



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**MARCH 4, 2013  
CONVENING AT 7:30 P.M.**

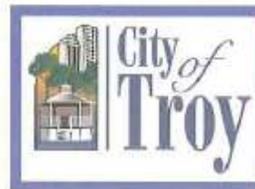
**Submitted By  
The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: 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 that reads "B. Kischnick". The signature is stylized and appears to be written in a cursive or semi-cursive hand.

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**

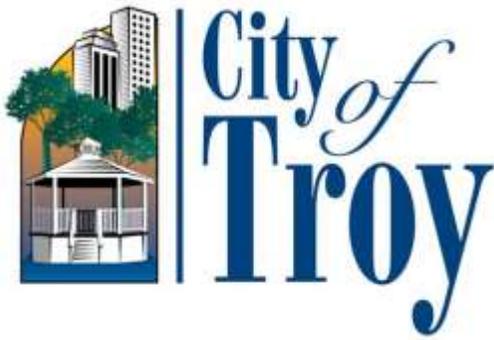
- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent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

March 4, 2013 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor John Frankenstein from Zion Christian Church** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

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

C-1 Troy Youth Assistance Presentation (*Presented by: Cindy Stewart, Community Affairs Director*) **1**

C-2 Troy Historic Village – A City of Troy – Troy Historical Society Partnership  
(*Presented by: Loraine Campbell, Museum Director*) **1**

**D. CARRYOVER ITEMS:** **1**

D-1 No Carryover Items **1**

**E. PUBLIC HEARINGS:** **1**

E-1 No Public Hearings **1**

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<b><u>F.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA:</u></b>	<b><u>1</u></b>
<b><u>G.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b><u>3</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>3</u></b>
H-1	Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions	3
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>3</u></b>
I-1	Board and Committee Appointments: a) Mayoral Appointments - None; b) City Council Appointments – Historic District Commission	3
I-2	Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Zoning Board of Appeals	4
I-3	Closed Session	6
I-4	DTE Energy Solar Currents Proposal ( <i>Introduced by: Glenn Lapin, Economic Development Specialist</i> )	7
I-5	2013 Tri-Party Program – Concrete Slab Replacements on County Roads ( <i>Introduced by: Steve Vandette, City Engineer</i> )	7
I-6	Approval of Second Amendment to MDOT Capital Contract for Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2 ( <i>Introduced by: Steve Vandette, City Engineer</i> )	8
I-7	Approval of Second Amendment to Architectural/Engineering Services Contract for Design of the Safety Crash Wall at the Troy Multi-Modal Transit Facility ( <i>Introduced by: Steve Vandette, City Engineer</i> )	8
I-8	Approval of Contract Amendment No. 2 for Construction of the Safety Crash Wall at the Troy Multi-Modal Transit Facility ( <i>Introduced by: Steve Vandette, City Engineer</i> )	9
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>10</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	10

J-1b	Address of “J” Items Removed for Discussion by City Council	10
J-2	Approval of City Council Minutes	10
	a) City Council Minutes-Draft – February 18, 2013.....	10
	b) City Council Minutes-Draft – February 20, 2013.....	10
J-3	No Proposed City of Troy Proclamations:	10
J-4	Standard Purchasing Resolutions:	10
	a) Standard Purchasing Resolution 3: Exercise Renewal Option – Mowing and Landscape Services .....	10
	b) Standard Purchasing Resolution 3: Exercise Renewal Option - Hauling and Disposal of Dirt and Debris.....	11
	c) Standard Purchasing Resolution 4: Cooperative Contracts - Upgrade and Expansion of Exchange Email System.....	11
J-5	Addendum #1 – Charnwood Hills Phase 1 Contract #12-05 Chip Seal Treatment in Charnwood Hills	12
J-6	Request for Special Budget Study Session Date Change	12
J-7	Gennari v City of Troy Lawsuit	12
J-8	Paint Creek 3 <sup>rd</sup> Annual Regional Arts & Culture Awards	12
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>13</b>
K-1	Announcement of Public Hearings:	13
	a) March 18, 2013 - Rezoning Application (Z-742) – Proposed 1071 Villa Park ....	13
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time):	13
	a) Proposal to Amend Chapter 69 – Precious Metal, Gems and Items .....	13
<b><u>L.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:</u></b>	<b>13</b>
<b><u>M.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b>13</b>
M-1	No Council Referrals Advanced	13

**N. COUNCIL COMMENTS:** **13**

---

N-1 No Council Comments Advanced 13

**O. REPORTS:** **13**

---

O-1 Minutes – Boards and Committees: None Submitted 13

- a) Election Commission-Final-September 27, 2012 ..... 13
- b) Parks and Recreation Advisory Board-Final-September 27, 2012 ..... 13
- c) Parks and Recreation Advisory Board-Final-October 25, 2012 ..... 13
- d) Building Code Board of Appeals-Final-January 2, 2013..... 13
- e) Planning Commission Special/Study-Draft-January 22, 2013 ..... 13
- f) Planning Commission Special/Study-Final-January 22, 2013 ..... 13
- g) Election Coordinating Committee-Final-January 25, 2013 ..... 13
- h) Building Code Board of Appeals-Draft-February 6, 2013 ..... 13
- i) Election Commission-Draft-February 25, 2013 ..... 13

O-2 Department Reports: 13

- a) 2012 Towing Contract Report – A & M Towing (*Introduced by: Keith A. Frye, Captain – Investigative/Administrative Services Division*) ..... 13

O-3 Letters of Appreciation 14

- a) Letter of Appreciation to Chief Mayer From David McCain, US Dept. of Justice Regarding Officer Assistance at the ATF Comprehensive Violence Reduction Partnership Taskforce ..... 14
- b) Letter of Appreciation to Chief Mayer From Asteria Diana Regarding Officer Scott Allan and Traffic Emergency Assistance ..... 14
- c) Letter of Appreciation to Chief Mayer From Stephanie Bergeron, Walsh College Regarding Traffic Flow Assistance for Commencement Ceremonies ... 14
- d) Letter of Appreciation to Troy Police Department From Bethany Mosshart Regarding Police Services ..... 14
- e) Letter of Appreciation to Officer Paul Bednard From Shelley and Henry Rosenfield Regarding Traffic Assistance..... 14
- f) Letter of Appreciation to Chief Mayer From Jeffrey Kreibich Regarding Excellence in Police Services Concerning an Armed Robbery Incident..... 14

O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted 14

O-5 Historical Society Annual Report 14

O-6 Department of Licensing and Regulatory Affairs Bureau of Construction Codes Notice of Public Hearing for Michigan Part 7 Plumbing Code Rules and Survey and Remonumentation Rules 14

**P. STUDY ITEMS: 14**

P-1 Library – Troy Working Together – “What Kind of City Do We Want to Be?” 14

**Q. CLOSED SESSION: 14**

Q-1 Closed Session 14

**R. ADJOURNMENT: 14**

**FUTURE CITY COUNCIL PUBLIC HEARINGS: 15**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS: 15**

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

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 15**

Monday, March 11, 2013 Special Meeting .....	15
Monday, April 22, 2013 Special Meeting .....	15
Monday, April 29, 2013 Special Meeting .....	15



**INVOCATION: Pastor John Frankenstein from Zion Christian Church**

**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 #2013-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of March 4, 2013, due to \_\_\_\_\_.

Yes:

No:

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

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**C-1** Troy Youth Assistance Presentation (*Presented by: Cindy Stewart, Community Affairs Director*)

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**C-2** Troy Historic Village – A City of Troy – Troy Historical Society Partnership (*Presented by: Loraine Campbell, Museum Director*)

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

**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 Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

#### Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

RESOLVED, That Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, pertaining to miscellaneous Zoning Ordinance revisions, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 244), City Council Public Hearing Draft, as recommended by the Planning Commission, with a copy of the Planning Commission Minutes to be **ATTACHED** to the Minutes of this meeting.

Yes:

No:

## **I. REGULAR BUSINESS:**

### **I-1 Board and Committee Appointments: a) Mayoral Appointments - None; b) City Council Appointments – Historic District Commission**

#### **a) Mayoral Appointments - None**

#### **b) City Council Appointments**

#### Suggested Resolution

Resolution #2013-03-

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:

#### **Historic District Commission**

Appointed by Council

7 Regular Members  
3 Year Term

**Nominations to the Historic District Commission:**

**Term Expires: 3/1/2014**

**Ann Partlan**

Term currently held by: Ann Partlan

Yes:

No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Zoning Board of Appeals**

**a) Mayoral Nominations**

Suggested Resolution

Resolution #2013-03-

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
Bostick	Dennis	1/31/2015	2/4/2013	9/30/2016	In District	
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	
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	
Slater	Dane				At Large	Mayor

Vacancy				9/30/2013	At Large	Michele Hodges' 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**

**At Large**

Term currently held by: Vacancy-Michele Hodges 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 D.	2/12/2015	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 #2013-03-

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:

**Zoning Board of Appeals**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Resume	Appointment	Notes 2
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		Expire	Expire	
Clark	Glenn	5/31/2014	4/30/2015	
Courtney	Kenneth	2/25/2015	4/30/2013	
Fisher	William	6/16/2012	4/30/2013	
Kaltsounis	Orestis Rusty	1/20/2014	1/31/2015	ZBA (Alternate); P&R Bd exp 9/30/2015
Kneale	A. Allen	3/9/2013	4/30/2014	ZBA exp 4/30/14; Brownfield exp 4/30/13
Lambert	Dave	1/8/2015	4/30/2014	Requests Reappointment
Strat	Thomas	11/16/2013	12/31/2014	PC Rep. to ZBA
Vacancy			1/31/2015	ZBA (Alternate); Bruce Bloomingdale resigned
Vacancy			4/30/2015	Michael Bartnik resigned

**Nominations to the Zoning Board of Appeals:**

**Term Expires: 1/31/2015**

**(Alternate)**

Term currently held by: Bruce Bloomingdale (Resigned)

**Term Expires: 4/30/2015**

Term currently held by: Michael Bartnik (Resigned)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Chambers	Barbara	4/30/2014	Historic Dist exp 3/1/2014; Hist Dist Study-Ad Hoc
Eisenbacher	David	11/14/2013	
Kaltsounis	Andrew	12/13/2014	Liquor Advisory Comm. exp. 1/31/2013
Kempen	Edward	2/1/2014	Planning Comm exp 12/31/2013
Krent	Thomas	12/13/2014	Planning Commission exp. 12/31/2013
Ragan	John	1/26/2014	

Yes:

No:

**I-3 Closed Session**

Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Knutson v. City of Troy, et. al.*

Yes:

No:

**I-4 DTE Energy Solar Currents Proposal (Introduced by: Glenn Lapin, Economic Development Specialist)**

Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

WHEREAS, The City of Troy was approached by Solar Project Developers, GenPoint Energy and Inovateus, to identify potential sites for inclusion in a response to a Request For Proposal issued by DTE Energy for DTE’s Solar Currents program; and

WHEREAS, DTE Energy is seeking to build approximately a 1 Megawatt solar panel system in Troy as a part of its commitment to have at least 10% of its generated power originate from renewable energy sources; and

WHEREAS, DTE Energy has targeted approximately four acres of the City owned future Public Park site adjacent to northbound I-75 (east of I-75) and south of Long Lake Road for this project; and

WHEREAS, A 20-year lease of the site is being proposed by DTE Energy which would generate annual lease payments to the City in an amount to be determined; and

WHEREAS, All project expenses, including maintenance, would be borne by DTE Energy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS / DOES NOT DIRECT** the City Attorney and City Manager to negotiate a Lease Agreement to present to City Council.

Yes:

No:

**I-5 2013 Tri-Party Program – Concrete Slab Replacements on County Roads (Introduced by: Steve Vandette, City Engineer)**

Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

**RESOLVED**, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2013 Tri-Party Program is hereby

**APPROVED** at an estimated cost to the City of Troy of \$177,692, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**I-6 Approval of Second Amendment to MDOT Capital Contract for Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2 (Introduced by: Steve Vandette, City Engineer)**

Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

WHEREAS, On September 12, 2011 City Council approved Capital Contract No. 2011-0231 with MDOT (Resolution No. 2011-09-210) for \$8,485,212 in federal funds for the final design and construction of the Troy Multi-Modal Transit Facility; and

WHEREAS, On January 17, 2012, City Council resolved that the total cost of the Troy Multi-Modal Transit Center not exceed \$6,272,500 (Resolution No. 2012-01-008); and

WHEREAS, On November 12, 2012, City Council approved the First Amendment to the MDOT Capital Contract to reduce the grant funding amount from the original \$8,485,212 to \$6,272,500; and

WHEREAS, Canadian National Railroad (CN) has recently imposed a safety requirement that requires the addition of a crash wall for the west elevator/bridge support tower on the Birmingham side at a cost of \$348,236.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a Second Amendment to MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation to increase the funding amount from \$6,272,500 to a not to exceed amount of \$6,620,736, and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

Yes:

No:

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**I-7 Approval of Second Amendment to Architectural/Engineering Services Contract for Design of the Safety Crash Wall at the Troy Multi-Modal Transit Facility (Introduced by: Steve Vandette, City Engineer)**

Suggested Resolution

Resolution #2013-03-

Moved by

Seconded by

WHEREAS, On January 17, 2012, City Council approved a contract with Hubbell, Roth and Clark, Inc. (HRC) for Architectural and Engineering Services (A/E) for the Multi-Modal Transit Facility (Resolution No. 2012-01-008); and

WHEREAS, On November 12, 2012 City Council approved Contract Amendment No. 1 in the amount \$64,822.20 for Construction Testing Services in support of the Troy Multi-Modal Transit Facility. The total amount of the contract became \$713,470.96; and

WHEREAS, HRC has submitted a design proposal in the amount of \$60,613 for design, testing and construction staking for the crash wall required by CN along the west elevator/bridge support tower.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Contract Amendment No. 2 in the amount of \$60,613, as submitted by HRC for design, testing and construction staking for construction of the safety crash wall, for a total contract amount of \$774,083.96 and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

Yes:  
No:

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**I-8 Approval of Contract Amendment No. 2 for Construction of the Safety Crash Wall at the Troy Multi-Modal Transit Facility (*Introduced by: Steve Vandette, City Engineer*)**

Suggested Resolution  
Resolution #2013-03-  
Moved by  
Seconded by

WHEREAS, The City of Troy received a federal grant for the construction of the Troy Multi-Modal Transit Facility through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), as secured through a TIGER grant; and

WHEREAS, On January 17, 2012 City Council resolved that the total cost of the Troy Multi-Modal Transit Facility shall not exceed \$6,272,500; and

WHEREAS, On October 22, 2012 City Council approved Contract Amendment No. 1 in the amount of \$4,456,141 for construction of the Troy Multi-Modal Transit Facility by Toolles/Clark and the total contract, including the original contract amount for construction management services, became \$5,104,872; and

WHEREAS, Toolles/Clark LLC has submitted a Guaranteed Maximum Price (GMP) proposal of \$287,623 for construction of the crash wall required by CN along the west elevator/bridge support tower.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Contract Amendment No. 2 in the amount of \$287,623 as submitted by Tooles/Clark for construction of the safety crash wall for a total contract amount with Tooles/Clark of \$5,392,495 and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

Yes:

No:

## **J. CONSENT AGENDA:**

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

#### Suggested Resolution

Resolution #2013-03-

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:

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

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### **J-2 Approval of City Council Minutes**

#### Suggested Resolution

Resolution #2013-03-

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

- a) City Council Minutes-Draft – February 18, 2013
- b) City Council Minutes-Draft – February 20, 2013

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### **J-3 No Proposed City of Troy Proclamations:**

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### **J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Mowing and Landscape Services**

#### Suggested Resolution

Resolution #2013-03-

WHEREAS, On March 15, 2010, Troy City Council awarded a three-year contract to provide mowing and landscape services with an option to renew for two (2) additional years to the low

total bidder, Green Meadows Lawnscape of Sterling Heights, MI (Resolution #2010-03-071 Item I-4b); and

WHEREAS, The awarded bidder has agreed to exercise a one-year option to renew plus add additional acreage under the same prices, terms, and conditions as originally bid;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to exercise the option to renew the contract with Green Meadows Lawnscape now of Shelby Township, MI, to provide one-year requirements of mowing and landscape services to all municipal property under the same contract prices, terms, and conditions for an estimated total cost of \$410,000 expiring December 31, 2013.

**b) Standard Purchasing Resolution 3: Exercise Renewal Option - Hauling and Disposal of Dirt and Debris**

Suggested Resolution  
Resolution #2013-03-

WHEREAS, On April 2, 2012, Troy City Council awarded a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the low bidder, Bedrock Express LTD of Ortonville, MI (Resolution #2012-04-070-J-4a); and

WHEREAS, The awarded bidder has agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to exercise the option to renew the contract with Bedrock Express LTD of Ortonville, MI, to provide one-year requirements of Hauling and Disposal of Dirt and Debris under the same contract prices, terms, and conditions expiring April 30, 2014.

**c) Standard Purchasing Resolution 4: Cooperative Contracts - Upgrade and Expansion of Exchange Email System**

Suggested Resolution  
Resolution #2013-03-

WHEREAS, The City utilizes Microsoft Exchange as the foundation for its email system; and

WHEREAS, The current version Exchange 2003 will no longer be supported as of April, 2014; the newest versions 2010 and 2013 offer many features which would improve City email services, and there is a need to expand mailbox size;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the purchase of Exchange 2013 and related hardware through the National IPA and REMC cooperative contracts with CDW-G as detailed in Attachment B, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, utilizing approved purchasing procedures for an estimated cost of \$79,355.00, plus an estimated \$2,800.00 for annual recurring maintenance fees.

**J-5 Addendum #1 – Charnwood Hills Phase 1 Contract #12-05 Chip Seal Treatment in Charnwood Hills**Suggested Resolution

Resolution #2013-03-

RESOLVED, That contract No. 12-05, Charnwood Hills Phase I Chip Seal with Highway Maintenance & Construction Co., P.O. Box 74411, Romulus, MI 48174-04111, be **AMENDED** to include Chip Seal work in Charnwood Hills Phase 2 Sewer Project Area at an estimated cost of \$230,000.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 20% of the total project cost.

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**J-6 Request for Special Budget Study Session Date Change**Suggested Resolution

Resolution #2013-03-

BE IT RESOLVED, That the Special Budget Study Meeting scheduled for Monday, April 29<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road be **RESCHEDULED** for Wednesday, April 24<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road.

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**J-7 Gennari v City of Troy Lawsuit**Suggested Resolution

Resolution #2013-03-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Maurice Gennari, Sandra Gennari, and Sandra Gennari Trust, u/a/d April 2008 v. City of Troy, et. al.* (Oakland County Circuit Court Case No. 2013-132103-CH) and to retain any necessary expert witnesses to adequately represent the City.

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**J-8 Paint Creek 3<sup>rd</sup> Annual Regional Arts & Culture Awards**Suggested Resolution

Resolution #2013-03-

RESOLVED, That Troy City Council hereby **NOMINATES** The Belian Art Gallery and Gallery Director Zabel Belian to represent the City of Troy in the Paint Creek Center of the Arts' "2013 Regional Arts Awards" competition.

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**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

- a) March 18, 2013 - Rezoning Application (Z-742) – Proposed 1071 Villa Park
- 

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Proposal to Amend Chapter 69 – Precious Metal, Gems and Items
- 

**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

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- M-1** No Council Referrals Advanced
- 

**N. COUNCIL COMMENTS:**

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- N-1** No Council Comments Advanced
- 

**O. REPORTS:**

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**O-1 Minutes – Boards and Committees: None Submitted**

- a) Election Commission-Final-September 27, 2012  
b) Parks and Recreation Advisory Board-Final-September 27, 2012  
c) Parks and Recreation Advisory Board-Final-October 25, 2012  
d) Building Code Board of Appeals-Final-January 2, 2013  
e) Planning Commission Special/Study-Draft-January 22, 2013  
f) Planning Commission Special/Study-Final-January 22, 2013  
g) Election Coordinating Committee-Final-January 25, 2013  
h) Building Code Board of Appeals-Draft-February 6, 2013  
i) Election Commission-Draft-February 25, 2013
- 

**O-2 Department Reports:**

- a) 2012 Towing Contract Report – A & M Towing (*Introduced by: Keith A. Frye, Captain – Investigative/Administrative Services Division*)
-

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**O-3 Letters of Appreciation**

- a) Letter of Appreciation to Chief Mayer From David McCain, US Dept. of Justice Regarding Officer Assistance at the ATF Comprehensive Violence Reduction Partnership Taskforce
- b) Letter of Appreciation to Chief Mayer From Asteria Diana Regarding Officer Scott Allan and Traffic Emergency Assistance
- c) Letter of Appreciation to Chief Mayer From Stephanie Bergeron, Walsh College Regarding Traffic Flow Assistance for Commencement Ceremonies
- d) Letter of Appreciation to Troy Police Department From Bethany Mosshart Regarding Police Services
- e) Letter of Appreciation to Officer Paul Bednard From Shelley and Henry Rosenfield Regarding Traffic Assistance
- f) Letter of Appreciation to Chief Mayer From Jeffrey Kreibich Regarding Excellence in Police Services Concerning an Armed Robbery Incident

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

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**O-5 Historical Society Annual Report**

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**O-6 Department of Licensing and Regulatory Affairs Bureau of Construction Codes Notice of Public Hearing for Michigan Part 7 Plumbing Code Rules and Survey and Remonumentation Rules**

**P. STUDY ITEMS:**

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**P-1 Library – Troy Working Together – “What Kind of City Do We Want to Be?”**

**Q. CLOSED SESSION:**

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**Q-1 Closed Session**

**R. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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, March 11, 2013 .....	Special Meeting
Monday, April 22, 2013 .....	Special Meeting
Monday, April 29, 2013 .....	Special Meeting



**Troy Historic Village  
Annual Report for FY2011/12  
A City of Troy - Troy Historical Society Partnership**



## Troy Historical Society Contributions to Develop and Manage The Troy Historic Village

- Capital support to acquire, relocate and restore historic buildings

**\$1,477,600**



- Operational support for education programs that serve 11,000 students annually, family enrichment programs and special events

**\$459,000**



- Volunteer Service averaging 3,000 hours/year and valued at \$7.00/hour

**\$880,000**

**Total investment through 2013**

**\$2.78 Million**

# Operations Agreement



- THS assumed operational management of Village on July 1, 2011:
  - 5 year agreement can be renewed 5 times
  - City retains ownership and is responsible for:
    - Utilities
    - Liability insurance
    - Security
    - Buildings and grounds maintenance
    - Major capital repairs
  - THS responsible for:
    - Full time Executive Director
    - Part time paid staff
    - Collections management
    - Volunteer management
    - All programs and services
    - Marketing
    - Fundraising
    - Information Technology
    - Prior agreements to expand Village

# Transition Year Accomplishments



- Public access, education and enrichment programs were maintained or increased (open Saturday during summer)
- Earned revenues from programs, facilities rentals, and development maintained or increased
- Initiated cooperative programming with the Troy Nature Society/Troy Nature Center
- Sponsorships increased
- Improvements made in public areas and signage
- Five-year capital projects plan prepared
- Exterior repairs to Niles-Barnard House completed
- Critical collections storage issues addressed
- New volunteers recruited, oriented and trained
- New accounting and bookkeeping policies, procedures and systems established
- Human Resources policies and procedures established and employee handbook developed

## Financial Transition

### Recent Operations Budgets:

- FY 2009/10 514,200
- FY 2010/11 295,600
- FY 2011/12 365,600 \*
- FY 2012/13 369,000

### Troy Historical Society Revenues and Expenses Audit FY 2011/12

- Revenue 248,740
- Expenses 292,600
- Expenses over revenue (43,858)
- THV operating loss (8,448)

\*Includes \$73,000 from City for core costs

## Grants Awarded

### FY 2011/12

• Michigan Humanities Council	4,310	
• Michigan Humanities Council	12,535	
• Kresge Foundation	20,000	
• James & Lynelle Holden Fund	1,000	
Total		37,845

### FY 2012/13

• Kresge Foundation	15,000	
• Brooksie Way	1,871	
• Lula C. Wilson Trust	2,500	
FY 2013 committed to date		19,371

### FY 2013/14

• Kresge Foundation	15,000	
FY 2014 committed to date		15,000

**Grant Income FY2012-14 committed to date 72,216**

# Progress Toward Sustainable Operations

- Invested in increased institutional and program marketing and advertising
- Improved communications with members through on-line and social media sites and traditional print media
- Increased participation in Chamber of Commerce and Cultural Source
- Recruited new Trustees skilled in strategic planning, financial management and education
- Convened Strategic Planning Team to provide a structure to support sustainable operations and management
- Submitted major grant proposal to the Institute for Museum and Library Services (IMLS) to develop participatory visitor experiences
- Expanded cooperative programming with the Troy Nature Society
- Established service relationship with BuildOn
- Open 6 days a week during the summer



## Working Together Going Forward

- Work with the City to maximize the economic and community impact of the quality of life services in Troy
- Schedule quarterly meetings with City management to:
  - Review, clarify and update 5-year agreement
  - Discuss ongoing implementation of the approved THV Site Plan
- Request that the City of Troy provide the following annual financial support:
  - Core services as outlined in the agreement
  - Operational support of \$100,000
  - Capital maintenance fund renewable to \$50,000



**Troy Historical Society**  
**Annual Report to the City of Troy**  
**FY 2011/2012**  
**Submitted February 10, 2013**



**Annual Report to the City of Troy**  
**Troy Historical Society**  
**July 1, 2011 – June 30, 2012**

The Troy Historical Society has worked for 46 years to preserve the history of Troy – by relocating and restoring historic structures at the City’s Historic Village, and maintaining the community’s irreplaceable artifacts and archives – and to interpret that history for the education and enjoyment of residents and visitors. When the threat of serious budget shortfall led the City of Troy to decide, in 2010, that the City could no longer afford to keep the Troy Historic Village open to the public, the Historical Society determined to explore possible options for maximizing preservation of the City’s historic district while continuing to make this resource accessible to the 20,000 visitors who enjoy it annually. After a process of assessment and planning, the Troy Historical Society offered to take on responsibility for operation of the Village through a five-year letter of agreement with the City of Troy.

Goals for the first year of Troy Historical Society operation included the following:

- Maintain the same hours of access as the prior year (Tuesday through Thursday, 10:00 – 3:00)
- Maintain or increase public programming
- Maintain two public festivals annually, at Halloween and Christmas
- Increase earned and contributed revenue to help replace decreased support from the City of Troy.

The completion of the first year of joint operation saw these goals accomplished.

**Increased Revenues**

In order to increase earned revenue, staff and volunteers undertook a number of initiatives:

- Marketing, both inside Troy and to other communities, was increased and the perspective of programming was broadened to encompass the history and culture of southeast Michigan and;
- Outreach through the Troy Chamber of Commerce to Troy area businesses and organizations was increased, to market the Historic Village as an attractive place for community-building arts and cultural activities; as a result of this outreach, during the past year, the Village significantly increased site rentals for a wide variety of events, including weddings; baptisms; memorials; family, community and corporate picnics; photo shoots; and filming.
- In January 2012 the Troy Historic Village hosted our first rental event that included beer, wine and champagne service by a licensed caterer; the event was very successful and we anticipate that utilization of the Village for this type of rental will contribute to increased revenue.
- The Village also explored new mission-focused programming, included a *Civil War Candlelight Tour* in fall 2011 and *Summer in Time History Fun Camps* during summer 2012.

During the next year, the Troy Historical Society will continue to explore new programming initiatives. In addition, the Historical Society continues to explore opportunities to increase support of the Historic Village

through small business and corporate sponsorships, as well as individual donations. At the same time, representatives of the Troy Historical Society will meet with officials of the City of Troy to establish a yearly funding level that maximizes preservation and utilization of this unique City resource.

### **Improvements to the Troy Historic Village**

The Troy Historical Society established a Buildings Committee to oversee needed building maintenance and restoration and to assist in completing small projects with volunteer labor. Staff and volunteers oversaw several significant improvements to the Historic Village during the past year. They included the following:

- Reorganized first floor areas in Old Township Hall to create an improved space for greeting visitors, an expanded Village Store, a meeting room, and updated office space.
- Installed new carpeting, donated by Creative Carpets, in the Pioneer Room and the Village Store.
- Installed exterior and interior signage, designed by Michael Nowosatko and incorporating the new Troy Historic Village logo and other branding elements
- Developed a five-year prioritized plan for capital projects to be integrated with the City's multi-year budgets. The report was approved and submitted to Mark Miller, Director of Economic & Community Development.
- Work on the Niles-Barnard House during this year focused on stabilizing the structure after its move to the Historic Village in 2010. Salvaged stone from the original foundation was installed against the new foundation. The site was graded and seeded, with a generous gift of \$1,200 from the Troy Garden Club. And wireless smoke, burglar, and motion detectors were installed on all floors of the building.

In addition, Historical Society staff and volunteers oversaw the completion of two capital projects. Plans and budgets for these projects, which were paid for with funding from the City of Troy, were approved by Director of Economic & Community Development Mark Miller and Department of Public Works Director Tim Richnak.

- The first floor interior of Township Hall received much-needed interior painting;
- Town Hall was stripped and sanded, needed repairs were made to the wood, and the building was caulked and stained. Staining was chosen, rather than painting, because the use of stain reduces long-term maintenance costs.

### **Collections and Archives**

In July 2011, in order to provide professional oversight of the preservation and management of the Historic Village collections, the Troy Historical Society hired a part-time Collections Consultant, Melissa Luberti. Ms. Luberti holds a Master of Arts in History and a Certificate in Archive Management from Wayne State University.

During the year, the Collections Consultant assessed the storage of the Village's collections and relocated some items to more appropriate storage environments. Ms. Luberti, Loraine Campbell and THS volunteers Ray Lucas and Pat Kaltwasser met with Pam Epple of the Oakland County Genealogical Society and Oakland County Historical Resources (OCHR) to participate in a project to digitize original Oakland County records from the period 1884-1894. The Village archive holds original tax assessment records and some school district records and the City Clerk has death records from that period. THS and THV websites will provide direct links to all the resources that are made digitally available through the project. Scanning began in August 2012. Ms. Luberti

also worked with the Troy Police Department to provide uniforms, badges and photos for a temporary police department exhibit at their 60<sup>th</sup> anniversary reception.

An annotated list of materials accessioned and de-accessioned during the year is attached to this report as *Appendix A*. Because funding for collections support is extremely limited, the Historic Village limited the acceptance of new items for the collection and archives this year. De-accessions were also limited; in general, items were de-accessioned only if they were identified as no longer appropriate for display, research or educational purposes. Since the collections are the property of the City of Troy, the annual list of accessions is formally accepted by the City Council.

### **Volunteers**

In a typical year, the Historic Village provides opportunities for participation by a wide range of volunteers: members of the Board of Directors and committees; docents; traditional artists and artisans, including blacksmiths, printers, weavers and spinners; and ambassadors, who welcome visitors and help them get the most out of their time in the Village. However, this was far from a typical year. Board members contributed more than 2,500 hours of service to the community. Key Board members participated in *Capacity Building Detroit*, an intensive development program for nonprofit organizations, presented by the DeVos Institute. The Historical Society was able to participate as a result of our membership in *Culture Source* (formerly the Cultural Alliance of Southeastern Michigan). The Finance Committee oversaw the change from city operation to Historical Society responsibility – a major initiative.

Eighty seven additional Troy Historical Society volunteers gave more than 2,700 hours of their time, using their experience and skills to bring history alive at the Village. Ambassadors had to master a new cash register and many new procedures. The Village Store Committee expanded and diversified the merchandise available, creating a new focus on the work of local artists and artisans. The Community Relations and Development Committee assisted with increased marketing and sponsorship solicitation. A Building Committee assisted with planning, cleaning, painting and making repairs to Historic Village buildings.

In addition to the essential service of Historical Society volunteers, the Troy Historic Village also received significant benefits from the volunteer support of other community groups. In 2011, participants included the Troy Garden Club, Troop 1701 Boy Scouts of America, adults and youth from the Church of Jesus Christ of the Latter Day Saints, Middle School students participating in “Mission Possible” for the First United Methodist Church of Troy, and high school students from Project Lead and the National Honor Society.

### **Finances and Fundraising**

The Troy Historical Society’s first year of operating the Troy Historic Village produced several important financial and fundraising milestones. The Michigan Humanities Council awarded the Historical Society two major grants for programming in FY 2012 and 2013. The Historical Society also completed the second year of a Kresge Foundation Arts Support grant and applied for another two-year operations funding grant, which was awarded. The Historical Society expanded its Finance Committee, adding new community representatives who brought additional business and nonprofit experience.

The Historical Society board of directors approved a first-year budget that staff had prepared based on the Historic Village's previous operation by the City. Although revenue did not reach projected levels, careful attention to costs kept revenues and expenses closely aligned. Revenue projections in the FY 2013 budget were modified to incorporate the experience and information gained from the Historical Society's first year of operating the Historic Village. The completed June 31, 2012 Audit is attached as *Appendix B*.

## Fiscal Year 2011/2012 Results

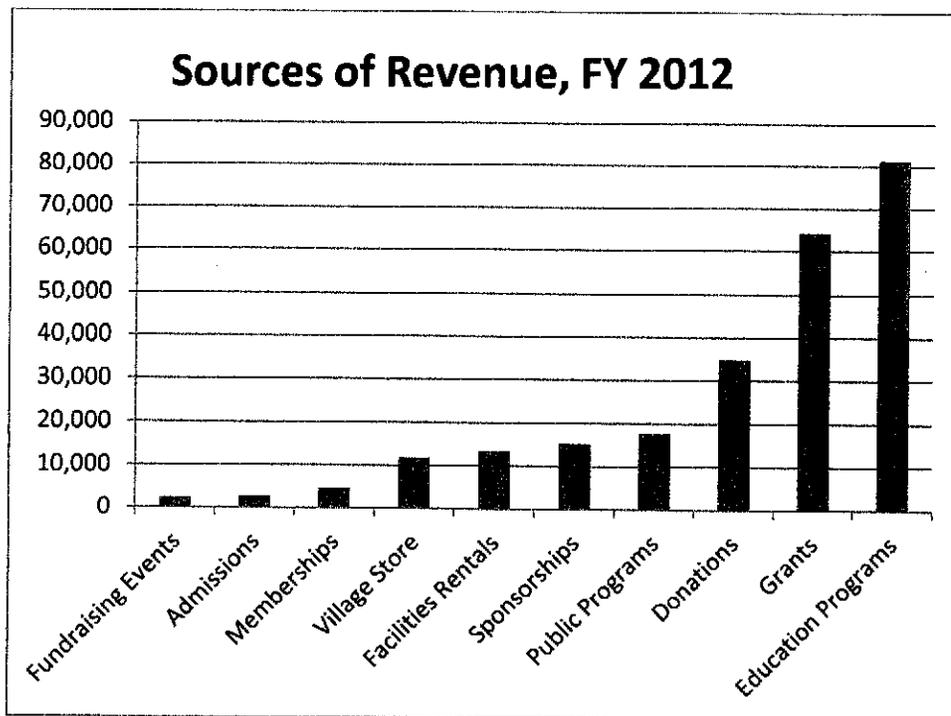
### Troy Historical Society Revenue and Expense:

Revenue                      248,740

Expense                      292,598

Expense over revenue = \$43,858              Troy Historic Village first year operating loss = \$8,448

Additional expense in excess of revenue resulted from costs of moving the Niles-Barnard House. These costs were paid from Historical Society funds held for this purpose.



### Outlook for the Coming Year

After completing a year of operating the Troy Historic Village, the Troy Historical Society anticipates a second year of incremental progress. Our increased outreach and marketing are introducing the Historic Village to first-time individual, family, school group, business and community organization visitors from Oakland,

Macomb, Lapeer and Wayne counties. New relationships with sponsors and foundations, as well as continued and increased support from well-established sponsors and grant makers, have taken us further along the road toward sustainability. Historical Society members and other community volunteers have played important roles in the transition from municipal to nonprofit management. Their continued support is essential if we are to continue an upward spiral of building awareness and support for the Village. Equally critical, is the continuing evolution of the relationship among the City of Troy, the Troy Historic Village and the Troy Historical Society.

During FY2013/14 the THS Board of Directors will update their Strategic Plan, attached as *Appendix C*, using the perspectives gained during the transition year to:

- Analyze the regional, tri-county arts and culture environment and the expectations of current and potential markets so that we may provide programs and services that respond to their needs;
- Evaluate and adjust the THS organizational and management structures to improve efficiencies, upgrade programs and services to meet the expectations of new users, and to adhere to best practices;
- Preserve City artifacts, archives, buildings and grounds and maximize their appropriate use and enjoyment by city residents, visitors, businesses, community organizations and the City of Troy;
- Maintain City expenses at the lowest level consistent with responsible stewardship of City resources;
- Review the agreement between the City and THS and identify and address areas that require clarification and/or modifications
- Provide predictable City support, to enable effective annual budgeting and long-term strategic planning for the Troy Historic Village.

The THS Board of Directors and the paid and unpaid staff of the Troy Historic Village anticipate real progress in the current fiscal year and in each successive year of our partnership with the City the Troy. We believe that with continued hard work, predictable monetary support, and vision the City of Troy and the Troy Historical Society will see their “local jewel” valued as a regional asset that contributes to the community’s quality of life and economic vitality.

### **Next Steps**

The Troy Historical Society will schedule meetings with appropriate City management to discuss:

- Budgets for Troy Historic Village core services, operations and Capital Improvement Program for the next and successive fiscal years
- Review of the agreement between the City and THS and identify and address areas that require clarification and/or modifications

**Troy Historical Society Board of Trustees, 2011 - 2012**

<u>Last Name</u>	<u>First Name</u>	<u>Officers</u>	<u>Affiliations</u>
Anderlie	Gloria		Long- time Oakland County resident
Barnard	Cheryl	President	Retail Associate, Ulta; Medical Transcriber for Great Lakes Medical Evaluations
Barnard	Richard		Quest Diagnostics
Iceman	Alison	Newsletter Editor	Environmental Services specialist, HealthCure
Iceman	Judy	Vice President	Administration and Sales, SunTel Services
Jackson	Sherrill		Retired Project Manager, EDS
Jarrait	James		Retired teacher
Kerwin	Mary		Former elected city official; faculty at Oakland University and the University of Michigan Institute for Local Government
Lavender	John	Treasurer	Retired Networking Consultant, IBM; President St. Augustine Lutheran Church and School Foundation
Lavender	Sue	Membership Chair	Retired bookkeeper; Recording Secretary State Board Lutheran Child and Family Service Auxiliary; Challenge Quilt Committee of Oakland County Quilt Guild
Nowosatko	Michael		Retired graphics designer; small business owner; Committee Chairman Troop 1701 Boy Scouts of America; Member of Men's Fellowship St. Elizabeth Ann Seton Catholic Church
Ogawa, M.D.	Cathy	Secretary	Dermatologist in private practice
Randol	Ward	Asst. Treasurer	Attorney, Dickinson Wright LLC; Member of Troy Downtown Development Authority 2011- present
Rounds	Fred		Retired engineer, General Motors
Siess	Judy		Retired teacher
Stewart	Cynthia		Community Affairs Director, City of Troy; Past President, Board of Directors Boys & Girls Club of Troy; Board of Directors Troy People Concerned; Board of Directors Troy Youth Assistance;
Young	Gerry		Long-time Oakland County Resident; Woman's Fire Auxiliary

**Troy Historical Society Committee Members, 2011 - 2012**

**Community Relations Committee**

Rosemary Kornacki  
Judy Holmberg  
Cindy Stewart  
Mike Nowosatko

**Development Committee**

Cheryl Barnard, President  
Ginny Czerwinski  
Sherrill Jackson  
Judy Holmberg  
Mary Kerwin  
Rosemary Kornacki

**Finance Committee**

John Lavender, Treasurer  
Ward Randol, Assistant Treasurer  
Jim Crandall  
Jeff Lambrecht  
Fred Rounds

**Human Relations Committee**

Judy Iceman, Vice President  
John Lavender

**Village Store Committee**

Judy Davey, Chair  
Barb Chambers, Chair  
Kathy Briscoe  
Mary Cornelius  
Helen Gach  
Jo Grindem  
Janet Marshall  
Kay McFarland  
Jean Shedik

**Troy Historical Society Board of Trustees, 2012 - 2013**

<u>Last Name</u>	<u>First Name</u>	<u>Officers</u>	<u>Affiliations</u>
Anderlie	Gloria		Long- time Oakland County resident
Barnard	Cheryl	President	Retail Associate, Ulta; Medical Transcriber for Great Lakes Medical Evaluations
Iceman	Alison	Newsletter Editor	Environmental Services specialist, HealthCure
Iceman	Judy	Vice President	Administration and Sales, SunTel Services
Jackson	Sherrill		Retired Project Manager, EDS
Jarrait	James		Retired teacher
Kerwin	Mary		Former elected city official; faculty at Oakland University and the University of Michigan Institute for Local Government
Lavender	John	Treasurer	Retired Networking Consultant, IBM; President St. Augustine Lutheran Church and School Foundation
Lavender	Sue	Membership Chair	Retired bookkeeper; Recording Secretary State Board Lutheran Child and Family Service Auxiliary; Challenge Quilt Committee of Oakland County Quilt Guild
Nowosatko	Michael		Retired graphics designer; small business owner; Committee Chairman Troop 1701 Boy Scouts of America; Member of Men's Fellowship St. Elizabeth Ann Seton Catholic Church
Randol	Ward	Asst. Treasurer	Attorney, Dickinson Wright LLC; Member of Troy Downtown Development Authority 2011- present
Rounds	Fred		Retired engineer, General Motors
Siess	Judy		Retired teacher
Stewart	Cynthia		Community Affairs Director, City of Troy; Past President, Board of Directors Boys & Girls Club of Troy; Board of Directors Troy People Concerned; Board of Directors Troy Youth Assistance;
Strong	Jonathan		Certified Financial Planner, UBS, active boy Scout leader, and local homeowners association
Toth	Anne		Middle School teacher, Holy Name Catholic School, active in Troy Boys and Girls Club
Zuza	David	Strategic Planning Chairman	Independent Distributor, LIFEVANTAGE, member of Troy Chamber of Commerce, business experience as a strategic planner.

**Appendix A**  
**Collections Report**

## **Museum Collection Report:**

**Fiscal Year 2011-2012**

### **Notable Activities, Projects and Events:**

- Melissa Luberti was hired as a Collections Consultant in July 2011.
- Archives – removed artifacts and documents from top of shelves and temporary space for them on the shelves.
- Began processing the archival backlog.
- Hosted an exhibit on a piece of the World Trade Center that highlighted the role of Troy firefighters who assisted in the rescue efforts.
- Curated an exhibit for the Troy Police Department to celebrate National Police Week.
- Currently working with the Oakland County Genealogical Society to digitize tax rolls, death records and school records from the 1880s to the 1890s.
- Currently working with Matthew Hackett on creating the History Mysteries summer camp where children get hands on experience working with artifacts.

### **2011-2012 Accessioned Donations**

- Doll
  - dress is probably a reproduction.
  - cotton-sewn body.
  - needle-point face.
  - gingham and lace dress.
  - used for educational purposes.
- Milk can from Dealers Dairy Products Co.
  - used at the Niles House the property was owned by Glenn Hadden.
- Flax breaker
  - used for educational purposes.
- Flour sifter
  - used for educational purposes.
- Topographic survey of 3150 N. Adams Rd, 1968.
- Photographs of Poppleton schoolchildren, ca. 1938.
- Nine J. L. Hudson Co. menus, 1930.
  - four from the Georgian Room.
  - two from the Early American Room.
  - two from the Pine Room.
  - one children's menu.

## **2011-2012 Unaccessioned Donations**

- One pair of roller skates.
- Two petticoats.
- Christening gown.
- Photograph of a baby wearing the gown.
- Two children's gowns.
- Bay vest.
- Cap.
- Lace cloth.
- Fourteen photographs.
  - Big Beaver School District No. 6, 1915.
  - Two photographs of the Jesse and Lima King burial plot at Troy Union Cemetery.
  - Two photographs of the World War II Troy Honor Roll.
  - Postcard photograph of the Troy Methodist Episcopal Church.
  - Hill House on John R.
  - Wanda Moalis on the front porch of Mrs. Brand's store.
  - Airplane, possibly on Big Beaver strip.
  - House on Cecile St along John R, south of 17 Mile Rd.
  - John R. farm between 16 and 17 Mile Rds.
  - House on the eastside of Crooks Rd, north of Square Lake Rd.
  - Two storey house with a small child in front, unidentified.
  - Building with a bell on top, unidentified.
- Undated Troy street map.
- Article from the Eccentric on the Poppleton School, 1969.
- Photograph of Troy Police Chief David Gratopp on a snowmobile.
- Camisole with a lace-like top and elastic bottom.
- Webster's Encyclopedia and World Atlas, 1898.
- Chatterbox book, 1894.
- McGuffey's New Sixth Reader, 1867.

Total number of donated items: 46.

**Appendix B**  
**FY 2012 Audit**

**TROY HISTORICAL SOCIETY**  
**(a non-profit corporation)**

**FINANCIAL STATEMENTS – MODIFIED CASH BASIS**

**For the year ended June 30, 2012**

## TROY HISTORICAL SOCIETY

### TABLE OF CONTENTS

	<u>Page</u>
INDEPENDENT AUDITORS' REPORT	1
FINANCIAL STATEMENTS – MODIFIED CASH BASIS	
Statement of Assets, Liabilities, and Net Assets	2
Statement of Support, Revenue and Expenses and Changes in Net Assets	3
Statement of Functional Expenses	4
Notes to Financial Statements	5 - 10



## Lazzara & Company, P.C.

Certified Public Accountants  
Certified Valuation Analysts  
Business Advisors & Consultants

"We're in the business of caring"

Michael J. Lazzara, CPA, MBA, CVA  
Mary Ellen Taylor, CPA  
David A. Lazzara, CPA

David H. Martin, CPA  
Randall C. DiFalco, CPA

### INDEPENDENT AUDITORS' REPORT

To the Board of Directors  
Troy Historical Society  
Troy, Michigan

We have audited the accompanying statement of assets, liabilities and net assets – modified cash basis of Troy Historical Society (a non-profit corporation) as of June 30, 2012, and the related statements of support, revenue and expenses and changes in net assets – modified cash basis, and functional expenses – modified cash basis for the year ended then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 2, these financial statements are prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities and net assets of Troy Historical Society as of June 30, 2012, and its support, revenue, and expenses, for the year then ended, on the basis of accounting described in Note 2.

*Lazzara & Company, P.C.*

LAZZARA & COMPANY, P.C.  
October 16, 2012

TROY HISTORICAL SOCIETY

STATEMENT OF ASSETS, LIABILITIES AND NET ASSETS – MODIFIED CASH BASIS

JUNE 30, 2012

ASSETS

CURRENT ASSETS

Cash and cash equivalents	\$ 93,242
Restricted cash for Heritage Campaign	2,378
Inventory	<u>14,777</u>

TOTAL CURRENT ASSETS	<u>110,397</u>
----------------------	----------------

PROPERTY AND EQUIPMENT

Office equipment	1,770
Less: accumulated depreciation	<u>( 211)</u>

PROPERTY AND EQUIPMENT, NET	<u>1,559</u>
-----------------------------	--------------

TOTAL ASSETS	<u>\$ 111,956</u>
--------------	-------------------

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

Payroll tax withholding	<u>\$ 3,037</u>
-------------------------	-----------------

NET ASSETS

Unrestricted	103,044
Temporarily restricted	<u>5,875</u>

TOTAL NET ASSETS	<u>108,919</u>
------------------	----------------

TOTAL LIABILITIES AND NET ASSETS	<u>\$ 111,956</u>
----------------------------------	-------------------

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**

**STATEMENT OF SUPPORT, REVENUE AND EXPENSES  
AND CHANGES IN NET ASSETS – MODIFIED CASH BASIS**

**FOR THE YEAR ENDED JUNE 30, 2012**

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
<b>Public Support and Revenue</b>			
Donations	\$ 33,234	\$ 1,200	\$ 34,434
Program revenue	98,938	-	98,938
Admissions	2,712	-	2,712
Merchandise sales	10,978	449	11,427
Memberships	4,660	-	4,660
Rental income	14,040	-	14,040
Sponsorships	12,250	3,000	15,250
Grants	20,145	44,131	64,276
Fundraising	2,383	-	2,383
Interest	19	-	19
Other	601	-	601
Net assets released from restrictions	<u>65,817</u>	<u>(65,817)</u>	<u>-</u>
<b>Total public support and revenue</b>	<u>265,777</u>	<u>(17,037)</u>	<u>248,740</u>
<b>Expenses</b>			
Program services	187,645	-	187,645
Fundraising	15,481	-	15,481
Management and general	<u>89,472</u>	<u>-</u>	<u>89,472</u>
<b>Total expenses</b>	<u>292,598</u>	<u>-</u>	<u>292,598</u>
<b>Change in Net Assets</b>	(26,821)	(17,037)	(43,858)
<b>Net Assets, July 1, 2011</b>	<u>129,865</u>	<u>22,912</u>	<u>152,777</u>
<b>Net Assets, June 30, 2012</b>	<u>\$ 103,044</u>	<u>\$ 5,875</u>	<u>\$ 108,919</u>

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**

**STATEMENT OF FUNCTIONAL EXPENSES – MODIFIED CASH BASIS**

**FOR THE YEAR ENDED JUNE 30, 2012**

	<u>Program Services</u>	<u>Supporting Services</u>		<u>Total</u>
		<u>Fundraising</u>	<u>Management and General</u>	
<b>Contracted Services</b>				
Contract services	\$ 51,754	516	\$ 12,964	\$ 65,234
Food and beverage	<u>319</u>	<u>-</u>	<u>69</u>	<u>388</u>
<b>Total contracted services and expenses</b>	<u>52,073</u>	<u>516</u>	<u>13,033</u>	<u>65,622</u>
<b>Direct Program Expenses</b>				
Payroll and related expenses	104,931	-	-	104,931
Lectures and exhibit fees	2,631	-	-	2,631
Supplies	12,298	-	-	12,298
Merchandise and awards	<u>7,502</u>	<u>-</u>	<u>-</u>	<u>7,502</u>
<b>Total direct program expenses</b>	<u>127,362</u>	<u>-</u>	<u>-</u>	<u>127,362</u>
<b>Occupancy Expenses</b>				
General liability insurance	<u>-</u>	<u>-</u>	<u>1,345</u>	<u>1,345</u>
<b>Administrative Expenses</b>				
Advertising	3,906	5,956	901	10,763
Payroll and related expenses	-	7,585	33,277	40,862
Rental expenses	2,830	-	15,100	17,930
Office, printing and postage	1,310	532	3,209	5,051
Insurance	-	-	683	683
Professional fees	-	-	6,903	6,903
Supplies	-	-	3,458	3,458
Repairs and maintenance	-	-	7,645	7,645
Depreciation	-	-	211	211
Bank service charges	<u>-</u>	<u>-</u>	<u>875</u>	<u>875</u>
<b>Total administrative expenses</b>	<u>8,046</u>	<u>14,073</u>	<u>72,262</u>	<u>94,381</u>
<b>Other Expenses</b>				
Travel	164	-	-	164
Miscellaneous expense	<u>-</u>	<u>892</u>	<u>2,832</u>	<u>3,724</u>
<b>Total other expenses</b>	<u>164</u>	<u>892</u>	<u>2,832</u>	<u>3,888</u>
<b>Total functional expenses</b>	<u>\$ 187,645</u>	<u>\$ 15,481</u>	<u>\$ 89,472</u>	<u>\$ 292,598</u>

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 1 - Nature of Organization**

Troy Historical Society (the Organization) is a non-profit corporation located in Troy, Michigan that promotes the knowledge and appreciation of local, state and national heritage among its citizens and school children. The Organization was formed in order to foster and encourage the collection and preservation of historical artifacts and to study and conduct historical research. The Organization's source of revenue is principally donations and program revenue.

**The Troy Historic Village**

Effective July 1, 2011 the City of Troy entered into a 5 year non-exclusive agreement with the Troy Historical Society that allows the Organization to occupy and use the Troy Historic Village and its buildings for the sole purpose of promoting the mission and vision of the City of Troy and the Troy Historical Society through mission and vision focused historical programs. Under this agreement the Organization is authorized to manage and operate the Village and will retain all revenues earned from the Village operation (see note 3).

**The Heritage Campaign**

From 2006 to 2012 the Troy Historical Society has embarked on a major capital campaign to expand and improve the Troy Historic Village. The Campaign encompasses 5 projects: Relocation and rehabilitation of the Niles Barnard House; Reconstruction and rehabilitation of a Historic Barn; the 1927 Township Hall Adaptive Reuse; creation of a Gateway to the Village Green; and creation of an Endowment Maintenance Fund for the buildings and the Village Green (see note 3).

**Note 2 - Summary of Significant Accounting Policies**

**Basis of Accounting**

The accompanying financial statements have been prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Under the modified cash basis of accounting, revenues and the related assets are recognized when received in cash rather than when earned, and expenses are recognized when paid in cash rather than when the obligations are incurred. Depreciation and amortization are recognized over the estimated useful life of the assets. Inventory is capitalized and recognized on the statement of activities and changes in assets when sold.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 2 - Summary of Significant Accounting Policies (continued)**

**Cash**

The Organization places its temporary cash investments with high credit quality financial institutions. At June 30, 2012, the Organization maintained cash balances in regular checking accounts and money market accounts. One of the money market accounts and the cash accumulated by the certain book sales from the Troy Historic Village Store (Village Store) is restricted for use by the Heritage Campaign.

**Inventory**

The Village Store retail inventory is valued at the lower of cost or market. Certain books included in the inventory totaling \$3,228 and the future sales of these books are restricted to the Heritage Campaign.

**Property and Equipment**

Property and equipment are recorded at cost when purchased and at fair market value when contributed. Maintenance and repairs are charged to current operations as incurred, whereas major improvements are capitalized. Office equipment is depreciated on a straight line basis over a useful life of 7 years.

**Classification of Net Assets**

Net assets and revenues and expenses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets are classified as temporarily restricted, permanently restricted or unrestricted. Donor-imposed restrictions that expire with the passage of time, or that can be removed by meeting certain requirements, are classified as temporarily restricted net assets.

*Unrestricted Net Assets* - This portion of the Organization's net assets is available for general obligations and is not subject to any donor-imposed restrictions. Revenues earned, program services provided, unrestricted contributions and all operating expenses are reported in this category. The Organization records donor-restricted contributions, whose restrictions have been satisfied in the same reporting period, as unrestricted support in such year.

*Temporarily Restricted Net Assets* - This portion of the Organization's net assets is limited to use specified by donor-imposed restrictions. When donor restrictions expire, or the nature and purpose of the restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the accompanying statement of activities and changes in net assets - modified cash basis as net assets released from restrictions.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 2 - Summary of Significant Accounting Policies (continued)**

**Income Taxes**

The Organization is a private, non-profit organization operating in accordance with Section 501(c)(3) of the Internal Revenue Code.

**Functional Expenses**

The costs of providing program and supporting services have been reported on a functional basis in the statement of activities and changes in net assets. Direct and indirect costs have been allocated between programs and general and administrative based on estimates from management. Although the methods of allocation used are considered appropriate, other methods could be used that would produce different amounts. The majority of the program service expenses (contract services) for this reporting period were related to historical programs put on by the Organization during the year and moving the Barnard House for the Heritage Campaign; the costs associated with the Barnard House move amounted to \$35,606 (see note 3).

**Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**Contributed Services**

The Organization generally pays for services requiring specific expertise and employs a combination of part-time and full time employees. Many individuals volunteer their time and perform a variety of tasks that assist in the administration and operations of the Organization, consequently; no amounts have been reflected in the financial statements for donated services.

**Subsequent Events**

Subsequent events have been evaluated through October 16, 2012 which is the date the financial statements were available to be issued.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 3 – Contracts**

Heritage Campaign - The Troy Historical Society has entered into an agreement with the City of Troy that requires both parties to work together in order to achieve the goal of completing the 5 projects as described as the Heritage Campaign (see note 1). The total cost estimate to complete the Heritage Campaign is approximately \$7,700,000. The Troy Historical Society's main commitment, called for in the contract, is to seek donations from corporations, foundations, governmental agencies and individuals in order to raise the required funds. The Society will also assist the City of Troy in other various administration duties related to the Heritage Campaign Projects.

The Troy Historic Village – Effective July 1, 2011 the City of Troy entered into a 5 year non-exclusive agreement with the Troy Historical Society that allows the Organization to occupy and use the Troy Historic Village and its buildings for the sole purpose of promoting the mission and vision of the City of Troy and the Troy Historical Society through mission and vision focused historical programs. Under this agreement the Organization is authorized to manage and operate the Troy Village and will retain all revenues earned from the Village operation. The City of Troy will provide an annual operations appropriation to the Organization to cover the utilities, insurance, building maintenance, ground maintenance, and trash removal at least at the same level as incurred in the fiscal 2010-2011 period.

The City of Troy will maintain a separate \$50,000 capital fund for repairs and improvements which will be renewed to a balance of \$50,000 each year.

The Organization has agreed to pay \$3,481 each quarter to the City of Troy for the use of their telephone and internet service through June 30, 2013.

The City of Troy agreed to transfer to the Troy Historical Society their remaining grant balance due from the Kresge Foundation in the amount of \$14,906. These funds were received in August 2011 and are restricted to being used for Troy Museum operating expenses.

Under this agreement, the City of Troy agreed to fund the Troy Historical Society with up to \$50,000 to be used for consultants, purchase equipment and supplies on a "need" basis. For the year ended June 30, 2012, \$31,125 is being reported on the statement of support, revenue and expenses as temporarily restricted donations. As of June 30, 2012 all funds have been received from the City of Troy.

Cranbrook Institute of Science

The Troy Historical Society entered into an agreement where the Cranbrook Institute of Science was to provide consulting services, budgeting assistance, educational databases, web site development and other services and resources in exchange for \$21,000 per year. This amount was modified down during the year to \$12,500. The contract expired on November 1, 2011.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 4 – Troy Historical Village Store**

On April 1, 2009, the Troy Museum Guild (Gift Shop) became a standing committee of the Troy Historical Society and in July 2011 was renamed "The Village Store." The Troy Historical Society plans to continue to operate the store and any net proceeds will help contribute to the Organization's causes as described in its Operation Guidelines. The standing committee of the Village Store, at its discretion, decides how its excess cash will be allocated between funding general operations and the Heritage Campaign.

**Note 5 – Leases**

The Organization has entered into various lease obligations as described below:

The Organization has entered into an agreement with the City of Troy that provides phones, computers and the internet to the Organization for \$3,481 per quarter. This contract is valid for one year and can be renewed each year thereafter at a mutually agreed upon amount.

The Organization has entered into a 3 year agreement for office equipment with monthly payments of \$74. This agreement ends in November, 2014.

Future lease payments are as follows:

June 30, 2013	\$14,812
June 30, 2014	888
June 30, 2015	666

**Note 6 - Fair Value of Financial Instruments**

The financial position of the Organization at June 30, 2012 includes certain financial instruments that may have a fair value that is different from the value currently reflected in the financial statements. In reviewing the financial instruments of the Organization, certain assumption and methods were used to determine the fair value of each category of financial instruments for which it is practical to estimate that value.

**Note 7 – Concentration of Revenue**

Two grants accounted for approximately 18% of the total revenue received by the Organization during the year.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 8 – Subsequent Events**

Subsequent events have been evaluated through October 16, 2012 which is the date the financial statements were available to be issued.

On August 6, 2012, the City of Troy made a \$75,000 grant to the Organization that is to be used for operations.

On October 15, 2012 the Kresge Foundation made a grant to the organization of \$15,000 to be used for the Museum operations. The Kresge Foundation also agreed to pay an additional \$15,000 on October 15, 2013, as long as, the Troy Historical Society changes their current basis of accounting to the accrual basis under Generally Accepted Accounting Principles.

The board approved the change of the Organization's basis of accounting from the modified cash basis to the accrual basis under Generally Accepted Accounting Principles accepted in the United States of America. The change will take effect for the next fiscal period beginning July 1, 2012 and ending June 30, 2013.

**Appendix C**  
**Strategic Plan**

Troy Historical Society  
Strategic Plan  
For the Sustainable Operation of  
The Troy Historic Village  
2012-2015

**Mission:** We learn from the past to understand the present and build a better future.

**Vision:** We will be an outstanding cultural destination and resource in southeast Michigan that emphasizes learning by interaction among staff, volunteers and visitors and that stimulates curiosity, awareness, and appreciation of regional history, arts and culture.

**Values:**

1. The Troy Historic Village is a welcoming place where historic interpreters, structures, images, and objects stimulate the process of learning, sharing and understanding the past which provides context for our lives today and insights for creating a better future.
2. History, art and heritage are essential components of cultural identity. When we express our identity, share our stories, and learn from and with each other we build vigorous communities, which are greater than the sum of their constituent parts.
3. The Troy Historic Village will be a resource for public, private and homeschool educators and it will serve as an extension of the classroom that provides immersive and engaging experiences that use arts and culture to reinforce and expand classroom curriculum.
4. We will participate in initiatives that enhance community outreach and expand cross-cultural understanding through the integrated use of primary sources, and the contributions and collaborations of artists and artisans, musicians and vocalists, actors and re-enactors, humanities professionals and those who pursue art with personal enthusiasm.
5. We will adhere to best practices as historians, collections managers, educators and museum professionals.

**Goal:**

1. ***Develop a three-year calendar of new program development for student groups and for the general public that:***
  - a. ***Increases regional outreach and cross-cultural participation***
  - b. ***Provides opportunities to build new regional partnerships and collaborations***
  - c. ***Engages artists and creators of culture***
  - d. ***Supports teachers and enhances students' learning experiences***

**Objectives:**

1. Recruit regional Education Advisory Board to provide suggestions, insights and evaluations for existing and new education programs. This board will also assist the Troy

- Historical Society in building new relationships within the educational community in Metropolitan Detroit.
2. Meet with K-12 teachers to review the Common Core State Academic Standards for language arts and math and the Michigan Citizenship Collaborative Curriculum (MC<sup>3</sup>) for social studies. Discuss topics and benchmarks that can be developed into immersive, interactive programs.
  3. Adapt and expand existing programs:
    - a. Evaluate 2012 *Summer-in-Time History Fun-Camps* and identify activities that can be modified and used in other education programs.
    - b. Develop *Folklore and Fairytale Story Hours* into preschool heritage and literacy outreach for preschools.
    - c. Develop badge programs for scouts
  4. Develop new school programs specifically for underused months of January and February. Investigate the best grade levels and appropriate topics for this period.
  5. Expand resources for Civil War Days and regional marketing to expand program from five to ten days.
  6. Revise existing classroom supplement and develop and market new supplements. (Note: these are excellent projects for qualified interns.)
    - a. Update Our Community: Troy (for 2<sup>nd</sup> grade)
    - b. Develop Our Community: Southeast Michigan (for 2<sup>nd</sup> grade)
    - c. Develop Hands on Michigan (for 3<sup>rd</sup> grade)
  7. Three- year plan for enrichment programs. Concepts include:
    - a. By Hand: Art, Music and Craftsmanship
    - b. Contemporary issues with roots in the past
    - c. Community oral history project focused on 20<sup>th</sup> century immigrants
    - d. Commemorate War of 1812 (investigate field trip to see Privateer Lynx in 2013)
    - e. Young adult programs that blend social interaction and cultural enrichment
    - f. Develop Village walking and exercise path in cooperation with health care professionals

**Goal:**

2. ***Develop and implement effective programmatic and institutional marketing plans that build regional recognition of the Troy Historic Village as a destination and resource for cultural heritage.***

**Objectives:**

1. Develop new visitor guide, membership brochure and education program brochure. Each piece will incorporate new logo and branding developed in 2011 and approved by the THS Board. Develop standardized templates for flyers, inserts and ads that reinforce branding. Seek individuals to translate visitor guide into other languages.
2. Review and improve website. Link with other cultural organizations in Metro Detroit.
3. Improve and expand on-line presence and social networking:
  - a. Troy Patch
  - b. Director's blog
  - c. Facebook
  - d. Twitter
  - e. Provide on-line classroom primary resource collections

- f. Link with Oakland County Genealogical Society and Oakland County Resource Library
- 4. Provide outreach through regional hotels, restaurants, senior centers, churches and community organizations.
- 5. Develop promotional calendar to maximize impact of paid advertising
- 6. Evaluate curb-side appeal
  - a. Signage and landscaping
  - b. Niles-Barnard House exterior restorations
  - c. Improve welcoming and way-finding

**Goal:**

- 3. ***Adjust the organizational structure of the Troy Historical Society so that the operational management of the Troy Historic Village is:***
  - a. ***Efficient***
  - b. ***Transparent***
  - c. ***Sustainable***

**Objectives**

- 1. Increase cultural diversity and regional representation on Board of Trustees. Work with and through Cultural Alliance of Southeastern Michigan, regional educational, civic and arts and culture organizations, and Chambers of Commerce.
- 2. Improve volunteer management and the efficiency and effectiveness of volunteer corps
  - a. Revise Volunteer Handbook
  - b. Identify and retain Volunteer Coordinator. Investigate options:
    - i. Collaboration with Troy Nature Society
    - ii. Culture Volunteer (Cultural Alliance of Southeastern Michigan)
    - iii. Direct hire
- 3. Complete written policies and procedures for Village management
- 4. Implement database for collecting school reservations and statistics
- 5. Revise school invoicing procedures to comply with new school district policies
- 6. Complete and implement Resource Development Plan
  - a. Organize and implement membership drive that attracts:
    - i. 21-41 year olds and families
    - ii. More culturally diverse membership that is representative of our community
  - b. Establish two annual appeals each year
  - c. Recruit and cultivate organizational and program sponsors
  - d. Develop Legacy Giving materials. Provide to financial planners.
  - e. Coordinate grant and program development calendars.



## CITY COUNCIL AGENDA ITEM

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Date: February 4, 2013

To: Brian Kischnick, City Manager

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

Subject: PUBLIC HEARING – FEBRUARY 18, 2013 – ZONING ORDINANCE TEXT AMENDMENT  
(File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

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### **History**

The City of Troy Zoning Ordinance was adopted in April 2011. Prior to adoption, it was anticipated there would be some revisions that would be necessary once staff, the Planning Commission and applicants had an opportunity to use the document. The proposed revisions will fix inconsistencies, clarify provisions and generally make the document easier to use and understand.

There are a total of 26 issues proposed to be resolved. Of these, 14 are simple non-substantive corrections such as typos. The remaining 12 issues are more substantive. The attached PowerPoint presentation describes the proposed changes. The PowerPoint will be used to present this item at the February 18, 2013 Regular meeting.

The Planning Commission discussed these revisions at a number of public meetings.

The attached reports prepared by Carlisle/Wortman Associates, Inc. summarize the revisions.

The Planning Commission held a public hearing on this item on January 8, 2013 and recommended approval of the text amendment. City Council is the approval body for this amendment, following a public hearing.

### **Recommendation**

City Management recommends approval of the proposed Zoning Ordinance text amendment.

### **City Attorney's Review as to Form and Legality**

---

Lori Grigg Bluhm, City Attorney

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Date



## CITY COUNCIL AGENDA ITEM

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### Attachments:

1. Proposed Zoning Ordinance Text Amendments - Public Hearing Draft
2. Report prepared by CWA, dated September 19, 2012.
3. Report prepared by CWA, dated October 17, 2012.
4. Planning Commission minutes (excerpts).
5. City Council PowerPoint presentation.

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# CITY OF TROY

## AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE CITY OF TROY CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

### Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

### Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

#### **1. Amend Section 2.02 to read as follows:**

LOT FRONTAGE: The horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

#### **2. Add Section 3.02.H to read as follows:**

H. Enforce and interpret the meaning and applicability of all provisions and requirements of the ordinance.

#### **3. Amend Section 3.10.C.1.c to read as follows:**

c. The recommendation of approval to City Council of all preliminary plats subdividing land, ~~site condominium plans~~, planned unit developments, some special use approval applications, and any amendments or alterations thereof.

#### **4. Amend Section 3.10.C.1.e to read as follows**

e. Acting as the approval authority on site plans, site condominiums, and most special use approval applications.

**5. Amend Table 4.06.C to read as follows:**

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
<b>R-1A</b>											
No Sewer	30,000	150	<u>150</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<u>120</u>	2 ½		40	15	30	45	1,400	30%
<b>R-1B</b>											
No Sewer	21,780	110	<u>110</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	15,000	100	<u>100</u>	2 ½		40	10	25	45	1,400	30%
<b>R-1C</b>											
No Sewer	21,780	110	<u>110</u>	2 ½	30	30	15	30	40	1,200	30%
Sewer	10,500	85	<u>85</u>	2 ½		30	10	20	40	1,200	30%
<b>R-1D</b>											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	40	1,000	30%
Sewer	8,500	75	<u>75</u>	2 ½		25	8	20	40	1,000	30%
<b>R-1E</b>											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	35	1,000	30%
Sewer	7,500	60	<u>60</u>	2 ½		25	5	15	35	1,000	30%

**6. Add Section 4.06.D.6 Supplemental District Standards to read as follows:**

**6. LOT FRONTAGE ON CORNER LOTS, CURVED ROADS, AND CUL-DE-SACS:**

- a. On all corner lots, the frontage set forth shall be measured on one (1) street only.
- b. For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- c. In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

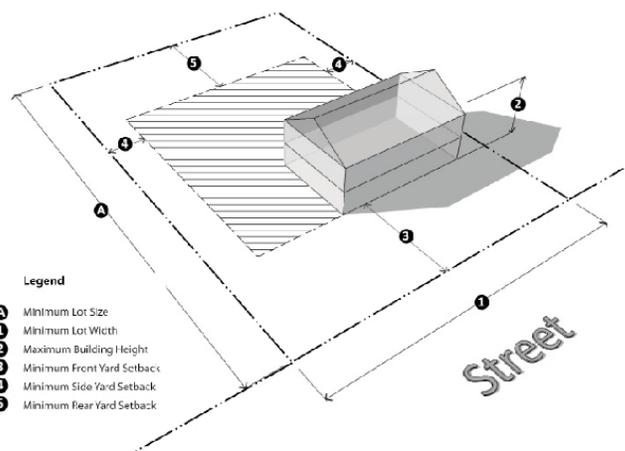
**7. Amend Section 4.06-4:18 so that legend icon is consistent in both graphic and tables (eExample below):**

Article 4  
District Regulations

BACK FORWARD



57



Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Non-Code Appeals, A.M.

Use District	Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Area in Sq. Ft. (1)	Width in Ft. (1)	In Stories (2)	In Feet (2)	Front (3)	Sides (4)	Rear (4)	(6)		
<b>R-1A</b>										
No Sewer	50,000	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	2 1/2		40	15	30	45	1,400	30%
<b>R-1B</b>										
No Sewer	21,780	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	2 1/2		40	10	25	45	1,400	30%
<b>R-1C</b>										
No Sewer	21,780	110	2 1/2	30	30	15	30	40	1,200	30%
Sewer	10,500	85	2 1/2		30	10	20	40	1,200	30%
<b>R-1D</b>										
No Sewer	21,780	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	2 1/2		25	8	20	40	1,000	30%
<b>R-1E</b>										
No Sewer	21,780	110	2 1/2	30	25	15	30	35	1,000	30%

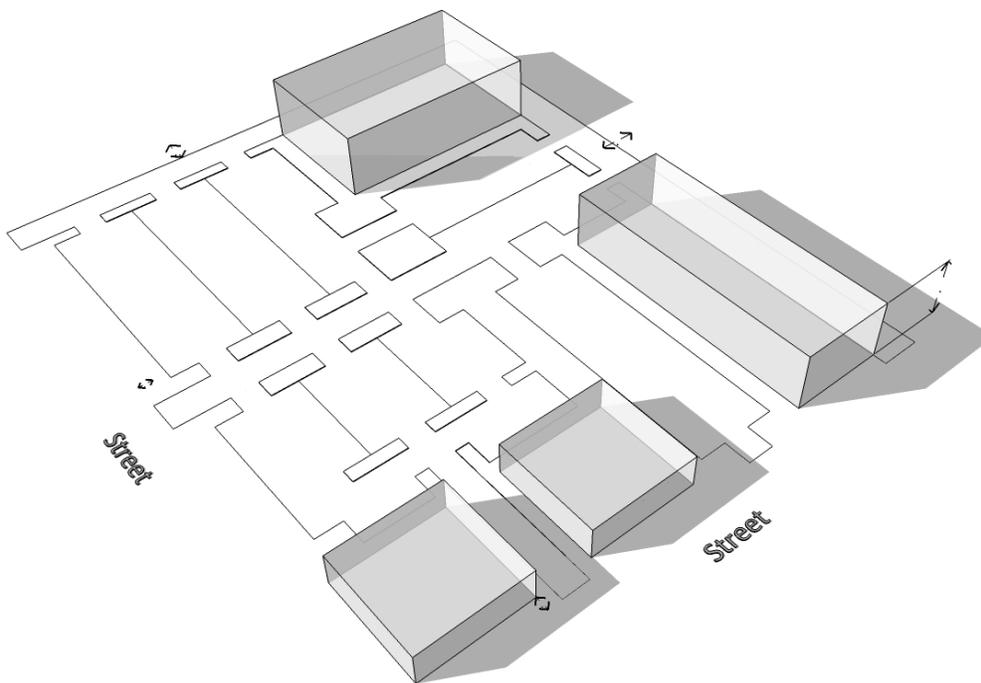
**8. Amend Section 4.07 Table to read:**

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft.	In Stories (2)	In Feet (2)	Front (3)	Sides (4)		Rear (5)		
						Least One (4)	Least Two (4)			
15,000 without sewers	75	N/A	2 ½	30	25	40	20	35	1,000	30%
5,000 without sewers	40	40				5	15			

**9. Amend Section 4.13.D.4.a and b, Section 4.14.D.4.a and b, Section 4.16.D.4.a and b, Section 4.18.D.5.a and b to read as follows:**

- a. ~~Parking shall not be located in the front yard.~~
- a. ~~No more than fifty (50) percent of the total a site's linear feet along the front building line shall be occupied by parking lot~~ required parking as set forth in Section 4.21 may be located in a front yard.
- b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

**10. Amend Section 4.14 to replace the existing graphic with the following graphic:**



**11. Amend Section 4.21 Schedule of Use Regulations Table to read as follows:**

<b>Automobile Use</b>	<b>IB</b>
Vehicle, recreational vehicle sales	S
Vehicle repair stations	<u>S</u> <u>P</u>
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	<u>S</u> <u>P</u>
Ambulance facilities	<u>S</u> <u>P</u>
Vehicle rental	<u>S</u> <u>P</u>



17. Amend Section 5.03 Form Based Districts Use Group by Category to read as follows:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY
PRINCIPAL USE
<b>Use Group 5 Retail, Entertainment, and Service Uses:</b>
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services

18. Amend Section 5.03 Form Based Districts Use Groups by Category to read as follows:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY
PRINCIPAL USE
<b>Use Group 6 Miscellaneous Commercial Uses:</b>
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Drive-through facilities

19. Add Section 5.03.C to read as follows:

C. Landscaping In Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
  - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.

- b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
- c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

**20. Amend Section 6.10.C.1 to read as follows:**

- 1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

**21. Amend Section 6.16 Lodging to read as follows:**

Lodging/Extended Stay Facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06.

**22. Add Section 6.26.F. Vehicle Repair to read as follows:**

- F. Any proposed vehicle repair use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

**23. Amend Section 6.26, Section 6.27, and Section 6.28 (Page 179) to change text color from blue to black for “Vehicle Repair”, “Vehicle Sales – New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”**

**24. Amend Section 6.30.B.2 to read as follows**

- 2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section ~~6.29.B.1~~ 6.30.B.1, then, wireless communication facilities may be applied for elsewhere in the City and must follow the district specific criteria and is subject to the criteria and standards set forth in this Ordinance.

**25. Add Section 6.31. Antique Vehicle Sale, Ambulance Facility, and Vehicle Rental to read as follows:**

**SECTION 6.31: ANTIQUE VEHICLE SALE, AMBULANCE FACILITY, AND VEHICLE RENTAL**

- A. Any proposed antique vehicle sale, ambulance facility, and vehicle rental use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any

parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

**26. Add Section 6.32 to read as follows:**

**SECTION 6.32: MULTI-FAMILY DWELLING UNITS IN THE IB DISTRICT**

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

**27. Amend Section 7.13.I.4 to read as follows:**

4. The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

**28. Amend Section 10.04.E.1 to read as follows:**

1. Overall density shall not exceed the number of residential cluster units determined in Section ~~10.05.D~~ 10.04.D, unless a density bonus has been granted by City Council.

**29. Amend Section 12.04.F.1.a to read as follows:**

1. Setbacks
- a. The distance between a WECS or TMT and the nearest property line shall be at least the one and a half (1.5) times the height of the WECS or TMT for all zoning districts except R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts. For R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts, the distance between a WECS or TMT and the nearest property line shall be at least the two (2) times the height of the WECS or TMT. This shall include property lines that abut a public right-of-way.

**30. Amend Section 12.04.F.2.a.i to read as follows:**

- i. In R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts, on-site WECS and TMTs shall not exceed twenty-five (25) feet in height.

**31. Add Section 13.02 add the following title to Table 13.02-C:**

Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials

**32. Amend Section 13.05.C.3:**

3. Height. The maximum height of a base, a pole and fixtures shall be twenty-five (25) feet. A maximum height of thirty (30) feet may be permitted in an

~~industrial district~~ the IB or PV districts where fixtures are no closer than two hundred (200) feet to any residential district.

**33. Add Section 16.03.C to read as follows:**

C. Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
  - a. A change in City policy since the Master Plan was adopted
  - b. A change in conditions since the Master Plan was adopted.
  - c. An error in the Master Plan.
2. The proposed rezoning will not cause nor increase any non-conformity.
3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning will not impact public health, safety, and welfare.
5. The rezoning will insure compatibility with adjacent uses of land.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Dane Slater, Mayor

\_\_\_\_\_  
Aileen Bittner, City Clerk



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## MEMORANDUM

**TO:** R. Brent Savidant, AICP, Planning Director

**FROM:** Ben Carlisle, AICP

**DATE:** September 19, 2012

**RE:** Zoning Ordinance Amendments

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The City of Troy Zoning Ordinance was adopted in April 2011. It is common that a year or so after the adoption of a new zoning ordinance, staff, planning commissioners, and outside interests identify specific language and other clarifications that need further discussion and potential amendments. Many of the proposed amendments are minor (capitalization, consistency in labeling, etc); however some considerations for amendments are substantive.

As part of the process of reviewing the existing ordinance, we have identified twelve (12) substantive and fourteen (14) minor amendments changes. Listed below are the cumulative twenty-five (26) amendments for consideration. For the substantive amendments we have provided a detailed explanation and proposed ordinance language. For the typographical errors we have simple listed the existing language and the proposed ordinance language. If requested we can provide additional information.

### Substantive Amendments:

Each amendment has three parts: 1). the ordinance section number, page number, and existing ordinance language; 2). details outlining the proposed text amendment and explanation as to why the amendment is warranted; and 3). the proposed amended language. Removed text is ~~struck through~~ and proposed new ordinance language is underlined.

- 1. Section 4.13.D.4.a (CB District Page 72) :** *Parking shall not be located in the front yard.*  
**Section 4.14.D.4.a (GB District Page 76) :** *Parking shall not be located in the front yard.*  
**Section 4.15.D.4.a (O District Page 84) :** *Parking shall not be located in the front yard.*  
**Section 4.18.D.5.a (RC District Page 92) :** *Parking shall not be located in the front yard.*

**Issue:** The parking requirements for districts CB, GB, O, and RC do not allow parking in the front yard. Front Yard is defined as "An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building." Hence due to the definition of front yard, parking is not permitted in the front

of any building these districts, regardless of how far back the actual building is from the street. In conversations between with staff it is unclear if the intent was to preclude any parking in front of the building. Irrespective of the intent, in these auto-oriented commercial and office districts a limited parking in front of the building, but outside of the required front yard, should be permitted. Unlike form-based districts, where there is a requirement to place buildings up to the street in order to create pedestrian forms and street presence, developments in these districts are more auto-oriented.

One of the primary justifications for limiting parking in front of the building is to ensure that the parking is does not dominate the front façade, as well as ensure that the building is able to create some street presence. However, in these districts there already exists language in the ordinance that state “No more than fifty (50) percent of the total site’s linear feet along the front building line shall be occupied by parking lot.” This requirement limits the total amount of parking in front of the building and mitigates concerns that parking would dominate parking in the front yard.

Please note that an amendment to the parking location for these sections will not amend any parking location requirement in form-based districts.

**Proposed Amendment Language:**

Section 4. Off-Street Parking Location.

- a. ~~Parking shall not be located in the front yard.~~
- b. No more than fifty (50) percent of the total site’s linear feet along the front building line shall be occupied by parking lot.

**2. Section 4.21 Schedule of Use Regulations Table (Page 101):** Reclassify selective automotive limited automotive and transportation uses in the IB district from Special to Permitted.

**Current Ordinance:**

Use	IB
Vehicle, recreational vehicle sales	S
Vehicle repair stations	S
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S
Ambulance facilities	S
Vehicle rental	S

**Issue:** Recognizing that some of the area devoted to manufacturing and industrial uses may be outdated and conducive to redevelopment of other uses, the IB District was created. The IB District is intended to continue to recognize more traditional manufacturing and industrial use; however encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses. The IB District recognizes the difficulty of certain sites for redevelopment and

open up the list of uses accordingly. As such, the IB District permits a multitude of uses by-right ranging from multiple-family residential to shopping centers to light and medium industrial uses. However, automobile uses are the only category of uses that require special uses. Many concerns associated with further opening the IB District Use and potential impact upon surrounding properties, are mitigated through the special use process for drive-through uses, limitation on outdoor storage, and landscape transitions between incompatible uses.

We recommend that certain uses in the Automotive/Transportation category that have minimal exterior impacts be allowed by-right.

**Proposed Amendment Language:**

Use	IB
Vehicle, recreational vehicle sales	S, P
Vehicle repair stations	S, P
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S, P
Ambulance facilities	S, P
Vehicle rental	S, P

**3. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted or Special based on district.

**Issue:** Oil change facilities are not a listed use in the Schedule of Use Regulations. In previous practice oil facilities were treated similar to vehicle repair. However, oil change facilities are a common use that have different impacts than other vehicle repair and other automobile uses. In addition, vehicle repair has defined supplemental use regulations as listed in Section 6.26, of which are not applicable to oil change facility operations. Oil change facilities should be added and classified as a Permitted or Special Use based on district.

**Proposed Amendment Language:**

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

**4. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district. (Note: see section 6.30)

**Issue:** Wireless Communication Facilities are a use defined in Article 2 (definitions) and have specific use standards outlined in Section 6.30, but are not a listed use in the Schedule of Use Regulations. Wireless Communications, both attached to existing building and free-standing tower, are a common use that should be added to the use table. Due to different visual effects and potential for secondary impact, free standing towers should require greater regulations in regards to both ability to be located in certain districts and requirement to obtain special use approval in others. Wireless communication facilities located on existing structures are permitted in all districts provided that they meet those supplemental use regulations listed in Section 6.30.B.1.

All Wireless communication facilities still must comply with Section 6.30.

**Proposed Amendment Language:**

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Wireless Communication Facility (complies with section 6.30.B.1)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Communication Facility (free standing tower)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>S</u>							

**5. Section 5.03 Form Based Districts Use Group by Category (Page 108):** Add “Lodging” as use in Use Group 5

**Issue:** Lodging facilities are not a listed use in the form-based code. Previous applications for lodging facility in the form-based districts have been required to go through a P.U.D. process. Lodging facilities are an intended use in the form-based districts. Not including this use was an oversight of the previous draft. Adding lodging to the code is consistent with the Master Plan and would clarify the intent of the zoning ordinance.

**Proposed Amendment Language:**

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 5
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Financial institutions
General retail

**6. Section 5.03 Form Based Standards Applicable to All Districts (Page 110):** Add “Section C” to add specific landscaping requirements in the Form Based Districts.

**Issue:** Section 13.02 outlines Landscaping requirements. These requirements are not district specific and rather apply throughout the city. These regulations include screening between uses, parking lot landscaping, greenbelt planting, and a requirement to provide at least 20% of the site landscaping. However, as recently discussed by the Planning Commission for the Big Beaver PUD, a 20% landscaping requirement for developments in the more urban and pedestrian oriented Form-Based districts might not be appropriate. Due to the building form requirements of the Big Beaver corridor, and the desire to build more “urban” style developments, obtaining

20% site landscaping is often difficult to obtain. Looking at other ordinances including City of Omaha and the City of Chicago, we recommend reducing the total percentage of site landscaping to 15% with options for relief.

**Proposed Amendment Language:**

<b>EXAMPLE: LANDSCAPE REQUIREMENT IN FORM-BASED DISTRICT</b>				
<b>Site Area</b>	<b>15% required landscaping</b>	<b>50% of 15% of required landscaping (greenscape)</b>	<b>25% of 15% of required landscaping (hardscape)</b>	<b>25% of 15% of required landscaping can be relieved through sustainable design option</b>
100,000 sq/ft	15,000 sq/ft	7,500 sq/ft	3,750 sq/ft	3,750 sq/ft

Section 5.03.C: Landscaping in Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
  - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
  - b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
  - c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

**7. Section 6.10.C.1 and C.2 (Page 170):** Amend Section 6.10.C.1 and C.2 to reduce the width of drive-through drive-aisles from 12 feet to 10 feet.

**Issue:** The requirement of a 12-foot width for drive-through aisles is not necessary. First, due to adjacent buildings, other cars, and necessities to stop (order menus, pick-up windows, ATMs, tellers booths, etc) cars travel slower through drive-through aisles. Secondly, all drive-through aisles are one way, or separated via striping or curbs. 12-foot wide lanes are only necessary for two-way traffic. Reducing the width from 12-feet to 10-feet will not cause additional traffic conflict, will allow additional area for both building or landscaped area, and will have the added effect of naturally reducing automobile speed. The ten (10) foot drive-through aisle width is consistent with what was recently passed for bank uses in the Big Beaver form based district.

**Proposed Amendment Language:**

Section 6.10.C.1 and C.2:

Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

- 8. Add Section 6.31 (Page 170):** Add Section 6.31 to allow 1 story multi-family residential uses as permitted uses in the IB districts only for conversion of existing buildings.

**Issue:** Recognizing that some of the area devoted to manufacturing and industrial uses may be outdated and conducive to redevelopment of other uses, the IB District was created. The IB District is intended to continue to recognize more traditional manufacturing and industrial use; however encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses. The IB District recognizes the difficulty of certain sites for redevelopment and open up the list of uses accordingly. As such, the IB District permits a multitude of uses by-right ranging from multiple-family residential to shopping centers to light and medium industrial uses.

The current ordinance prevents the construction of one-story multi-family dwelling units. The intent of requiring multiple story multi-family structures is to require greater massing and scale. However, there are many existing one story buildings in the IB District that could be converted into multi-family. The proposed amendment to allow one-story multi-family dwelling units is only permitted for existing building in the IB district.

**Proposed Amendment Language:**

Section 6.31: Multi-family dwelling units in the IB District.

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

- 9. Section 7.13.1.4 (Page 199):** Amend the maximum duration for outdoor special events from four (4) to seven (7) days.

**Issue:** Section 7.13.1.4 limits outdoor special events, such as grand openings and corporate, institutional, and community celebrations and fundraising activities, to a maximum of four (4) consecutive days. These four (4) days includes on-site event preparation, setup, and cleanup. Often due to on-site event preparation, setup, and cleanup, a maximum of four (4) days is not sufficient. Extending the time allowance from four (4) to seven (7) days would provide the necessary time to setup for the event, hold the event, and cleanup. Extending the time for outdoor events would not significantly impact traffic or public facilities (police, fire, etc).

**Proposed Amendment Language:**

Section 7.13.1.4:

The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

- 10. Section 16.03 (page 313):** Add standards for rezoning

**Issue:** While there are standards for conditional rezoning as outlined in Section 16.04; there are no standards for a straight rezoning outlined in Section 16.03. The ordinance should include standards for the Planning Commission and ultimately the City Council to consider in regards to

rezoning. Such standards can include consistency with Master Plan, impact upon public facilities, etc.

**Proposed Amendment Language:**

Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
  - 1. A change in City policy since the Master Plan was adopted
  - 2. A change in conditions since the Master Plan was adopted.
  - 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

**11. Single-Family Districts: Amend Frontage requirements**

**Issue:** There is not a minimum lot frontage requirement for lots in the R-1 districts. The requirement of minimum lot frontage, in combination with minimum lot size, depth, width, and setback ensures that newly created lots will be able to comply with all site development standards. Requiring a minimum lot frontage would ensure that the creation of new lots have the necessary access with the extension of a road that meets City of Troy requirement. A lack of minimum lot frontage requirement would allow the creation of a new lot by extending the road as a driveway. Furthermore, requiring a minimum lot frontage eliminates the creation of flag lots.

**Proposed Amendment Language:**

- Add Lot Frontage Definition to Article 2:

Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

- Amend Table 4.06.C:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
<b>R-1A</b>											
No Sewer	30,000	150	<u>150</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<u>120</u>	2 ½		40	15	30	45	1,400	30%

R-1B											
No Sewer	21,780	110	<u>110</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	15,000	100	<u>100</u>	2 ½		40	10	25	45	1,400	30%
R-1C											
No Sewer	21,780	110	<u>110</u>	2 ½	30	30	15	30	40	1,200	30%
Sewer	10,500	85	<u>85</u>	2 ½		30	10	20	40	1,200	30%
R-1D											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	40	1,000	30%
Sewer	8,500	75	<u>75</u>	2 ½		25	8	20	40	1,000	30%
R-1E											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	35	1,000	30%
Sewer	7,500	60	<u>60</u>	2 ½		25	5	15	35	1,000	30%

- Amended Section 4.06.D Supplemental District Standards to add frontage language regarding corner lots and cul-de-sacs:

**Section 4.06.D.6: Lot Frontage on Corner Lots, Curved Roads, and Cul-de-Sacs**

- On all corner lots, the frontage set forth shall be measured on one (1) street only.
- For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

**12. Section 4.21 Schedule of Use Regulations (p.100):** Add Extended Stay Facilities as a use to the schedule of use regulations.

**Issue:** There are at least two extended stay facilities in Troy. One is controlled by a consent judgment, and the other is in the MR, Multiple Family zoned district. While it is defined in Article 2 (Definitions), extended stay facilities are not a listed use in the ordinance. Previous practice considered these facilities most similar to hotel. However, hotel is not a permitted use in the multiple family districts. Thus this extended stay facility is considered non-conforming.

The table of uses should be amended to add extended stay facilities as a use. In consideration of similar uses, hotel uses is not most appropriate use to compare such use too. Rather, due to similar operations and impacts, these facilities are more similar to multiple-family and apartments uses, and should be regulated in a similar manner.

**Proposed Amendment Language:**

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple Family Dwelling Unit (9 stories + )	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP

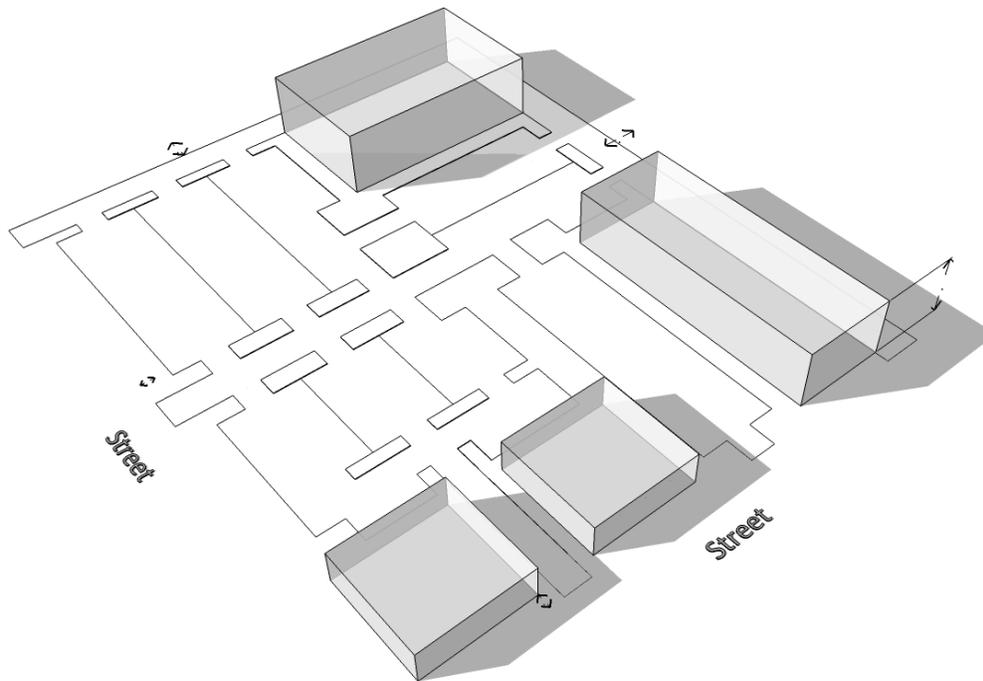
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
Extended Stay Facility	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Minor:**

- Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
- Section 4.07 Table (page 51):** Amend “5,000 without sewers” to “5,000 with sewers” and reduce side yard to 5’ for least one and 15’ for least two. Reducing side yard setbacks is consistent with R-1E lot requirements.

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft.	In Stories (2)	In Feet (2)	Front (3)	Sides		Rear (5)		
						Least One (4)	Least Two (4)			
15,000 without sewers	75	N/A	2 ½	30	25	<del>10</del>	<del>20</del>	35	1,000	30%
5,000 with sewers	40	40				5	15			

- Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations). New Graphic:



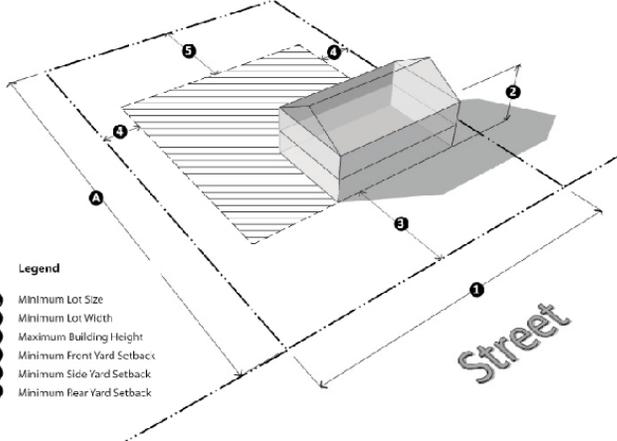
4. **Section 4.06-4:18 (pgs. 47, 51, 55, 59,65, 71, 53, 75, 79, 83, 87, and 91):** Amend all district regulation tables so that legend icon is consistent in both graphic and tables. Example below:

Article 4  
District Regulations

BACK FORWARD



57



**Legend**

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback

Minimum Lot Size Per Dwelling Unit	Maximum Height			Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings	
				Front	Sides		Rear			
				3	Least One	Least Two	4			
Use District	Area in sq. ft. 1	Width in ft. 1	In Stories 2	In Feet 2	3	4	4	6		
B-1A										
No Sewer	30,000	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	2 1/2		40	15	30	45	1,400	30%
B-1B										
No Sewer	21,780	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	2 1/2		40	10	25	45	1,400	30%
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Sewer	10,500	85	2 1/2		30	10	20	40	1,200	30%
B-1D										
No Sewer	21,780	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	2 1/2		25	8	20	40	1,000	30%
B-1E										
No Sewer	21,780	110	2 1/2	30	25	15	30	35	1,000	30%

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Non-Code Appeals/Amr

5. **Section 4.21 Schedule of Regulations Table (page 98):** Amend “R-T” to “RT”
6. **Section 4.21 Schedule of Regulations Table (Page 99):** Add “P” to Retail, large-format for CB district
7. **Section 5.03 Form Based Districts Use Groups by Category Table (Page 108):** Remove bold and underline from “Drive-through facilities”
8. **Section 5.04, Section 5.05, and Section 5.06 Form Based District Use Groups Permitted Table (Page 133, 143, and 158):** Amend “Table 5.03-1” to “Table 5.03-A-1”
9. **Section 6.26, Section 6.27, and Section 6.28 (Page 179):** Change text color to black for “Vehicle Repair”, “Vehicle Sales –New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”
10. **Section 6.30.B.2 (Page 182):** Amend “Section 6.29.B.1” to “6.30.B.1”

- 11. Section 10.04.E.2 (Page 225):** Amend “Section 10.04.E.2” to refer to “Section 10.04.D”
- 12. Section 12.04.F.1 and 2.a.i (Page 251):** Amend “R-1T” to “RT”
- 13. Section 13.02 (Page 276):** Add the following label to table: “Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials”
- 14. Section 13.05.C.3 (Page 282):** Amend Section 13.05.C.3: Amend “in an industrial district where” to say “in the IB or PV districts when”

Please contact me if you have any questions.

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CARLISLE/WORTMAN ASSOC., INC.  
Benjamin R. Carlisle, LEED AP, AICP



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**MEMORANDUM**

**TO:** R. Brent Savidant, AICP, Planning Director  
**FROM:** Ben Carlisle, AICP  
**DATE:** October 17, 2012  
**RE:** Zoning Ordinance Amendments

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**Complete list of Substantive Amendments (including October 9<sup>th</sup> Considerations):**

Listed below is the list of substantive amendments. We have only listed the proposed amendment language. For more details regarding justification, please refer to our September 19, 2012 memo.

- 1. Section 4.13.D.4.a (CB District Page 72) :** *Parking shall not be located in the front yard.*
- Section 4.14.D.4.a (GB District Page 76) :** *Parking shall not be located in the front yard.*
- Section 4.15.D.4.a (O District Page 84) :** *Parking shall not be located in the front yard.*
- Section 4.18.D.5.a (RC District Page 92) :** *Parking shall not be located in the front yard.*

**Proposed Amendment Language:**

Section 4. Off-Street Parking Location.

- ~~a. Parking shall not be located in the front yard.~~
- a. No more than fifty (50) percent of ~~total site's linear feet along the front building line shall be occupied by parking lot.~~ a site's required parking as set forth in Section 4.21 may be located in a front yard.
- b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

- 2. Section 4.21 Schedule of Use Regulations Table (Page 101):** Reclassify selective automotive limited automotive and transportation uses in the IB district from Special to Permitted. Require that automobile uses within 300-feet of residential zoned or used property shall be reviewed as a special use as set forth in Article 9.

**Proposed Amendment Language:**

Section 4.21 Schedule of Use Regulations Table (Page 101):

<b>Automobile Use</b>	<b>IB</b>
Vehicle, recreational vehicle sales	S
Vehicle repair stations	S, P
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S, P
Ambulance facilities	S, P
Vehicle rental	S, P

Section 6.26.F. Vehicle Repair (Page 179):

- F. Any proposed vehicle repair use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

Section 6.31. Antique Vehicle Sale, Ambulance Facility, and Vehicle Rental:

- A. Any proposed antique vehicle sale, ambulance facility, and vehicle rental use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

- 3. Section 4.21 Schedule of Use Regulations (p.100) and Section 6.16 Lodging (Page 174):** Add Extended Stay Facilities as a use to the schedule of use regulations and add Extended Stay Facilities to the special use provisions of Lodging Facilities.

Section 4.21:

	R1-A through R1-E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple Family Dwelling Unit (9 stories + )	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP

<u>Extended Stay Facility</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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Section 6.16. Lodging Facilities (Page 174):

**SECTION 6.16 LODGING FACILITIES / EXTENDED STAY FACILITIES**

Lodging/Extended Stay Facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06.

- 4. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted or Special based on district.

**Proposed Amendment Language:**

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

- 5. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district. (Note: see section 6.30)

**Proposed Amendment Language:**

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Wireless Communication Facility (complies with section 6.30.B.1.)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Communication Facility (free</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>S</u>							

standing tower)																		
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**6. Section 5.03 Form Based Districts Use Group by Category (Page 108):** Add “Lodging” as use in Use Group 5

**Proposed Amendment Language:**

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 5
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Financial institutions
General retail

**7. Section 5.03 Form Based Standards Applicable to All Districts (Page 110):** Add “Section C” to add specific landscaping requirements in the Form Based Districts.

**Proposed Amendment Language:**

Section 5.03.C: Landscaping in Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
  - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
  - b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required

landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.

- c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

- 8. Section 6.10.C.1 and C.2 (Page 170):** Amend Section 6.10.C.1 and C.2 to reduce the width of drive-through drive-aisles from 12 feet to 10 feet.

**Proposed Amendment Language:**

Section 6.10.C.1 and C.2:

Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

- 9. Add Section 6.31 (Page 170):** Add Section 6.31 to allow 1 story multi-family residential uses as permitted uses in the IB districts only for conversion of existing buildings.

**Proposed Amendment Language:**

Section 6.31: Multi-family dwelling units in the IB District.

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

- 10. Section 7.13.I.4 (Page 199):** Amend the maximum duration for outdoor special events from four (4) to seven (7) days.

**Proposed Amendment Language:**

Section 7.13.I.4:

The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

- 11. Section 16.03 (page 313):** Add standards for rezoning

**Proposed Amendment Language:**

Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
  1. A change in City policy since the Master Plan was adopted
  2. A change in conditions since the Master Plan was adopted.

- 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

**12. Single-Family Districts: Amend Frontage requirements**

**Proposed Amendment Language:**

- Add Lot Frontage Definition to Article 2:

Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

- Amend Table 4.06.C:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
<b>R-1A</b>											
No Sewer	30,000	150	<u>150</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<u>120</u>	2 ½		40	15	30	45	1,400	30%
<b>R-1B</b>											
No Sewer	21,780	110	<u>110</u>	2 ½	30	40	15	30	45	1,400	30%
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Sewer	10,500	85	<u>85</u>	2 ½		30	10	20	40	1,200	30%
<b>R-1D</b>											
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Sewer	8,500	75	<u>75</u>	2 ½		25	8	20	40	1,000	30%
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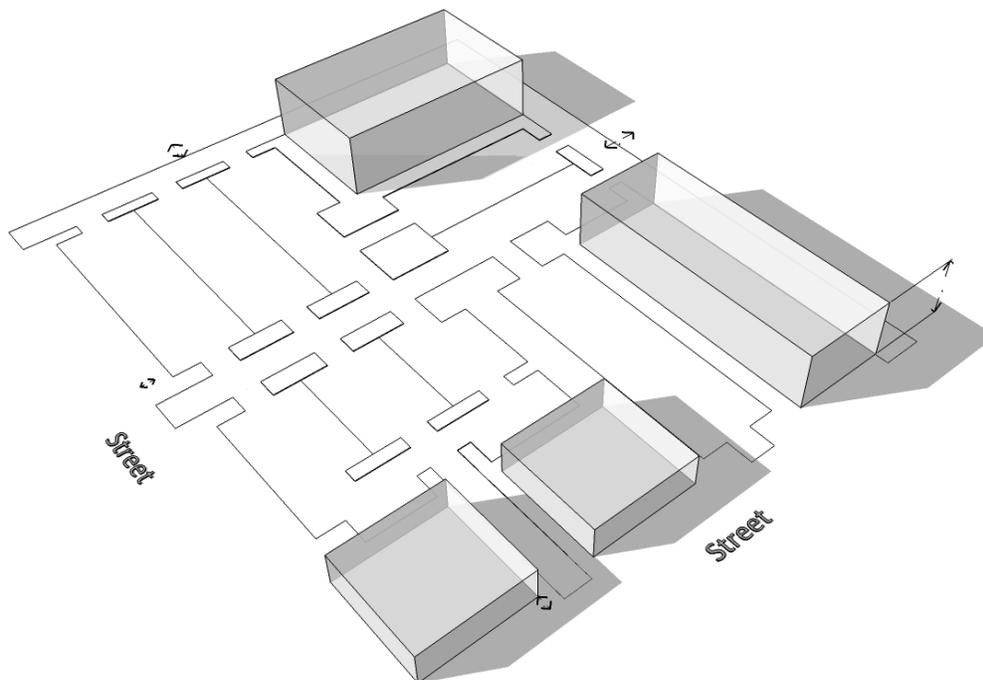
- a. On all corner lots, the frontage set forth shall be measured on one (1) street only.
- b. For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- c. In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

**Minor:**

- Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
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Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft.	In Stories (2)	In Feet (2)	Front	Sides		Rear		
					(3)	Least One (4)	Least Two (4)	(5)		
15,000 without sewers	75	N/A	2 ½	30	25	<del>10</del>	<del>20</del>	35	1,000	30%
5,000 with sewers	40	40				5	15			

- Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations). New Graphic:



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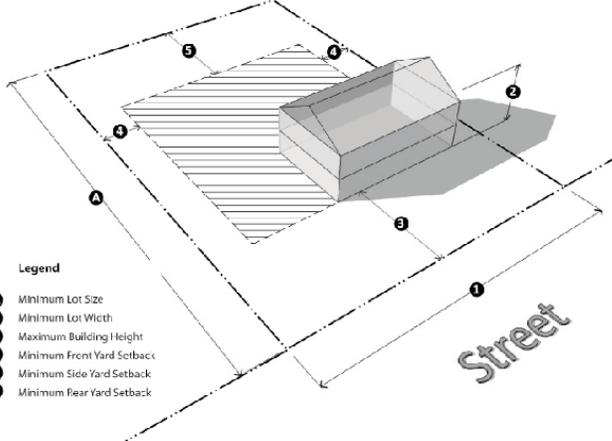
BACK FORWARD



57

**Legend**

- A** Minimum Lot Size
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Use District	Minimum Lot Size Per Dwelling Unit			Maximum Height In Feet	Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Area in Sq. Ft.	Width in Ft.	In Stories		Front	Sides		Rear		
					Least One	Least Two	Least Two			
R-1A				30						
No Sewer	30,000	150	2 1/2		40	15	30	45	1,400	30%
Sewer	21,780	120	2 1/2	40	15	30	45	1,400	30%	
R-1B				30						
No Sewer	21,780	110	2 1/2		40	15	30	45	1,400	30%
Sewer	15,000	100	2 1/2	40	10	25	45	1,400	30%	
R-1C				30						
No Sewer	21,780	110	2 1/2		30	15	30	40	1,200	30%
Sewer	10,500	85	2 1/2	30	10	20	40	1,200	30%	
R-1D				30						
No Sewer	21,780	110	2 1/2		25	15	30	40	1,000	30%
Sewer	8,500	75	2 1/2	25	8	20	40	1,000	30%	
R-1E				30						
No Sewer	21,780	110	2 1/2		25	15	30	35	1,000	30%

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9. **Section 6.26, Section 6.27, and Section 6.28 (Page 179):** Change text color to black for “Vehicle Repair”, “Vehicle Sales –New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”
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- 14. Section 13.05.C.3 (Page 282):** Amend Section 13.05.C.3: Amend “in an industrial district where” to say “in the IB or PV districts when”

Please contact me if you have any questions.

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CARLISLE/WORTMAN ASSOC., INC.  
Benjamin R. Carlisle, LEED AP, AICP

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## **ZONING ORDINANCE TEXT AMENDMENT**

8. **ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244)** – Miscellaneous Zoning Ordinance Revisions

Mr. Savidant and Mr. Carlisle dually presented the report prepared by Carlisle/Wortman Associates, Inc. The report explained that the City of Troy Zoning Ordinance was adopted in April 2011. It is common that a year or so after the adoption of a new zoning ordinance, staff, planning commissioners, and outside interests identify specific language and other clarifications that need further discussion and potential amendments. Many of the proposed amendments are minor (capitalization, consistency in labeling, etc); however, some considerations for amendments are substantive.

The non-substantive amendments listed in the report were not discussed. The Planning Commission members were asked to review those items on their own. Any suggestions would be shared with the Planning Commission at a later meeting.

The Planning Commission discussed the twelve substantive items proposed in the report. They reached consensus on all items.

Mr. Savidant stated the Planning Department would revise the proposed language as agreed upon by the Planning Commission and return with revised language at a future date.

**ZONING ORDINANCE TEXT AMENDMENT**

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

There was general discussion of proposed text amendment language.

**ZONING ORDINANCE TEXT AMENDMENT**

8. **ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

The Planning Commission discussed and reached consensus on four items:

1. Parking in front yard.
2. Regulations of extended stay facilities.
3. Spacing provisions for used automobile dealerships.
4. Rezoning Rochester Villas from R-1D to RT.

**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**

# Troy Zoning Ordinance Amendments

February 18, 2013

# Background

- Zoning Ordinance was adopted in April 2011
  - After one year or so of use and application it is common to address clarifications and amendment if necessary
- 26 amendments total:
  - 12 substantive
  - 14 minor (capitalization, consistency in labeling)
- 4 meetings with Planning Commission
  - Public Hearing held on January 8<sup>th</sup>
  - Forwarded unanimously

# 1. Parking in Front of Building

- Allow parking in front of building in CB, GB, O, and RC
- **Issue:**
  - Due to the definition of front yard, parking is not permitted in the front of any building CB, GB, O, and RC districts.
  - A limited parking in front of the building should be permitted.
  - Existing language in ordinance mitigates concerns that parking would dominate parking in the front yard.

# 1. Parking in Front Yard

- No more than 50% of the required onsite parking may be located in the front yard.
- Additional parking in front yard may be provided through Sustainable Development Option

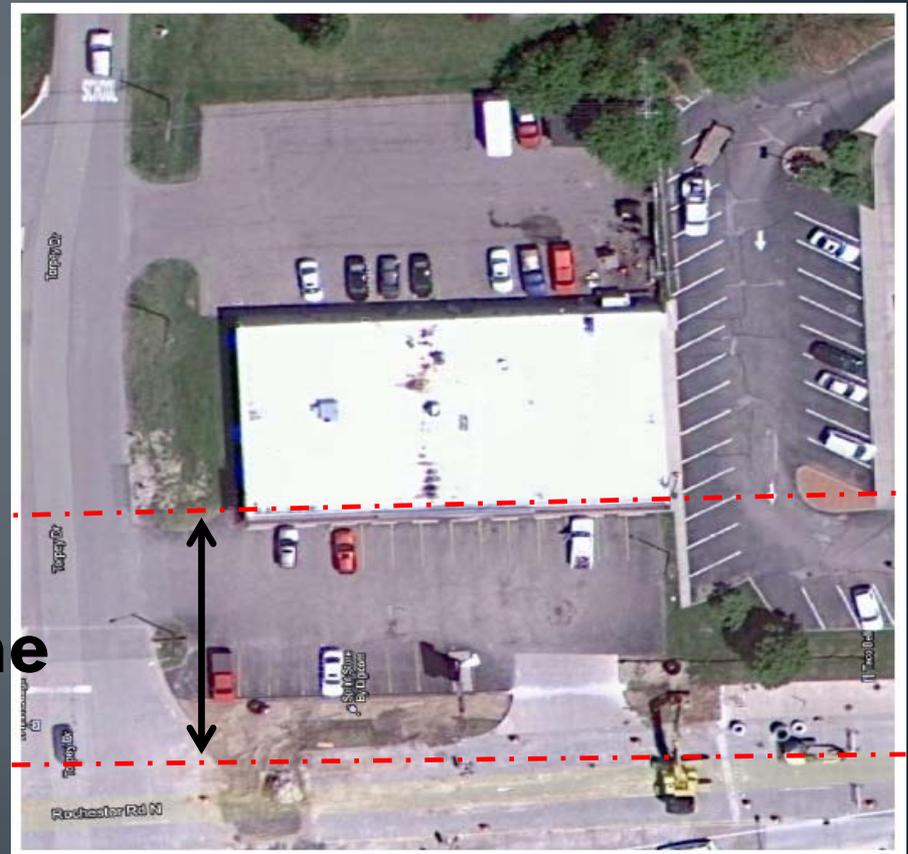
**EX:**

8,000 sq.ft general retail building  
requires 32 spaces.

Only 16 of those spaces may be  
located in front of building.

**Front Yard Line**

**Setback Line**



## 2. Automotive and transportation uses in IB uses in IB

- Allow selective automotive and transportation uses in IB Districts permitted by-right:
  - Vehicle repair
  - Antique and classic vehicle sales
  - Ambulance facilities
  - Vehicle rental
- Require special use for these uses within 300-feet of a residentially zoned or used parcel.
  - Protect single-family properties

## 2. Automotive and Transportation Uses in IB

**Allow selective auto uses as permitted in IB**

**Proposed Amendment Language:**

<b>Use</b>	<b>IB</b>
<b>Vehicle, recreational vehicle sales</b>	<b>S</b>
<b>Vehicle repair stations</b>	<b>S, P</b>
<b>Vehicle fueling/multi-use stations</b>	<b>S</b>
<b>Vehicle washes</b>	<b>S</b>
<b>Vehicle auctions</b>	<b>S</b>
<b>Antique and classic vehicle sales</b>	<b>S, P</b>
<b>Ambulance facilities</b>	<b>S, P</b>
<b>Vehicle rental</b>	<b>S, P</b>

### 3. Extended Stay Facilities

- Add Extended Stay Facilities in Ordinance and regulate similar to hotel / lodging use.
- Issue
  - Use not listed in Ordinance
  - At least two (2) exist in City

# 3. Extended Stay Facilities

## Section 4.21

	R1-A throu gh R- 1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (9 stories + )	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
<b><u>Extended Stay Facility</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>S</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>NP</u></b>	<b><u>S</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>

## Section 6.16: Lodging Facilities and Extended Stay Facilities

Lodging/extended stay facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06

# 4. Oil Change Facility

- Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted.
- **Issue:**
  - Oil change facilities are not a listed use in the Schedule of Use Regulations.
  - In previous practice oil facilities were treated similar to vehicle repair.
    - Vehicle repair has defined supplemental use regulations as listed in Section 6.26, some of which are not applicable to oil change facility operations.

# 4. Oil Change Facility

## Proposed Amendment Language:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	<del>S</del> P	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

# 5. Wireless Communication Facility

- Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district.
- **Issue:**
  - Use not listed in the Schedule of Use Regulations but have specific use standards outlined in Section 6.30
  - New proposed free standing towers require Special Use.
  - Wireless communication facilities located on existing structures are permitted in all districts provided that they meet those supplemental use regulations listed in Section 6.30.B.1.



# 6. Lodging

- Add “Lodging” as use in Use Group 5
- **Issue:**
  - Not a listed use in the form-based code.
  - Previously required to go through a P.U.D. process.
  - Not including this use was an oversight of the previous draft.
  - Adding lodging to the code is consistent with the Master Plan and would clarify the intent of the zoning ordinance.

# 6. Lodging

## Proposed Amendment Language:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE	
Use Group 5	
<b><u>Lodging</u></b>	
Financial institutions	
General retail	
Retail, large-format	
Shopping centers	
Fitness, gymnastics, and exercise centers	
Theatres and places of assembly	
Indoor commercial recreation establishments	
Restaurant	
Personal services	
Business services	
Financial institutions	
General retail	

# 7. Landscaping in Form-Based Districts

- Add “Section C” to add specific landscaping requirements in the Form-Based Districts.
- **Issue:**
  - Section 13.02 outlines Landscaping requirements.
  - A 20% landscaping requirement for developments in the more urban and pedestrian oriented Form-Based districts might not be appropriate.
    - Building form requirements and the desire to build more “urban” style developments make 20% site landscaping difficult to obtain.
  - Looking at other ordinances including City of Omaha and the City of Chicago, we recommend reducing the total percentage of site landscaping to 15% with options for relief.

# 7. Landscaping in Form-Based Districts

## Proposed Amendment Language:

### Section 5.03.C: Landscaping in Form-Based Districts:

- I. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
  - a) Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
  - b) Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
  - c) Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

# 7. Landscaping in Form-Based Districts

## EXAMPLE: LANDSCAPE REQUIREMENT IN FORM-BASED DISTRICT

Site Area	15% required landscaping	50% of 15% of required landscaping (greenscape)	25% of 15% of required landscaping (hardscape)	25% of 15% of required landscaping can be relived through sustainable design option
100,000 sq/ft	15,000 sq/ft	7,500 sq/ft	3,750 sq/ft	3,750 sq/ft

# 8. Reduce Drive-through Width

- Reduce the width of drive-through aisles from 12 feet to 10 feet.
- **Issue:**
  - The requirement of a 12-foot width for drive-through aisles is not necessary.
  - Reducing the width will
    - not cause additional traffic conflict;
    - allow additional area for both building or landscaped area; and
    - have the added effect of naturally reducing automobile speed.
  - The ten (10) foot drive-through aisle width is consistent with what was recently passed for bank uses in the Big Beaver form based district.

# 8. Reduce Drive-through Width

## Proposed Amendment Language:

### Section 6.10.C.1 and C.2:

1. Each drive-through facility shall provide stacking space meeting the following standards:

- a. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

# 9. 1-story MF in IB Districts

- Add Section 6.31 to allow 1-story multi-family residential uses as permitted uses only for conversion of existing buildings.
- **Issue:**
  - The IB District permits a multitude of uses by-right
  - In any district, the current ordinance prevents the construction of one-story multi-family dwelling units.
    - The intent of requiring multiple story multi-family structures is to require greater massing and scale.
  - There are many existing one story buildings in the IB District that could be converted into multi-family.
    - Provides reuse of buildings
    - Provides alternative housing option
    - The proposed amendment to allow one-story multi-family dwelling units is only permitted for existing building in the IB district.

# 9. 1-story MF in IB Districts

## Proposed Amendment Language:

Section 6.31: Multi-family dwelling units in the IB District.

1. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

# 10. Outdoor Special Events

- Amend the maximum duration for outdoor special events from four (4) to seven (7) days.
- **Issue:**
  - Section 7.13.1.4 limits outdoor special events to a maximum of four (4) consecutive days.
    - Includes on-site event preparation, setup, and cleanup.
  - Troy Family Daze is an example
  - Extending provides the necessary time to setup for the event, hold the event, and cleanup.

# 10. Outdoor Special Events

## Proposed Amendment Language:

### Section 7.13.1.4:

1. The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

# 11. Rezoning Standards

- Add Rezoning Standards
- **Issue:**
  - Standards for conditional rezoning but no standards for a straight rezoning.
  - The ordinance should include standards for the Planning Commission and ultimately the City Council to consider in regards to rezoning.
  - Such standards include consistency with Master Plan; impact upon health, safety and welfare; impact upon public facilities, etc.

# 11. Rezoning Standards

## Proposed Amendment Language:

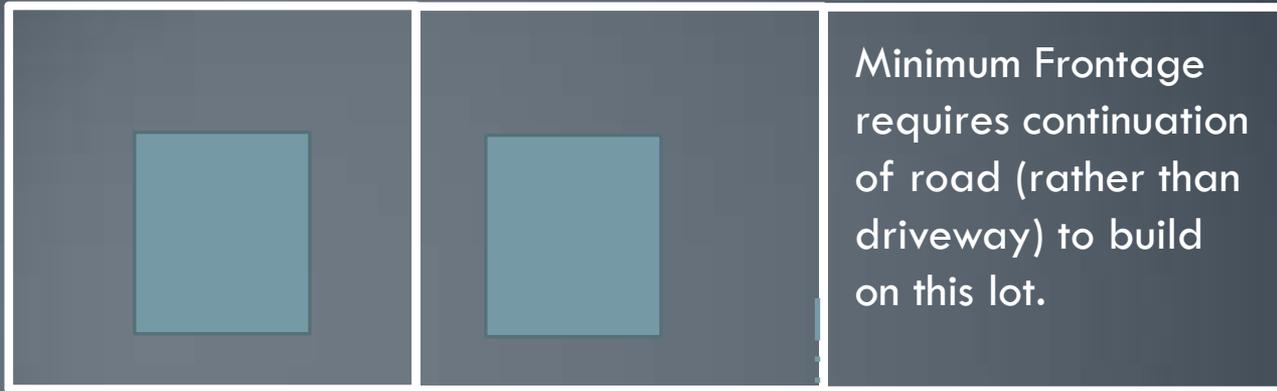
Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
  - 1. A change in City policy since the Master Plan was adopted
  - 2. A change in conditions since the Master Plan was adopted.
  - 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

# 12. Frontage Requirements

- Add Frontage Requirements
- **Issue:**
  - There is not a minimum lot frontage requirement for lots in the R-1 districts.
  - The requirement of minimum lot frontage ensures that newly created lots will be able to comply with all site development standards.
  - Requiring a minimum lot frontage would ensure that the creation of new lots have the necessary access with the extension of a road.
  - A lack of minimum lot frontage requirement would allow the creation of a new lot by extending the road as a driveway.

# Proposed Requirements



# 12. Frontage Requirements

## Proposed Amendment Language:

- Add Lot Frontage Definition to Article 2:
  - Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

# 12. Frontage Requirements

## Proposed Amendment Language:

- Amend Table 4.06.C:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
<b>R-1A</b>											
No Sewer	30,000	150	<b>150</b>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<b>120</b>	2 ½		40	15	30	45	1,400	30%
<b>R-1B</b>											
No Sewer	21,780	110	<b>110</b>	2 ½	30	40	15	30	45	1,400	30%
Sewer	15,000	100	<b>100</b>	2 ½		40	10	25	45	1,400	30%
<b>R-1C</b>											
No Sewer	21,780	110	<b>110</b>	2 ½	30	30	15	30	40	1,200	30%
Sewer	10,500	85	<b>85</b>	2 ½		30	10	20	40	1,200	30%
<b>R-1D</b>											
No Sewer	21,780	110	<b>110</b>	2 ½	30	25	15	30	40	1,000	30%
Sewer	8,500	75	<b>75</b>	2 ½		25	8	20	40	1,000	30%
<b>R-1E</b>											
No Sewer	21,780	110	<b>110</b>	2 ½	30	25	15	30	35	1,000	30%
Sewer	7,500	60	<b>60</b>	2 ½		25	5	15	35	1,000	30%

# 12. Frontage Requirements

## Proposed Amendment Language:

1. Section 4.06.D.6: Lot Frontage on Corner Lots, Curved Roads, and cul-de-Sacs
  - a) On all corner lots, the frontage set forth shall be measured on one (1) street only.
  - b) For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve along the minimum setback line for the zone in which said lot is located.
  - c) For lots on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

# Minor Amendments

- 1. Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
- 2. Section 4.07 Table (page 51):** Amend “5,000 without sewers” to “5,000 with sewers” and reduce side yard to 5’ for least one and 15’ for least two. Reducing side yard setbacks is consistent with R-1E lot requirements.
- 3. Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations).

# Minor Amendments

4. **Section 4.06-4:18 (pgs. 47, 51, 55, 59,65, 71, 53, 75, 79, 83, 87, and 91):** Amend all district regulation tables so that legend icon is consistent in both graphic and tables.
5. **Section 4.21 Schedule of Regulations Table (page 98):** Amend “R-T” to “RT”
6. **Section 4.21 Schedule of Regulations Table (Page 99):** Add “P” to Retail, large-format for CB district
7. **Section 5.03 Form Based Districts Use Groups by Category Table (Page 108):** Remove bold and underline from “Drive-through facilities”
8. **Section 5.04, Section 5.05, and Section 5.06 Form Based District Use Groups Permitted Table (Page 133, 143, and 158):** Amend “Table 5.03-1” to “Table 5.03-A-1”

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# Troy Zoning Ordinance Amendments

February 18, 2013



## CITY COUNCIL AGENDA ITEM

Date: February 25, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Tim Richnak, Public Works Director  
Brent Savidant, Planning Director  
Glenn Lapin, Economic Development Specialist

Subject: DTE Energy Solar Currents Proposal

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Solar Project Developers, GenPoint Energy and Inovateus, approached the City of Troy in an effort to identify potential sites for inclusion in a response to a Request For Proposal (RFP) issued by DTE Energy for DTE's Solar Currents program. The RFP sought project developers to build and transfer solar systems for DTE. DTE is seeking to build approximately a 1 Megawatt solar panel system in Troy. DTE is also reviewing other potential sites in Michigan. DTE would generate power from this and other statewide sites as a part of its commitment to have at least 10% of its power originate from renewable energy sources.

DTE has targeted the site adjacent to northbound I-75 (east of I-75) and south of Long Lake Road (map attached) for this project. This City owned property was acquired several years ago for a proposed, but never built, off ramp from northbound I-75. The Michigan Department of Transportation (MDOT) has deleted the interchange ramp project from its 2035 Regional Transportation Plan for Southeast Michigan.

DTE is proposing to use approximately four acres of the target site for the solar panel system. A 20-year lease of the site is being proposed by DTE which would generate annual lease payments to the City in an amount to be negotiated. All project expenses, including maintenance, would be borne by DTE Energy. In addition to annual lease payments, consideration will be given by DTE to providing a public amenity on the site, such as a small public park.

Some factors to consider include the following:

- The City of Troy, as reflected in the 2008 Master Plan, is interested in initiatives that advance green technology and renewable energy solutions.
- This is expected to be Michigan's largest solar field installation to date.
- The City of Troy would generate annual lease revenues for a non-income generating property. However, lease payments may not necessarily be at a level



## CITY COUNCIL AGENDA ITEM

considered to be adequate for this particular parcel. An acceptable lease payment would need to be negotiated as a part of the Lease Agreement.

- The approximately four-acre property would be obligated for the 20-year lease period.
- Potential for park development by DTE Energy at the site.
- Unlike wind turbines, cell towers or other electrical power installations, these solar panels would be ground mounted (about 3 feet in height) and relatively unobtrusive.
- At the end of the lease period, DTE Energy would be responsible for system removal and restoration of the site.
- DTE Energy would own all the solar equipment, related systems and all energy generated from the system.

Representatives from GenPoint Energy and Inovateus are scheduled to make a presentation to City Council at its March 4, 2013 meeting. They will be available to answer any questions as well.

If there is interest in moving forward with this proposed project, a negotiated Lease Agreement would need to be executed by April 17<sup>th</sup>. The Solar Project Developers would need to follow normal local government approval processes, including site plan review and any special use approval from the Planning Commission.

### Recommendation

City Council to determine whether or not there is interest to proceed with the next step of this proposed project which is for the City Attorney and City Manager to negotiate a Lease Agreement between the City of Troy and DTE Energy to present to City Council at a future meeting.

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City Attorney's Review as to Form and Legality

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Date

### Attachments

1. GenPoint Energy and Inovateus PowerPoint presentation.
2. Map of proposed site.
3. Frequently Asked Questions.



### Legend

Description:  
Proposed Property for DTE  
Solar Currents Project

Map Scale: 1=686

Created: February 28, 2013



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

# DTE SolarCurrents 2012 Program Solar Site Host Opportunity





# DTE SolarCurrents – Site Host Opportunity

- On September 28, 2012, DTE issued an RFP for bids from project developers to build and transfer solar systems under the DTE-owned portion of its SolarCurrents program
- As a solar developer/contractor team, GenPoint Energy and Inovateus Solar worked with Troy city officials to submit various Troy sites for Phase I consideration on 12/21/2012.
- Of more than 90 sites proposed in Phase I, the Troy I-75/Long Lake Road site is one of less than ten sites short-listed for Phase II consideration.
- Phase II timing : Detailed proposals are due 4/17/2013
- Project awards/construction: DTE expects final awards by June 2013, with permitting and construction to commence and be completed by 12/31/2013

# Benefits to Troy as Site Host

- No expenses or capital costs – the developer/contractor will develop the project at its expense; DTE will buy the project assets from the developer/contractor and own/maintain the system over its 20 year life
- The project will generate an annual lease payment to City of Troy for the site easement
- City of Troy will have full rights to publicize the project as part of its green initiatives
- Educational benefits – DTE to provide informational kiosk

# Project Overview

## Project Description

- This site was proposed to DTE as a host location for DTE's SolarCurrents program.
- The proposed 1 MW solar array will be located on approximately 5 acres of undeveloped city-owned land at the southeast corner of I-75 and Long Lake Road.
- DTE believes this is a high quality site based on physical characteristics and visibility from I-75.
- If approved by the City of Troy and selected by DTE, this site will host one of the largest solar arrays in Michigan.
- The solar PV array will be fully paid for, constructed, and operated by DTE.
- To satisfy Phase II requirements, the site host (Troy) will need to approve and execute a 20-year site easement agreement.
- Phase II submissions are due April 17, 2013.



# Ground Mount Solar Installations

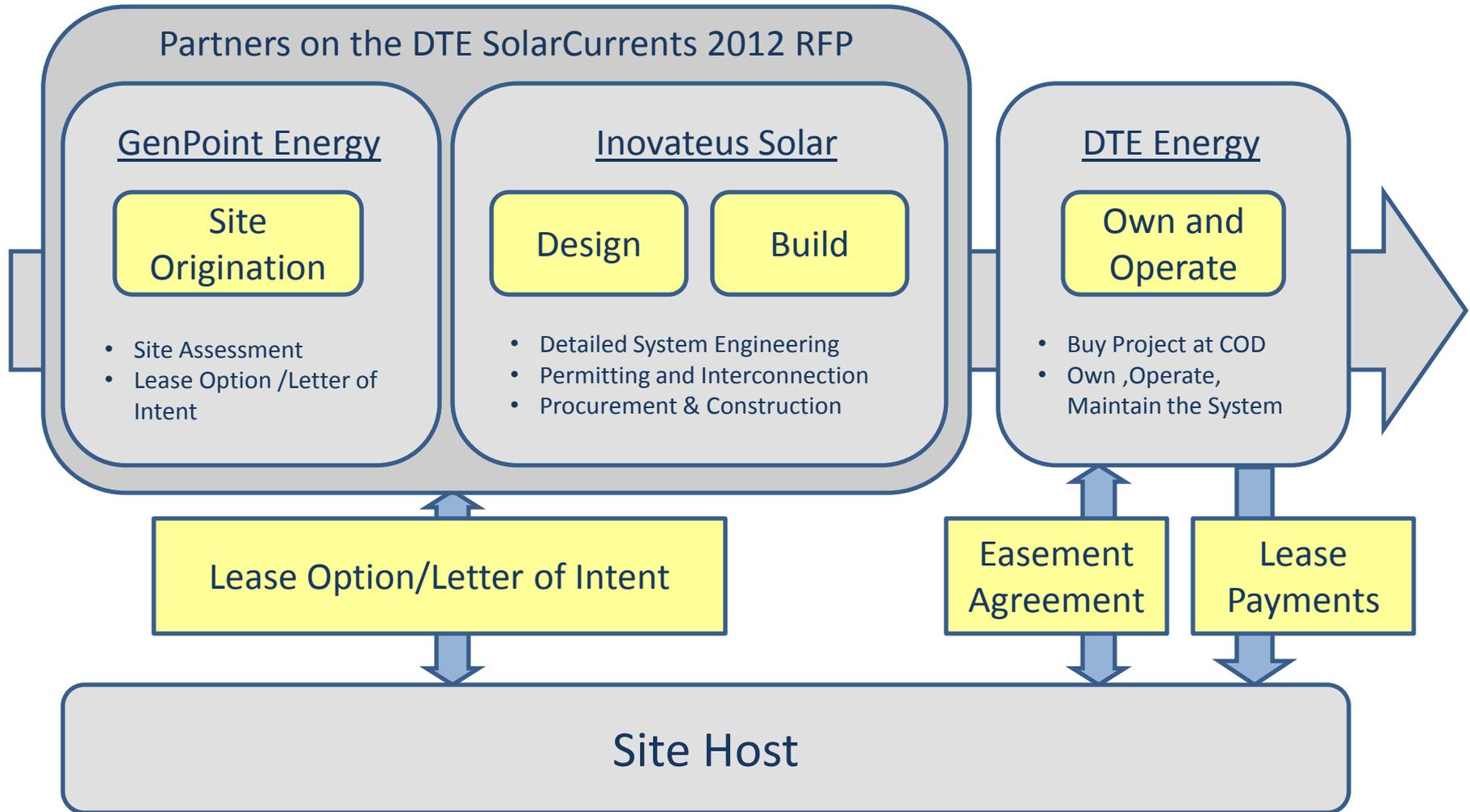


## Next Steps

- Contingent approval of the easement agreement
  - Subject to legal review and approval
  - Subject to negotiation of acceptable financial terms
- Planning Commission review and approval

# Appendix

# Roles of The Development Team and DTE Energy



# About Inovateus Solar and GenPoint Energy

## Inovateus Solar:

- Started in 2003 with the mission of promoting the solution to our country's growing energy problems; experience in many large-scale photovoltaic installations worldwide.
- Inovateus Solar, LLC has put together a strong portfolio of projects that we have constructed and supplied materials for.
- We are capable of constructing the highest quality solar rooftop, ground mount, or carport system at the most competitive price.
- By partnering with several of the world's largest electrical contractors and roofing companies, Inovateus Solar has been successful in working with large organizations all across the country.

## GenPoint Energy:

- Started in 2012 by solar industry veterans to focus on project development in Michigan
- Project resume includes commercial rooftop, ground mount, and solar landfill covers

# Clients / Past Projects

Collectively, we have developed and constructed solar projects both with local Michigan clients, as well as throughout North America:

- Detroit Edison Company
- Dayton Power & Light
- Consolidated Edison
- City of Greenville, MI
- General Motors
- Marathon Oil
- University of Notre Dame
- Toronto Renewable Energy Cooperative
- General Electric
- IKEA
- Hubert Corporation
- Schneider Electric
- Sears Corporation
- United Parcel Service
- Hartz Mountain
- Toys R Us
- Republic Services

# Examples of Inovateus Projects



Ford Motor – Wayne, MI – 500kW Ballasted Ground Mount



City Airport - Greenville, MI – 180kW Metal Roof Installation



GE Carports – Plainfield, CT– 100kW Integrated Carports

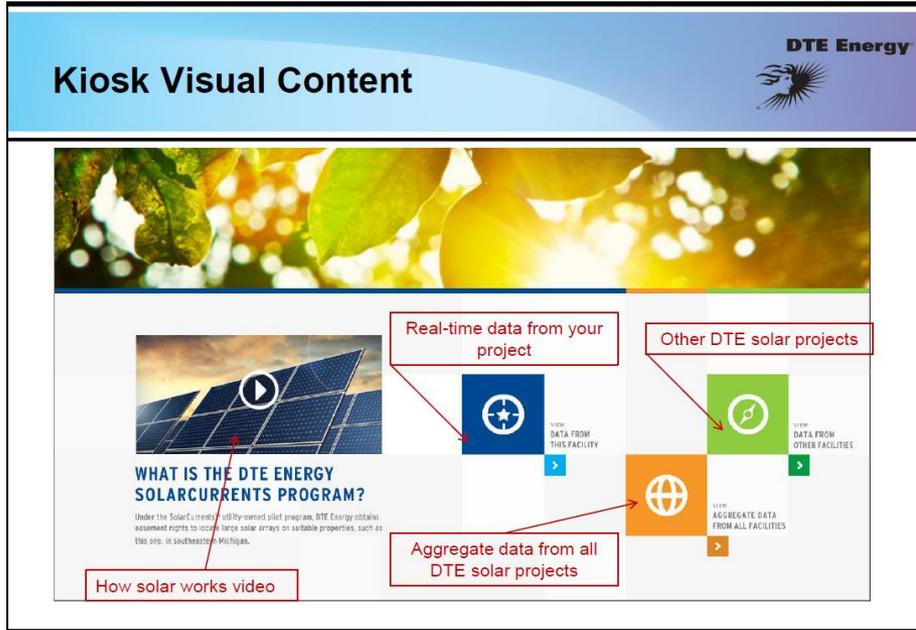


Kari-Out Corp – Totowa, NJ – 1.29 MW Ballasted Rooftop

Additional project references can be found at:

<http://inovateussolar.com/project-profiles>

# DTE Educational Kiosk



## **QUESTIONS/ANSWERS FOR PROPOSED GROUND-MOUNTED SOLAR PHOTOVOLTAIC SYSTEM IN TROY**

### ***What is the proposed project?***

DTE has proposed to construct a solar photovoltaic (PV) installation on approximately four acres of city-owned property located at the southeast corner of I-75 and Long Lake Road. If approved, the City of Troy will enter into a long term lease of the city-owned property to DTE. The property otherwise is expected to be undeveloped. DTE will pay for all costs of the installation and will be responsible for maintaining the site and the solar PV system during the 20-year term of the lease. The site of the solar installation will be fenced for safety and security.

### ***What are the benefits to the city?***

The city will be paid rent during the lease term. The rent amount is a negotiated amount comparable to lease rates paid by DTE at other sites in Michigan but adjusted for market conditions following negotiations with city managers. If constructed, Troy will be host to one of the largest solar PV installations in the state. The construction of solar installations in Troy is consistent with the goals of the 2008 Master Plan to increase alternative energy supply in Troy.

### ***What impact will it have on adjacent property?***

The impact on adjacent property is considered negligible. There may be some minor increased traffic or noise during construction, which is estimated to take 3-4 months. The nearest residential neighborhoods are separated from the location by an existing berm that shields the residential areas from I-75. To make the site suitable for locating a solar installation, ground cover and trees that could impair visibility and performance of the system will be removed.

### ***How much energy will be generated from the PV installation?***

The proposed 1 megawatt installation will produce an estimated 1,114,000 kWh hours of electricity annually. The clean solar energy produced by the system will be equivalent to the energy used by approximately 75 homes over one year and will reduce annual greenhouse gas emissions equivalent to operating 150 passenger vehicles.

### ***What, if any, health risks do chemicals used in solar panels and other devices used in solar PV arrays pose if they are released into the environment?***

Because PV panel materials are enclosed and do not mix with water or vaporize into the air, there is negligible risk of chemical releases to the environment during normal use. The most common type of PV panels are made of strong tempered glass and conform to state and federal fire safety, electrical, and building codes. Transformers used at PV installations are similar to the ones used throughout the electricity distribution system in Troy already. Modern electrical transformers typically use non-toxic coolants which if released are not expected to present a risk to human health. Any releases of toxic materials from solid state inverters installed at a solar PV installation are unlikely provided appropriate electrical and installation requirements are followed.

### ***What, if any, health risks do the electric and magnetic fields (EMF) from solar panels and other components of solar PV arrays pose?***

Solar PV panels, inverters, and other components that make up solar PV installations produce extremely low frequency EMF when generating and transmitting electricity. The extremely low frequency EMF from PV arrays is about the same that people are exposed to from household electrical appliances, wiring in buildings, and power transmission lines (all at the power frequency of 60 hertz). In industry studies, the

magnetic field levels at the boundary areas of comparable solar PV site were in a very low range, below the typical levels experienced by most people at home. A concise summary of issues regarding solar PV and electromagnetic fields was prepared by the State of Oregon in connection with a large proposed PV installation, and can be found here: [www.oregon.gov/odot/hwy/oipp/docs/emfconcerns.pdf](http://www.oregon.gov/odot/hwy/oipp/docs/emfconcerns.pdf).

***How do ground-mounted solar PV arrays adjacent to residential neighborhoods influence the property values in those neighborhoods?***

There is little evidence that ground-mounted solar arrays influence nearby property values. Some research concludes that residential solar PV installations increase the home property values on the houses on which they are installed.

***What public safety issues arise from people's (including children) access areas where the solar arrays are installed? Can electrical and other equipment associated with solar projects cause electrical fires?***

This site, like most ground-mounted solar PV arrays, will be enclosed by fencing. This prevents children and the general public from coming into contact with the installations, thus preventing unsafe situations. The National Electric Code has mandatory requirements to promote the electrical safety of solar PV arrays. The solar industry and firefighters provide training and education for emergency personnel to ensure that the proper safety precautions are taken. Leading solar PV modules are certified to Underwriters Laboratories (UL) safety standards for electrical devices.

***Do the inverters, transformers or other equipment used as part of ground-mounted solar PV create noise that will impact the surrounding neighborhood?***

Ground-mounted solar PV array inverters and transformers make a humming noise during daytime, when the array generates electricity. At 50 to 150 feet from the boundary of the arrays, any sound from the inverters is typically inaudible. Sound levels along the fenced boundary of the planned PV system are expected to be at background levels.

***How significant is glare and potential visual impacts from solar projects?***

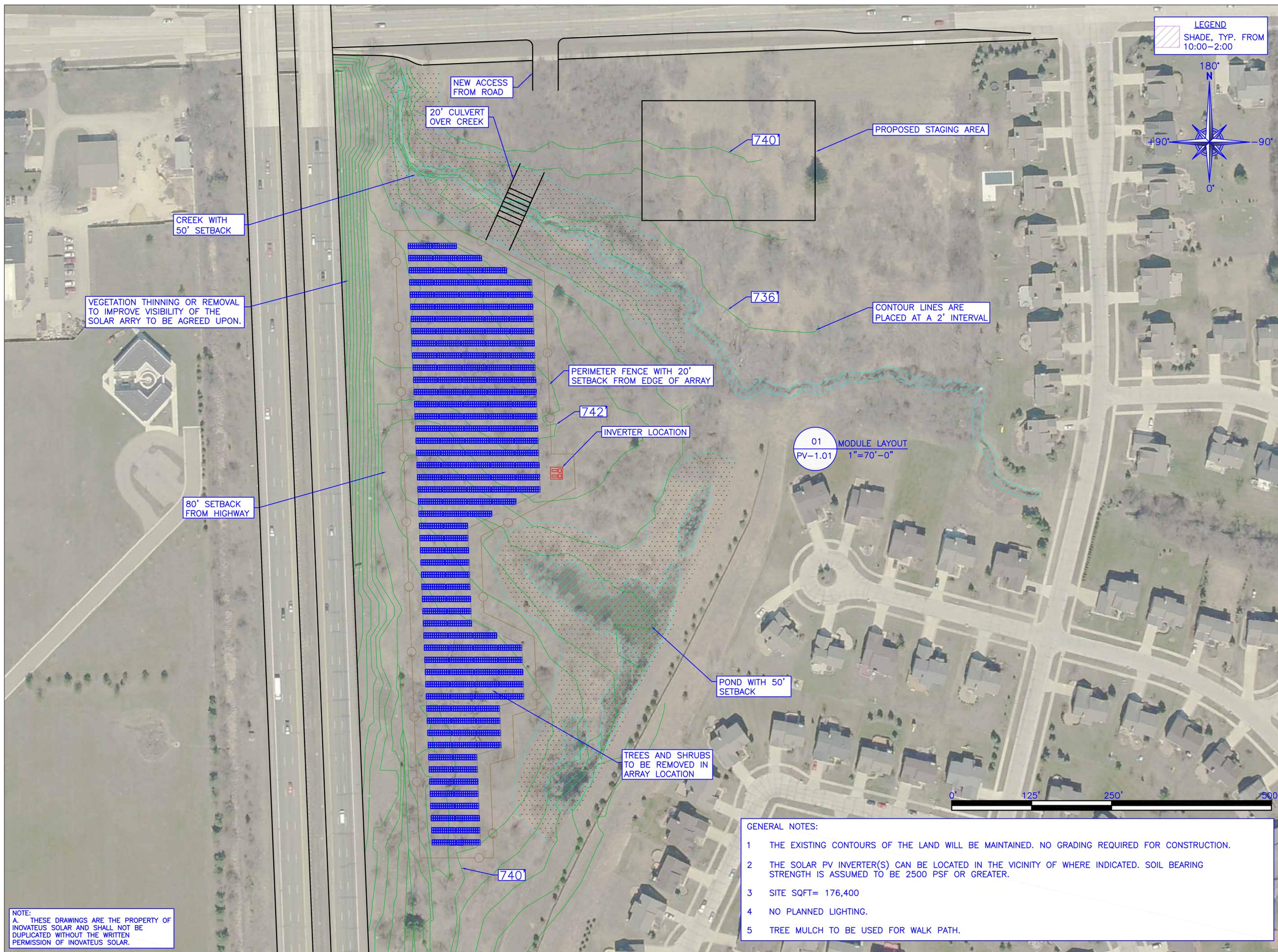
Solar panels are designed to absorb solar energy and convert it into electricity. Any reflective light therefore represents a loss in the amount of energy that is created. Most new PV panels are designed with anti-reflective coatings on the front glass surface that improves the ability of the PV module to absorb light and therefore increase solar energy production. These anti-reflective coatings minimize the amount of reflection and, therefore, glare. Many projects throughout the U.S. and the world have been installed near airports with no impact on flight operations. Also, design of the array, including the proper utilization of trees and berms, can minimize any potential glare to surrounding areas.

***Will the solar PV site attract birds or small animals?***

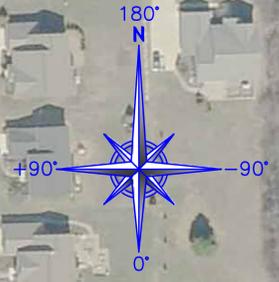
As with other structures in open areas, birds or small animals may tend to seek out the small cracks and crevices of the solar array frame to take residence. The frame structures are designed with caps of any openings that might be attractive to animals. DTE will be responsible for operating and maintaining the system on a routine basis and will clean the site and the array to minimize opportunities for small animals or birds to settle.

***Will signs be located at the site of the solar installation?***

As part of its solar program, DTE requires that signage be installed identifying the solar array as constructed and owned by DTE. Any signage will comply with the City of Troy sign ordinance requirements.



LEGEND  
 SHADE, TYP. FROM  
 10:00-2:00



19890 State Line Rd  
 South Bend, IN 46637  
 877-876-SOLAR

PROJECT  
 DTE TROY  
 #10110059

CLIENT  
 DETROIT EDISON ELECTRIC

PROJECT ADDRESS  
 I-75 AND LONG LAKE RD  
 TROY, MI

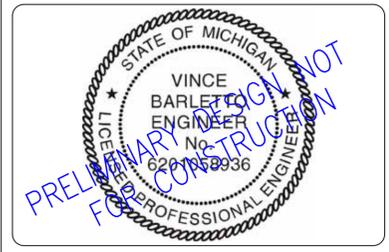
PROJECT SIZE  
 1 MWp  
 PHOTOVOLTAIC SYSTEM

SYSTEM INFORMATION  
 MODULES: ISOFOTON ISFT-260W  
 QUANTITY: 3,850  
 STRING SIZE: 22 PANELS 1000V SYSTEM  
 INVERTERS: AE SOLARON 500 1000V  
 QUANTITY: 2  
 MOUNTING SYSTEM: AET  
 MODULE TILT: 25°  
 ROOF SLOPE: 0°  
 SYSTEM AZIMUTH: 0°

VINCE BARLETTO  
 PROFESSIONAL ENGINEER  
 CERTIFICATION #: 6201058936  
 DESIGNER: J.R. APPROVED BY: A.P.

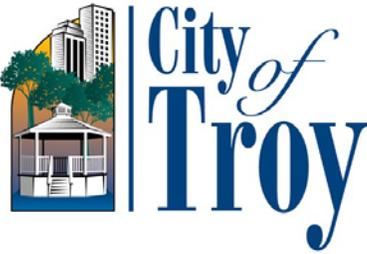
REVISIONS  
 1/31/13 PRELIMINARY DESIGN  
 2/19/13 LAYOUT ADJUST

LAYOUT  
 PLAN  
 PV-1



NOTE:  
 A. THESE DRAWINGS ARE THE PROPERTY OF INOVATEUS SOLAR AND SHALL NOT BE DUPLICATED WITHOUT THE WRITTEN PERMISSION OF INOVATEUS SOLAR.

- GENERAL NOTES:
- 1 THE EXISTING CONTOURS OF THE LAND WILL BE MAINTAINED. NO GRADING REQUIRED FOR CONSTRUCTION.
  - 2 THE SOLAR PV INVERTER(S) CAN BE LOCATED IN THE VICINITY OF WHERE INDICATED. SOIL BEARING STRENGTH IS ASSUMED TO BE 2500 PSF OR GREATER.
  - 3 SITE SQFT= 176,400
  - 4 NO PLANNED LIGHTING.
  - 5 TREE MULCH TO BE USED FOR WALK PATH.



## CITY COUNCIL ACTION REPORT

Date: February 25, 2013

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic and Community Development  
Steve Vandette, City Engineer  
Bill Huotari, Deputy City Engineer/Traffic Engineer

Subject: 2013 Tri-Party Program – Concrete Slab Replacements on County Roads

### **History:**

The Tri-Party Program provides funding for projects on County Roads. The City has directed these funds to concrete slab replacement on County roads for the past several years. The 2013 Tri-Party agreement includes the remainder of the 2012 additional funds (\$232,330) plus the new 2013 allocation of \$300,748 for a total 2013 Tri-Party program amount of \$533,078. Several communities have dropped out of the Tri-Party program as they are not able or willing to provide the 1/3 local match and as such Troy's share of the program has been increased.

Project locations for the remainder of the 2012 program and new 2013 program are:

- Crooks at I-75
- Long Lake crossovers, east and west of Livernois
- Livernois, south of Long Lake
- Big Beaver at Troy Sports (spot repair)

Should funds be available after the worst areas are completed, other areas on County roads would be identified to maximize the benefit received by the Tri-Party program funds. These funds are not sufficient to complete all necessary repairs on County Roads, but will be used to address only the worst locations. Specific locations would be identified in the field in coordination with the RCOC prior to work commencing.

### **Financial:**

The City of Troy's share of the Tri-Party program is one-third (1/3) or \$177,692 of the total amount. The remaining two-thirds (2/3) or \$355,386 is shared equally by the Board and the Oakland County Board of Commissioners (County).

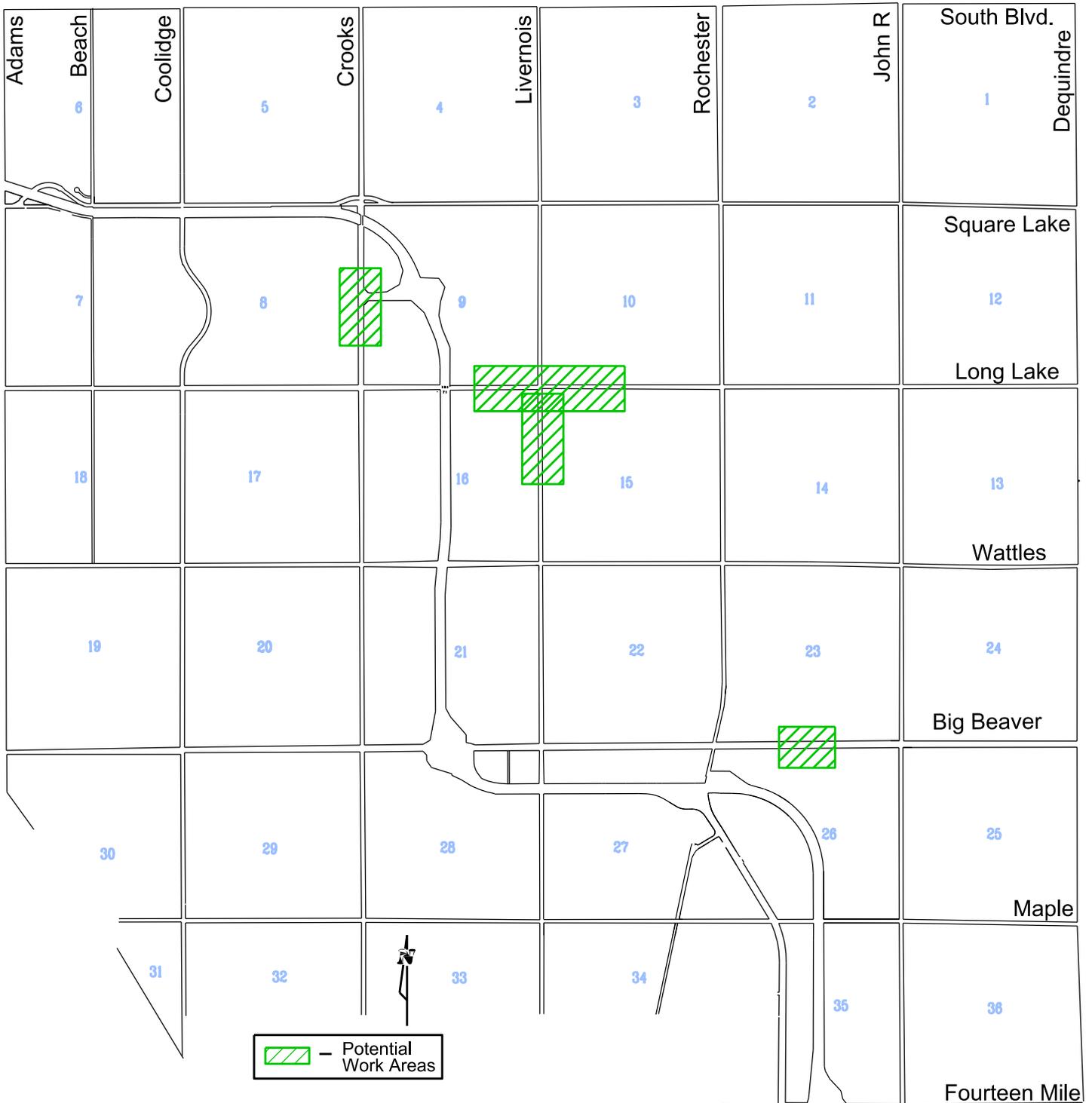
Funds for the City of Troy's share are included in the 2012-2013 Major Road fund and proposed 2013-2014 Major Road fund. Funds in the proposed budget year would not be expended until after July 1, 2013.

**Recommendation:**

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the 2013 Tri-Party Program to be used for concrete slab replacements on County Roads at an estimated cost to the City of Troy of \$177,692. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

WJH/wjhG:\Funding Issues\TRIPARTY\2013\To CC re 2013 Tri Party for Slab Work.docx

# 2012/2013 Tri-Party Program - Scattered Concrete Slab Replacement





**Board of Road Commissioners**

**Ronald J. Fowkes**  
Commissioner

**Gregory C. Jamian**  
Commissioner

**Eric S. Wilson**  
Commissioner

**Dennis G. Kolar, P.E.**  
Managing Director

**Gary Piotrowicz, P.E., P.T.O.E.**  
Deputy Managing Director  
County Highway Engineer

31001 Lahser Road  
Beverly Hills, MI  
48025

248-645-2000

FAX  
248-645-0618

TDD  
248-645-9923

www.rcocweb.org

February 13, 2013

Mr. Brian Kischnick, Manager  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084-5285

RE: FY 2013 Tri-Party Program

Dear Mr. Kischnick:

Your participation is requested in the FY 2013 Tri-Party Program for road improvements. The fiscal year governing this program is October 1, 2012 through September 30, 2013. The Oakland County Board of Commissioners has approved a Tri-Party budget of \$1,000,000 to create a \$3,000,000 program for FY 2013. A total of \$1,500,000 will be designated for townships and a total of \$1,500,000 will be designated for cities and villages.

The distribution formula and method of calculation of Tri-Party allocations have remained the same. For cities and villages, it includes RCOC road miles and three-year average annual accidents. For townships, the most recent census population figures are combined with RCOC road miles and three-year annual accidents. The figures for these three factors (population, miles and accidents) are calculated as the individual community's percentage of the total of each factor in each type of community. For example, county road accidents in a city or village are divided by the total of all county road accidents in all cities and villages. The distribution formulas have been used for years in an attempt to most equitably distribute the Tri-Party dollars.

Separate formulas are used because population in the city/village equation would skew the results toward more densely populated cities with fewer RCOC road miles. In townships, on the other hand, population has been used as a determining factor to prevent the distribution from being skewed toward townships with high road miles and small populations.

**RECEIVED**

**FEB 15 2013**

**ENGINEERING**



**City / Village Formula:** 
$$\text{Community Allocation} = \frac{Ad_{cv}(Ca + Rm)}{2}$$

Where:  $Ad_{cv}$  = Total Amount for distribution to cities and villages  
 $Ca$  = Community % of total accidents on county roads in cities and villages  
 $Rm$  = Community % of total county road miles in cities and Villages

(Note that accidents are an annual average for a three-year period)

**Township Formula:** 
$$\text{Community Allocation} = \frac{Ad_T(Ca + Pc + Rm)}{3}$$

Where:  $Ad_T$  = Total Amount for distribution to townships  
 $Ca$  = Community % of total accidents on county roads in all townships  
 $Pc$  = Community % of total population in all townships  
 $Rm$  = Community % of total county road miles in all townships

(Note that accidents are an annual average for a three-year period)

Although the method of calculation and the factors involved have remained the same, the data on which those calculations are based has changed.

Population data is changed only after a decennial census or if the Census Bureau issues revised numbers. The data includes the most recent counts from the 2010 Census.

As in the past, RCOC road miles change only to reflect abandonments, transfers of jurisdiction, or the addition of new roads.

The most recent traffic accident data available from the Traffic Improvement Association of Oakland County is used. Currently, the average annual crash data from 2009 to 2011 is being used.

Your program allotment for this year is **\$300,748** and your share will be **\$100,249**. RCOC is encouraging your community to allocate and spend these funds on a specific project as soon as possible. If you do not wish to participate in this program, please contact me as soon as possible, so your program allotment can be distributed as necessary.



The Tri-Party Program operates as follows:

- 1) Projects intended for 2013 construction must be selected and submitted with a local board or council resolution by May 2013.
- 2) Project locations and concepts must be approved by the County Board and the Road Commission for Oakland County.
- 3) Projects that cost more than the allocation may be selected if the community provides the additional funding.
- 4) Funding agreements must be executed before bids are accepted. On larger projects, a separate agreement for preliminary engineering or right of way may be executed prior to initiation of these phases.
- 5) Projects that improve road safety take precedence over other project types, e.g., congestion or drainage.
- 6) Due to the Road Commission's current road project commitments, preliminary and construction engineering may need to be provided by consultant engineers at a maximum rate of 10% and 15%, respectively, of estimated construction costs.

A schedule of events has been established as detailed below. If you are unable to meet any of the dates below, please inform me as soon as possible.

DEADLINE	ACTIVITY
May 2013	Potential project locations submitted to Programming Division for review.
June 2013	Local council resolutions and project commitments submitted for projects to be constructed in 2013.
July 2013	Project approval for Road Commission and County Board.
July – December 2013	Design, bidding and/or construction period.

I urge you to consider your options for projects now and involve your council members early in the process. Please contact me as soon as possible for cost estimates. The closer we follow the above schedule, the more successful our 2013 Tri-Party construction season will be.



A list of suggested project locations is attached. The list indicates some project possibilities collected from local officials, citizens, police reports, accident locations, Department of Customer Services, and Road Commission staff. The list is not in priority order and most do not yet have cost estimates. Also shown are some typical costs for comparison purposes.

In addition, a historical report of your community's Tri-Party Program participation is also attached. The report lists the projects that have been completed with their associated costs. The report also shows the allocations that have been reserved for future Tri-Party projects.

Please contact me at (248) 645-2000, extension 2266 for further discussion or assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas G. Noechel".

Thomas G. Noechel  
Programming Supervisor

/je  
Enclosures

**2013 TRI-PARTY PROGRAM  
CITY OF TROY  
ALLOCATION FOR 2013: \$300,748**

The following list contains typical safety projects with general costs for your information. Actual project costs will vary depending on location and a preliminary concept and estimate should be requested. Below is the list of potential project sites recommended over the past year or so by citizens and officials; many of these have not been field checked.

<b>SAFETY PROJECTS</b>	<b>GENERAL COSTS</b>
Additional right turn lane at intersection	\$125,000 per approach
Approach paving – subdivision street	\$ 75,000
Approach paving – primary road	\$100,000
Passing lane	\$ 75,000
Widen for 150-200' center left-turn lane	\$250,000 per approach
Shoulder paving one side	\$ 50,000 per mile

**POTENTIAL PROJECT LOCATIONS**

Crooks Road, Homestead to South Boulevard	Widen
Dequindre Road, Long Lake Road to South Boulevard	Widen to 5 lanes
John R Road, Long Lake Road to South Boulevard	Widen to 5 lanes
Livernois Road, Long Lake Road to South Boulevard	Widen to 5 lanes
Livernois Road, I-75 to Town Center Drive	Widen to 6 lane boulevard
Livernois Road at South Boulevard	Improve intersection (w/City of Rochester Hills)
Long Lake Road, Adams Road to east of Coolige Highway	Widen
South Boulevard, Adams Road to Dequindre Road	Widen to 5 lanes
South Boulevard, Crooks Road to Livernois Road	Pave shoulders & cut hill
Square Lake Road at Livernois Road	Improve intersection
Various Locations	Concrete Repair
Crooks Road at Corporate Drive	Reconstruct intersection

**ROAD COMMISSION FOR OAKLAND COUNTY  
TRI-PARTY PROGRAM**

**City of Troy**

**County Commissioners:**

**11- Robert Gosselin**

**16- Mike Bosnic**

**20- Gary R. McGillivray**

PROJECT DESCRIPTION	C	Date of Agmt	Project No.	1980-2005 2006 2007 2008 2009 2010 2011 2012 2013										PROJECT TOTAL					
				Add'l	2012	2013													
14 Mile @ I-75	C		32990	11,306															11,306
John R-overlay	C	7/22/85	35291	108,183															108,183
Crooks & Livernois-overlays	C		36161	132,117															132,117
Crooks, B Beaver to Wattles-widen to 5 lns	C	7/21/86	36641	70,759															70,759
Crooks@B Beaver/John R@Maple-add right turn ln	C	8/26/87	37501	153,934															153,934
14 Mile, John R-Dequindre	C	8/10/89	38591	63,218															63,218
John R @ Cumberland & Wattles	C	10/6/88	38611	260,212															260,212
John R @ Wattles	C	8/10/89	39591	263,927															263,927
Maple @ John R & Chicago	C	6/21/90	40201	128,739															128,739
14 Mile, John R to Dequindre-resurface	C	4/26/91	39601	179,458															179,458
Long Lk, I-75 to Livernois-widen to 5 lns	C	12/1/93	40931	582,368															582,368
John R n 14 Mile-reconst median turnarounds	C	5/7/92	41271	21,692															21,692
Livernois, 16 Mile-Town Ctr-widen to 5 ln	C	8/2/95	42831	251,187															251,187
Livernois, Wattles-Braemer-widen 2 to 5 ln	C	11/20/01	45101	1,958,912															1,958,912
14 Mile @ I-75-add dual left turn lanes	C	7/16/97	43811	190,550															190,550
Dequindre, Long Lk to Wattles-CONST	C	8/23/03	44431	346,954															346,954
Dequindre, Long Lk to Auburn-PE		4/25/02	46901	42,500															42,500
Crooks, Square Lk to S Blvd-CONST		8/10/06	47971	670,805															670,805
Big Beaver, Rochester to Dequindre-Widen to 6 lanes	C	7/14/05	48461	406,638															406,638
Crooks/Long Lake/Livernois	C	9/28/06	48551	227,334	488,291														715,625
Livernois, Maple to Big Beaver RRR	C	3/22/07	49021	0	107,850	546,239	79,611												733,700
Big Beaver/Dequindre/John R Concrete Repair	C	4/24/08	49311	0			186,540												186,540
2009 Concrete Slab Replacement	C	4/8/09	49871	0			278,440												595,176
2010 Concrete Slab Replacement	C	4/19/10	50341	0						227,855	166,920								394,775

**ROAD COMMISSION FOR OAKLAND COUNTY  
TRI-PARTY PROGRAM**

PROJECT DESCRIPTION	Date of Agmt	Project No.	1980-2005 2006 2007 2008 2009 2010 2011 2012 2013										PROJECT TOTAL						
			1980-2005	2006	2007	2008	2009	2010	2011	2012	2013								
2011 Concrete Slab Replacement	C	5/19/11	50911	0								280,435							280,435
2012 Concrete Slab Replacement	C	4/12/12	51261	0						1,384		283,125	140,000						424,509
2013 Concrete Slab Replacement													232,330						232,330
AMOUNT REMAINING FOR FUTURE PROJECT				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	300,748
TOTAL				6,070,793	596,141	546,239	544,591	544,591	544,591	277,399	280,435	283,125	372,330	300,748					9,816,392

**COST PARTICIPATION AGREEMENT**

2013 Concrete Slab Replacement

Crooks Road, Long Lake Road, Livernois Road, Big Beaver Road

City of Troy

Board Project No. 51751

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the concrete slab replacement on Crooks Road, Long Lake Road, Livernois Road, and Big Beaver Road, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$533,078; and

WHEREAS, said PROJECT involves certain designated and approved Tri-Party Program funding in the amount of \$533,078, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all preliminary engineering services and administration in reference thereto.
2. The actual total cost of the PROJECT shall include total payments to the contractor.
3. The COMMUNITY shall comply with the provisions as set forth in Exhibit "B" attached hereto.
4. The COMMUNITY shall comply with the liability and insurance requirements as set forth in Exhibit "C" attached hereto.
5. The estimated total PROJECT cost of \$533,078 shall be funded in the following order:
  - a. The Tri-Party Program funding is not to exceed \$533,078.
  - b. The COMMUNITY agrees that any PROJECT costs above the Tri-Party Program funding of \$533,078 will be funded 100% by the COMMUNITY.
6. Upon execution of this agreement, the COMMUNITY shall submit two invoices to the BOARD:
  - a. The first invoice shall be payable by the BOARD in the amount of \$177,693 (being 100% of the BOARD's Tri-Party contribution).
  - b. The second invoice shall be payable by the COUNTY in the amount of \$177,693 (being 100% of the COUNTY'S Tri-Party contribution).
  - c. The invoices shall be sent to:

Ms. Julie Enders, Engineering Aide  
Road Commission for Oakland County  
31001 Lahser Road  
Beverly Hills, MI 48025

7. Within 90 days of completion of the PROJECT, the COMMUNITY shall submit the following to the BOARD:
  - a. A cover letter originated by the COMMUNITY certifying that the PROJECT is now complete.
  - b. A copy of the FINAL payment estimate paid to the contractor.
  - c. One copy of the complete set of the as-built construction plans containing the adjusted quantities of the PROJECT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE  
COUNTY OF OAKLAND  
A Public Body Corporate

By \_\_\_\_\_

Its \_\_\_\_\_

CITY OF TROY

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

**EXHIBIT A**

**TRI - PARTY PROGRAM**

**2013 Concrete Slab Replacement**

**Crooks Road, Long Lake Road, Livernois Road, Big Beaver Road**

**City of Troy**

**Board Project No. 51751**

---

Concrete slab replacement on Crooks Road, Long Lake Road, Livernois Road, and Big Beaver Road in the City of Troy.

<b>ESTIMATED PROJECT COST</b>
-------------------------------

Contractor Payments	<u>\$533,078</u>
Total Estimated Project Cost	<u><u>\$533,078</u></u>

<b>COST PARTICIPATION BREAKDOWN</b>
-------------------------------------

	COMMUNITY	COUNTY	BOARD	TOTAL
FY12 Add'l Tri-Party Program	\$77,443	\$77,443	\$77,444	\$232,330
FY13 Tri-Party Program	\$100,249	\$100,250	\$100,249	\$300,748
<b>TOTAL SHARES</b>	<b>\$177,692</b>	<b>\$177,693</b>	<b>\$177,693</b>	<b>\$533,078</b>

## **Exhibit B PROVISIONS**

**Bidding:** The COMMUNITY shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

**Bonds – Insurance:** The COMMUNITY shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further, the COMMUNITY shall require the contractor to provide insurance naming the Road Commission for Oakland County as additional named insured's. Coverage's shall be substantial as set forth in Exhibit "C", attached hereto.

**Records:** The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

**EEO:** The COMMUNITY shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

In accordance with Michigan 1976 PA 453, the COMMUNITY hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

The COMMUNITY further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

**Governmental Function, Scope:** It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and the COMMUNITY.

**Third Parties:** This AGREEMENT is not for the benefit of any third party.

**EXHIBIT C**  
**LIABILITY AND INSURANCE REQUIREMENTS**

Hold Harmless Agreement: The Contractor shall hold harmless, represent, defend and indemnify the Board of County Road Commissioners of Oakland County, the Road Commission for Oakland County, its officers and employees; the County of Oakland; the Water Resources Drain Commissioner and relevant drainage district(s), if applicable; the Michigan State Transportation Commission; the Michigan Department of Transportation; and the local unit(s) of government, within which the Project is located against all claims for damages to public or private property, for injuries to persons, or for other claims arising out of the performance or non-performance of the contracted work, whether during the progress or after the completion thereof.

Insurance Coverage: The Contractor, prior to execution of the contract, shall file with the Road Commission for Oakland County, copies of complete certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. Workmen's Compensation Insurance: To provide protection for the Contractor's employees, to the statutory limits of the State of Michigan and \$500,000 employer's liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor under worker's disability compensation coverage established by law.
- b. Bodily Injury and Property Damage Other than Automobile: To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

1.	Bodily Injury Liability	or:	Single Limit: Bodily Injury and Property Damage
	Each Person: \$1,000,000		Each Occurrence: \$1,000,000
	Each Occurrence \$1,000,000		Aggregate: \$2,000,000
	Aggregate \$2,000,000		

Property Damage Liability:  
Each Occurrence: \$250,000  
Aggregate: \$250,000

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion,

excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverage.

2. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability).

The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury Liability	or	Single Limit: Bodily Injury and Property Damage Liability
Each Person	\$500,000	Each Occurrence: \$2,000,000
Each Occurrence	\$1,000,000	

Property Damage Liability:  
Each Occurrence: \$1,000,000

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The Contractor may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The Contractor shall provide for and on behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the Contractor’s Public Liability Insurance.
- e. Notice – The Contractor shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Contractor. The Contractor shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Contractor cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports – The Contractor or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.



## CITY COUNCIL ACTION REPORT

February 27, 2013

TO: Brian Kischnick, City Manager

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

SUBJECT: Approval of Second Amendment to MDOT Capital Contract for  
Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2

### **Background:**

City Council approved Capital Contract No. 2011-0231 (Resolution No. 2011-09-210) with MDOT for the final design and construction of the Troy Multi-Modal Transit Facility on September 12, 2011. MDOT provided federal funding in the amount of \$8,485,212 to the City for design and construction of the Transit Center.

On January 17, 2012, City Council approved the total cost of the Troy Multi-Modal Transit Center at \$6,272,500 (Resolution No. 2012-01-008).

The First Amendment to the MDOT Capital Contract, approved on November 12, 2012 (Resolution No. 2012-11-203), reduced the grant funding amount from the original \$8,485,212 to the \$6,272,500 amount previously approved by City Council.

Canadian National Railroad (CN) has recently imposed a safety requirement that requires the addition of a crash wall for the west elevator/bridge support tower on the Birmingham side (no wall is needed on the Troy side). The wall will provide added protection to the elevator/bridge support tower in the event of a train derailment. This new requirement has resulted in a redesigned foundation and tower wall that is 2.5' thick, 12' high and approximately 60' long. The crash wall design has been reviewed and approved by CN. The cost of the wall, including engineering and construction, will add \$348,236 to the Transit Center construction budget.

### **History of Crash Wall:**

Provided below is a chronological summary of the CN clearance reviews and the crash wall:

In early May of 2012, CN was asked by the design team, including the team's Rail Engineering Specialist, to review critical clearances due to the many project site limitations. The review request contained all the horizontal and vertical clearances of the west tower, the platform and bridge. On May 25, 2012, CN provided the following by e-mail with regard to their determinations on these clearances.

<u>Item</u>	<u>Proposed clearances</u>	<u>CN comments</u>
Platform Height MDOT Close	8 inches above Top of Rail	<b>NOT APPROVED</b> , pending Clearance permit. Also, platform can be no closer than 5'1" from centerline of track.
Bridge Height	23 feet Minimum above Top of Rail	Approved
East Face of Stair/Elevator Structure	10 feet 6 inches from Centerline of West Track	Approved
East Face of Pedestrian Bridge Support	20 feet from Centerline of West Track	Approved

The approval of the east face of the pedestrian bridge support is given without exception. It is this clearance of 20 feet, which is less than the AREMA guidelines of 25 feet that CN can interpret as needing a crash wall.

Based on the above clearance approvals from CN, it was agreed that these clearances could be utilized as a basis for completing the final design of the project. To further confirm the clearances approved in the May 25, 2012 email, the design team of HRC Neumann/Smith Architecture and Quandel Consultants (Railway Engineering Specialist) prepared a Station Design Criteria Report for the project which listed these clearances along with many other key elements of the facility. The Report was submitted to CN and other project agencies on June 7, 2012. The Station Design Criteria Report that was submitted to CN for their review clearly states in Section 6.2, Horizontal Clearance, Design Recommendation, that a crashwall was not intended to be provided. Having not received any verbal or written statements from CN to the contrary, the project did not include a crash wall until required in writing by CN on February 14, 2013. Below is Section 6 of the Station Design Criteria report.

## 6 Track Overpass Clearances

### 6.1 Vertical Clearances

**Alternatives Considered** – Minimum vertical clearance between top of rail and overhead structures is governed by AREMA, the state and the host railroad. The state of Michigan is least conservative with a minimum requirement of 22'-6". Both AREMA and CN require a minimum of 23'-0". The vertical clearance guidelines are only required within the railroad dynamic envelope.

**Design Recommendation** – The minimum vertical clearance from Top of Rail elevation to the low point of the structure shall be 23 ft. as depicted in AREMA Figure 28-1-6 over the entire length of the bridge to the face of the towers within a lateral zone 6 ft. perpendicular to the track centerline. This dimension allows for a future track lift.

### 6.2 Horizontal Clearance

**Alternatives Considered** – AREMA recommends that overhead bridge piers be located a minimum of 25 ft. from the track centerline. Where site constraints require locating piers at a distance less than 25 feet, AREMA recommends that the piers be constructed with additional concrete to create a crash wall with the ability to resist the impact of a derailed train.

**Design Recommendation** – Due to site constraints, the Track Overpass support piers shall be located a minimum of 20 ft. from the track centerline which very nearly meets the lateral

clearance suggested by AREMA. **As a practical consideration in the vicinity of a passenger platform, crashwalls shall not be provided.** (emphasis added)

In August 2012, CN again reviewed the clearances shown on detailed plans that were provided to them during the mandatory Close Clearance Review meeting hosted by MDOT. The meeting was attended by a representative of CN. On August 21, 2012 CN provided the following by email with regard to their determinations on these clearances, without any crash wall requirement being made.

The following is a list of items that need to be addressed

- 1 - the 10' platform has to be 8'-6" from center line of track.
- 2 - the ramp has to be gated both at the entrance at the bottom of the ramp and gated at the open end of the platform.
- 3 - funds will have to be made available tie and surface the track prior to construction so as not to disturb the platform height of 8" above the rail for the next 10 - 15 years.
- 4 - install a drain pipe below at the end of the tie for the length of the platform extending beyond the platform to provide drainage for the track structure.
- 5 - is CN responsible to install the close clearance signs or the contractor?
- 6 - slope of the platform should be away from the track so runoff, especially in the winter with salt and chloride, runs away from the track.
- 7 - Agreement needed for platform located on CN property which should include, but not limited to:
  - a - reimbursement for all maintenance cost to maintain platform 8" above rail.
  - b - snow removal ,by whomever is maintaining the platform, must not be dumped on tracks.
  - c - the platform and area surrounding platform must be maintained, weed controlled, and kept clean of debris and garbage.
- 8 - Station and platform must be removed if Amtrak or City of Troy closes the station.
- 9 - It was already agreed that the old Birmingham facility would be removed and graded to its original state, funds would need to be made available to remove the existing crossing timber in main 1 and the concrete between main 1 and main 2 and reestablish the grade.

The Final Plans for the project were submitted to CN and other project agencies on August 30, 2012 for review and approval. The final plans did not include a crash wall per the approved clearances and the Station Design Criteria Report. Discussions following the submittal of final plans were held between the design team and CN and verbal acceptance of the plans was given. Tooles/Clark had separate discussions and meetings with CN prior to starting construction and they were granted a right of entry permit from CN and began construction of the project in November. The acceptance by CN to allow Tooles/Clark to begin construction within the CN right of way and CN providing inspection for this work, confirmed that CN had approved the plans as submitted.

On February 6, 2013, CN representatives from Chicago met with the entire project team to discuss CN crash wall requirements. This meeting was the result of approximately one month of multiple discussions with CN and requests for a determination on whether or not they would require a crash wall. On this date CN stated for the first time that a crash wall will be required. It was determined that HRC would provide CN with additional information on the structural components of the west tower so that their structures group could review and provide a written response (determination) regarding the crash wall. The foregoing was reflected in the meeting minutes.

#### Crash Wall

- HRC is to provide the original design criteria and a written description with additional information on the structural

components of the West tower to CN.

- CN will review this information internally with their structures group and provide a written response regarding the crash wall and any other design concerns.

On February 14, 2013, CN provided the first written statement on requiring a crash wall in an email:

CN Engineering Bridge design group has reviewed the submitted Troy MMTF drawings and the calculations. The proposed pedestrian bridges meets our CN vertical clearance requirements. The horizontal clearance from the west track requires a crash wall.

Representatives from HRC (design team) and Tooles/Clark (construction team) will be present at the Council meeting to answer any questions concerning the design and construction of Transit Center and the late addition of the crash wall requirement.

### **MDOT Funding:**

MDOT has agreed to amend the funding contract to increase the grant amount to include the cost of adding the safety crash wall. The funding comes from approximately \$2.2 million that the City turned back to MDOT last November when Amendment A1 was approved. MDOT continues to hold these funds for future construction of access to the platform from the Birmingham side, which the Federal Rail Administration cited as an objective of the project; to service both communities by strengthening the existing transportation options in the area.

In April of 2011 Birmingham pulled out of the project due to their inability at that time to acquire property at fair market value for access to the platform. Their withdrawal from the project caused, among other things, the tunnel to become a bridge and the west elevator/bridge support tower to be wholly located within the CN right-of-way. Had the tunnel been built as originally planned, there would be no need for the tower or crash wall. Had the elevator/bridge tower been located outside the CN right-of-way on land that Birmingham was to acquire, there would be no need for the crash wall. Taking back some of the \$2.2 million will make Troy's project whole.

### **Financial Considerations:**

The total project cost, including the cost of the crash wall, continues to be fully funded, 100% with federal ARRA funds. No city funding is needed for construction of the Transit Center.

A summary of actions taken to date is provided below:

Original Contract	\$8,485,212	Original Grant Amount
Amendment #1	<b>\$6,272,500</b>	Council Compromise – Reduction approved by City Council
Amendment #2 Tooles/Clark	\$287,623	Crash Wall Construction
Amendment #2 HRC	\$60,613	Crash Wall Design, Testing and Staking
Recommended Revised Contract	<b>\$6,620,736</b>	

**Recommendation:**

Staff recommends that City Council approve a Second Contract Amendment to MDOT Capital Contract No. 2011-0231 for the purpose of increasing grant funds to \$6,620,736 for design and construction of the Transit Center.



# CITY COUNCIL ACTION REPORT

March 1, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic & Community Development  
Steven J. Vandette, City Engineer

SUBJECT: Approval of Second Amendment to Architectural/Engineering Services Contract for Design of the Safety Crash Wall at the Troy Multi-Modal Transit Facility

## History:

On January 17, 2012 City Council approved (Resolution No. 2012-01-008) a contract for Architectural/Engineering (A/E) services in the amount of \$648,648.76 for the Troy Multi-Modal Transit Facility.

On November 12, 2012 City Council approved Contract Amendment No. 1 in the amount \$64,822.20 for Construction Testing Services in support of the Troy Multi-Modal Transit Facility. The total amount of the contract became \$713,470.96. Including construction, architectural/engineering services, utility relocations and all other costs the total Transit Center cost as approved was \$6,272,500.

Hubbell, Roth and Clark, Inc.(HRC) has submitted design costs of \$60,613 for design, testing and construction staking for the safety crash wall as required by CN along the west elevator/bridge support tower. The costs have been reviewed by the City Engineer and MDOT and are recommended for acceptance.

## Financial Considerations:

A summary of actions taken to date is provided below:

Original Contract	\$8,485,212	Original Grant Amount
Amendment #1	<b>\$6,272,500</b>	Council Compromise – Reduction approved by City Council
Amendment #2 Tooles/Clark	\$287,623	Crash Wall Construction
Amendment #2 HRC	\$60,613	Crash Wall Design, Testing and Staking
Recommended Revised Contract	<b>\$6,620,736</b>	

The total project cost continues to be fully funded, 100% with federal ARRA funds. No city funding is needed for the Transit Center.

**Recommendation:**

Staff recommends approval of MDOT Contract Amendment No.2 in the amount of \$60,613 as submitted by HRC for design, testing and construction staking for the safety crash. The total contract amount with HRC will be \$774,083.96. The total funding for the Transit Center, including construction, architectural/engineering services and utility relocations is \$6,620,736.

CITY OF TROY MULTI-MODAL TRANSIT FACILITY  
DERIVATION OF COST PROPOSAL - CONSTRUCTION ENGINEERING SERVICES

**SUMMARY OF TOTAL PROJECT CHARGES**

Consultant Name: Hubbell, Roth & Clark, Inc.

**DIRECT LABOR**

				Original Contract	Contract Amendment #1	Contract Amendment #2
Hubbell, Roth & Clark, Inc.	Direct Labor Hours	3292	<b>Direct Labor Costs</b>	\$ 128,539.10	\$ 13,235.15	\$ 21,692.55
Neumann/Smith Architecture		1474		\$ 57,181.20	\$ -	\$ 2,312.80
Grissim Metz Andriese Associates		256		\$ 11,044.00	\$ -	\$ -
Quandel Consultants, LLC		153		\$ 9,833.00	\$ -	\$ -
Schleede-Hampton Associates, Inc.		50		\$ 1,839.00	\$ -	\$ 331.00
EAM Engineers, Inc.		115		\$ 4,828.10	\$ -	\$ -
H H Engineering, Ltd.		49		\$ 1,858.30	\$ -	\$ -
Somat Engineering, Inc.		105		\$ 3,263.74	\$ -	\$ (780.32)
Soils and Materials Engineers, Inc.				\$ -	\$ 5,963.06	\$ -

**OVERHEAD**

Hubbell, Roth & Clark, Inc.	<b>Total Overhead Costs</b>	\$ 207,205.03	\$ 21,335.06	\$ 34,968.39
Neumann/Smith Architecture		\$ 97,208.04	\$ -	\$ 3,931.76
Grissim Metz Andriese Associates		\$ 13,031.92	\$ -	\$ -
Quandel Consultants, LLC		\$ 11,307.95	\$ -	\$ -
Schleede-Hampton Associates, Inc.		\$ 2,758.50	\$ -	\$ 496.50
EAM Engineers, Inc.		\$ 7,242.15	\$ -	\$ -
H H Engineering, Ltd.		\$ 2,313.96	\$ -	\$ -
Somat Engineering, Inc.		\$ 6,201.11	\$ -	\$ (1,482.61)
Soils and Materials Engineers, Inc.		\$ -	\$ 12,797.92	\$ -

**DIRECT EXPENSES**

Hubbell, Roth & Clark, Inc.	<b>Total Direct costs</b>	\$ 6,000.00	\$ -	\$ -
Neumann/Smith Architecture		\$ 3,000.00	\$ -	\$ 200.00
Grissim Metz Andriese Associates		\$ -	\$ -	\$ -
Quandel Consultants, LLC		\$ 1,800.00	\$ -	\$ -
Schleede-Hampton Associates, Inc.		\$ 3,000.00	\$ -	\$ (3,000.00)
EAM Engineers, Inc.		\$ -	\$ -	\$ -
H H Engineering, Ltd.		\$ 392.33	\$ -	\$ -
Somat Engineering, Inc.		\$ 5,000.00	\$ -	\$ (5,000.00)
Soils and Materials Engineers, Inc.		\$ -	\$ 5,448.39	\$ -

**COST OF MONEY**

Hubbell, Roth & Clark, Inc.	<b>Cost of Money</b>	\$ 964.04	\$ 99.26	\$ 162.69
Neumann/Smith Architecture		\$ 628.99	\$ -	\$ 25.44
Grissim Metz Andriese Associates		\$ 121.48	\$ -	\$ -
Quandel Consultants, LLC		\$ 19.87	\$ -	\$ -
Schleede-Hampton Associates, Inc.		\$ 9.20	\$ -	\$ 1.66
EAM Engineers, Inc.		\$ -	\$ -	\$ -
H H Engineering, Ltd.		\$ -	\$ -	\$ -
Somat Engineering, Inc.		\$ 35.90	\$ -	\$ (8.58)
Soils and Materials Engineers, Inc.		\$ -	\$ 76.92	\$ -

**FIXED FEE**

Hubbell, Roth & Clark, Inc.	<b>Total Fixed Fees</b>	\$ 36,931.85	\$ 3,802.72	\$ 6,232.70
Neumann/Smith Architecture		\$ 16,982.82	\$ -	\$ 686.90
Grissim Metz Andriese Associates		\$ 2,648.35	\$ -	\$ -
Quandel Consultants, LLC		\$ 2,325.50	\$ -	\$ -
Schleede-Hampton Associates, Inc.		\$ 505.73	\$ -	\$ 91.03
EAM Engineers, Inc.		\$ 1,327.73	\$ -	\$ -
H H Engineering, Ltd.		\$ 458.95	\$ -	\$ -
Somat Engineering, Inc.		\$ 1,041.13	\$ -	\$ (248.92)
Soils and Materials Engineers, Inc.		\$ -	\$ 2,063.71	\$ -

<b>Total Project Charges</b>	<b>\$ 648,648.76</b>	<b>\$ 64,822.20</b>	<b>\$ 60,613.00</b>
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HUBBELL, ROTH & CLARK, INC

Consulting Engineers

**Principals**

George E. Hubbell  
Thomas E. Blehl  
Walter H. Afix  
Peter T. Roth  
Michael D. Waring  
Keith D. McCormack  
Nancy M.D. Faught  
Daniel W. Mitchell

**Senior Associates**

Gary J. Tressel  
Kenneth A. Melchior  
Randal L. Ford  
Timothy H. Sullivan

**Associates**

Jonathan E. Booth  
Michael C. MacDonald  
Marvin A. Olane  
William R. Davis  
Jesse B. VanDeCreek  
Robert F. DeFrain  
Marshall J. Grazioli  
Thomas D. LaCrosse  
Dennis J. Bencit  
James F. Burton  
Jane M. Graham  
Donna M. Martin  
Charles E. Hart

February 27, 2013

City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Attention: Mr. Steven Vandette, P.E., City Engineer

Re: Troy Multi-Modal Transit Facility  
Contract Amendment Proposal for Crash Wall

HRC Job No. 20110519

Dear Mr. Vandette:

Hubbell, Roth & Clark, Inc. is providing a contract amendment request for the Troy Multi-Modal Transit Facility. This contract amendment request is a result of an unanticipated requirement by CN to require a crash wall at the facility.

The scope of work for the additional design and construction related services associated with the crash wall design consists of the following items:

- Determination of Crash Wall Requirements with CN
- Crash Wall Conceptual and Preliminary Design for CN Acceptance
- Crash Wall Final Design for CN Approval
- Additional Material Testing for Foundation to accommodate Crash Wall
- Additional Staking of Crash Wall
- Additional Shop Drawing Review of Crash Wall construction submittals
- Additional Material Testing during Crash Wall Construction
- Preparation of Crash Wall Construction Bulletin
- Architectural Plan Revisions for west side stair/elevator tower

Based on the scope of work details identified above, the attached Staff Hour Projections and Estimated Design Fee spreadsheets have been prepared. The work has been broken into various tasks to be completed by HRC and our subconsultant Neumann Smith Architecture. In accordance with our estimate of HRC and our subconsultant staff hours to complete these tasks, the total estimated cost for undertaking the crash wall design and construction services work as described above is \$60,613.00, which includes \$53,456.10 for work performed by HRC and \$7,156.90 for work performed by our subconsultant. The fee was determined in accordance with our current Engineering Services Contract for the project.

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555 Hulet Drive, PO Box 824  
Bloomfield Hills, Michigan 48303-0824  
Telephone 248 454 6300 Fax 248 454 6312  
www.hrc-engr.com

Engineering. Environment. Excellence.



If this proposal is deemed acceptable to the City, please sign and return one copy to this office and retain one for your files. Thank you for the opportunity to serve the City on this project.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

A handwritten signature in black ink, appearing to read 'Walter H. Alix', written over a horizontal line.

Walter H. Alix, P.E., P.S.  
Vice President/Principal

MM/mm  
pc: HRC; M. MacDonald, File

Accepted:

CITY OF TROY

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_



## CITY COUNCIL ACTION REPORT

March 1, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic & Community Development  
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – Approval of Contract Amendment No. 2 for  
Construction of the Safety Crash Wall at the Troy Multi-Modal Transit Facility

### History:

On September 12, 2011 City Council approved Capital Contract No. 2011-0231 with MDOT (Resolution No. 2011-09-210) that provided a federal grant for the final design and construction of the Troy Multi-Modal Transit Facility. The \$8,485,212 federal grant monies received through MDOT came from the American Recovery and Reinvestment Act (ARRA), High-Speed Intercity Passenger Rail (HSIPR) Program as administered by the Federal Rail Administration (FRA).

On October 22, 2012 City Council approved Contract Amendment No. 1 in the amount of \$4,456,141 for construction of the Troy Multi-Modal Transit Facility by Tooles/Clark. The total contract, including the original \$648,731 for construction manager services, became \$5,104,872. With Architectural/Engineering services and various utility relocations, the total cost of the Transit Center as approved was \$6,272,500.

Tooles/Clark has submitted a guaranteed maximum price proposal of \$287,623 for construction of the safety crash wall required by CN along the west elevator/bridge support tower. The costs have been reviewed by the City Engineer and MDOT and are recommended for acceptance. The budget includes a 10% contingency of \$22,888, which will be used for any unknowns that might be encountered during this work.

The added construction will cause the contract completion date to move from July 5<sup>th</sup> to August 5, 2013. The official opening of the Transit Center is expected to be in mid to late August.

### Financial Considerations:

A summary of actions taken to date is provided below:

Original Contract	\$8,485,212	Original Grant Amount
Amendment #1	<b>\$6,272,500</b>	Council Compromise – Reduction approved by City Council
Amendment #2 Tooles/Clark	\$287,623	Crash Wall Construction
Amendment #2 HRC	\$60,613	Crash Wall Design, Testing and Staking
Recommended Revised Contract	<b>\$6,620,736</b>	

The total project cost continues to be fully funded, 100% with federal ARRA funds. No city funding is needed for the Transit Center.

**Recommendation:**

Staff recommends approval of Contract Amendment No. 2 in the amount of \$287,623 as submitted by Toolles/Clark for construction of the safety crash wall. The total contract amount with Toolles/Clark will be \$5,392,495. The total funding for the Transit Center, including construction, architectural/engineering services and utility relocations is \$6,620,736.

G:\Transit Center\DESIGN and CONSTRUCTION 2012\COUNCIL APPROALS AND RELATED ITEMS\GMP Amendment A2\To CC re GMP\_AmendmentNo2R2.docx



**Date:** 2/28/2013  
**Project:** Troy MMTF  
**Location:** Troy, MI  
**Job #** 2613

	<u>Budget Price</u>
<b>Amalio - Concrete Foundations</b>	
Shear Studs (Apprx 600)	\$3,025
Reinforcing Steel (Apprx. 12 Tons)	\$25,600
Concrete Forming / Pouring (Apprx. 96 CYD's)	\$58,500
Winter Conditions	\$2,000
Architectural Concrete Finish (Apprx. 675 SF)	\$13,900
<b>Amalio Total:</b>	<b>\$103,025</b>
 <b>B&amp;A - Structural Steel</b>	
Allowance - Misc. Steel Revisions	\$15,000
<b>B&amp;A Total:</b>	<b>\$15,000</b>
 <b>Precast Concrete - MEGA &amp; Assemblers, Inc.</b>	
<b>MEGA</b>	
Cast New Precast Concrete Panels & Re-Design Panel WPWP3	\$18,100
Add to re-cast and combine pieces WPWP1-B & WPWP1-A	\$9,430
Ship large precast panels to MEGA's shelby plant to avoid charges to keep extra large TE650L forklift	\$14,350
<b>MEGA Sub-Total:</b>	<b>\$41,880</b>
 <b>Assemblers</b>	
Mobilize 120 Ton Crane for East Tower - Delivery, Setup, Teardown	\$3,600
Mobilize / Demobilize Man-Lifts & Equipment	\$1,000
Re-Training / Badging for Separate Erection Crews	\$5,000
<b>Assemblers' Sub-Total:</b>	<b>\$9,600</b>
Assembler's Overhead On MEGA @ 5%	\$2,094
Assembler's Overhead @ 10%	\$960
<b>Sub-Total:</b>	<b>\$54,534</b>
Bond @1.5%	\$818
<b>Precast Concrete - MEGA &amp; Assemblers Total:</b>	<b>\$55,352</b>
 <b>Classic - Painting</b>	
Stain face of cast-in place concrete crash wall (apprx. 675 SF)	\$2,500
<b>Classic Total:</b>	<b>\$2,500</b>
 <b>Tooles / Clark</b>	
Additional Staffing (1 Month)*	\$30,000

Additional GC's (1 Month)*		\$10,000
Additional Flagman (10 Days - Heavy Protection)		\$13,000
	<b>Tooles Clark Sub-Total:</b>	<b>\$53,000</b>
	<b>Subtotal Cost of Work:</b>	<b>\$228,877</b>
CM Contingency @ 10%		\$22,888
CM Fee @ 3.5%		\$8,011
Frost Law Contingency**		\$25,000
	<b>Sub-Total:</b>	<b>\$284,775</b>
CM Bond @ 1%		\$2,848
	<b>Total Budget Price</b>	<b>\$287,623</b>

\*Tooles / Clark, A Joint Venture's costs are based on an estimated 1 month schedule impact

\*\*A contingency / allowance is included for additional shipping costs incurred once frost laws are enacted.

Father Eric Fedewa from St. Anastasia Catholic Church 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, February 18, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Pro Tem Fleming called the meeting to order at 7:31 PM.

**B. ROLL CALL:**

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

Resolution #2013-02-027  
Moved by McGinnis  
Seconded by Campbell

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Dane Slater and Council Member Doug Tietz at the Regular City Council Meeting of February 18, 2013.

Yes: Campbell, Fleming, Henderson, McGinnis, Pennington  
No: None  
Absent: Slater, Tietz

**MOTION CARRIED**

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

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**C-1 Smart Investing at Your Library (Presented by Cathy Russ, Library Director)**

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**C-2 Transit Center Monthly Update (Presented by Glenn Lapin, Economic Development Specialist)**

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**C-3 MACP (Michigan Association of Chiefs of Police) Award for Excellence in Traffic Safety (Presented by Police Captain Robert Redmond)**

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:****E-1 Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

Mayor Pro Tem Fleming **OPENED** the Public Hearing. Mayor Pro Tem Fleming **CLOSED** the Public Hearing after hearing public comment from Richard Peters.

Moved by  
Seconded by

RESOLVED, That Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, pertaining to miscellaneous Zoning Ordinance revisions, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 244), City Council Public Hearing Draft, as recommended by the Planning Commission, with a copy of the Planning Commission Minutes to be **ATTACHED** to the Minutes of this meeting.

**Vote on Resolution to Postpone Item E-01 Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

Resolution #2013-02-028  
Moved by Campbell  
Seconded by Pennington

RESOLVED, That Troy City Council hereby **POSTPONES** Item *E-01 Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions* to the next Regular City Council Meeting of March 4, 2013.

Yes: Campbell, Fleming, Henderson, McGinnis, Pennington  
No: None  
Absent: Tietz, Slater

**MOTION CARRIED**

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:****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 - None; b) City Council Appointments – Historic District Commission**

a) **Mayoral Appointments: None**

b) **City Council Appointments**

Resolution #2013-02-029  
Moved by Fleming  
Seconded by Henderson

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

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Historic District Commission:**

**Term Expires: 3/1/2016**

**W. Kent Voigt**

Term currently held by: W. Kent Voigt

Yes: Fleming, Henderson, McGinnis, Pennington, Campbell  
No: None  
Absent: Tietz, Slater

**MOTION CARRIED**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Zoning Board of Appeals**

a) **Mayoral Nominations**

City Council took **NO ACTION** on this Item.

b) **City Council Nominations**

City Council took **NO ACTION** on this Item.

**I-3 No Closed Session Requested**

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**I-4 City of Troy Investment Policy and Establishment of Investment Accounts**  
*(Introduced by: Thomas Darling, Director of Financial Services)*

Resolution #2013-02-030  
Moved by McGinnis  
Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts* as outlined in the memorandum and revised from Director of Financial Services, Thomas Darling dated February 12, 2013; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Henderson, McGinnis, Pennington, Campbell, Fleming  
No: None  
Absent: Tietz, Slater

**MOTION CARRIED**

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**I-5 Transfer of Title for Grant Funded Equipment** *(Introduced by: Chief William Nelson)*

Resolution #2013-02-031  
Moved by McGinnis  
Seconded by Pennington

WHEREAS, Since 2006, the City of Troy accepted titles for a 2005 Wells Cargo decontamination trailer and a 2010 Ford pickup truck, funded by grants from the Department of Homeland Security for use by special operation teams in Oakland County, which did not exist until 2009. In 2009, the Oakland County Fire Mutual Aid Association (MABAS Division 3201) and the Oakway Mutual Aid Association (MABAS Division 3202) were formed under the Urban Cooperation Act and the State Mutual Aid Box Alarm System; and

WHEREAS, These organizations are supported by dues from participating municipalities and provide shared services and shared costs among the membership, including the City of Troy; and

WHEREAS, The use of these vehicles by regional cooperative organizations was the original intent of the grant funds provided by the Department of Homeland Security; and

WHEREAS, The 2005 Wells Cargo decontamination trailer is recommended to be transferred to the Oakway Mutual Aid Association; and, the 2010 Ford pickup truck is recommended to be transferred to the Oakland County Fire Mutual Aid Association for use in special operations services and hazardous materials responses in any participating jurisdictions.

THEREFORE, BE IT RESOLVED, That the 2005 Wells Cargo decontamination trailer is hereby **TRANSFERRED** to the Oakway Mutual Aid Association; and, the 2010 Ford pickup truck is hereby **TRANSFERRED** to the Oakland County Fire Mutual Aid Association, as recommended by City Administration.

Yes: McGinnis, Pennington, Campbell, Fleming, Henderson  
No: None  
Absent: Tietz, Slater

**MOTION CARRIED**

**J. CONSENT AGENDA:**

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

Resolution #2013-02-032  
Moved by Campbell  
Seconded by Henderson

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

Yes: Pennington, Campbell, Fleming, Henderson, McGinnis  
No: None  
Absent: Tietz, Slater

**MOTION CARRIED**

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**J-5 Planning Commission Representative Appointment to the Zoning Board of Appeals**

Resolution #2013-02-032-J-05

RESOLVED, That Troy City Council hereby **APPOINTS** Tom Krent as the Planning Commission Representative to the Zoning Board of Appeals, as nominated by the Planning Commission on January 8, 2013.

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**J-6 Private Agreement – Contract for Installation of Municipal Improvements – Timbercrest Preserves – Project No. 12.915.3**

Resolution #2013-02-032-J-06

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties Preserves LLC, is hereby **APPROVED** for the installation of water main, sanitary sewer, storm sewer, 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.

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**J-7 Request to Grant a Utility Easement to Detroit Edison over City Parcel #88-20-24-226-110**

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Resolution #2013-02-032-J-07

RESOLVED, That Troy City Council hereby **GRANTS** a permanent underground utility easement to Detroit Edison over a portion of a parcel owned in fee by the City of Troy, said parcel having Sidwell #88-20-24-226-110, and **AUTHORIZES** the Mayor and City Clerk to execute the permanent easement document.

**J-8 Corrections to Appointments to the Historic District Commission**

**a) Appointment to Historic District Commission**

Resolution #2013-02-032-J-08a

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

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Date	Appointment Expire	Notes 3
Chambers	Barbara A.	2/9/2013	3/19/2012	3/1/2014	
Doyle	Hugh Stephen	2/8/2014	3/19/2012	7/31/2013	Requests Reappointment
Kuppa	Padma	8/13/2011	3/19/2012	3/1/2014	
McGee	Timothy S.	8/13/2014	8/27/2012	5/15/2015	
Partlan	Ann	2/24/2013	4/7/2008	3/1/2014	Historical Society Recommendation
Schuchter	Doris	11/22/2013	6/18/2012	5/15/2015	Historical Society Recommendation
Voigt	W. Kent	1/23/2015	10/17/2011	3/1/2013	

**Nominations to the Historic District Commission:**

**Term Expires: 3/1/2014**

**Ann Partlan**

Term currently held by: Ann Partlan

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Viola	Vincent	11/16/2013	Animal Control Appeal Bd. exp. 9/30/2012

b) Proposed Reconsideration of Resolution #2012-03-062 I-1b City Council Appointments

Resolution #2013-02-032-J-08b

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2012-03-062, Moved by McGinnis and Seconded by Campbell, as it appears below:

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

**Historic District Commission**

*Appointed by Council  
7 Regular Members  
3 Year Term*

**Term Expires: 07/31/2013**

**Hugh Stephen Doyle**

*Term currently held by: Brian Wattles*

**Term Expires: 03/01/2014**

**Barbara Chambers**

*Term currently held by: Barbara Chambers*

**Term Expires: 03/01/2014**

**Padma Kuppa**

*Term currently held by: Sabah Jihad*

**Traffic Committee**

*Appointed by Council  
7 Regular Members  
3 Year Term*

**Term Expires: 01/31/2015**

**David Ogg**

*Term currently held by: Gordon Schepke (Appt'd to Planning Commission)*

**Term Expires: 01/31/2015**

**Lawrence Ted Halsey**

*Term currently held by: Lawrence Ted Halsey*

Yes: All-7  
No: None

**MOTION CARRIED**

c) Proposed Resolution to Amend Reconsidered Resolution #2012-03-062 I-1b City Council Appointments by Substitution

Resolution #2013-02-032-J-08c

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2012-03-062, City Council Appointments, by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

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

**Historic District Commission**

*Appointed by Council  
7 Regular Members  
3 Year Term*

**Term Expires: 05/15/2015**

**Hugh Stephen Doyle**

*Term currently held by: Paul Chu Lin*

**Term Expires: 03/01/2014**

**Barbara Chambers**

*Term currently held by: Barbara Chambers*

**Term Expires: 03/01/2014**

**Padma Kuppa**

*Term currently held by: Sabah Jihad*

**Traffic Committee**

*Appointed by Council  
7 Regular Members  
3 Year Term*

**Term Expires: 01/31/2015**

**David Ogg**

*Term currently held by: Gordon Schepke (Appt'd to Planning Commission)*

**Term Expires: 01/31/2015**

**Lawrence Ted Halsey**

*Term currently held by: Lawrence Ted Halsey*

Yes: All-7

No: None

**MOTION CARRIED**

**J-9 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2013-02-032-J-09

RESOLVED, That approval is **GRANTED** to pay the renewal of the City of Troy's membership in the Traffic Improvement Association for the year 2013, in the amount of \$23,800. Funds are available in the 2012-2013 Police Department Operating Funds, Membership and Dues.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**


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

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**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:**

Balyeat, Laura	Spoke expressing concerns about a business operating in Troy.
Peters, Richard	Spoke about the economy, gas prices, and pot holes on streets.
Savage, James	Spoke of Council wish list, Vision 2020, and the City needs.
Brake, Dan	Spoke about the appointment of Dane Slater and the transit center.
Butterbaugh, Ron	Spoke about the Troy Today and business development news.

**M. COUNCIL REFERRALS:**

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

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**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**


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**N-1 No Council Comments Advanced**

Mayor Pro Tem Fleming questioned Management regarding the resident's concerns with the business housing live chickens. Mark Miller explained that Code Enforcement is involved in the matter.

Lori Bluhm reminded the audience of the rules of decorum during public comment.

Council Member McGinnis complimented Cindy Stewart and Staff for the terrific job they did on the Troy Today and the wealth of information it contains.

**O. REPORTS:**


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**O-1 Minutes – Boards and Committees: None Submitted**

**O-2 Department Reports:**

- a) 2012 Year End Calls for Police Service Report
- b) December 31, 2012 - Quarterly Financial Report
- c) Transit Center Construction Status Report – February 2013
- d) SOCRRA Quarterly Report
- e) Federal Aid Funding for Major Roads

Noted and Filed

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**O-3 Letters of Appreciation**

- a) To Chief Mayer From Stephanie Leitch Regarding Officer Garcher's Assistance in a Traffic Accident Situation
- b) To Mitch Grusnick From Kevin Luer – Sulzer Regarding Assistance with Recover of Operations after a Fire

Noted and Filed

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

Noted and Filed

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**O-5 Cancellation of Public Hearing – Michigan Next Energy Exemption – LG Chem, Inc.**

Noted and Filed

**P. STUDY ITEMS:**

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**P-1 No Study Items**

**Q. CLOSED SESSION:**

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**Q-1 No Closed Session**

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 8:48 PM.

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Mayor Pro Tem Wade Fleming

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M. Aileen Bittner, CMC  
City Clerk

Mayor Pro Tem Fleming 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, February 20, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

### B. ROLL CALL:

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

Resolution #2013-02-033  
 Moved by Fleming  
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Doug Tietz at the Regular City Council Meeting of February 20, 2013, due to being out of the county.

Yes: Slater, Campbell, Fleming, Henderson, McGinnis, Pennington  
 No: None  
 Absent: Tietz

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

Resolution #2012-02-034  
 Moved by Slater  
 Seconded by Campbell

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: Campbell, Fleming, Henderson, McGinnis, Pennington, Slater  
 No: None  
 Absent: Tietz

### MOTION CARRIED

**Vote on Resolution to Forward Item [C-1d](#) Liquor Violations (Class C; Class C Resort &Hotel B): Mon Jin Lau, Inc. (dba: Mon Jin Lau) and Item [C-1i](#) Liquor Violations (Class C; Class C Resort &Hotel B): Simbad, Inc. (dba: Palm's / Simbad) to be Addressed Before All Other Agenda Items**

Resolution #2013-02-035

Moved by Slater

Seconded Fleming

RESOLVED, That Troy City Council hereby **FORWARDS** Item *C-1d Liquor Violations (Class C; Class C Resort &Hotel B): Mon Jin Lau, Inc. (dba: Mon Jin Lau)* and Item *C-1i Liquor Violations (Class C; Class C Resort &Hotel B): Simbad, Inc. (dba: Palm's / Simbad)* to be addressed before all other Agenda Items.

Yes: Fleming, Henderson, McGinnis, Pennington, Slater, Campbell

No: None

Absent: Tietz

## MOTION CARRIED

### C. PUBLIC HEARINGS:

The following named licensees have been given notice to appear for Public Hearings regarding alleged violations:

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#### **C-1 Liquor Violations (Class C; Class C Resort &Hotel B):**

##### **d) Mon Jin Lau, Inc. (dba: Mon Jin Lau)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Harold Fried and John Henke, representing Mon Jin Lau

Moved by

Seconded by

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)

Address: 1515 E. Maple Rd., 48084

License No: Class C (353-2012)

Violation: **ALLOWED OVERCROWDING & INTOX. PERSONS on October 31, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS/ HAS NOT** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **OBJECTS** to the renewal of the on premises liquor license for the 2013 license year OR **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

**Vote on Resolution to Postpone Item C-01d Liquor Violations (Class C, Class C Resort & Hotel B): Mon Jin Lau, Inc. (dba: Mon Jin Lau) to the March 18, 2013 Regular City Council Meeting**

Resolution #2013-02-036

Moved by McGinnis

Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** Item *C-01d Liquor Violations (Class C; Class C Resort & Hotel B): Mon Jin Lau, Inc. (dba: Mon Jin Lau)* to the March 18, 2013 Regular City Council Meeting.

Yes: Henderson, McGinnis, Pennington, Slater, Campbell, Fleming

No: None

Absent: Tietz

**MOTION CARRIED**

**i) Simbad, Inc. (dba: Palm's / Simbad)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Bill Thomas, representing Palm's.

Moved by

Seconded by

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Simbad, Inc. (dba: Palm's / Simbad)

Address: 336 John R Rd., 48083

License No: SDM (190650-2012) Class C (190651-2012); and

Violation: **ALLOWED INTOXICATED PERSON TO OPERATE VEHICLE & CONSUMPTION AFTER HOURS; IMPROPER DISPLAY OF LICENSE on December 12, 2012; and**

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS/ HAS NOT** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **OBJECTS** to the renewal of the on premises liquor license for the 2013 license year OR **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

**Vote on Resolution to Postpone Item C-01i Liquor Violations (Class C, Class C Resort & Hotel B): Simbad, Inc. (dba: Palm's / Simbad) to the March 18, 2013 Regular City Council Meeting**

Resolution #2013-02-037

Moved by Fleming

Seconded by Campbell

RESOLVED, That Troy City Council hereby **POSTPONES** Item C-01i Liquor Violations (Class C; Class C Resort & Hotel B): Simbad, Inc. (dba: Palm's / Simbad) to the March 18, 2013 Regular City Council Meeting.

Yes: McGinnis, Pennington, Slater, Campbell, Fleming, Henderson

No: None

Absent: Tietz

**MOTION CARRIED**

**a) El Patio IV, LLC (dba: El Patio Mexican Restaurant)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Maria De La Paz, owner of El Patio Mexican Restaurant.

Resolution #2013-02-038

Moved by Fleming

Seconded by Campbell

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: El Patio IV, LLC (dba: El Patio Mexican Restaurant)  
Address: 2891 E. Big Beaver Rd., 48083  
License No: Class C (214782-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Pennington, Slater, Campbell, Fleming, Henderson, McGinnis  
No: None  
Absent: Tietz

**MOTION CARRIED**

**b) Gallatin, Inc. (dba: Camp Ticonderoga)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Linda Egland of Gallatin, Inc., operating Camp Ticonderoga.

Resolution #2013-02-039  
Moved by Pennington  
Seconded by Campbell

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Gallatin, Inc. (dba: Camp Ticonderoga)  
Address: 5725 Rochester Rd., 48084  
License No: Class C (8981-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Slater, Campbell, Fleming, Henderson, McGinnis, Pennington

No: None

Absent: Tietz

#### **MOTION CARRIED**

#### **c) Hooters of Troy, LLC (dba: Hooters)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from John Carlin and Robert Rice, representing Hooters.

Resolution #2013-02-040

Moved by McGinnis

Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Hooters of Troy, LLC (dba: Hooters)

Address: 2950 Rochester Rd., 48084

License No: Class C (159546-2012)

Violation: **SALE TO MINOR (Compliance Test) on May 10, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Campbell, Fleming, Henderson, McGinnis, Pennington, Slater  
 No: None  
 Absent: Tietz

**e) National Coney Island, Inc. (dba: National Coney Island)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Kelly Allen, representing National Coney Island.

Moved by  
 Seconded by

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: National Coney Island, Inc. (dba: National Coney Island)  
 Address: 3364 Rochester Rd., 48084  
 License No: Class C Resort (41187-2012)  
 Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS/ HAS NOT** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **OBJECTS** to the renewal of the on premises liquor license for the 2013 license year OR **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police

Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

**Vote on Resolution to Postpone Item C-01e Liquor Violations (Class C, Class C Resort & Hotel B): National Coney Island, Inc. (dba: National Coney Island) to the March 18, 2013 Regular City Council Meeting**

Resolution #2013-02-041

Moved by Slater

Seconded by Campbell

RESOLVED, That Troy City Council hereby **POSTPONES** Item C-01e *Liquor Violations (Class C, Class C Resort & Hotel B): National Coney Island, Inc. (dba: National Coney Island)* to March 18, 2013 Regular City Council Meeting.

Yes: Fleming, Henderson, McGinnis, Pennington, Slater, Campbell

No: None

Absent: Tietz

**MOTION CARRIED**

**f) Nordstrom, Inc. (dba: Nordstrom Café)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Ellie Dello, representing Nordstrom Café.

Resolution #2013-02-042

Moved by Campbell

Seconded by McGinnis

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Nordstrom, Inc. (dba: Nordstrom Café)

Address: 2850 W. Big Beaver Rd., 48084

License No: Class C Resort (41004-2012)

Violation: **SALE TO MINOR (Compliance Test) on May 16, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Henderson, McGinnis, Pennington, Slater, Campbell, Fleming  
No: None  
Absent: Tietz

**MOTION CARRIED**

**g) Rochester Road Ventures, LLC (dba: Mr. B's / now Hamlin Pub)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from John Carlin and Jim Tevano, representing Mr. B's / now Hamlin Pub.

Resolution #2013-02-043  
Moved by Henderson  
Seconded by McGinnis

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Rochester Road Ventures, LLC (dba: Mr. B's / now Hamlin Pub)  
Address: 3946 Rochester Rd., 48083  
License No: Class C (192874-2012) SDM (192875-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal

of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: McGinnis, Pennington, Slater, Campbell, Fleming, Henderson  
No: None  
Absent: Tietz

## MOTION CARRIED

### **h) Sams Mayur Indian Cuisine (dba: New Mayur Indian Cuisine)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from representatives of New Mayur Indian Cuisine.

Resolution #2013-02-044  
Moved by McGinnis  
Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Sams Mayur Indian Cuisine, LLC (dba: New Mayur Indian Cuisine)  
Address: 5113 Rochester Rd., 48085  
License No: Class C (216067-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Pennington, Slater, Campbell, Fleming, Henderson, McGinnis  
No: None  
Absent: Tietz

## MOTION CARRIED

**j) Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Dennis Ross, Rich Glomb, Eric McEvoy, Michael Stine and Janet Chaney, representing Thunderbird Lanes.

Resolution #2013-02-045  
Moved by Pennington  
Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)  
Address: 400 E. Maple Rd., 48084  
License No: Class C (1941-2012)  
Violation: **SALE TO MINOR (Compliance Test) on May 10, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Slater, Campbell, Fleming, Henderson, McGinnis, Pennington  
No: None  
Absent: Tietz

**MOTION CARRIED**

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**C-2 Liquor Violations (SDD/SDM):****a) Czaryd Enterprises, Inc. (dba: Troy Party Store)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Joseph Ciaramitaro and Arlene Rydzewski, representing Troy Party Store, and Nancy Morrison, from Troy Youth Assistance.

Resolution #2013-02-046  
Moved by Fleming  
Seconded by Pennington

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: Czaryd Enterprises, Inc. (dba: Troy Party Store)  
Address: 6990 John R Rd., 48085  
License No: SDM (11856-2012) SDD (15685-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **REQUIRES** the licensee to require all serving employees to receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee present proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Campbell, Fleming, Henderson, McGinnis, Pennington, Slater  
No: None  
Absent: Tietz

#### **MOTION CARRIED**

#### **b) NKG Business, Inc. (dba: Buscemi's)**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Naji Abdal and Ghazwan "Gus" Abdal, representatives of Buscemi's, and Nancy Morrison, from Troy Youth Assistance.

Resolution #2013-02-047  
Moved by McGinnis

Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City; to review the following alleged violation:

Name: NKG Business, Inc. (dba: Buscemi's)  
Address: 3176 Rochester Rd., 48083  
License No: SDD (188473-2012) SDM (188474-2012)  
Violation: **SALE TO MINOR (Compliance Test) on May 18, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS** been persuaded that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **REQUIRES** the licensee to require all serving employees to receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee present proof of this training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Fleming, Henderson, McGinnis, Pennington, Slater, Campbell  
No: None  
Absent: Tietz

**MOTION CARRIED**

**D. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**E. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:31 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

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Date: February 22, 2013

To: Brian Kischnick, City Manager

From: Susan A. Leirstein, Purchasing Director  
MaryBeth Murz, Purchasing Manager  
Timothy L. Richnak, Public Works Director  
Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Mowing and Landscape Services

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### History

Three-year requirements of Mowing and Landscape Services with an option to renew for two (2) additional years was competitively bid and opened on March 1, 2010, in accordance with City Charter and Code. The scope of work includes all labor, tools, equipment, chemicals, transportation, mowing and landscape maintenance services for municipal grounds including but not limited to medians, I/75 overpasses, irrigated athletic fields, parks, fire stations and cemeteries. On March 15, 2010, Troy City Council approved the three-year contract with an option to renew for two (2) additional years to the low total bidder, Green Meadows Lawnscape Inc of Sterling Heights, MI (**Resolution # 2010-03-071 Item I-4b**).

Green Meadows Lawnscape has expressed interest in renewing its current contract for one (1) additional year under the same pricing, terms, and conditions. When asked, Green Meadows Lawnscape also expressed an interest in performing additional mowing and landscape services under the same pricing, terms, and conditions, historically performed under two separate additional contracts. This would include mowing of detention ponds, undeveloped properties, ROW, the DDA and Civic Center. The current contract with Green Meadows allows the City of Troy to add additional acreage provided the scope of work does not materially change. The one-year renewal would expire December 31, 2013.

### Purchasing

Purchasing has conducted a market survey and determined the City would not benefit from soliciting new bids for mowing and landscape services as operating costs have increased primarily for fuel.

### Financial

Combining like contracts was recommended by ICMA to be beneficial to the City of Troy. Our research concludes that combining three mowing and landscape service functions into one contract and realigning service responsibilities will save an estimated annual cost of \$60,000. These savings will be reflected in the DDA, Civic Center, and Drains budgets, with no reduction of services. Funds are available through the Public Works operating budgets.



## CITY COUNCIL AGENDA ITEM

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February 22, 2013

To: Brian Kischnick, City Manager

Re: Exercise Renewal Option – Mowing and Landscape Services

### **Recommendation**

City management recommends exercising the option to renew for one additional year with Green Meadows Lawnscape Inc of Shelby Township, MI (new location) for mowing and landscape services of all municipal property at unit prices detailed on the bid tabulation opened March 1, 2010, for an estimated total cost of \$410,000 to expire December 31, 2013.

February 14, 2013

TO: Kurt Bovensiep, Superintendent of Parks, Streets & Drains

FROM: Susan A Leirstein, Purchasing Director

RE: MARKET SURVEY – Mowing Services

**United Lawnscape, Inc** **Jeremy** **(586) 752-5000**

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Per my conversation with Jeremy on 2/14/13, since the last time this contract was formally bid (2010), operating costs have increased primarily for fuel. Labor has remained stable. Next year more changes are anticipated with the enactment of Obama Care.

**Bowman Associates** **Jerry Bowman** **(586) 871-5094**

---

No contact made as bidder's prices were already more than double that of the low bidder, Green Meadows Lawnscape.

Purchasing surveyed the MITN website for recent solicitations and found results were not comparable as many entities restrict their contracts by pricing per cut per location, instead of by the acre, which allows for contract additions and deletions as necessary.

Based upon the above review, I respectfully recommend that the City accept the offer to renew the contract for 2013 Mowing and Landscape Maintenance Services with the current contractor, Green Meadows Lawnscape Inc of Shelby Township, MI. (new location)

*Green Meadows Lawnscape, Inc.  
47515 Ryan Road  
Shelby Township, MI 48317*

*586-254-7775  
FAX 586-558-7884*



January 21, 2013

Kurt Bovensiep  
Superintendent Parks, Streets, & Drains  
City of Troy

Green Meadows Lawnscape would like to renew our contract with the City of Troy for one additional year under the same prices and conditions.

Sincerely,

*Dan DeClerck*

Dan DeClerck  
Green Meadows Lawnscape, Inc.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** said streets into the City of Troy local street system, and said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DECERTIFIES** the following streets: Alger, Chopin and Eckerman effective on December 31, 2009.

---

**I-7 Troy Racquet Club Rates**

Resolution #2010-03-070-I-7

RESOLVED, That Troy City Council hereby **APPROVES** the 2010-2011 membership rates for Troy Racquet Club as stated in the report from the Parks and Recreation Department dated March 5, 2010, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**I-8 Release of Construction Phasing Agreement – 301 and 305 W. Big Beaver**

Resolution #2010-03-070-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the Release of the Construction Phasing Agreement dated August 8, 1994 concerning the property at 301 and 305 W. Big Beaver Road, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**I-9 Approval of Munchiando Relocation Claim – John R Road Improvement Project, Square Lake to South Boulevard – Project No. 02.204.5 – Parcel 43 – Sidwell #88-20-02-279-002**

Resolution #2010-03-070-I-9

RESOLVED, That as required by Michigan Laws and Federal Regulations, Troy City Council hereby **APPROVES** the Relocation Claim from James W. Munchiando and Elizabeth S. Munchiando pertaining to the City of Troy’s acquisition of their property at 6675 John R, having Sidwell #88-20-02-279-002, and hereby **AUTHORIZES** payment in the amount of \$9,144.60.

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

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**I-4 Standard Purchasing Resolutions:**

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Mowing and Landscape Maintenance Services**

Resolution #2010-03-071

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for Mowing and Landscape Maintenance Services for municipal grounds and abandoned properties with an option to renew for two additional years to the low total bidder, Green Meadows Lawnscape, Inc. of Sterling Heights, MI for an estimated total cost of \$229,328.00 per year, at unit prices contained in the bid tabulation opened March 1, 2010 with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes: Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming

No: None

Absent: Beltramini

## **MOTION CARRIED**

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

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

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**J-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Motor Carrier Enforcement Cost Recovery Initiative – April 5, 2010
- b) Cancellation of Troy Daze Festival

Noted and Filed

### **K. COUNCIL REFERRALS:**

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**K-1 Using Fund Balance to Advance Sustainability – Referred by Council Member Robin Beltramini – No Action Taken**

### **L. COUNCIL COMMENTS**

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**L-1 Council Comments Advanced**

Mayor Schilling encouraged the public to complete and return their 2010 Census forms as soon as possible.

Council Member Kerwin indicated that a census worker will not make a personal visit if the census form is completed by mail.

Council Member Kerwin would like the training opportunities for members of the Planning Commission and Board of Zoning Appeals to continue, and suggested that an ethics policy be formulated.

Council Member Howrylak indicated that the City and its commissions are not allowed by law to take a position on any election, but are permitted as individuals to campaign, support candidates and endorse issues.



## CITY COUNCIL ACTION REPORT

March 9, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Susan A. Leirstein, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Mowing and Landscape Maintenance Services

### **Background**

- On March 1, 2010, bid proposals were received to provide all labor, tools, equipment, chemicals, transportation, and landscape maintenance services including mowing for municipal grounds and abandoned properties for three-years with an option to renew for two additional years.
- This contract services a wide range of municipal sites and reduces visual barriers and mosquito breeding grounds.
- 318 vendors were notified via the MITN system.
- Five vendors responded, one statement of no bid was received and one vendor did not meet specifications for failure to provide the proper bid surety.

### **Financial Considerations**

- Funds will be available from the various departmental Operating Budgets for contractual services.

### **Legal Considerations**

- ITB-COT 10-04, Mowing and Landscape Maintenance Services was competitively bid as required by City Charter and Code.
- The award is contingent upon the recommended bidder's submission of proper bid and contract documents, including insurance certificates, and all other specified requirements.

### **Recommendations**

- City management recommends awarding a three-year contract for Mowing and Landscape Maintenance Services with an option to renew for two (2) additional years to the low total bidder, Green Meadows Lawnscape Inc of Sterling Heights, MI for an estimated total cost of \$229,328.00 per year at unit prices contained in the bid tabulation opened March 1, 2010 to expire December 31, 2012.

Opening Date -- 3/1/10  
 Date Reviewed - 3/10/10 jh/sl

VENDOR NAME:	Green Meadows Lawnscape Inc.	United Lawnscape, Inc	Bowman Associates
CHECK #:	16203963	16198238	Letter of Credit
CHECK AMOUNT:	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00

**PROPOSAL: FURNISH ALL LABOR, TOOLS, EQUIPMENT, CHEMICALS, TRANSPORTATION, AND LANDSCAPE MAINTENANCE SERVICES INCLUDING MOWING FOR 3 YEARS WITH OPTION TO RENEW FOR TWO-YEARS**

<b>PROPOSAL A: MEDIANS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST	Per Acre	TOTAL COST
Split Mowing Schedule		Unit Price		Unit Price		Unit Price	
2010	279.5 Acres	\$ 25.00	\$ 6,987.50	\$ 30.80	\$ 8,608.60	\$ 60.00	\$ 16,770.00
2011	279.5 Acres	\$ 25.00	\$ 6,987.50	\$ 30.80	\$ 8,608.60	\$ 60.00	\$ 16,770.00
2012	279.5 Acres	\$ 25.00	\$ 6,987.50	\$ 30.80	\$ 8,608.60	\$ 70.00	\$ 19,565.00

<b>PROPOSAL B: VARIOUS LOCATIONS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST	Per Acre	TOTAL COST
Twice-a-Month Mowing Schedule		Unit Price		Unit Price		Unit Price	
2010	64.7 Acres	\$ 27.00	\$ 1,746.90	\$ 28.70	\$ 1,856.89	\$ 60.00	\$ 3,882.00
2011	64.7 Acres	\$ 27.00	\$ 1,746.90	\$ 28.70	\$ 1,856.89	\$ 60.00	\$ 3,882.00
2012	64.7 Acres	\$ 27.00	\$ 1,746.90	\$ 28.70	\$ 1,856.89	\$ 70.00	\$ 4,529.00

<b>PROPOSAL C: BENEATH I/75</b>		Per OverPass	TOTAL COST	Per OverPass	TOTAL COST	Per OverPass	TOTAL COST
Year	OverPass	Unit Price		Unit Price		Unit Price	
2010	OverPass 5	\$ 90.00	\$ 450.00	\$ 312.00	\$ 1,560.00	\$ 50.00	\$ 250.00
2011	OverPass 5	\$ 90.00	\$ 450.00	\$ 312.00	\$ 1,560.00	\$ 50.00	\$ 250.00
2012	OverPass 5	\$ 90.00	\$ 450.00	\$ 312.00	\$ 1,560.00	\$ 60.00	\$ 300.00

<b>PROPOSAL D: ABANDONED PROPERTIES</b>		Per 1000 Sq Ft	TOTAL COST	Per 1000 Sq Ft	TOTAL COST	Per 1000 Sq Ft	TOTAL COST
Various Locations		Unit Price		Unit Price		Unit Price	
2010	280,000 Sq Ft.	\$ 0.95	\$ 266.00	\$ 4.00	\$ 1,120.00	\$ 0.05	\$ 14.00
2011	280,000 Sq Ft.	\$ 0.95	\$ 266.00	\$ 4.00	\$ 1,120.00	\$ 0.05	\$ 14.00
2012	280,000 Sq Ft.	\$ 0.95	\$ 266.00	\$ 4.00	\$ 1,120.00	\$ 0.05	\$ 14.00

<b>PROPOSAL E: IRRIGATED FIELDS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST	Per Acre	TOTAL COST
Weekly Mow		Unit Price		Unit Price		Unit Price	
2010	56.1 Acres	\$ 28.00	\$ 1,570.80	\$ 29.70	\$ 1,666.17	\$ 60.00	\$ 3,366.00
2011	56.1 Acres	\$ 28.00	\$ 1,570.80	\$ 29.70	\$ 1,666.17	\$ 60.00	\$ 3,366.00
2012	56.1 Acres	\$ 28.00	\$ 1,570.80	\$ 29.70	\$ 1,666.17	\$ 70.00	\$ 3,927.00

<b>SITE INSPECTION</b>	Visited Site	Y or N	Y	Y	Y
	Date		2/24 & 2/28	Multiple Occasions	2/20/2010
<b>CONTACT INFO:</b>	Hrs of Operation		7:00 am - 8:00 pm	9 am to 5 pm	Blank
	24 Hr Phone #		(586) 707-1499	Will be provided upon award	(586) 871-5094
	Pager		Blank	N/A	Blank
<b>INSURANCE:</b>	Can Meet		XX	XX	XX
	Cannot Meet				
	Signed	Y or N	Y	Y	Y
<b>PAYMENT TERMS:</b>			Net 45	Net 30 Days	30 Days
<b>EXCEPTIONS:</b>			None	None	Blank
<b>ACKNOWLEDGEMENT</b>	Y or N		Y	Y	Y
<b>VENDOR QUESTIONNAIRE</b>	Y or N		Y	Y	Y

DMS:  
 B & B Landscaping Inc - Re: Did not include bid surety as specified

HIGHLIGHTED AREA DENOTES LOW BIDDER

NO BIDS:  
 Bobs Landscaping Service, Inc.

Susan Leirstein CPPO, CPPB  
 Purchasing Director

ATTEST:  
 Kurt Bovensiep  
 Ron Hynd  
 Diane Fisher  
 Julie Hamilton

Opening Date -- 3/1/10  
 Date Reviewed - 3/10/10

VENDOR NAME:	WH Canon, Inc.	Landscape Concepts Management, Inc	
CHECK #:	332083	1555801	
CHECK AMOUNT:	\$ 10,000.00	\$ 10,000.00	

**PROPOSAL: FURNISH ALL LABOR, TOOLS, EQUIPMENT, CHEMICALS, TRANSPORATION, AND LANDSCAPE MAINTENANCE SERVICES INCLUDING MOWING FOR 3 YEARS WITH OPTION TO RENEW FOR TWO-YEARS**

<b>PROPOSAL A: MEDIANS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST		
Split Mowing Schedule		Unit Price		Unit Price			
2010	279.5 Acres	\$ 75.00	\$ 20,962.50	\$ 74.00	\$ 20,683.00		
2011	279.5 Acres	\$ 75.00	\$ 20,962.50	\$ 74.00	\$ 20,683.00		
2012	279.5 Acres	\$ 75.00	\$ 20,962.50	\$ 74.00	\$ 20,683.00		

<b>PROPOSAL B: VARIOUS LOCATIONS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST		
Twice-a-Month Mowing Schedule		Unit Price		Unit Price			
2010	64.7 Acres	\$ 68.00	\$ 4,399.60	\$ 92.85	\$ 6,007.40		
2011	64.7 Acres	\$ 68.00	\$ 4,399.60	\$ 92.85	\$ 6,007.40		
2012	64.7 Acres	\$ 68.00	\$ 4,399.60	\$ 92.85	\$ 6,007.40		

<b>PROPOSAL C: BENEATH I/75</b>		Per OverPass	TOTAL COST	Per OverPass	TOTAL COST		
		Unit Price		Unit Price			
2010	OverPass 5	\$ 125.00	\$ 625.00	\$ 108.00	\$ 540.00		
2011	OverPass 5	\$ 125.00	\$ 625.00	\$ 108.00	\$ 540.00		
2012	OverPass 5	\$ 125.00	\$ 625.00	\$ 108.00	\$ 540.00		

<b>PROPOSAL D: ABANDONED PROPRTIE</b>		Per 1000 Sq Ft	TOTAL COST	Per 1000 Sq Ft	TOTAL COST		
Various Locations		Unit Price		Unit Price			
2010	280,000 Sq Ft.	\$ 1.75	\$ 490.00	\$ 5.50	\$ 1,540.00		
2011	280,000 Sq Ft.	\$ 1.75	\$ 490.00	\$ 5.50	\$ 1,540.00		
2012	280,000 Sq Ft.	\$ 1.75	\$ 490.00	\$ 5.50	\$ 1,540.00		

<b>PROPOSAL E: IRRIGATED FIELDS</b>		Per Acre	TOTAL COST	Per Acre	TOTAL COST		
Weekly Mow		Unit Price		Unit Price			
2010	56.1 Acres	\$ 69.00	\$ 3,870.90	\$ 67.50	\$ 3,786.75		
2011	56.1 Acres	\$ 69.00	\$ 3,870.90	\$ 67.50	\$ 3,786.75		
2012	56.1 Acres	\$ 69.00	\$ 3,870.90	\$ 67.50	\$ 3,786.75		

<b>SITE INSPECTION</b>	Visited Site Y or N	Y	Y
	Date	2/26 & 2/27	2/23 & 2/24/2010
<b>CONTACT INFO:</b>	Hrs of Operation	M - Sat 7am - 7pm	7:00 am - 7:00 pm
	24 Hr Phone #	(734) 732-1761	(734) 368-8493
	Pager	Blank	Blank
<b>INSURANCE:</b>	Can Meet	XX	XX
	Cannot Meet		
	Signed Y or N	Y	Y
<b>PAYMENT TERMS:</b>		Net 30	Blank
<b>EXCEPTIONS:</b>		Blank	Blank
<b>ACKNOWLEDGEMENT</b>	Y or N	Y	Y
<b>VENDOR QUESTIONNAIRE</b>	Y or N	Y	Y



## CITY COUNCIL AGENDA ITEM

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Date: February 14, 2013

To: Brian Kischnick, City Manager

From: Susan A. Leirstein, Purchasing Director  
 MaryBeth Murz, Purchasing Manager  
 Timothy L. Richnak, Public Works Director  
 Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling and Disposal of Dirt and Debris

---

### **History**

One-year requirements of Hauling and Disposal of Dirt and Debris with an option to renew for one additional year was competitively bid and opened on February 2, 2012, in accordance with City Charter and Code. The scope of work includes hauling and disposal of broken concrete, broken asphalt, fill dirt excavated from water and sewer repairs, catch basin sludge and street sweepings. Material is located at the Department of Public Works 4693 Rochester Road. On April 2, 2012, Troy City Council approved a one-year contract to provide for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year to the low bidder, Bedrock Express LTD of Ortonville, MI (**Resolution # 2012-04-070-J4a**). Bedrock Express LTD is now interested in renewing their contract under the same prices, terms, and conditions to expire April 30, 2014.

### **Purchasing**

Purchasing has conducted a market survey and determined the City would not benefit from soliciting new bids for hauling and disposal of excavated and extracted material. A survey of like services was performed on the MTIN website, and another contract bid in 2012 by Sterling Heights reveals pricing up for 2013 by 5.5% when compared to Troy.

### **Financial**

Funds are available through the various Public Works operating budgets. \$36,160 was spent in 2012 and \$64,000 is budgeted.

### **Recommendation**

City management recommends exercising the option to renew for one additional year with Bedrock Express LTD of Ortonville, MI for the hauling and disposal of dirt and debris under the same contract prices, terms, and conditions expiring April 30, 2014.

Prepared by: Marina Basta Farouk, Project Construction Manager

G:\Bid Award 12-13 New Format\Award Standard Purchasing Resolution 3 Hauling&Disposal\TB-COT12-01.doc

From: City of Troy DPW

2485243520

02/12/2013 09:09

#220 P.001/001



Date: February 11, 2013

Company Bedrock Express LTD  
1290 N M-16  
Ortonville, MI 48462

Dear Mr. Barry Bass

On April 7, 2012 the City of Troy entered into contract #2012-00001331 with Bedrock Express LTD to provide one-year requirements of hauling/disposal of dirt and debris. This contract contained an option to renew for one additional at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Bedrock Express LTD wishes to renew this contract until April 30, 2014. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

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

**CHECK ONE:**

(Bedrock Express LTD) is interested in renewing the contract under the same prices, terms, and conditions:

(Bedrock Express LTD) is not interested in renewing the contract:

x [Signature] President  
Signed: Authorized Company Representative

Date: 2/12/13

Thank you,  
Department Representative

Marina Basta Farouk  
Department of Public Works  
City of Troy

Yes: All-7  
No: None

**MOTION CARRIED****J. CONSENT AGENDA:**

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

Resolution #2012-04-070  
Moved by Slater  
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-2a, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7  
No: None

**MOTION CARRIED**

---

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

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**J-3 Proposed City of Troy Proclamations: None**

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**J-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution 1: Award to Low Bidder – Hauling and Disposal of Dirt and Debris**

Resolution #2012-04-070-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the low bidder, Bedrock Express LTD of Ortonville, MI, for an estimated total cost of \$58,840.00, at unit prices contained in the bid tabulation opened February 2, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of March 31, 2013.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** the contractors' submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

**b) Standard Purchasing Resolution 1: Award to Low Bidders – Home Chore Lawn and Yard Services**

Resolution #2012-04-070-J-4b

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## CITY COUNCIL AGENDA ITEM

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March 19, 2012

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder –  
Hauling and Disposal of Dirt and Debris

---

### **Background**

On February 2, 2012, bid proposals were received electronically to provide one-year requirements of Hauling and Disposal of Dirt and Debris with an option to renew for one additional year. 74 vendors were notified of the bid opportunity via the MITN website, [www.mitn.info](http://www.mitn.info) with eight (8) on-line bid responses received. Bedrock Express LTD of Ortonville, MI is the low bidder for all items to be hauled under this contract.

ITB-COT 12-01, Hauling & Disposal of Dirt & Debris was competitively bid as required by City Charter and Code. The award is contingent upon contractor's submission of properly executed insurance certificates, and all other specified requirements.

### **Recommendation**

City management recommends awarding a contract for Hauling & Disposal of Dirt & Debris, to the low bidder, Bedrock Express LTD of Ortonville, MI for an estimated total cost of \$58,840.00, at unit prices contained in the bid tabulation dated February 2, 2012, to expire March 31, 2013.

### **Fund Availability**

Funds are available through the Public Works operating budgets for the Streets and Water Divisions

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:\Bid Award 12-13 New Format\Award Standard Purchasing Resolution 1 HaulingDisposalITB-COT 12-01.doc

**VENDOR NAME:** sl  
 Electronic Bid

			Bedrock	Osburn	Ponzio
			Express Ltd	Industries, Inc	Construction LLC
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	\$ 4.24	\$ 4.50	\$ 7.39
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 4.24	\$ 7.00	\$ 10.39
3	7,000	Fill Dirt, material excavated from water and sewer repairs.	4.24	\$ 7.00	\$ 6.39
4	1,000	Catch basin sludge and street sweepings.	\$ 16.44	\$ 18.75	\$ 18.49
<b>ESTIMATED TOTAL ALL ITEMS: (1 - 4)</b>			<b>\$ 58,840.00</b>	<b>\$ 83,750.00</b>	<b>\$ 88,390.00</b>
<b>PAYMENT TERMS:</b>			2% disc pmt, net 10 days; 5% disc net credit card 24hrs	Net 30	Net 30 days
<b>DELIVERY/START DATE:</b>			W/I 48 hours	48 hours	upon award
<b>MINIMUM ORDER:</b>			50 Tons	50 Tons	No
<b>REFERENCES:</b> Y or N			Y	Y	Y
<b>DISPOSAL SITE:</b>			Riverview Highlands	Veolia / Arbor Hills	Riverview Landfill
<b>APPROVED SITE EPA PERMIT #:</b> Y or N			Y	Y	Y
<b>48 HOUR SERVICE - Catch Basin Material</b>			980 680 657	MIK 114185416	200410192
Can Meet			XX	XX	XX
Cannot Meet					
<b>CONTACT INFORMATION:</b>			8AM-5PM M-F	6AM-5PM M-Sat	5AM-5PM
Hrs of Operations			(810) 217-6324	(313) 363-8080	(586) 960-4142
24 Hr Phone #			38-2691219	38-6061972	45-1797086
Tax ID #					
<b>SITE VISIT:</b>			Y	N	Y
Yes/No			2011		1/31/2012
Date					
<b>EXCEPTIONS:</b>			None	Blank	Blank
<b>ALL OR NONE AWARD -Box Ckd</b> Y or N			Y	N	N
<b>INSURANCE:</b>			XX	XX	XX
Can Meet					
Cannot Meet					
<b>EQUIPMENT LIST:</b> Attached Y or N			Y	Y	Y

**ATTEST:**  
 Susan Riesterer  
 Marina Basta-Farouk  
 Julie Hamilton

PROPOSAL: One (1) year requirements of Hauling and Disposal of Dirt and Debris with an Option to Renew for One (1) Additional Year

HIGHLIGHTED AREA DENOTES LOW BIDDER

Susan Leirstein CPPO CPPB  
 Purchasing Director

**VENDOR NAME:**

**Electronic Bid**

Dales Disposal	Madalyn's Contracting LLC	Technical Logistic Corp
	<b>Did Not Return Bid Proposal Forms</b>	

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	\$ 9.75	\$ 10.00	\$ 17.50
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 9.75	\$ 10.00	\$ 17.50
3	7,000	Fill Dirt, material excavated from water and sewer repairs.	\$ 9.75	\$ 8.50	\$ 17.50
4	1,000	Catch basin sludge and street sweepings.	\$ 17.00	\$ 32.00	\$ 17.50
<b>ESTIMATED TOTAL ALL ITEMS: (1 - 4)</b>			<b>\$ 114,500.00</b>	<b>\$ 121,500.00</b>	<b>\$ 192,500.00</b>

**PAYMENT TERMS:**

**DELIVERY/START DATE:**

**MINIMUM ORDER:**

**REFERENCES:**

**DISPOSAL SITE:**

**APPROVED SITE**

**EPA PERMIT #:**

**48 HOUR SERVICE - Catch Basin Material**

**CONTACT INFORMATION:**

**SITE VISIT:**

**EXCEPTIONS:**

**ALL OR NONE AWARD -Box Ckd**

**INSURANCE:**

**EQUIPMENT LIST:**

Y or N

Y or N

Can Meet  
Cannot Meet

Hrs of Operations  
24 Hr Phone #  
Tax ID #

Yes/No  
Date

Y or N

Can Meet  
Cannot Meet

Y or N

Net 30	Net 30	Net 30
ASAP	0% discount As specified	start 4/1/12
50 Tons	\$60,000	No
Y		Y
Riverview Land Preserve		Riverview Landfill
Y		Y
MID980680657		9307 / 399054
XX		XX
M-F 7AM-5:30PM		7AM-5PM M-F
(586) 524-1948		(734) 644-3581
20-8191810		38-3413000
Y		N
1/23/2012		
Blank		Blank
N		N
XX		XX
Y		Y

**VENDOR NAME:**

**Electronic Bid**

Trinity	Ellsworth	
Environmental	Industries	
Solutions	<b>Did Not Return Bid Proposal Forms</b>	

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	\$ 20.50	\$ 27.50	
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 20.50	\$ 27.50	
3	7,000	Fill Dirt, material excavated from water and sewer repairs.	\$ 20.50	\$ 27.50	
4	1,000	Catch basin sludge and street sweepings.	\$ 26.64	\$ 32.50	

**ESTIMATED TOTAL ALL ITEMS: (1 - 4)**

\$ 231,640.00	\$ 307,500.00	
---------------	---------------	--

**PAYMENT TERMS:**

N/A      Net 30

**DELIVERY/START DATE:**

upon award      W/I 24 Hours

**MINIMUM ORDER:**

No      No

**REFERENCES:**

Y or N

Y

**DISPOSAL SITE:**

Riverview  
Land Preserve

**APPROVED SITE**

Y or N

Y

**EPA PERMIT #:**

MID 980608657

**48 HOUR SERVICE - Catch Basin Material**

Can Meet  
Cannot Meet

XX

**CONTACT INFORMATION:**

Hrs of Operations  
24 Hr Phone #  
Tax ID #

7AM-5PM  
(313) 218-1045  
27-1019282

**SITE VISIT:**

Yes/No  
Date

N

**EXCEPTIONS:**

Blank

**ALL OR NONE AWARD -Box Ckd**

Y or N

N

**INSURANCE:**

Can Meet  
Cannot Meet

XX

**EQUIPMENT LIST:**

**Attached**

Y or N

Y



## CITY COUNCIL AGENDA ITEM

---

Date: February 19, 2013

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Financial Services  
Susan Leirstein, Purchasing Director  
Gert Paraskevin, Information Technology Director

Subject: Standard Purchasing Resolution 4 – Cooperative Contracts - Upgrade and Expansion of Exchange Email System

---

### **History**

The City utilizes Microsoft Exchange Server as the foundation for its email system. After initial implementation it was upgraded to Exchange 5.5 in 1998 then Exchange 2003 in 2004. Mainstream support for Exchange 2003 ended as of April 14, 2009. Currently Microsoft no longer provides fixes for bugs or warranty issues for our current version. They have continued to provide security updates to the product, but that will stop when Extended Support ends in April 2014.

Microsoft released Exchange 2010 in November of 2009 and Exchange 2013 in January of this year. These newer products provide many features which would improve City email services from a support, management and end user perspective, translating to improved efficiencies. Some of those features are outlined in Attachment A.

Notwithstanding the age of our current email system, the fact that it will be completely obsolete next year, and the additional features available in the newer software, we have also had many requests to expand mailbox size. Some of those requests are related to email retention for eDiscovery purposes and FOIA requests, but many are related to volume and size of emails as a result of more and more business conducted electronically. The Information Technology department has been very cautious when approving requests for larger mailboxes for a couple of reasons. The first is not to overextend the limits of our Exchange 2003 server and the other is the additional storage and backup resources required. We are at a point where employees are beginning to spend more and more time managing their inbox thereby reducing efficiencies.

Unfortunately there is currently no direct migration from Exchange 2003 to Exchange 2013. The recommended upgrade path is to migrate to Exchange 2010 first. Once that step is complete and stable, then migrate to Exchange 2013. However, Microsoft has not yet released the required service pack for Exchange 2010 that will allow it to communicate with Exchange 2013 to perform that migration. That service pack (SP3) is expected in the first quarter of 2013, but as of yet is not available. In addition, Exchange 2013 is so new that it would be wise to wait at least a year for all the bugs to be worked out, and Microsoft has released the first service pack to fix any major issues. The good news is that purchasing Exchange 2013 allows installation of Exchange 2010, while still having the option to move to 2013 for no additional license costs when we are ready.



## CITY COUNCIL AGENDA ITEM

The City utilizes a Hewlett Packard Storage Area Network (SAN) to house all data supporting the City's virtual server environment. The additional servers required for Exchange 2010/2013 can be accommodated within this environment; however, additional storage would be required. That storage could easily be expanded by adding a shelf to the SAN and filling it with drives to provide the data storage required for much larger mailboxes, plus room for growth. Currently the majority of mailboxes are limited to 50MB with a select group up to 250MB, but our intent would be to expand mailboxes to a minimum of 2GB, and allowing even larger mailboxes when necessary on a case by case basis. Adding a fully populated shelf would expand capacity by approximately 6TB.

Adding significant storage would require that the City's disk based backup system would also have to be expanded to accommodate the increased volume of data. The Exagrid system purchased in October of 2011 is already close to capacity. Data growth has been much greater than originally anticipated and increasing mailbox size would push the unit beyond its limits. Adding a second unit would easily accommodate this increase plus allow for future growth by doubling our backup capacity.

### **Purchasing**

Pricing for this project was based on the following cooperative contracts:

- In 2008, a National IPA Information Technology Solutions contract was competitively bid by the City of Tucson, RFP 083052 and awarded to CDW-G, which included software and hardware, to expire August 2013. On March 3, 2008, Troy City Council authorized the use of NIPA contracts with approval for Capital items over \$10,000. (Resolution #2008-03-086-F-4c).
- In addition, City staff is authorized to purchase goods and services through the Regional Education Media Center Association of Michigan (REMC) program when appropriate (Resolution #2002-10-548-E-12). Software licenses specifically related to the Library are eligible for purchase through the program, which will also be provided by CDW-G.
- The standard purchasing three quote process for items under \$10,000 will be used for the disk expansion portion of the project.

### **Financial**

Attachment B outlines the details of the costs for this project. This project was planned and budgeted for \$90,000. Funds are currently budgeted in the Information Technology 2012/2013 capital budget.

### **Recommendation**

To greatly improve the City's current email environment City management recommends migrating the current Microsoft Exchange 2003 email system to Microsoft Exchange 2010, with future plans to migrate to 2013, through the NIPA and REMC cooperative contracts with CDW-G, and expanding disk and backup resources to accommodate the need for increased mailbox size. Costs for this project as outlined in Attachment B total approximately \$79,355.00 with annual recurring costs of approximately \$2,800.

## Attachment A

### Exchange 2010/2013 Selected Features

- Server improvements
  - Improved performance – faster and more reliable than previous versions
  - Allows for larger mailboxes and databases
  - High availability improvements
  - More secure
    - By design – threat models were developed and tested as the system was designed
    - By default – most network communications are encrypted and only services required are installed
- Management improvements
  - Streamlined and intuitive web based administration
  - Best Practices Analyzer looks for potential problems in the Exchange deployment before they occur
  - Server based rules for alerts, block messages, encrypt
  - ActiveSync Mobile Management Policies
  - Retention Policies
  - Multi-mailbox search
  - Role-based access control providing a method to grant access to specific people to perform searches
  - Ability to allow users to create and delete distribution groups
- End User improvements
  - Better inbox management through
    - Conversation view
    - Inline compose and reply
  - Ability to track delivery receipt information on all messages
  - Improved Web Interface
    - Allows calendar sharing, view multiple calendars side by side, and use scheduling assistant
    - Screen display designed for mobile devices
    - Multiple browser support
    - Cached mode to allow off-line activity
- Hybrid deployment – ability to deploy mailboxes on-premises, online or both
  - Provides a mechanism to step into cloud services if and when this option becomes more feasible



# CITY COUNCIL AGENDA ITEM

## Attachment B

### Detailed Costs

	Description	Vendor/Contract	Quantity	Unit Cost	Total Cost
<b>Hardware</b>					
	Exagrid Expansion includes first year maintenance	CDWG/NIPA	1	22,000.00	22,000.00
	SAN Expansion	Quote Estimate	1	8,000.00	8,000.00
<b>Software</b>					
	Exchange Server Enterprise 2013	CDWG/NIPA	1	2,800.00	2,800.00
	Client Access License				
	Standard City	CDWG/NIPA	430	54.00	23,220.00
	Standard Library	CDWG/REMC	70	3.00	210.00
<b>Implementation Fees</b>					
	Consulting fees	CDWG/NIPA	125	185.00	23,125.00
	<b>Total One-time Fee</b>				<b>\$79,355.00</b>
<b>Maintenance</b>					
	Exagrid Annual Maintenance	CDWG/NIPA			2,800
	<b>Total Annual Recurring Maintenance</b>				<b>\$2,800</b>



## CITY COUNCIL AGENDA ITEM

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Date: February 18, 2013

To: Brian Kischnick, City Manager

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

Subject: Addendum #1 - Charnwood Hills Phase 1 Contract #12-05  
Chip Seal Treatment in Charnwood Hills

### **History**

Last year bids were received for chip seal treatment on roads in the Charnwood Hills subdivision, located east of Beach Road in Section 6. The low bidder was Highway Maintenance & Construction Co. at \$165,375, which was 3.29% below the Engineer's estimate.

Last year's work consisted of approximately 25,000 square yards of double chip seal (a double layer of asphalt emulsion and crushed stone) and a single fog seal treatment (a single application of liquid asphalt on top). The project was completed in August, 15% under budget and none of the contingency monies for unexpected road base repairs were used.

Based on Highway Maintenance Company's high quality work last year, they were asked to extend their unit prices for the same work in the Charnwood Hills subdivision west of Beach and they agreed. This chip and fog seal work, if approved, would be done this spring.

### **Financial**

Funds for this work are available in the 2012/13 budget. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

### **Recommendation**

It is recommended that City Council approve Addendum #1 for additional work by Highway Maintenance & Construction Co. to apply double chip seal and fog seal to all roads in the Charnwood Hills, Phase 2 project area located west of Beach Road. The estimated total cost is \$230,000. In addition, we are requesting authorization to approve additional road work, if needed, not to exceed 20% of the addendum cost.



(734) 941-8885

Fax (734) 941-8962

P.O. Box 74411

Romulus, MI 48174-0411

January 8, 2013

Mr G. Scott Finlay. P.E.  
City of Troy  
500 W. Big Beaver  
Troy, MI 48084

Subject: Extension of 2012 Charmwood Hills Phase 1 Chipseal Project

Dear Scott,

Thank you for your request to extend our unit prices for more Chipseal work in the Charmwood subdivision.

We would be willing to extend our 2012 unit prices a project in 2013.

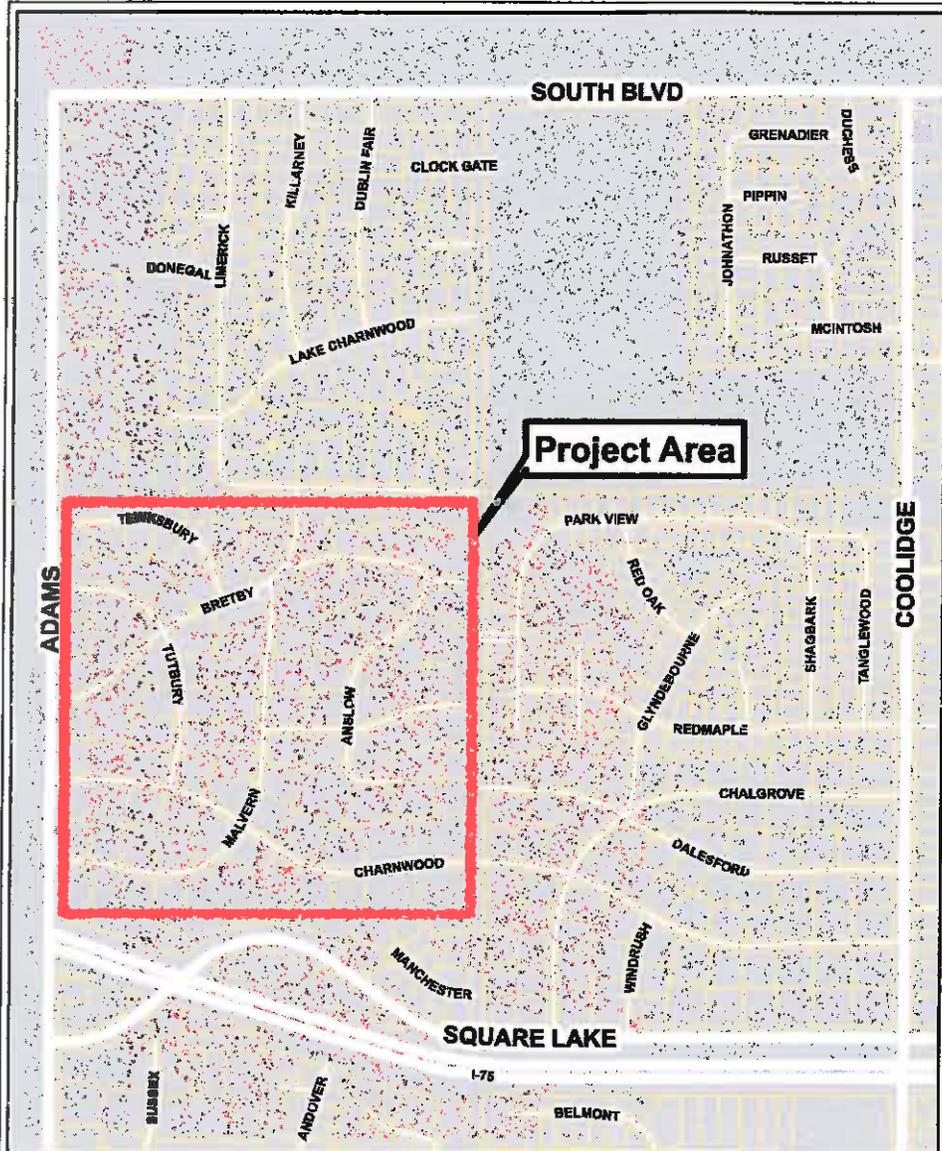
I think there will be less repairs needed because most of phase 2 was asphalt stabilized. We may need to look if these quantities get very small. Hot mix prices are projected to be up \$2-3 per ton. We would like to look at the quantities and prices next spring. It may not make any difference.

Thank you again for extending and we look forward to working with you again next year.

Please feel free to call with any questions.

Sincerely,

  
Jeffrey S. Demek, P.E.  
President



Section 6, T2N,  
R11E, City of Troy,  
Oakland County, MI

**LOCATION MAP**





## CITY COUNCIL AGENDA ITEM

---

Date: February 26, 2013  
To: The Honorable Mayor and City Council  
From: Brian Kischnick, City Manager  
Subject: Request for Special Budget Study Session Date Change

---

I would like to request that the Special Budget Study Session Scheduled for Monday, April 29<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road be canceled and a new date of Wednesday, April 24<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road be scheduled.



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
Susan M. Lancaster, Assistant City Attorney *sm2*  
**DATE:** February 26, 2013  
**SUBJECT:** Gennari v. City of Troy lawsuit

---

The City has recently been served with a copy of the enclosed re-plat lawsuit filed by Plaintiffs Maurice Gennari, Sandra Gennari and Sandra Gennari Trust u/a/d April 2008. The City of Troy and all other persons with property ownership within 300 feet of the proposed re-plated area are named Defendants, including but not limited to the City, County and the utility companies.

The proposed re-plat involves the Pine Creek Estates Subdivision Plat, which is north of Square Lake Road and east of Livernois Road. Part of the Pine Creek Estates Subdivision Plat is being developed as a site condominium project known as Pine Creek Ridge Condominiums. However, in order to fully develop the property as desired, the plat must be revised in order to provide the required road frontage for all proposed lots on Pine Creek Court.

The requested plat amendments revise Lot 1 and Lot 7 of the Pine Creek Estates Subdivision in order to convey road frontage property on Pine Creek Court. This conveyance is depicted on the attached plat map in pink highlighting. In exchange for this road frontage property, the property identified in yellow highlighting will be conveyed so that the resulting lots are not significantly reduced.

The only way to achieve this proposed property exchange is to pursue a re-plat lawsuit against the named Defendants. Although we expect that Plaintiffs will obtain consent for the proposed plat revision, the City routinely reserves the right to review the final plat, as prepared by the developer's engineer, to make sure it is in compliance with the Troy Code of Ordinances and the State Statutes. After this review and approval, then the developer is required to obtain approval from the State of Michigan.

Our office is happy to defend the City's interest in this lawsuit, and a resolution authorizing this is presented for your consideration.

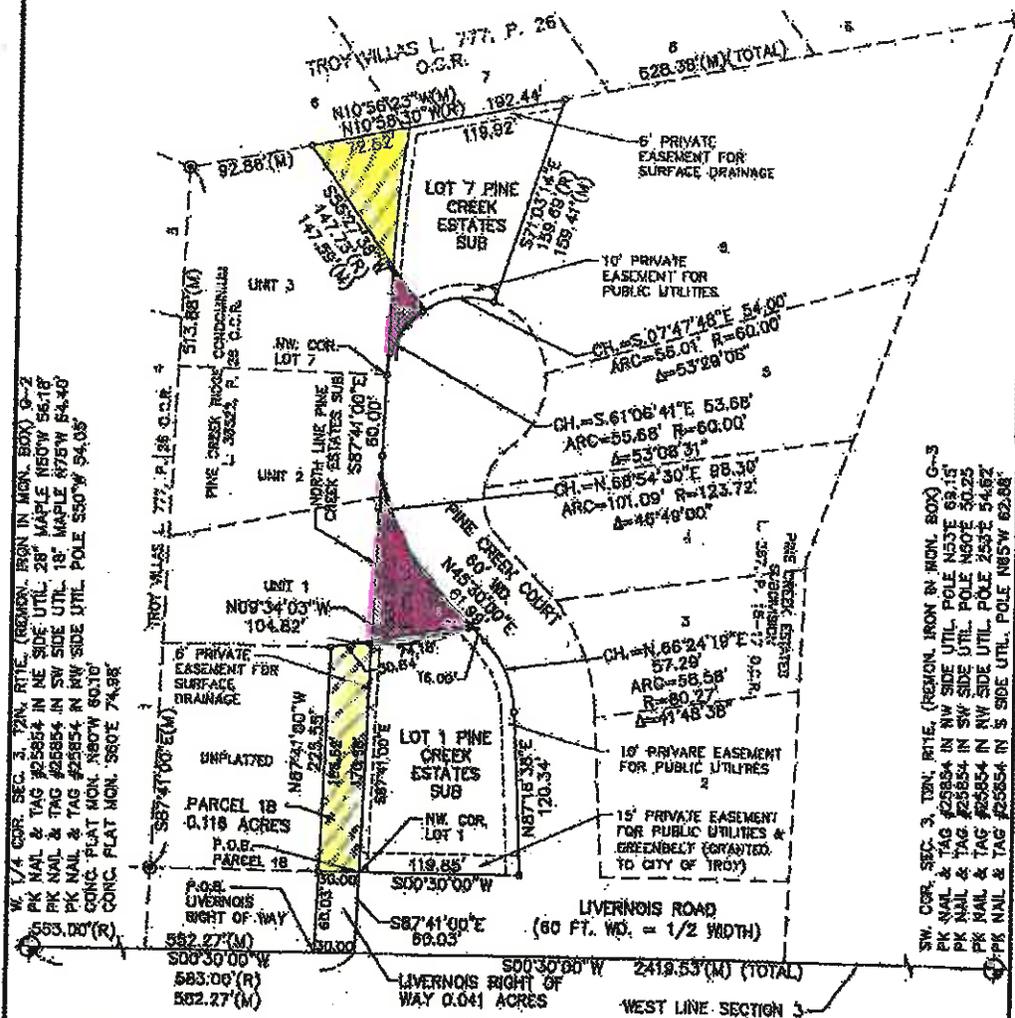
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# CERTIFICATE OF SURVEY

## PROPOSED LAND DIVISION

SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH,  
RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

NOTE: BEARINGS RELATE TO THE WEST LINE OF PINE  
CREEK ESTATES SUBDIVISION AS RECORDED  
IN L. 287, P. 15-17 O.C.R.



A title search was not performed by the Client for purposes of this Survey. Therefore, no guarantee is made that any easements and/or rights of way recorded or otherwise, are shown on this Certificate of Survey.

This survey and corresponding Legal Descriptions are subject to Municipal Approval.

**LEGEND**

D SET IRON  
W FOUND IRON  
M FOUND MONUMENT  
S SET WOOD STAKE  
SC SECTION CORNER

R RECORDED  
M MEASURED  
C CALCULATED



I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon; that the unadjusted field observations of said Survey were performed with an error of closure of 1 in 32,137; and that I have complied with the requirements of Section 3, Act 132, P.A. 1970, as amended.

DONALD H. KING  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE 30885

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013
DATE 08-15-2012	SHEET 1 OF 6
SCALE: 1" = 100'	DRAWN BY L.A.
	CHECKED BY D.H.K.

**FAZAL KHAN & ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
43278 SCHOENHERR STERLING HEIGHTS, MI 48374  
PHONE (586) 739-8007 FAX (586) 739-6994  
WWW.FAZALKHAN.COM

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/clerkrod/efiling](http://www.oakgov.com/clerkrod/efiling).

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO. 2013 - 132103 -CH <b>JUDGE BOWMAN</b>
--	------------------------------	--

Court address: 1200 N. Telegraph, Dept. 404, POntiac, MI 48341-0404  
 Court telephone no. (248) 858-0582

Plaintiff's name(s), address(es), and telephone no(s).  
 MAURICE GENNARI, SANDRA GENNARI, and SANDRA GENNARI TRUST w/a/d April, 2008

v

Defendant's name(s), address(es), and telephone no(s):  
 JEFFREY N. LIDO and KARRI L. LIDO, Husband and Wife, et al

Plaintiff's attorney, bar no., address, and telephone no.  
 James J. Sarconi (P66101)/Lawrence M. Scott (P30228)  
 O'REILLY RANCILIO P.C.  
 12900 Hall Road, Suite 350  
 Sterling Heights, MI 48313  
 (586) 726-1000/Fax: (586) 726-1560

City of Troy  
 c/o City Attorney Lori Bluhm  
 500 W. Big Beaver Road  
 Troy, MI 48084

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

- You are being sued.
- YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
- If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued <b>FEB 06 2013</b>	This summons expires <b>MAY 08 2013</b>	Court clerk <b>Lisa Brown</b>
------------------------------	--	----------------------------------

\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**

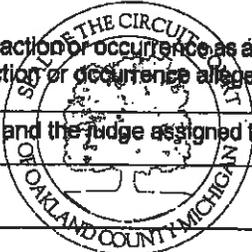
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
  - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
  - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------



**VENUE**

Plaintiff(s) residence (include city, township, or village) Waterford, Oakland County, Michigan	Defendant(s) residence (include city, township, or village) Waterford/Troy, Oakland County, Michigan
Place where action arose or business conducted Troy, Oakland County, Michigan	

02/06/2013  
 Date

/s/ James J. Sarconi (P66101)  
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Received for Filing Oakland County Clerk 2013 FEB 06 PM 03:20

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/clerkrod/efiling](http://www.oakgov.com/clerkrod/efiling).

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR OAKLAND COUNTY

MAURICE GENNARI, SANDRA GENNARI, and  
SANDRA GENNARI TRUST w/a/d April 7, 2008

2013-132103-CH  
JUDGE BOWMAN

Plaintiffs,

v

JEFFREY N. LIDO and KARRI L. LIDO, Husband and Wife, CITY OF TROY, STEVE ARWOOD, Acting Director, STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, JIM NASH, OAKLAND COUNTY WATER RESOURCES COMMISSIONER, GREGORY C. JAMIAN, Chairman, ROAD COMMISSION FOR OAKLAND COUNTY, DTE ELECTRIC COMPANY, a Public Utility, CONSUMERS ENERGY COMPANY, a Public Utility, MICHIGAN BELL TELEPHONE COMPANY, a Public Utility, BROOKFIELD RELOCATION, INC., a Foreign Corporation, CHRISTOPHER MICHAEL, JAMES E. and KARIN E. PARROTT, Husband and Wife, DON WITT, CHRISTOPHER WHITFIELD, MICHAEL CURTIS, MEGAN GAINFORTH, ERIC P. KROL, TROY METHODIST CHURCH, CYNTHIA A. PEACOCK, WILLIAM and EVELYN FANELLI, Husband and Wife, ERIC and JENNIFER UNCAPHER, Husband and Wife, LEE and ANDREA LAIR, Husband and Wife, JULITA HORYD, VERNETTA REVOLDT TRUST, GLENN and MARY GOSWICK, Husband and Wife, CALVARY CHRISTIAN CHURCH, RANGANATHA and RUPA MULABAGULA, Husband and Wife, MOHAN and RAJALAKSHMI SABAPATHY, Husband and Wife, FENG QING and XIU HUA YAN, MUBINA and MONIRUL ISLAM, Husband and Wife, HARRY and CATHERINE BAUER, Husband and Wife, GARRY and MARY SMITH, Husband and Wife, UNK and JUMSOON YO, Husband and Wife, CARL F. RATKUS, MARVIN and CYNTHIA SCHOENHERR, Husband and Wife,

Case No. 13-  
Honorable:

-CH

**COMPLAINT TO AMEND A  
PORTION OF THE PLAT OF  
PINE CREEK ESTATE  
SUBDIVISION**

Defendants.

---

O'REILLY RANCILIO P.C.  
James J. Sarconi (P66101)  
Lawrence M. Scott (P30228)  
Attorneys for Plaintiffs  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313-1151  
(586) 726-1000/Fax: (586) 726-1560  
[jsarconi@orlaw.com](mailto:jsarconi@orlaw.com)  
[lscott@orlaw.com](mailto:lscott@orlaw.com)

---

**COMPLAINT TO AMEND A PORTION OF THE PLAT  
OF PINE CREEK ESTATES SUBDIVISION**

NOW COME Plaintiffs, Maurice and Sandra Gennari, husband and wife and the Sandra Gennari Trust w/a/d April 7, 2008 (collectively referred to as "Plaintiffs"), by their attorneys O'Reilly Rancilio P.C., and for their Complaint to amend a portion of the Plat of Pine Creek Estates Subdivision ("Pine Creek Plat") state as follows:

1. Plaintiffs are the legal and equitable owners of Parcel 1, Lot 1 and Lot 7 of the Pine Creek Estates Subdivision, recorded in Liber 267, Pages 15-17 of the Oakland County Records.
2. Plaintiffs are also the legal and equitable owners of Units 1 through 3 of the Pine Creek Ridge Condominium, recorded in Liber 33522, Page 26 of the Oakland County Records.
3. The only portions of the Pine Creek Plat the Plaintiffs seek to amend lie wholly within the Plaintiffs' Lot 1 and Lot 7.
4. This Court has jurisdiction over this matter pursuant to the Michigan Land Division Act, MCL 560.101, et seq. and venue is proper due to the fact that the real property at issue in this matter is located in Troy, Oakland County, Michigan.
5. At issue before this Court is the amendment of the Pine Creek Plat whereby Plaintiffs convey a portion of Lot 1 Pine Creek Estates to Unit 1 Pine Creek Ridge Condominium

and replacement property is added back to the Pine Creek Plat and, specifically, Lot 1. In addition, Plaintiffs intend on conveying a portion of Lot 7 Pine Creek Estates to Unit 3 Pine Creek Ridge Condominium and adding back replacement property to the Pine Creek Plat, specifically, Lot 7.

6. The proposed amendment to the Pine Creek Plat is depicted on the attached Survey (Exhibit A).

7. Defendant Steve Arwood is the acting Director of the State of Michigan Department of Licensing and Regulatory Affairs.

8. Defendant Jim Nash is the Oakland County Water Resources Commissioner, having jurisdiction over the property in the Plat at issue herein.

9. Defendant Gregory Jamian is the Chairman of the Road Commission for Oakland County, having jurisdiction over the property in the Plat at issue herein.

10. Defendant City of Troy, is a Michigan municipal corporation having jurisdiction over the property in the Plat at issue herein.

11. Defendants Consumers Energy Company, DTE Electric Company, and Michigan Bell Telephone are public utility companies which are known to Plaintiffs to have installations and/or equipment within the boundaries of, over or under the property in the Plat at issue herein.

12. All of the other Defendants are owners of record title to property situated within three hundred (300') feet of the property owned by Plaintiff which includes the portion(s) of the Plat requested to be amended and which is the subject matter of this Complaint.

13. The relief/amendment to plat requested herein will have no material adverse effect upon the rights, title and/or interest of the owners of the property described in Paragraph

12 above and to whom notice is required by the Land Division Act, MCL 560.224a and who are, therefore, named as Defendants herein.

14. The Plaintiffs have filed this action in order to afford Units 1 and 3 of Pine Creek Ridge Condominiums access to Pine Creek Court and to further the development, construction, and sale of homes on the vacant lots, units, and parcels in the surrounding area.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

- A. Enter and Order requiring Defendants to appear before this Court to show cause, if any they may have, why a Judgment should not be entered amending the Plat of PINE CREEK ESTATES SUBDIVISION to be in substantial compliance with Exhibit A attached;
- B. Enter a Judgment amending portions of the Plat of PINE CREEK ESTATES SUBDIVISION as requested in Paragraph 5 of Plaintiffs' Complaint, said amended plat to be in substantial compliance with Exhibit A attached; and
- C. That Plaintiffs be awarded such other and further relief as this court deems just and appropriate.

Respectfully submitted,

O'REILLY RANCILIO P.C.

By: /s/ James J. Sarconi

James J. Sarconi (P66101)  
Lawrence M. Scott (P30228)  
Attorney for Plaintiffs  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313  
(586) 726-1000

Dated: February 5, 2013

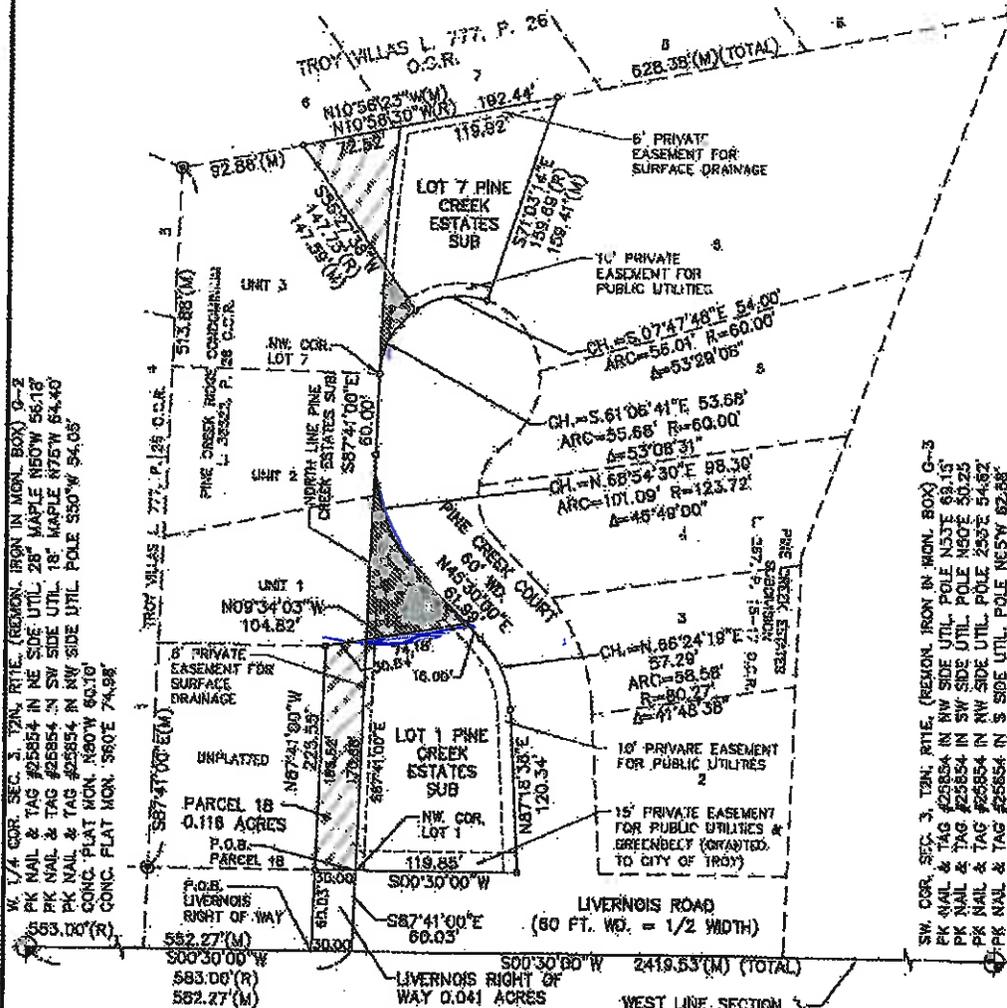
# EXHIBIT A

# CERTIFICATE OF SURVEY

## PROPOSED LAND DIVISION

SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH,  
RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

NOTE: BEARINGS RELATE TO THE WEST LINE OF PINE  
CREEK ESTATES SUBDIVISION AS RECORDED  
IN L. 267, P. 15-17 O.C.R.



A title search was not performed by the Client for purposes of this Survey. Therefore, no guarantee is made that any easements and/or rights of way recorded or otherwise, are shown on this Certificate of Survey.

This survey and corresponding Legal Descriptions are subject to Municipal Approval.

- LEGEND**
- SET IRON
  - FOUND IRON
  - ⊙ FOUND MONUMENT
  - ⊞ SET WOOD STAKE
  - ⊠ SECTION CORNER
  - R. RECORDED
  - N. MEASURED
  - C. CALCULATED



I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon; that the unadjusted field observations of said Survey was performed with an error of closure of 1 in 32,137; and that I have complied with the requirements of Section 3, Art 132, P.A. 1976 as amended.

DONALD H. KING  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE 30085

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013
DATE 08-15-2012	SHEET 1 OF 6
SCALE: 1" = 100'	DRAWN BY L.A.
	CHECKED BY D.H.K.

**FAZAL KHAN & ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
43278 SCHOENHERR STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

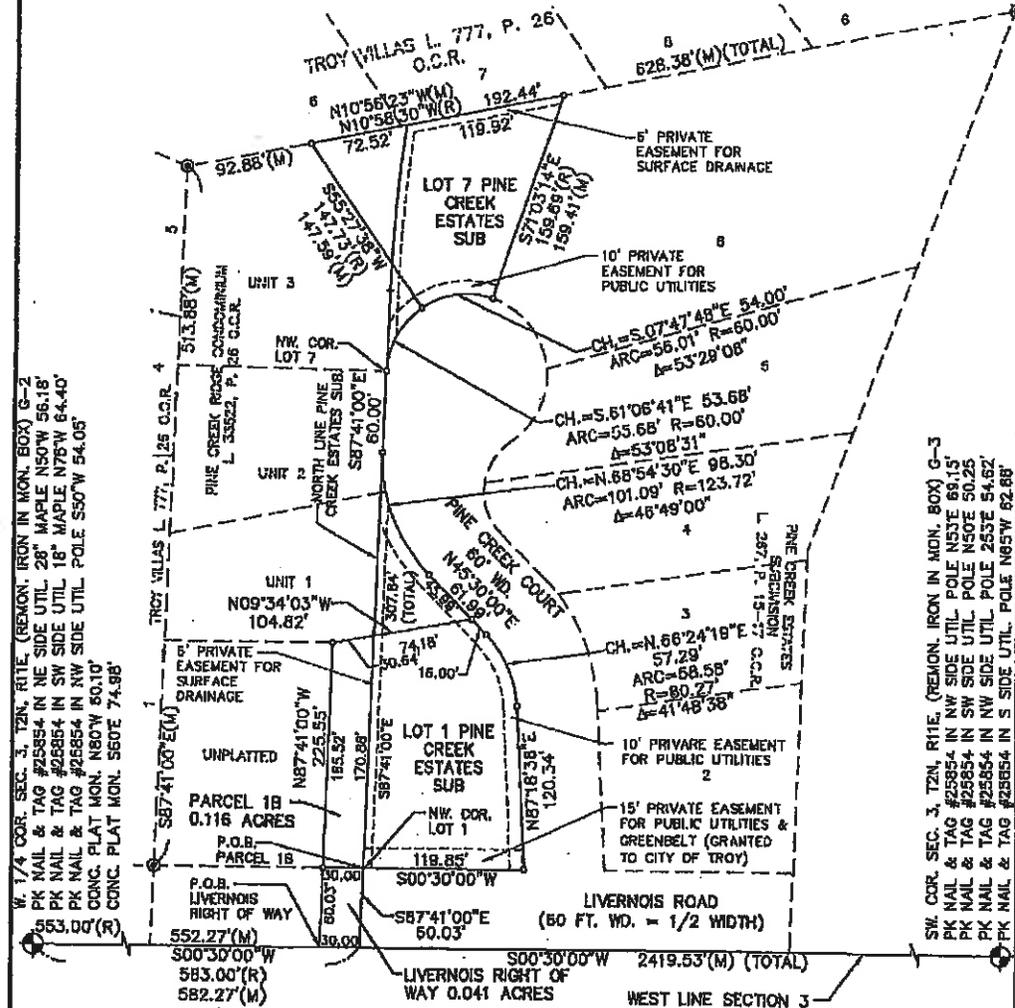
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# CERTIFICATE OF SURVEY

**PROPOSED LAND DIVISION**  
 SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH,  
 RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

NOTE: BEARINGS RELATE TO THE WEST LINE OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN L. 267, P. 15-17 O.C.R.



A title search was not performed by the C&E for purposes of this Survey. Therefore, no guarantee is made that any easements and/or rights of way recorded or otherwise, are shown on this Certificate of Survey.

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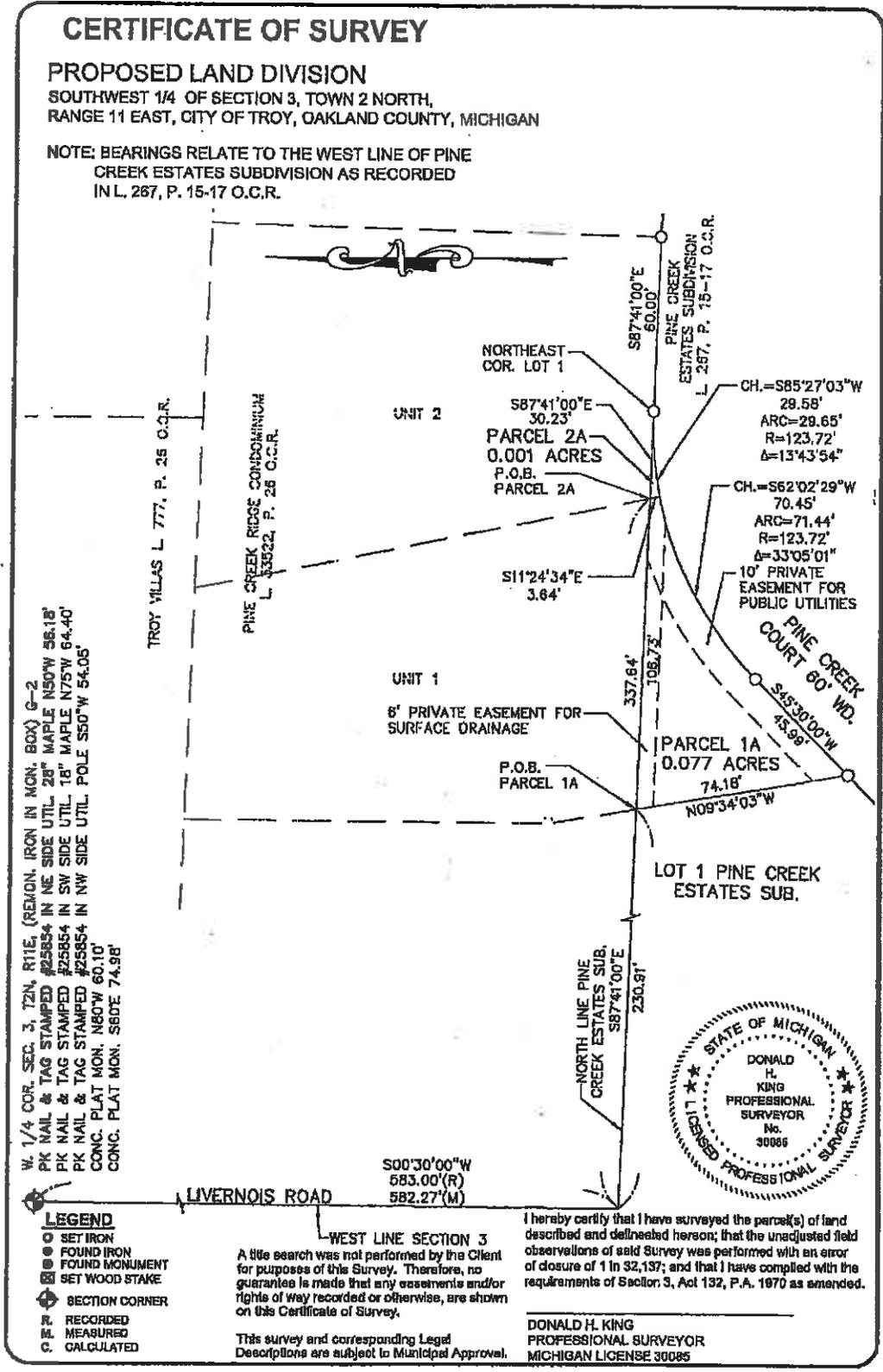
I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon; that the unadjusted field observations of field Survey was performed with an error of closure of 1 in 82,137; and that I have complied with the requirements of Section 3, Act 132, P.A. 1970 as amended.

DONALD H. KING  
 PROFESSIONAL SURVEYOR  
 MICHIGAN LICENSE 30088

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013	SHEET 1 OF 5
	DATE 08-16-2012	
SCALE 1" = 100'	DRAWN BY L.A.	CHECKED BY D.H.K.

**FAZAL KHAN & ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
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[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

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CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013
SCALE 1" = 40'	DATE 08-15-2012
	SHEET 2 OF 5
	DRAWN BY L.A.
	CHECKED BY D.H.K.

**FAZAL KHAN & ASSOCIATES, INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
 PHONE (586) 739-8007 FAX (586) 739-6994  
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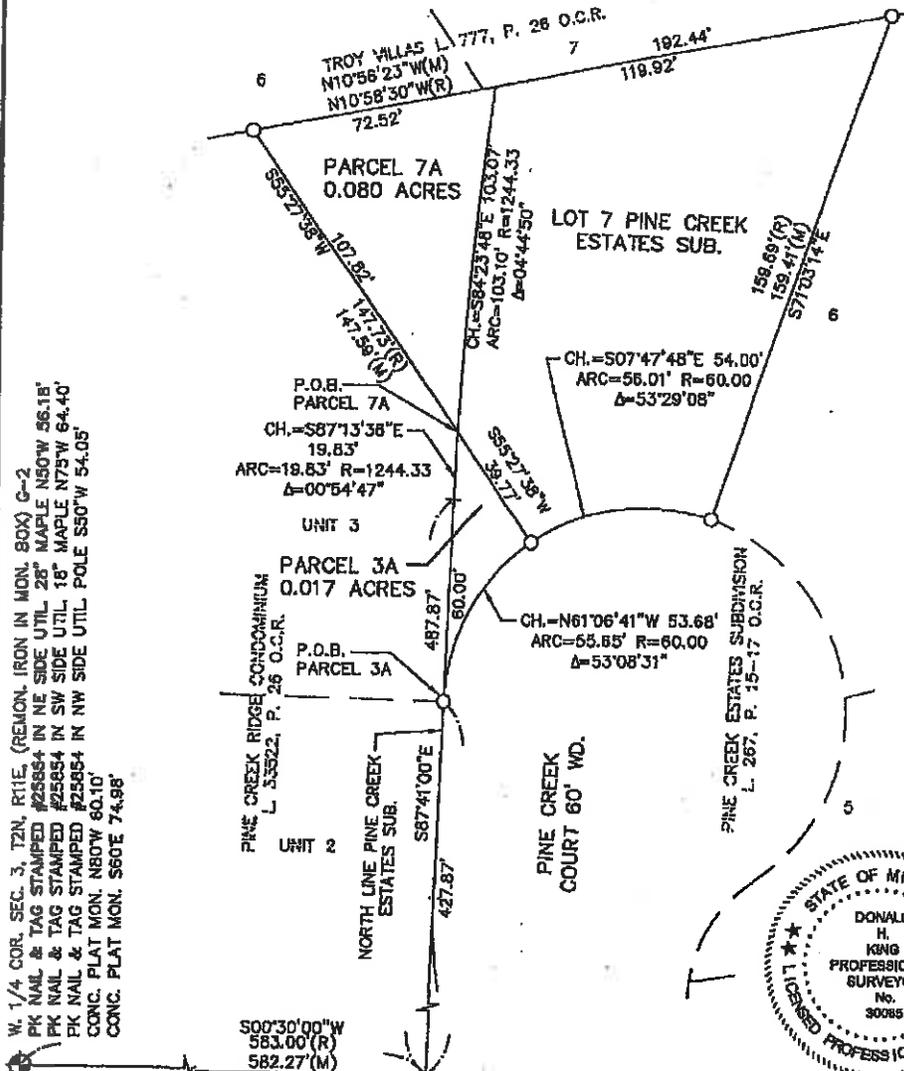
Received for Filing Oakland County Clerk 2013 FEB 06 PM 03:20

# CERTIFICATE OF SURVEY

## PROPOSED LAND DIVISION

SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH,  
RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

NOTE: BEARINGS RELATE TO THE WEST LINE OF PINE  
CREEK ESTATES SUBDIVISION AS RECORDED  
IN L. 267, P. 15-17 O.C.R.



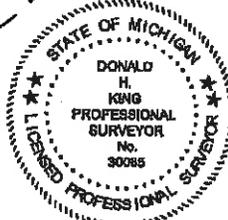
W. 1/4 COR. SEC. 3, T2N, R11E, (REMON. IRON IN MON. BOX) C-2  
PK NAIL & TAG STAMPED #25854 IN NE SIDE UTIL 28" MAPLE N50°W 36.18'  
PK NAIL & TAG STAMPED #25854 IN SW SIDE UTIL 18" MAPLE N75°W 64.40'  
PK NAIL & TAG STAMPED #25854 IN NW SIDE UTIL POLE S50°W 54.05'  
CONC. PLAT MON. N80°W 60.10'  
CONC. PLAT MON. S60°E 74.98'

- LEGEND**
- SET IRON
  - FOUND IRON
  - ⊗ FOUND MONUMENT
  - ⊙ SET WOOD STAKE
  - ⊕ SECTION CORNER
  - R P P RECORDED
  - M MEASURED
  - C CALCULATED

**LIVERNOIS ROAD**  
WSET LINE SECTION 3

A file search was not performed by the Client for purposes of this Survey. Therefore, no guarantee is made that any easements and/or rights of way recorded or otherwise, are shown on this Certificate of Survey.

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I hereby certify that I have surveyed the parcel(s) of land described and delineated hereon; that the unadjusted field observations of said Survey were performed with an error of closure of 1 in 32,137; and that I have complied with the requirements of Section 3, Act 132, P.A. 1970 as amended.

DONALD H. KING  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE 30085

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013	SHEET 3 OF 5
	DATE 08-15-2012	
SCALE 1" = 40'	DRAWN BY L.A.	CHECKED BY D.H.K.



**FAZAL KHAN & ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

KEEP THIS CORNER  
CLEAR

LIVERNOIS RIGHT OF WAY

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 583.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3 TO THE POINT OF BEGINNING; THENCE EXTENDING S.00°30'00"W. 30.00 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 80.03 FEET; THENCE N.00°30'00"E. 30.00 FEET; THENCE N.87°41'00"W. 60.03 FEET TO THE POINT OF BEGINNING, CONTAINING 0.041 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE.

PARCEL 1B (AREA TO BE COMBINED WITH THE WEST PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 583.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 80.03 FEET TO THE NORTHWEST CORNER OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17, OAKLAND COUNTY RECORDS, AND THE POINT OF BEGINNING; THENCE EXTENDING S.87°41'00"E. 170.88 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE N.09°34'03"W. 30.84 FEET; THENCE N.87°41'00"W. 165.62 FEET; THENCE S.00°30'00"W. 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.116 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE.

PARCEL 1A (PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION INCLUDED IN UNIT 1 OF PINE CREEK RIDGE CONDOMINIUMS)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 583.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 230.91 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING S.87°41'00"E. 106.73 FEET ALONG THE NORTH LINE OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17, OAKLAND COUNTY RECORDS; THENCE S.11°24'34"E. 3.84 FEET TO THE SOUTHERLY LINE OF SAID LOT 1 OF PINE CREEK ESTATES SUBDIVISION; THENCE 71.44 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, RADIUS=123.72 FEET, DELTA=33°05'01", CHORD=S.62°02'29"W. 70.45 FEET AND S.45°30'00"W. 45.99 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 1 OF PINE CREEK ESTATES SUBDIVISION; THENCE N.09°34'03"W. 74.18 FEET TO THE POINT OF BEGINNING, CONTAINING 0.077 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE.

PARCEL 2A (PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION INCLUDED IN UNIT 2 OF PINE CREEK RIDGE CONDOMINIUMS)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 583.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 337.84 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING S.87°41'00"E. 80.23 FEET ALONG THE NORTH LINE OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17, OAKLAND COUNTY RECORDS, TO THE NORTHEAST CORNER OF SAID LOT 1 OF PINE CREEK ESTATES SUBDIVISION; THENCE 20.85 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, R=123.72 FEET, DELTA=13°43'54", CHORD=S.85°27'03"W. 29.58 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 1; THENCE N.11°24'34"W. 3.84 FEET TO THE POINT OF BEGINNING, CONTAINING 0.001 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE

DONALD H. KING  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE 30085

PINE CREEK ESTATES	12-013	
	08-15-2012	4 OF 5
N/A	L.A.	D.H.K.



43278 SCHOENHERR STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
WWW.FAZALKHAN.COM

KEEP THIS CORNER  
CLEAR

PARCEL 3A (PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION INCLUDED IN UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 583.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 427.87 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17, OAKLAND COUNTY RECORDS, THENCE EXTENDING S.87°41'00"E. 60.00 FEET AND 19.83 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, RADIUS=1244.33 FEET, DELTA=00°54'47", CHORD=S.87°13'36"E. 19.83 FEET ALONG THE NORTH LINE OF SAID LOT 7; THENCE S.55°27'38"W. 39.77 FEET TO THE NORTHERLY SIDE OF PINE CREEK COURT, 65.85 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, R=60.00 FEET, DELTA 53°08'31", CHORD=N.61°06'41"W. 53.68 FEET TO THE POINT OF BEGINNING, CONTAINING 0.017 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE.

PARCEL 7A (AREA TO BE ADDED TO PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE S.00°30'00"W. 683.00 FEET (RECORDED) 582.27 FEET (MEASURED) ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 487.87 FEET; THENCE 19.83 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, R=1244.33 FEET, DELTA=00°54'47", CHORD=S.87°13'38"E. 19.83 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING 103.10 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, R=1244.33 FEET, DELTA=04°44'50", CHORD=S.84°23'48"E. 103.07 FEET ALONG THE NORTH LINE OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION AS RECORDED IN LIBER 287 OF PLATS ON PAGES 15-17, OAKLAND COUNTY RECORDS; THENCE N.10°58'30"W. (RECORDED) N.10°58'23"W. (MEASURED) 72.52 FEET ALONG THE WESTERLY SIDE OF TROY VILLAS AS RECORDED IN LIBER 777 OF PLATS ON PAGE 28, OAKLAND COUNTY RECORDS; THENCE S.55°27'38"W. 107.82 FEET TO THE POINT OF BEGINNING, CONTAINING 0.080 ACRES OF LAND.

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHERWISE.

DONALD H. KING  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE 30065

PINE CREEK ESTATES	12-013	
	08-15-2012	5 OF 5
N/A	L.A.	D.H.K.



43278 SCHOENHERR STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)



## CITY COUNCIL AGENDA ITEM

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Date: February 27, 2013

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic & Community Development  
Cindy Stewart, Community Affairs Director

Subject: 3<sup>rd</sup> Annual Regional Arts & Culture Awards

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### Background

Planning is underway for Paint Creek Center for the Arts' (PCCA) 3rd annual Regional Arts & Culture Awards. The event will be held once again at the Royal Park Hotel in early June. The Regional Arts & Culture Awards encompass eight municipal awards honoring those who are fostering arts & culture in their local communities and one distinguished Regional Arts Award by PCCA to an individual or organization fostering arts & culture in the greater southeast Michigan area. The City of Troy nominated the Image and Arts Council of Troy for this award last year.

PCCA will work once again with the original eight municipalities in its service region including Rochester, Rochester Hills, Oakland Twp., OrionTwp., Auburn Hills, Troy, Shelby Twp. and Washington Twp., to coordinate the selection of an award recipient representing each of these communities. The awards are intended to recognize those who are fostering arts & culture in meaningful and impactful ways. Award recipients could include: an individual who has committed their time, resources, leadership and expertise to advance an arts related mission; an individual, family or business who has made a significant financial contribution to the arts; an arts educator; an individual who has demonstrated leadership in founding, reenergizing or sustaining an arts organization; a group, individual or organization creating awareness or support for the arts or an artist or arts organization serving the community in broad and impactful ways.

### Recommendation

It is our recommendation that the City nominate the Belian Art Center and Gallery Director Zabel Belian to represent Troy. In 1985 Dr. Gary Belian had a vision to combine his two passions: art and dentistry. He converted an old house on a busy corner of 5980 Rochester Road and Square Lake to an art gallery and dental office. He gave his patients the opportunity to enrich their lives with beautiful art and antiques during their dental visits. His son Dr. Raffi Belian had the pleasure of joining the practice in 2003 after completing his dental studies.

The Belian Art Center features exhibits of internationally recognized artists as well as a number of local artists including Richard Hunt, Edward Avedisian and Emil Kazaz. They also offer a wide



## CITY COUNCIL AGENDA ITEM

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assortment of fine pottery. Zabel Belian, Gallery Director is an artist who is skilled in painting and raku pottery. She also conducts art and watercolor painting classes for children and adults.

The Belian Art Center gives back to the community by donating art pieces for fundraisers to help many non-profit organizations each and every year. Zabel Belian also continues to take classes to advance her own artistic skills. She works together with other artists on creative projects.

Most recently Zabel Belian and Linda Shears really let their creativity flow with an amazing transformation of a courthouse chair. They invested over 50 hours in bringing this chair to life. The project began as a part of an art challenge presented by the Michigan Municipal League. Their theme was public art. Interested municipalities selected old courtroom style chairs to be decorated by each community's artists. The transformed chairs have been auctioned for charity.

Zabel Belian also hosts the Image and Arts Council of Troy for monthly meetings at her Gallery. She is a wonderful example of all the traits that the Paint Creek Center for the Arts is looking for to foster arts & culture in our community and the Image and Arts Council wholeheartedly support this nomination.



## CITY COUNCIL AGENDA ITEM

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Date: February 25, 2013

To: Brian Kischnick, City Manager

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

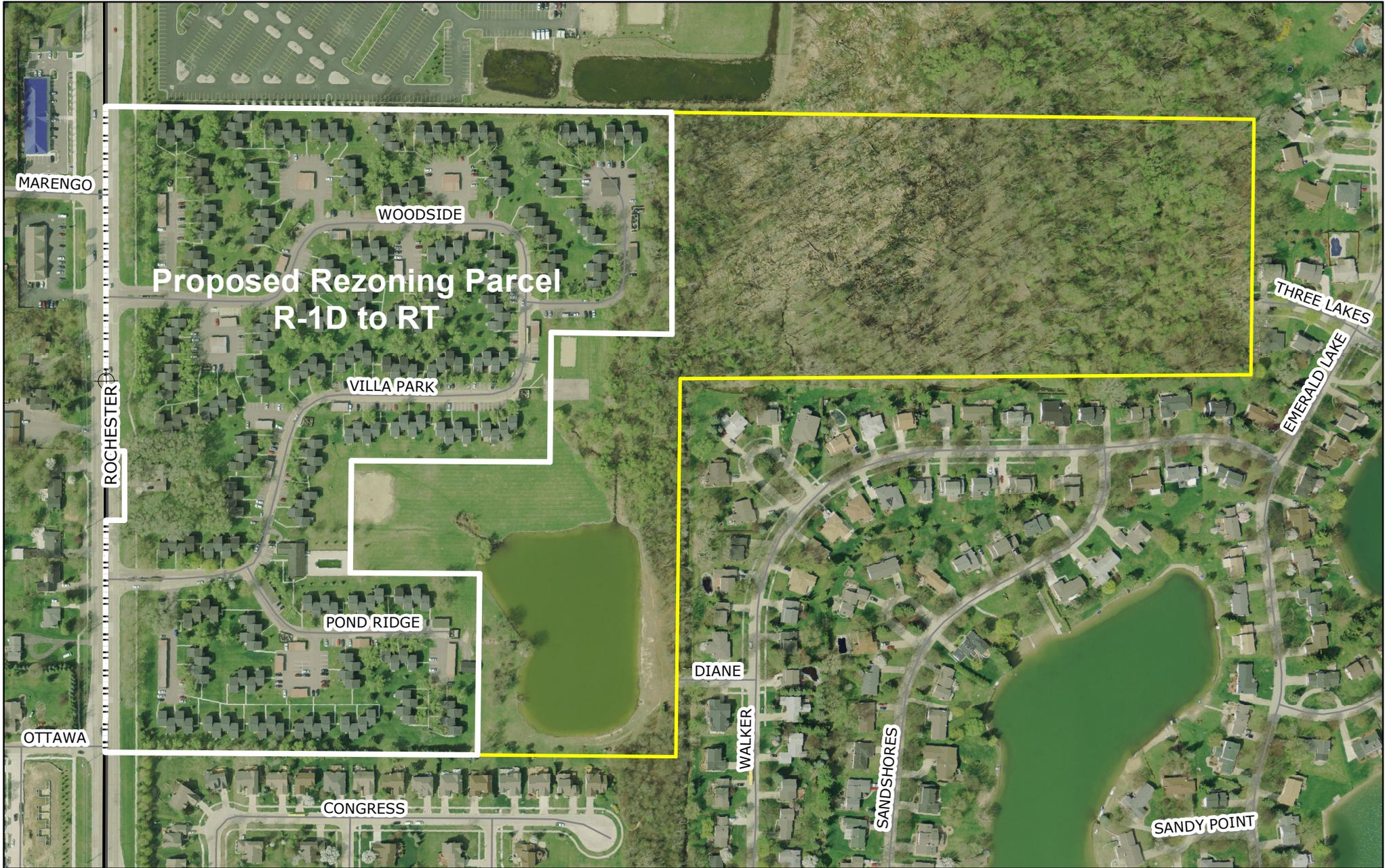
Subject: ANNOUNCEMENT OF PUBLIC HEARING (MARCH 18, 2013) – REZONING APPLICATION (File Number Z 742) – Proposed 1071 Villa Park (part of Parcel Identification No. 88-20-02-301-010), East Side of Rochester Road, South of South Boulevard, Section 2, From R-1D (One Family Residential) District to RT (One Family Attached Residential) District

A public hearing for this item is scheduled for the March 18, 2013 City Council Regular meeting.

The public notice language is attached.

Attachments:

1. Map
2. Public notice language



**Proposed Rezoning Parcel  
R-1D to RT**

**Rochester Villas Proposed  
Rezoning Sketch  
Parcel #88-20-02-301-010**



1 inch = 300 feet

**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, March 18, 2013, at 7:30 p.m. or as soon thereafter as the agenda will permit, to consider a City Initiated Rezoning Request to rezone the following described property from the R-1D (One Family Residential) district to the RT (One-Family Attached Residential) district. The subject property was rezoned in error to the R-1D (One Family Residential) district in April 2011 when the comprehensively rewritten Zoning Ordinance was adopted. This rezoning will correct the error.

The subject property is located **on the east side of Rochester Road, south of South Boulevard, commonly known as Rochester Villas.**

The subject property address is **1071 Villa Park, part of Parcel ID # 88-20-02-301-010.**

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](mailto: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/> .

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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](mailto: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.*



## CITY COUNCIL AGENDA ITEM

**Date:** March 21, 2013  
**To:** Brian Kischnick, City Manager  
**From:** Gary G. Mayer, Chief of Police *GGM*  
 Keith A. Frye, Police Captain- Investigative/ Administrative Services Division KAF  
**Subject:** Proposal to Amend Chapter 69- Precious Metal, Gems and Items

### History

Under State law (MCL 445.481 eq. seq.) and City Ordinance (Chapter 69), dealers in precious metal and gems are required to register with their local community, and are also required to submit records of each transaction to local law enforcement. Currently, these records are provided in hard copy, and manually input into a data base that can be used for law enforcement purposes. One way to increase efficiency and provide immediate access to these transactions is to allow for electronic filing. The proposed ordinance amendment accomplishes this, and also includes a few minor revisions that have been made to the State law provisions. The electronic filing will be available through the Oakland County Courts and Law Enforcement System (CLEMIS), under a contract with software provider Leads Online.

### Purchasing

Leads Online is an internet based application that consolidates Pawn Shop and Scrap Metal information for Investigative use. Payment for this access is through CLEMIS operational funds.

### Financial

There are no additional financial obligations associated with the adoption of this amendment.

### Recommendation

This proposed ordinance amendment is provided to you as an informational item at this time, with the intention that it will be an action item at the March 18, 2013 Regular Meeting. In the meantime, please let us know if there are any questions or concerns about this proposed amendment to Chapter 69, which is attached in a red line format.

### City Attorney's Review as to Form and Legality

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

  
 \_\_\_\_\_  
 Date

KAF/kafAgenda Items\03.04.13 - Chapter 69 Amendment

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 69 OF THE CODE  
OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title: That Chapter 69 – Miscellaneous Licensed Businesses of the City of Troy Code of Ordinances is hereby amended to clarify provisions for the registration of precious metal, gems and items dealers, agents and employees; to provide for electronic record submission for transactions; to specify prohibited conduct and to provide a penalty for a violation of the Ordinance.

Section 2. Amendment.

Chapter 69 of the Troy Code of Ordinances is hereby amended to read as follows:

Chapter 69 – Miscellaneous Licensed Businesses

1. Registration of Dealers in Precious Metal and Gem Dealers and Items.

- a. Registration. A dealer in precious metal, gems and items must be registered by the City prior to conducting business in the City of Troy. All employees and/or agents of the dealer must also be registered with the City prior to conducting business. Any new employees and agents must be registered within 24 hours of the time of hire.
- b. All applications for a certificate of registration shall be reviewed by the City of Troy to determine compliance with Public Act 95 of 1981, MCLA 445.481, et. seq., as amended, and the Troy Code of Ordinances.
- c. This section does not require registration for an internet drop-off store that is in compliance with Ordinance and State law provisions governing internet drop-off stores.
- d. This section does not require registration for a person that is engaged in the sale, purchase, consignment, or trade of precious items for himself or herself.

1.1 Definitions as used in this section:

- (a) "Agent or employee" means a person who, for compensation or valuable consideration is employed either directly or indirectly by a dealer.
- (b) "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.
- (c) "Gold" means elemental gold having an atomic weight of 196.967 and

the chemical element symbol of Au, whether found by itself or in combination with its alloys or any other metal.

- (d) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its precious items for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1.6.
- (e) "Jewelry" means an ornamental item made of a material that includes a precious gem.
- (f) "Local governmental unit" means the City of Troy.
- (g) "Local police agency" means the police agency of the City of Troy.
- (h) "Platinum" means elemental platinum having an atomic weight of 195.09 and the chemical element symbol of Pt, whether found by itself or in combination with its alloys or any other metal.
- (i) "Precious gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, turquoise, or pearl.
- (j) "Precious item" means jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious item does not include the following:
  - (i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.
  - (ii) Bullion bars and discs of the type traded by banks and commodity exchanges.
  - (iii) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.
  - (iv) Industrial machinery or equipment.
  - (v) An item being returned to or exchanged at the dealer where the item was purchased and which is accompanied by a valid sales receipt.
  - (vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.
  - (vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.
  - (viii) Scrap metal which contains incidental traces of gold, silver, or platinum which are recoverable as a by-product.
  - (ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.
- (k) "Silver" means elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.

## 1.2 Administration of Ordinance.

The Chief of Police for the City of Troy or his or her designee shall be responsible for reviewing all applications for a certificate of registration.

## 1.3 Application by a Dealer

- (a) A dealer who applies for a certificate of registration from the City of Troy shall submit the following information on the form provided:
  - (i) His or her name, home address, phone number, driver's license number or other valid state identification number, date of birth, and right thumb print (print to be affixed to the application by the police department). Applications for more than one establishment shall be made on separate application forms.
  - (ii) The name, address, telephone number, and hours of the dealer's business. If the dealer's business is a corporation, an updated copy of the Articles of Incorporation or a valid certified copy of the assumed name certificate from the Clerk of Oakland County must be provided.
  - (iii) The name, address, date of birth and right thumb print of each employee or agent of the dealer.
- (b) The dealer shall also submit a signed statement indicating that he or she has read and understands the provisions of Public Act No. 95 of ~~the Public Acts~~ 1981, MCLA 445.481, et. seq., as amended, and this Ordinance and further that said dealer has informed his or her agents or employees, and will immediately inform all new agents or employees, as to the provisions of Public Act No. 95 of ~~Public Acts~~ 1981, MCLA 445.481, et. seq., as amended, and this Ordinance.
- (c) The dealer shall submit a signed statement that neither he or she, nor any of his or her agents or employees has been convicted of a felony under Public Act No. 95 of ~~Public Acts~~ 1981, MCLA 445.481, et. seq. as amended, or under Section 535 of Public Act No. 328 of ~~the Public Acts~~ 1931, MCLA 750.535, as amended, within the five year period preceding the date of the application, or convicted of a misdemeanor under said laws within a one year period preceding the date of this application.
- (d) The dealer shall submit proof of proper zoning or other special exception permits as required by the Zoning Board of Appeals and Planning Commission of the City of Troy.
- (e) The dealer shall pay a fee for each licensed registered establishment in the City of Troy. License Registration fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

- (f) If dealer has satisfied the criteria as set forth in this Ordinance and State Law, then a certificate of registration shall be issued.
- (g) The dealer shall post the certificate of registration in a conspicuous place in the dealer's place of business.
- (h) Within ten days of any name or address change, dealer shall notify the Troy Police Department of the change.

#### 1.4. Records of Transactions.

- (a) A dealer shall maintain a record of each transaction on record forms, with the information as set forth in subsection (h). Each record shall be legibly written in ink in the English language. Each record shall be filled out in quadruplicate by the dealer or agent or employee of the dealer. One copy of the record shall be given to the customer; one copy shall be retained by the dealer pursuant to subsection (g); and one copy shall be provided to the Troy police department. Additionally, dealer shall provide an electronic record to the City of Troy Police Department, as set out in subsection (e).
- (b) At the time the dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall insure that the following information is recorded accurately on a record of transaction form:
  - (i) The dealer certificate of registration number.
  - (ii) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.
  - (iii) The name, date of birth, driver's license number or State of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to the Troy Police Department employees and agents and any sheriff's department or any other police agency if there is a police investigation involving a precious item or items that are described on the record of transaction. After a period of one (1) year from the date of the transaction, if a police investigation concerning a precious item or items described on the record of transaction has not occurred, the dealer, the Troy Police Department and any other police agencies with a copy of a record of transaction shall destroy and not keep a permanent record of the transaction. A dealer who goes out of business or changes his or her business address to another jurisdiction either within or out of the State of Michigan shall transmit

- the records of all transactions made by the dealer within one (1) year before his or her closing or moving to the Troy Police Department.
- (iv) The price to be paid by the dealer for the precious item or precious items.
  - (v) The form of payment made to the customer; check, money order, bank draft, direct deposit or cash. If the payment is by check, money order, bank draft or direct deposit, the dealer shall indicate the number of the check, money order, bank draft or direct deposit.
  - (vi) The customer's signature.
- (b) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.
- (c) Within 48 hours after receiving or purchasing a precious item, the dealer shall submit an electronic record of the transaction to the Troy Police Department, as set forth in subsection (d) below. If the customer resides outside of Troy, as stated in the record of transaction form, dealer shall send a copy of the record of transaction form to the police agency of the city, village or township in which the customer resides, or if that city, village or township does not have a police agency, to the sheriff's department of the county in which the customer resides. The record of transaction forms received by the Troy Police Department or any other agency under this subsection shall not be open to inspection by the general public. The Troy Police Department shall be responsible for insuring the confidentiality of the records of transaction forms which it holds and insure that the record of transaction forms are used only for the purpose for which they were received.
- (d) The dealer must also transmit an electronic record of each transaction on an electronic fill in type form that will be provided to each dealer. This record must include all information that is required on the paper record of transaction form set forth in sub-paragraph (g). This electronic transmission shall be submitted to the Troy Police Department or its designee within 48 hours after dealer receives or purchases a precious item. This transmission shall be made by means of a modem or similar device, and received in a format that allows the data to be entered into the Troy Police Department computerized system or another law enforcement records system, such as CLEMIS. All dealers shall have the equipment, programs and/or capacity for the required electronic transmissions installed and approved by Troy, and this shall happen as soon as possible, so that electronic transmissions will be received for all transactions occurring on or before May 1, 2013. The City of Troy will not accept any hard copy paper forms for transactions occurring on or after May 1, 2013 unless the Troy Police Chief or his designee requires a paper submittal, and such directive will be made in writing.
- (e) The dealer's record of transaction forms and each precious item received by the dealer shall be available for inspection by the Oakland County Prosecuting Attorney, the Troy City Attorney, the Troy Police Department, the Oakland County Sheriff's Department and any other sheriff's

department or police agency of the local governmental unit in which the customer resides, and the Michigan State Police. This accessibility shall be at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection prescribed by this subsection.

- (f) A paper copy of each record of transaction form shall be retained by the dealer for not less than one (1) year after the transaction to which the record pertains.
- (g) The form of the paper record of transaction shall have an 8- ½ by 11 inch size and shall be as follows:

“Record of Transaction”

Dealer Certification # \_\_\_\_\_ # \_\_\_\_\_  
(Printed on form) (Transaction # printed on form)

(1)Description of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2)\_\_\_\_\_, 20\_\_\_\_ (Date) (3)\_\_\_\_\_ (Name of Dealer/Employee/Agent)

(4)\_\_\_\_\_ (Name of Customer) \_\_\_\_\_ (Date of Birth-Customer)

\_\_\_\_\_  
(Customer’s Driver’s License or Michigan Personal ID Number) \_\_\_\_\_ (Customer’s Street Address)

\_\_\_\_\_  
(City, State and Zip Code)

\_\_\_\_\_  
(County of Residency)

(5)\_\_\_\_\_ (Price Paid) \_\_\_\_\_ (Name of police Agency of City, Village, or Township where Customer Resides)

(6)\_\_\_\_\_ (Number of Check, Bank Draft Money Order or Direct Deposit)

Thumbprint or Fingerprint

\_\_\_\_\_  
(Signature of Customer)

- (h) As used in this section, "customer" means the person from whom the dealer, or agent or employee of the dealer receives or purchases a precious item.

#### 1.5 Retention Period of Precious Items.

A precious item received by a dealer shall be retained by the dealer for nine (9) calendar days after it was received, without any form of alteration other than that required to make an accurate appraisal of its value.

#### 1.6. Internet Drop Off Store Regulations.

In order to be exempt from obtaining a certificate of registration from the City of Troy, an Internet Drop-Off Store doing business in the City must comply with the following provisions:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the Troy Police Department with any name under which it conducts business on the website and provide the Troy Police Department access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from the Troy Police Department or any other police agency with an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The information shall be provided in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local police agency determines that the personal property or other valuable thing is stolen.

#### 1.7 Prohibited Conduct.

A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding 5 years, whether that person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid State of Michigan personal identification card.

#### 1.8. Registration Revocation.

Any dealer, or agent or employee of a dealer who is convicted of any misdemeanor pursuant to this Chapter or a similar ordinance in another local unit of government or of a misdemeanor or felony under Public Act No. 95 of 181, MCLA 445.481, et. seq., as amended ("Precious Metal and Gem Dealer Act") or Section 535 of Public Act No. 328 of 1931, MCLA 750.535, as amended of the Michigan Penal Code or of a similar statute or ordinance of the State of Michigan or any other State statute or local ordinance, shall not be permitted to operate as a dealer within the City of Troy for a period of five (5) years and his or her registration shall be immediately revoked.

#### 1.9 Penalty

A dealer or an agent or employee of a dealer who knowingly fails to make entry of any material matter in his or her record as required by this Ordinance or State law is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of \$500, or both.

### Section 3. Repeal

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

**Section 4. Savings**

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

**Section 5. Severability Clause**

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

**Section 6. Effective Date**

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on Monday, \_\_\_\_\_, 2013.

\_\_\_\_\_  
Dane Slater, Mayor

\_\_\_\_\_  
Aileen Bittner, City Clerk

ELECTION COMMISSION MINUTES – FinalSeptember 27, 2012

A meeting of the Troy Election Commission was held September 27, 2012, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:25 AM.

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**Roll Call:**

PRESENT: Timothy Dewan, M. Aileen Bittner – City Clerk

ABSENT: David C. Anderson

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**Minutes: Regular Meeting of June 28, 2012**

Resolution #EC-2012-09-009

Moved by Dewan

Seconded by Bittner

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of June 28, 2012 as presented.

Yes: Bittner, Dewan

No: None

Absent: Anderson

**MOTION CARRIED**

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**Approval of Election Inspector Assignments – November 6, 2012 General Election**

Resolution # EC-2012-09-010

Motion by Dewan

Seconded by Bittner

RESOLVED, That Election Inspectors be **APPOINTED** for the November 6, 2012 General Election, as presented by the City Clerk.

Yes: Dewan, Bittner

No: None

Absent: Anderson

**MOTION CARRIED**

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**Adjournment:**

The meeting was adjourned at 8:26 AM.



M. Aileen Bittner, CMC  
City Clerk

## PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, September 27<sup>th</sup>, 2012 at the Troy Community Center, room 504. Vice Chairperson, Janice Zikakis called the meeting to order at 6:50 p.m.

Present: Janice Zikakis, Orestes Kaltsounis, Jeff Stewart, Gary Hauff, Stu Redpath, Jeff Biegler, Kurt Bovensiep, Aditya Yelamanchi (student representative)

Absent: Tod Gazetti, Kathleen Fejes, Meaghan Kovacs

Visitors: Justin Breyer, intern City Manager's Office

Resolution # PR - 2012 - 09 - 001

Moved by Orestes Kaltsounis

Seconded by Jeff Stewart

RESOLVED, that the minutes of November 17, 2011 are approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

I. New Business

A. Election of Officers

Resolution #PR – 2012 - 09 - 002

Moved by Orestes Kaltsounis

Seconded by Gary Hauff

RESOLVED, that Janice Zikakis be elected as Chairperson for Parks and Recreation Board

Yes: 6

No: 0

MOTION CARRIED

Resolution #PR – 2012 - 09 - 003

Moved by Gary Hauff

Seconded by Jeff Orestes Kaltsounis

RESOLVED, that Jeff Stewart be elected as Vice Chairperson for Parks and Recreation Board

Yes: 6

No: 0

MOTION CARRIED

B. Parks and Recreation Master Plan. Jeff Biegler introduced Justin Breyer as the intern working with the City of Troy Manager's office to update the plan as it

was a 5 year plan and is up for renewal. A draft of the Potential Goals and Objectives was distributed for the board to review. The city plans on doing workshops as well as online discussion for public to make comments and make further changes to the draft. The board will review again and then the potential Goals and Objectives will be presented to Troy City Council. The goals and objectives should be attainable in current economic environment. The workshops will help determine what are the priorities of city residents toward developed and undeveloped park properties. The Planning department is developing a map of all properties to make available to the public as part of the workshop. The workshops will be set up and facilitated by a planning contractor. The planning contractor will be seen as a neutral 3<sup>rd</sup> party leading the discussion, and was more cost effective to hire a contractor.

Please email Justin at [j.breyer@troymi.gov](mailto:j.breyer@troymi.gov) with suggestions for goals and objectives.

Jeff Biegler discussed this as a vital document if we apply for any grants. Most grants require city matching funds which would be from the capital budget. We will continue to present capital expenditures to City Council.

- C. Budget Discussion—Recreation Budget covers programs and activities. Senior Budget covers all senior programs and activities. Community Center Budget covers this building. Administration Budget covers Smart, computers, payroll expenses and does not have a lot of revenues. The Community Center budget deficit for year 2011/12 reflects a RecTrac billing issue this past June as about \$80,000 of income from passes for the month of June was not attributed until July. The Troy Family Aquatic Center never had more revenue than expenses. This year even covered depreciation. We had great weather and promotions. Billy Casper is doing a great job managing both courses, and are showing increased revenues.

## II. Old Business—none

## III. Staff Reports

### A. Jeff Biegler. Recreation

- Fitness Room is having a wall removed to add more equipment.
- Community Center Pass Update. We have 6,059 ongoing passes which is only 78 less than our high in 2008.
- The main pool had filters and valves repaired this week and the pool was closed for 3 days.

### B. Kurt Bovensiep. Parks

- A cricket field is being installed in the field west of the Community Center in the center of the track. It will be available for practice games and represents a very low cost as the field will require no additional maintenance.
- The Community Center parking lot is being resurfaced from the north entrance around to the east banquet entrance.
- There is a new metal roof at Jaycee north restroom and new shingles will be put on the roof at the Jaycee south restroom this fall.

- Milverton will have LED lights in the shelter and a barbeque added this fall so will be similar to any other shelter.
- New fencing has been placed around detention pond at Beaver Trail Park
- Problems this year attracting seasonal employees which hurt maintenance of parks. Seasonal workers are employed from April 1<sup>st</sup> to October 31<sup>st</sup>.
- A tree planting grant will be applied to the Rochester Road median.

The meeting adjourned at 8:45 p.m.

Next meeting is scheduled for Thursday, November 15th, 2012 at 6:30 p.m.

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Janice Zikakis, Vice Chairperson

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Lynne Lambert, Recording Secretary

## PARKS AND RECREATION ADVISORY BOARD

A special meeting of the Troy Parks and Recreation Advisory Board was held Thursday, October 25<sup>th</sup>, 2012 at the Troy Community Center, Administration Meeting Room. Chairperson, Janice Zikakis called the meeting to order at 6:30 p.m.

Present: Janice Zikakis, Orestes Kaltsounis, Jeff Stewart, Kathleen Fejes, Laurie Huber, Jeff Biegler, Kurt Bovensiep, Aditya Yelamanchi (student representative)

Absent: Tod Gazetti, Meaghan Kovacs, Gary Hauff

Visitors: Justin Breyer, intern City Manager's Office

## Discussion Item

At the November 12<sup>th</sup>, 2012 City Council meeting the resolution for the Parks and Recreation Five-Year Planning process will be forwarded to the City Council.

The survey that is approved tonight will then be placed online on Tuesday, November 13<sup>th</sup>, 2012. Justin is looking into various ways to let residents know the survey is available online. Hard copies will be available at the Planning Department.

Resolution # PR - 2012 - 10 - 001

Moved by Orestes Kaltsounis

Seconded by Kathleen Fejes

## RESOLVED

WHEREAS, The City of Troy Parks and Recreation Plan of 2007-2012 expires on December 31, 2012; and

WHEREAS, It is necessary to develop a Parks and Recreation Five Year Master Plan to apply for park improvement grants through the Michigan Department of Nature Resources; and

WHEREAS, The Parks and Recreation Advisory Board and City administration seek comprehensive and inclusive public input in to the Parks and Recreation planning process; and

WHEREAS, The Parks and Recreation Advisory Board and City administration find it prudent to develop a Parks and Recreation Five-Year Plan to use as a guide for the future of the Parks and Recreation Departments;

THEREFORE, BE IT RESOLVED, That the City of Troy Parks and Recreation Advisory Board supports the furtherance of the Parks and Recreation Five-year planning process

Yes: 5

No: 0

MOTION CARRIED

The meeting adjourned at 7:35 p.m.

Next meeting is scheduled for Thursday, November 15th, 2012 at 6:30 p.m.

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Janice Zikakis, Vice Chairperson

---

Lynne Lambert, Recording Secretary

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on January 2, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Michael Carolan  
Brian Kischnick

Members Absent:

Teresa Brooks

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Abitheira  
Support by: Carolan

**RESOLVED**, To approve the minutes of the December 5, 2012 Regular meeting as submitted.

Yeas: All present (4)  
Absent: Brooks

**MOTION CARRIED**

3. HEARING OF CASES

- A. **VARIANCE REQUEST, AFRAH ALBANNA FOR AUTOMOTIVE CASTLE, 1251 ROCHESTER** – A variance for relief of the Sign Code to place a third ground sign measuring 40 square feet in size on the property. Section 85.02.05 (C) limits the maximum number of ground signs on this parcel to two signs.

Mr. Grusnick briefly reviewed the request that was heard and postponed by the Board at their November 7, 2012 meeting. Mr. Grusnick reported the proposed sign location would fall within the Sunoco private easement. He said Sunoco confirmed they have no objections to the placement of the sign on their easement but they do request their presence on site during any excavation. Mr. Grusnick

said there are currently two signs on the property as well as one temporary sign. Should the applicant be granted to place a third sign, the temporary sign would be removed. Mr. Grusnick reported that the department received two written comments in response to the public hearing notice.

The applicant, Afrah Albanna of Automotive Castle, was present. Mr. Albanna gave a history of the property and existing signage. He said transferring his existing sign from the shared signage with his neighbor at 1263 Rochester Road (Horn Corporation) to a central location in front of his business would provide better wayfinding and building visibility.

Chair Dziurman opened the floor for public comment.

There was no one present who wished to speak.

Chair Dziurman closed the floor for public comment.

Chair Dziurman acknowledged receipt of two written comments; one objectionable comment from Snell's Storage and a favorable comment from Horn Corporation.

Mr. Albanna addressed his business relationship with Snell's Storage with respect to road access and signage.

Mr. Grusnick clarified the Mr. Horn's written comment specifically states he wants to retain full use of his existing sign for which he paid and received a permit.

There was discussion on the following:

- Uniqueness of site; multiple buildings as relates to frontage.
- Setback distance and requirements.
- Sunoco private easement.
  - Applicant only property owner affected.
  - Applicant to reach agreement with Sunoco on location of sign.
  - Applicant to coordinate Sunoco's presence on site during excavation.
- Snell's Storage; no frontage or property ownership.
- Code violations relating to outside storage/display/signage.
  - Whether variance granted or denied, applicant responsible to comply and will be cited for any code violations going forward.
- Due diligence at time of property purchase.
- Horn Corporation sign to remain as original size and in same location.
- Visibility of signs.
- Removal of temporary sign.

Moved by: Abitheira  
Support by: Carolan

**RESOLVED**, To approve the variance request to place a third ground sign on the property at a 15 foot setback and beyond from the property line.

Yeas: All present (4)  
Absent: Brooks

### **MOTION CARRIED**

- B. **VARIANCE REQUEST, PATTI FRANZ FOR AVER SIGN COMPANY, 4889 ROCHESTER** – A variance for relief of the Sign Code to place a ground sign measuring 200 square foot, set back 12.67 feet from the Rochester Road right-of-way line. Table 85.02.05 requires a 30 foot minimum setback for the proposed 200 square foot sign.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

Terry Ulch of Aver Sign Company and Adam Crane of The Kroger Company were present.

Messrs. Ulch and Crane addressed the site plan approval and sign permit process as relates to the setback requirements prior to and after the Rochester Road right of way taking. They requested approval of the variance so that the sign could be installed as originally shown on plans approved by the Planning Commission and for clear visibility from a business standpoint.

There was discussion on:

- Sign size, dimensions, base of sign, setback requirements.
- Determination by Engineering Department that sign location would not be jeopardized by potential future right of way taking.
- Site plan approval; Zoning Ordinance requirements met.
- Standard sign for Kroger fuel stations.

Chair Dziurman opened the floor for public comment.

There was no one present who wished to speak.

Chair Dziurman closed the floor for public comment.

Moved by: Carolan  
Support by: Abitheira

**RESOLVED**, To approve the variance as requested.

Yeas: All present (4)  
Absent: Brooks

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

Mr. Grusnick reported that one application has been received to date for the February meeting. He noted that the submittal deadline for the February meeting is January 16, 2013.

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 3:47 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Theodore Dziurman, Chair

  
\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary



Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 22, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
John J. Tagle

Absent:

Edward Kempen  
Tom Krent  
Thomas Strat

Also Present:

R. Brent Savidant, Planning Director  
Susan Lancaster, Assistant City Attorney  
Ben Carlisle, Carlisle/Wortman Associates, Inc.

2. APPROVAL OF AGENDA

**Resolution # PC-2013-01-007**

Moved by: Schultz  
Seconded by: Sanzica

**RESOLVED**, To approve the agenda as printed.

Yes: All present (6)  
Absent: Kempen, Krent, Strat

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-01-008**

Moved by: Edmunds  
Seconded by: Schepke

**RESOLVED**, To approve the minutes of the January 8, 2013 Regular meeting as printed.

Yes: All present (6)  
Absent: Kempen, Krent, Strat

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

There was no report as the ZBA representative was absent.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no January DDA meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant presented the 2012 Planning Commission Report.

**STUDY ITEMS**

8. INTERPRETATION OF ZONING ORDINANCE – Residential Treatment and Recovery Facility

The Planning Commission discussed the tour of the Shelby Township sober living facility that was conducted on January 17, 2012.

There was discussion on this item.

Paul Smith and David Lord, representing a possible sober living facility in Troy, were present and participated in the discussion. The potential location for this facility is 2447, 2461 and 2501 Rochester Court.

The Planning Commission reached consensus on their support of sober living facilities and the need for developing appropriate language in the Zoning Ordinance to permit and regulate these facilities in Troy.

It was determined that the Planning Department will begin working on draft language regulating sober living facilities. The Planning Commission agreed that conceptually, they should be regulated similar to adult foster care facilities. That is, smaller facilities should be permitted by right in single family neighborhoods but larger facilities, more commercial in nature, should be permitted by special use in more intense districts such as multiple family districts.

Some members of the Planning Commission mentioned the importance of informing the neighbors of potential facilities in the area.

9. PLANNING COMMISSION CODE OF ETHICS

The Planning Commission discussed the Boards and Committees Code of Ethics recently adopted by Troy City Council. This document will be provided to Planning Commission members in the future by the Clerk’s Office.

**OTHER BUSINESS**

10. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

There was general discussion.

The Special/Study meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,

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John Tagle, Chair

---

R. Brent Savidant, Planning Director

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 22, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
 Philip Sanzica  
 Gordon Schepke  
 Robert Schultz  
 John J. Tagle

Absent:

Edward Kempen  
 Tom Krent  
 Thomas Strat

Also Present:

R. Brent Savidant, Planning Director  
 Susan Lancaster, Assistant City Attorney  
 Ben Carlisle, Carlisle/Wortman Associates, Inc.

2. APPROVAL OF AGENDA

**Resolution # PC-2013-01-007**

Moved by: Schultz  
 Seconded by: Sanzica

**RESOLVED**, To approve the agenda as printed.

Yes: All present (6)  
 Absent: Kempen, Krent, Strat

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-01-008**

Moved by: Edmunds  
 Seconded by: Schepke

**RESOLVED**, To approve the minutes of the January 8, 2013 Regular meeting as printed.

Yes: All present (6)  
 Absent: Kempen, Krent, Strat

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

There was no report as the ZBA representative was absent.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

There was no January DDA meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant presented the 2012 Planning Commission Report.

**STUDY ITEMS**

8. INTERPRETATION OF ZONING ORDINANCE – Residential Treatment and Recovery Facility

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The Planning Commission reached consensus on their support of sober living facilities and the need for developing appropriate language in the Zoning Ordinance to permit and regulate these facilities in Troy.

It was determined that the Planning Department will begin working on draft language regulating sober living facilities. The Planning Commission agreed that conceptually, they should be regulated similar to adult foster care facilities. That is, smaller facilities should be permitted by right in single family neighborhoods but larger facilities, more commercial in nature, should be permitted by special use in more intense districts such as multiple family districts.

Some members of the Planning Commission mentioned the importance of informing the neighbors of potential facilities in the area.

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**OTHER BUSINESS**

10. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

There was general discussion.

The Special/Study meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,



\_\_\_\_\_  
John Tagle, Chair



\_\_\_\_\_  
R. Brent Savidant, Planning Director

A meeting of the Election Coordinating Committee was held January 25, 2013, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:01 AM.

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**Roll Call:**

**PRESENT:** Assistant Superintendent Business Services Mark Rajter, David C. Anderson, Timothy Dewan, City Clerk M. Aileen Bittner

**Approval of Election Coordinating of the Troy School District Agreement**

Resolution # EC-2013-01-001

Motion by Anderson

Seconded by Dewan

RESOLVED, That the Election Coordinating Committee of the Troy School District hereby **APPROVES** the Troy School District Election Coordinating Agreement, as submitted.

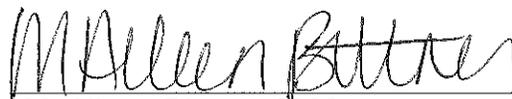
Yes: All-4

No: None

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**Adjournment:**

The meeting was adjourned at 8:03 AM.



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M. Aileen Bittner, CMC  
City Clerk

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on February 6, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Teresa Brooks  
Michael Carolan  
Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Carolan  
Support by: Abitheira

**RESOLVED**, To approve the minutes of the January 2, 2013 Regular meeting as submitted.

Yes: All present (5)

**MOTION CARRIED**

3. HEARING OF CASES

A. VARIANCE REQUEST, PATRICK STIEBER FOR ALLIED SIGNS, INC., 70 WEST MAPLE – 1) In order to place two ground signs (menu boards), each measuring 44 square feet in area, a variance from the Sign Code that limits the area of signs not visible from the road to 36 square feet each. Both signs will not be visible from the public right of way. 2) In order to place three 9.57 square foot ground signs, a variance from the Sign Code which allows a maximum of two ground signs on the site, and 3) In order to place a 33 square foot wall sign, a 28.19 square foot variance from the requirement that the total combined area of all wall signs not exceed 10% of the front area of the structure.

**CODE SECTIONS:** 1) 85.01.04 (A) (3); 2) 85.02.04 (C) (4) (a and b);  
3) 85.02.04 (C) (4) (d)

Mr. Grusnick gave a report on the item. He stated building permits were issued to construct a new McDonald's restaurant at this location and the requested variances pertain to the new restaurant. The site currently has two existing ground signs that will be refaced to include McDonald's. Five wall signs totaling 80.4 square feet were approved by the City; a fifth west elevation wall sign was denied.

Mr. Grusnick reported that the department received no response to the public hearing notice.

The applicant, Patrick Stieber of Allied Signs, and property owner, Peter Ruppe, were present.

Mr. Stieber addressed the three variance requests. 1) The two menu boards are McDonald's standardized signs and are sized to accommodate food choices. The same size menu boards can be found at several nearby locations. 2) The directional ground signs at the approaches will help reduce traffic congestion and confusion. 3) The west elevation wall sign is a standard sign used on newer restaurant designs.

Mr. Ruppe announced there was an approved lot split that should allow for additional ground signs. He provided Mr. Grusnick the approved lot split survey.

Mr. Grusnick agreed and advised the Board members that each parcel is permitted two ground signs. The request for variance (2) shall be reduced from three to one additional 9.57 foot ground sign located at the West Maple Road approach.

There was Board member discussion on the following:

- Uniqueness of site; multiple buildings and drive approaches.
- The necessity of a directional sign at the approaches. Some thought it not necessary at West Maple Road as the approach is clearly marked and the building is very visible.
- Multiple wall signage already approved and the need for an additional sign on the west elevation.
- The site has two existing tenant ground signs that will be refaced to include McDonald's.

Moved by: Kischnick

Support by: Carolan

**RESOLVED**, (1) To approve the variance to place two 44 square foot ground signs (menu boards); (2) To deny the revised request for a third ground sign at the West Maple Road approach; and (3) To deny the variance request for the wall sign.

Discussion of the motion on the floor.

Mr. Kischnick addressed reasons for recommendation of denial for requests (2) and (3). The lot split approval permits one additional ground sign on both parcels. The revised request for one additional directional ground sign at the West Maple Road is unnecessary and would add sign clutter. The proposed wall sign is not highly visible; it faces another building to the west. Mr. Kischnick said McDonald’s signage is a brand of its own and is very visible through building architecture.

Vote on the motion on the floor.

Yes: All present (5)

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 3:25 p.m.

Respectfully submitted,

\_\_\_\_\_  
Theodore Dziurman, Chair

\_\_\_\_\_  
Mitch Grusnick, Building Official/Code Inspector



A meeting of the Troy Election Commission was held February 25, 2013, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:02 AM.

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**Roll Call:**

PRESENT: David C. Anderson, Timothy Dewan, M. Aileen Bittner – City Clerk

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**Approval of Minutes**

Resolution #EC-2013-02-002

Moved by Dewan

Seconded by Anderson

RESOLVED, That the following Minutes are **APPROVED** as submitted:

Election Commission Meeting – September 27, 2012

Election Coordinating Committee Meeting – January 25, 2013

Yes: Anderson, Bittner, Dewan

No: None

**MOTION CARRIED**

---

**Approval of Consolidation of Precincts**

Resolution # EC-2013-02-003

Motion by Anderson

Seconded by Dewan

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** for the May 7, 2013 Special Election in accordance with MCL 168.659.

Yes: Bittner, Dewan, Anderson

No: None

**MOTION CARRIED**

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**Adjournment:**

The meeting was adjourned at 8:04 AM.

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M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

Date: February 25, 2013

To: Brian Kischnick, City Manager

From: Gary G. Mayer, Chief of Police 

Subject: 2012 Towing Contract Report – A & M Towing (*Introduced by: Keith A. Frye, Captain – Investigative / Administrative Services Division*)

### History

On September 14, 2009, A&M Service Center, Inc. of Troy was awarded a 3 year contract to tow vehicles for the Troy Police Department and the City of Troy Department of Public Works. City Council requested a review of A&M's performance and compliance at the end of every year.

### Report

Over the 2012 calendar year, A&M Service Center, Inc. dealt with over 2,000 impounded / abandoned vehicles, this number does not include the assistance received from them on Police Department vehicles or for other City department vehicles.

In every instance, the staff of A&M Service Center, Inc. displayed an eagerness to cooperate and work with the Police Department. There were very few complaints from officers regarding the service provided by A&M Service Center, Inc. Any minor concerns raised by officers were amicably resolved between the Police Department and A&M Service Center, Inc. staff.

The Police Department received one complaint from a vehicle owner regarding damage alleged to have occurred during an impound that was associated with an arrest. After a thorough investigation, it was determined that the damage was not caused by the towing and most likely happened after the vehicle had been released to the owner.

There have been no complaints or evidence of non-compliance with contract prices/fees, and A&M Service Center, Inc. owners agreed to conduct the police and private party auctions for the City under the administrative oversight of Police Department personnel.

As a result of the exemplary performance of A&M Service Center, Inc. staff, on September 06, 2012, City management recommended City Council exercise the option to renew towing and storage services with A & M Service Center, Inc. of Troy, for an additional three years under the same contract prices, terms, and conditions as stipulated in the original contract. On September 10, 2012, Troy City Council passed a resolution renewing the contract with A&M Service Center, Inc expiring September 30, 2015.



www.atf.gov

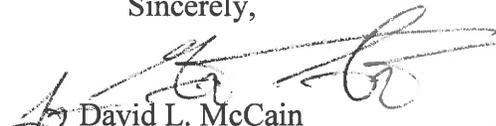
January 3, 2013

Chief Gary Mayer  
Troy Police Department  
500 W. Big Beaver  
Troy, Michigan 48084

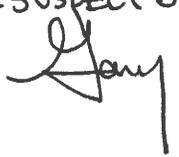
Dear Chief Mayer,

I would like to thank you and your officers for the assistance that your Department provided on November 30, 2012. The ATF Comprehensive Violence Reduction Partnership (CVRP) Taskforce, which consists of officers and Agents from the Detroit Police Department, Michigan State Police and ATF, were tracking a suspect wanted by the Detroit Police Department Homicide Section. The suspect was a person of interest in three homicides. The CVRP Taskforce had information that the suspect was at the Benihana restaurant, located at 1985 W. Big Beaver Road, Troy, Michigan. The CVRP Task Force contacted Officer Stopczynski and asked for assistance. Officer Stopczynski and other officers responded to the Benihana restaurant in order to confirm that the suspect was there. Officer Raczka was able to identify the suspect who was in the company of four other individuals. As CVRP personnel responded, Troy officers were able to conduct surveillance and effect a traffic stop which resulted in the arrest of the homicide suspect. As a result of that arrest, murder charges out of Wayne County are now pending on the suspect. Because of the quick action by your officers, one of Wayne County's most violent offenders is off our streets. I wanted to thank you and show my appreciation for the assistance from the Troy Police Department, specifically Sgts. Novak, Haddad, Officers Meinzingar, Rushton, Feld, Raczka, Julian, and Stopczynski.

Sincerely,

  
David L. McCain  
Special Agent in Charge

POLICE OFFICERS  
STOPCZYNSKI, JULIAN, RACZKA  
FELD, RUSHTON, MEINZINGER  
SGTS NOVAK  
HADDAD

THANK YOU ALL FOR YOU WORK TO GET  
THIS DANGEROUS HOMICIDE SUSPECT OFF THE STREET.  


RECEIVED  
CHIEF OF POLICE  
 2-10-2013

DEC. 08, 2012

Chief of Police Officers  
 City of Troy  
 500 West Big Beaver Road  
 Troy, MI 48064

SIR:

I want you to know that Mr. Scott ALLAN, Police Officer, Badge #35 Operations Division, Road Patrol, did a wonderful service by helping me and my brother's safety at 11:15 PM last night. He guided me what to do because I was so stressed out by driving my car with a flat tire.

He was so kind and compassionate to a distraught resident of Madison Heights, MI.

Mr. Scott is indeed a true officer and a gentleman.

Thank you.

POLICE OFFICER ALLAN  
 THANKS FOR MAKING  
 SUCH A GREAT IMPRESSION  
 AND HELPING THIS LADY  
 Jam

Gratefully yours,  
 Asteria R. Diaño

RECEIVED  
 CHIEF OF POLICE

Jam

# WALSH COLLEGE®

OFFICE OF THE PRESIDENT

PHONE (248) 689-8282  
FAX (248) 689-8338

3838 LIVERNOIS ROAD  
P.O. BOX 7006  
TROY, MI 48007-7006

January 28, 2013

Gary Mayer  
Police Chief  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Chief Mayer:

Please accept my sincere appreciation for the excellent work by your officers in controlling traffic flow after our January 26 Commencement ceremonies. Their presence was extremely effective in assisting our graduates and guests exit the Zion Christian Church parking lot quickly and safely. Please convey my thanks to Sergeant Mike Szuminski and the officers who were assigned to the traffic detail.

Again, thank you for your consideration. Your recurring support of this event is deeply appreciated. If Walsh College can be of assistance to you in any way, please don't hesitate to contact me.

Sincerely,



Stephanie W. Bergeron  
President



POLICE OFFICERS VILEROT + GALICH  
SGT. SZUMINSKI

THANKS FOR REPRESENTING SO WELL.



RECEIVED  
CHIEF OF POLICE  
JGM 2-9-13



Dear Troy,

1-21-13

Just a quick Thank You for all the fine work the Police have done for us this past year. Our office expansion went well, but the alarm folks kept all of us hopping. The Police have ALWAYS been fast, polite & helpful.

I am so grateful to live & work in Troy.  
Bethany W. Mossler

MULTIPLE CALLS FOR SERVICE  
POLICE OFFICERS  
GIOVANNONI, MORSE + GEISE

THANK YOU ALL FOR MAKING SUCH A GOOD IMPRESSION ON THIS TROY BUSINESS PERSON.

JGM

THANK YOU



1-26-2013

Dear Officer Paul -  
Thank you for sending  
officers to Newgate and  
upton on Wednesday  
January 23rd to check out  
the <sup>silver</sup> grey sport utility vehicle  
that was parked for 50 minutes  
in front of our home. we are  
greatful to you for your  
unconscious efforts.

Your kindness  
is greatly appreciated.

Thank You

Sincerely - Shelly & Henry Rosenfield



#132585

RECEIVED  
CHIEF OF POLICE  
1-30-2013  
Larry Mayer

POLICE OFFICERS PAUL BEDNARD + JASON CLARK  
COMMUNICATIONS SUPERVISORS PAUL MAILLOUX + SAM KALEF

THANK YOU FOR MAKING SUCH A GOOD  
IMPRESSION ON THE ROSENFIELD'S IN HANDLING  
THIS SUSPICIOUS VEHICLE CALL FOR SERVICE.

Larry

Jeffrey A. Kreibich



February 1, 2013

Chief Gary Mayer  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

Dear Chief Mayer:

I am the son in law of the woman victimized by the armed robber at the Alibi Restaurant in mid- January. I write to express my own, my mother in law's, and my entire family's deep gratitude for the compassionate response and tireless efforts of your department in solving this crime.

I don't mean to exclude the efforts of any staff involved, but I had the pleasure of meeting Officer Barrows and Detective Cooney at the restaurant almost immediately after the incident. Both took great care in comforting my mother in law (and the entire family) while fully and professionally investigating the facts surrounding the crime. Both were exceptional in dealing with my mother in law and the restaurant staff under the most trying of circumstances. They played a huge role in assisting my mother to cope with both the emotional strain and practical inconveniences resulting from the robbery.

I had opportunity to speak with your watch commander that evening to express my thanks (incidentally both the duty officer I initially contacted and your commander were friendly and immediately responsive) but I wanted to be certain that you were fully aware of the exemplary service provided by these officers (and others) in the aftermath of this disturbing crime.

Moreover, your entire department worked tirelessly to solve this crime, all while exhibiting great empathy to my mother in law, and to the fullest extent possible keeping her apprised of the status of the investigation. Again, I don't wish to laud individual officers to the exclusion of others. You should be proud of all who played any role in quickly solving this crime.

Best regards,

Jeff Kreibich

Case # 13-970 Armed Robbery

Criminal Investigations - Sgt. Wolfe, PO Cooney, PO Rockafellow, PO Shuler, PO Pappas, PO Schehr, PO Isham, PO Whiteside, PO Bragg

Special Investigations- Sgt. Don Ostrowski, PO Daniels, PO Langbeen, PO Peters (AHPD), PO Kaschyck

Directed Patrol - PO Raczka, PO Stopczynski, PO Julian Operations - PO Barrows

Thanks to all of you for your efforts on this Armed Robbery incident of a citizen. It is good to know that professionals like all of you are able to bring our efforts to bear to get two criminals off the street to prevent further violent crime. Great teamwork and countless hours went into this investigation, good job. Gary



**Troy Historical Society**  
**Annual Report to the City of Troy**  
**FY 2011/2012**  
**Submitted February 10, 2013**



**Annual Report to the City of Troy**  
**Troy Historical Society**  
**July 1, 2011 – June 30, 2012**

The Troy Historical Society has worked for 46 years to preserve the history of Troy – by relocating and restoring historic structures at the City’s Historic Village, and maintaining the community’s irreplaceable artifacts and archives – and to interpret that history for the education and enjoyment of residents and visitors. When the threat of serious budget shortfall led the City of Troy to decide, in 2010, that the City could no longer afford to keep the Troy Historic Village open to the public, the Historical Society determined to explore possible options for maximizing preservation of the City’s historic district while continuing to make this resource accessible to the 20,000 visitors who enjoy it annually. After a process of assessment and planning, the Troy Historical Society offered to take on responsibility for operation of the Village through a five-year letter of agreement with the City of Troy.

Goals for the first year of Troy Historical Society operation included the following:

- Maintain the same hours of access as the prior year (Tuesday through Thursday, 10:00 – 3:00)
- Maintain or increase public programming
- Maintain two public festivals annually, at Halloween and Christmas
- Increase earned and contributed revenue to help replace decreased support from the City of Troy.

The completion of the first year of joint operation saw these goals accomplished.

**Increased Revenues**

In order to increase earned revenue, staff and volunteers undertook a number of initiatives:

- Marketing, both inside Troy and to other communities, was increased and the perspective of programming was broadened to encompass the history and culture of southeast Michigan and;
- Outreach through the Troy Chamber of Commerce to Troy area businesses and organizations was increased, to market the Historic Village as an attractive place for community-building arts and cultural activities; as a result of this outreach, during the past year, the Village significantly increased site rentals for a wide variety of events, including weddings; baptisms; memorials; family, community and corporate picnics; photo shoots; and filming.
- In January 2012 the Troy Historic Village hosted our first rental event that included beer, wine and champagne service by a licensed caterer; the event was very successful and we anticipate that utilization of the Village for this type of rental will contribute to increased revenue.
- The Village also explored new mission-focused programming, included a *Civil War Candlelight Tour* in fall 2011 and *Summer in Time History Fun Camps* during summer 2012.

During the next year, the Troy Historical Society will continue to explore new programming initiatives. In addition, the Historical Society continues to explore opportunities to increase support of the Historic Village

through small business and corporate sponsorships, as well as individual donations. At the same time, representatives of the Troy Historical Society will meet with officials of the City of Troy to establish a yearly funding level that maximizes preservation and utilization of this unique City resource.

### **Improvements to the Troy Historic Village**

The Troy Historical Society established a Buildings Committee to oversee needed building maintenance and restoration and to assist in completing small projects with volunteer labor. Staff and volunteers oversaw several significant improvements to the Historic Village during the past year. They included the following:

- Reorganized first floor areas in Old Township Hall to create an improved space for greeting visitors, an expanded Village Store, a meeting room, and updated office space.
- Installed new carpeting, donated by Creative Carpets, in the Pioneer Room and the Village Store.
- Installed exterior and interior signage, designed by Michael Nowosatko and incorporating the new Troy Historic Village logo and other branding elements
- Developed a five-year prioritized plan for capital projects to be integrated with the City's multi-year budgets. The report was approved and submitted to Mark Miller, Director of Economic & Community Development.
- Work on the Niles-Barnard House during this year focused on stabilizing the structure after its move to the Historic Village in 2010. Salvaged stone from the original foundation was installed against the new foundation. The site was graded and seeded, with a generous gift of \$1,200 from the Troy Garden Club. And wireless smoke, burglar, and motion detectors were installed on all floors of the building.

In addition, Historical Society staff and volunteers oversaw the completion of two capital projects. Plans and budgets for these projects, which were paid for with funding from the City of Troy, were approved by Director of Economic & Community Development Mark Miller and Department of Public Works Director Tim Richnak.

- The first floor interior of Township Hall received much-needed interior painting;
- Town Hall was stripped and sanded, needed repairs were made to the wood, and the building was caulked and stained. Staining was chosen, rather than painting, because the use of stain reduces long-term maintenance costs.

### **Collections and Archives**

In July 2011, in order to provide professional oversight of the preservation and management of the Historic Village collections, the Troy Historical Society hired a part-time Collections Consultant, Melissa Luberti. Ms. Luberti holds a Master of Arts in History and a Certificate in Archive Management from Wayne State University.

During the year, the Collections Consultant assessed the storage of the Village's collections and relocated some items to more appropriate storage environments. Ms. Luberti, Loraine Campbell and THS volunteers Ray Lucas and Pat Kaltwasser met with Pam Epple of the Oakland County Genealogical Society and Oakland County Historical Resources (OCHR) to participate in a project to digitize original Oakland County records from the period 1884-1894. The Village archive holds original tax assessment records and some school district records and the City Clerk has death records from that period. THS and THV websites will provide direct links to all the resources that are made digitally available through the project. Scanning began in August 2012. Ms. Luberti

also worked with the Troy Police Department to provide uniforms, badges and photos for a temporary police department exhibit at their 60<sup>th</sup> anniversary reception.

An annotated list of materials accessioned and de-accessioned during the year is attached to this report as *Appendix A*. Because funding for collections support is extremely limited, the Historic Village limited the acceptance of new items for the collection and archives this year. De-accessions were also limited; in general, items were de-accessioned only if they were identified as no longer appropriate for display, research or educational purposes. Since the collections are the property of the City of Troy, the annual list of accessions is formally accepted by the City Council.

### **Volunteers**

In a typical year, the Historic Village provides opportunities for participation by a wide range of volunteers: members of the Board of Directors and committees; docents; traditional artists and artisans, including blacksmiths, printers, weavers and spinners; and ambassadors, who welcome visitors and help them get the most out of their time in the Village. However, this was far from a typical year. Board members contributed more than 2,500 hours of service to the community. Key Board members participated in *Capacity Building Detroit*, an intensive development program for nonprofit organizations, presented by the DeVos Institute. The Historical Society was able to participate as a result of our membership in *Culture Source* (formerly the Cultural Alliance of Southeastern Michigan). The Finance Committee oversaw the change from city operation to Historical Society responsibility – a major initiative.

Eighty seven additional Troy Historical Society volunteers gave more than 2,700 hours of their time, using their experience and skills to bring history alive at the Village. Ambassadors had to master a new cash register and many new procedures. The Village Store Committee expanded and diversified the merchandise available, creating a new focus on the work of local artists and artisans. The Community Relations and Development Committee assisted with increased marketing and sponsorship solicitation. A Building Committee assisted with planning, cleaning, painting and making repairs to Historic Village buildings.

In addition to the essential service of Historical Society volunteers, the Troy Historic Village also received significant benefits from the volunteer support of other community groups. In 2011, participants included the Troy Garden Club, Troop 1701 Boy Scouts of America, adults and youth from the Church of Jesus Christ of the Latter Day Saints, Middle School students participating in “Mission Possible” for the First United Methodist Church of Troy, and high school students from Project Lead and the National Honor Society.

### **Finances and Fundraising**

The Troy Historical Society’s first year of operating the Troy Historic Village produced several important financial and fundraising milestones. The Michigan Humanities Council awarded the Historical Society two major grants for programming in FY 2012 and 2013. The Historical Society also completed the second year of a Kresge Foundation Arts Support grant and applied for another two-year operations funding grant, which was awarded. The Historical Society expanded its Finance Committee, adding new community representatives who brought additional business and nonprofit experience.

The Historical Society board of directors approved a first-year budget that staff had prepared based on the Historic Village's previous operation by the City. Although revenue did not reach projected levels, careful attention to costs kept revenues and expenses closely aligned. Revenue projections in the FY 2013 budget were modified to incorporate the experience and information gained from the Historical Society's first year of operating the Historic Village. The completed June 31, 2012 Audit is attached as *Appendix B*.

## Fiscal Year 2011/2012 Results

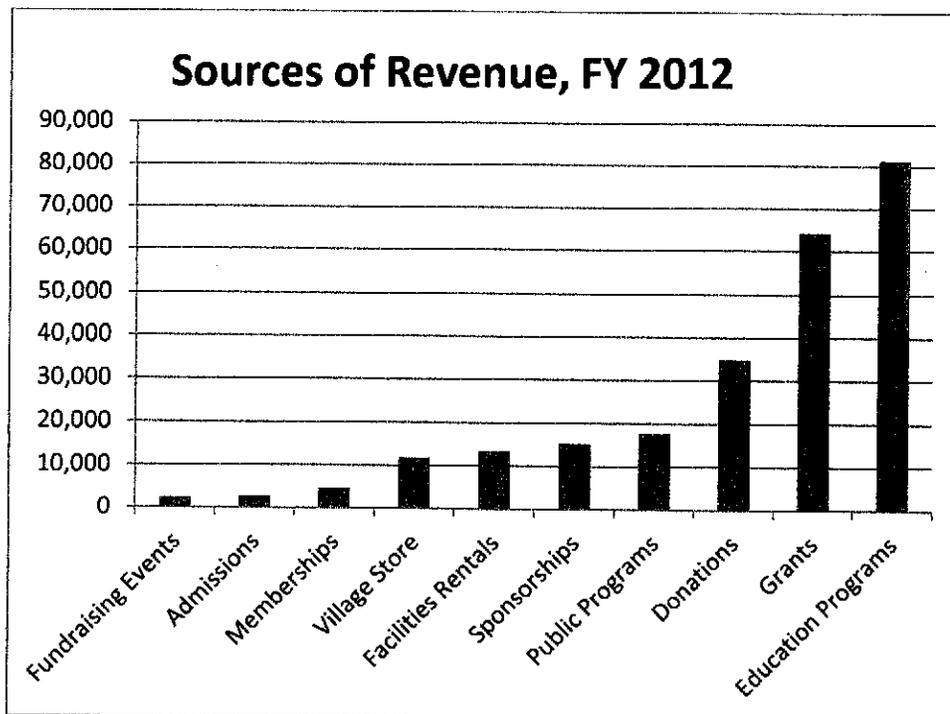
### Troy Historical Society Revenue and Expense:

Revenue                      248,740

Expense                      292,598

Expense over revenue = \$43,858              Troy Historic Village first year operating loss = \$8,448

Additional expense in excess of revenue resulted from costs of moving the Niles-Barnard House. These costs were paid from Historical Society funds held for this purpose.



### Outlook for the Coming Year

After completing a year of operating the Troy Historic Village, the Troy Historical Society anticipates a second year of incremental progress. Our increased outreach and marketing are introducing the Historic Village to first-time individual, family, school group, business and community organization visitors from Oakland,

Macomb, Lapeer and Wayne counties. New relationships with sponsors and foundations, as well as continued and increased support from well-established sponsors and grant makers, have taken us further along the road toward sustainability. Historical Society members and other community volunteers have played important roles in the transition from municipal to nonprofit management. Their continued support is essential if we are to continue an upward spiral of building awareness and support for the Village. Equally critical, is the continuing evolution of the relationship among the City of Troy, the Troy Historic Village and the Troy Historical Society.

During FY2013/14 the THS Board of Directors will update their Strategic Plan, attached as *Appendix C*, using the perspectives gained during the transition year to:

- Analyze the regional, tri-county arts and culture environment and the expectations of current and potential markets so that we may provide programs and services that respond to their needs;
- Evaluate and adjust the THS organizational and management structures to improve efficiencies, upgrade programs and services to meet the expectations of new users, and to adhere to best practices;
- Preserve City artifacts, archives, buildings and grounds and maximize their appropriate use and enjoyment by city residents, visitors, businesses, community organizations and the City of Troy;
- Maintain City expenses at the lowest level consistent with responsible stewardship of City resources;
- Review the agreement between the City and THS and identify and address areas that require clarification and/or modifications
- Provide predictable City support, to enable effective annual budgeting and long-term strategic planning for the Troy Historic Village.

The THS Board of Directors and the paid and unpaid staff of the Troy Historic Village anticipate real progress in the current fiscal year and in each successive year of our partnership with the City the Troy. We believe that with continued hard work, predictable monetary support, and vision the City of Troy and the Troy Historical Society will see their “local jewel” valued as a regional asset that contributes to the community’s quality of life and economic vitality.

### **Next Steps**

The Troy Historical Society will schedule meetings with appropriate City management to discuss:

- Budgets for Troy Historic Village core services, operations and Capital Improvement Program for the next and successive fiscal years
- Review of the agreement between the City and THS and identify and address areas that require clarification and/or modifications

**Troy Historical Society Board of Trustees, 2011 - 2012**

<u>Last Name</u>	<u>First Name</u>	<u>Officers</u>	<u>Affiliations</u>
Anderlie	Gloria		Long- time Oakland County resident
Barnard	Cheryl	President	Retail Associate, Ulta; Medical Transcriber for Great Lakes Medical Evaluations
Barnard	Richard		Quest Diagnostics
Iceman	Alison	Newsletter Editor	Environmental Services specialist, HealthCure
Iceman	Judy	Vice President	Administration and Sales, SunTel Services
Jackson	Sherrill		Retired Project Manager, EDS
Jarrait	James		Retired teacher
Kerwin	Mary		Former elected city official; faculty at Oakland University and the University of Michigan Institute for Local Government
Lavender	John	Treasurer	Retired Networking Consultant, IBM; President St. Augustine Lutheran Church and School Foundation
Lavender	Sue	Membership Chair	Retired bookkeeper; Recording Secretary State Board Lutheran Child and Family Service Auxiliary; Challenge Quilt Committee of Oakland County Quilt Guild
Nowosatko	Michael		Retired graphics designer; small business owner; Committee Chairman Troop 1701 Boy Scouts of America; Member of Men's Fellowship St. Elizabeth Ann Seton Catholic Church
Ogawa, M.D.	Cathy	Secretary	Dermatologist in private practice
Randol	Ward	Asst. Treasurer	Attorney, Dickinson Wright LLC; Member of Troy Downtown Development Authority 2011- present
Rounds	Fred		Retired engineer, General Motors
Siess	Judy		Retired teacher
Stewart	Cynthia		Community Affairs Director, City of Troy; Past President, Board of Directors Boys & Girls Club of Troy; Board of Directors Troy People Concerned; Board of Directors Troy Youth Assistance;
Young	Gerry		Long-time Oakland County Resident; Woman's Fire Auxiliary

**Troy Historical Society Committee Members, 2011 - 2012**

**Community Relations Committee**

Rosemary Kornacki  
Judy Holmberg  
Cindy Stewart  
Mike Nowosatko

**Development Committee**

Cheryl Barnard, President  
Ginny Czerwinski  
Sherrill Jackson  
Judy Holmberg  
Mary Kerwin  
Rosemary Kornacki

**Finance Committee**

John Lavender, Treasurer  
Ward Randol, Assistant Treasurer  
Jim Crandall  
Jeff Lambrecht  
Fred Rounds

**Human Relations Committee**

Judy Iceman, Vice President  
John Lavender

**Village Store Committee**

Judy Davey, Chair  
Barb Chambers, Chair  
Kathy Briscoe  
Mary Cornelius  
Helen Gach  
Jo Grindem  
Janet Marshall  
Kay McFarland  
Jean Shedik

**Troy Historical Society Board of Trustees, 2012 - 2013**

<u>Last Name</u>	<u>First Name</u>	<u>Officers</u>	<u>Affiliations</u>
Anderlie	Gloria		Long- time Oakland County resident
Barnard	Cheryl	President	Retail Associate, Ulta; Medical Transcriber for Great Lakes Medical Evaluations
Iceman	Alison	Newsletter Editor	Environmental Services specialist, HealthCure
Iceman	Judy	Vice President	Administration and Sales, SunTel Services
Jackson	Sherrill		Retired Project Manager, EDS
Jarrait	James		Retired teacher
Kerwin	Mary		Former elected city official; faculty at Oakland University and the University of Michigan Institute for Local Government
Lavender	John	Treasurer	Retired Networking Consultant, IBM; President St. Augustine Lutheran Church and School Foundation
Lavender	Sue	Membership Chair	Retired bookkeeper; Recording Secretary State Board Lutheran Child and Family Service Auxiliary; Challenge Quilt Committee of Oakland County Quilt Guild
Nowosatko	Michael		Retired graphics designer; small business owner; Committee Chairman Troop 1701 Boy Scouts of America; Member of Men's Fellowship St. Elizabeth Ann Seton Catholic Church
Randol	Ward	Asst. Treasurer	Attorney, Dickinson Wright LLC; Member of Troy Downtown Development Authority 2011- present
Rounds	Fred		Retired engineer, General Motors
Siess	Judy		Retired teacher
Stewart	Cynthia		Community Affairs Director, City of Troy; Past President, Board of Directors Boys & Girls Club of Troy; Board of Directors Troy People Concerned; Board of Directors Troy Youth Assistance;
Strong	Jonathan		Certified Financial Planner, UBS, active boy Scout leader, and local homeowners association
Toth	Anne		Middle School teacher, Holy Name Catholic School, active in Troy Boys and Girls Club
Zuza	David	Strategic Planning Chairman	Independent Distributor, LIFEVANTAGE, member of Troy Chamber of Commerce, business experience as a strategic planner.

**Appendix A**  
**Collections Report**

## **Museum Collection Report:**

**Fiscal Year 2011-2012**

### **Notable Activities, Projects and Events:**

- Melissa Luberti was hired as a Collections Consultant in July 2011.
- Archives – removed artifacts and documents from top of shelves and temporary space for them on the shelves.
- Began processing the archival backlog.
- Hosted an exhibit on a piece of the World Trade Center that highlighted the role of Troy firefighters who assisted in the rescue efforts.
- Curated an exhibit for the Troy Police Department to celebrate National Police Week.
- Currently working with the Oakland County Genealogical Society to digitize tax rolls, death records and school records from the 1880s to the 1890s.
- Currently working with Matthew Hackett on creating the History Mysteries summer camp where children get hands on experience working with artifacts.

### **2011-2012 Accessioned Donations**

- Doll
  - dress is probably a reproduction.
  - cotton-sewn body.
  - needle-point face.
  - gingham and lace dress.
  - used for educational purposes.
- Milk can from Dealers Dairy Products Co.
  - used at the Niles House the property was owned by Glenn Hadden.
- Flax breaker
  - used for educational purposes.
- Flour sifter
  - used for educational purposes.
- Topographic survey of 3150 N. Adams Rd, 1968.
- Photographs of Poppleton schoolchildren, ca. 1938.
- Nine J. L. Hudson Co. menus, 1930.
  - four from the Georgian Room.
  - two from the Early American Room.
  - two from the Pine Room.
  - one children's menu.

## **2011-2012 Unaccessioned Donations**

- One pair of roller skates.
- Two petticoats.
- Christening gown.
- Photograph of a baby wearing the gown.
- Two children's gowns.
- Bay vest.
- Cap.
- Lace cloth.
- Fourteen photographs.
  - Big Beaver School District No. 6, 1915.
  - Two photographs of the Jesse and Lima King burial plot at Troy Union Cemetery.
  - Two photographs of the World War II Troy Honor Roll.
  - Postcard photograph of the Troy Methodist Episcopal Church.
  - Hill House on John R.
  - Wanda Moalis on the front porch of Mrs. Brand's store.
  - Airplane, possibly on Big Beaver strip.
  - House on Cecile St along John R, south of 17 Mile Rd.
  - John R. farm between 16 and 17 Mile Rds.
  - House on the eastside of Crooks Rd, north of Square Lake Rd.
  - Two storey house with a small child in front, unidentified.
  - Building with a bell on top, unidentified.
- Undated Troy street map.
- Article from the Eccentric on the Poppleton School, 1969.
- Photograph of Troy Police Chief David Gratopp on a snowmobile.
- Camisole with a lace-like top and elastic bottom.
- Webster's Encyclopedia and World Atlas, 1898.
- Chatterbox book, 1894.
- McGuffey's New Sixth Reader, 1867.

Total number of donated items: 46.

**Appendix B**  
**FY 2012 Audit**

**TROY HISTORICAL SOCIETY**  
**(a non-profit corporation)**

**FINANCIAL STATEMENTS – MODIFIED CASH BASIS**

**For the year ended June 30, 2012**

## TROY HISTORICAL SOCIETY

### TABLE OF CONTENTS

	<u>Page</u>
INDEPENDENT AUDITORS' REPORT	1
FINANCIAL STATEMENTS – MODIFIED CASH BASIS	
Statement of Assets, Liabilities, and Net Assets	2
Statement of Support, Revenue and Expenses and Changes in Net Assets	3
Statement of Functional Expenses	4
Notes to Financial Statements	5 - 10



## Lazzara & Company, P.C.

Certified Public Accountants  
Certified Valuation Analysts  
Business Advisors & Consultants

"We're in the business of caring"

Michael J. Lazzara, CPA, MBA, CVA  
Mary Ellen Taylor, CPA  
David A. Lazzara, CPA

David H. Martin, CPA  
Randall C. DiFalco, CPA

### INDEPENDENT AUDITORS' REPORT

To the Board of Directors  
Troy Historical Society  
Troy, Michigan

We have audited the accompanying statement of assets, liabilities and net assets – modified cash basis of Troy Historical Society (a non-profit corporation) as of June 30, 2012, and the related statements of support, revenue and expenses and changes in net assets – modified cash basis, and functional expenses – modified cash basis for the year ended then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 2, these financial statements are prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities and net assets of Troy Historical Society as of June 30, 2012, and its support, revenue, and expenses, for the year then ended, on the basis of accounting described in Note 2.

*Lazzara & Company, P.C.*

LAZZARA & COMPANY, P.C.  
October 16, 2012

TROY HISTORICAL SOCIETY

STATEMENT OF ASSETS, LIABILITIES AND NET ASSETS – MODIFIED CASH BASIS

JUNE 30, 2012

ASSETS

CURRENT ASSETS

Cash and cash equivalents	\$ 93,242
Restricted cash for Heritage Campaign	2,378
Inventory	<u>14,777</u>
TOTAL CURRENT ASSETS	<u>110,397</u>

PROPERTY AND EQUIPMENT

Office equipment	1,770
Less: accumulated depreciation	<u>( 211)</u>
PROPERTY AND EQUIPMENT, NET	<u>1,559</u>

TOTAL ASSETS	<u>\$ 111,956</u>
--------------	-------------------

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

Payroll tax withholding	<u>\$ 3,037</u>
-------------------------	-----------------

NET ASSETS

Unrestricted	103,044
Temporarily restricted	<u>5,875</u>

TOTAL NET ASSETS	<u>108,919</u>
------------------	----------------

TOTAL LIABILITIES AND NET ASSETS	<u>\$ 111,956</u>
----------------------------------	-------------------

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**

**STATEMENT OF SUPPORT, REVENUE AND EXPENSES  
AND CHANGES IN NET ASSETS – MODIFIED CASH BASIS**

**FOR THE YEAR ENDED JUNE 30, 2012**

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
<b>Public Support and Revenue</b>			
Donations	\$ 33,234	\$ 1,200	\$ 34,434
Program revenue	98,938	-	98,938
Admissions	2,712	-	2,712
Merchandise sales	10,978	449	11,427
Memberships	4,660	-	4,660
Rental income	14,040	-	14,040
Sponsorships	12,250	3,000	15,250
Grants	20,145	44,131	64,276
Fundraising	2,383	-	2,383
Interest	19	-	19
Other	601	-	601
Net assets released from restrictions	<u>65,817</u>	<u>(65,817)</u>	<u>-</u>
<b>Total public support and revenue</b>	<u>265,777</u>	<u>(17,037)</u>	<u>248,740</u>
<b>Expenses</b>			
Program services	187,645	-	187,645
Fundraising	15,481	-	15,481
Management and general	<u>89,472</u>	<u>-</u>	<u>89,472</u>
<b>Total expenses</b>	<u>292,598</u>	<u>-</u>	<u>292,598</u>
<b>Change in Net Assets</b>	(26,821)	(17,037)	(43,858)
<b>Net Assets, July 1, 2011</b>	<u>129,865</u>	<u>22,912</u>	<u>152,777</u>
<b>Net Assets, June 30, 2012</b>	<u>\$ 103,044</u>	<u>\$ 5,875</u>	<u>\$ 108,919</u>

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**

**STATEMENT OF FUNCTIONAL EXPENSES – MODIFIED CASH BASIS**

**FOR THE YEAR ENDED JUNE 30, 2012**

	<u>Program Services</u>	<u>Supporting Services</u>		<u>Total</u>
		<u>Fundraising</u>	<u>Management and General</u>	
<b>Contracted Services</b>				
Contract services	\$ 51,754	516	\$ 12,964	\$ 65,234
Food and beverage	<u>319</u>	<u>-</u>	<u>69</u>	<u>388</u>
<b>Total contracted services and expenses</b>	<u>52,073</u>	<u>516</u>	<u>13,033</u>	<u>65,622</u>
<b>Direct Program Expenses</b>				
Payroll and related expenses	104,931	-	-	104,931
Lectures and exhibit fees	2,631	-	-	2,631
Supplies	12,298	-	-	12,298
Merchandise and awards	<u>7,502</u>	<u>-</u>	<u>-</u>	<u>7,502</u>
<b>Total direct program expenses</b>	<u>127,362</u>	<u>-</u>	<u>-</u>	<u>127,362</u>
<b>Occupancy Expenses</b>				
General liability insurance	<u>-</u>	<u>-</u>	<u>1,345</u>	<u>1,345</u>
<b>Administrative Expenses</b>				
Advertising	3,906	5,956	901	10,763
Payroll and related expenses	-	7,585	33,277	40,862
Rental expenses	2,830	-	15,100	17,930
Office, printing and postage	1,310	532	3,209	5,051
Insurance	-	-	683	683
Professional fees	-	-	6,903	6,903
Supplies	-	-	3,458	3,458
Repairs and maintenance	-	-	7,645	7,645
Depreciation	-	-	211	211
Bank service charges	<u>-</u>	<u>-</u>	<u>875</u>	<u>875</u>
<b>Total administrative expenses</b>	<u>8,046</u>	<u>14,073</u>	<u>72,262</u>	<u>94,381</u>
<b>Other Expenses</b>				
Travel	164	-	-	164
Miscellaneous expense	<u>-</u>	<u>892</u>	<u>2,832</u>	<u>3,724</u>
<b>Total other expenses</b>	<u>164</u>	<u>892</u>	<u>2,832</u>	<u>3,888</u>
<b>Total functional expenses</b>	<u>\$ 187,645</u>	<u>\$ 15,481</u>	<u>\$ 89,472</u>	<u>\$ 292,598</u>

The accompanying notes to financial statements are an integral part of the financial statements

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 1 - Nature of Organization**

Troy Historical Society (the Organization) is a non-profit corporation located in Troy, Michigan that promotes the knowledge and appreciation of local, state and national heritage among its citizens and school children. The Organization was formed in order to foster and encourage the collection and preservation of historical artifacts and to study and conduct historical research. The Organization's source of revenue is principally donations and program revenue.

**The Troy Historic Village**

Effective July 1, 2011 the City of Troy entered into a 5 year non-exclusive agreement with the Troy Historical Society that allows the Organization to occupy and use the Troy Historic Village and its buildings for the sole purpose of promoting the mission and vision of the City of Troy and the Troy Historical Society through mission and vision focused historical programs. Under this agreement the Organization is authorized to manage and operate the Village and will retain all revenues earned from the Village operation (see note 3).

**The Heritage Campaign**

From 2006 to 2012 the Troy Historical Society has embarked on a major capital campaign to expand and improve the Troy Historic Village. The Campaign encompasses 5 projects: Relocation and rehabilitation of the Niles Barnard House; Reconstruction and rehabilitation of a Historic Barn; the 1927 Township Hall Adaptive Reuse; creation of a Gateway to the Village Green; and creation of an Endowment Maintenance Fund for the buildings and the Village Green (see note 3).

**Note 2 - Summary of Significant Accounting Policies**

**Basis of Accounting**

The accompanying financial statements have been prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Under the modified cash basis of accounting, revenues and the related assets are recognized when received in cash rather than when earned, and expenses are recognized when paid in cash rather than when the obligations are incurred. Depreciation and amortization are recognized over the estimated useful life of the assets. Inventory is capitalized and recognized on the statement of activities and changes in assets when sold.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 2 - Summary of Significant Accounting Policies (continued)**

**Cash**

The Organization places its temporary cash investments with high credit quality financial institutions. At June 30, 2012, the Organization maintained cash balances in regular checking accounts and money market accounts. One of the money market accounts and the cash accumulated by the certain book sales from the Troy Historic Village Store (Village Store) is restricted for use by the Heritage Campaign.

**Inventory**

The Village Store retail inventory is valued at the lower of cost or market. Certain books included in the inventory totaling \$3,228 and the future sales of these books are restricted to the Heritage Campaign.

**Property and Equipment**

Property and equipment are recorded at cost when purchased and at fair market value when contributed. Maintenance and repairs are charged to current operations as incurred, whereas major improvements are capitalized. Office equipment is depreciated on a straight line basis over a useful life of 7 years.

**Classification of Net Assets**

Net assets and revenues and expenses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets are classified as temporarily restricted, permanently restricted or unrestricted. Donor-imposed restrictions that expire with the passage of time, or that can be removed by meeting certain requirements, are classified as temporarily restricted net assets.

*Unrestricted Net Assets* - This portion of the Organization's net assets is available for general obligations and is not subject to any donor-imposed restrictions. Revenues earned, program services provided, unrestricted contributions and all operating expenses are reported in this category. The Organization records donor-restricted contributions, whose restrictions have been satisfied in the same reporting period, as unrestricted support in such year.

*Temporarily Restricted Net Assets* - This portion of the Organization's net assets is limited to use specified by donor-imposed restrictions. When donor restrictions expire, or the nature and purpose of the restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the accompanying statement of activities and changes in net assets - modified cash basis as net assets released from restrictions.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 2 - Summary of Significant Accounting Policies (continued)**

**Income Taxes**

The Organization is a private, non-profit organization operating in accordance with Section 501(c)(3) of the Internal Revenue Code.

**Functional Expenses**

The costs of providing program and supporting services have been reported on a functional basis in the statement of activities and changes in net assets. Direct and indirect costs have been allocated between programs and general and administrative based on estimates from management. Although the methods of allocation used are considered appropriate, other methods could be used that would produce different amounts. The majority of the program service expenses (contract services) for this reporting period were related to historical programs put on by the Organization during the year and moving the Barnard House for the Heritage Campaign; the costs associated with the Barnard House move amounted to \$35,606 (see note 3).

**Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**Contributed Services**

The Organization generally pays for services requiring specific expertise and employs a combination of part-time and full time employees. Many individuals volunteer their time and perform a variety of tasks that assist in the administration and operations of the Organization, consequently; no amounts have been reflected in the financial statements for donated services.

**Subsequent Events**

Subsequent events have been evaluated through October 16, 2012 which is the date the financial statements were available to be issued.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 3 – Contracts**

Heritage Campaign - The Troy Historical Society has entered into an agreement with the City of Troy that requires both parties to work together in order to achieve the goal of completing the 5 projects as described as the Heritage Campaign (see note 1). The total cost estimate to complete the Heritage Campaign is approximately \$7,700,000. The Troy Historical Society's main commitment, called for in the contract, is to seek donations from corporations, foundations, governmental agencies and individuals in order to raise the required funds. The Society will also assist the City of Troy in other various administration duties related to the Heritage Campaign Projects.

The Troy Historic Village – Effective July 1, 2011 the City of Troy entered into a 5 year non-exclusive agreement with the Troy Historical Society that allows the Organization to occupy and use the Troy Historic Village and its buildings for the sole purpose of promoting the mission and vision of the City of Troy and the Troy Historical Society through mission and vision focused historical programs. Under this agreement the Organization is authorized to manage and operate the Troy Village and will retain all revenues earned from the Village operation. The City of Troy will provide an annual operations appropriation to the Organization to cover the utilities, insurance, building maintenance, ground maintenance, and trash removal at least at the same level as incurred in the fiscal 2010-2011 period.

The City of Troy will maintain a separate \$50,000 capital fund for repairs and improvements which will be renewed to a balance of \$50,000 each year.

The Organization has agreed to pay \$3,481 each quarter to the City of Troy for the use of their telephone and internet service through June 30, 2013.

The City of Troy agreed to transfer to the Troy Historical Society their remaining grant balance due from the Kresge Foundation in the amount of \$14,906. These funds were received in August 2011 and are restricted to being used for Troy Museum operating expenses.

Under this agreement, the City of Troy agreed to fund the Troy Historical Society with up to \$50,000 to be used for consultants, purchase equipment and supplies on a "need" basis. For the year ended June 30, 2012, \$31,125 is being reported on the statement of support, revenue and expenses as temporarily restricted donations. As of June 30, 2012 all funds have been received from the City of Troy.

Cranbrook Institute of Science

The Troy Historical Society entered into an agreement where the Cranbrook Institute of Science was to provide consulting services, budgeting assistance, educational databases, web site development and other services and resources in exchange for \$21,000 per year. This amount was modified down during the year to \$12,500. The contract expired on November 1, 2011.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 4 – Troy Historical Village Store**

On April 1, 2009, the Troy Museum Guild (Gift Shop) became a standing committee of the Troy Historical Society and in July 2011 was renamed "The Village Store." The Troy Historical Society plans to continue to operate the store and any net proceeds will help contribute to the Organization's causes as described in its Operation Guidelines. The standing committee of the Village Store, at its discretion, decides how its excess cash will be allocated between funding general operations and the Heritage Campaign.

**Note 5 – Leases**

The Organization has entered into various lease obligations as described below:

The Organization has entered into an agreement with the City of Troy that provides phones, computers and the internet to the Organization for \$3,481 per quarter. This contract is valid for one year and can be renewed each year thereafter at a mutually agreed upon amount.

The Organization has entered into a 3 year agreement for office equipment with monthly payments of \$74. This agreement ends in November, 2014.

Future lease payments are as follows:

June 30, 2013	\$14,812
June 30, 2014	888
June 30, 2015	666

**Note 6 - Fair Value of Financial Instruments**

The financial position of the Organization at June 30, 2012 includes certain financial instruments that may have a fair value that is different from the value currently reflected in the financial statements. In reviewing the financial instruments of the Organization, certain assumption and methods were used to determine the fair value of each category of financial instruments for which it is practical to estimate that value.

**Note 7 – Concentration of Revenue**

Two grants accounted for approximately 18% of the total revenue received by the Organization during the year.

**TROY HISTORICAL SOCIETY**  
**Notes to Financial Statements**  
**June 30, 2012**

**Note 8 – Subsequent Events**

Subsequent events have been evaluated through October 16, 2012 which is the date the financial statements were available to be issued.

On August 6, 2012, the City of Troy made a \$75,000 grant to the Organization that is to be used for operations.

On October 15, 2012 the Kresge Foundation made a grant to the organization of \$15,000 to be used for the Museum operations. The Kresge Foundation also agreed to pay an additional \$15,000 on October 15, 2013, as long as, the Troy Historical Society changes their current basis of accounting to the accrual basis under Generally Accepted Accounting Principles.

The board approved the change of the Organization's basis of accounting from the modified cash basis to the accrual basis under Generally Accepted Accounting Principles accepted in the United States of America. The change will take effect for the next fiscal period beginning July 1, 2012 and ending June 30, 2013.

**Appendix C**  
**Strategic Plan**

Troy Historical Society  
Strategic Plan  
For the Sustainable Operation of  
The Troy Historic Village  
2012-2015

**Mission:** We learn from the past to understand the present and build a better future.

**Vision:** We will be an outstanding cultural destination and resource in southeast Michigan that emphasizes learning by interaction among staff, volunteers and visitors and that stimulates curiosity, awareness, and appreciation of regional history, arts and culture.

**Values:**

1. The Troy Historic Village is a welcoming place where historic interpreters, structures, images, and objects stimulate the process of learning, sharing and understanding the past which provides context for our lives today and insights for creating a better future.
2. History, art and heritage are essential components of cultural identity. When we express our identity, share our stories, and learn from and with each other we build vigorous communities, which are greater than the sum of their constituent parts.
3. The Troy Historic Village will be a resource for public, private and homeschool educators and it will serve as an extension of the classroom that provides immersive and engaging experiences that use arts and culture to reinforce and expand classroom curriculum.
4. We will participate in initiatives that enhance community outreach and expand cross-cultural understanding through the integrated use of primary sources, and the contributions and collaborations of artists and artisans, musicians and vocalists, actors and re-enactors, humanities professionals and those who pursue art with personal enthusiasm.
5. We will adhere to best practices as historians, collections managers, educators and museum professionals.

**Goal:**

1. ***Develop a three-year calendar of new program development for student groups and for the general public that:***
  - a. ***Increases regional outreach and cross-cultural participation***
  - b. ***Provides opportunities to build new regional partnerships and collaborations***
  - c. ***Engages artists and creators of culture***
  - d. ***Supports teachers and enhances students' learning experiences***

**Objectives:**

1. Recruit regional Education Advisory Board to provide suggestions, insights and evaluations for existing and new education programs. This board will also assist the Troy

- Historical Society in building new relationships within the educational community in Metropolitan Detroit.
2. Meet with K-12 teachers to review the Common Core State Academic Standards for language arts and math and the Michigan Citizenship Collaborative Curriculum (MC<sup>3</sup>) for social studies. Discuss topics and benchmarks that can be developed into immersive, interactive programs.
  3. Adapt and expand existing programs:
    - a. Evaluate 2012 *Summer-in-Time History Fun-Camps* and identify activities that can be modified and used in other education programs.
    - b. Develop *Folklore and Fairytale Story Hours* into preschool heritage and literacy outreach for preschools.
    - c. Develop badge programs for scouts
  4. Develop new school programs specifically for underused months of January and February. Investigate the best grade levels and appropriate topics for this period.
  5. Expand resources for Civil War Days and regional marketing to expand program from five to ten days.
  6. Revise existing classroom supplement and develop and market new supplements. (Note: these are excellent projects for qualified interns.)
    - a. Update Our Community: Troy (for 2<sup>nd</sup> grade)
    - b. Develop Our Community: Southeast Michigan (for 2<sup>nd</sup> grade)
    - c. Develop Hands on Michigan (for 3<sup>rd</sup> grade)
  7. Three- year plan for enrichment programs. Concepts include:
    - a. By Hand: Art, Music and Craftsmanship
    - b. Contemporary issues with roots in the past
    - c. Community oral history project focused on 20<sup>th</sup> century immigrants
    - d. Commemorate War of 1812 (investigate field trip to see Privateer Lynx in 2013)
    - e. Young adult programs that blend social interaction and cultural enrichment
    - f. Develop Village walking and exercise path in cooperation with health care professionals

**Goal:**

2. ***Develop and implement effective programmatic and institutional marketing plans that build regional recognition of the Troy Historic Village as a destination and resource for cultural heritage.***

**Objectives:**

1. Develop new visitor guide, membership brochure and education program brochure. Each piece will incorporate new logo and branding developed in 2011 and approved by the THS Board. Develop standardized templates for flyers, inserts and ads that reinforce branding. Seek individuals to translate visitor guide into other languages.
2. Review and improve website. Link with other cultural organizations in Metro Detroit.
3. Improve and expand on-line presence and social networking:
  - a. Troy Patch
  - b. Director's blog
  - c. Facebook
  - d. Twitter
  - e. Provide on-line classroom primary resource collections

- f. Link with Oakland County Genealogical Society and Oakland County Resource Library
- 4. Provide outreach through regional hotels, restaurants, senior centers, churches and community organizations.
- 5. Develop promotional calendar to maximize impact of paid advertising
- 6. Evaluate curb-side appeal
  - a. Signage and landscaping
  - b. Niles-Barnard House exterior restorations
  - c. Improve welcoming and way-finding

**Goal:**

- 3. ***Adjust the organizational structure of the Troy Historical Society so that the operational management of the Troy Historic Village is:***
  - a. ***Efficient***
  - b. ***Transparent***
  - c. ***Sustainable***

**Objectives**

- 1. Increase cultural diversity and regional representation on Board of Trustees. Work with and through Cultural Alliance of Southeastern Michigan, regional educational, civic and arts and culture organizations, and Chambers of Commerce.
- 2. Improve volunteer management and the efficiency and effectiveness of volunteer corps
  - a. Revise Volunteer Handbook
  - b. Identify and retain Volunteer Coordinator. Investigate options:
    - i. Collaboration with Troy Nature Society
    - ii. Culture Volunteer (Cultural Alliance of Southeastern Michigan)
    - iii. Direct hire
- 3. Complete written policies and procedures for Village management
- 4. Implement database for collecting school reservations and statistics
- 5. Revise school invoicing procedures to comply with new school district policies
- 6. Complete and implement Resource Development Plan
  - a. Organize and implement membership drive that attracts:
    - i. 21-41 year olds and families
    - ii. More culturally diverse membership that is representative of our community
  - b. Establish two annual appeals each year
  - c. Recruit and cultivate organizational and program sponsors
  - d. Develop Legacy Giving materials. Provide to financial planners.
  - e. Coordinate grant and program development calendars.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
NOTICE OF PUBLIC HEARING

Michigan Part 7 - Plumbing Code Rules (ORR# 2011-039 LR)  
Survey and Remonumentation Rules (ORR# 2012-008 LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on Thursday, March 28, 2013, at 9:00 a.m. in Conference Room 3, 2501 Woodlake Circle, Okemos, MI 48864. The Part 7 Plumbing Code rules are proposed to be effective 120 days after filing with the Secretary of State. The Survey and Remonumentation rules are proposed to take immediate effect after filing with the Secretary of State.

The public hearing is being held to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Survey and Remonumentation rules.

The proposed revisions to Part 7 Plumbing Code rules will adopt the 2012 edition of the International Plumbing Code with amendments, deletions, and additions deemed necessary for use in Michigan. The hearing is being conducted by the Department under Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The Survey and Remonumentation rules were promulgated in 1992 and have not been revised since they were first promulgated. The current rules address only certain aspects of the process for administering the fund grant program, but no other provisions of the State Survey and Remonumentation Act. The hearing is being conducted by the Department under the authority of Section 17 of 1990 PA 345, and Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-20, 2011-4, MCL 445.2001, MCL 445.2002, MCL 54.277, MCL 445.2011, MCL 445.2025 and MCL 445.2030.

The proposed rules will be published in the March 1, 2013, *Michigan Register*. Copies of the proposed Michigan amendments to the Michigan Plumbing Code rules and the Survey and Remonumentation rules may be obtained for a fee of \$3.00 for each rule set by submitting a check or money order made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting the Bureau's website at [www.michigan.gov/bcc](http://www.michigan.gov/bcc). The amendments are located under "What's New" on the front page of the website.

Oral or written comments may be presented in person at the hearing on March 28, 2013, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., March 28, 2013, to the address stated below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Analyst, at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs

Bureau of Construction Codes  
Office of Administrative Services  
P.O. Box 30254  
Lansing, MI 48909  
Telephone (517) 241-6312  
Facsimile (517) 241-9570  
matsumotos@michigan.gov

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 335-2972 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.