To Troy: City of Troy
500 W. Big Beaver Road
Troy, MI 48084
Attention: City Manager
Facsimile: 248-524-0851

To WARM: WARM Training Center
4835 Michigan Avenue
Detroit, MI 48210
Attention: Robert Chapman
Facsimile: 313-894-1063

20. Law and Jurisdiction. If there is any dispute or difference of opinion between the Parties regarding construction, interpretation or application of this Agreement or the rights and liabilities of the Parties, the Parties will strive to settle the same amicably. This Agreement will be governed by, construed and enforced in accordance with the laws of the State of Michigan. The Parties agree that any cause of action concerning this Agreement shall be filed in the Oakland County Circuit Court. If any provision of this Agreement contravenes any applicable law, then such provision will be deemed severed, but only to the extent necessary to comply with such law, and the remaining provisions will remain in full force and effect.

21. Captions. The captions will not be deemed a part of this Agreement, but are inserted merely for the convenience of the Parties.

22. Public Announcements and Signage for Prototype House. WARM agrees to prepare a press release regarding the donation of the Prototype House by the City of Troy, the Troy Chamber of Commerce and Lawrence Technological University. The Parties will consult with each other before issuing any press releases or otherwise making any public statements with respect to this Agreement or the transactions contemplated hereby.

WARM agrees to acknowledge the donation of the Prototype House to WARM from the City of Troy, the Troy Chamber of Commerce and Lawrence Technological University by the installation of a sign at a conspicuous place of WARM's choosing on or near the Prototype House. Troy shall approve the final signage before installation.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed in counterparts by their duly authorized representative.

WITNESSES:

CITY OF TROY, a Michigan Municipal Corporation,

By: _____
Dane Slater, Mayor

By: _____
Aileen Bittner, City Clerk

Dated: _____

WARM TRAINING CENTER, a
Michigan Nonprofit Corporation

By: _____
Robert Chapman, Executive Director

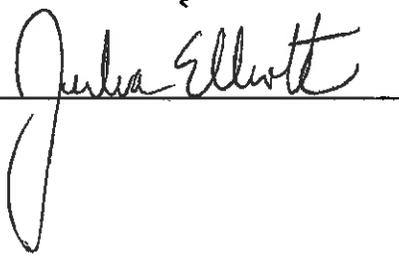
Dated: _____

Resolution of Corporate Authority

January 17, 2013

RESOLVED, that the Board of Directors of WARM Training Center unanimously approves WARM's entry into an agreement with the City of Troy for the donation of the Prototype Solar House to WARM, giving the Executive Director of WARM authority to sign the Agreement accepting from Troy the donated Prototype House and authorizing WARM to move the Prototype House from Troy.

Corporate Secretary Signature:

A handwritten signature in black ink, appearing to read "Julia Elliott", is written over a horizontal line. The signature is cursive and includes a large, looped initial 'J'.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/02/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Daniel L Lemmen Grand Valley Insurance Agency, LLC PO Box 510 11410 - 48th Avenue Allendale MI 49401-0510	CONTACT NAME: Daniel L Lemmen PHONE (A/C No. Ext): (616) 895-4014 E-MAIL ADDRESS: dlemmen@gvins.com FAX (A/C No.): (616) 895-6696																					
INSURED WARM TRAINING CENTER 4835 Michigan Ave. Detroit MI 48210-	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A</td> <td>NSI - West Bend Mutual</td> <td></td> </tr> <tr> <td>INSURER B</td> <td></td> <td></td> </tr> <tr> <td>INSURER C</td> <td></td> <td></td> </tr> <tr> <td>INSURER D</td> <td></td> <td></td> </tr> <tr> <td>INSURER E</td> <td></td> <td></td> </tr> <tr> <td>INSURER F</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A	NSI - West Bend Mutual		INSURER B			INSURER C			INSURER D			INSURER E			INSURER F		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A	NSI - West Bend Mutual																					
INSURER B																						
INSURER C																						
INSURER D																						
INSURER E																						
INSURER F																						

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			NSL 1010299 04	10/15/2012	10/15/2013	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				/ /	/ /	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	N		/ /	/ /	MED EXP (Any one person) \$ 10,000
					/ /	/ /	PERSONAL & ADV INJURY \$ 1,000,000
					/ /	/ /	GENERAL AGGREGATE \$ 2,000,000
					/ /	/ /	PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				/ /	/ /	\$
A	AUTOMOBILE LIABILITY			NSL 1010299-04	10/15/2012	10/15/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS				/ /	/ /	BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				/ /	/ /	BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	N	N		/ /	/ /	PROPERTY DAMAGE (Per accident) \$
					/ /	/ /	\$
A	UMBRELLA LIAB			NUL 1481309-02	10/15/2012	10/15/2013	EACH OCCURRENCE \$ 5,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB				/ /	/ /	AGGREGATE \$ 5,000,000
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$				/ /	/ /	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			N/A	/ /	/ /	WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N			/ /	/ /	OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A			/ /	/ /	E.L. EACH ACCIDENT \$
					/ /	/ /	E.L. DISEASE - EA EMPLOYEE \$
					/ /	/ /	E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

"CITY OF TROY, ALL ELECTED AND APPOINTED OFFICIALS, ALL EMPLOYEES AND VOLUNTEERS, THOSE WORKING AS AGENTS OR ON BEHALF OF THE CITY, BOARDS, COMMISSIONS AND/OR AUTHORITIES, OR BOARD MEMBERS, EMPLOYEES, AND VOLUNTEERS ARE ADDITIONAL INSURED".

CERTIFICATE HOLDER (248) 524-3314 GLENN C. LAPIN CITY OF TROY 500 W BIG BEAVER ROAD TROY MI 48084-	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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CERTIFICATE OF LIABILITY INSURANCE

WARMT-1

OP ID: PAB

DATE (MM/DD/YYYY)

12/27/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Comerica Insurance Services MC7969 P. O. Box 75000 Detroit, MI 48275 Michael Maldegen	Phone: 800-713-0336 Fax: 313-222-3131	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED WARM Training Center 4835 Michigan Ave Detroit, MI 48210	INSURER A: Star Insurance Company		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	0147320A	11/01/2012	11/01/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER City of Troy Attn: Glenn Lapin 500 W Big Beaver Road Troy, MI 48064	CIT1TRO	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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WARM Training Center

Promoting Sustainable Affordable Communities Since 1981

October 8, 2012

Michael Culpepper
Interim City Manager
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mr. Culpepper:

The purpose of this letter is to summarize the previous conversation I had with you and some of your staff concerning the status of the ALOeTERRA solar house currently located on the Troy Community Center grounds. Briefly, WARM proposes to take ownership of the house – in “as is” condition - and move it, at no cost to the City of Troy, to WARM’s training facility in Detroit, where it will be used as a job training tool as well as an educational resource for residents of all of Southeastern Michigan. In this letter, I would like to give you some background about both WARM and the uses to which we intend to put this house.

Background on WARM

WARM Training Center (WARM) is a Detroit based 31 year old nonprofit 501© 3 organization whose mission is to promote the development of resource efficient healthy homes and communities. We do this in a variety of ways, including consumer education, green consulting and job training. In 2009 WARM was one of the inaugural groups chosen as a Detroit Free Press Green Leader. We were also named one of Charter One Bank’s Champions in Action. In 2011 WARM was a finalist for Crain’s Business magazine Best Managed Nonprofit. Over the past 5 years we have conducted energy saving workshops for approximately 20,000 residents of Wayne and Oakland counties. We have trained over 200 men and women in how to properly weatherize homes. We pride ourselves on both our high placement rates and our strong relationships with private employers. We are one of only two locations in Michigan to be recognized by the federal Department of Energy as a regional Weatherization Training Center. The Center is located on the campus of Focus: Hope in Detroit.

Use of the ALOeTERRA house

We are proposing to move the house to the Focus:Hope location and incorporate it into our formal training. The actual moving of the house will be used as an educational opportunity as well to teach about deconstruction and recycling of materials. The house would be used for 2 main purposes:

1. It would be used for general consumer education purposes, including school visits to the training sites and adult workshops on the principles of renewable energy and green building in general.
2. It would be used in adult job training as an introduction to renewable and green technology.



WARM Training Center

Promoting Sustainable Affordable Communities Since 1981

While we train for weatherization work and not renewable installation today, we do include some background on renewable so that as the industry grows our trainees have some knowledge of green and renewable principles. My point is, the house will get used to educate both the general public and for job training purposes. The Focus: Hope location is surrounded by a high fence and has 24 hour patrolled security.

Next Steps

I have briefed my Board of Directors and they have approved the acquisition of the house and the ongoing maintenance and insurance. We have done a preliminary assessment on what it would take to disassemble and move the house. We will have to do a more detailed plan. We are asking that the City of Troy donate the house to WARM, a nonprofit entity. WARM will assume all the costs and any liability associated with the move. I would ask that your City attorney assess what legal steps have to be taken to execute the property transfer. Down the road I would also like whoever is the appropriate person at your end who handles public affairs to have a conversation with my development director Lisa Grace to coordinate any press releases or related media coverage and also to discuss signage to recognize the donation. There may be other matters that you may have in mind. Please advise on what you believe should be the next steps.

The WARM Training Center looks forward to partnering with the City of Troy on this exciting project to provide an outstanding educational resource for the residents of Southeast Michigan.

Sincerely:

Robert Chapman
Executive director
WARM Training Center



November 26, 2012

Mr. Brian Kischnick
City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Dear Mr. Kischnick:

Although we no longer have any property or legal interest in the Solar Decathlon House, we at Lawrence Tech are extremely pleased to hear about Troy's decision to donate the Solar Decathlon House to WARM Training Center in Detroit for relocation to the campus of Focus Hope for training. Using the house to educate on the principles of de-construction and re-construction of building components is a much needed skill in society today.

The adaptive reuse of existing residential, commercial and industrial properties in an economical and intelligent manner requires the careful de-construction of building components for recycling and reuse. The encouragement of sustainable practices both in the design of new buildings and the salvaging of old is critical to preserving our environment, now and in the future.

Again, we applaud the efforts of WARM Training Center with regard to the training as well as the willingness of the City of Troy to offer the house to them for relocation and training. We wish all involved well in this important endeavor.

Best regards,

Jos. C. Veryser, AIA, LEED AP
University Architect

cc: Michelle Hodges
Troy Chamber of Commerce



November 26, 2012

Brian Kischnick, City Manager
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: City of Troy's Donation of Solar Decathlon House to WARM Training Center

Dear Brian:

Although we no longer have any property or other legal interest in the Solar Decathlon House, we at the Troy Chamber fully support Troy's decision to donate the House to the WARM Training Center in Detroit for relocation to the campus of Focus Hope for training.

Advancing the importance of sustainable best practices is important to the future, and we enthusiastically support any effort to that end.

The Troy Chamber is grateful to the WARM Training Center, Focus HOPE, and the City of Troy for embarking on this effort, and would be happy to assist as it moves forward.

Best wishes for a successful outcome.

Sincerely,

Michele Hodges, President
Troy Chamber of Commerce

CC: Jos. C. Veryser, AIA, LEED AP
University Architect, LTU



CITY COUNCIL AGENDA ITEM

Date: January 23, 2013

To: The Honorable Mayor and City Council

From: Brian Kischnick, City Manager

Subject: Additional 2013 City Council Special Study Meeting Dates - A Departmental Overview – Troy Working Together (*Introduction by: Brian Kischnick, City Manager*)

History

In preparation for the start of 2013, I've been meeting with staff to understand the financial and operational workings of Troy city government. As I progressed through this process I thought it would be beneficial to conduct a similar process with the City Council during special study sessions. It is my intent to begin the year as a cohesive team while identifying key issues and areas of opportunity and success. We can find commonalities and build consensus as we lead up to the budget review process.

The process will include staff presenting the operational and financial highlights of their respective department. We will review staffing, operational efficiencies, revenues, pressures, needs and then most importantly we will attempt to draw some conclusions as a group. This will enable staff to plan accordingly with their budget, staffing and programming.

The goal is to work together to provide a better understanding of past and present operations and map out our future together.

City Council Meeting – January 14, 2013

At the January 14, 2013 Council Meeting, a few members requested a restructuring of the special study meetings to accommodate schedules and reduce the number of special meetings. Other council members indicated to me the original proposed schedule represented a fair approach and allocated the necessary time to begin the process of working together.

The newly revised schedule represents our best attempt to blend the interest of all council members. While it is not perfect, it attempts to provide time, efficiency and content effectiveness so we can work together in preparation for an informed and productive 2013.

Note: *February 4 “Police”, March 4 “Library”, April 8 “Transit Center” and May 13 “Economic Gardening” study sessions are not included in the resolution requesting special meeting dates. They will be study session items that will take place at the conclusion of the regular meeting.*

C: Department Directors

2013

FEBRUARY

Operations & Finance

Operations/Finances						
MON	TUE	WED	THU	FRI	SAT	SUN
28	29	30	31	1	2	3
4 6pm 1. Fund Balance 2. GF Revenue Regular CM 3. Police	5	6 6pm 1. Public Works 2. Recreation 3. Fire	7	8	9	10
11	12	13	14	15	16	17
18 Regular CM	19	20	21	22	23	24
25	26	27	28	1	2	3
4	5					

2013

MARCH

Operations & Finance

Operations / Finance						
MON	TUE	WED	THU	FRI	SAT	SUN
25	26	27	28	1	2	3
4 6pm 1. Administration (City Attorney, City Clerk, Financial Services, Human Resources) Regular CM 2. Library	5	6	7	8	9	10
11 6pm 1. Economic & Community Development 2. Capital	12	13	14	15	16	17
18 Regular CM	19	20	21	22	23	24
25	26	27	28	29	30	31
1	2	NOTES:				

2013

APRIL

Budget/
Transit
Center

Budget/Transit Center						
MON	TUE	WED	THU	FRI	SAT	SUN
1	2	3	4	5	6	7
8 Regular CM 1. Transit Center	9	10	11	12	13	14
15 Regular CM Present Proposed Budget to Council	16	17	18	19	20	21
22 Budget Study Session	23	24	25	26	27	28
29 Budget Study Session	30	1	2	3	4	5
6	7	NOTES:				

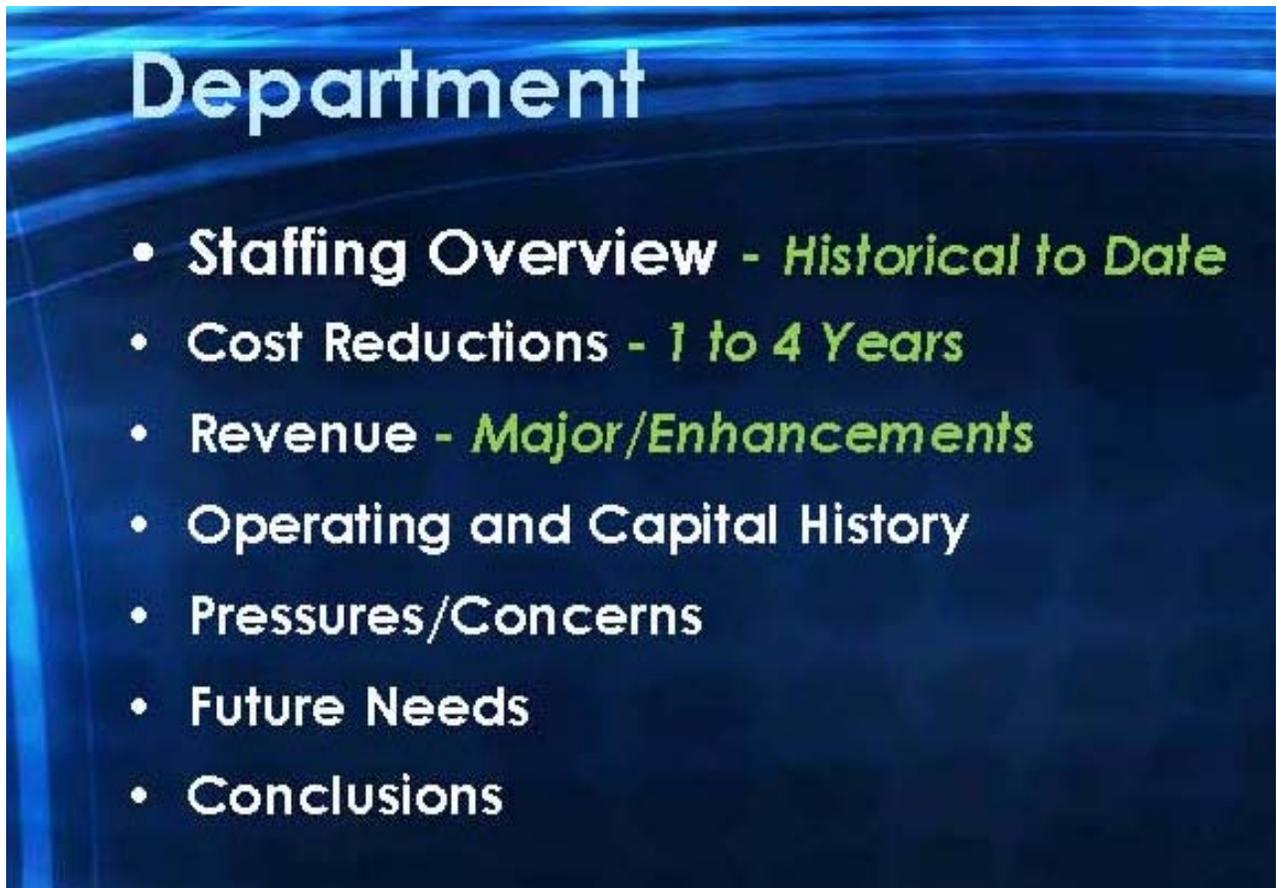
2013

MAY

Economic
Gardening

Economic Gardening						
MON	TUE	WED	THU	FRI	SAT	SUN
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13 Regular CM Economic Gardening	14	15	16	17	18	19
20 Regular CM	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	NOTES:				

The format for the departmental presentations will be as follows:





CITY COUNCIL AGENDA ITEM

January 10, 2013

TO: Brian Kischnick, City Manager

FROM: Thomas Darling, Director of Financial Services
Susan A. Leirstein, Purchasing Director
MaryBeth Murz, Purchasing Manager
Sandra Kasperek, City Treasurer
Lisa Burnham, Accounting Manager

SUBJECT: Standard Purchasing Resolution 8 – Best Value Award: Banking Services

History

The City entered into contract for banking services with Fifth Third Bank (formerly Old Kent Bank) in July of 1999 as the result of a competitive bid process and approval from City Council. The contract was subsequently extended in May 2002, June 2005 and July 2008 each for approximately three year terms. The City has been pleased with the performance and service levels from Fifth Third Bank. In August 2011, the contract was subsequently extended until October 2013 at a time when significant reorganization of city departments was underway and in consideration of the inherent disruption to residents and businesses when changing a core service provider.

Subsequently, a level of stability has been restored and management has elected to proceed with the best value process for selecting a financial institution to provide banking services to the City.

Purchasing

On September 21, 2012, a request for qualifications/proposal (RFQ/RFP) for Banking Services was sent to seventy-four (74) financial institutions through the Michigan Intergovernmental Trade Network (MITN) e-procurement website at www.mitn.info.

RFQ/RFPs were received from seven (7) banks. Three (3) banks met the pass/fail criteria established for Banking Services, three (3) banks did not meet the minimum qualifications for further consideration specifically as it relates to insurance requirements; and one bank only provided Merchant and Procurement Card Services.

An extensive review and evaluation was conducted independently of the three (3) qualifying bank proposals by a three (3) member review committee. Each individual member calculated a weighted score based on their review and evaluation. Evaluation categories included financial strength, availability of services, reporting, implementation and references. These individual scores were averaged into one score for each bank and represent sixty (60) percent of the overall score. The fee schedule score represents forty (40) percent of the overall score.

The tabulation was completed by the Purchasing department. Comerica Bank received the highest score as a result of a best value process.

January 10, 2013

To: Brian Kischnick, City Manager
Re: Best Value Award – Banking Services

Financial

We have attached the bid tabulation to give you an idea of the type of required and optional services we are seeking. Comerica Bank has offered a five (5) year commitment with an option to renew for an additional five (5) years under the same terms and conditions as contained within their proposal. Estimated costs at the City's current service levels are \$81,029 annually compared to \$111,832 and \$234,594 annually from Fifth Third Bank and Huntington Bank respectively. The result is an annual savings of \$30,803 compared to our current provider. It is currently anticipated that a significant portion if not all of the annual fees will be offset with earning credits awarded by Comerica Bank by maintaining a monthly compensating balance.

Legal Considerations

RFQ-RFP-COT 12-15, Banking Services was competitively bid as required by City Charter and Code. The award is contingent upon the firm's submission of properly executed proposal, contract documents, insurance certificates and all other specified requirements.

Recommendation

It is our recommendation that Comerica Bank provide banking services for the City of Troy for a five (5) year period with the option to renew for an additional five (5) year period upon mutual consent at the rates contained within their proposal for services with an estimated annual cost of approximately \$81,028.83. In addition to the required banking services, we are also seeking approval to negotiate with Comerica Bank to provide any optional services contained in the request for proposal at such time the City is ready to implement them. These optional services include among other services, procurement card processing and credit card processing at various City departments.



EXECUTIVE SUMMARY

Banking Services

STATISTICS:

- ◆ **Seventy-Four (74) financial institutions were notified via the MITN e-procurement website**
- ◆ **Seven (7) proposals were received**
- ◆ **Flagstar Bank provided Merchant and Procurement Card Services only**
- ◆ **Three (3) banks did not meet the minimum qualifications for further evaluation**
- ◆ **Comerica Bank attended an in-depth meeting to review overall services and implementation timeline**
- ◆ **Comerica Bank received the highest score as a result of a best value process and is being recommended for award**

The three (3) banks received the indicated final scores as a result of the proposal and price evaluations.

BANK	SCORE
Comerica	89.2
Fifth Third	73.6
Huntington	34.8

Attachments:

- ✓ Weighted Final Scoring Including Detailed Proposal and Pricing Scores
- ✓ Evaluation Process

Banks disqualified for failing to meet insurance requirements as specified:

- ✓ Bank of America
- ✓ JP Morgan Chase
- ✓ PNC Bank



WEIGHTED FINAL SCORING
Banking Services

Final Score Calculation:

$$\frac{60\% \times \text{Detailed Proposal Score} + 40\% \times \text{Fee Schedule Score}}{100\%} = \text{Final Weighted Score}$$

Each City Committee member independently used a weighted score sheet to evaluate the Request for Proposal documents; and each Committee Member calculated a weighted score. The scores of the Committee Members were averaged into one score for each firm for this phase of the process.

Weighted Average Score for Evaluation of Proposals: 60%

Raters:	1	2	3	Average	Final Weighted Score (x.60)
Vendors:					
Comerica	66	99	81	82	49.2
Fifth Third	92	81	71	81.3	48.8
Huntington	31	87	56	58	34.8

Weighted Score for Fee Schedule 40%

Formula:	{1-(proposal price - low price)/low price x available points}	Final Weighted Score (x.40)
Vendors:		
Comerica	{1-(81,029 - 81,029)/81,029x100} = 100	40
Fifth Third	{1-(111,832 - 81,029)/81,029x100} = 62	24.8
Huntington	{1-(234,594 - 81,029)/81,029x100} = 0	0



FINAL SCORE:

VENDORS:	Detailed Proposal Score (60%)	Fee Schedule Score (40%)	Final Score
Comerica	49.2	40	89.2
Fifth Third	48.8	24.8	73.6
Huntington	34.8	0	34.8

**HIGHEST RATED VENDORS - RECOMMENDED AWARD



SELECTION PROCESS

Banking Services

SECTION 3: CRITERIA FOR SELECTION

1. CRITERIA FOR SELECTION

The proposals will be reviewed and evaluated by a committee from the Financial Services Division. The City of Troy reserves the right to award this proposal to the financial institution considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with legal and other qualifications
- B. Completeness of the proposal
- C. Financial strength and capacity of the financial institution
- D. Availability of services (both basic and optional) within this RFQ/RFP
- E. Total cost for services to be provided
- F. Correlation of the proposals submitted to the needs of the City of Troy
- G. Any other factors which may be deemed to be in the City's best interest

2. RESPONSIVENESS TO CRITERIA

A check will be made to ensure that the responding bank is qualified under the Michigan Public Act 88 (1979) as a designated depository; that the submitted proposal forms are complete and the required financial data has been attached. Services will be evaluated on availability, time schedules, reporting, and in the case of interest-bearing demand accounts, interest rates. Financial strength and capacity evaluation will be based upon the information contained in the annual financial and call reports as required. Tests on these reports will include but not be limited to the following.

- Gross loans as a percentage of total assets
- Loan loss reserves as a percentage of gross loans
- Core deposits as a percentage of total assets
- Borrowed funds as a percentage of total assets
- Equity capital as a percentage of total assets
- Equity growth
- Return on assets
- Equity growth in relation to asset and deposit growth

All proposals from qualified public depositories that pass the completeness test and financial strength/capacity tests will be compared based upon the total cost for City designated services. Cost comparisons shall be calculated using the monthly service costs, float factors, highest earnings factors specified in the bank's proposal, and the resulting compensation balance or direct fee basis.

The basic required service proposal will be evaluated separately from any optional service proposal. Please make each proposal separate, so that each can be evaluated on its individual completeness, responsiveness and cost criteria.

CITY OF TROY RFP-COT 12-15
 TABULATION
 BANKING SERVICES

FIRM NAME:

PROPOSAL: BANKING SERVICES

FIRM NAME:		Comerica Bank		Fifth Third Bank		Huntington	
ANNUAL VOLUME	STANDARD	UNIT PRICE	ANNUAL COST	UNIT PRICE	ANNUAL COST	UNIT PRICE	ANNUAL COST
1,228	DISB CCA CHECKS PAID	\$ 0.13	\$ 159.64	\$ 0.09	\$ 110.52	\$ 0.10	\$ 122.80
1,755	CHECK DEPOSIT ITEMS REJECTED	\$ 0.50	\$ 877.50	\$ 0.25	\$ 438.75	N/C	
5	CHECK DEPOSIT ADJUSTMENT	\$ 2.50	\$ 12.50	\$ 6.00	\$ 30.00	\$ 5.00	\$ 25.00
415	CHECK EXCESSIVE DEPOSIT REJECTS	\$ 0.50	\$ 207.50	\$ 0.30	\$ 124.50	N/C	
253	CHECK RETURNED ITEM OR CHARGEBACK	\$ 3.00	\$ 759.00	\$ 2.00	\$ 506.00	\$ 8.00	\$ 2,024.00
153	DISB CHECK PAID MICR REJECT	\$ 0.50	\$ 76.50	\$ 0.60	\$ 91.80	N/C	
141,255	CHECK UNENCODED ITEMS DEPOSITED	\$ 0.03	\$ 4,237.65	\$ 0.02	\$ 2,825.10	\$ 0.10	\$ 14,125.50
30	MONTHLY MAINTENANCE	\$ 7.50	\$ 225.00	\$ 12.50	\$ 375.00	\$ 20.00	\$ 600.00
141,255	PAPER CHECK ADMIN FEE	\$ -	\$ -	\$ 0.01	\$ 1,412.55	N/C	
23	WIRE INCOMING STRUCTURED	\$ 11.00	\$ 253.00	waived		\$ 8.00	\$ 184.00
	Wire - Online Domestic (fee to initiate outgoing wire)					\$ 8.00	
1,545	ACH CREDIT RECEIVED	\$ 0.25	\$ 386.25	\$ 0.07	\$ 108.15	\$ 0.08	\$ 123.60
378	ACH DEBIT RECEIVED	\$ 0.13	\$ 49.14	\$ 0.07	\$ 26.46	\$ 0.08	\$ 30.24
498	ACH ADDENDA RECEIVED	\$ 0.03	\$ 14.94	\$ 0.01	\$ 4.98	\$ 0.05	\$ 24.90
	EDI Addenda Translated					\$ 0.05	
	EDI Monthly Maintenance					N/C	
546,754	FDIC ASSESSMENT	0.012%	\$ 65.61	\$ 0.06	\$ 32,805.24	N/C	
					6 basis points		
PACKAGED DEPOSIT SERVICES							
718	CCA OTHER DEBITS	\$ 0.13	\$ 93.34	\$ 0.09	\$ 64.62	\$ 0.08	\$ 57.44
4,230	COMMERCIAL DEPOSITS	\$ 0.25	\$ 1,057.50	\$ 0.60	\$ 2,538.00	\$ 0.75	\$ 3,172.50
ACH							
1	ACH DELETION	\$ 25.00	\$ 25.00	\$ 50.50	\$ 50.50	\$ 35.00	\$ 35.00
87	RETURNED TRANSACTION	\$ 5.00	\$ 435.00	waived		\$ 6.00	\$ 522.00
34	NOTIFICATION OF CHANGE	\$ 5.00	\$ 170.00	waived		\$ 6.00	\$ 204.00
12	DIRECT SEND MONTHLY MAINTENANCE	\$ 20.00	\$ 240.00	waived		\$ 30.00	\$ 360.00
	Direct Transmission File	\$ 5.00	\$ 1,680.00				
	Maximum \$140 per month/per account						
	Direct Transmission Credit/Debits Originated						
	1 - 1,000 items per month	\$ 0.04					
	1,001 - 8,000 items per month	\$ 0.04					
	8,001 - 40,000 items per month	\$ 0.04					
12	ONLINE ACH MONTHLY FEE	\$ 20.00	\$ 240.00	\$ 10.00	\$ 120.00	\$ 30.00	\$ 360.00
23,462	ONLINE ACH CREDIT ORIGINATED	\$ 0.04	\$ 938.48	\$ 0.07	\$ 1,642.34	\$ 0.08	\$ 1,876.96
25,390	ONLINE ACH DEBIT ORIGINATED	\$ 0.04	\$ 1,015.60	\$ 0.07	\$ 1,777.30	\$ 0.08	\$ 2,031.20
72	ONLINE ACH FILE PROCESSED	\$ -	\$ -	\$ 2.00	\$ 144.00	\$ 5.00	\$ 360.00
	RETURN/NOC REPORT VIA WEB	\$ 15.00	\$ -	\$ -	\$ -	\$ 0.60	\$ -
12	RETURN/NOC REPORT VIA MAIL	\$ 18.00	\$ 216.00	waived		\$ 20.00	\$ 240.00

CASHIERING							
BRANCH (JULY – APRIL)							
27	BANKING CENTER ORDER NOTES STRAP	\$ 4.00	\$ 108.00	\$ 0.32	\$ 8.51	\$ 1.25	\$ 33.75
12,539,396	BANKING CENTER CURRENCY	0.007/\$100	\$ 877.76	waived		\$ 0.0015	\$ 18,809.09
18	BANKING CENTER ORDER	\$ 4.00	\$ 72.00	\$ 2.50	\$ 45.00	\$ 0.55	\$ 9.90
	Comerica cash order less than \$500	\$ 1.00					\$ -
	Comerica cash order \$500 - \$999	\$ 2.00					\$ -
	Comerica cash order \$1,000 - \$4,999	\$ 4.00					\$ -
	Comerica cash order \$5,000 - \$9,999	\$ 6.00					\$ -
	Comerica cash order \$10,000 and over	\$ 8.00					\$ -
51	BRANCH FURN COIN ROLLED	\$ 4.00	\$ 204.00	\$ 0.06	\$ 3.24	\$ 0.10	\$ 5.10
11	BRANCH CURRENCY STRAP	\$ 0.45	\$ 4.95	\$ -	\$ -	\$ 0.55	\$ 6.05
904	NOTES LOOSE	\$ -	\$ -	\$ -	\$ -	\$ 0.00	\$ 1.36
60	BANKING CENTER ORDER NOTES LOOSE	\$ 4.00	\$ 240.00	\$ 0.0111	\$ 0.67	\$ 0.0015	\$ 0.09
INTERNAL VAULT (2 MONTHS–MAY & JUNE)							
	CASH VAULT MONTHLY BASE CHARGE	2 X \$15.00	\$ 30.00	\$ -	\$ -	N/C	
26	CASH VAULT DEPOSIT NOTES STD	\$ 0.012	\$ 0.31	waived		\$ 0.001	0.03
8,429	CASH VAULT DEPOSIT NOTES NON-STD	\$ 0.012	\$ 101.15	waived		\$ 0.001	8.43
68	CASH VAULT DEPOSIT COIN LOOSE	\$ 1.30	\$ 88.40	waived		\$ 5.50	374.00
	per bag						0
223,346	CASH VAULT DEPOSIT CURRENCY		\$ -	waived		\$ 0.00	223.35
	Notes	186 @ .012	\$ 2.23				0
	Loose coin with money	2 @ 1.30	\$ 2.60				0
	Checks	167 @ .030	\$ 5.01				0
86	CASH VAULT DEPOSIT	\$ 0.25	\$ 21.50	\$ 0.60	\$ 51.60	\$ 1.25	107.50
CHECK CLEARING – RETURNS							
152	PAPER REPRESENTMENT	\$ 2.50	\$ 380.00	\$ 2.50	\$ 380.00	\$ 6.00	\$ 912.00
17	STOP PAY	\$ 8.00	\$ 136.00	\$ 6.00	\$ 102.00	\$ 10.00	\$ 170.00
24	RETURNED ITEM SPECIAL INSTRUCTIONS	\$ 3.50	\$ 84.00	\$ 6.00	\$ 144.00	\$ 8.00	\$ 192.00
3,733	RETURNED ITEMS DATA CAPTURE	\$ -	\$ -	\$ 0.01	\$ 37.33	\$ 0.01	\$ 37.33
24	RETURNS MGMT MODULE	\$ 10.00	\$ 240.00	\$ 65.00	\$ 1,560.00	N/C	
506	RETURNED ITEMS PER IMAGE	\$ -	\$ -	\$ 0.05	\$ 25.30	\$ 0.60	\$ 303.60
DISBURSEMENTS							
24	ARP MONTHLY BASE CHARGE	\$ -	\$ -	\$ 0.01	\$ 0.24	\$ 35.00	\$ 840.00
12	ARP OUTSTANDING BALANCE REPORTING	\$ 12.50	\$ 150.00	\$ 36.00	\$ 432.00	N/C	
10,961	ARP CHECKS PAID	\$ 0.03	\$ 328.83	\$ 0.09	\$ 986.49	\$ 0.05	\$ 548.05
11,141	ARP CHECKS ISSUED	\$ -	\$ -	\$ 0.09	\$ 1,002.69	\$ 0.05	\$ 557.05
4	ARP RETURN ITEM	\$ 10.00	\$ 40.00	\$ 15.00	\$ 60.00	\$ 10.00	\$ 40.00
36	ARP ONLINE ISSUE MGMT BASE CHARGE	\$ -	\$ -	\$ 25.00	\$ 900.00	N/C	
12	POSITIVE PAY MONTHLY BASE CHARGE	\$ 40.00	\$ 480.00	waived		\$ 30.00	\$ 720.00
	Includes full reconciliation						
12	Positive Pay Monthly Base Charge	\$ 25.00	\$ 300.00				
	No Recon						
6	BANK MAINTENANCE POS PAY EXCEPTION	\$ 1.35	\$ 8.10	\$ 0.031	\$ 0.19	\$ 0.600	
	POS Pay Exception-20 items free monthly with a potential annual savings of \$144.00						
12	CONTROLLED DISBURSEMENT BASE CHG	\$ 125.00	\$ 1,500.00	\$ 100.00	\$ 1,200.00	\$ 75.00	\$ 900.00

9,829	CDA CHECKS PAID	\$ 0.28	\$ 2,752.12	\$ 0.18	\$ 1,769.22	\$ 0.05	\$ 491.45
	CDA - Data Trans - Per File					\$ 5.00	
	CDA - Data Trans - Per Item					\$ 0.01	
	Comerica Related Positive Pay Charges						
140	Positive Pay Input Transmission Fee	\$ 12.50	\$ 1,750.00				
	Maximum \$150 per month/per account						
24	Payee Positive Pay Account	\$ 5.00	\$ 120.00				
11,141	Payee Positive Pay Item	\$ 0.03	\$ 334.23				
24	Positive Pay Notification alert per month/acct	\$ 6.00	\$ 144.00				
	ARP online data entry	\$ 0.50					
	Maximum \$150 per month/account						
	IMAGING SERVICES						
36	CHECK IMAGING PER ACCOUNT	\$ 12.00	\$ 432.00	\$ 40.00	\$ 1,440.00	\$ 8.00	\$ 288.00
11,118	CHECK IMAGING PER ITEM	\$ 0.05	\$ 555.90	\$ 0.10	\$ 1,111.80	\$ 0.04	\$ 389.13
	Visual Archive Quarterly CD					\$ 15.00	
	Visual Archive any Check Items					\$ 0.04	
	Visual Archive any Check CD					\$ 35.00	
36	ONLINE IMAGE RETRIEVAL BASE	\$ 27.00	\$ 972.00	\$ 35.00	\$ 1,260.00	N/C	
	CD Rom						
	ONLINE RETRIEVAL PER IMAGE	\$ 0.40	\$ -	\$ 0.20	\$ -		\$ -
	Online Retrieval per Image < 90 Day					N/C	
	Online Retrieval per Image > 90 Day					\$ 3.00	
	Via prior day reporting						
	INFO REPORTING						
12	ONLINE AA PRIOR DAY REPORTING	\$ 10.00	\$ 120.00	\$ 40.00	\$ 480.00	N/C	
48	ONLINE AA PRIOR DAY PER ACCOUNT	\$ 5.00	\$ 240.00	waived		N/C	
25,770	ONLINE AA PRIOR DAY DETAIL	\$ 0.05	\$ 1,288.50	\$ 0.05	\$ 1,288.50	N/C	
13,104	Prior Day Summary Items	\$ 0.05	\$ 655.20				
1,872	ONLINE AA INTRA DAY DETAIL	\$ -	\$ -	\$ 0.05	\$ 93.60	\$ 0.05	\$ 93.60
24	ONLINE AA CURRENT DAY PER ACCOUNT	\$ 5.00	\$ 120.00	waived		N/C	
	Comerica Related Information Reporting Charges						
12	ONLINE AA CURRENT DAY REPORTING	\$ 10.00	\$ 120.00	waived		N/C	
	Info Rpt - ONL - Paid check images					N/C	
	Info Rpt - ONL - Dep ticket images					N/C	
	Info Rpt - ONL - Dr/Cr memo images					N/C	
	Info Rpt - ONL - Prev day tran srch					N/C	
	Info Rpt - ONL - Image > 90 days					\$ 3.00	
	Info Rpt - ONL - ACH returned items					\$ 0.60	
	Info Rpt - ONL - Redeposited items					\$ 0.60	
	Info Rpt - ONL - Returned items					\$ 0.60	
48	Electronic Statements - 2 yr retention	\$ 5.00	\$ 240.00				
	MISCELLANEOUS						
9,741	ARP CHECK FINESORT	\$ -	\$ -	\$ -	\$ -	\$ 0.10	\$ 974.10
12	Check fine sort mtncce per month/account (1)						
1,093	ARP ISSUE CANCEL	\$ -	\$ -	waived		N/C	
	PAPER DEPOSIT STATEMENT	\$ -	\$ -	\$ -	\$ -	N/C	

1	COURIER SERVICE – JUL	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – AUG	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – SEP	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – OCT	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – NOV	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – DEC	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – JAN	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – FEB	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – MAR	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – APR	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – MAY	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
1	COURIER SERVICE – JUN	\$ -	\$ -	waived		\$ 45.00	\$ 45.00
	PORTAL						
12	ONLINE AA ACH MODULE	\$ -	\$ -	waived		N/C	
12	ONLINE AA WIRE MODULE	\$ 10.00	\$ 120.00	waived		N/C	
12	Online Stop Payment Module	\$ 10.00	\$ 120.00				
	Online book transfers	\$ 1.00					
			\$ -				
	WHOLESALE LOCKBOX		\$ -				
219,663	WLBX DOCUMENT SCANNED	\$ -	\$ -	\$ 0.04	\$ 8,786.52	\$ 0.45	\$ 98,848.35
90,500	Checks	\$ 0.05	\$ 4,525.00				
64,163	Invoices	\$ 0.05	\$ 3,208.15				
65,000	Envelopes	\$ 0.05	\$ 3,250.00				
18	WLBX CD ROM IMAGING			\$ 40.00	\$ 720.00	\$ 25.00	\$ 450.00
24	WLBX CD ROM IMAGING	\$ 27.00	\$ 648.00				
	Image items viewed (1-100 per month)						
	Image items viewed (>100 per month)	\$ 0.03					
	Image Items printed (1-100 per month)						
	Image items printed (> 100 per month)	\$ 0.03					
18	WLBX MAINTENANCE			\$ 75.00	\$ 1,350.00	\$ 100.00	\$ 1,800.00
24	WLBX maintenance	\$ 100.00	\$ 2,400.00				
80,104	WLBX ITEM W/O COPY	\$ -		\$ 0.25	\$ 20,026.00	\$ 0.45	\$ 36,046.80
219,663	WLBX Barcode Items					\$ 0.10	\$ 21,966.30
348	WLBX TRANSMISSION	\$ -		\$ 10.00	\$ 3,480.00	\$ 5.00	\$ 1,740.00
24	WLBX transmission per month/per lbx	\$ 100.00	\$ 2,400.00				
3	WLBX CASH PAYMENT	\$ 5.00	\$ 15.00	\$ 15.00	\$ 45.00	\$ 15.00	\$ 45.00
35	WLBX SPECIAL PAYMENTS	\$ 48.00	\$ 1,680.00	\$ 7.50	\$ 262.50	\$ 15.00	\$ 525.00
1,630,745	WLBX DATA CAPTURE	\$ 0.00010	\$ 163.07	\$ 0.01	\$ 16,307.45	\$ 0.01	\$ 16,307.45
	WLBX DATA CAPTURE - 4,999 items free monthly with an annual savings of \$599.88						\$ (599.88)
60,597	WLBX SPECIAL SORT	\$ 0.11	\$ 6,665.67	\$ 0.02	\$ 1,211.94	\$ 0.05	\$ 3,029.85
	Item Charges (based on monthly volume per lbx)						
	1-200 items	\$ 0.25					
	201-1,500 items	\$ 0.25					
25,500	1,501-5,000 items	\$ 0.25	\$ 6,375.00				
65,000	5,001-10,000 items	\$ 0.25	\$ 16,250.00				
	Over 10,000 items	\$ 0.25					
	Comerica related charges						

	Correspondence handling						
	1-200 items	\$ 0.4420					
	201-1,500 items	\$ 0.4016					
	1,501-5,000 items	\$ 0.3914					
	5,001-10,000 items	\$ 0.3707					
	Over 10,000 items	\$ 0.3500					
90,500	WLBX item deposited	\$ 0.0500	\$ 4,525.00				
	WIRE						
48	WIRE TRANSFER REPETITIVE STORAGE	\$ -	\$ -	\$ 0.25	\$ 12.00	N/C	
	There is no charge for repetitive storage, however, please reference wire-online domestic for fee to initiate an outgoing wire						
10	WIRE ACTIVITY STATEMENT	\$ -	\$ -	\$ 5.20	\$ 52.00	N/C	
	EARNINGS CREDIT						
	MONTHLY EARNINGS CREDIT			30 basis points		.30bps	\$ 229.32
	PURCHASING CARDS						
		REBATE RATE	ANNUAL PROPOSED REBATE	REBATE RATE	ANNUAL PROPOSED REBATE	REBATE RATE	ANNUAL PROPOSED REBATE
\$276,469	PURCHASES	\$ -	\$ -	\$ -	\$ -	\$ 0.55	\$ 152.06
42	ACTIVE CARDS	\$ -	\$ -	\$ -	\$ -	N/C	
1678	TRANSACTIONS	\$ -	\$ -	\$ -	\$ -	N/C	
\$165	ANNUAL TICKET SIZE	\$ -	\$ -	\$ -	\$ -	N/C	
	PROPOSED REBATE			.75%-1.15%			
PROPOSED ANNUAL TOTAL			\$ 81,028.83	\$ 111,831.59	\$ 234,594.34		

G:ITB-COT 12-15 Banking Services

Pastor A.C. Phipps from Evanswood Church of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, January 14, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31PM.

B. ROLL CALL:

- Mayor Dane Slater
- Jim Campbell
- Mayor Pro Tem Wade Fleming
- Dave Henderson
- Maureen McGinnis
- Edward Pennington
- Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Installation Ceremony – Swearing-In of New Council Member Ed Pennington

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Brake, Dan	Spoke about Item O-02d 2012 Fourth Quarter Litigation Report.
Werpetinski, Jim	Spoke about Item I-04 Additional 2013 City Council Special Study Meeting Dates.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; Planning Commission; b) City Council Appointments –

**Employee Retirement System Board of Trustees / Retiree Health Care Benefits
Plan & Trust**

a) Mayoral Appointments

Resolution #2013-01-001
Moved by Slater
Seconded by Fleming

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

<u>Term Expires: 9/30/2016</u>	Laurence Keisling	(At Large)
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Term currently held by: Laurence Keisling

<u>Term Expires: 9/30/2016</u>	Alan Kiriluk	(In District)
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Term currently held by: Alan Kiriluk

<u>Term Expires: 9/30/2016</u>	Daniel MacLeish	(In District)
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Term currently held by: Daniel MacLeish

<u>Term Expires: 9/30/2016</u>	Arkan Jonna	(In District)
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Term currently held by: Harvey Weiss

Yes: All-7
No: None

MOTION CARRIED

Resolution #2013-01-002
Moved by Slater
Seconded by McGinnis

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

Planning Commission

Appointed by Mayor
9 Regular Members

3 Year Term

Nominations to the Planning Commission:

Term Expires: 12/31/2015

Michael Hutson

Term currently held by: Michael Hutson

Term Expires: 12/31/2015

Philip Sanzica

Term currently held by: Philip Sanzica

Term Expires: 12/31/2015

John Tagle

Term currently held by: John Tagle

Yes: All-7
No: None

MOTION CARRIED

b) City Council Appointments

Resolution #2013-01-003
Moved by Fleming
Seconded by McGinnis

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

[Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust](#)

Appointed by Council
7 Regular Members and 2 Ordinance Members
3 Year Term

Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:

Term Expires: 12/31/2015

Mark Calice

Term currently held by: Mark Calice

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Board of Review; Downtown Development Authority; b) City Council Nominations – Election Commission; Liquor Advisory Committee; Municipal Building Authority; Traffic Committee

a) Mayoral Nominations

City Council took **NO ACTION** on Nominations to the [Board of Review](#).

City Council took **NO ACTION** on Nominations to the [Downtown Development Authority](#).

b) City Council Nominations

Resolution #2013-01-004
Moved by Fleming
Seconded by Campbell

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

Election Commission

Appointed by Council
2 Regular Members and 1 Charter Member
1 Year Term

Nominations to the Election Commission:

Term Expires: 01/31/2014

David C. Anderson

Term currently held by: David C. Anderson

Term Expires: 01/31/2014

Timothy Dewan

Term currently held by: Timothy Dewan

Yes: All-7
No: None

MOTION CARRIED

Resolution #2013-01-005
Moved by Fleming
Seconded by McGinnis

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

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 01/31/2016

Patrick Hall

Term currently held by: Patrick Hall

Term Expires: 01/31/2016

Andrew Kaltsounis

Term currently held by: Andrew Kaltsounis

Yes: All-7
No: None

MOTION CARRIED

City Council took **NO ACTION** on Nominations to the [Municipal Building Authority](#).

City Council took **NO ACTION** on Nominations to the [Traffic Committee](#).

I-3 Closed Session

Resolution #2013-01-006
Moved by Fleming
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268(h) (MCL15.243(u) and MCL15.243(y)).

Yes: All-7
No: None

MOTION CARRIED

I-4 Additional 2013 City Council Special Study Meeting Dates

Moved by Tietz
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL HOLD** Special Study Meetings according to the following schedule at 6:00 PM in the Council Boardroom:

Discussion Topic

Monday, February 11, 2013 Fund Balance, General Fund Revenue, Police & Fire

Wednesday, February 13, 2013 Department of Public Works & Recreation
Wednesday, February 20, 2013 Library & Administration
Monday, February 25, 2013 Capital, Economic Development Services
Tuesday, February 26, 2013 Troy Transit Center
Monday, March 11, 2013 Human Capital Costs

Vote on Resolution to Postpone Item I-04 Additional 2013 City Council Special Study Meeting Dates to the January 28, 2013 Regular City Council Meeting

Resolution #2013-01-007
Moved by Tietz
Seconded Fleming

RESOLVED, That Troy City Council **POSTPONES** Item *I-04 Additional 2013 City Council Special Study Meeting Dates* to the January 28, 2013 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 Appointment of SOCRRA Alternate

Resolution #2013-01-008
Moved by McGinnis
Seconded by Fleming

RESOLVED, That Troy City Council hereby **DESIGNATES** Mark F. Miller as the Alternate SOCRRA Representative with the term expiring on June 30, 2013.

Yes: All-7
No: None

MOTION CARRIED

I-6 Delegation of Fireworks Inspections

Resolution #2013-01-009
Moved by Fleming
Seconded by McGinnis

RESOLVED, That the delegation of authority by the State of Michigan to the City of Troy Fire Department, to conduct fireworks inspections, and the subsequent signing of the agreement by

the Fire Chief, is hereby **APPROVED** as recommended by City Management. A copy of the delegation agreement shall be **ATTACHED** to the original minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-01-010
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7
No: None

MOTION CARRIED

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2013-01-010-J-02

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Regular City Council Meeting - December 17, 2012

J-3 No Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Neptune Water Meters and Parts**

Resolution #2013-01-010-J-04a

RESOLVED, That Troy City Council hereby **APPROVES** a two-year contract to purchase Neptune water meter and replacement parts from Rio Supply/Michigan Meter Technology Group Inc., of Madison Heights, MI through the Oakland County Cooperative Purchasing Program at amended prices as listed in Attachment A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire September 30, 2014.

J-5 Rescind Bid Award / Re-Award Contract – Liquid Calcium Chloride

Resolution #2013-01-010-J-05

WHEREAS, On December 3, 2012, a contract for one-year requirements of Liquid Calcium Chloride with an option to renew for one (1) additional year was awarded to the lowest bidder meeting specifications, Great Lakes Chloride Inc (Resolution #2012-12-214-J4a); and WHEREAS, After the award of contract, Great Lakes Chloride advised the City they could not provide the insurance coverage for the annual contract aggregate limit as specified; and

WHEREAS, Liquid Calcium Chloride Sales will hold their pricing as bid and has the required insurance on file with the City;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of Liquid Calcium Chloride with an option to renew for one (1) additional year from Great Lakes Chloride Inc of Shelbyville, MI and hereby **RE-AWARDS** the contract to the next lowest bidder meeting specifications, Liquid Calcium Chloride Sales of KawKawlin, MI, at unit pricing as contained on the bid tabulation opened November 21, 2012, with the contract expiring November 30, 2013.

J-6 Designation of Act 51 Street Administrator

Resolution #2013-01-010-J-06

WHEREAS, Section 13(7) of Act 51, Public Acts of 1951 requires that each incorporated city and village (to which funds are returned under the provisions of this section) designate a single Street Administrator who shall be responsible for and shall represent the municipality in transactions with the Michigan Department of Transportation pursuant to this act; and

WHEREAS, The Street Administrator shall be responsible for and coordinate street improvements, maintenance, traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting; and

WHEREAS, It has historically been the City Manager who serves as the designated Street Administrator for the City of Troy;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** City Manager Brian Kischnick as the single Street Administrator for the City of Troy in all transactions with the Michigan Department of Transportation.

J-7 Request for Acceptance of a Permanent Easement from ND Industries, Inc. – Sidwell #88-20-28-303-024

Resolution #2013-01-010-J-07

RESOLVED, That City Council hereby **ACCEPTS** a water main easement from ND Industries, Inc., owner of the property having Sidwell #88-20-28-303-024; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Request for Acceptance of Three Permanent Easements from Patrick and Gwen Bismack – Sidwell #88-20-10-127-052

Resolution #2013-01-010-J-08

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easements for sidewalk, storm sewer and sanitary sewer from Patrick and Gwen Bismack, owners of the property having Sidwell #88-20-10-127-052; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Bid Waiver – Printing of Election and Voter Registration Materials

Resolution #2013-01-010-J-09

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

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 per fiscal year, through December 31, 2015.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a)** January 28, 2013 – Rezoning Application (File Number Z 741) – Proposed 1170 Woodslee, North of Maple Road Between Rochester and Stephenson Highway, Section 27, From IB (Integrated Industrial and Business) District to RT (One-Family Attached Residential) District

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Brake, Dan	Spoke about the City Attorney and the budget.
Reinhardt, Marv	Spoke about various topics.
Peters, Richard	Spoke about various topics.
Miller, Sandra	Spoke about petitioning at the Library.
Werpetinski, Jim	Encouraged residents to attend the Parks and Recreation 5 Year Master Plan Public Meeting on Thursday, January 17, 2013 at 6:30 pm, in Room 402 at the Troy Community Center.
Baxi, Manish	Spoke about the City Attorney.
Savage, James	Requests decisions are in the best interest for Troy's needs.
Shuai, Oulian	Spoke about the Police Department.
Cherasaro, Nicholas	Spoke about the City Attorney.
Ross, Michael	Spoke about the City Attorney.

The Meeting **RECESSED** at 8:41 PM.

The Meeting **RECONVENED** at 8:49 PM.

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #7 – Order of Business

Resolution #2013-01-011

Moved by Slater

Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #7 *Order of Business* to take items out-of-order on the Agenda.

Yes: All-7

No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Board of Review

a) Mayoral Nominations

Resolution #2013-01-012

Moved by Slater

Seconded by Fleming

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

Board of Review
Appointed by Mayor
3 Regular Members
3-Year Term

Nominations to the Board of Review:

Term Expires: 01/31/2016

James Hatch

Term currently held by: James Hatch

Yes: All-7
No: None

MOTION CARRIED

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Employees’ Retirement System Board of Trustees-Final-October 10, 2012
- b) Retiree Health Care Benefits Plan & Trust-Final-October 10, 2012
- c) Employees’ Retirement System Board of Trustees-Final-November 14, 2012
- d) Zoning Board of Appeals-Draft-November 20, 2012
- e) Building Code Board of Appeals-Draft-December 5, 2012
- f) Planning Commission Regular Meeting-Draft-December 11, 2012
- g) Planning Commission Regular Meeting-Final-December 11, 2012
- h) Employees’ Retirement System Board of Trustees-Final-December 12, 2012
- i) Retiree Health Care Benefits Plan & Trust-Final-December 12, 2012

Noted and Filed

O-2 Department Reports:

- a) Building Department Activity Report – November, 2012
- b) Building Department Activity Report – December, 2012
- c) Dental Insurance Provider Change
- d) 2012 Fourth Quarter Litigation Report
- e) Employee Retirement System Board of Trustees Election Results – December 10, 2012
- f) 2012 Local Millage Rates Comparison by County
Noted and Filed

O-3 Letters of Appreciation:

- a) Letter of Appreciation to Engineering and Public Works Staff From Raj Patel at Amtech Electrocircuits Complimenting Them on Improvements Performed to Streets
- b) Letter of Appreciation to Chief Mayer From Sergeant Paul Barch Thanking the Troy Honor Guard for Participating in Sergeant O'Rourke's Memorial Service
Noted and Filed

O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted
Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

The Meeting **RECESSED** at 8:53 PM.

The Meeting **RECONVENED** at 8:58 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:45 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk



- [Pre-Conference Workshops](#)
- [Speakers/Special Events](#)
- [Agenda](#)
- [Housing/Travel](#)
- [Community Excellence Award](#)
- [Students](#)
- [Expo/Sponsorships](#)

ONLINE REGISTRATION
OPENS JANUARY 9

Capital Conference 2013

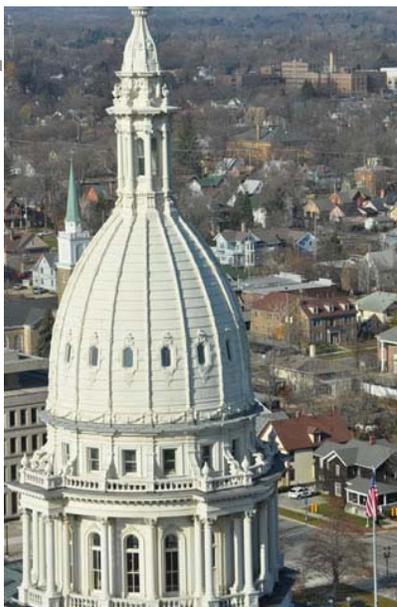
Are more changes ahead for the Economic Vitality Incentive Program? How will your business community be affected by pending legislation on liquor licensing? What exactly is an Innovation District, and how could it work as a redevelopment model in your community?

Capital Conference is the source for answers on all the state and federal issues that impact local communities, and the best place to network and make your voice heard on matters of public policy. Don't lose your place in Lansing. We're saving you a seat at the League's 2013 Capital Conference!

Sessions include:

- EVIP
- Liquor Control Rules
- Economic Development Tools 101
- Innovation Districts
- Lobbying Ins & Outs
- Transportation
- Term Limits
- Governor's Environmental Message

[More details coming soon. Register here starting January 9!](#)



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The League's
Capital Conference

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CITY COUNCIL AGENDA ITEM

Date: January 21, 2013

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
 Timothy L. Richnak, Public Works Director
 Samuel P. Lamerato, Superintendent of Fleet Maintenance

Subject: Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

History

The six (6) vehicles being purchased are replacement vehicles for the Department of Public Works. Upon delivery of the six (6) new vehicles, six (6) obsolete vehicles will be sold at auction. This purchase replaces existing vehicles and does not increase the size of the existing fleet.

Purchasing

Red Holman Buick GMC is the low total bidder in the Oakland County Cooperative Bid. The Oakland County Contract ID number is 3003. The contract pricing is valid thru 4/30/2013. This contract is for 2013 model year GMC Trucks, Vans and SUVs.

Financial

Funds are available in the Public Works Fleet Division (motor pool) capital account.

<u>Red Holman Buick GMC</u>	<u>Budget</u>	<u>Unit Cost</u>	<u>Estimated Total</u>
(1) GMC Terrain	\$25,000.00	\$23,617.00	\$23,617.00
(2) GMC Sierra Pickups	\$36,000.00	\$18,989.00	\$37,978.00
(1) GMC Sierra Pickup 4X4	\$30,000.00	\$22,685.00	\$22,685.00
<u>(2) GMC Savana Cargo Extended Vans</u>	<u>\$39,000.00</u>	\$22,075.00	<u>\$44,150.00</u>
(6)	<u>\$130,000.00</u>		<u>\$128,430.00</u>

Recommendation

City management requests authorization to purchase one (1) 2013 GMC Terrain, two (2) 2013 GMC Sierra Pickups, one (1) 2013 GMC Sierra Pickup 4X4 and two (2) 2013 Savana cargo extended vans for the Public Works and Police Departments from the low total bidder, Red Holman Buick GMC of Westland, MI, as per the Oakland County Cooperative Bid for an estimated total cost of \$128,430.00.

Reviewed by:

 Susan Leirstein; CPPO, CPPB
 Purchasing Director

 Date

CONTRACT

Dispatch via Print



**OAKLAND COUNTY
PURCHASING DIVISION**

Executive Office Building 41 West
2100 Pontiac Lake Rd.
Lower Level
Waterford MI 48328-0462
Main Phone 248/858-0511
www.oakgov.com/purchasing/

Red Holman Buick GMC
Paul Roop **EMAIL PO**
and Ally Bank
35100 Ford Rd
Westland MI 48185

Contract ID 000000000000000000003003		Page 1 of 3
Contract Dates 10/22/2010 to 04/30/2013		F.O.B. DEST
Buyer Scott Guzzy	Phone 248/858-5484	Email guzzys@oakgov.com
Description: Vehicles 2013 GMC -B- COOP		Contract Maximum 2,200,000.00

Vendor ID 000009226
Phone: 734/721-1144 Paul Roop **EMAIL PO**
Fax: 734/721-5539 paul_roop@hotmail.com

Tax Exempt ID: 38-6004876

Line #	Item Number	Item/Description	Category Co	Item UOM	Contract Price
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1	00000000000027222	2013 GMC Trucks, Vans, and SUVs can be ordered until 9/30/12 with 2012 pricing.	25000000	EA	1.00
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2012/01/17 CLA
This contract is for 2013 model year GMC Trucks, Vans, and SUV's until the official cut off date for ordering. Government entities are to contact the dealer for verification of the vehicle ordered and send all Purchase Orders directly to the dealer.
The dealer is responsible for delivery to all participants located within Oakland County.
Delivery charges to municipalities outside the County of Oakland must be noted on the Purchase Order
The vehicle shall include a minimum of five (5) gallons of fuel with each vehicle delivery or pickup. This is included in the base price of the vehicle. NO EXCEPTIONS.
The standard cost subtotal shall include cost of the TITLE which is currently \$15.00
The dealer should note any other irregularities in regards to options..etc, on the final quote to the government entity.
Color will be determined at the time of order by the County or other government entity ordering the vehicle.
LATE PAY CHARGE from DATE OF DELIVERY:
OVER 10 BUSINESS DAYS \$ 0
OVER 15 BUSINESS DAYS \$50.00
OVER 30 BUSINESS DAYS \$100.00
Charge per mile for delivery to any government entity outside of Oakland County
\$1.00/ per mile
FOB: DESTINATION- Vendor is responsible until vehicle is accepted at time of pick-up or delivery.
Out of stock purchases are subject to price adjustments due to loss of protection, floor plan credit and possible GM advertising charges.

THIS IS A COOPERATIVE PURCHASING BLANKET ORDER.

Inasmuch as no specific quantities are indicated on this contract, there is no commitment involved by Oakland County other than for the payment of goods procured under the conditions of this contract.

Oakland County issues individual Purchase Orders on behalf of County Departments as authorization for items ordered from this contract. The individual Purchase Order numbers are to be used on all Invoices, Bills of Lading, Shipping Documents and all correspondence relating to the Purchase Order.

Itemized invoices must be submitted to the Oakland County Fiscal Services Division, Accounts Payable, 4th Floor, 2100 Pontiac Lake Rd., Waterford, MI 48328, unless otherwise stipulated, for subsequent checking as to price and content. Invoices not itemized may be returned for correction.

This contract is not to be used for the purchase of any equipment and or services not listed herein. Oakland County requires a 30 day written notice of all price changes. Oakland County reserves the right to take advantage of any special pricing programs available from the contract vendor or any other outside vendors offering the said special pricing programs to Oakland County during the term of this contract.

Oakland County reserves the right to cancel this contract if orders are not filled within the time and in accordance with the terms specified.

All shipments must be accompanied by Packing Slips and containers properly marked with requesting Department Name,

Authorized Signature

CONTRACT

Dispatch via Print



OAKLAND COUNTY PURCHASING DIVISION

Executive Office Building 41 West
2100 Pontiac Lake Rd.

Lower Level
Waterford MI 48328-0462
Main Phone 248/858-0511
www.oakgov.com/purchasing/
Red Holman Buick GMC
Paul Roop **EMAIL PO**
and Ally Bank
35100 Ford Rd
Westland MI 48185

Contract ID 000000000000000000003003		Page 2 of 3
Contract Dates 10/22/2010 to 04/30/2013		F.O.B. DEST
Buyer Scott Guzzy	Phone 248/858-5484	Email guzzys@oakgov.com
Description: Vehicles 2013 GMC -B- COOP		Contract Maximum 2,200,000.00

Vendor ID 0000009226
Phone: 734/721-1144 Paul Roop **EMAIL PO**
Fax: 734/721-5539 paul_roop@hotmail.com

Tax Exempt ID: 38-6004876

Line #	Item Number	Item/Description	Category Co	Item UOM	Contract Price
--------	-------------	------------------	-------------	----------	----------------

Address, Contact Person and Purchase Order Number.

The prices indicated on this contract are not subject to change without written notification in advance.

No Charges will be allowed for boxing or packing unless stated on the Contract. Acceptance of this contract includes specifications, process, delivery and conditions included therein. Material is subject to inspection on our property. If rejected we agree to first advise vendor before returning goods. All freight and extra handling charges derived from said rejection shall be borne by the vendor. The acceptance of this contract does not in any way make the County of Oakland a party to any infringement or damage suits. Such suits to be borne by the vendor.

A Materials Safety Data Sheet shall accompany or precede all shipments of materials subject to the Michigan Hazard Communications Standard also known as the "Right to Know Law" and classified as hazardous by Michigan Compiled Laws, Act 154 of the Public Acts of 1974 as amended. All containers shall have approved warning labels in accordance with this law. Copies of all MSDS's are to be sent to the requesting department.

Pursuant to Act 167 of the Public Acts of 1933, the County of Oakland, a Michigan Constitutional Corporation, is exempt from the sales tax provisions of this Act. In addition, the Michigan Department of Treasury has promulgated General and Specific Sales and Use Tax Rules which provide that the County of Oakland is not required to have a sales tax exemption number (R205.79; Rule 29).

FOR REPORTING PURPOSES - COUNTY OF OAKLAND I.D. #38-6004876W.

2010/10/25 CJB
Contract Finalized

2011/02/09 cmc
System Change A
Add \$200,000.00 to the contract not to exceed amount. The contract NTE will change from \$400,000.00 to \$600,000.00

2011/02/22 cmc
System Change B
Updated options on 2011 Sierra 2500's and GMC Yukon's per PDF document dated 02-22-2011.

2011/10/03 cjb
System Change C
Extend contract expiration date from 9/30/11 to 12/31/11.
Updated 2012 models and pricing, per new price list dated 10/3/11.

2011/10/26 CLA
System Change D
Added \$600,000.00 to the contract Not to Exceed amount.
The Contract NTE changed from \$600,000.00 to \$1,200,000.00.

2012/01/09 CLA
System Change E
Extended the contract expiration date from 12/31/2011 to 05/15/2012.

2012/07/18 CJB
CO 01
Extend the contract expiration date from 5/15/2012 to 09/30/2012.
2013 Vehicle models

2012/09/18 CLA
System Change F

Authorized Signature



CITY COUNCIL AGENDA ITEM

Date: January 21, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Big Beaver Center PUD 4 - Project No. 05.927.3

History

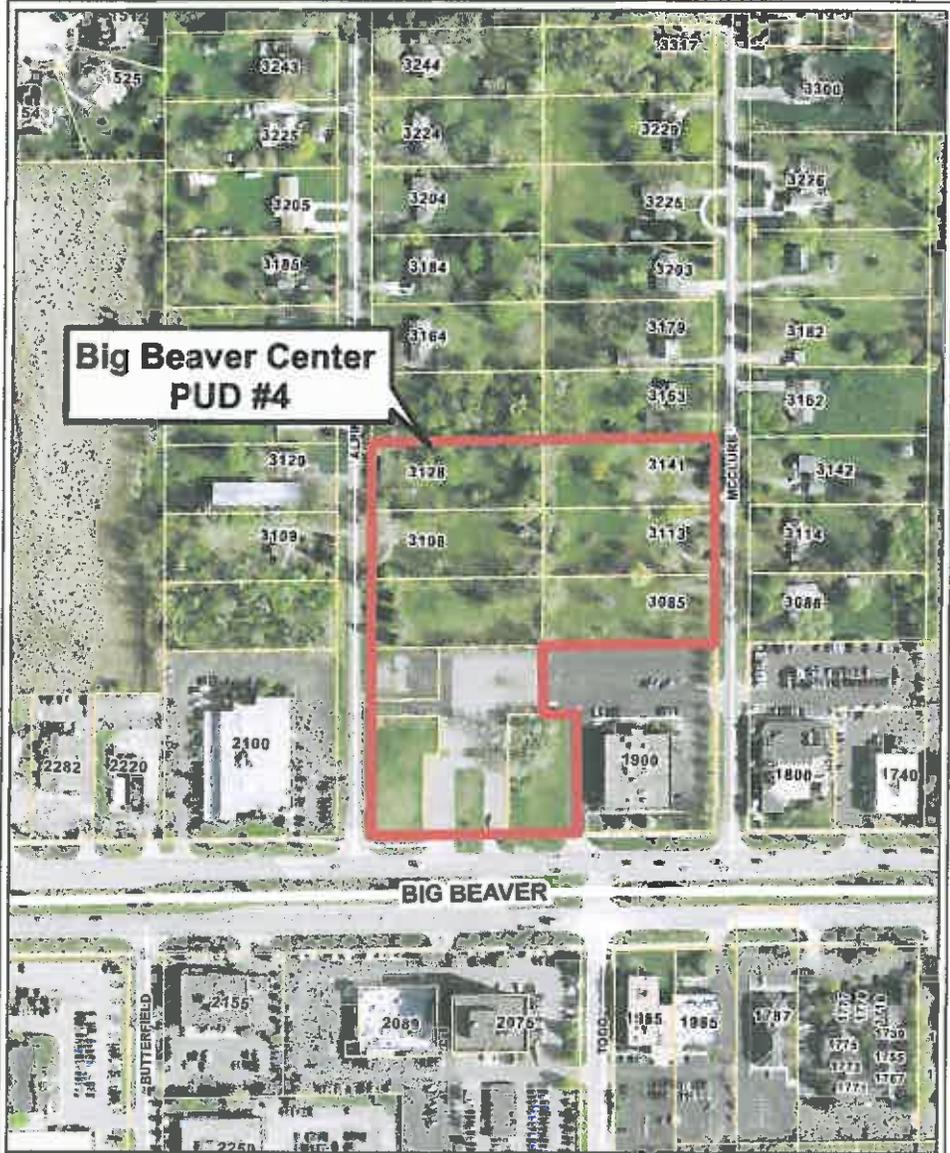
AF Jonna Development Company's proposed Big Beaver Center PUD 4 is located at the northeast corner of Big Beaver and Alpine.

Troy Planning Commission recommended preliminary site plan approval on August 14, 2012 and City Council granted preliminary site plan approval on September 24, 2012.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; sanitary sewer, storm sewer, water main, paving, sidewalks, soil erosion control measures, and landscaping, which will be constructed by the owner/developer on behalf of the City of Troy. The required fees and escrow deposits that will assure completion of the municipal improvements have been provided by the owner/developer.

Recommendation

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.



**Big Beaver Center
PUD #4**

BIG BEAVER

**Section 20, T2N,
R11E, City of Troy,
Oakland County, MI**

LOCATION MAP



City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **05.927.3**

Project Location: **Southeast 1/4 Section 20**

Resolution No: **Resolution Number**

Date of Council Approval: **Council Approval Date**

This Contract, made and entered into this 28th day of January, 2013 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Big Beaver Center, LLC whose address is 4036 Telegraph, Suite 201, Bloomfield Hills, MI 48302 and whose telephone number is 248-593-6200 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of sanitary sewer, storm sewer, water main, paving, sidewalks, soil erosion and landscaping in accordance with plans prepared by Orman Engineering, LLC whose address is 5476 Vivian Lane, Waterford, MI 48327 and whose telephone number is 248-682-6001 and approved prior to construction by the City in accordance with City of Troy specifications.

SECOND: That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 143,464.00. This amount will be deposited with the City in the form of (check one):

- | | |
|----------------------------------------------|-------------------------------------|
| Cash | <input type="checkbox"/> |
| Certificate of Deposit & 10% Cash | <input type="checkbox"/> |
| Irrevocable Bank Letter of Credit & 10% Cash | <input type="checkbox"/> |
| Check | <input checked="" type="checkbox"/> |
| Performance Bond & 10% Cash | <input type="checkbox"/> |

Refundable cash deposit in the amount of \$ 21,846.00. This amount will be deposited with the City in the form of (check one):

- | | | | |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Non-refundable cash fees in the amount of \$ 13,649.00. This amount will be paid to the City in the form of (check one):

- | | | | |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

City Of Troy
Contract for Installation of Municipal Improvements
(Private Agreement)

THIRD: The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

FOURTH: Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

FIFTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

City Of Troy
Contract for Installation of Municipal Improvements
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 18 day of Jan, 2013.

OWNERS

By: 
Jordan Jonna

Please Print or Type

Please Print or Type

CITY OF TROY

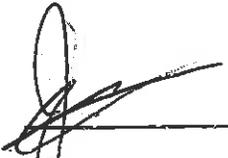
By: _____

Dane M. Slater, Mayor

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 18th day of January, A.D. 2013, before me personally appeared Jordan Jonna known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan
My commission expires: 11-4-2013

JANE ANNE SCHUERMAN
Notary Public, State of Michigan
County of Livingston
My Commission Expires Nov. 04, 2013
Acting in the County of Oakland

**Detailed Summary of Required Deposits & Fees
Big Beaver PUD #4
05.927.3**

ESCROW DEPOSITS (PUBLIC):

Sanitary Sewers	\$2,000
Water Mains	\$29,489
Paving	\$8,635
Sidewalks	\$12,720
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Overflow/Outlet	\$90,620

TOTAL ESCROW DEPOSITS (Refundable): **\$143,464**

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$4,287
Water Main Testing and Chlorination (PA 2)	\$650
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$11,148
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$400
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$800
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$3,636

TOTAL CASH FEES (Non-Refundable): **\$13,649**

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$14,346

TOTAL CASH DEPOSITS (Refundable): **\$21,846**

Total Escrow & Cash Deposits (Refundable): **\$165,310**

Total Cash Fees (Non-Refundable): **\$13,649**

Total Amount: **\$178,959**

PAID

JAN 18 2013

CITY OF TROY
TREASURER'S OFFICE

ck#  - \$165,310.⁰⁰
1111 - \$13,649.⁰⁰
1112 -



CITY COUNCIL AGENDA ITEM

Date: January 18, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
 Steven J. Vandette, City Engineer
 William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes – January 16, 2013

History

Barbara Stevens of 6247 Sandy Point requested that the No Parking zone in the Sandy Point cul-de-sac area be extended to cover the entire cul-de-sac. The current no parking zone starts at her west property line and extends around the cul-de-sac and out to Emerald Lake. Approximately, 2/3 of the cul-de-sac is currently posted as No Parking. She states that she has had issues pulling out of her driveway when vehicles park near her driveway.

This request was discussed at the Traffic Committee meeting of January 16, 2013. Residents attended both for and against changing the current no parking zone. A solution was offered to change the no parking areas on Sandy Point per the recommendation below. Residents in attendance at the meeting thought this was a reasonable solution and all residents supported this proposal. Minutes of the meeting are attached.

Purchasing

Sign materials and labor are provided by DPW and used as directed by a Traffic Control Order.

Financial

Existing signs and posts will be used and relocated by DPW to the new locations.

Recommendation

RESOVED, that the Traffic Committee recommends that the no parking zone on Sandy Point be revised to start at Emerald Lake Drive and Sandy Point and continue to the west to the cul-de-sac and then counterclockwise around the cul-de-sac, approximately 2/3 of the way, to a point approximately between 6231 and 6221 Sandy Point.

WJH/wjh\G:\Traffic\aaa Traffic Committee\2013\1_January 16\To CC re January 16 2013 TC Recommendations.dotx

A regular meeting of the Troy Traffic Committee was held Wednesday, January 16, 2013 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: Sarah Binkowski
Richard Kilmer
David Ogg
Al Petrulis
Stevan Popovic
Pete Ziegenfelder

ABSENT: Ted Halsey

Also present: Martha Loftus, 6255 Sandy Point
Barbara Stevens, 6247 Sandy Point
Tim Brandstetter, 5175 Wright
Paul & Pam Messano, 6205 Sandy Point
Sgt. Mike Szuminski, Troy Police Dept.
Bill Huotari, Deputy City Engineer/Traffic Engineer

2. Minutes – November 14, 2012**RESOLUTION # 2013-01-01**

Moved by Kilmer
Seconded by Petrulis

To approve the November 14, 2012 minutes as printed.

YES: All-6
NO: None
ABSENT: Halsey
MOTION CARRIED

REGULAR BUSINESS**3. Request to Extend No Parking Restrictions – Sandy Point**

Barbara Stevens of 6247 Sandy Point requested that the No Parking zone in the cul-de-sac area be extended to cover the entire cul-de-sac. The current no parking zone starts at her westerly property line and extends around the cul-de-sac and out to Emerald Lake. Approximately, 2/3 of the cul-de-sac is currently posted as No Parking.

Traffic Engineering received two (2) emails from James and Meg Cheek of 6221 Sandy

Point opposing an increase in the no parking zone. Mr. Cheek states that there is a lack of parking currently for family and friends. People would have to park along Emerald Lake Drive which is a busier street and a longer walk to their home. Mr. Cheek is concerned about the safety of people walking in the road since there are no sidewalks in the area. Ms. Cheek reiterated that there is already a lack of parking in the area and this would exacerbate the issue.

Residents, at the meeting, in support of changing the no parking zone:

Barbara Stevens of 6247 Sandy Point spoke in favor of extending the no parking zone. She has concerns when a vehicle parks in the current location between her driveway and the start of the no parking zone as it creates difficulties for her backing out of her driveway. She has difficulties in bringing garbage out to the curb when a vehicle is parked near her driveway as she must perform this task with her vehicle due to physical limitations. She also stated that during fall cleanup grass and leaves are blocked by parked vehicles and may not be picked up.

Martha Loftus of 6255 Sandy Point spoke in support of Ms. Stevens. Ms. Loftus has watched Ms. Stevens struggle to back out of her driveway and navigate around the cul-de-sac when a vehicle parks in the area.

Residents, at the meeting, opposing a change to the no parking zone:

Paul Messano of 6205 Sandy Point spoke in opposition to increasing the area encumbered by a no parking zone. He stated that there is a lack of parking already and that there is generally no one parking in the cul-de-sac in the morning when the garbage is typically collected. Mr. Messano discussed the hard ship for the house at the end of the cul-de-sac which has a one car driveway due to the lake front property. Mr. Messano stated that there is approximately 40' from Ms. Stevens driveway to the start of the no parking zone and there should be sufficient room for Ms. Stevens to back straight out of her driveway along the island in the cul-de-sac and then proceed out to Emerald Lake.

During rebuttal, by residents in support of changing the no parking zone, the following items were discussed:

Ms. Stevens stated that she has no problems pulling out of her driveway when there are no vehicles parked in the area.

Ms. Loftus stated that vehicles may park very close to Ms. Stevens driveway which causes the issue. She feels that extending the no parking zone to the west side of Ms. Stevens driveway is reasonable.

Rebuttal, by the residents opposed to changing the no parking zone, followed:

Mr. Messano stated that Ms. Stevens can pull straight out of her driveway and rather than reversing into the cul-de-sac that she should continue straight back along the island to a

point where she can then safely complete her turn to Sandy Point and go out to Emerald Lake.

Pam Messano of 6205 Sandy Point added that there have been vehicles that have parked in the areas currently posted as no parking. She was directed to call the police if someone was parking illegally. Ms. Messano asked about allowing parking on the south side of Sandy Point between the cul-de-sac and Emerald Lake. This was discussed but could create an issue if there were parking allowed on both sides of Sandy Point between the cul-de-sac and Emerald Lake.

Traffic Committee member discussion:

Mr. Ziegenfelder asked for clarification as to how far from the driveway the vehicles have parked. Ms. Stevens responded that at times they have parked as close as five (5) feet from her driveway. Mr. Ziegenfelder asked Officer Szuminski what the legal requirement is relative to parking at a driveway. Officer Szuminski responded that you cannot park in such a fashion that the driveway is blocked.

Mr. Kilmer commented regarding vehicles parking too close to the driveway.

Mr. Petruilis asked if the same vehicle was parked at this location every day. Ms. Stevens stated that it had been parking there frequently until she had initiated her request. She stated that the vehicle has been parking in a driveway more often but Ms. Stevens is concerned that the issue may arise in the future.

Mr. Petruilis asked about reversing or making a “mirror image” of the no parking zone since the fire hydrant is in the island and it would restrict parking in front of Ms. Stevens property and allow parking at 6221 Sandy Point out to Emerald Lake Drive. No parking would start at Emerald Lake Drive and Sandy Point and continue westerly along Sandy Point and then counterclockwise around the cul-de-sac, approximately 2/3 of the way, to a point approximately between 6231 and 6221 Sandy Point.

Parking would therefore be allowed from approximately the west property line of 6221 Sandy Point to Emerald Lake Drive (along the south side of Sandy Point).

Residents at the meeting thought that this was a reasonable solution and would provide for the resolution that Ms. Stevens desired while still allowing parking in the cul-de-sac. All residents in attendance at the meeting supported this solution. [This proposal was subsequently shared with the residents at 6221 Sandy Point as they had contacted Traffic Engineering with concerns on the original proposal. The residents thought that this was a reasonable solution and a good outcome for them].

RESOLUTION # 2013-01-02

Moved by Petruilis

Seconded by Binkowski

RESOLVED, that the Traffic Committee recommends that the no parking zone on Sandy Point be revised to start at Emerald Lake Drive and Sandy Point and continue to the west to the cul-de-sac and then counterclockwise around the cul-de-sac, approximately 2/3 of the way, to a point approximately between 6231 and 6221 Sandy Point.

YES: 5
NO: None
ABSENT: Halsey
MOTION CARRIED

4. Public Comment

Mr. Messano reports that the traffic signal at Square Lake and Livernois is not providing sufficient green time for eastbound and westbound Square Lake traffic. Traffic Engineering will forward the concern to the Road Commission for Oakland County for investigation.

5. Other Business

The Traffic Engineer provided a brief status update on the Rochester/Stephenson No Right Turn on Red signs. A mail poll was conducted of businesses in the immediate area of the signs as well as residents of the Troy Mobile Home Villa. Approximately 25% of cards sent out were returned with 78% of respondents in favor of removing the signs at Old Rochester to southbound Stephenson. Approximately 63% of respondents were in favor of removing the signs at the double cross over from southbound Stephenson to northbound Stephenson.

A traffic study is underway to review traffic volumes, crash history, etc. at these locations and it is anticipated that the study will be provided to the Traffic Committee in February.

6. Adjourn

The meeting adjourned at 8:13 p.m.

Pete Ziegenfelder, Chairperson

Bill Huotari, Recording Secretary



 No Parking

Sandy Point
Current No Parking





 No Parking

Sandy Point
Proposed No Parking





CITY COUNCIL ACTION REPORT

January 16, 2013

TO: Brian Kischnick, City Manager

FROM: Tom Darling, Director of Financial Services
Nino Licari, City Assessor

SUBJECT: Agenda Item – 2013 Poverty Exemption Guidelines (changes from previous year)

History:

MCL 211.7u states: *"The real property of persons who in the opinion of the Supervisor (read Assessor for Cities) and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this act."*

In order to grant a Poverty Exemption, the Michigan Tax Tribunal (MTT) has ordered that each community develop a set of guidelines to determine whether the applicant qualifies for a one (1) year exemption from property taxes. (The exemption may be re-applied for each year)

The State Tax Commission (STC) has ruled that the Income Guidelines that are used as a portion of the guidelines may not be less than the Federal Poverty Guidelines established each year.

As the guidelines include an Assessed Value limit, a Total Asset limit, and possible changes to the Income Guidelines, Council is presented with updated guidelines each year for their approval.

The total asset limit, which includes the value of the home, is \$204,800, increased from \$200,000 in 2012, based on the estimated 4% average residential value increase we expect to see this year in Troy.

Financial Considerations:

- There were 10 exemptions applied for in 2012 at the March Board of Review. Of these, 8 were granted exemptions totaling \$403,760 in Taxable Value (T/V). This amounts to \$4,231.41 in exempted City taxes.

Since 2002, residents have been allowed to apply for Poverty Exemptions at the July and December Boards of Review.

This year, there were 3 exemptions granted at the July Board (\$177,210 T/V), and 1 at the December Board (\$103,150 T/V). These additional exemptions accounted for exempted Taxable Value of \$280,360, and exempted City taxes of \$2,938.17.

The total loss of City taxes for Poverty Exemptions in 2013 was \$7,169.58.

Legal Considerations:

- The guidelines are required by the MTT and STC. The attached guidelines meet the requirements of these rulings.

Policy Considerations:

- The guidelines are a State mandated requirement. They do not conform to current Council goals.

Options:

- Council must adopt Poverty Guidelines. Council may adopt the guidelines as presented, or modify them

**POVERTY EXEMPTION GUIDELINES
INCOME STANDARDS 2013**

The following are the Poverty thresholds as of 12/31/12 for use in setting Poverty Exemption Guidelines for 2013 assessments:

Number of Persons Residing in Homestead	Poverty Threshold
1 person	\$11,170
2 persons	15,130
3 persons	19,090
4 persons	23,050
5 persons	27,010
6 persons	30,970
7 persons	34,930
8 persons	\$ 38,890
9 persons (or more) add \$3,960 for each additional person	

CITY OF TROY
POVERTY EXEMPTION GUIDELINES – 2013

MCL 211.7u *The real property of persons who in the judgment of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this Act.*

The City of Troy's standard for approving an exemption under the statute is based on an individual determination of hardship.

This is an exemption from taxes. If you claim poverty under the statute, you must file your claim with a Poverty Exemption Affidavit. This exemption is good for one year.

- STANDARD #1** Applicants must file a Poverty Exemption Affidavit in order to be considered for any exemption. Documentation such as, Federal/State Income Tax Forms, Homestead Property Tax Credit, W-2 Forms, Deeds or Land Contracts and personal identification is **mandatory**, and must be attached to the Affidavit.
- STANDARD #2** A Poverty Exemption will not be granted if the household income is greater than the Income Standards Guideline.
- STANDARD #3** A Poverty Exemption will not be granted if the Assessed Value of the home exceeds \$102,073.
- STANDARD #4** Applicants total assets cannot exceed \$204,800. This includes the value of your home.

*The Board of Review may require a home audit and inspection, done by the Assessing Department, as part of the exemption process.

* **The income of every person residing at the home must be reported.**

POVERTY EXEMPTION AFFIDAVIT (for 2012 A/V Year)

(Address)

(Sidwell #)

1. Household Income: List all prior year income from:

- a) Wages/Tips _____
- b) Social Security _____
- c) Soc. Sec. for resident minors _____
- d) Pensions _____
- e) Interest/Dividends _____
- f) Unemployment Compensation _____
- g) Sub-Pay _____
- h) Workman's Compensation _____
- i) Aid to Dependent Children _____
- j) Medical Disability Benefits _____
- k) Lottery/Contest/Raffle _____
- l) Annuities _____
- m) Governmental Assistance _____
- n) Insurance/Lawsuit Payouts _____
- o) Alimony/Child Support _____
- p) Rental Income _____

2. Supplemental Assistance: List monthly amount of:

- a) Food Stamps _____
- b) Surplus Food _____
- c) Transportation _____

3. Residence Information:

Is your home paid for? Yes____ No____
If No:
What is your mortgage/land contract balance? _____
What is your monthly payment? _____
Who holds your mortgage/land contract? _____
Do you own any other property? Yes____ No____
If Yes: Attach a copy of your last tax bill.

4. Employment information:

Are you or your spouse currently employed?
Self: Yes____ No____ Spouse: Yes____ No____
Are you or your spouse unable to work (disability, etc.) ?
Self: Yes____ No____ Spouse: Yes____ No____
If Yes: Is this condition permanent?
Self: Yes____ No____ Spouse: Yes____ No____
Provide medical documentation of the disability.

5. Children/Relatives/Boarders:

How many children, relatives, or non-related boarders share your home? _____

Do any of the above, or anyone outside of your home, contribute Financially to your living expenses? Yes ___ No ___

If Yes: How much: per month _____ year _____

6. Transportation:

Do you own any automobiles? Yes ___ No ___

If Yes: Please provide the following information:

Year & Make	Price to you	Balance	Monthly payment
_____	_____	_____	_____
_____	_____	_____	_____

7. Additional Assets:

Please provide information about any additional assets listed.

Checking Account: Yes ___ No ___ Current Balance _____

Savings Account: Yes ___ No ___ Current Balance _____

I.R.A. Yes ___ No ___ Current Balance _____

Keogh Yes ___ No ___ Current Balance _____

Deferred Comp Yes ___ No ___ Current Balance _____

Annuities Yes ___ No ___ Current Balance _____

Stocks/Bonds/Funds Yes ___ No ___ Current Balance _____

Money Market Yes ___ No ___ Current Balance _____

Treasury Bills Yes ___ No ___ Current Balance _____

Savings Bonds Yes ___ No ___ Current Balance _____

8. Attach copies of the following:

- a) Federal Income Form
- b) State Income Tax Form
- c) Homestead Property Tax Credit form
- d) Property Tax Credit Form
- e) W-2 Forms
- f) Copy of Deed or Land Contract
- g) Identification: Driver's License
- h) A listing of your household living expenses for the prior year. (examples: heat, electric, insurance, etc.)

You must provide proof of income and other records of all residents of the dwelling to be considered for an exemption.

I (We), _____ [print name(s)]
the undersigned, do hereby affirm that the above information is,
to the best of my (our) knowledge, true.

(Signed) Phone Number

(Signed) Phone Number

Subscribed and sworn to me this _____ day of _____, _____.
My commission expires _____
Notary Public _____

APPROVED:	NOT APPROVED:
Assessor: _____	Assessor: _____
Board Chairperson _____	Board Chairperson _____
Board Member _____	Board Member _____
Board Member _____	Board Member _____

Year _____ Assessment _____ Board of Review A/V _____

For a March Board of Review Appeal, please submit by March 12
For a July Board of Review Appeal, please submit by July 15
For a December Board of Review Appeal, please submit by
December 9.



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

ANDY DILLON
STATE TREASURER

**BULLETIN NO. 11 of 2012
CHANGES FOR 2013
October 30, 2012**

TO: Assessors
Equalization Directors

FROM: State Tax Commission (STC)

RE: **PROCEDURAL CHANGES FOR THE 2013 ASSESSMENT YEAR**

The purpose of this Bulletin to provide information on statutory changes or procedural changes for the 2013 assessment year.

A. Inflation Rate Used in the 2013 Capped Value Formula.

The inflation rate, expressed as a multiplier, to be used in the 2013 Capped Value formula is 1.024. The 2013 Capped Value Formula is as follows:

$$2013 \text{ CAPPED VALUE} = (2012 \text{ TAXABLE VALUE} - \text{LOSSES}) \times 1.024 + \text{ADDITIONS}$$

The preceding formula does not include 1.05 because the inflation rate multiplier of 1.024 is lower than 1.05.

B. Federal Poverty Guidelines Used in the Determination of Poverty Exemptions for 2013.

MCL 211.7u, which deals with poverty exemptions, was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002.

Local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines and those income levels **shall not be set lower** by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services. This means, for example, that the income level for a household of 3 persons **shall not** be set lower than \$19,090 which is the amount shown on the following chart for a family of 3 persons. The income level for a family of 3 persons may be set higher than \$19,090. Following are the federal poverty guidelines for use in setting poverty exemption guidelines for 2013 assessments.

Size of Family Unit	Poverty Guidelines
1	\$ 11,170
2	\$ 15,130
3	\$ 19,090
4	\$ 23,050
5	\$ 27,010
6	\$ 30,970
7	\$ 34,930
8	\$ 38,890
For each additional person	\$3,960

Note: PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available. Please see STC Bulletin 5 of 2012 for more information on poverty exemptions.

Note: P.A. 135 of 2012 changed the requirements for filing documentation in support of a poverty exemption to allow an affidavit (Treasury Form 4988) to be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year. This does include the owner of the property who is filing for the exemption.

C. Multipliers for the Valuation of Free-Standing Communication Towers.

The State Tax Commission recommends that, subject to the qualifications stated below, communication towers should be valued for the 2013 assessment year using the table of **historical** (original cost when the tower was new) cost valuation multipliers set forth in the multiplier table below. These multipliers have been developed in a manner such that they account for the typical depreciation which is expected for a tower of the indicated age and also account for changes in the cost of the tower and erecting it that have occurred since the time the tower was constructed. On this basis, the multiplier table which is shown below is intended to predict the current true cash value of a tower of the vintage year in which the tower was constructed. An important component in determining the current value of a tower built in a given year is the change in the cost of materials, particularly changes in the cost of steel, between the time of construction and the current Tax Day. Since the table considers both depreciation and changes in construction costs, and since changes in construction cost have not always occurred at a constant rate, the multiplier table does not always evidence a decline in the rate by which the historical cost must be adjusted in order to determine current value. This effect is expected and can be better understood if one remembers that the multiplier table is not a depreciation table and the multipliers are applied to the historic cost of construction, not to the current replacement cost.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LSB*
DATE: January 22, 2013
SUBJECT: Troy Police Officers Association v. City of Troy and Troy Employees Retirement System Board of Trustees

Enclosed please find a copy of a lawsuit that was filed on January 9, 2013 by the Troy Police Officers Association (TPOA) against the City of Troy and the Troy Employees Retirement System Board of Trustees. This is a lawsuit seeking injunctive relief, and not necessarily damages against the City. Specifically, TPOA is seeking an order that would prevent the Troy Employees Retirement System Board of Trustees from considering the disability retirement request filed by the Police Chief on behalf of former Troy police officer Todd Michael, who has been on leave without pay status since January 2010. The initial hearing in this case was scheduled for January 16, 2013, so our office has already responded to the lawsuit.

A resolution formally authorizing our office to defend this case is proposed for your consideration. The interests of the City and the Troy Employees Retirement System Board of Trustees appear to be aligned at this point, so joint representation is allowed. If you have any questions, please let me know.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

**TROY POLICE OFFICERS
ASSOCIATION (TPOA),**

PLAINTIFF,

Case No 2013- ¹⁸¹⁵²⁴ CL

v.

Hon:

**CITY OF TROY and the
CITY OF TROY RETIREMENT BOARD,**

DEFENDANTS.

**M. Catherine Farrell (P35248)
Attorney for Plaintiffs
Pierce, Farrell, Tafelski & Wells, PLC
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
248 852 1365
Catherine@farrellsg.com**

NOTICE OF HEARING TO SHOW CAUSE

Now comes the Plaintiff, the Troy Police Officers Association (TPOA) by and through its counsel, Pierce, Farrell, Tafelski & Wells, PLC and gives Notice of a Hearing to show cause why a preliminary injunction should not be issued as requested by the Plaintiff, scheduled for

January 16, 2013 at ^{9:30} am before the Honorable _____ at the Oakland County
MARTHA D. ANDERSON

Circuit Court located at 1200 North Telegraph Road, Pontiac, MI 48341-0404.

Pierce, Farrell, Tafelaki & Wells PLC

Dated: January 8, 2012

By: /s/ M. Catherine Farrell
M. Catherine Farrell (P35248)
Attorneys for the Plaintiff Troy
Police Officers Association
2525 S. Telegraph Rd Ste 100
Bloomfield Hills, MI 48302
248 852-1365
Catherine@farrellesq.com

JUDGE MARTHA D. ANDERSON
OAKLAND COUNTY 6TH CIRCUIT COURT

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Catherine Farrell	SHERYL - JUDICIAL CLERK
COMPANY:	DATE:
	1/9/2013
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
248 852 5161	5
PICKUP NUMBER:	SENDER'S TELEPHONE NUMBER:
	248 858 7954
NR:	SENDER'S FAX NUMBER:
2013-131524-CL	248 858 7992
Troy Police Officers Assoc v. City of Troy	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE FIND ATTACHED A TRUE COPY OF THE TRO AND THE NOTICE OF HEARING BOTH FILED BY THE COURT. PLEASE NOTE THE DATE AND TIME ON THE NOTICE OF HEARING AS JANUARY 16, 2013 @ 8:30AM. PLEASE FILE A FRACIPE FOR THAT DATE AND TIME.

THANK YOU.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TROY POLICE OFFICERS
ASSOCIATION (TPOA),

PLAINTIFF,

Case No 2013-

CL

v.

Hon:

CITY OF TROY and the
CITY OF TROY RETIREMENT BOARD,

DEFENDANTS.

M. Catherine Farrell (P35248)
Attorney for Plaintiffs
Pierce, Farrell, Tafelski & Wells P.L.C.
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
248 852 1365
Catherine@farrellesq.com

VERIFIED COMPLAINT

Now comes the Plaintiff, the Troy Police Officers Association, TPOA, by and through its counsel, Pierce, Farrell, Tafelski & Wells, PLC and for its **Verified Complaint** state as follows:

PARTIES

1. The Plaintiff is the exclusive collective bargaining agent for all uniform police office below the rank of sergeant employed by the Defendant City of Troy.

2. The City of Troy is a public employer and is a party to a collective bargaining agreement with the Plaintiff, the Troy Police Officers Association.
3. The City of Troy Employee Retirement Board is an authorized board of the City of Troy and is the independent Board which hears and processes retirement requests from employees employed by the City of Troy.

JURISDICTION

4. Chapter 10 of the City Code sets forth in detail the rights duties and obligations of the Retirement Board and the employees employed by the City of Troy. A copy of Chapter 10 of the Troy City Code is attached thereto as Exhibit 1.
5. The City of Troy and the City of Troy Retirement Board are located in Oakland County.
6. Michigan Court Rules 3.310(B) provides jurisdiction to this court to issue a temporary restraining order "if immediate and irreparable injury, loss or damage will result to the applicant from the delay required to effect notice..."

FACTS

7. On March 30, 2012, Plaintiff filed a lawsuit seeking among other things an Order of Mandamus directing/ordering the City of Troy and the City of Troy Public Act 78 Civil Service Commission to hear the case of police officer Todd Michael, a member of the TPOA.
8. The right to an Act 78 Commission is a step in the TPOA grievance procedure which is embodied in the collective bargaining agreement.

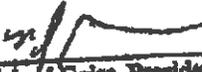
9. Based upon a communication from the Defendant City of Troy HR Director the Act 78 Commission refused to hear the case of Officer Todd Michael.
10. Upon invitation of the Act 78 Commission, on or about January 19, 2012, that it would hear the case if ordered to do so by a court of competent jurisdiction, the Plaintiff filed a lawsuit seeking an order from a court of competent jurisdiction to order the Act 78 Commission to hear the case.
11. On or about December 5, 2012, the Honorable Martha D. Anderson heard the case and issued a bench decision ordering the Act 78 Commission to hear the case of Officer Todd Michael.
12. On or about December 27, 2012, the City of Troy appealed the decision of the court which ordered the Act 78 Commission to hear the case regarding Officer Todd Michael. The appeal number in the Court of Appeals is 314013.
13. By a memorandum dated January 2, 2013, the Chief of Police, Gary Mayer unilaterally made a request of the City of Troy Retirement Board to hear his request for the forced retirement of Officer Todd Michael. Attached hereto as Exhibit 2 is a copy of the January 2, 2013 Memorandum, and partially completed retirement request.
14. Chief of Police Gary Mayer is a named Defendant in the Federal litigation involving Officer Todd Michael.
15. The forced retirement is an attempt to avoid and subvert the order of this court for the Act 78 Commission to hear the matter involving Officer Todd Michael. The TPOA and Officer Todd Michael, as an employee and as a member of the TPOA bargaining unit,

will be irreparably damaged by the unilateral effort to force Officer Todd Michael into a forced retirement.

16. Once officer Michael is forced into retirement he will no longer be a member of the TPOA; he will not be entitled to be represented by the TPOA in matters pertaining to his employment; he will no longer be subject to the terms and conditions of the existing collective bargaining agreement, and he will no longer be entitled to a hearing as a retired officer before the Act 78 Civil Service Commission.

WHEREFORE the Plaintiff, as the exclusive collective bargaining agent for uniform police officers below the rank of sergeant, respectfully requests the court issue a *ex parte* temporary restraining order, restraining the Defendant City of Troy and the City of Troy Retirement Board from processing any request by chief of police Gary Mayer to effectuate the involuntary retirement of Officer Todd Michael until there is a full and complete hearing on the merits of the Act 78 Commission case and an order to show cause why a preliminary injunction should not issue.

I affirm that the facts as set forth above are true to the best of my knowledge, information and belief.


Michael Geise, President of the TPOA

Respectfully submitted,

Pierce, Farrell, Tafelski & Wells, PLC

Dated: January 8, 2012

By: /s/ M. Catherine Farrell
M. Catherine Farrell (P35248)
Attorneys for the Plaintiff Troy
Police Officers Association
2525 S. Telegraph Rd Ste 100
Bloomfield Hills, MI 48302
248 852-1365
Catherine@farrellesq.com

EXHIBIT 1

Chapter 10 - Employees Retirement System

1. **Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A) **Accumulated contributions** means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's deposit fund, together with regular interest thereon.
- B) **Beneficiary** means any person, except a retirant, who is in receipt of, or who has entitlement to, a pension or other benefit, payable from the funds of the retirement system.
- C) **Board of trustees or board** means the board of trustees provided for in this chapter.
- D) **Compensation** means the salary or wages paid an employee for personal services rendered by him to the city. The term shall not include allowances for clothing, equipment, travel and similar items, nor shall it include the payment of sick or vacation leave that is made because of termination or retirement.
- E) **Council** means the legislative body of the City of Troy.
- F) **Credited service** means the total of a member's service, to the extent such service is credited to him by the board of trustees.

(Rev. 07-26-1993)

- G) **Employee** means any person in the employ of the city.
- H) **Final average compensation** means the average of the annual compensation paid a member during the three (3) highest calendar years of his service contained within the last ten (10) calendar years, immediately preceding termination of his last employment with the City.

(Rev. 11-06-2000)

- I) **Member** means any employee who is included in the membership of the retirement system.
- J) **Pension** means an annual amount payable by the retirement system throughout the future life of a person or for a temporary period as provided in this chapter. All pensions shall be paid in equal monthly installments.
- K) **Pension reserve** means the present value of all payments to be made on account of any pension, computed on the basis of such mortality and other

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tables of experience, and regular interest, as the board of trustees shall from time to time adopt.

- L) Regular interest means such rate of interest per annum, compounded annually, as the board of trustees shall from time to time adopt.
- M) Retirant means any member who retires with a pension payable from funds of the retirement system.
- N) Retirement means a member's withdrawal from the employ of the city with a pension payable from the funds of the retirement system.
- O) Retirement system or system means the city employees retirement system created and established by this chapter.
- P) Service means personal service rendered to the city by an employee of the city.

(Rev. 02-11-1991)

2. **Board of Trustees.** The Board of Trustees is vested with the power and authority to administer, manage and operate the retirement system, and to construe and make effective the provisions of this Chapter. The Board shall consist of eight trustees as follows:

(Rev. 03-01-2004)

- A) The City Manager, by virtue of his position.
- B) The Assistant City Manager/Finance & Administration, by virtue of his position.

(Rev. 11-06-2000)

- C) A member of Council selected by the Council.

(Rev. 02-28-1994)

- D) A citizen, who is an elector of the City, and who is not a member, retirant or beneficiary of the retirement system, and who is not a member of the Council, to be appointed by the Council.

(Rev. 09-11-1978)

- E) Three members of the retirement system to be elected by the members of the system in accordance with such rules and regulations as the Board shall

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from time to time adopt to govern such elections.

- F) A retiree member in the Defined Benefit plan, who shall be appointed by the City Council, and shall serve as a non-voting member.
- G) Of the five employee members, two must be in the Defined Benefit plan. A minimum of two of the five member trustees, as set forth in paragraphs A, B or E, must be a member of the Defined Benefit plan.

(Rev. 03-01-2004)

- 3. Terms of Office. The regular term of office for the appointed citizen, the 3 member trustees, and the Council trustee, shall be 3 years.

(Rev. 02-28-1994)

Vacancy of Board.

- 3.4 If a member trustee leaves the employ of the City he shall be considered to have resigned from the Board and the vacancy shall be filled for the unexpired portion of the term.

(Rev. 02-11-1991)

Board Quorum, Vote, Meetings, Proceedings.

- 3.5 Four trustees shall constitute a quorum at any meeting of the Board of Trustees. Each trustee shall be entitled to one vote on each question before the Board and at least four concurring votes shall be required for a decision by the Board. The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. The Board shall adopt its own rules of procedure.

(Rev. 02-11-1991)

Board Chairman, Retirement System Officers, Employees.

- 3.6 The Board of Trustees is vested with the power and authority to administer, manage and operate the retirement system, and to construe and make effective the provisions of this Chapter. The Board shall consist of eight trustees as follows:

- A) The Board of Trustees shall designate from its own number a Chairman and a Vice-Chairman.
- B) The City Treasurer shall be the Treasurer of the Retirement System.

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- C) The City Manager or his/her designee shall be the Administrative Officer and serve as secretary of the Retirement System and he/she shall be the custodian of its money and investments.

(Rev. 07-25-2011)

- D) The City Attorney shall be the Legal Advisor to the Board of Trustees.

- E) The Board of Trustees shall designate an actuary who shall be the Technical Advisor to the Board and who shall perform such other duties as are required of him under this Chapter.

- F) The Board of Trustees may employ such other services as are approved by the City Manager and authorized by the Council.

(Rev. 06-07-1999)

Records, Annual Reports.

- 3.7 The Administrative Officer shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the Retirement System.

(Rev. 09-23-1974)

Experience Tables, Regular Interest, Adoption Of.

- 3.8 The Board of Trustees shall from time to time adopt such mortality and other Tables of Experience, and a rate of regular interest, as are required in the proper operation of the Retirement System; provided that no such rate of regular interest shall exceed seven percent per annum, compounded annually.

(Rev. 02-04-1980)

4. Membership. The membership of the Retirement System shall include only those persons who are classified as full time on the records of the Human Resources Department of the City, and shall specifically exclude but not be limited to the following: (1) any employee who is employed by the City in a position normally requiring less than 1,000 hours of work per annum, (2) any person whose services are compensated on a contractual or fee basis, (3) volunteer firefighters as such, (4) elected officials of the City, and (5) employees classified as part time, seasonal or temporary, on the records of the Human Resources Department of the City regardless of the number of hours actually worked by the employee in any calendar year.

In any case of doubt as to the membership status of any employee, the Board shall decide the question.

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(Rev. 01-22-2001)

Termination of Membership.

- 4.2 Should any member cease to be employed in a position covered by the Retirement System he shall thereupon cease to be a member and his credited service at that time shall be forfeited, unless otherwise provided in this Chapter. If he is re-employed by the City in a position covered by the system he shall again become a member. Should his re-employment occur within a period of 5 years from the date he last ceased to be a member, his credited service last forfeited by him shall be restored to his credit, provided he immediately returns to the Members Deposit Fund the amount, if any, he withdrew therefrom, together with regular interest thereon from the date of withdrawal to the date of repayment. Upon a member's retirement, he shall cease to be a member of the system.

(Rev. 02-11-1991)

Service Credit.

- 4.3 The Board shall fix and determine by appropriate rules and regulations the amount of service to be credited any member; provided, that in no case shall less than 10 days of service rendered by him in any calendar month be credited as a month of service, nor shall less than 10 months of service rendered by him in any calendar year be credited as a year of service, nor shall more than 1 year of service be credited any member for all service rendered by him in any calendar year.

(Rev. 08-07-1967)

- 4.4 Military Service Credit. If an employee of the City, who while employed by the City, enters the Armed Forces of the United States during any period of compulsory military service, such armed service shall be credited him as City service; provided, that (1) he re-enters the employ of the City, in a position covered by this retirement system, within 6 months from and after termination of such armed service actually required of him, and (2) he pays into the Members Deposit Fund the amount, if any, he may have withdrawn therefrom, together with regular interest from the date of withdrawal to the date of repayment, and (3) in no case shall any member be credited with more than 5 years of service for all such armed service rendered by him. In any case of doubt as to the period to be so credited any member, the Board of Trustees shall have final power to determine such period.

(Rev. 02-11-1991)

- 4.5 Additional Service Credits. Any person (having been first employed by the City prior to January 22, 2001) who is in the active employ of the City as of the date of enactment of this provision, and who currently is or has previously been excluded from membership in the Retirement System pursuant to the provisions

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of Section 4(1) (solely due to being employed by the City in a "part time" position normally requiring less than 1,000 hours of work per annum), shall be subject to the following additional provisions:

- A) Any such employee who as of the date of enactment of this provision has completed five (5) or more consecutive years of service in such part time position, shall immediately be eligible to become a member of the Retirement System and receive credit for such service; provided that during each such year he or she performed services in at least 10 months and completed at least 1,000 hours of work, and that such consecutive period of service is continuing as of the date of enactment of this provision.
- B) Any such employee who after the date of enactment of this provision (and prior to January 21, 2006), completes a minimum of five (5) consecutive years of service in such part time position, shall be eligible to become a member of the Retirement System and receive credit for such service, effective as of their completion of such period of service; provided that during each such year he or she performed services in at least 10 months and completed at least 1,000 hours of work.
- C) Any such employee who currently is or otherwise becomes a member of the Retirement System pursuant to Section 4 (due to a change in job classification), and who previously was excluded from membership as a part time employee, shall be eligible to receive credit for years of service completed in such part time position, effective as of the later of the enactment of this provision or their otherwise becoming a member; provided that only the consecutive period of service (during each year of which he or she performed services in at least 10 months and completed at least 1,000 hours of work) that commenced prior to January 22, 2001, and that was continuing at the date they became a member shall be so credited.
- D) An employee referred to in (A) or (B) above, shall continue to be a member and receive credit for service only for such period as he or she continues to perform services in at least 10 months complete at least 1,000 hours of work in any year. An employee referred to in (C) above, shall continue to be a member and receive credit for service only for such period that he or she continues to be employed in a position that otherwise qualifies them for membership pursuant to the provisions of Section 4. All such employees shall be subject to the break-in-service provisions of Section 4.2, and the vesting requirements of Sections 6 and 57. In no event shall any year of service be counted more than once pursuant to these provisions.
- E) If the first period for which an employee receives service credit hereunder

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occurs prior to January 1, 1998, such credited service shall be applied towards determining the amount of pension under Section 6.1 to which the employee may become entitled upon retirement; provided that the value of such pension may be transferred to the Defined Contribution Plan in accordance with such procedures as the Board may determine. If the first period for which an employee receives service credit hereunder occurs on or after such date, the Board shall determine (and the City shall contribute) those amounts that would otherwise have been required to be contributed on such employee's behalf under Section 55 with respect to such years.

- F) Notwithstanding any provision in this Chapter to the contrary, for purposes of calculating the amount of benefit (under Section 6.1) or contribution (under Section 55) to which a member is entitled with respect to each year of credited service referred to in (A), (B), (C) and (D) above, the benefit or contribution otherwise due pursuant to this Chapter shall be prorated for each such year based on the actual number of hours worked during such year, as determined from the following schedule:

<u>Hours Worked</u>	<u>Years of Service Credit</u>
1,000 to 1,499	50%
1,500 to 1,999	75%
2,000 and over	100%

- G) In order to become a member and/or receive service credits in accordance with this provision, an eligible employee must elect (within six (6) months of the date of enactment of this provision) to purchase such service credits, by agreeing in writing to contribute to the Retirement System those amounts that would otherwise have been required to be contributed by the employee under Section 9.1 or Section 55 with respect to such years, along with such interest as the actuary and/or Board shall determine is appropriate. Such amounts shall be deducted from payroll in accordance with such procedures as the Board may determine, provided that all amounts due shall be contributed into the Retirement System no later than the time the employee terminates his employment with the City. Failure to contribute such amounts in a timely manner will result in forfeiture of such service credits.

(Rev. 01-14-2002)

- 4.6 Prior Governmental Retirement Service. A member of the Employees Retirement System may be eligible for prior governmental retirement service credit if all of the following requirements are satisfied:

- A) The member must be still actively employed by the City of Troy.

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- B) The member must have a minimum of 60 months of credited service acquired as a member of the Troy Employees Retirement System.
- C) The member must have attained the age requirements for the Troy Employees Retirement System.
- D) The member must have previously acquired credited service as a member of another official governmental retirement system. If all of the above requirements are satisfied, then a member who has not yet met the service requirements for the Troy Employees Retirement System shall be entitled to use his or her credited service from another official governmental retirement system for eligibility purposes only.

(Rev. 10-07-2002)

5. **Voluntary Retirement.** Any member, who has attained age 55 years and has 10 or more years of credited service in force, may retire upon his written application filed with the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired.

- 5.1 **Normal Retirement.** Normal Retirement age is 65 years. If a member who is separated from City employment on or after his attainment of age 65 years has 10 or more years of credited service in force, he shall be retired.

(Rev. 11-07-1988)

6. **Deferred Retirement.** In the event a member who has 10 or more years of credited service leaves the employ of the City before he is eligible to retire, he shall be entitled to a pension computed according to the provisions of this chapter in force at the time of said member's separation from City employment; provided, that he does not withdraw his accumulated contributions from the Members Deposit Fund. His said pension shall begin the first day of the calendar month next following the month in which he files his application for same with the Board of trustees on or after his attainment of age 60 years.

(Rev. 04-20-1992)

- 6.1(A) **Straight Life Pension.** Upon a member's retirement, as provided in this Chapter, if he has less than 27 years service, he shall receive a straight life pension equal to a percent of an amount computed by multiplying the number of years, and fraction of a year, of his credited service by 2.25 percent of his final average compensation listed below. Such percent shall be equal to 70 percent increased by 1/2 of 1 percent for each full month by which the member's age at the time of retirement exceeds 55 years. Provided, in no event shall such percent exceed 100 percent,

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and, provided that in case of disability retirement or death pension the percent shall be 100 percent. For Troy Command Officers Association (TCOA) and Troy Police Officers Association (TPOA) members, the percent of Final Average Compensation (FAC) will be 2.8% for the first 25 years and 1% per year thereafter, with a cap of 75% of final average compensation.

(Rev. 08-20-2007)

6.1(B) Age and Service Retirement. Upon a member's retirement, as provided in this Chapter, he shall receive a straight life pension equal to an amount computed by multiplying the number of years, and fraction of a year, of his credited service by 2.25%. For TCOA and TPOA members, the percent of Final Average Compensation (FAC) will be 2.8% for the first 25 years and 1% per year thereafter with a cap of 75% of final average compensation.

(Rev. 08-20-2007)

6.1(C) A member who has 27 or more years service may retire on or after his attainment of age 50. TPOA and TCOA, and Troy Fire Staff Officers Association (TFSOA) members retiring after July 1, 1998 may retire as an age and service retirement after the attainment of 25 years of service. Classified and Exempt and Michigan Association of Police (MAP) members may retire as an age and service retirement after the attainment of age 55 and 25 years of service.

(Rev 08-20-2007)

6.1(D) Supplemental Retirement. All members excluding TPOA and TCOA shall receive an additional pension from age 50 to age 62 to equal the amount it would have been if the percentages in the formulas in subsections A or B above were .25% greater.

(Rev. 03-01-2004)

6.2 Terminal Payments. If a retirant dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, the difference between his accumulated contributions and the aggregate amount of straight life pension payments received by him shall be paid to such person as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving the retirant, the difference, if any, shall be paid to his estate.

(Rev. 02-11-1991)

Pension Options.

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- 6.3 Prior to the receipt of his first retirement payment, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life; or, he may elect to receive the actuarial equivalent, at that time, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of Option A thru D as set forth below:

Option A. Joint and Survivor Pension: Upon the death of a retirant who elected Option A, his reduced pension shall be continued throughout the life and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees.

Option B. Modified Joint and Survivor Pension: Upon the death of a retirant, who elected Option B, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees.

Option C. Joint and Survivor Pension (pop-up A): Upon the death of a retirant who elected Option C, his reduced pension shall be continued throughout the life and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If the selected beneficiary predeceases the retirant, the pension shall revert to a straight-life pension payable throughout the remainder of his life.

Option D. Modified Joint and Survivor Pension (pop-up B): Upon the death of a retirant who elected Option D, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If the selected beneficiary predeceases the retirant, the pension shall revert to a straight-life pension payable throughout the remainder of his life.

(Rev. 11-02-1987)

- 7.1A Upon the application of an Exempt, Classified, or Michigan Association of Police (MAP) member, or his department head, who is below age 60 or who does not otherwise qualify for retirement, who (1) is in the employ of the City, (2) has 10 or more years of credited service [for American Federation of State, County, and Municipal Employees (AFSCME) employees hired after 2/12/96, or Michigan Association of Police (MAP) members who have 5 or more years of credited services as of 8/7/1995], (3) becomes totally and permanently incapacitated for full time work, by reason of a personal injury or disease, and is in receipt of disability benefits from Social Security, or has received a favorable determination letter with a current effective date for the commencement of disability benefits under Social Security, may be retired by the Board of Trustees; provided, that after a medical examination of the member made by or under the direction of a Medical

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Committee consisting of 2 physicians, 1 of whom shall be named by the Board, and 1 by the member, the said Medical Committee reports to the Board, in writing, (1) that the member is mentally or physically totally incapacitated for full time work, (2) that his incapacity will probably be permanent, and (3) that the member should be retired. In the event that the 2 physicians constituting the Medical Committee do not agree in their findings, then the Board may, in its discretion, appoint a third physician to examine the member and based upon the report, in writing, of the third physician, the Board may retire the member.

The 10 years credited service requirement contained in this section shall be waived in the case of a member whom the Board finds (1) to be totally and permanently incapacitated for full time work as a natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty in the employ of the City and (2) to be in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

(Rev. 03-01-2004)

- 7.1B Upon the application of an American Federation of State, County, and Municipal Employees (AFSCME), Troy Police Officers Association (TPOA), or Troy Command Officers Association (TCOA) member, or his department head, who is below age 60 or who does not otherwise qualify for retirement, who (1) is in the employ of the City, (2) has 5 or more years of credited service, and (3) becomes totally and permanently incapacitated for duty in the employ of the City, by reason of a personal injury or disease, may be retired by the Board of Trustees; provided, that after a medical examination of the member made by or under the direction of a Medical Committee consisting of 2 physicians, 1 of whom shall be named by the Board, and 1 by the member, the said Medical Committee reports to the Board, in writing, (1) that the member is mentally or physically totally incapacitated for duty in the employ of the City, (2) that his incapacity will probably be permanent, and (3) that the member should be retired. In the event that the 2 physicians constituting the Medical Committee do not agree in their findings, then the Board may, in its discretion, appoint a third physician to examine the member and based upon the report, in writing, of the third physician, the Board may retire the member. The 5 years credited service requirement contained in this section shall be waived in the case of a member whom the Board finds (1) to be totally and permanently incapacitated for duty in the employ of the City as a natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty in the employ of the City and (2) to be in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

(Rev. 03-01-2004)

7.2 Disability Pension

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- A) Upon retirement of a member on account of disability, as provided in this Chapter, he shall receive a pension computed in accordance with the provisions of this Chapter; provided, that his straight life disability pension shall not be less than the amount it would be if he had 10 years of credited service.
- B) Troy Police Officers Association (TPOA) Duty Disability. Upon the retirement of a member of the Troy Police Officers Association (TPOA) on account of disability, as provided in this Chapter, he shall receive a pension of not less than two-thirds of his final average compensation during the period he is in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

(Rev. 03-01-2004)

Re-examination of Disability Retirant

- 7.4 At least once each year during the first 5 years following a member's retirement on account of disability, and at least once in every 3 year period thereafter, the Board of Trustees may, and upon the retirant's application shall, require any disability retirant who has not attained age 55 years undergo a medical examination to be made by or under the direction of a physician designated by the Board. If the said retirant refuses to submit to such medical examination in any such period, his disability pension may be suspended by the Board until his withdrawal of such refusal. Should such refusal continue for 1 year all his rights in and to a disability pension may be revoked by the Board. If upon such medical examination of said retirant, the said physician reports to the Board that the said retirant is physically able and capable of resuming employment with the City he shall be returned to City employment and his disability pension shall terminate; provided, that the report of the said physician is concurred in by the Board. In returning the said retirant to City employment reasonable latitude shall be allowed the City in placing him in a position commensurate with his type of work and compensation at the time of his retirement.

(Rev. 05-10-1965)

- 7.5 A disability retirant who is returned to City employment shall again become a member of the retirement system. His credited service at the time of his retirement shall be restored to full force and effect. He shall be given service credit for the period he was in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment; otherwise he shall not be given service credit for such period.

(Rev. 08-07-1967)

- 7.6 If a disability retirant, who has not attained age 55 years become engaged in gainful occupation, business, or employment paying him more than the difference

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between his annual rate of compensation at the time of his retirement and his disability pension, his pension shall be reduced to an amount which together with the amount so earned by him shall equal but not exceed his annual rate of compensation. Should the retirant's earnings change, the reduction of his pension shall be adjusted accordingly.

(Rev. 02-11-1991)

8. **Duty Death Pension.** If a member dies as the result of personal injury or disease arising solely and exclusively out of and in the course of his employment with the City, and such death, or injury or disease resulting in such death, be found by the Board of Trustees to have been the result of his actual performance of duty in the employ of the City, the benefits provided in this section shall be paid, subject to the condition that workmen's compensation becomes payable on account of the death of the member.

- A) His widow shall receive a pension computed as if the member had (1) retired the day preceding the date of his death, notwithstanding that he might not have been otherwise eligible to retire, (2) elected Option A and (3) nominated his widow as beneficiary; provided, that the pension shall not be less than 25 percent of the member's final average compensation. For Troy Command Officers Association (TCOA) and Troy Police Officers Association (TPOA), and Troy Command Officers Association (TCOA), and Troy Fire Staff Officers Association (TFSOA) members retiring after July 1, 1998, the percent will be 50 instead of 25.

(Rev. 03-01-2004)

- B) If there be no widow, or if the widow's pension shall cease, for any reason, the member's dependent children shall share equally in a pension equal to 25 percent of the member's final average compensation. Each child's pension shall terminate when the child has died, married, or attained age 18 years.
- C) As used in this section, the term "Widow" means any person to whom the member was married at the time his employment with the City is terminated.

- 8.1 **Non-Duty Death Pension.** If any member who has 10 or more years of credited service and dies while in the employ of the City, his or her spouse shall receive a pension computed in the same manner in all respects as if the member had (1) retired the day preceding the date of death, notwithstanding that the member might not have been otherwise eligible to retire, (2) elected Option A, and (3) nominated the member's spouse as beneficiary.

(Rev. 01-23-1995)

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9. **Members Deposit Fund.** The Members Deposit Fund shall be the fund in which shall be accumulated, at regular interest, the contributions of members, and from which shall be made refunds and transfers of accumulated contributions, as provided in this Chapter.

(Rev. 08-07-1967)

- 9.1 **Members Contributions.** A members contribution to the retirement system shall be based on the following percent of compensation: MAP 1.50; TPOA; 4.00, TCOA 4.00; Classified and Exempt 1.50; American Federation of State, County, and Municipal Employees (AFSCME) 1.50; and TFSSA 3.00.

(Rev. 08-20-2007)

- 9.2 **Payroll deductions.** The contributions provided for in this Chapter shall be deducted from the compensations of each member on each and every payroll, for each and every payroll period, from the date of his entrance in the retirement system to the date his City employment terminates. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of his compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by him during the period covered by such payment, except as to benefits provided by this Chapter. When deducted, each of said contributions shall be credited to the member's individual account in the Members Deposit Fund.

(Rev. 04-20-1992)

- 9.5 **Contributions Transferred.** Upon a member's retirement, his accumulated contributions standing to his credit in the Members Deposit Fund shall be transferred to the Retirement Reserve Fund. Except as otherwise provided in this Chapter, at the expiration of a period of years from and after the date a member ceases to be an employee of the City, any balance standing to his credit in the Members Deposit Fund, unclaimed by the member or his legal representative, shall be transferred to the Income Fund.

(Rev. 02-11-1991)

Refund of Member's Contributions.

- 9.6 Should any member cease to be employed by the City and not be entitled to a pension payable from funds of the Retirement System, he shall be paid the balance standing to his credit in the Members Deposit Fund, provided he files his written request for same.

(Rev. 04-20-1992)

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- 9.7 Upon the death of a member, if no pension becomes payable on account of his City employment, the balance standing to his credit in the Members Deposit Fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If no designated person or persons survives the member, his accumulated contributions shall be paid to his estate.

(Rev. 02-11-1991)

Pension Reserve Fund

- 10.1 The Pension Reserve Fund is hereby created. It shall be the fund in which shall be accumulated the contributions made by the City to the retirement system and from which shall be made transfers of pensions reserves, as provided in this section.

(Rev. 11-23-1964)

- 10.2 Upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the pension reserves or service rendered and to be rendered by members, and the pension reserves for pensions being paid retirants and beneficiaries. The pension reserve liabilities so determined shall be financed by annual City contributions to be appropriated by the Council; said contributions:

- A) for member's current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City during their future service will be sufficient, at the time of their retirement, to provide the pension reserves, not financed by members' future contributions, for the portions of the pensions to be paid them based upon their future service; and
- B) for members' accrued service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserves for the accrued service portions of the pensions to which they may be entitled upon retirement; and
- C) for pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserves for pensions being paid retirants and beneficiaries.

(Rev. 11-2-1987)

- 10.3 In the event the amount appropriated in the budget in any fiscal year is insufficient to pay in full the amounts due in said year to all retirants and beneficiaries of the

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retirement system, the amount of such insufficiency shall thereupon be provided by the City.

(Rev. 11-23-1964)

- 10.4 Upon the retirement of a member the difference between the pension reserve for the pension payable on his account and his accumulated contributions shall be transferred from the Pension Reserve Fund to the Retirement Reserve Fund.

- 10.5 Retirement Reserve Fund. The Retirement Reserve Fund shall be the fund from which shall be paid all pensions as provided in this Chapter. In the event a disability retiree returns to City employment, his pension reserve at that time shall be transferred from the Retirement Reserve Fund to the Members Deposit Fund and the Pension Reserve Fund in the same proportion as the pension reserve was originally transferred.

(Rev. 08-07-1967)

- 10.6 Income Fund. The Income Fund shall be the fund to which shall be credited all interest, dividends, and other income from investments of the retirement system; all transfers from the Members Deposit Fund by reason of lack of claimant; and all other moneys received by the retirement system, the disposition of which is not specifically otherwise provided for in this Chapter. The Board of Trustees may accept gifts and bequests. There shall be transferred from the Income Fund all amounts required to credit regular interest to the Members Deposit Fund, Retirement Reserve Fund, and Pension Reserve Fund. Whenever the Board determines that the balance in the Income Fund is more than sufficient to cover the current charges to the Fund, the Board may, by resolution provide for contingency reserves.

(Rev. 11-02-1987)

11. Investment. The Board of Trustees shall be the trustees of the funds of the retirement system and shall have full power to invest and reinvest such funds as permitted by State Law.

Restricted Use of Funds.

- 11.3 All moneys and investments of the Retirement System shall be held for the exclusive purpose of meeting the disbursements for pensions and other payments authorized by this Chapter and shall be used for no other purpose whatsoever.

(Rev. 11-06-2000)

Assets Not Segregated.

Chapter 10 - Employees Retirement System

- 11.4 The Members Deposit Fund, Pension Reserve Fund, Retirement Reserve Fund, Income Fund, and any other Funds created by the Board of Trustees shall be interpreted to refer to the accounting records of the Retirement System and not to the actual segregation of the assets of the System in the said Funds.

(Rev. 11-23-1964)

Allowance of Regular Interest.

- 11.5 The Board of Trustees shall, at the end of each fiscal year, allow and credit regular interest to the members' individual accounts in the Members Deposit Fund computed upon their individual balances at the beginning of such fiscal year; and to the mean balances for the year in the Pension Reserve Fund and the Retirement Reserve Fund. The amounts of interest so credited shall be charged to the Income Fund. In the event the balance in the Income Fund is not sufficient to cover the amounts of interest charged to it, the amount of such insufficiency shall be transferred from the Pension Reserve Fund to the Income Fund.

No Trustee Shall Gain From Investments.

- 11.6 Except as otherwise provided in this Chapter, no trustee and no employee of the City shall have any interest direct or indirect in the gains or profit arising from any investments made by the Board of Trustees. No person directly or indirectly, for himself or as an agent or partner of others, shall borrow any moneys or investments of the Retirement System, or in any manner use the same except to make current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the Board. Nothing contained herein shall be construed to impair the rights of any member, retirant, or beneficiary of the Retirement System to benefits provided by the system.

(Rev. 08-07-1967)

Method of Making Payments.

- 11.7 All payments from moneys of the Retirement System shall be made by the City Treasurer; all payments shall have been previously authorized by a specific or continuing resolution adopted by the Board.

(Rev. 09-23-1974)

Correction of Errors.

- 12.1 Should any change or error in the records of the City or the Retirement System result in any person receiving from the System more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall

Chapter 10 - Employees Retirement System

correct such error as far as is practicable shall adjust the payment of the benefit in such manner that the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid.

(Rev. 11-23-1964)

Subrogation.

- 12.2 In the event a person becomes entitled to a pension or other benefit payable by the Retirement System as the result of an accident or injury caused by the act of a third party, the City shall be subrogated to the rights of the said person against such third party to the extent of the benefits to which the City pays or becomes liable to pay.

Assignments Prohibited.

- 12.3 The right of a person to a pension, to the return of accumulated contributions, the pension itself, any pension option, and any other right accrued or accruing to any member, retirant or beneficiary, under the provisions of this Chapter, and all moneys belonging to the Retirement System, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever and shall be unassignable, except as is specifically provided in this Chapter; provided, that if a member is covered by a group insurance or repayment plan participated in by the City, and should be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan and he may authorize the withholding of State and Federal taxes as provided by law; provided further, that the City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant, or beneficiary.

(Rev. 10-01-1979)

Fraud Penalty.

- 51 Whoever with intent to deceive shall make any statement or report required under this Chapter which is untrue, or shall falsify or permit to be falsified any record or records of the Retirement System shall be subject to punishment as provided in Chapter 1.

(Rev. 02-11-1991)

52. Pension Suspended. Except as otherwise provided in this Chapter, in the event a retirant or beneficiary is employed or re-employed by the City in a position which requires membership, payment of his pension shall be suspended during the period of his employment or re-employment. Upon termination of such

Chapter 10 - Employees Retirement System

employment or re-employment in a position which requires membership, his pension shall be re-computed, and he shall receive the new re-computed pension or his prior pension shall be resumed, whichever is the greater amount.

(Rev. 01-07-1985)

53. DEFINED CONTRIBUTION PLAN (DCP)

The Employees Retirement System Board of Trustees are vested with the power and authority to administer, manage and operate the Defined Contribution Plan, and to construe and make effective the provisions of this Chapter

(Rev. 11-06-2000)

54. The following groups of Employees are eligible to participate in the Plan:

Classified & Exempt, AFSCME, MAP, TCOA, TFSA, and TPOA.

(Rev. 08-20-2007)

55. Contribution Provisions. – The City shall contribute as follows:

The City shall contribute on behalf of each Participant (a)% of earnings for the Plan Year. Each Participant is required to contribute (b)% of earnings for the Plan Year as a condition of participation in the Plan. A Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

	<u>(a) – Employer</u>	<u>(b) – Employee</u>
<u>Classified & Exempt:</u>		
(Hired before 01/01/2004)	12%	4%
(Hired after 01/01/2004)	11%	4%
(Hired after 01/01/2005)	10%	4%

(Rev. 08-20-2007)

American Federation of State, County, and Municipal Employees (AFSCME):

(Hired prior to 02/16/1998)	12%	4%
(Hired after 02/16/1998)	11%	5%
(Hired after 11/17/2003)	10%	5%

(Rev. 02-02-2004)

Michigan Association of Police (MAP):

(Hired prior to 12/21/1998)	12%	4%
(Hired after 12/21/1998)	11%	5%
(Hired after 02/07/2005)	10%	5%

(Rev. 08-20-2007)

Chapter 10 - Employees Retirement System

Troy Fire Staff Officers Association (TFSOA):

(Hired prior to 07/01/1997)	13%	3%
(Hired after 07/01/1997)	11%	5%
(Hired after 07/01/2006)	10%	5%
(Rev. 08-20-2007)		

Troy Police Officers Association (TPOA):

(Hired after 02/15/2000)	11%	5%
(Hired after 10/17/2005)	10%	6%
(Rev. 08-20-2007)		

Troy Command Officers Association (TCOA):

(Hired after 10/17/2005)	12%	4%
(Rev. 03-01-2004)		

56. **Voluntary Contributions.**

Each Participant may make voluntary (unmatched), after-tax contributions, subject to the limitations of Section 4.05 and Articles V and VI of the Plan.

(06-07-1999)

57. **Vesting Provisions.**

The City hereby specifies the following vesting schedule:

Each Participant who transfers from the Defined Benefit Plan shall be 100% percent vested.

For all other Participants the following vesting schedule will apply:

<u>Years of Completed Service</u>	<u>Percent Vested</u>
Three	50%
Four	75%
Five	100%
(06-07-1999)	

58. **Loan Provisions.**

Loans are not permitted under the Plan.

(06-07-1999)

59. **Disability Pension.**

Chapter 10 - Employees Retirement System

Participants in the DCP shall also participate in a disability plan equivalent to the defined benefit disability plan as set forth in the retirement ordinance. The City's liability for the disability benefit shall be offset by (1) an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's disability-related separation from service.

Defined contributions shall include all contributions and income accumulated in the plan account whether derived by the contributions made by the employee or employer, including any amounts transferred into the plan. While the employee is receiving disability benefits or is receiving workers' compensation the City shall contribute the employer rate as contained in the ordinance of the disabled employee's taxable wage for deposit in the DCP for the employee's benefit.

(06-07-1999)

60. Non-Duty Death Provision.

Participants in the DCP shall also be covered in the event of death including non-duty death with a benefit equivalent to the defined benefit plan as set forth in the retirement ordinance. The City's liability for a death benefit shall be off-set by (1) an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's death.

(06-07-1999)

61. Voluntary Separation Incentive Program for Retirement.

In order to address significant budget short falls for the 2009 fiscal year, on November 10, 2008, the Troy City Council approved a limited Voluntary Separation Incentive Program for those employees eligible to retire as of December 31, 2008 and who retire between January 1, 2009 and February 28, 2009. For those employees who satisfactorily complete all requirements for the Voluntary Separation Incentive Program (City Council Resolution 2008-11-331), the definition of credited service, as found in Section 1 (F) is modified to allow for one week of additional credited service for each full year of the employee's service as of December 31, 2008, as well as a one time lump sum payment in the amount of one week of 2008 base salary for each full year of the employee's service as of December 31, 2008. This lump sum payment is not included in the employee's Final Average Compensation, as defined in Section 1 (H).

(01-26-2009)

EXHIBIT 2



Copy - FILE
CAPT RESMOW
TPOA GEISE
LOUI BLUM - City Atty
P. SEARS - HR

INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: January 2, 2013

TO: City of Troy Retirement Board

FROM: Gary G. Mayer, Chief of Police

RE: Retirement Request for Todd Michael

Todd Michael was hired as a Police Officer on February 23, 1987. On March 17, 2009 he was relieved of duty pending the outcome of an internal investigation. Mr. Michael received treatment for medical conditions in 2000, 2001, and also in 2009. Due to the serious and cerebral nature of this medical treatment, the City of Troy sent Mr. Michael for a neuropsychological examination to ensure fitness for duty before allowing him to serve as a police officer. This was done in accordance with the Troy Police Officers Association's Collective Bargaining Agreement. On December 7, 2009 Todd Michael was evaluated and the neuropsychologist determined that he was NOT medically fit for duty as a Police Officer. Following the CBA, Mr. Michael was sent for a second opinion. In an opinion issued on August 12, 2010 the second professional concurred with the opinion that Todd Michael was NOT psychologically fit for duty as a Police Officer.

Under Chapter 10, Section 7.1B, a department head is authorized to file an application on behalf of a TPOA member for a disability retirement, as long as the TPOA member is in the employ of the City; has at least 5 years of credited service, and is totally and permanently incapacitated for employment in the City of Troy because of disease/personal injury.

Todd Michael is in the Defined Contribution Plan.

I am respectfully requesting that the Retirement Board approve a "Disability Retirement" for Todd Michael.



Retirement Request

Employee Number

Name

Birthdate Sex M F

Social Security Number

Address

City

State/Province

Postal Code

Spouse Name

Spouse Birthdate Sex M F

Spouse Social Security Number

I hereby request retirement. My last day of work is planned for:

Signature *Todd Michael*

Date 1-2-2013

Approved *Todd Michael*

EXHIBIT 3

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

TROY POLICE OFFICERS
ASSOCIATION (TPOA),

PLAINTIFF

v.

Case No 12-125981-CL
Hon: Martha D. Anderson

CITY OF TROY and the
CITY OF TROY ACT 78
CIVIL SERVICE COMMISSION,

DEFENDANTS

PIERCE, FARRELL, TAFELSKI & WELLS P.L.C.
M. Catherine Farrell (P35248)
Attorney for Plaintiff
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
(248) 852-1365
Catherine@farrellesq.com

CITY OF TROY ATTORNEY'S OFFICE
Lori Grigg Bluhm (P46908)
Attorney for Defendants Troy and
Act 78 Civil Service Commission
500 W. Big Beaver Rd.
Troy, MI 48084-5254
(248) 524-3320
Bluhmly@troymi.gov

ORDER

At a session of said Court held in
Oakland County, Michigan

On this December 5, 2012

Present: HONORABLE MARTHA D. ANDERSON,
Circuit Court Judge

This matter having come before the Court pursuant to Plaintiff's Motion for Summary Disposition and Defendants' Motion for Summary Disposition pursuant to MCR 2.116 (C) (4), (7), (8), (9) and (10) and Supporting Briefs, Responsive Pleadings including Response Briefs and Reply Briefs, and the Court being otherwise fully advised in the premises including through oral argument:

Received for Filing Oakland County Clerk 2012 DEC 05 AM 11:48

NOW THEREFORE:

IT IS HEREBY ORDERED that the Plaintiff's Motion for Summary Disposition is GRANTED and the Defendants' Motion for Summary Disposition is DENIED.

IT IS FURTHER ORDERED THAT Defendant Troy Act 78 Civil Service Commission is ORDERED to hear the case of Officer Todd Michael forthwith according to their promulgated rules and procedures.

IT IS FURTHER ORDERED that this Court does not maintain jurisdiction.

IT IS FURTHER ORDERED, pursuant to MCR 2.602(A)(3), this resolves the last pending claim and closes the case.

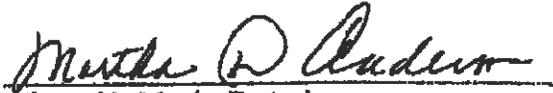

Honorable Martha D. Anderson
Circuit Court Judge

EXHIBIT 4



Agenda

**Employees' Retirement System
Board Meeting**

**January 9, 2013 at 12:00 PM
Conference Room C**

**Troy City Hall
500 West Big Beaver
Troy, Michigan 48064
(248) 524-3330**

Roll Call

Minutes from the December 12, 2012 Meeting

Request for Closed Session

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

BE IT RESOLVED, That Troy Employees Retirement System Board of Trustees SHALL MEET in Closed Session, as permitted by MCL15.268(h) (MCL15.243(g)).

Yes:

No:

Retirement Requests

Name	Todd Michael
Pension Program	DC
Retirement Date	1/19/13
Department	Police
Service Time	22 yrs, 11 mo

Suggested Resolution

Resolution #2013-01-

Moved by

Seconded by

BE IT RESOLVED, That Troy Employee Retirement System Board of Trustees approves the disability retirement request filed by Police Chief Gary Mayer on behalf of Todd Michael, pursuant to City of Troy Ordinance Chapter 10, Section 7.1B, on the basis that all of the following have been established:

- 1) Todd Michael is in the employ of the City;**
- 2) Todd Michael has 5 or more years of credited service;**
- 3) Todd Michael is totally and permanently incapacitated for duty in the employ of the City by reason of a personal injury or disease.**



Agenda

**Employees' Retirement System
Board Meeting**

January 9, 2013 at 12:00 PM
Conference Room C

**Troy City Hall
500 West Big Beaver
Troy, Michigan 48064
(248) 524-3330**

BE IT FURTHER RESOLVED, That the Troy Employee Retirement System Board of Trustees relies on the three independent reports of neuropsychological examinations of Todd Michael (12/7/2009 report of Dr. Firoza Van Horn; 3/10/2010 report of Dr. Linas A. Bieliauskas; and 8/12/2010 report of Dr. Bradley G. Sewick), which have satisfied the Retirement Board that all of the following are true:

- 1) Todd Michael is mentally or physically totally incapacitated for duty in the employ of the City;
- 2) Todd Michael's incapacity will probably be permanent;
- 3) Todd Michael should be retired.

Yes:
No:

Other Business

Status of Evaluations for the Responses to RFI for Investment Consultant

Investments

Public Comment

Adjourn

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TROY POLICE OFFICERS
ASSOCIATION (TPOA),

PLAINTIFF,

Case No 2013- CL

v.

Hon:

CITY OF TROY and the
CITY OF TROY RETIREMENT BOARD,

DEFENDANTS.

M. Catherine Farrell (P35248)
Attorney for Plaintiffs
Pierce, Farrell, Tafelski & Wells P.L.C.
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
248 852 1365
Catherine@farrellesq.com

**MOTION FOR A TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE**

Now comes the Plaintiff, the Troy Police Officers Association, TPOA, by and through its counsel, Pierce, Farrell, Tafelski & Wells, PLC and for its Motion for Temporary Restraining Order and Order to Show Cause state as follows:

1. The Plaintiff is the exclusive collective bargaining agent for all uniform police office below the rank of sergeant employed by the Defendant City of Troy.
2. The City of Troy is a public employer and is a party to a collective bargaining agreement with the Plaintiff, the Troy Police Officers Association.

3. The City of Troy Employee Retirement Board is an authorized board of the City of Troy and is the independent Board which hears and processes retirement requests from employees employed by the City of Troy.
4. Chapter 10 of the Troy City Code sets forth in detail the rights duties and obligations of the Retirement Board and the employees employed by the City of Troy. A copy of Chapter 10 of the Troy City Code is attached thereto as Exhibit 1.
5. The City of Troy and the City of Troy Retirement Board are located in Oakland County.
6. Michigan Court Rules 3.310(B) provides jurisdiction to this court to issue a temporary restraining order “if immediate and irreparable injury, loss or damage will result to the applicant from the delay required to effect notice...”
7. On March 30, 2012, Plaintiff filed a lawsuit seeking among other things an Order of Mandamus directing/ordering the City of Troy and the City of Troy Public Act 78 Civil Service Commission to hear the case of police officer Todd Michael, a member of the TPOA.
8. The right to an Act 78 Commission is a step in the TPOA grievance procedure which is embodied in the collective bargaining agreement.
9. Based upon a communication from the Defendant City of Troy HR Director the Act 78 Commission refused to hear the case of Officer Todd Michael.
10. Upon invitation of the Act 78 Commission, on or about January 19, 2012, that it would hear the case if ordered to do so by a court of competent jurisdiction, the Plaintiff filed a

lawsuit seeking an order from a court of competent jurisdiction to order the Act 78 Commission to hear the case.

11. On or about December 5, 2012, the Honorable Martha D. Anderson heard the case and issued a bench decision ordering the Act 78 Commission to hear the case of Officer Todd Michael.
12. On or about December 27, 2012, the City of Troy appealed the decision of the court which ordered the Act 78 Commission to hear the case regarding Officer Todd Michael. The appeal number in the Court of Appeals is 314013.
13. By a memorandum dated January 2, 2013, the Chief of Police, Gary Mayer unilaterally made a request of the City of Troy Retirement Board to hear his request for the forced retirement of Officer Todd Michael. Attached hereto as Exhibit 2 is a copy of the January 2, 2013 Memorandum, and partially completed retirement request.
14. Chief of Police Gary Mayer is a named Defendant in the Federal litigation involving Officer Todd Michael.
15. The forced retirement is an attempt to avoid and subvert the order of this court for the Act 78 Commission to hear the matter involving Officer Todd Michael. The TPOA and Officer Todd Michael, as an employee and as a member of the TPOA bargaining unit, will be irreparably damaged by the unilateral effort to force Officer Todd Michael into a forced retirement.
16. Once Officer Michael is forced into retirement he will no longer be a member of the TPOA; he will not be entitled to be represented by the TPOA in matters pertaining to his

employment; he will no longer be subject to the terms and conditions of the existing collective bargaining agreement, and he will no longer be entitled to a hearing as a retired officer before the Act 78 Civil Service Commission.

WHEREFORE the Plaintiff, as the exclusive collective bargaining agent for uniform police officers below the rank of sergeant, respectively requests the court issue an ex parte temporary restraining order, restraining the Defendant City of Troy and the City of Troy Retirement Board from processing any request by chief of police Gary Mayer to effectuate the involuntary retirement of Officer Todd Michael until there is a full and complete hearing on the merits of the Act 78 Commission case, and an order to show cause why a preliminary injunction should not issue.

Respectfully submitted,

Pierce, Farrell, Tafelski & Wells, PLC

Dated: January 8, 2012

By: /s/ M. Catherine Farrell

M. Catherine Farrell (P35248)
Attorneys for the Plaintiff Troy
Police Officers Association
2525 S. Telegraph Rd Ste 100
Bloomfield Hills, MI 48302
248 852-1365
Catherine@farrellesq.com

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

TROY POLICE OFFICERS
ASSOCIATION (TPOA),

PLAINTIFF,

Case No 2013- 131524
CL

v.

Hon:

CITY OF TROY and the
CITY OF TROY RETIREMENT BOARD,

DEFENDANTS.

M. Catherine Farrell (P35248)
Attorney for Plaintiffs
Pierce, Farrell, Tafelski & Wells, PLC
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
248 852 1365
Catherine@farrellesq.com

**BRIEF IN SUPPORT OF AN TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE**

As noted in the attached Verified Complaint and Motion for a Temporary Restraining Order, the Plaintiff received notice on January 7, 2013 that on January 9, 2013 the Chief of Police was attempting to involuntarily retire Officer Todd Michael who is a member of Plaintiff's bargaining unit and was the subject of an earlier matter decided by this court on December 5, 2012. A copy of the December 5, 2012 Order is attached as Exhibit 3.

In addition, the Retirement Board planned to conduct the retirement hearing in secret, as indicated by the attached Agenda (Exhibit 4). Officer Michael is not even listed on the "distribution list", meaning that, but for his union, he would have received no notice of the hearing to involuntarily retire him.

Furthermore, the Defendant Board specifically planned, at the instigation of the Chief of Police, to order the retirement based on a procedure which is directly contrary to the requirements of the City of Troy Code and Ordinances. Section 10 of that Code permits retirement based on a disability only:

"after a medical examination of the member made by or under the direction of a Medical Committee consisting of 2 physicians, 1 of whom shall be named by the Board, and *by the member*, the said Medical Committee reports to the Board, in writing,(1) that the member is mentally or physically totally incapacitated..." Troy Code Section 10, Section 7.1A.

But in this case, the Board explicitly planned to rely on previously-existing statements of Neuropsychologists, not operating as a Medical Committee and not including a physician appointed by the member. Thus, unless this Court enters a temporary restraining order, the Retirement Board will railroad through an involuntary retirement in a secret session using improper medical reports, all the while denying this police officer the due process and right to appoint a physician of his own choosing, which are explicitly and unambiguously provided by the very Code which entitled the Retirement Board to exist.

The earlier matter in this Court was a Motion for Summary Disposition seeking an order of mandamus to compel the Act 78 Commission to hear the matter involving Officer Michael's termination. On December 5, 2012, this court ordered the Act 78 Commission to hear the Todd

Michael matter. It is important to note that the Defendants in that case, the City of Troy and the Act 78 Commission have declined to follow the order of this Court. Their alternative was to file a claim of appeal which will be heard by the Court of Appeals in due course. The attempt to involuntarily retire officer Michael will circumvent and subvert the December 5 Order of this Court, and will render the Court of Appeals case moot since retirees are not covered by the Plaintiff's collective bargaining agreement.

The standard requirement for a temporary restraining order or injunctive relief is a four factor analysis:

(1) demonstration that the applicant will suffer irreparable harm if a preliminary injunction is not granted;

(2) the likelihood the applicant will prevail on the merits;

(3) whether the harm to the applicant in the absence of the stay outweighs the harm to the opposing party if a stay is granted;

(4) harm is any to the public interest if the injunction issues.

City of Detroit v Salaried Physicians Professional Association 165 Mich App 142, 418 NW2d 679 (1987).

Irreparable Harm

As it relates to the instant matter, absent a temporary restraining order stopping the City of Troy Retirement Board from involuntarily retiring Officer Michael, the Plaintiff, TPOA will no longer have the right to enforce the collective bargaining agreement for the benefit of Officer Michael as retirees are not covered under the collective bargaining agreement. Further, the action

will deny Officer Michael the right to a full and fair hearing before the Act 78 Commission to challenge the defendant City of Troy's assertion that he is totally and permanently incapacitated for employment with the City of Troy.

The Defendant City's own former long term disability carrier, the Standard, issued a detailed letter indicating that its independent neuropsychologist review of the data, found officer Michael was not totally and permanently incapacitated and he was able to function as a police officer. The Defendants are making every effort to be rid of Officer Michael without any independent or due process review of the claim that he is disabled.

Likelihood of Success on the Merits

The procedure which the Retirement Board proposes to employ is directly contrary to the City Code. It is unlikely that the actions by the Chief of Police and the Board will withstand judicial scrutiny, and there is a substantial likelihood that, once seen in the light of day, the machinations of the Chief and the Board will be rejected.

Moreover, there is a high likelihood that the Court of Appeals will indeed uphold the decision of this Honorable Court to order the Act 78 Commission to hold a hearing. This eleventh hour secretive effort to force the involuntary retirement of Officer Michael should be stopped as it will circuitously subvert this Court's prior decision since, if officer Michael is retired he will not be entitled to an Act 78 hearing, which is an option for employees under the parties collective bargaining agreement.

Balancing the Harms

Plaintiff's ability to protect its member will be irreparably harmed as Officer Michael will no longer have the benefit of his collective bargaining agent to fully represent his interests under the collective bargaining agreement.

The Defendant City of Troy is trying, by sleight of hand and a secretive effort, to eliminate its "problem" (i.e., this Court's Order) by forcing the involuntary retirement of Officer Michael. For some unknown reason, Defendant City is unwilling to have a open, full and complete hearing regarding the status of Officer Michael. In pleadings before this very Court, the City has vacillated between Officer's Michael's status, stating in one breathe that he was an employee, and in another that he was terminated. Now they wish to assign him a third status, against his will and without due process, in order to avoid the hearing ordered by this Court. In effect, the Defendant City of Troy is seeking to use the City of Troy Retirement Board as its own hatchet man to avoid the full and fair hearing to which Officer Michael is entitled. The Court should not support such action. Balancing the Harm weighs heavily in favor of Plaintiff.

Public Interest

There is no harm in permitting the Plaintiff to fully enforce the collective bargaining agreement and have a full and fair hearing regarding the status of Officer Michael. If Officer Michael is deemed to be able to return to work he will; if he is deemed by the Act 78 Commission to not be able to return to work, then there will be sufficient opportunity to deal with that result. However, to attempt this end run around, Officer Michael's right under the collective bargaining agreement to have a full and fair hearing is not in the public interest. When

a municipality attempts to avoid its statutory and collective bargaining obligations by surreptitiously attempting to force an involuntary retirement upon an employee rather than have a full hearing on the merits of the case, the public interest is not served.

For all the foregoing reasons, the Plaintiff, The Troy Police Officers Association respectfully requests the Court grant its motion for a Temporary Restraining Order and Order to Show Cause to stop the Chief of Police Gary Mayer from furtively involuntarily retiring office Todd Michael.

Respectfully submitted,

Pierce, Farrell, Tafelski & Wells, PLC

Dated: January 8, 2012

By: /s/ M. Catherine Farrell

M. Catherine Farrell (P35248)
Attorneys for the Plaintiff Troy
Police Officers Association
2525 S. Telegraph Rd Ste 100
Bloomfield Hills, MI 48302
248 852-1365
Catherine@farrellesq.com



CITY COUNCIL AGENDA ITEM

Date: January 23, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING (FEBRUARY 18, 2013) – ZONING
ORDINANCE TEXT AMENDMENT (File Number: ZOTA 244) – Miscellaneous Zoning
Ordinance Revisions

A public hearing for this item is scheduled for the February 18, 2013 City Council Regular meeting.

The proposed revisions will fix inconsistencies, clarify provisions and generally make the document easier to use and understand.

The public notice language is attached.

Attachments:

1. Public notice language

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, February 18, 2013, at 7:30 p.m. or as soon thereafter as the agenda will permit, to consider adopting proposed amendments to the existing Zoning Ordinance, Chapter 39 of the Code of the City of Troy.

Comments can be expressed at the Public Hearing, or written comments can be directed to the attention of the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084, or by e-mail to planning@troymi.gov no later than 3:00 p.m. on the date of the meeting. If you have questions you may contact the Planning Department by e-mail or by phone at (248) 524-3364.

The application on file can be viewed and/or copies can be purchased at the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084.

Notices and information for public hearings will also be posted on the City website at <http://www.troymi.gov/PublicHearings/>.

Aileen Bittner, CMC
City Clerk

NOTICE: *Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov 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.*

A regular meeting of the Troy Traffic Committee was held Wednesday, November 14, 2012 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: Sarah Binkowski
Ted Halsey
Richard Kilmer
David Ogg
Al Petrusis
Stevan Popovic
Pete Ziegenfelder

ABSENT: None

Also present: Lori & Geir Gronstad, 1782 Boulan
Traci Peterson, 1732 Muer
Jeanne Stine, 1915 Boulan
Janice Sutherland, 1926 Boulan
Barbara Dawson, 1834 Boulan
Heather Bultynck, 3470 Alpine
Cpt. Robert Redmond, Police Department
Bill Huotari, Deputy City Engineer/Traffic Engineer

2. Minutes – October 17, 2012

RESOLUTION # 2012-11-25

Moved by Kilmer
Seconded by Halsey

To approve the October 17, 2012 minutes as printed.

YES: All-7
NO: None
ABSENT: None
MOTION CARRIED

REGULAR BUSINESS

3. Request for No Stopping, Standing, Parking – Boulan, Alpine to Dead End

Barbara Dawson of 1834 Boulan requested, through the City Manager and Police Chief, that the times listed on the existing No Stopping, Standing, Parking signs on Boulan, between Alpine and the dead end, be modified to reflect the start and end times of the

schools adjacent to Boulan (Bemis Elementary and Boulan Park Middle School). Ms. Dawson states that parents are pulling into this area to drop off children and creating a hazardous situation for children that walk through this area in the morning to the schools.

The next day, Troy Police officers checked into the validity of the concern. The officer on the scene reported that Ms. Dawson's concerns were well founded. The officer reported that the volume of cars pulling onto the dead end of Boulan was excessive, many pulling into driveways, dropping off children who were then seen walking between cars on their way to school. Several vehicles were observed backing up the entire length of the dead-end section while still more parents pulled onto the dead end to drop off even more children. These observations, combined with there being no sidewalks on Boulan for the children to walk on, and all of this occurring in total darkness, led the officer to recommend immediate action to avoid a child being injured.

A temporary traffic control order was issued on October 24, 2012 to change the times on the existing signs from 8 AM – 4 PM to 7 AM to 4 PM. A temporary traffic control order is valid for 90 days or until replaced by a permanent traffic control order. The original Traffic Control Order, from October 18, 1979, restricted No Stopping, Standing, Parking from 7 AM – 5 PM and times on the signs have changed over the years to correspond with the arrival and dismissal times at the schools.

Residents, at the meeting, in support of changing the times on the signs:

Jeanne Stine of 1915 Boulan discussed the concern for safety of children walking to and from school. She said she has witnessed several close calls between cars and children. She reports that the volume of cars dropping off and picking up children has increased and that there are at least two dozen children that walk through this area. She supports the resolution and also requests that the signs be made larger so that they can be seen from a further distance.

Janice Sutherland of 1926 Boulan supported the statements made by Ms. Stine. She also added that she has witnessed cars driving at high rates of speed while backing up from the dead end. She has also witnessed near misses and arguments between parents at the end of the street. She is concerned about the safety of the children walking in this area.

Barbara Dawson of 1834 Boulan also supports the previous statements. She added that the school does have a drop-off area at the school site. The dead end does not have a method and is not designed to allow for the drop-off/pick-up of children. She has three children that walk to school and is concerned for their safety walking amongst the cars in this area.

Lori & Geir Gronstad of 1782 Boulan added that parents appear to be in a hurry and are driving fast through the area. She wants her child to walk but is concerned for the safety of their child as well as the others that walk. She agrees and supports the previous statements.

Heather Bultynck of 3470 Alpine reports that motorists drive very fast when police are not present. There is construction in the neighborhood that is adding to the issue and forcing children to walk in the street. She has witnessed cars backing up from the dead end and almost hitting other cars. She feels this is a huge safety concern.

Resident, at the meeting, opposing the change in times on the signs:

Traci Peterson of 1732 Muer spoke about the construction in the area causing issues. She also discussed the lack of sidewalks, difficulties in getting out onto Crooks Road in the morning to travel to Wattles to Northfield Parkway to the school, bad weather, cut-through traffic speeding and suspicious vehicles in the area as reasons why she drives her three children to school. She has not witnessed any car crashes in the area. She said that the issue only exists for 10 minutes in the morning and afternoon. She is also concerned that the PUD at Big Beaver/Alpine/McClure will be adding 16 new residential units that will add to the traffic in the area as well as add children to the school. She reports that this area is one of only three Troy school locations that do not have sidewalks for children walking to school. Two other residential street locations adjacent to the school site do not have any type of parking restrictions in place. She feels that driving is the safest way to get her children to and from school.

During rebuttal, by residents in support of changing the times on the signs, the following items were discussed:

- If the dead end were to be allowed for drop-off and pick-up, then it should be redesigned as a cul-de-sac or turnaround to allow for the free movement of vehicles.
- Mailboxes in the neighborhood have been vandalized or have been damaged by motorists hitting them.
- The resident at the end of the street, 1952 Boulan, has had her mailbox damaged, has drivers turning around in her driveway, has parents block her driveway and has had parents park in her driveway while they run to the school. This was reported by residents at the meeting. The homeowner at 1952 Boulan was not present at the meeting.

Rebuttal, by the resident opposed to changing the times on the signs, followed:

- Discussed an incident at the school where a child was hit by a driver in the drop-off area, on school property, in 2010.
- Construction vehicles and equipment have made walking even more of an issue for children.
- She has noticed suspicious vehicles in the area during arrival/dismissal times while she has waited for her children.

Traffic Committee member discussion:

Mr. Ziegenfelder reports that he drove the area and was not able to make a simple U-turn at the dead end in a small SUV without using a driveway. He also drove to the school using Crooks and then alternately using the Big Beaver route and times to get from the area to the school were 4 minutes and 8 minutes, respectively, under ideal conditions.

Mr. Kilmer thought that the signs should be moved further to the east on Boulan and should start at Alpine. He also believes that signs should be installed along Alpine.

Cpt. Redmond said that the Police Department has been at this location for the past two weeks talking with parents and encouraging them not to use the dead end as a drop off area due to safety concerns. To date, they have not been issuing tickets but rather are trying to educate parents. They will be enforcing the signs in the future to try and get compliance from parents who continue to use this area. He reports that this same issue was present back in 1979, when the original Traffic Control Order was issued, but has not been as severe until recently as new residents now have school age children in the area again causing the increase in children walking along with more cars in the area. Cpt. Redmond also reported that the Police Department did an informal license plate survey and found that approximately 50% of the cars are from areas outside of the immediate subdivision.

Mr. Ogg reports that he sees similar situations in the school by his house (Barnard Elementary). Parents are driving children short distances when they could easily walk and reduce the congestion at the schools and on the roads. He agrees that any situation that requires parents to turnaround in driveways or backup is unsafe. He recommended blocking off Boulan at Alpine and only allowing residents who live in the section from Alpine to the dead end with access. This is not feasible as: one it is a public road; two it would create a new drop off area at the intersection of Boulan and Alpine where the potential for high speed issues and children crossing from Boulan and Alpine would exist; and finally there is not a physical barrier that could be installed that would allow unfettered access to the existing homes at the end of Boulan while still restricting other motorists from accessing the same area.

Ms. Binkowski asked about posting signs that would prohibit vehicular access to the dead end. Boulan is a public road and as such is open to use to all vehicles subject to the traffic control signs in place.

Cpt. Redmond added that the major issue is vehicles turning around at the dead end. He believes that the Police Department will need to enforce the signs in order for parent behavior to change.

Mr. Popovic discussed similar issues at Morse Elementary.

Mr. Petruilis asked about the possibility of removing the walkway to the school at the dead end. This is on school property and as such would need to be an item that the school

would undertake if it were considered an option by the district.

Mr. Halsey asked about removing the gate at the end of Boulan and allowing traffic to access the school site. This creates a secondary access point causing circulation issues on the site as well as creating a cut-through to Northfield Parkway through the school parking lot. Again, this would involve school property which would need to be approved and carried out by the school district.

RESOLUTION # 2012-11-26

Moved by Popovic
Seconded by Binkowski

RESOLVED, that the Traffic Committee recommends that the No Stopping, Standing, Parking signs on Boulan, from Alpine to the Dead End be revised to the hours of 7:00 a.m. to 4:00 p.m. School Days Only.

YES: 6
NO: 1 (Ogg)
ABSENT: None
MOTION CARRIED

4. Establish Fire Lanes at 651 Robbins

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that fire lanes at 651 Robbins be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION # 2012-11-27

Moved by Kilmer
Seconded by Halsey

RESOLVED, that the Traffic Committee recommends establishing fire lanes at 651 Robbins.

YES: All – 7
NO: None
ABSENT: None
MOTION CARRIED

5. Discussion of Rochester/Stephenson No Right/Left Turn on Red

Information was provided on the history of the No Right Turn on Red signs at the northbound Rochester approach to Stephenson Highway and the No Left Turn on Red

signs at the double-left crossover from southbound Stephenson Highway to northbound Stephenson Highway.

The general consensus from the Traffic Committee members is that the signs are no longer needed as drivers have to sit at both locations for excessive amount of time causing many drivers to disobey the signs and turn on red regardless. Sufficient gaps in northbound and southbound traffic are available for turning traffic along with the residents of the mobile home park and neighboring businesses to safely pull out onto Stephenson Highway.

General discussion among the members ensued.

RESOLUTION # 2012-11-28

Moved by Popovic

Seconded by Ogg

RESOLVED, that the Traffic Committee directs the Traffic Engineer to conduct a mail poll of the Troy Mobile Home Villas on Stephenson Highway along with surrounding businesses to ascertain if the No Turn on Red signs are still needed.

BE IT FURTHER RESOLVED, that the Traffic Committee directs the Traffic Engineer to conduct a traffic study at both locations to verify current traffic volumes if a majority of the respondents to the mail poll respond in the affirmative.

YES: All – 7
NO: None
ABSENT: None
MOTION CARRIED

6. Public Comment

There was no additional public comment.

7. Other Business

Mr. Halsey requested that the traffic signal operations at Maple and Livernois be reviewed. He reports that there is not sufficient green time for the left turn from eastbound Maple to northbound Livernois. Traffic Engineering will refer this item to the RCOC Traffic Safety Department for further investigation.

Mr. Halsey also asked if the Police Department could review the traffic at Wattles Elementary. Traffic Engineering will work with the Police Department to review the traffic concerns at this location.

Ms. Binkowski requested that the December 2012 Traffic Committee meeting be

cancelled. Traditionally, the Traffic Committee has not met in August or December.

RESOLUTION # 2012-11-29

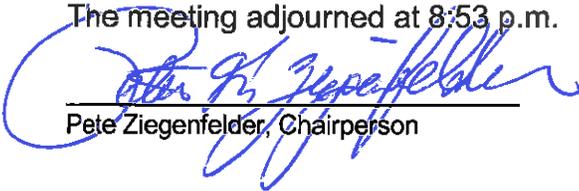
Moved by Binkowski
Seconded by Petruilis

RESOLVED, that the December 2012 Traffic Committee meeting be cancelled.

YES: All – 7
NO: None
ABSENT: None
MOTION CARRIED

8. Adjourn

The meeting adjourned at 8:53 p.m.



Pete Ziegenfelder, Chairperson



Bill Huotari, Recording Secretary

On November 20, 2012, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Kneale called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Michael Bartnik
 Glenn Clark
 Kenneth Courtney
 William Fisher
 Allen Kneale
 David Lambert
 Thomas Strat

Also Present:

R. Brent Savidant, Planning Director
 Allan Motzny, Assistant City Attorney
 Bruce Bloomingdale, Alternate
 Orestis Kaltsounis, Alternate

2. APPROVAL OF MINUTES – October 16, 2012

RESOLVED, to approve the October 16, 2012 meeting minutes.

Moved by Clark
 Seconded by Fisher

Yes: Clark, Courtney, Fisher, Kneale, Lambert
 Abstain: Bartnik, Strat

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

- A. VARIANCE REQUEST, JOSEPH MANIACI FOR MONDRIAN PROPERTIES, PROPOSED BEACHVIEW ESTATES SITE CONDOMINIUM, WEST SIDE OF BEACH ROAD, 1000 FEET SOUTH OF LONG LAKE ROAD – For a proposed One-Family Cluster Option site condominium, in order to be eligible for a density bonus consideration, as determined by City Council, a variance from the requirement that 50 percent of the property shall be dedicated open space held in common ownership. The applicant proposes 41 percent of the property be dedicated open space held in common ownership.

Moved by Courtney
Seconded by Bartnik

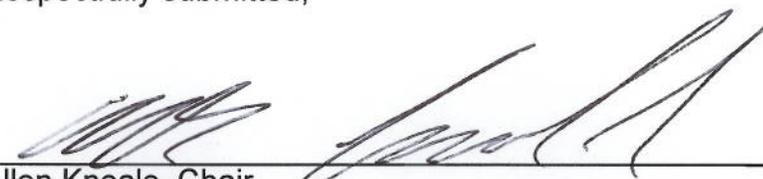
RESOLVED, to postpone the item to the December 18, 2012 Zoning Board of Appeals meeting so that the developer can provide the Board information on the removal of lot 6, with or without the addition of land, and that a tree preservation plan be provided.

Yes: All

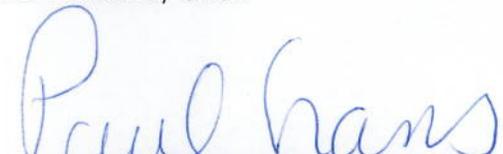
MOTION PASSED

- 5. COMMUNICATIONS – None
- 6. MISCELLANEOUS BUSINESS – None
- 7. PUBLIC COMMENT – One person spoke.
- 8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:01 p.m.

Respectfully submitted,



Allen Kneale, Chair



Paul Evans, Zoning and Compliance Specialist

Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 8, 2013 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Philip Sanzica
Gordon Schepke
Robert Schultz
Thomas Strat
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2013-01-001

Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2013-01-002

Moved by: Edmunds
Seconded by: Krent

RESOLVED, To approve the minutes of the December 11, 2012 Regular meeting as published.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

CONDITIONAL REZONING REQUEST

5. PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR 008)
– Proposed Tim Horton’s Café, Northwest Corner Square Lake and Dequindre, Section 1,
From NN (Neighborhood Node “N”) to CB (Community Business) District

Mr. Hutson informed the Board he has a client who might be involved in litigation with the petitioner’s law partner. Mr. Hutson asked to recuse himself from discussion and deliberation on this item to avoid any appearance of impropriety.

The Board had no objection to the request.

[Mr. Hutson exited the meeting.]

Mr. Carlisle gave a review of the Conditional Rezoning application. Mr. Carlisle said the proposed drive-through use predicated on a conditional rezoning would not advance the Master Plan intent of the Neighborhood Node “N” zoning classification. He addressed the size of the parcel in relation to the drive through, the restaurant use in terms of parking and the corner location with two access points.

Mr. Carlisle further identified specific site plan issues:

- Deficiency in parking spaces; 20 provided, 28 required.
- Requirement of 10 stacking spaces; 10th stacking space protrudes into drive aisle.
- Bisected / disjointed parking area.
- Potential deficiency in overall landscape area; 20% required, plan does not indicate.
- Impact on residential property to the west.
- Access and internal traffic circulation; specifically in morning and evening hours.
- Internal pedestrian circulation; both from parking lot to building and in location of menu/speaker board.
- Lack of snow storage location.
- Dumpster location; high visibility on Square Lake Road.
- Unknown specifics from future traffic study; petitioner expressed feedback from Planning Commission prior to providing traffic study.

Mr. Carlisle did not recommend approval of the Conditional Rezoning application, as submitted. He offered the following suggestions:

- Consider adding a portion, if not all, of the parcel to the north.
- Keep restaurant use but eliminate the drive-through.
- Consider an alternative use of site.

Mr. Savidant announced the Planning Department received 16 email messages from residents in the area, of which copies were distributed to members prior to the beginning of tonight's meeting.

The petitioner, Burt Kassab, was present. Mr. Kassab stated the property owner, Sam Askar, is present and in the audience. Mr. Kassab addressed the size of the parcel. He compared the proposed Tim Horton restaurant site to two existing Tim Horton restaurants in Troy on Rochester Road and Maple Road, as relates to parcel size and building size. Mr. Kassab said they have tried to meet the Neighborhood Node requirements in every respect.

Mr. Kassab reported the overall landscaped area is 21.1%; exceeding the 20% requirement. He stated Tim Horton's corporate office is satisfied that the 20 parking spaces provided will be sufficient. Mr. Kassab said the parcel to the north provides a great buffer to the residential neighborhood. He addressed the location and decibel level of the menu/order board that faces Square Lake, indicating it should have no affect on the neighborhood. Mr. Kassab said a drive through restaurant is a corporate requirement.

Mark Kellenberger, Tim Horton's project planner, was present. Mr. Kellenberger said to his knowledge, all freestanding Tim Horton restaurants in Michigan are drive-through restaurants; those without drive-through's are located in non-traditional locations.

There was discussion on the following:

- Curb cuts / access points.
 - Critical to petitioner to attract business from both Square Lake and Dequindre Roads.
 - Curb cuts currently exist, installed by City during widening of right of way.
 - Affect on development should traffic study determine elimination of one curb cut to potentially alleviate traffic issues.
 - Petitioner stated restaurant operations would likely not go forward with development.
 - Elimination could potentially create more traffic issues.
 - Engineering review had no comments on curb cuts; asked petitioner to provide traffic study.
- Deficiency of eight (8) parking spaces.
 - Restaurant operations satisfied proposed parking is sufficient.
- Traffic, internal circulation, drive-through.
 - Morning hours draw majority of business, heaviest traffic and drive-through use.
 - Afternoon/evening hours light; new marketing strategy to attract customer base.
 - Configurations of turn lanes at intersection.
 - No escape lane proposed.
- Buffer to residential.
 - Dense evergreens to west and north.
 - Fence around property line.
 - Parcel to north acts as buffer.
 - Masonry wall on west.

- Noise levels; petitioner addressed menu board location.
- Property to north; parcel larger in size than subject parcel.
- Positive features of site plan, restaurant use and location.
 - Patio.
 - Walkability.
 - Two access points.
 - Good fit for potential customer base; nearby hospital.

PUBLIC HEARING OPENED

The following residents spoke in opposition:

Tom Dombrowski	2900 Briarwood Ct
Robert Cantlon	2864 Briarwood
Prabhakar Vallury	2878 Briarwood
Matthew Zelenak	2819 Briarwood
Pari Tathavadekar	2861 Briarwood
Lisa Havlish	2875 Briarwood
Srivatsan Santhanam	2945 Briarwood
Ritika Undemane	2892 Briarwood
Anup Gongle	2936 Briarwood
Norman Balston	2916 Briarwood
Akram Muhammad	2978 Briarwood

Residents who spoke in opposition expressed concerns with:

- 24-hour operation.
- Drive through facility.
- Traffic congestion, signalization.
- Internal circulation; stacking of cars.
- Noise level.
- Lights.
- Garbage, litter.
- Overall safety.
- Safety of school children; bus pickup.
- Re-use of existing vacant parcels.
- Loitering; negative impact on children.
- Non-friendly sidewalk/bicycle use.
- Deviation from Master Plan intent.

The following resident spoke in favor:

G. James Grix	2508 Coral
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Mr. Grix said a restaurant would generate revenue, offer employment and a ‘go to’ place for the neighborhood. He said other cities are attracting drive-through restaurants and potential revenue because Troy turns them away.

PUBLIC HEARING CLOSED

Discussed followed:

- Site plan design as relates to positive features and deficiencies.
 - Stacking spaces critical; no provision to waive Zoning Ordinance requirement.
- Master Plan intent.
- Responsibility of Planning Commission; health, safety and welfare of residents.
- Potential impact / non-impact on neighboring residents.
- Limited operational hours for drive through.
- Approval process.
 - Recommendation to City Council.
 - Conditions to site plan must be volunteered by petitioner.
 - Site plan, if approved, would not come back before Board.
- Consider noise/decibel study.
- Potential of traffic study to impact lay of the property.
 - Site plan might not come back before Board.
- Legal opinion to complete Conditional Rezoning Agreement and traffic study prior to recommendation to City Council.

The property owner, Sam Askar, addressed attempts to develop parcel after purchasing it from the City seven years ago. Mr. Askar said the asking price of the property to the north is high, and even if acquired a larger Tim Horton restaurant would be proposed. He intimated that most likely the Tim Horton’s corporate office would go to another city with a proposal if the Board does not approve this application. Mr. Askar, noting he is familiar with the area, addressed the concern expressed for the safety of school children.

Mr. Kassab said he believes the asking price of the parcel to the north is above market and informed the Board that negotiations could not be reached with the two owners.

Mr. Kassab said if the Board chose to postpone the item, he would work on traffic study issues and relocation of the dumpster.

Resolution # PC-2013-01-003

Moved by: Schultz
 Seconded by: Krent

RESOLVED, To postpone the item for thirty (30) days, not to exceed 30 days.

Yes: All present (9)

MOTION CARRIED

Chair Tagle requested a recess at 8:56 p.m.

The meeting reconvened at 9:04 p.m.

[Mr. Hutson returned to the meeting.]

SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW

6. **PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 398) – Proposed Fifth Third Bank, North Side of Big Beaver between Lakeview and Alpine (2282 W Big Beaver), Section 20, Currently Zoned BB (Big Beaver) District**

Mr. Carlisle gave a brief review of the application. He said the application meets all Zoning Ordinance requirements and Big Beaver form based requirements. Mr. Carlisle recommended approval of the Special Use and Preliminary Site Plan application as submitted.

There was discussion on the existing sign. Sign placement is not within the Planning Commission purview but it was noted there was concern with pedestrian visibility.

The petitioner, Doug Brinker of Atwell, and Jeff Wagner, representative of Fifth Third Bank, were present.

Mr. Wagner addressed the recently adopted Zoning Ordinance Text Amendment with respect to drive-through's on Big Beaver Road. Mr. Wagner acknowledged the City's concern on the sign placement. He said pedestrian visibility and line of sight guidelines will be applied when placing the monument sign at the new facility.

Messrs. Wagner and Brinker addressed the stacking of cars in the drive-through.

Mr. Savidant commended the applicant in responding quickly to some site plan revisions and submitting a clean application to the Planning Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-01-004

Moved by: Schultz
Seconded by: Schepke

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Fifth Third Bank, located on the north side of Big Beaver between Lakeview and Alpine (2282 W Big Beaver), Section 20, currently zoned BB (Big Beaver) District, be granted.

Yes: All present (9)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244)**
– Miscellaneous Zoning Ordinance Revisions

Mr. Carlisle reviewed the proposed amendment changes to the April 2011 Zoning Ordinance. He asked if the Board had any comments and for a recommendation to City Council for approval of the proposed revisions.

Mr. Edmunds requested the correction of the spelling of “insure” to “ensure”.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-01-005

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous Zoning Ordinance revisions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM DEVELOPMENT

- 8. **PRELIMINARY SITE PLAN REVIEW** – Proposed Beachview Estates Site Condominium, 8 units/lots, West side of Beach Road, 1000’ South of Long Lake, Section 18, Currently Zoned R-1A (One Family Residential) District

Mr. Carlisle reviewed the history of the proposed Site Condominium application. The plan before the Board this evening is for the originally requested 8 units/lots. Mr. Carlisle identified small site plan issues as noted in his report dated December 27, 2012 and recommended approval of the Site Condominium application, conditioned on those items being satisfied at the time of Final Site Plan approval.

The petitioner, Joseph Maniaci of Mondrian Properties, was present. Mr. Maniaci said he plans to go before the Traffic Committee to request a sidewalk waiver.

Mr. Edmunds applauded the petitioner for his patience and motivation in his attempt to develop the site as a cluster development.

Chair Tagle opened the floor for public comment.

There was no one present who wished to speak.

Chair Tagle closed the floor for public comment.

Resolution # PC-2013-01-006

Moved by: Edmunds
 Seconded by: Schultz

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Beachview Estates Site Condominium, 8 units/lots, West side of Beach Road, South of Long Lake, Section 18, within the R-1A (One Family Residential) District, be granted, subject to the following:

1. Submit a revised Preliminary Site Plan that includes the following revisions:
 - a. Reconfigured unit five building footprint.
 - b. Identify proposed lot coverage.
 - c. Show the required 25’ x 25’ corner clearance on both sides of the new intersection of Beachview Court and Beach Road.
 - d. Show access drive to the detention basin.
2. Provide a 5-foot wide sidewalk along Beach Road or seek a waiver from the Traffic Committee.
3. Obtain all appropriate wetland permits MDEQ, Oakland County Soil Erosion, Oakland County Water Resources Commissioner, City of Troy, and any other appropriate body prior to Final Site Plan approval.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS9. **ELECTION OF OFFICERS FOR 2013**

Chair Tagle opened the floor for nominations for Chair and Vice Chair.

Mr. Schultz nominated John Tagle as Chair and Don Edmunds as Vice Chair.

Hearing no further nominations, Chair Tagle declared the nominations for the positions of Chair and Vice Chair closed.

Chair Tagle opened the floor for nominations for the Zoning Board of Appeals representative.

Mr. Schultz nominated Tom Krent as Zoning Board of Appeals representative.

Hearing no further nominations, Chair Tagle declared the nominations for the position of Zoning Board of Appeals representative closed.

Roll Call vote on the nominations on the floor.

Yes: All present (9)

10. **PUBLIC COMMENTS** – For Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENTS**

There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 9:40 p.m.

Respectfully submitted,

John J. Tagle, Chair

Kathy L. Czarnecki, Recording Secretary

Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 8, 2013 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Philip Sanzica
Gordon Schepke
Robert Schultz
Thomas Strat
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2013-01-001

Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2013-01-002

Moved by: Edmunds
Seconded by: Krent

RESOLVED, To approve the minutes of the December 11, 2012 Regular meeting as published.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

CONDITIONAL REZONING REQUEST

5. PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR 008)
– Proposed Tim Horton’s Café, Northwest Corner Square Lake and Dequindre, Section 1,
From NN (Neighborhood Node “N”) to CB (Community Business) District

Mr. Hutson informed the Board he has a client who might be involved in litigation with the petitioner’s law partner. Mr. Hutson asked to recuse himself from discussion and deliberation on this item to avoid any appearance of impropriety.

The Board had no objection to the request.

[Mr. Hutson exited the meeting.]

Mr. Carlisle gave a review of the Conditional Rezoning application. Mr. Carlisle said the proposed drive-through use predicated on a conditional rezoning would not advance the Master Plan intent of the Neighborhood Node “N” zoning classification. He addressed the size of the parcel in relation to the drive-through, the restaurant use in terms of parking and the corner location with two access points.

Mr. Carlisle further identified specific site plan issues:

- Deficiency in parking spaces; 20 provided, 28 required.
- Requirement of 10 stacking spaces; 10th stacking space protrudes into drive aisle.
- Bisected / disjointed parking area.
- Potential deficiency in overall landscape area; 20% required, plan does not indicate.
- Impact on residential property to the west.
- Access and internal traffic circulation; specifically in morning and evening hours.
- Internal pedestrian circulation; both from parking lot to building and in location of menu/speaker board.
- Lack of snow storage location.
- Dumpster location; high visibility on Square Lake Road.
- Unknown specifics from future traffic study; petitioner expressed feedback from Planning Commission prior to providing traffic study.

Mr. Carlisle did not recommend approval of the Conditional Rezoning application, as submitted. He offered the following suggestions:

- Consider adding a portion, if not all, of the parcel to the north.
- Keep restaurant use but eliminate the drive-through.
- Consider an alternative use of site.

Mr. Savidant announced the Planning Department received 16 email messages from residents in the area, of which copies were distributed to members prior to the beginning of tonight's meeting.

The petitioner, Burt Kassab, was present. Mr. Kassab stated the property owner, Sam Askar, is present and in the audience. Mr. Kassab addressed the size of the parcel. He compared the proposed Tim Horton restaurant site to two existing Tim Horton restaurants in Troy on Rochester Road and Maple Road, as relates to parcel size and building size. Mr. Kassab said they have tried to meet the Neighborhood Node requirements in every respect.

Mr. Kassab reported the overall landscaped area is 21.1%; exceeding the 20% requirement. He stated Tim Horton's corporate office is satisfied that the 20 parking spaces provided will be sufficient. Mr. Kassab said the parcel to the north provides a great buffer to the residential neighborhood. He addressed the location and decibel level of the menu/order board that faces Square Lake, indicating it should have no affect on the neighborhood. Mr. Kassab said a drive-through restaurant is a corporate requirement.

Mark Kellenberger, Tim Horton's project planner, was present. Mr. Kellenberger said to his knowledge, all freestanding Tim Horton restaurants in Michigan are drive-through restaurants; those without drive-through's are located in non-traditional locations.

There was discussion on the following:

- Curb cuts / access points.
 - Critical to petitioner to attract business from both Square Lake and Dequindre Roads.
 - Curb cuts currently exist, installed by City during widening of right of way.
 - Affect on development should traffic study determine elimination of one curb cut to potentially alleviate traffic issues.
 - Petitioner stated restaurant operations would likely not go forward with development.
 - Elimination could potentially create more traffic issues.
 - Engineering review had no comments on curb cuts; asked petitioner to provide traffic study.
- Deficiency of eight (8) parking spaces.
 - Restaurant operations satisfied proposed parking is sufficient.
- Traffic, internal circulation, drive-through.
 - Morning hours draw majority of business, heaviest traffic and drive-through use.
 - Afternoon/evening hours light; new marketing strategy to attract customer base.
 - Configurations of turn lanes at intersection.
 - No escape lane proposed.
- Buffer to residential.
 - Dense evergreens to west and north.
 - Fence around property line.
 - Parcel to north acts as buffer.
 - Masonry wall on west.

- Noise levels; petitioner addressed menu board location.
- Property to north; parcel larger in size than subject parcel.
- Positive features of site plan, restaurant use and location.
 - Patio.
 - Walkability.
 - Two access points.
 - Good fit for potential customer base; nearby hospital.

PUBLIC HEARING OPENED

The following residents spoke in opposition:

Tom Dombrowski	2900 Briarwood Ct
Robert Cantlon	2864 Briarwood
Prabhakar Vallury	2878 Briarwood
Matthew Zelenak	2819 Briarwood
Pari Tathavadekar	2861 Briarwood
Lisa Havlish	2875 Briarwood
Srivatsan Santhanam	2945 Briarwood
Ritika Undemane	2892 Briarwood
Anup Gongle	2936 Briarwood
Norman Balston	2916 Briarwood
Akram Muhammad	2978 Briarwood

Residents who spoke in opposition expressed concerns with:

- 24-hour operation.
- Drive-through facility.
- Traffic congestion, signalization.
- Internal circulation; stacking of cars.
- Noise level.
- Lights.
- Garbage, litter.
- Overall safety.
- Safety of school children; bus pickup.
- Re-use of existing vacant parcels.
- Loitering; negative impact on children.
- Non-friendly sidewalk/bicycle use.
- Deviation from Master Plan intent.

The following resident spoke in favor:

G. James Grix	2508 Coral
---------------	------------

Mr. Grix said a restaurant would generate revenue, offer employment and a ‘go to’ place for the neighborhood. He said other cities are attracting drive-through restaurants and potential revenue because Troy turns them away.

PUBLIC HEARING CLOSED

Discussion followed:

- Site plan design as relates to positive features and deficiencies.
 - Stacking spaces critical; no provision to waive Zoning Ordinance requirement.
- Master Plan intent.
- Responsibility of Planning Commission; health, safety and welfare of residents.
- Potential impact / non-impact on neighboring residents.
- Limited operational hours for drive-through.
- Approval process.
 - Recommendation to City Council.
 - Conditions to site plan must be volunteered by petitioner.
 - Site plan, if approved, would not come back before Board.
- Consider noise/decibel level study.
- Potential of traffic study to impact lay of the property.
 - Site plan might not come back before Board.
- Legal opinion to complete Conditional Rezoning Agreement and traffic study prior to recommendation to City Council.

The property owner, Sam Askar, addressed attempts to develop parcel after purchasing it from the City seven years ago. Mr. Askar said the asking price of the property to the north is high, and even if acquired a larger Tim Horton restaurant would be proposed. He intimated that most likely the Tim Horton’s corporate office would go to another city with a proposal if the Board does not approve this application. Mr. Askar, noting he is familiar with the area, addressed the concern expressed for the safety of school children.

Mr. Kassab said he believes the asking price of the parcel to the north is above market and informed the Board that negotiations could not be reached with the two owners.

Mr. Kassab said if the Board chose to postpone the item, he would work on traffic study issues and relocation of the dumpster.

Resolution # PC-2013-01-003

Moved by: Schultz
 Seconded by: Krent

RESOLVED, To postpone the item for thirty (30) days, not to exceed 30 days.

Yes: All present (9)

MOTION CARRIED

Chair Tagle requested a recess at 8:56 p.m.

The meeting reconvened at 9:04 p.m.

[Mr. Hutson returned to the meeting.]

SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW

6. **PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 398) – Proposed Fifth Third Bank, North Side of Big Beaver between Lakeview and Alpine (2282 W Big Beaver), Section 20, Currently Zoned BB (Big Beaver) District**

Mr. Carlisle gave a brief review of the application. He said the application meets all Zoning Ordinance requirements and Big Beaver form based requirements. Mr. Carlisle recommended approval of the Special Use and Preliminary Site Plan application as submitted.

There was discussion on the existing sign. Sign placement is not within the Planning Commission purview but it was noted there was concern with pedestrian visibility.

The petitioner, Doug Brinker of Atwell, and Jeff Wagner, representative of Fifth Third Bank, were present.

Mr. Wagner addressed the recently adopted Zoning Ordinance Text Amendment with respect to drive-through's on Big Beaver Road. Mr. Wagner acknowledged the City's concern on the sign placement. He said pedestrian visibility and line of sight guidelines will be applied when placing the monument sign at the new facility.

Messrs. Wagner and Brinker addressed the stacking of cars in the drive-through.

Mr. Savidant commended the applicant in responding quickly to some site plan revisions and submitting a clean application to the Planning Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-01-004

Moved by: Schultz
Seconded by: Schepke

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Fifth Third Bank, located on the north side of Big Beaver between Lakeview and Alpine (2282 W Big Beaver), Section 20, currently zoned BB (Big Beaver) District, be granted.

Yes: All present (9)

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244)**
– Miscellaneous Zoning Ordinance Revisions

Mr. Carlisle reviewed the proposed amendment changes to the April 2011 Zoning Ordinance. He asked if the Board had any comments and for a recommendation to City Council for approval of the proposed revisions.

Mr. Edmunds requested the correction of the spelling of “insure” to “ensure”.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-01-005

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous Zoning Ordinance revisions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM DEVELOPMENT

- 8. **PRELIMINARY SITE PLAN REVIEW** – Proposed Beachview Estates Site Condominium, 8 units/lots, West side of Beach Road, 1000’ South of Long Lake, Section 18, Currently Zoned R-1A (One Family Residential) District

Mr. Carlisle reviewed the history of the proposed Site Condominium application. The plan before the Board this evening is for the originally requested 8 units/lots. Mr. Carlisle identified small site plan issues as noted in his report dated December 27, 2012 and recommended approval of the Site Condominium application, conditioned on those items being satisfied at the time of Final Site Plan approval.

The petitioner, Joseph Maniaci of Mondrian Properties, was present. Mr. Maniaci said he plans to go before the Traffic Committee to request a sidewalk waiver.

Mr. Edmunds applauded the petitioner for his patience and motivation in his attempt to develop the site as a cluster development.

Chair Tagle opened the floor for public comment.

There was no one present who wished to speak.

Chair Tagle closed the floor for public comment.

Resolution # PC-2013-01-006

Moved by: Edmunds
 Seconded by: Schultz

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Beachview Estates Site Condominium, 8 units/lots, West side of Beach Road, South of Long Lake, Section 18, within the R-1A (One Family Residential) District, be granted, subject to the following:

1. Submit a revised Preliminary Site Plan that includes the following revisions:
 - a. Reconfigured unit five building footprint.
 - b. Identify proposed lot coverage.
 - c. Show the required 25’ x 25’ corner clearance on both sides of the new intersection of Beachview Court and Beach Road.
 - d. Show access drive to the detention basin.
2. Provide a 5-foot wide sidewalk along Beach Road or seek a waiver from the Traffic Committee.
3. Obtain all appropriate wetland permits MDEQ, Oakland County Soil Erosion, Oakland County Water Resources Commissioner, City of Troy, and any other appropriate body prior to Final Site Plan approval.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

9. ELECTION OF OFFICERS FOR 2013

Chair Tagle opened the floor for nominations for Chair and Vice Chair.

Mr. Schultz nominated John Tagle as Chair and Don Edmunds as Vice Chair.

Hearing no further nominations, Chair Tagle declared the nominations for the positions of Chair and Vice Chair closed.

Chair Tagle opened the floor for nominations for the Zoning Board of Appeals representative.

Mr. Schultz nominated Tom Krent as Zoning Board of Appeals representative.

Hearing no further nominations, Chair Tagle declared the nominations for the position of Zoning Board of Appeals representative closed.

Roll Call vote on the nominations on the floor.

Yes: All present (9)

10. PUBLIC COMMENTS – For Items on Current Agenda

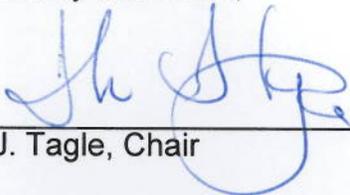
There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

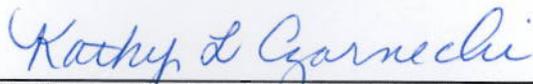
There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 9:40 p.m.

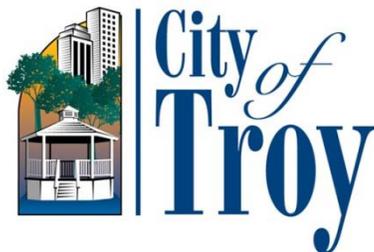
Respectfully submitted,



John J. Tagle, Chair



Kathy L. Czarnecki, Recording Secretary



COUNCIL REPORT

January 21, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer/Project Manager

SUBJECT: Troy Transit Center Status Report - January 2013

The official Transit Center groundbreaking last November 27th was a significant milestone in Transit Center history. Attended by all members of City Council, including Mayor Slater, former mayors and council members, City Manager Brian Kischnick, U.S. Rep. Gary Peters D-Bloomfield Township, MDOT Transportation Director Kirk Steudle, Birmingham city officials and numerous other transportation officials and residents, it was well attended and well reported in the local news media.

As Representative Peters said “This was a long time in coming... we’ve got to put the pieces together” referring to improving transportation in this region. Within days of the groundbreaking, the state legislature approved Senate Bill 909 (later signed by Governor Snyder) that created the first Regional Transportation Authority (RTA) for southeast Michigan; the largest metropolitan area in the U.S. without a RTA. Transportation Secretary Ray LaHood has said that an RTA must be in place before developers of the M-1 Woodward Avenue bus rapid transit system can qualify for \$25 million in federal funding.

Construction of the Transit Center is on schedule and on budget; there are no expenditures to date from the construction contingency. Approximately 13% of the \$6.2 million project funding has been expended; all in accordance with the federal Davis–Bacon Act of 1931. This law establishes the requirement for paying the local prevailing wages on public works projects. It applies to “contractors and subcontractors performing work on federally funded projects in excess of \$2,000”, which of course is applicable to the Transit Center project.

Work activity at the Transit Center since the groundbreaking includes:

- Mobilization of equipment and materials to the site for grading and foundation work
- Construction of sanitary and water service leads, storm sewers and catch basins
- Partial completion of concrete foundations for east elevator tower and station

Work coming up in next 30 days includes:

- Foundation and steel work for elevator towers, station and bridge
- Platform pier/caisson construction
- Execution of AMTRAK Lease Agreement

A summary of Transit Center costs is attached for the Preliminary Design Phase that ended December 15, 2011, and the Final Design and Construction Phase, which lasts until the project is completed next year.

Please let me know if you have any questions or would like information on any particular aspect of the project.

City of Troy
Multi-Modal Transit Facility
MDOT Contract Number 2011-0231
MDOT Project Number 113143
AGENDA: CAB

Reimbursement Request Number 6

Invoice Number	Professional Services:								Construction:				Grand Total	% Comp.
	Construction Manager at Risk (CMR):							Total Professional Services	% Comp.	Owner Reimbursable				
	Architectural and Engineering	Pre Construction	General Conditions	Management Services	Consultant Fee	Total CMR	Hard Costs			Soft Costs	Total			
MDOT Contract Award							1,958,404.00			6,527,208.00			8,485,612.00	
City of Troy Project Reduction ¹							(661,024.24)			(1,552,087.76)			(2,213,112.00)	
City of Troy Contract Award ²	648,648.76	34,563.00	148,290.00	290,878.00	175,000.00	648,731.00	1,297,379.76	4,456,141.00	518,979.24	4,975,120.24			6,272,500.00	
Cost Transfer	64,841.28	-	-	-	-	-	64,841.28	-	(64,841.28)	(64,841.28)			-	
Prior Costs Incurred	514,155.01	33,267.32	12,334.61	11,473.35	-	57,075.28	571,230.29	-	183,377.89	183,377.89			754,608.18	
Current Costs:														
Hubbell Roth & Clark	35,211.81						35,211.81						35,211.81	
Transfer DTE Energy ³							-						-	
Tooles-Clark		1,250.76	21,264.20	18,706.06		41,221.02	41,221.02						41,221.02	
Transfer AT&T ³							-						-	
Transfer Ground Penetrating Radar Systems ⁴							-						-	
Transfer Level 3 Communications, LLC ⁵							-						-	
Transfer ITC Transmission ⁶							-						-	
Total Current Costs	35,211.81	1,250.76	21,264.20	18,706.06	-	41,221.02	76,432.83	-	-	-			76,432.83	
Total Project Costs Incurred to Date	549,366.82	34,518.08	33,598.81	30,179.41	-	98,296.30	647,663.12	49.9%	-	183,377.89	183,377.89	3.7%	831,041.01	13.2%
Remaining Balance	164,123.22	44.92	114,691.19	260,698.59	175,000.00	550,434.70	714,557.92		4,456,141.00	270,760.07	4,726,901.07		5,441,458.99	
Current Reimbursement													76,432.83	

¹Per Council Resolution #2012-01-009, total cost not to exceed \$6,272,500

²Not to exceed contracts

³Relocation of overhead utilities to underground

⁴GPR search for underground utilities

⁵Telecommunications facility inspection

⁶De-energize Troy-Wheeler 120KV transmission circuit

**Multi-Modal Transit Facility
Preliminary Site Design Phase**

**Final City of Troy Costs
August 2007 to December 15, 2011**

Professional Services:							
Professional Service Provider	Preliminary Site Design	Preliminary Engineering	Lobbyist	MDOT Grant	Environmental Assessment Assistance	RFP Assistance	Total Professional Services
Wendel Dechscherer Assoc.	429,442.00						429,442.00
Hubbell, Roth & Clark, Inc. (to April, 2011)		222,573.00					222,573.00
Clark Hill - Lobbyist			63,750.00				63,750.00
MDOT Grant - Prelim Design				(350,000.00)			(350,000.00)
Hubbell, Roth & Clark					31,278.90		31,278.90
Hubbell, Roth & Clark						9,148.22	9,148.22
Final City of Troy Costs (non-reimbursable)	429,442.00	222,573.00	63,750.00	(350,000.00)	31,278.90	9,148.22	406,192.12

Transit Center Construction Photos
November-December, 2012

Groundbreaking – November 27, 2012



East Stair/Elevator Tower - Mat Foundation



Transit Center Construction Photos
November-December, 2012

East Stair/Elevator Tower Wall Reinforcement and Forms



East Stair/Elevator Tower Walls and Forms



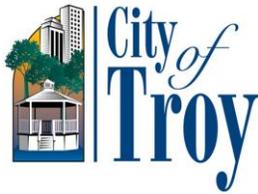
Transit Center Construction Photos
November-December, 2012

Station Building Foundation – North Side



Station Building Foundation - Northwest Corner





PLANNING COMMISSION 2012 ANNUAL REPORT

The Michigan Planning Enabling Act requires that municipal planning commissions prepare an annual written report to the legislative body concerning operations and the status of planning activities undertaken during the calendar year. In accordance, the following information has been compiled:

PLANNING COMMISSION

In 2012 the Planning Commission consisted of Mark Maxwell (Chair), John Tagle (Vice Chair), Donald Edmunds, Michael Hutson, Philip Sanzica, Robert Schultz, Tom Krent, Thomas Strat and Lon Ullmann. Gordon Schepke replaced Lon Ullmann on February 20, 2012. Mark Maxwell resigned as Chair in May, 2012. John Tagle and Donald Edmunds were elected Chair and Vice Chair, respectively, on June 12, 2012. Edward Kempen replaced Mark Maxwell on July 9, 2012.

Thomas Strat was Zoning Board of Appeals (ZBA) Representative.

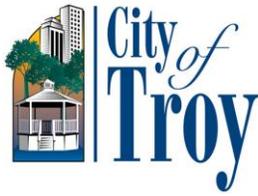
The Planning Commission held twenty-three (23) meetings during the year, comprised of twelve (12) Regular meetings and eleven (11) Special/Study meetings.

Thomas Strat and Michael Hutson served on the Sustainable Design Review Committee.

ZONING ORDINANCE AMENDMENTS

The Planning Commission considered the following amendment applications in 2012:

Amendment	Description	PC Action
Z 739	REZONING – 970 Colebrook, Section 22, From R-1C to CB	Public hearing 02 14 2012 Recommended denial
ZOTA 243	ZONING ORDINANCE TEXT AMENDMENT– Drive-Throughs for Financial Institutions within the Big Beaver Zoning District	Public hearing 06 12 2012 Recommended approval
CR 006	CONDITIONAL REZONING – 5500 New King, Section 8, From PUD 13 to CB and OM	Public hearing 07 10 2012 Recommended approval
CR 007	CONDITIONAL REZONING – 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O to IB	Public hearing 07 24 2012 Recommended approval
Z 741	REZONING – 1170 Woodslee, Section 27, From IB to RT	Public hearing 12 11 2012 Recommended approval



PLANNING COMMISSION 2012 ANNUAL REPORT

SUSTAINABLE DEVELOPMENT PROJECTS

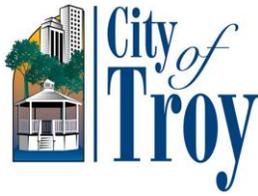
The Sustainable Design Review Committee considered the following amendment application in 2012:

Project/Description	SDRC Action
MBA Engineering, 1100 Piedmont, Section 26 – Zoned IB The applicant sought SDP status to permit front yard parking in IB district and exceed 20% minimum open space requirement.	SDP status granted 08 01 2012

SITE PLAN REVIEWS

The Planning Commission considered the following applications in 2012:

Project	Description	PC Action
SU 392	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Vehicle Repair Facility, Action Collision Inc., West of Dequindre, North of 14 Mile (2722 Elliott), Section 36, Zoned IB	Approved 01 10 2012
SU 393	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Magical Touch Oil Change, Southeast Corner of Rochester Road and Hartland (1028 Hartland), Section 23, Zoned GB	Approved 02 28 2012
SU 394	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Tim Horton’s Restaurant, 1905 E Maple, Section 26, Zoned GB	Approved 03 27 2012
Site Condominium	PRELIMINARY SITE PLAN REVIEW – Tuscany Estates Site Condominium, 11 units/lots, West side of Dequindre, North of Winter Drive, Section 24, Zoned R-1C	Approved 04 10 2012
SP 973	PRELIMINARY SITE PLAN REVIEW – Old Dominion Freight Line, 1310 E Big Beaver, Section 26, Zoned IB	Approved 04 10 2012
Site Condominium	PRELIMINARY SITE PLAN REVIEW – Cedar Pines Estates No. 2 Site Condominium, 10 units/lots, East Side of Crooks Road, South of South Boulevard, Section 4, Zoned R-1B	Approved 05 08 2012



PLANNING COMMISSION 2012 ANNUAL REPORT

Project	Description	PC Action
SU 395	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Kroger Retail Fuel Center, West side of Rochester, South of Long Lake (4889 Rochester Road), Section 15, Zoned NN “L”	Approved 06 12 2012
SU 396	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Golden Mustang Auto Repair, 2251 John R, Section 26, Zoned IB	Approved 07 10 2012
SP 976	PRELIMINARY SITE PLAN REVIEW – Regents Park of Troy Phase II, West of Crooks, North side of Butterfield, Section 29, Zoned MF	Approved 08 14 2012
PUD 004	PLANNED UNIT DEVELOPMENT – Big Beaver Center, North side of Big Beaver Road between Alpine and McClure, Section 20, Zoned PUD 004	Recommended approval 08 14 2012
SU 397	SPECIAL USE REQUEST & PRELIMINARY SITE PLAN REVIEW – Fisher Dynamics Metal Forming, 1625 W. Maple, Section 32, Zoned MR	Approved 08 28 2012
SP 978	PRELIMINARY SITE PLAN REVIEW –Troy 7-Eleven, Southeast Corner of Crooks and Wattles (3984 Crooks), Section 21, Zoned NN “I”	Approved 09 11 2012
Site Condominium	PRELIMINARY SITE PLAN REVIEW – Bridgewater Estates Site Condominium, 27 units/lots, 5470 John R, Section 12, Zoned R-1C	Approved 12 11 2012



COUNCIL REPORT

Date: January 23, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Cindy Stewart, Community Affairs Director
Steve Vandette, City Engineer
Glenn Lapin, Economic Development Specialist

Subject: Troy Multi-Modal Transit Center Status Report

In addition to the memo from Steve Vandette updating City Council on transit center construction activities, this memo provides further information on key issues.

Land Status

As the result of a settlement of a lawsuit, Grand Sakwa was permitted to develop approximately 75 acres into an intense mixed use development at the corner of Coolidge and Maple, on the site of the former Ford New Holland plant. As part of the settlement, the City was deeded a 2.7 acre parcel at the rear of the commercial development, which was adjacent to the railroad tracks. This site was intended to be used for the anticipated future transportation center. The City has been the owner of this 2.7 acre parcel since June 21, 2001, when Grand Sakwa deeded it over to the City. The condition in the deed, as well as the consent judgment, required the transportation center to be "funded" on or before June 2, 2010.

On July 9, 2010, Grand Sakwa filed a Motion in the Oakland County Circuit Court, asking the Court to require the City to deed the property back to Grand Sakwa, on the basis that the transit center was allegedly not funded prior to 6/2/2010. In response to the motion, the City argued that the transit center was funded timely. The City identified numerous funding sources which included a federal appropriation in the amount of \$1.3 million that was designated by Congress on December 16, 2009 and an \$8.5 million grant from the federal government which was announced on January 22, 2010 as part of the Recovery Act of 2009. Grand Sakwa's motion was ultimately rejected by the Oakland County Circuit Court on 6/2/2011. Grand Sakwa's Motion for reconsideration was also denied by the Oakland County Circuit Court on 9/22/2011.

Grand Sakwa then filed an appeal with the Michigan Court of Appeals, which was dismissed on 10/11/2011 since there is no automatic right to appeal a post judgment action. Grand Sakwa then filed an unsuccessful motion for reconsideration, which was denied on 12/8/2011. Grand Sakwa also simultaneously filed a delayed application for leave to appeal on 11/22/2011. The application for leave to appeal was granted on 7/27/2012, allowing the parties an opportunity to have this case decided by the Michigan Court of Appeals. The briefs were all submitted by December 2012, and it is expected that oral argument will occur in approximately six months and the opinion issued a few months thereafter.



COUNCIL REPORT

Because of the very narrow timeframes inherent in federal funding, the City could not wait until the conclusion of the litigation to commence the project. However, there is also a provision in the Consent Judgment that allows the City to purchase the parcel at a price set by an independent fee appraiser, and therefore the risk is minimal.

Operation & Maintenance Budget

The annual operation and maintenance cost for the Transit Center is estimated at \$36,000.

The City Engineer's cost estimate (attached) is based on the final project design drawings, which allowed the maintenance needs to be clearly and accurately identified. Quantities such as the square footage of glass needing cleaning, square footage of heated space versus unheated space and square footage of surfaces needing snow removal, grass cutting or tree maintenance are among the items that were measured. Many of the quantities seem low for a \$6.2 million dollar project, but they are low for a reason. The project was designed not only to be functional and within budget, but low in cost to operate and maintain as well.

For example, there are no high maintenance flower or shrub beds, only existing trees and a small number of new trees, which require minimal maintenance. Only 1,600 square feet of the station building is heated and air conditioned. The building vestibule, elevator/stair towers and bridge are ventilated, but not heated or cooled. The south side of the station building, which is the largest green space on the site, is planted with wild grasses to give it a natural appearance, but not require mowing. Station window cleaning is done twice a year, but the bridge and elevator towers are cleaned every three years. These design features and maintenance strategies combine to create a Transit Center that is functional, efficient and relatively low cost to operate and maintain.

The Lease Agreement being finalized with Amtrak provides that Amtrak pays their proportionate share of operation and maintenance costs. Upon opening the facility scheduled for July 2013, Amtrak is expected to be the only user, therefore; Amtrak's proportionate share would be 100% of these costs. As other users of the station building emerge, Amtrak's share of costs would go down as part of the operation and maintenance costs would be paid by others.

We expect the Lease Agreement will be ready for Council approval in February.

Conversations with Smart Bus are now taking place to coordinate Smart's use of the facility.

Construction

Construction of the Transit Center is on schedule and on budget; there are no expenditures to date from the construction contingency. Approximately 14% of the \$6.2 million project funding has been expended; all in accordance with the federal Davis–Bacon Act of 1931. This law establishes the requirement for paying the local prevailing wages on public works projects. It applies to “contractors and subcontractors performing work on federally funded projects in excess of \$2,000 for construction”, which of course is applicable to the Transit Center project.



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More details can be found in the accompanying Transit Center construction update memo.

Business Opportunities

As construction proceeds, City Management continues to work closely with the Troy Chamber of Commerce on identifying business opportunities to support the operations and maintenance of the Troy Transit Center. John Tagle is the Chamber's representative now that Michele Hodges has left her position at the Chamber. John is also a Troy Planning Commissioner.

To assist City Management and the Troy Chamber in securing business support for the Troy Transit Center, Marketing Associates has been providing assistance. Marketing Associates has significant expertise in marketing campaigns, identifying business support opportunities and selling naming rights and sponsorships. The company has worked with the City in developing a communications strategy, including the City of Troy's newly launched website. Marketing Associates is helping to identify marketable business and sponsorship opportunities, communicate demographic information to support a business case for Transit Center sponsorship opportunities, and produce an offering proposal to businesses. Consulting fees need to be negotiated, but it is anticipated that fees would be paid from sponsorship revenue generated.

Selling naming rights for the Troy Transit Center is a potential component of generating sponsorship revenue. On a national basis, there are a few examples of where naming rights have been sold for transit centers. The attached article describes a recent facility in Pennsylvania named after a major corporation as a part of an overall sponsorship package. Additional guidance from City Council will be needed on this issue.

The ability to sell sponsorships depends upon the Transit Center's visibility and traffic. Although the Troy Transit Center will not generate traffic the way an airport does or the way Amtrak stations do in hub cities like Chicago or New York City, modest local traffic will be generated. For the 2012 calendar year, 20,233 passengers boarded or deboarded the train at the existing Amtrak platform in Birmingham, and this occurred without any passenger facilities associated with the Birmingham platform. Based on the Troy Intermodal Rail Passenger Facility Environmental Assessment of July 2011, it is projected that annual boardings and deboardings would increase to 51,485 by 2027.

Smart bus activity for the four routes that are expected to use the Troy Transit Center is estimated at 18,200 passengers per year. When the train and bus passenger activity is combined, along with regular shopping center traffic from the adjacent Midtown Square, the opportunities for locally based business sponsorships become more attractive.

City Management will continue to work with our Troy Chamber of Commerce partners on business opportunity issues. City Council will be kept apprised of our progress.



COUNCIL REPORT

Reviewed and Approved
Lori Grigg Bluhm, City Attorney

Date

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Historic train station to be named for PNC

By Joe Napsha

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The century-old Train Station at Greensburg, which serves as an Amtrak stop and houses a restaurant and professional offices, will become the PNC Station at Greensburg by the end of the year, the Westmoreland Cultural Trust said on Tuesday.

"We're pretty excited about it," said Michael Langer, president of the Trust, a Greensburg-based nonprofit with a mission to stimulate cultural and economic development.

PNC Financial Services Group Inc. of Pittsburgh, parent firm of PNC bank, was awarded the naming rights for a minimum of 10 years as a component of the PNC Foundation's \$300,000 grant to the trust to promote learning among children and a greater appreciation of the arts, the trust said. That grant, which was announced in September, will be used to enhance the trust's arts education for more than 1,000 preschoolers in the region, bringing theater performances to children and exposing them to other cultures through International Christmas.

"PNC wanted to have a greater presence in Westmoreland County" and saw the naming of the train station as a way to achieve that, Langer said.

PNC Station signs will be installed after discussions with PNC, Langer said. The location of the signs has not been determined.

PNC, which is one of the nation's largest banks, provided the money in support of economic development in Westmoreland County and as part of Grow Up Great, the bank's \$350 million multi-year bilingual initiative to help prepare preschoolers for success in school and life.

The possibility of giving PNC the naming rights to the Train Station was discussed earlier this year as part of the PNC Foundation's considerations for providing the Trust with the grant for children's programs, Langer said. The PNC Foundation is the philanthropic arm of PNC.

"We are honored to have this beautiful building named in recognition of our support of its (the Trust) commitment to preserve the community's cultural gems," James Balouris, Southwestern Pennsylvania market manager for PNC, said in a statement.

The Train Station may not be the Westmoreland Cultural Trust's only property to be renamed. The Trust "possibly" may sell the naming rights to the Palace Theatre, also in downtown Greensburg, Langer said. He declined to comment further.

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TROY MULTI MODAL TRANSIT FACILITY
ANNUAL OPERATION AND MAINTENANCE COST ESTIMATE

	Item	Quantity	Unit	Unit Price	Total Cost
1	Building Maintenance and Custodial (based on city billing history)	2,900	SF	\$3.07	\$8,903
2	Custodial supplies (based on city billing history)	2,900	SF	\$0.20	\$580
3	Mowing (one acre or less) (based on city billing history)	21	EA	\$28.00	\$588
4	Snow and Ice Removal - Parking Lot and Doyle Drive (based on city billing history) 45,000 SF x \$3.20 per 1,000 SF = \$144 per removal)	30	EA	\$144.00	\$4,320
5	Snow and Ice Removal - Sidewalks (based on city billing history) (9,550 SF x \$.01 per SF = \$96 per removal x 30/year (No heated Sidewalks)	30	EA	\$96.00	\$2,880
6	Electricity, calibrated to 2,900 sf (based on city billing history)	12	Month	\$500.00	\$6,000
7	Gas Utility, calibrated to 1,600 sf of heated area (based on city billing history,	12	Month	\$150.00	\$1,800
8	Elevator Maintenance (based on average annual cost for City's elevators)	2	EA	\$1,875.00	\$3,750
9	Water & Sewer (based on city billing rates)	4	Quarter	\$75.00	\$300
10	Window Cleaning, 3yr cycle in CN ROW, 2/yr for Bldg. (based on billing history and market analysis)	1	EA	\$1,916.00	\$1,916
11	Parking Lot Lights (based on energy cost per fixture, 10 yr cost cycle)	12	Fixture	\$200.00	\$2,400
12	Mulch Trees in Parking Lot (based on DPW costs)	23	EA	\$10.00	\$230
13	CN Flagman for glass cleaning in CN ROW, 3 yr cycle (based on actual CN cost)	1	EA	\$333.00	\$333
14	Pro-rata Share of Doyle Maintenance w/Grand Sakwa (based on DPW costs)	4	Quarter	\$500.00	\$2,000
				Total Estimated O&M Costs	\$36,000

Prepared by: Troy Engineering Department