

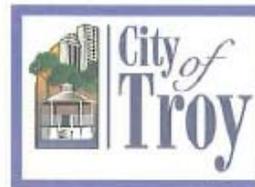
TROY CITY COUNCIL

REGULAR MEETING AGENDA

**JUNE 3, 2013
CONVENING AT 7:30 P.M.**

**Submitted By
The City Manager**

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

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

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

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

GOALS:

Provide a safe, clean, and livable city

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

Provide effective and efficient local government

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

Build a sense of community

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

Attract and retain business investment

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



CITY COUNCIL AGENDA

June 3, 2013 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Jack Mannschreck from Big Beaver United Methodist 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 Proclamation in Recognition of Pastor Jack Mannschreck's 11 Years of Service at Big Beaver United Methodist Church (*Introduced by: Dane Slater, Mayor*) 1

C-2 Proclamation Presented to Sam Clay and Jo Rhodes Celebrating 25 Year Anniversary of Troy Medi-Go Plus (*Introduced by: Dane Slater, Mayor*) 1

D. CARRYOVER ITEMS: 1

D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 2

E-1 No Public Hearings 2

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d) Planning Commission Special/Study-Final – April 23, 2013	10
e) Planning Commission-Final – May 14, 2013	10
f) Zoning Board of Appeals-Draft – May 21, 2013	10
g) Animal Control Appeal Board-Draft – May 22, 2013	10
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SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 12

INVOCATION: Pastor Jack Mannschreck from Big Beaver United Methodist Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2013-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of:

Council Member Campbell at the Joint Special City Council and Troy School Board Meeting of May 28, 2013, due to health reasons; and

_____ at the Regular City Council Meeting of June 3, 2013, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation in Recognition of Pastor Jack Mannschreck’s 11 Years of Service at Big Beaver United Methodist Church (*Introduced by: Dane Slater, Mayor*)

C-2 Proclamation Presented to Sam Clay and Jo Rhodes Celebrating 25 Year Anniversary of Troy Medi-Go Plus (*Introduced by: Dane Slater, Mayor*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:**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 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Planning Commission; b) City Council Appointments – None

a) Mayoral Appointments

Resolution #2013-06-
Moved by
Seconded by

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

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:

Term Expires: 07/31/2014	Frank Boudon	(Student – Non-voting)
	Term currently held by:	Eric Huang (Student)

Yes:
No:

b) City Council Appointments: None**I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Liquor Advisory Committee, Traffic Committee, Zoning Board of Appeals**a) Mayoral Nominations: Noneb) City Council NominationsSuggested Resolution

Resolution #2013-06-

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:

Liquor Advisory Committee

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1
Ehlert	Max K.	11/15/2013	1/31/2015	
Godlewski	W. Stan	12/14/2012	1/31/2014	Requests Reappointment
Hall	Patrick	12/12/2014	1/31/2016	
Kaltsounis	Andrew	12/13/2014	1/31/2016	
Oberski	Jeff			
Pappas	Jesse	6/5/2014	7/31/2013	Student Rep.
Payne	Timothy P.	2/8/2014	1/31/2015	
Scherlinck	Eun Joo Andrea	6/11/2014	7/31/2013	Student Rep.
Ukraineec	Bohdan	12/23/2012	1/31/2014	
Vacancy			1/31/2015	David Ogg Resigned

Nominations to the Liquor Advisory Committee:**Term Expires: 01/31/2015**

Term currently held by: Vacancy – David Ogg Resigned

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Binkowski	Matthew	5/7/2015	

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1	Notes 2
Binkowski	Sarah	1/16/2015	1/31/2016		
Halsey	Lawrence Ted	11/29/2013	1/31/2015		
Huotari	William			Ex-Officio Member	
Kilmer	Richard A.	12/23/2012	1/31/2014		
Mayer	Gary			Ex-Officio Member	
Nelson	William			Ex-Officio Member	
Petrulis	Al	6/11/2014	1/31/2014		ACAB exp 9/30/2015
Popovic	Stevan	5/29/2014	1/31/2016		
Vacancy			1/31/2015		David Ogg Resigned
Ziegenfelder	Peter F.	12/14/2012	1/31/2014		

Nominations to the Traffic Committee:

Term Expires: 01/31/2015

Term currently held by: Vacancy - David Ogg Resigned

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Apahidean	Olimpiu (Ollie)	3/14/2014	
Brandstetter	Tim	5/1/2015	
Chambers	Barbara A.	4/30/2014	Historic Dist exp 3/1/2014; Hist Dist Study-Ad Hoc
McGee	Timothy S.	8/13/2014	

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1	Notes 2
Bloomingtondale	Bruce	1/20/2014	4/30/2015		Hist Dist Study: Ad Hoc
Clark	Glenn	5/31/2014	4/30/2015		
Courtney	Kenneth	2/25/2015	4/30/2016		
Eisenbacher	David	11/14/2013	4/30/2016		
Kaltsounis	Orestis Rusty	3/5/2015	1/31/2015	<i>Alternate</i>	P&R Bd exp 9/30/2015
Kneale	A. Allen	3/9/2013	4/30/2014		ZBA exp 4/30/14
Krent	Thomas G.	12/13/2014	12/31/2013	(PC Rep)	
Lambert	Dave	1/8/2015	4/30/2014		Requests Reappointment
Vacancy			1/31/2015	<i>Alternate</i>	

Nominations to the Zoning Board of Appeals:**Term Expires: 01/31/2015****(Alternate)**

Term currently held by: Vacancy–David Eisenbacher Resigned

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Binkowski	Matthew	5/7/2015	
Brandstetter	Tim	5/1/2015	
Chambers	Barbara A.	4/30/2014	Historic Dist exp 3/1/2014; Hist Dist Study-Ad Hoc
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 G.	12/13/2014	Planning Commission exp. 12/31/2013
Manek	Ashish	5/23/2015	
Ragan	John	1/26/2014	

Yes:

No:

I-3 No Closed Session

J. CONSENT AGENDA:

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

Resolution #2013-06-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council MinutesSuggested Resolution

Resolution #2013-06-

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

- a) City Council Regular Meeting Minutes – May 20, 2013
-

J-3 Proposed City of Troy Proclamations

- a) Proclamation in Recognition of Pastor Jack Mannschreck’s 11 Years of Service at Big Beaver United Methodist Church
- b) Proclamation Presented to Sam Clay and Jo Rhodes Celebrating 25 Year Anniversary of Troy Medi-Go Plus
-

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: US Communities Government Purchasing Alliance Program – Empire Today LLC**
-

Suggested Resolution

Resolution #2013-06-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase and install carpet tiles for the Police Department under the US Communities Government Purchasing Alliance Program competitively bid by the City of Seattle, Washington through Contract #0000002865 with Empire Today LLC for an estimated total cost of \$24,769.79, as detailed in the estimate quotes dated 3/11/2013 and 4/11/2013, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 3: Option to Renew and Extend – Custodial SuppliesSuggested Resolution

Resolution #2013-06-

WHEREAS, On July 9, 2012, Troy City Council awarded a one-year contract to provide Custodial Supplies as needed to the low total bidder, Empire Equipment and Supply Co. of Detroit, MI, at an estimated total cost of \$28,223.15 at unit prices contained in the bid tabulation opened June 14, 2012 (Resolution #2012-07-145-J4c); and

WHEREAS, The supplier has agreed to renew and extend their contract for one additional year under the same pricing, terms and conditions as their original bid;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to renew and extend the contract to provide one-year requirements of custodial supplies with Empire Equipment and Supply Co. of Detroit, under the same pricing, terms and conditions expiring June 30, 2014.

J-5 2013-14 SOCRRA Representative and Alternate AppointmentsSuggested Resolution

Resolution #2013-06-

RESOLVED, That Troy City Council hereby **DESIGNATES** Tim Richnak, DPW Director as SOCRRA Representative and Kurt Bovensiep, Superintendent of Parks, Streets and Drains as Alternate SOCRRA Representative with the term expiring on June 30, 2014.

J-6 Private Agreement – Contract for Installation of Municipal Improvements – Beachview EstatesSuggested Resolution

Resolution #2013-06-

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

J-7 Request for Acceptance of Permanent Easement from James Mark and Nicole J. FlemingSuggested Resolution

Resolution #2013-06-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for sanitary sewer from James Mark and Nicole J. Fleming, owners of the property having Sidwell #88-20-23-200-060; and

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

J-8 Request for Acceptance of Four Permanent Easements from the Michael Agnetti Trust

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby **ACCEPTS** four permanent easements for sidewalk, storm sewer & surface drainage from the Michael Agnetti Trust dated April 10, 2008, owner of the property having Sidwell #88-20-27-479-037 & 038; and

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

J-9 Request for Acceptance of a Permanent Easement from Ursula Danielle Richardson

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for sidewalk, storm sewer & surface drainage from Ursula Danielle Richardson, owner of the property having Sidwell #88-20-27-479-039; and

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

J-10 Edward Belczak v City of Troy

Suggested Resolution
Resolution #2013-06-

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 *Edward Belczak v. City of Troy (Oakland County Circuit Court Case No. 13-134158-PD)*. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

- a) Proposed Ordinance Incorporating Recent Changes to State Fireworks Statute

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Animal Control Appeal Board-Final – March 27, 2013
 - b) Zoning Board of Appeals-Final – April 16, 2013
 - c) Zoning Board of Appeals-Draft – April 16, 2013
 - d) Planning Commission Special/Study-Final – April 23, 2013
 - e) Planning Commission-Final – May 14, 2013
 - f) Zoning Board of Appeals-Draft – May 21, 2013
 - g) Animal Control Appeal Board-Draft – May 22, 2013
-

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation: None Submitted

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

O-5 Notice of Hearing – DTE Electric Company – June 10, 2013

O-6 Letter from Oakland County Parks Regarding “Get Outside and Play” Day

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Kischnick". The signature is written in a cursive style with a horizontal line extending to the left.

Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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:

**PROCLAMATION IN RECOGNITION OF
PASTOR JACK MANNSCHRECK
11 YEARS OF SERVICE AT BIG BEAVER METHODIST CHURCH**

WHEREAS, Pastor Jack Mannschreck grew up on a farm south of Adrian, Michigan and went to school in Morenci. He inherited his “farm work ethic” from his father and his mother taught him the enduring lesson that it is not our ability that matters to God as much as our availability. He lives by the teaching that all who follow Christ are called to ministry – not just clergy – and that all can find meaning for their lives in by fulfilling God’s purpose; and

WHEREAS, Pastor Jack is proud to be an interdisciplinary student, earning a Bachelors of Science Degree in Medical Technology from Michigan State, his Masters of Divinity from Boston University and a Masters of Business Administration from Wayne State University. In January 2013, **Pastor Jack** began a Doctorate of Ministry Degree at Garrett Evangelical Theological Seminary in the area of Spiritual Direction and Formation; and

WHEREAS, For many years **Pastor Jack** wrote a column for the Michigan Christian Advocate. He has also written articles which were published in various magazines and on the internet; and

WHEREAS, Pastor Jack is in his eleventh year as the pastor of Big Beaver United Methodist Church in Troy having served as a United Methodist Pastor in the greater Detroit area for nearly 29 years: Grosse Pointe (Associate) 1984-1992, Oxford 1992-2002, Big Beaver 2002 – present; and

WHEREAS, Pastor Jack is also very involved within the Troy community, serving with care and compassion as a Fire Chaplain for 10 years; a keynote speaker in 2010 for the annual Troy Community Coalition Prayer Breakfast; and his involvement with the Troy Interfaith Group since its inception; and.

WHEREAS, Pastor Jack and his wife, **Ruth**, have been married for 26 years and they have four children - **Jeremiah (daughter-in-law Sara), Benjamin, Sarah and Jonathan**. Music is a very integral part of the entire Mannschreck family. Each of them sing and play a variety of instruments. Travel is also important to the family. In 2006 they went to England as part of the Board of Global Ministry exchange program, and they have all worked on mission trips in Haiti;

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Troy extends special recognition to **Pastor Jack Mannschreck**, for his selfless and tireless service to our community and his congregation at **Big Beaver United Methodist Church**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy’s residents congratulate **Pastor Jack Mannschreck** for his 11 years of dedication and commitment and wish him continued success in all future endeavors, especially his new assignment at Central United Methodist Church in Waterford which begins on July 7. He will be missed not only by his congregation but the entire Troy community.

Presented this 3rd day of June 2013.

**PROCLAMATION
CELEBRATING 25 YEARS
TROY MEDI-GO PLUS**

WHEREAS, Troy Medi-Go Plus is a non-profit community organization dedicated to helping Troy senior citizens and adults with disabilities in need of transportation to medical appointments and other important destinations; and

WHEREAS, Troy Medi-Go Plus was founded by Troy resident Jo Rhoads in June 1988 with one van donated by Michigan Bank and \$120 in the bank. Jo Rhoads serves as Vice President on the **Troy Medi-Go Plus Board**, along with a very dedicated group of volunteers; and

WHEREAS, Troy Medi-Go started by driving seniors only to medical appointments and later added the service for persons with disabilities. Over half of the trips today are related to medical care; and

WHEREAS, Troy Medi-Go Plus is a partnership with SMART and the City of Troy. They also receive funding from the Michigan Department of Transportation, The Beaumont Foundation, as well as rider and supporter donations. They have four buses complete with wheelchair lifts, nine part-time drivers and three part-time office staff. **Troy Medi-Go Plus** drives more than 14,000 passengers over 100,000 miles per year; and

WHEREAS, Troy Medi-Go Plus helps seniors and persons with disabilities remain independent within the Troy community by providing transportation to medical appointments, the Troy Community Center for recreational opportunities, grocery stores, the Oakland Mall and visits to spouses in nearby nursing homes; and

WHEREAS, This invaluable service also provides work and educational transportation within Troy and surrounding communities for persons with disabilities; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby congratulate **Troy Medi-Go Plus on its 25th Anniversary** and recognizes its impact upon not only our senior population, but on the entire community as well; and

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the **25th Anniversary of Troy Medi-Go Plus** as they continue to serve our senior citizens and persons with disabilities.

Presented this 3rd day of June 2013.

Assistant Pastor David Cole from Embassy Covenant Church International performed the Invocation. The Pledge of Allegiance to the Flag was given by Tiger Cubs of Cub Scout Pack 1712 from Wattles Elementary.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, May 20, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:34 PM.

B. ROLL CALL:

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

Resolution #2013-05-094
 Moved by Fleming
 Seconded by Pennington

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Tietz at the Regular City Council Meeting of May 20, 2013, due to a business engagement.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 The Second Grade Class From Costello Elementary Presented: "Why Troy is a Great Community" (*Introduced by: Aileen Bittner, City Clerk*)

C-2 On Behalf of the City of Troy Employees' Casual for a Cause Program For The Months of January and February 2013, Community Affairs Director Cindy Stewart Presented a Check in the Amount of \$597 to Nancy Morrison, Executive Director, Troy Community Coalition (*Introduced by: Cindy Stewart, Community Affairs Director*)

C-3 Proclamation Celebrating 75 Years for the Robert Allen Group and Appreciation for Donating Funds to Plant a Wildflower Garden at the Corner of Town Center and Civic Center Drives (*Introduced by: Cindy Stewart, Community Affairs Director*)

C-4 Presentation by the Benevolent Association of AFSCME Local 574 (One of The Collective Bargaining Units in The City of Troy With Members Working in Parks, Water and Sewer, Streets and Drains, Fleet Maintenance and Engineering). They

Offer an Annual Scholarship to Invest in a High School Graduate’s Future. The 2012-13 Winner from Troy was Introduced – Ankita Mangal, Troy High School. (Introduced by: Mike Pihaylic and Joe Mowery, AFSCME Members)

C-5 MJR Troy Grand Digital Cinema 16 (Introduced by: Mayor Slater)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of the 2013-14 Annual City Budget and 3-Year Budget

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving public comment from Marvin Reinhardt.

Resolution #2013-05-095
 Moved by Fleming
 Seconded by Campbell

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2013; and

WHEREAS, City Council directed City Management to also produce a three-year budget;

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

Taxes	\$29,663,000
Licenses and Permits	2,104,900
Federal Grants.....	23,000
State Grants.....	6,411,500
Contributions – Local	20,000
Charges for Services	6,992,300
Fines and Forfeitures.....	797,800
Interest and Rents	994,000
Other Revenue	891,100
Operating Transfers – In.....	<u>4,190,900</u>
Total Revenues and Transfers.....	52,088,500
Appropriation of Fund Balance	<u>1,771,300</u>

Total Revenues, Transfers and Appropriations **\$53,859,800**; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty hundredths (6.50) mills on the 2013 taxable valuation; and

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

Building Inspection	\$ 1,617,600
Council/Executive Administration	3,522,100
Engineering	1,894,800
Finance.....	2,586,600
Fire	4,757,100
Historic Village/Nature Center	234,700
Other General Government	1,906,500
Police.....	24,113,900
Recreation	3,952,500
Streets, Drains and Parks.....	8,153,800
Operating Transfers Out.....	<u>1,120,200</u>

Total Expenditures **\$53,859,800**; and

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

Taxes.....	\$ 6,480,000
Federal Grants.....	985,000
State Grants	1,640,000
Contributions – Local.....	312,700
Charges for Services	404,000
Interest and Rents	67,200
Operating Transfer – In	<u>3,410,500</u>
Total Revenues and Transfers	<u>13,299,400</u>
Appropriation of Fund Balance.....	<u>1,653,500</u>

Total Revenues, Transfers and Appropriations **\$14,952,900**; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three hundredths (1.53) mills on the 2013 taxable valuation; and

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

Finance.....	\$ 129,000
Fire	580,000
Library.....	580,000
Museum.....	46,500
Transit Center.....	1,640,000
Other General Government	200,000
Police.....	520,000
Recreation	221,000
Streets, Drains and Parks	10,990,400

Operating Transfer..... 46,000

Total Expenditures..... \$14,952,900; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and nine hundredths (1.09) mills on the 2013 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,490,500; and

BE IT FURTHER RESOLVED, That the tax rate for the Library Fund shall be seventy hundredths (0.70) mills on the 2013 taxable valuation; and

BE IT FURTHER RESOLVED, That the Library Fund shall be appropriated \$3,211,000; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of seventy hundredths (0.70) mills on the 2013 taxable valuation for the General Debt Service Fund; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,107,043; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2013/14 budget document:

Major Road Fund	\$ 4,046,600
Local Road Fund	\$ 1,705,900
Community Development Block Grant Fund.....	\$ 731,100
Drug Forfeiture Fund	\$ 62,000
General Debt Fund	\$ 103,000
2000 MTF Debt Fund.....	\$ 264,050
Proposal A Debt Fund	\$ 881,268
Proposal B Debt Fund	\$ 1,376,075
Proposal C Debt Fund	\$ 746,200
Special Assessment Fund	\$ 20,500
Water Supply System	\$18,985,900
Sanitary Sewer Fund	\$14,247,800
Aquatic Center Fund	\$ 628,800
Sylvan Glen Golf Course Fund	\$ 1,288,000
Sanctuary Lake Golf Course Fund.....	\$ 1,860,500
Building Operations	\$ 1,055,900
Information Technology Fund	\$ 1,805,300
Fleet Maintenance Fund	\$ 5,014,100
Workers' Compensation Fund	\$ 300,000
Compensated Absences Fund	\$ 3,631,000
Unemployment Insurance Fund.....	\$ 300,000; and

BE IT FURTHER RESOLVED, That the three-year budget (2014/15 – 2015/16) for the General Fund, Refuse Fund, Library Fund, General Debt Service Fund and Capital Operating Fund be approved based on the following revenues and expenditures:

General Fund Operating	<u>2014/15</u>	<u>2015/16</u>
Taxes.....	\$29,775,000.....	\$30,094,000
Licenses and Permits	1,984,200.....	2,056,200
Federal Grants.....	23,000.....	4,000
State Grants	6,412,000.....	6,412,500
Contributions – Local.....	20,000.....	20,000
Charges for Services.....	7,032,800.....	7,071,800
Fines and Forfeitures.....	797,800.....	797,800
Interest and Rents.....	994,600.....	994,600
Other Revenue	900,300.....	913,200
Operating Transfers – In.....	4,178,300.....	4,241,000
Total Revenues & Transfers	52,118,000.....	52,605,100
Appropriation of Fund Balance.....	<u>740,600.....</u>	<u>1,292,500</u>

Total Revenue, Transfers and Appropriations \$52,858,600..... \$53,897,600; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating fund shall be six and fifty hundredths (6.50) mills on the 2014 and 2015 taxable valuation; and

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

	<u>2014/15</u>	<u>2015/16</u>
Building Inspection	\$ 1,332,400....	\$ 1,383,900
Council/Executive Admin.....	3,553,600.....	3,625,100
Engineering	1,933,400.....	1,982,200
Finance.....	2,492,300.....	2,481,200
Fire	4,775,400.....	4,831,900
Historic Village/Nature Center	109,800.....	111,000
Other General Government.....	1,959,800.....	1,996,400
Police.....	24,448,200.....	25,061,500
Recreation	3,992,000.....	4,035,000
Streets, Drains and Parks.....	8,261,700.....	8,389,400
Total Expenditures	<u>\$52,858,600.....</u>	<u>\$53,897,600</u> ; and

BE IT FURTHER RESOLVED, That the following listed revenues and appropriation fund balance of the Capital Fund are anticipated:

	<u>2014/15</u>	<u>2015/16</u>
Taxes.....	\$ 6,500,000.....	\$ 6,555,000
Federal Grants.....	0.....	1,400,000
State Grants	100,000.....	0
Contributions - Local.....	200,000.....	200,000
Charges for Services.....	404,000.....	404,000
Interest and Rents	67,200.....	67,200
Operating Transfer-In	2,179,000.....	2,067,000
Total Revenues and Transfers	9,450,200.....	10,693,200

Appropriation of Fund Balance 873,605 1,488,068

Total Revenues, Transfers and Appropriations .. \$10,323,805 \$12,181,268; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three hundredths (1.53) mills on the 2014 and 2015 taxable valuation; and

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

	<u>2014/15</u>	<u>2015/16</u>
Finance	\$ 129,000	\$ 100,000
Fire.....	60,000	168,000
Historic Village/Nature Center.....	38,500	22,400
Library	574,000	542,000
Other General Government	285,000	200,000
Police	339,500	350,000
Recreation	247,500	603,000
Streets, Drains and Parks	8,632,805	10,135,868
Operating Transfer-Out.....	<u>17,500</u>	<u>60,000</u>

Total Expenditures..... \$10,323,805 \$12,181,268; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and fourteen hundredths (1.14) mills on the 2014 taxable valuation and the 2015 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,623,180 in 2014/15 and \$4,759,000 in 2015/16; and

BE IT FURTHER RESOLVED, That the tax rate for the Library Fund shall be seventy hundredths (0.70) mills on the 2014 taxable valuation and the 2015 taxable valuation; and

BE IT FURTHER RESOLVED, That the Library Fund shall be appropriated \$3,227,000 in 2014/15 and \$3,251,000 in 2015/16; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of seventy hundredths (0.70) mills on the 2014 and 2015 taxable valuation for the General Debt Service Fund.

BE IT FINALLY RESOLVED, That the General Debt Service Fund shall be appropriated \$3,132,449 in 2014/15 and \$3,113,312 in 2015/16.

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

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Marvin Reinhardt	Spoke on Items I-04, I-05, I-09, J-04b, J-05.
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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 – Nonea) Mayoral Appointments - Noneb) City Council Appointments - None**I-2** Board and Committee Nominations: a) Mayoral Nominations – Planning Commission; b) City Council Nominations – Liquor Advisory Committee, Traffic Committee, Zoning Board of Appealsa) Mayoral Nominations

Resolution #2013-05-096

Moved by Slater

Seconded by Fleming

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

Planning Commission

Appointed by Mayor

9 Regular Members

3 Year Term

Nominations to the Planning Commission:

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 2
Edmunds	Donald L.	11/15/2012	12/31/2013	EDC exp 4/30/2014; Planning Comm exp 12/31/2013
Huang	Eric	6/12/2014	7/31/2013	Student - Non-voting
Hutson	Michael W.	9/4/2014	12/31/2015	Planning Comm exp 12/31/2015;

				Sust Design Rev Comm-AD HOC
Kempen	Edward	2/1/2014	12/31/2013	(Replaced Mark Maxwell-resigned)
Krent	Thomas G.	12/13/2014	12/31/2013	Planning Comm exp 12/31/2013; PC Rep to ZBA exp 12/31/2013
Sanzica	Philip	9/24/2014	12/31/2015	Alt. PC Rep on BZA
Schepke	Gordon	11/16/2013	12/31/2014	
Schultz	Robert M.	11/11/2013	12/31/2014	
Strat	Thomas	11/16/2013	12/31/2014	Planning Comm exp 12/31/2014; Sust Design Rev Comm-AD HOC
Tagle	John	9/12/2014	12/31/2015	

Term Expires: 07/31/2014

Frank Boudon

(Student)

Term currently held by: Eric Huang (Student Non-Voting)

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Boudon	Frank	5/15/2015	Student Rep. Applicant

Yes: Fleming, Henderson, McGinnis, Pennington, Slater, Campbell

No: None

Absent: Tietz

MOTION CARRIED

b) City Council Nominations

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

I-3 Request For Closed Session

Resolution #2013-05-097

Moved by McGinnis

Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (c), (e) and (h) – Grand Sakwa v City of Troy and MCL 15.243 (g).

Yes: Henderson, McGinnis, Pennington, Slater, Campbell, Fleming

No: None

Absent: Tietz

MOTION CARRIED

I-4 Budget Amendment No. 3 (Introduced by: Thomas Darling, Director of Financial Services)

Resolution #2013-05-098
Moved by McGinnis
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** 2012-13 Budget Amendment No. 3 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

I-5 Approval of the Troy Brownfield Redevelopment Authority (BRA) Proposed Fiscal Year 2013-14 Budget (*Introduced by: Thomas Darling, Director of Financial Services*)

Resolution #2013-05-099
Moved by Fleming
Seconded by McGinnis

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its proposed fiscal year 2013/14 budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Brownfield Redevelopment Authority's annual budget for fiscal year July 1, 2013 through June 30, 2014.

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

MOTION CARRIED

I-6 Approval of the Troy Local Development Finance Authority (LDFA) Proposed Fiscal Year 2013-14 Budget (*Introduced by: Thomas Darling, Director of Financial Services*)

Resolution #2013-05-100
Moved by Slater
Seconded by McGinnis

WHEREAS, The Troy Local Development Finance Authority has adopted and recommends that City Council approve its proposed fiscal year 2013/14 budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Local Development Finance Authority's annual budget for fiscal year July 1, 2013 through June 30, 2014.

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

MOTION CARRIED

I-7 Approval of the Troy Downtown Development Authority's Proposed Fiscal Year 2013-14 Budget (Introduced by: Thomas Darling, Director of Financial Services)

Resolution #2013-05-101
Moved by Pennington
Seconded by Fleming

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2013/14 budget.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority's annual budget for fiscal year July 1, 2013 through June 30, 2014.

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

MOTION CARRIED

I-8 Special Assessment District Paving of Troywood (Introduced by: Nino Licari, City Assessor)

Resolution #2013-05-102
Moved by Henderson
Seconded by Fleming

(a) Standard Resolution #1

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #1 to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Troywood, in Section 22, Project No.12.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

(b) Standard Resolution #2

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #2 to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Troywood, in Section 22, Project No. 12.201.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost	\$60,100.00
Assessment	20,500.00
City's Share	39,600.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED** and **DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

c) Standard Resolution #3

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #3 to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Troywood, in Section 22, Project No. 12.201.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for June 17, 2013.

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

MOTION CARRIED

I-9 Approval of Easement and License Agreements with Grand Trunk Western Railroad Company (CN) for the Troy Multi-Modal Transit Facility (*Introduced by: Steve Vandette, City Engineer*)

Resolution #2013-05-103
 Moved by McGinnis
 Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** an Easement Agreement between Grand Trunk Western Railroad Company and the City of Troy for a permanent non-exclusive easement for the Troy Multi-Modal Transit Facility platform and west elevator/bridge support tower, which are wholly located within the Railroad Company's right of way.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a License Agreement between Grand Trunk Western Railroad Company and the City of Troy to construct and operate a pedestrian bridge in connection with the Troy Multi-Modal Transit Facility within the Railroad Company's right of way.

BE IT FINALLY RESOLVED, That the Mayor and Clerk are **AUTHORIZED** to execute the foregoing agreement documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

I-10 Amendment to Chapter 20 and Proposed Water Connection Fees (Introduced by: Tim Richnak, DPW Director)

Resolution #2013-05-104
 Moved by Campbell
 Seconded by Pennington

RESOLUTION A – APPROVING PROPOSED WATER CONNECTION FEES

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Water Connection Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revision shall be effective July 1, 2013:

Water Tap/Connect Fees	Current	Proposed	Increase
3/4" Service (5/8" MTR) Existing Svc Only	\$278.21	\$284.73	\$6.52
1" Service (3/4" MTR)	\$1,605.00	\$1,793.35	\$188.35
1-1/2" Service (1" MTR)	\$2,021.14	\$2,124.73	\$103.59
2" Service (1-1/2" MTR)	\$2,528.78	\$2,924.80	\$396.02
2" Lawn Sprinkler (2D MTR)	\$2,552.92	\$3,004.15	\$451.23
3" Service (2" MTR) *	\$1,139.04	\$1,601.55	\$462.51
4" Service (3" MTR) *	\$1,395.46	\$1,955.40	\$559.94
6" Service (4" MTR) *	\$2,026.46	\$2,735.55	\$709.09
8" Service (6 MTR) *	\$120.00 + MTR Cost	\$3,449.45	

*CONTRACTOR PERFORMS TAP

RESOLUTION B – AMENDMENT TO CHAPTER 20 OF CITY ORDINANCE

RESOLVED, That the amendment to Section 6 of Chapter 20 – *Water and Sewer Rates* of the Troy City Code, is hereby **ADOPTED** as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

I-11 Proposed Agreement with Ice Lounge – 5903 John R (Introduced by: Lori Bluhm, City Attorney)

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

I-12 Publically Funded Health Insurance Contributions Act (Public Act 152 of 2011)

Moved by McGinnis
Seconded by Henderson

WHEREAS, Public Act 152 of 2011 allows for a Local Unit Opt Out option, which will not adversely affect the City of Troy's payments from the Economic Vitality Incentive Program;

BE IT RESOLVED, That Troy City Council hereby **SELECTS** the Local Unit Opt Out option, but with the added feature to incentivize employees to migrate to the Community Blue Plan; and

BE IT FURTHER RESOLVED, That, if after 6 months, at least 80% of the employees have not migrated to the Community Blue Plan, Troy City Council hereby **DIRECTS** City Administration to implement the Hard Cap Option and begin discussions for years 2 and 3, based on that experience and what is happening in the insurance industry.

Vote on Resolution to Amend Item I-12 Publically Funded Health Insurance Contributions Act (Public Act 152 of 2011)

Resolution #2013-05-105
Moved by Fleming
Seconded by Slater

RESOLVED, That Troy City Council hereby **AMENDS** Item I-12 Publically Funded Health Insurance Contributions Act (Public Act 152 of 2011) by **STRIKING** "6 months" in the third paragraph and **INSERTING** "November 20, 2013."

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

MOTION CARRIED**Vote on Resolution Item I-12 Publically Funded Health Insurance Contributions Act (Public Act 152 of 2011) as Amended**

Resolution #2013-05-106
Moved by Fleming
Seconded by Campbell

WHEREAS, Public Act 152 of 2011 allows for a Local Unit Opt Out option, which will not adversely affect the City of Troy's payments from the Economic Vitality Incentive Program;

BE IT RESOLVED, That Troy City Council hereby **SELECTS** the Local Unit Opt Out option, but with the added feature to incentivize employees to migrate to the Community Blue Plan; and

BE IT FURTHER RESOLVED, That, if after November 20, 2013, at least 80% of the employees have not migrated to the Community Blue Plan, Troy City Council hereby **DIRECTS**

City Administration to implement the Hard Cap Option and begin discussions for years 2 and 3, based on that experience and what is happening in the insurance industry.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-05-107
Moved by McGinnis
Seconded by Fleming

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

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2013-05-107-J-2

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

- a) City Council Regular Meeting Minutes – May 13, 2013

J-3 No Proposed City of Troy Proclamations

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 3: Exercise Second-Year Renewal Option – Concrete Pavement Repair**

Resolution #2013-05-107-J-4a

WHEREAS, On July 25, 2011, Troy City Council approved a contract to complete the concrete pavement repair program for fiscal year 2011/2012 with an option to renew for two (2) additional one (1) year periods to the low total bidder, Dilisio Contracting Inc. of Clinton

Township, MI, at unit prices listed in the bid tabulation opened July 7, 2011 (Resolution #2011-07-181 Item J-4a); and

WHEREAS, On May 14, 2012, Dilisio Contracting offered and the Troy City Council exercised and approved the first-year option to renew the contract for the 2012/2013 fiscal year under the same prices, terms and conditions, which included costs of a two-year maintenance bond and overtime incurred by the City for inspections (Resolution #2012-05-115-J4c); and

WHEREAS, Dilisio Contracting has expressed an interest in renewing its contract for a second-year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **EXERCISE** and **APPROVE** the second one-year renewal period for concrete pavement repair with Dilisio Contracting Inc. of Clinton Township, MI, at unit prices contained in the original bid tabulation opened July 7, 2011, not to exceed amounts budgeted expiring June 30, 2014.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 13-4 Three Oaks Mill and HMA Overlay

Resolution #2013-05-107-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 13-4, Three Oaks Mill & HMA Overlay, to Florence Cement Company, 12585 23 Mile Road, Shelby Township, MI 48315 for their low bid amount of \$159,434.00.

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 25% of the total project cost.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 13-3 Aquatic Habitat Restoration Project

Resolution #2013-05-107-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 13-3, Aquatic Habitat Restoration Project, to TSP Environmental, 12641 Stark Rd Livonia, MI 48150 for their low bid amount of \$1,569,927.

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 15% of the total project cost.

J-5 Private Agreement – Contract for Installation of Municipal Improvements – Oakland Mall Outlot C

Resolution #2013-05-107-J-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and UrbanOak Oakland II, LLC, a Delaware limited liability company, by Urban Retail Properties, LLC, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main, sidewalks, soil erosion and landscaping, 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.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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:

Richard Peters	Spoke about various topics.
Marvin Reinhardt	Spoke about various topics.

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

Council Member McGinnis mentioned the release of the Summer Edition of the Troy Today magazine.

O. REPORTS:

O-1 Minutes – Boards and Committees: None Submitted

- a) Retiree Health Care Benefits Plan & Trust-Final – January 9, 2013
- b) Employees' Retirement System Board of Trustees-Final – March 13, 2013
- c) Employees' Retirement System Board of Trustees-Draft – April 10, 2013
- d) Retiree Health Care Benefits Plan & Trust-Draft – April 10, 2013
- e) Planning Commission Special/Study-Draft – April 23, 2013
- f) Employees' Retirement System Board of Trustees-Draft – May 8, 2013

Noted and Filed

O-2 Department Reports: None Submitted

Noted and Filed

O-3 Letters of Appreciation

- a) To Cathy Russ From Mike Auerbach, Gleaners Community Food Bank
Noted and Filed

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

Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

The Meeting **RECESSED** at 8:45 PM.

The Meeting **RECONVENED** at 8:52 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 11:05 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL ACTION REPORT

May 28, 2013

TO: Brian M. Kischnick, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Gary G. Mayer, Police Chief
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 4: US Communities Government Purchasing Alliance Program – Empire Today, LLC

Background

Empire Today, LLC participates in the US Communities Government Purchasing Alliance Program with a contract award for carpeting and flooring competitively bid by the City of Seattle, Washington. The Building Operations department has been cleaning, maintaining, and repairing carpeting for the Troy Police Department since it was installed in 2003.

The Building Operations department has received e-mail from the Police Department Captain in charge of operations regarding the wear and tear of the carpet and has noted from Empire Today that the carpet tile color and pattern originally installed have been discontinued. Therefore, Building Operations has decided the best course of action is to replace the carpet tile in total and keep a supply of spare tiles for future replacement of select sections.

The carpet within the 1st floor police area includes: Supervisors area and Special Operations. The carpet area has been found to be in poor condition with tile separations, extreme worn walk paths and tile bulges.

In addition, carpet condition and replacement is also necessary in the lockup facility, Emergency Operations Center, Dispatch Center and Employee Lounge.

Recommendation

City management and the Building Operations department request authorization to purchase and install carpet tiles from Empire Today, LLC through the US Communities Government Purchasing Alliance Program for an estimated total cost of \$24,769.79.

Fund Availability

Funds for the project are now available in the Police Department Capital fund.

Prepared by: Sgt Andy Breidenich

EMPIRE TODAY

Carpet & Flooring

U.S. Communities

USC - Estimate

CUSTOMER INFORMATION		PROJECT LOCATION	
ESTIMATE DATE: <u>3/11/2013</u> <i>* Estimate valid for a period of 30 days from the above date</i>		CHECK BOX IF SAME AS CUSTOMER INFORMATION	
NAME: <u>City of Troy</u>		NAME: _____	
TITLE: <u>Steve Pallotta</u>		ADDRESS: _____	
ORGANIZATION / ENTITY OR AGENCY NAME: _____		CITY/STATE: _____ ZIP: _____	
ADDRESS: <u>500 W Big Beaver</u>		PHONE: _____	
TIN/EIN #: _____		EMPIRE TODAY CONTACT INFORMATION	
CITY / STATE: <u>Troy, MI Zip 48084</u>		NAME: <u>Don Zellinger</u>	
PHONE: <u>248-524-3368</u>		MARKET: <u>Detroit</u>	
FAX: <u>248-526-2656</u>		PHONE: <u>248-875-9830</u>	
EMAIL: _____		FAX: _____	
TAX EXEMPT Y/N: _____		EMAIL: <u>dzellinger@empiretoday.com</u>	

ITEM	QTY	PRODUCT OR LABOR DESCRIPTION	UNIT PRICE	PRODUCT OR LABOR DESCRIPTION	AMOUNT
1	442 Sq.Yds	Chairman Choice Select Doctor Color 7658	\$17.86	Material Only 24 X24 tile	\$7,730.58
** 2	5	Robert R6280 - 4 Carpet Tile Adhesive	\$54.90	Material Only Roberts R6280 -4 Carpet Tile Adhesive 4 Gal	\$274.50
3	442Sq.Yds.	Carpet Tile Freight	\$1.00	Freight Only On 442 Sq Carpet Tile	\$442.00
4	402 Sq.Yds.				
5	565 LF	4" Cove Wall Base	0.51 LF	Cove Base Only	\$288.15
6	565 LF	Wall Base	0.73 LF	Labor Only	\$423.75
7	10	Roberts 7200-30C Cove Base Adhesive	\$2.59	28.7 OZ Cartridge	\$25.90
8	402	Carpet Tile Install Labor	\$11.25	Take up Carpet Tile, Lift Systems Furniture Install new Carpet Tile	\$4,522.50
9					
10					
11					
12					
13					
14	**	correct pricing s/b \$54.09 (per D.Zellinger)			
15					
16					
17					
18					
19					
20		Recovery & Consolidation: Carpet Recycling		Recycling and Reuse of Post-Consumer Carpet	

Special Project Instructions: Above pricing only valid for active U.S. Communities Participants. Tax not included in estimate but will apply if quote is accepted and if tax is applicable. If at the time of installation it is determined that the subfloor needs to be repaired, additional and reasonable charges will apply.

Customer Approval: This estimate is for completing the project as described above. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems or adverse weather conditions arise after the work has been initiated.	Date: _____
	SUB TOTAL \$13,707.38
	TAX _____
TOTAL \$13,707.38	

EMPIRE TODAY

Carpet & Flooring

U.S. Communities
USC - Estimate

CUSTOMER INFORMATION		PROJECT LOCATION	
ESTIMATE DATE: 4/11/2013 <i>* Estimate valid for a period of 30 days from the above date</i>		CHECK BOX IF SAME AS CUSTOMER INFORMATION	
NAME: City of Troy		NAME: _____	
TITLE: Steve Pallotta		ADDRESS: _____	
ORGANIZATION / ENTITY OR AGENCY: Add on to police Station		CITY/STATE: _____	
NAME: PER Andy Breidenich		ZIP: _____	
ADDRESS: 500 W Big Beaver		PHONE: _____	

EMPIRE TODAY CONTACT INFORMATION	
TIN/EIN #: _____	NAME: Don Zellinger
CITY / STATE: Troy MI.48084	MARKET: Detroit
PHONE: 248-524-3368	PHONE: 248-875-9830
FAX: 248-526-2656	FAX: _____
EMAIL: _____	EMAIL: _____
TAX EXEMPT Y/N: _____	

ITEM #	QTY	PRODUCT OR LABOR DESCRIPTION	UNIT PRICE	PRODUCT/LABOR/SPECIAL COMMENTS	AMOUNT
1	334.88	Chairmans Choice Select Doctor Color 7658 Batch	\$17.86	Material Only 24 X 24 Tile	\$5,980.95
2	4	Robert R6280-4 Carpet Tile Adhesive	\$59.40	Material Only Robert -4 carpet Tile Adhesive 4 Gal	\$237.60
3	334.88	Carpet Tile Fright	\$1.00	Frigh Only 334.88 5Y Carpet Tile	\$334.88
4	334.88	Carpet Install Labor	\$11.25	Labor only	\$3,767.40
5	568 LP	4" Cove Wall Base	\$0.51	Cove Base Only	\$289.68
6	568LF	Wall Base Labor	\$0.75	Labor Only	\$426.00
7	10	Robert 7200-30C Cove Base Adhesive	\$2.59	28.7 oz Cartridge	\$25.90
8					
9					
10					
11					
12					
13					
14	**	correct pricing s/b \$54.09 (per D. Zellinger)			
15					
16					
17					
18					
19					
20		Recovery & Consolidation: Carpet Recycling		Recycling and Reuse of Post-Consumer Carpet	

Special Project Instructions: Above pricing only valid for active U.S. Communities Participants. Tax not included in estimate but will apply if quote is accepted and if tax is applicable. If at the time of installation it is determined that the subfloor needs to be repaired, additional and reasonable charges will apply.

Customer Approval:	Date:
This estimate is for completing the project as described above. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems or adverse weather conditions arise after the work has been initiated.	
SUB TOTAL	\$11,062.41
TAX	
TOTAL	\$11,062.41

Home [Purchasing Resources](#)



EMPIRE TODAY Carpet & Flooring



REQUEST CONTACT



Empire Today

Website: [Empire Today](#)

Phone: (836) 588-2353

Fax: (866) 588-2393

E-mail: uscommunities@empiretoday.com

[OVERVIEW](#) [SOLUTIONS](#) [BENEFITS](#) [PRICING](#) [CONTRACT DOCS](#) [FAQS](#) [SHIPPING](#)

Empire Today Contract Information

City of Seattle, Washington

Contract For : Carpet and Flooring

3 year initial term, December 1, 2011 to November 30, 2014

Option to renew for (3) additional (1) year periods

Contract Documents

- [Contract 0000002865](#)
- [Contract Amendments](#)

RFP Documents

- [RFPUSC2865V1 FINAL](#)
- [RFP-2865A081211 Addendum Q and A Final](#)
- [Flooring RFP Postings](#)

Postings

Number of suppliers who responded to RFP: 2

- U.S. Communities: Upcoming Solicitations
July 19, 2011 to August 16, 2011
- City of Seattle website
July 19, 2011 to August 16, 2011
- Onvia Demand Star
July 19, 2011 to August 16, 2011
- Canadian MERX Public Tenders
July 19, 2011 to August 16, 2011
- Association of Oregon Counties
July 19, 2011 to August 16, 2011
- State of Hawaii and Oregon
July 19, 2011 to August 16, 2011

KEY PRODUCTS



FOUNDED BY:





BLANKET CONTRACT

The City of Seattle
PURCHASING SERVICES
700 5th Avenue, Suite #4112
PO Box 94687
Seattle, WA 98124-4687

Blanket Contract # 0000002865		Date 12/1/11	Change Order N/A
Payment Terms Net 30	Freight Terms Prepaid & Allowed: FOB: Destination		
Buyer: Sharon Rothwell	FAX: 206-233-5155	Phone: 206-684-8310	

Vendor #: 0000351285
Empire Today, LLC
333 Northwest Avenue
Northlake, IL 60164

Contact: Michael Hill
Phone #:(M) 224-343-6847
Fax #:
E-mail: mhill@empiretoday.com

Ship To: CITY DEPARTMENTS
Bill To: SEE BELOW

Empire Today, LLC is awarded a contract for providing **FLOORING PRODUCTS AND ACCESSORIES, INSTALLATION AND RELATED SERVICES** to the City of Seattle, as a result of RFP-2865 conducted by the City. See attachments #1 - #3 for scope of services, pricing and conditions. The term of the Contract is three (3) years with three one (1) year extensions.

Original contract term: 12/1/11 -11/30/14

City departments may place orders by telephone or by fax. The Vendor shall require the ordering City employee to state his or her name, department/unit name, low org number, telephone number and ship to address. Invoices shall be mailed in duplicate to the City of Seattle, Accounts Payable, per attached list. Each invoice shall indicate Contract #0000002865.

The City does not guarantee utilization of this contract. Actual utilization will be based on availability, proximity of vendor facilities, frequency of deliveries, or any other factor deemed important to the City.

The awarded Contractor and all subcontractors shall file an "Intent to Pay Prevailing Wage" Form concurrent with the execution of the contract. The Buyer will give the awarded Contractor(s) a Contract Number, and the Contractor and their subcontractor(s) shall then promptly submit the Intent to Pay Prevailing Wages to the Department of Labor & Industries for approval. The City requests this be done on-line to allow the City a rapid mechanism to verify submittal of forms. <http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>. However, the City will accept forms submitted through paper procedures. If the Contractor utilizes paper submittal, a copy shall be promptly provided to the Buyer.

Work under this contract is subject to Prevailing Wage Requirements. The contractor, any subcontractor or other person doing any portion of the work covered by any resulting contract,



CITY COUNCIL ACTION REPORT

May 28, 2013

TO: Brian Kischnick, City Manager

FROM: Susan A. Leirstein, Purchasing Director
MaryBeth Murz, Purchasing Manager
Timothy L. Richnak, Public Works Director
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 3: Option to Renew and Extend – Custodial Supplies

History

On July 9, 2012, Troy City Council awarded a one-year contract to provide Custodial Supplies as needed with an option to renew for one (1) additional year to the low total bidder, Empire Equipment and Supply Co. of Detroit, MI. (Resolution #2012-07-145-J-4c)

Empire Equipment and Supply Co., has agreed to exercise their option to renew under the same pricing, terms and conditions as the original contract.

Purchasing

Purchasing surveyed the MITN website for recent solicitations and found results from a comparable cooperative bid issued by the Cities of Farmington Hills and Rochester Hills to be higher overall, and yet awarded to the same supplier currently under contract with Troy, Empire Equipment and Supply Co. of Detroit, MI.

Financial Considerations

Funds are budgeted and available in the Building Operations Custodial Supplies Account.

Recommendation

City management and the Building Operations Department recommend exercising the option to renew and extend the contract to provide one-year requirements of custodial supplies with Empire Equipment and Supply Co. of Detroit, MI under the same pricing, terms and conditions expiring June 30, 2014.

May 24, 2013

TO: Brian Kischnick, City Manager
FROM: Susan Leirstein, Purchasing Director
RE: MARKET SURVEY – Custodial Supplies

Purchasing surveyed the MITN website for recent solicitations and found results from a comparable cooperative bid issued by the Cities of Farmington Hills and Rochester Hills to be higher overall, and yet awarded to the same supplier currently under contract with Troy, Empire Equipment & Supply. (see Analysis attached)

Based upon the above review, I respectfully recommend that the City accept the offer to extend the contract for Custodial Supplies with the current contractor, Empire Equipment & Supply of Detroit, MI under the same prices, terms and conditions as originally bid for Troy on ITB-COT 12-12 to expire June 30, 2014.

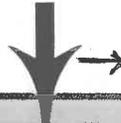
Janitorial Supplies

	Troy	F Hills	Increase	% Inc	
VON 5022 BATH TISSUE GREEN (BWK 6150) FEATHER SOFT 500/2 PLY TOILET TISSUE	30.45	32.24	1.79	5.88%	
VON 548-K (GEN 1508) MULTI-FOLD BROWN PRESERVE KRAFT MULTI- FOLD 9-1/4 X 9-1/2 16/250 PACKS 4000/CASE	15	15.33	0.33	2.20%	
A0065004 Antiseptic Liquid Hand Soap Complete Antimicrobial, Antiseptic Liquid Lotion Hand Soap Contains PCMX a proven germ fighter 4 X 1 gal/case	18.18	22.35	4.17	22.94%	
VON 880-N (RT 802-6K) HARDWOUND TOWELS NATURAL PRESERVE 7.9 X 800 ft 6/Case	16	16.64	0.64	4.00%	
4385178 SPRAY SCENTS - OCEAN MIST 12/CASE	30.94	64.59	33.65	108.76%	Diff Brand
HOS 6141 C BAG FOR SANITARY NPKN RECEPT 250/CS	14.16	15	0.84	5.93%	
HOS HG-5000 Toilet Seat Covers 14 7/8" x 10" Diameter 250/PKG- 20 PKG CASE/5000 SHEETS	37	44	7	18.92%	Qty Diff
JAC 103076 Bleach Bleach 6 1-gallon / case (Sunbrite Household Bleach)	8.86	no pricing			
C059750 CLOTHESLINE FRESH All purpose powered Laundry Detergent Dilution 2 1/2 cup/ 100 lbs	23.53	no pricing			

22 for 2500

Due to the lengthy nature of the bid tabulation_Evaluation Based on Sampling of recent orders for janitorial supplies

ORDER SAMPLING EVALUATION
GOLF & PARKS



LOWEST BID PER ITEM

RECOMMENDED BID
PER SAMPLE

Item	Order Quan	Industrial Cleaning Supply-Waterford, MI		Empire Equipment & Supply-Detroit, MI		Pyramid School Products- Tampa, FL		Auto-Chlor Systems - Sterling Heights, MI		John Deere Landscapes- Cleveland, OH		Michigan Poly- Wyandotte, MI		Interboro Packaging- Montgomery, NY	
		unit	total	unit	total	unit	total	unit	total	unit	total	unit	total	unit	total
Mfold Towel(case 16 pks of 250)	28	\$ 23.25	\$ 651.00	\$ 15.33	\$ 429.24	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
2-Ply Tissue (case)	6	\$ 38.23	\$ 229.38	\$ 32.24	\$ 193.44	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Kitchen Roll Towel (case 30)	1	\$ 20.46	\$ 20.46	\$ 18.00	\$ 18.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 24.12	\$ 24.12	No Bid	No Bid
Can Liner 24x32 1Mil (case 500)	3	\$ 47.09	\$ 141.27	\$ 29.41	\$ 61.23	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 39.34	\$ 118.02
RTU Degreaser (case-12 bottles)	1	\$ 37.08	\$ 37.08	\$ 16.39	\$ 16.39	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Urinal Block Screen (pack 12)	2	\$ 19.92	\$ 39.84	\$ 12.12	\$ 24.24	\$ 10.98	\$ 21.96	\$ 49.50	\$ 99.00	No Bid	No Bid	16.56	\$ 33.12	No Bid	No Bid
Total		\$	1,119.03	\$	742.53	\$	21.96	\$	99.00	\$	-	\$	57.24	\$	118.02

CITY HALL & POLICE

Item	Order Quan	Industrial Cleaning Supply-Waterford, MI		Empire Equipment & Supply-Detroit, MI		Pyramid School Products- Tampa, FL		Auto-Chlor Systems - Sterling Heights, MI		John Deere Landscapes- Cleveland, OH		Michigan Poly- Wyandotte, MI		Interboro Packaging- Montgomery, NY	
		unit	total	unit	total	unit	total	unit	total	unit	total	unit	total	unit	total
Sparkling Cleaner(case of 12 bottles)	2	\$ 27.24	\$ 54.48	\$ 21.18	\$ 42.36	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 49.00	\$ 98.00	No Bid	No Bid
1/2 seat toilet covers (case of 20 bx)	1	\$ 42.60	\$ 42.60	\$ 32.24	\$ 32.24	\$ 36.00	\$ 36.00	No Bid	No Bid	No Bid	No Bid	\$ 34.72	\$ 34.72	No Bid	No Bid
Hand Sanitizer Soap (case of 4 bottles)	4	\$ 85.84	\$ 343.36	\$ 22.35	\$ 89.40	No Bid	No Bid	\$ 91.80	\$ 367.20	No Bid	No Bid	\$ 52.32	\$ 209.28	No Bid	No Bid
Kitchen Roll Towel (case 30)	6	\$ 20.46	\$ 122.76	\$ 18.00	\$ 108.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 24.12	\$ 144.72	No Bid	No Bid
Surface & Glass Cleaner (case of 12)	1	\$ 25.68	\$ 25.68	\$ 16.38	\$ 16.38	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Non acid Bath Cleaner (case of 12)	1	\$ 24.60	\$ 24.60	\$ 15.33	\$ 15.33	10.98	\$ 10.98	\$ 49.50	\$ 49.50	No Bid	No Bid	\$ 38.40	\$ 38.40	No Bid	No Bid
Total		\$	613.48	\$	303.91	\$	46.98	\$	416.70	\$	-	\$	525.12	\$	-

DPW

Item	Order Quan	Industrial Cleaning Supply-Waterford, MI		Empire Equipment & Supply-Detroit, MI		Pyramid School Products- Tampa, FL		Auto-Chlor Systems - Sterling Heights, MI		John Deere Landscapes- Cleveland, OH		Michigan Poly- Wyandotte, MI		Interboro Packaging- Montgomery, NY	
		unit	total	unit	total	unit	total	unit	total	unit	total	unit	total	unit	total
C Fold Towels (case 16 pks of 150)	2	\$ 20.46	\$ 40.92	\$ 19.53	\$ 39.06	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Wasp & Hornet Killer (case of 12 cans)	2	\$ 50.52	\$ 101.04	\$ 34.87	\$ 69.74	No Bid	No Bid	No Bid	No Bid	\$ 85.32	\$ 170.64	No Bid	No Bid	No Bid	No Bid
Orange Cleaner (case of 4 gallon bottles)	1	\$ 110.16	\$ 110.16	\$ 21.18	\$ 21.18	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Low Sud Floor Cleaner (55 gallon drum)	1	\$ 390.92	\$ 390.92	\$ 242.65	\$ 242.65	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Total		\$	643.04	\$	372.63	\$	-	\$	-	\$	170.64	\$	-	\$	-

COSTICK CENTER

Item	Order Quan	Industrial Cleaning Supply-Waterford, MI		Empire Equipment & Supply-Detroit, MI		Pyramid School Products- Tampa, FL		Auto-Chlor Systems - Sterling Heights, MI		John Deere Landscapes- Cleveland, OH		Michigan Poly- Wyandotte, MI		Interboro Packaging- Montgomery, NY	
		unit	total	unit	total	unit	total	unit	total	unit	total	unit	total	unit	total
Can Liner 38x58 1Mil (case 100)	6	\$ 17.79	\$ 106.74	\$ 14.88	\$ 89.28	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 14.48	\$ 86.88
Kitchen Roll Towel (case 30)	4	\$ 20.46	\$ 81.84	\$ 18.00	\$ 72.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Floor Strip Pad (pk of 6)	5	\$ 16.05	\$ 80.25	\$ 12.59	\$ 62.90	\$ 11.98	\$ 59.90	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Liquid Hand soap (case of 4 gallons)	1	\$ 85.84	\$ 85.84	\$ 22.35	\$ 22.35	No Bid	No Bid	\$ 91.80	\$ 91.80	No Bid	No Bid	\$ 52.32	\$ 52.32	\$ 39.34	\$ 39.34
Total		\$	354.67	\$	246.53	\$	59.90	\$	91.80	\$	-	\$	52.32	\$	126.22

FROM

(TUE)MAR 12 2013 12:01/ST. 12:00/No. 7500000888 P 1



March 12, 2013

Ronald Jones II
Empire Equipment and Supply
18639 Omira
Detroit MI 48203

Dear Ronald:

The City of Troy entered into contract #2013-00000116 with Empire Equipment and Supply to provide one-year requirements of Custodial Supplies, which expires June 30, 2013. The City is interested to know whether Empire Equipment and Supply will extend its contract at established prices, terms and conditions for one (1) additional year.

Please fax this letter back to the Building Operations Department indicating if Empire Equipment and Supply wishes to extend this contract until June 30, 2014. The fax number is (248) 526-2656. It should be understood that this request to extend the contract agreement is subject to administrative approval and is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3368.

CHECK ONE:

Empire Equipment and Supply is interested in extending the contract under the same prices, terms, and conditions through June 30, 2014: (X)

X [Signature] Signed: Authorized Company Representative Ronald Jones II Printed Name

Empire Equipment and Supply is not interested in extending the contract: ()

X _____
Signed: Authorized Company Representative

Date: 3-18-13

Thank you,
Laura Campbell
City of Troy Building Operations Department

L. Campbell @Troy MI.gov

J-2 Approval of City Council Minutes

Resolution #2012-07-145-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of June 18, 2012, as submitted.

J-3 Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-6 – Section 13 & 23 Resurfacing**

Resolution #2012-07-145-J-4a

RESOLVED, That contract No. 12-6, Section 13 & 23 Resurfacing, be **AWARDED** to T&M Asphalt Paving, 4755 Old Plank Road, Milford, MI 48381, for their low total bid amount of \$260,746.50

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 25% of the total project cost.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Topsoil (Delivered)

Resolution #2012-07-145-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to provide topsoil to the low bidder, Anderson Excavating Inc of Waterford, MI, for an estimated total two-year cost of \$73,500.00, at unit prices contained on the bid tabulation, which opened June 13, 2012, a copy of which shall be **ATTACHED** to the original minutes of this meeting, with the contract expiring June 30, 2014.

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

c) Standard Purchasing Resolution 1: Award to Low Total Bidder – Custodial Supplies

Resolution #2012-07-145-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Custodial Supplies as needed to the low total bidder, Empire Equipment and Supply Co of Detroit, MI, at an estimated total cost of \$28,223.15, at unit prices contained in the bid

tabulation dated June 14, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2013.

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

d) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-5 – Charnwood Hills Phase I Chip Seal

Resolution #2012-07-145-J-4d

RESOLVED, That contract No. 12-5, Charnwood Hills Phase I Chip Seal, be **AWARDED** to Highway Maintenance & Construction Co., P.O. Box 74411, Romulus, MI 48174-04111, at an estimated total cost of \$160,100.00

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.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Cooperative Premium Laser Compatible Ink and Toner Cartridges

Resolution #2012-07-145-J-4e

WHEREAS, On November 8, 2010, Troy City Council approved a contract to purchase premium laser compatible ink and toner cartridges with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI (Resolution #2010-11-247-J-4a); and

WHEREAS, On July 11, 2011, Troy City Council exercised the first one-year option to renew the contract with Preferred Toner Solutions under the same pricing structure, terms, and conditions (Resolution #2011-07-164-J4c); and

WHEREAS, Preferred Toner Solutions has offered to exercise the second one-year option to renew the contract under the same pricing structure, terms, and conditions as the current contract;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the second one-year option to renew the contract to provide premium laser compatible ink and toner cartridges with the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI, as a result of a bid process hosted by the City of Ann Arbor for the Michigan Intergovernmental Trade Network (MITN) Cooperative under the same pricing, terms, and conditions as originally bid expiring July 6, 2013.

J-5 Municipal Credit and Community Credit Agreement

Resolution #2012-07-145-J-5



CITY COUNCIL ACTION REPORT

July 3, 2012

TO: Michael W. Culpepper, Acting City Manager

FROM: Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Total Bidder – Custodial Supplies

Background

On June 14, 2012, formal bids were received to provide one (1) year requirements of custodial supplies. 108 vendors were notified via the MITN website with five (5) responsive bids received. One additional response was disqualified as the bidder did not guarantee pricing for one-year as specified.

Empire Equipment and Supply Co is the lowest bidder overall for the ten custodial supply items that were bid. Several items bid by other vendors did not meet the size requirements of our dispensers as listed in the bid document, and therefore were disqualified on that item. The contract is being recommended for award to the low total bidder, as minimum shipping requirements to multiple vendors would force the City to order more than what was actually needed.

The award is contingent upon the recommended bidders' submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

Recommendation

City management recommends awarding the one (1) year contract to furnish custodial supplies as needed to the low total bidder, Empire Equipment and Supply Co of Detroit, Michigan for an estimated total cost of \$28,223.15 at unit prices contained on the attached bid tabulation to expire June 30, 2013.

Fund Availability

Funds are available in the various departmental operating budgets for Custodial Supplies

VENDOR NAME:

Empire Equipment & Supply Co.	Apac Paper and Packaging	Hercules & Hercules Inc.	Nichols
-------------------------------------	--------------------------------	-----------------------------	---------

ITEM	EST QTY (CS)	NUMBER PER CASE	DESCRIPTION	MANUF/BRAND CASE PRICE	MANUF/BRAND CASE PRICE	MANUF/BRAND CASE PRICE	MANUF/BRAND CASE PRICE
1.	400	96 rolls	2 Ply Toilet Tissue, 4.5" W X 3"-3.5" Diam.	VONDREHLE \$ 30.45	RESPONSE \$ 31.23	CASCADES 80 ROLLS \$ 33.35	SCA TM 1616 \$ 33.81
2.	600	4,000 ea	Unbleached Multi-fold Towels, 9.25"x9.516"	VONDREHLE \$ 15.00	RESPONSE DMS - SIZE \$ 13.86	GEORGIA PACIFIC \$ 16.47	SCA MK520A \$ 15.06
3.	50	4 Gal/cs	Antibacterial Hand Soap	SIMONIZ \$ 18.18	BETCO \$ 51.60	GOJO \$ 33.50	MIDLAB 027400-41 \$ 41.76
4.	50	6 Gal/cs	Liquid Bleach	SUNBRITE \$ 8.86	CLOROX 96 OZ \$ 14.25	SUNBRITE \$ 10.00	KIKBLEACH6 \$ 10.35
5.	180	6 rolls/cs	Unbleached Roll Towels 8" x 800'	VONDREHLE \$ 16.00	RESPONSE \$ 16.75	GEORGIA PACIFIC \$ 20.00	SCA RK8002 \$ 17.95
6.	10	250/pkg 20/cs	Toilet Seat Covers 14 7/8" x 10" dim	HOSP \$ 37.00	HOSP. SPEC. \$ 42.00	IMPACT DMS - SIZE \$ 29.80	ROCHESTER RRM 25177673 DMS - SIZE \$ 29.55
7.	40	12 cans/cs	Mist Air Freshener Can Dim 5 1/2" with nozzle	CHASE - 7oz \$ 30.94	CLAIRE 15 OZ \$ 38.50	CHASE - 7oz \$ 30.50	CLAIRE #112 \$ 47.68
8.	5	250/cs	Wax bags/sanitary napkin disp 9" x 10 1/2" x 3"	HOSP \$ 14.16	HOSP. SPEC. \$ 19.35	HOSPECO \$ 20.00	ROCHESTER RRM 25121298 \$ 15.65
9.	25	50#/bx	Laundry Detergent	SIMONIZ \$ 23.53	ARROW CHEMICAL \$ 57.60	ARROW AWS \$ 53.00	MIDLAB LP4101 \$ 42.05
10.	25	12 rolls/cs	Xlarge Toilet Tissue Rolls 9" x 1000' (Parks)	VONDREHLE \$ 21.78	RESPONSE-1000' ROLL \$ 19.70	GENERAL PAPER-1000' \$ 19.75	SCA TJ0922A \$ 25.57
ESTIMATED GRAND TOTAL FOR ALL ITEMS				\$ 28,223.15	\$ 31,104.75	\$ 32,433.75	\$ 32,367.95
DELIVERY: Minimum shipment: (\$ Amount or Case Qty)				\$ 300.00	\$ 200.00	\$ 200.00	\$ 500.00
CONTACT INFO: Hrs of Operations 24 Hr Phone # Fax #				8-5 pm (248) 470-7213 (313) 366-0706	8-5 (313) 982-6400 (313) 982-9900	8-5 (313) 930-0554 (313) 933-1801	8-5 pm (800) 442-0213 (231) 799-3550
DESCRIPTIVE LITERATURE: Attached Y or N				Y	Y	Y	Y
INSURANCE: Can meet Cannot meet				xx	xx	xx	xx
PAYMENT TERMS:				Net 30	Net 30	30 days Net	Net 25
WARRANTY:				Mfg	100% cust satisfaction	Mfr	Blank
EXCEPTIONS:				Blank	Listed in Bid	Listed in Bid	Blank
ALL OR NONE AWARD - Box <input checked="" type="checkbox"/> Y or N				N	N	N	N
ACKNOWLEDGEMENT: Signed Y or N				Yes	Yes	Yes	Yes

DMS:
Lower Huron Supply - Prices were not guaranteed for one year as specified.

PROPOSAL: One (1) Year Requirements of Custodial Supplies

ATTEST:
Susan Riesterer
MaryAnn Hays
Susan Leirstein

HIGHLIGHTED AREA DENOTES LOW TOTAL BIDDER

Susan Leirstein CPPO CPPB
Purchasing Director

Opening Date -- 06/14/12
 Date Reviewed -- 07/2/12

CITY OF TROY
 BID TABULATION
 CUSTODIAL SUPPLIES

VENDOR NAME:

Unique Products			
& Service Inc.			

ITEM	EST QTY (CS)	NUMBER PER CASE	DESCRIPTION	MANUF/BRAND	CASE PRICE		
				Gen 500			
1.	400	96 Rolls	2 Ply Toilet Tissue, 4.5" W X 3"-3.5" Diam.	\$	40.50		
				BWK 6202			
2.	600	4,000 ea	Unbleached Multi-fold Towels, 9.25"x9.516"	\$	17.71		
				ANTIBACTERIAL 6 GAL/CS			
3.	50	4 Gal/cs	Antibacterial Hand Soap	\$	69.68		
				CLOROX C10 02490			
4.	50	6 Gal/cs	Liquid Bleach	\$	13.99		
				BWK 16 GREEN			
5.	180	6 rolls/cs	Unbleached Roll Towels 8" x 800'	\$	29.68		
				BWK K2500 - 250/pkg => 10PKS/CASE			
6.	10	250/pkg 20/cs	Toilet Seat Covers 14 7/8" x 10" dim	\$	45.50 = 2x\$22.75		
				TIME MIST REFILLS			
7.	40	12 cans/cs	Mist Air Freshener Can Dim 5 1/2" with nozzle	\$	42.84		
				HOS 260 KRAFT-500/CS			
8.	5	250/cs	Wax bags/sanitary napkin disp 9" x 10 1/2" x 3"	\$	18.56		
				BE55050 BETCO CLASSIC			
9.	25	50#/bx	Laundry Detergent	\$	43.66		
				BWK 19 GREEN 1000'			
10.	25	12 rolls/cs	Xlarge Toilet Tissue Rolls 9" x 1000' (Parks)	\$	41.18		
ESTIMATED GRAND TOTAL FOR ALL ITEMS				\$	40,734.30		

DELIVERY: Minimum shipment:
 (\$ Amount or Case Qty)

\$	-		
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CONTACT INFO: Hrs of Operations
 24 Hr Phone #
 Fax #

7:30 - 4pm			
(734) 947-5603			
(734) 946-3594			

DESCRIPTIVE LITERATURE: Attached Y or N

N			
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INSURANCE: Can meet
 Cannot meet

xx			
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PAYMENT TERMS:

30 days			
---------	--	--	--

WARRANTY:

Returned if not satisfied			
---------------------------	--	--	--

EXCEPTIONS:

Blank			
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ALL OR NONE AWARD - Box Y or N

N			
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ACKNOWLEDGEMENT: Signed Y or N

Yes			
-----	--	--	--



Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 13, 2013

Aileen Bittner
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Subject: Appointment of Alternate

Dear Ms. Bittner:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Troy are as follows:

Representative

T. L. Richnak

Alternate

Mark F. Miller

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Troy on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2013.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/kb



CITY COUNCIL AGENDA ITEM

Date: May 22, 2013

To: Brian Kischnick, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Beachview Estates - Project No. 12.914.3

History

Mondrian Properties, Beachview Estates LLC proposes to develop Beachview Estates Site Condominium and is located 1000 feet south of Long Lake on the west side of Beach in the NW1/4 of Section 18.

Troy Planning Commission recommended preliminary site plan approval on January 8, 2013.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; sanitary sewer, storm sewer, water main, detention, paving, sidewalks, soil erosion and landscaping Improvements, which will be constructed by Mondrian Properties, Beachview Estates LLC on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by Mondrian Properties, Beachview Estates LLC (see attached Private Agreement).

Recommendation

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **12.914.3**

Project Location: **NW 1/4 Section18**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 3ard day of June, 2013 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Mondrian Properties, Beachview Estates, LLC whose address is 50215 Schoenherr, Shelby Twp., MI 48315 and whose telephone number is 586-726-7340 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of sanitary sewer, storm sewer, water main, detention, paving, sidewalks, soil erosion and landscaping in accordance with plans prepared by Professional Engineers Assotcies whose address is 2430 Rochester Ct., Troy, MI 48083 and whose telephone number is 248-689-9090 and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$ 299,937.00. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ 89,236.00. This amount will be deposited with the City in the form of (check one):

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

Non-refundable cash fees in the amount of \$ 32,509.00. This amount will be paid to the City in the form of (check one):

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

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

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

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

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

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

City Of Troy

**Contract for Installation of Municipal Improvements
(Private Agreement)**

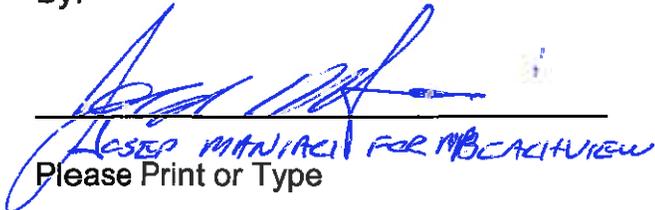
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 23rd day of May, 2013.

OWNERS

CITY OF TROY

By:

By:


Please Print or Type

Dane M. Slater, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 23rd day of May, A.D.2013, before me personally appeared Joseph Maniacci known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 10-14-16

JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2016
Acting In the County of Oakland

Detailed Summary of Required Deposits & Fees
 Beachview Estates Site Condominium's
 8 Units - Section 18

PAID

MAY 23 2013

CITY OF TROY
 TREASURER'S OFFICE

PERFORMANCE BOND:

Sanitary Sewers	\$27,405
Water Mains	\$55,840
Storm Sewers	\$41,616
Rear Yard Drains	\$41,128
Pavement - CONCRETE	\$65,198
Grading	\$50,000
Monuments and Lot Corner Irons	\$605
Sidewalks - ON SITE	\$180
Sidewalks - OFF SITE	\$4,965
Street Light	\$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$6,000

TOTAL PERFORMANCE BOND (REFUNDABLE): \$299,937
10% CASH WITH PERFORMANCE BOND (REFUNDABLE) \$29,994

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination (PA2)	\$650
Street Name and Traffic Signs (SUB 4)	\$5079
Maintenance of Detention Basin (20 year)	\$5,000
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$2,900
Testing Services (SUB 11)	\$4,499
Engineering Review and Inspection (PA 1)	\$21,985
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$3,034

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$32,509

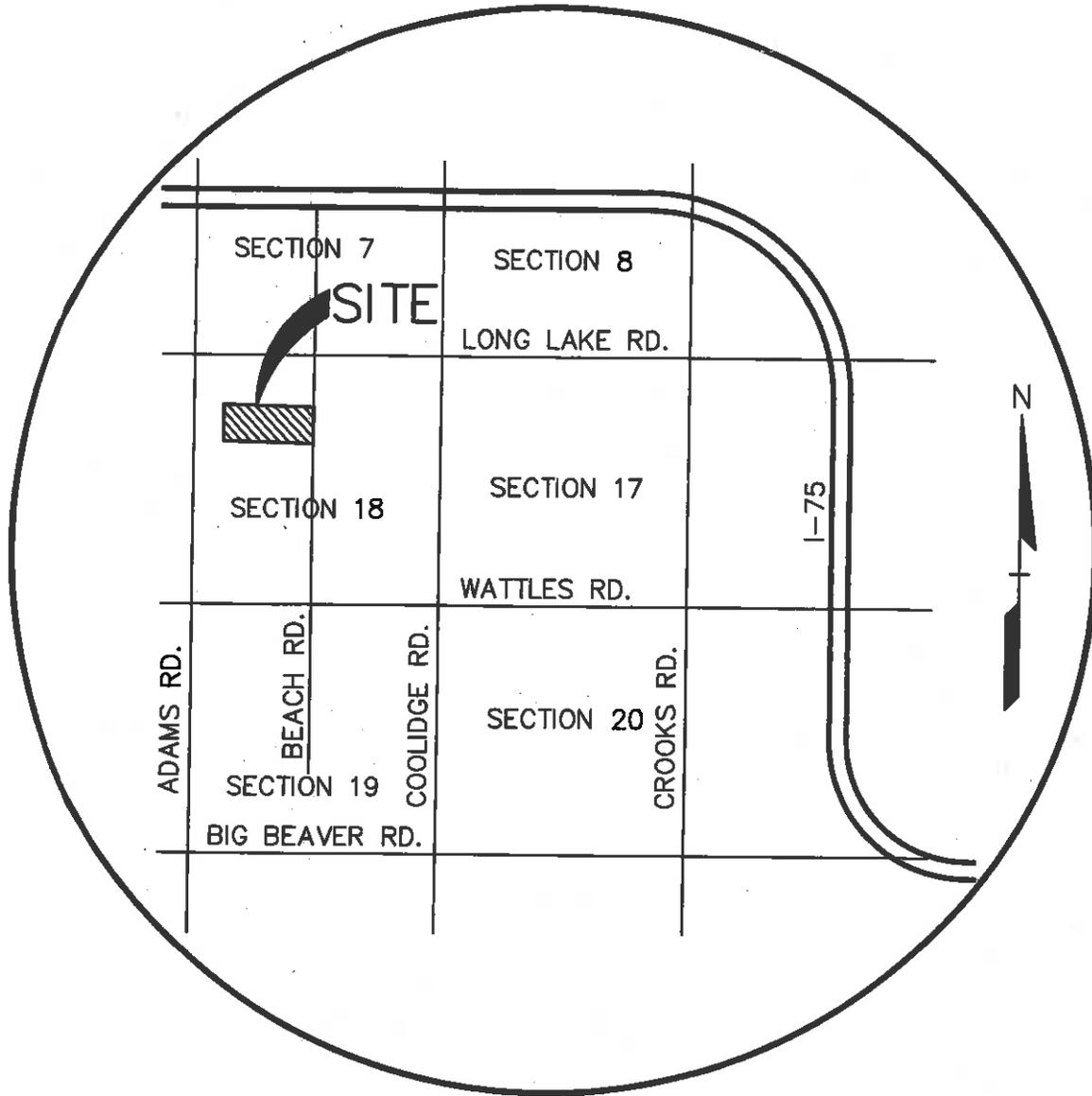
CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	\$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,000
Landscape Deposit	\$22,224
Punchlist & Restoration Deposit	\$33,694
Deposit for Repair, Replacement or Maintenance of SESC	\$1,000
Separate Check (PA 3) TOTAL CASH DEPOSITS (REFUNDABLE):	<u>\$59,242</u>
TOTAL CASH DEPOSITS (REFUNDABLE):	<u>\$89,236</u>

Stormwater detention for this development will be provided by:

New Onsite Public Pond

Engineer: Professional Engineering Associates, Inc



LOCATION MAP
NO SCALE



CITY COUNCIL AGENDA ITEM

Date: May 28, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
 Steven J. Vandette, City Engineer
 Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from James Mark and
 Nicole J. Fleming - Sidwell #88-20-23-200-060

History

As part of the development of a vacant parcel located in the northeast ¼ of Section 23, the Engineering department has received a permanent easement for sanitary sewer from James Mark and Nicole J. Fleming, owners of the property having Sidwell #88-20-23-200-060.

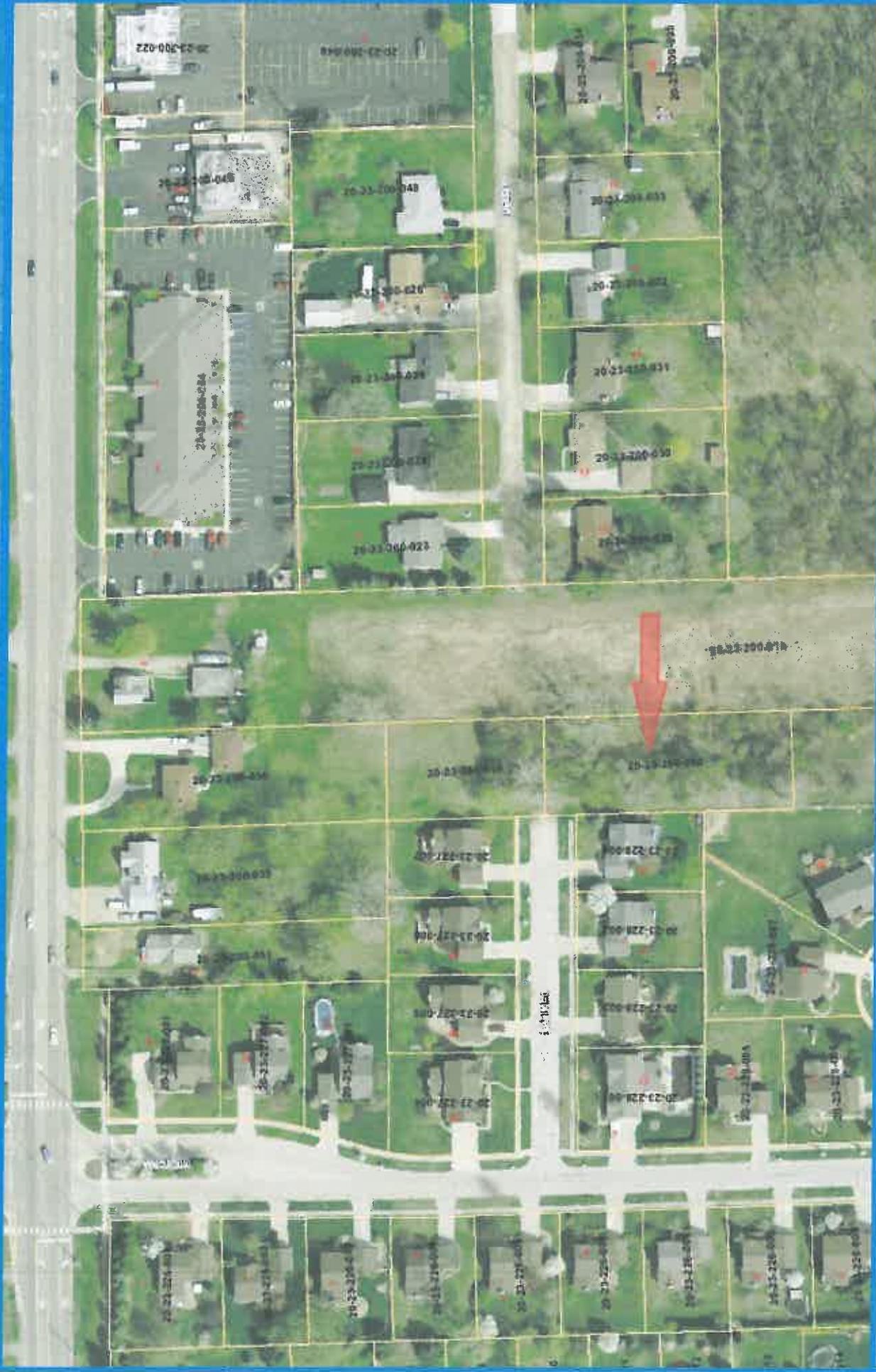
The format and content of this easement is consistent with easements previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.



352

0

176

352 Feet



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

PERMANENT EASEMENT

Sidwell #88-20-23-200-060 (part)

James Mark Fleming and Nicole J. Fleming, husband and wife, Grantor, whose address is, 3820 Victoria Court, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sanitary sewer**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 20th day of May A.D. 2013.

 (L.S.)
*James Mark Fleming

 (L.S.)
*Nicole J. Fleming

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of May, 2013, by James Mark Fleming and Nicole J. Fleming, husband and wife.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018


Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysta Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

EXHIBIT "A"

#88-20-23-200-060

A parcel of land being a part of Lot 4 of Supervisor's Plat No. 24, part of the Northeast 1/4 of Section 23, T.2N., R.11E., City of Troy, Oakland County, Michigan as recorded in Liber 55, Page 22 of the Oakland County Records more particularly described as; Commencing at the Northeast Corner of Section 23; thence N.88°42'31"W., 791.24 feet along the North line of Section 23 and the centerline of Wattles Road; thence S.00°09'54"W., 487.44 feet along the East line of Lot 4 of Supervisor's Plat No. 24, to the Point of Beginning; thence continuing along said line S.00°09'54"W., 241.64 feet; thence N.89°50'04"W., 96.99 feet to a point on the East line of Parkview Estates Subdivision as recorded in Liber 221, Pages 1-4 of the Oakland County Records; thence along the East line of Parkview Estates Subdivision N.00°09'56"E., 243.52 feet; thence S.88°43'39"E., 97.00 feet to the Point of Beginning and containing 0.540 acres.
Private Easement for Ingress, Egress & Public Utilities

Sanitary Sewer Easement

A private easement for sanitary sewer over and the above described parcel is further described as the westerly twenty feet (20') of the northerly thirty feet (30') of said parcel.



CITY COUNCIL AGENDA ITEM

Date: May 28, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Four Permanent Easements from The Michael Agnetti Trust
Sidwell #88-20-27-479-037 & 038

History

As part of the development of two vacant parcels located in the southeast $\frac{1}{4}$ of Section 27, the Engineering department has received four permanent easements for sidewalk, and storm sewer & surface drainage from The Michael Agnetti Trust dated April 10, 2008, owner of the property having Sidwell #88-20-27-479-037 & 038.

The format and content of these easements is consistent with easements previously accepted by City Council.

Financial

The consideration amount on each document is \$1.00

Recommendation

City Management recommends that City Council accept the attached permanent easements, consistent with our policy of accepting easements for development and improvement purposes.



598



598 Feet



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

PERMANENT EASEMENT

Sidwell #68-20-27-479-037 (part).

Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008, Grantor, whose address is 2977 Lovington, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace a sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 15th day of May A.D. 2013

Michael Agnetti (L.S.)
*Michael Agnetti Trustee of the Michael Agnetti Trust dated April 10, 2008

Michael Agnetti (L.S.)
*Michael Agnetti, individually

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 15th day of May, 2013, by Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

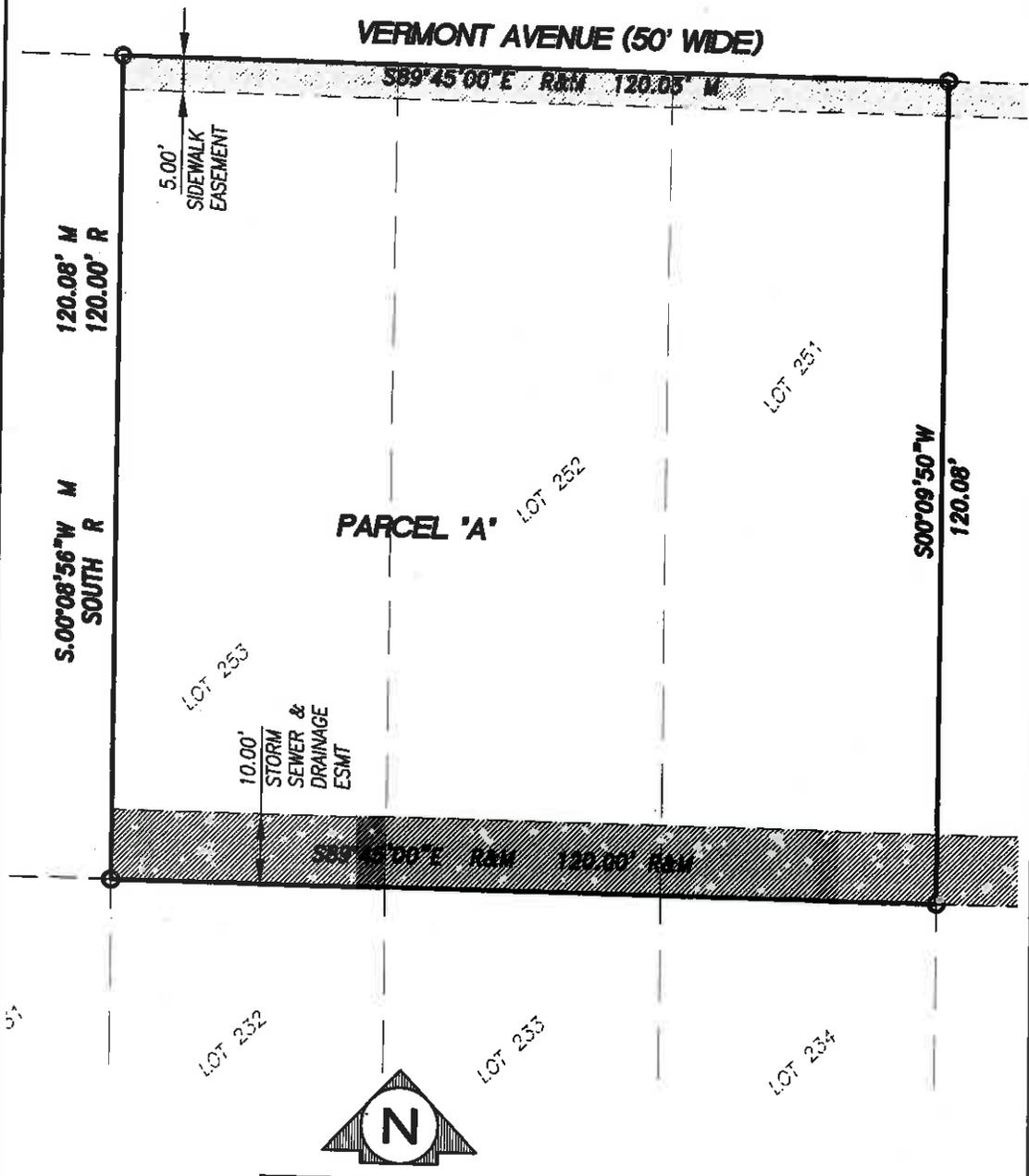
21-1179-02

SKETCH OF EASEMENT

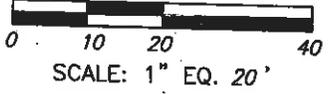
SIDEWALK EASEMENT: THE NORTHERLY 5 FT. OF PARCEL A, INCLUSIVE.

PARCEL 'A'

LOTS 251-253 AND OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,205 SQ. FT. OR 0.17 ACRES.



PREPARED FOR:
CASTLEHILL BUILDERS
2977 LOVINGTON
TROY, MI 48063
(248) 515-9061



SHEET: 1 OF 1

BRADLEY G. REICHERT P.S. #55923

Scale: 1"=20'
Date: 2/20/13
Job No. 08-064
Drawn: B.G.R.

REICHERT SURVEYING INC.
140 FLUMERFELT LANE
ROCHESTER, MICH. 48306
P:(248) 651-0592 F:(248) 656-7099
EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:

PERMANENT EASEMENT

Sidwell #88-20-27-479-037 (part)

Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008, Grantor, whose address is 2977 Lovington, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 15th day of May A.D. 2013

Michael Agnetti (L.S.)
*Michael Agnetti Trustee of the Michael Agnetti Trust dated April 10, 2008

Michael Agnetti (L.S.)
*Michael Agnetti, individually

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 15th day of May, 2013, by Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018
Larysa Figol
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

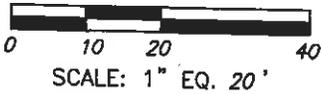
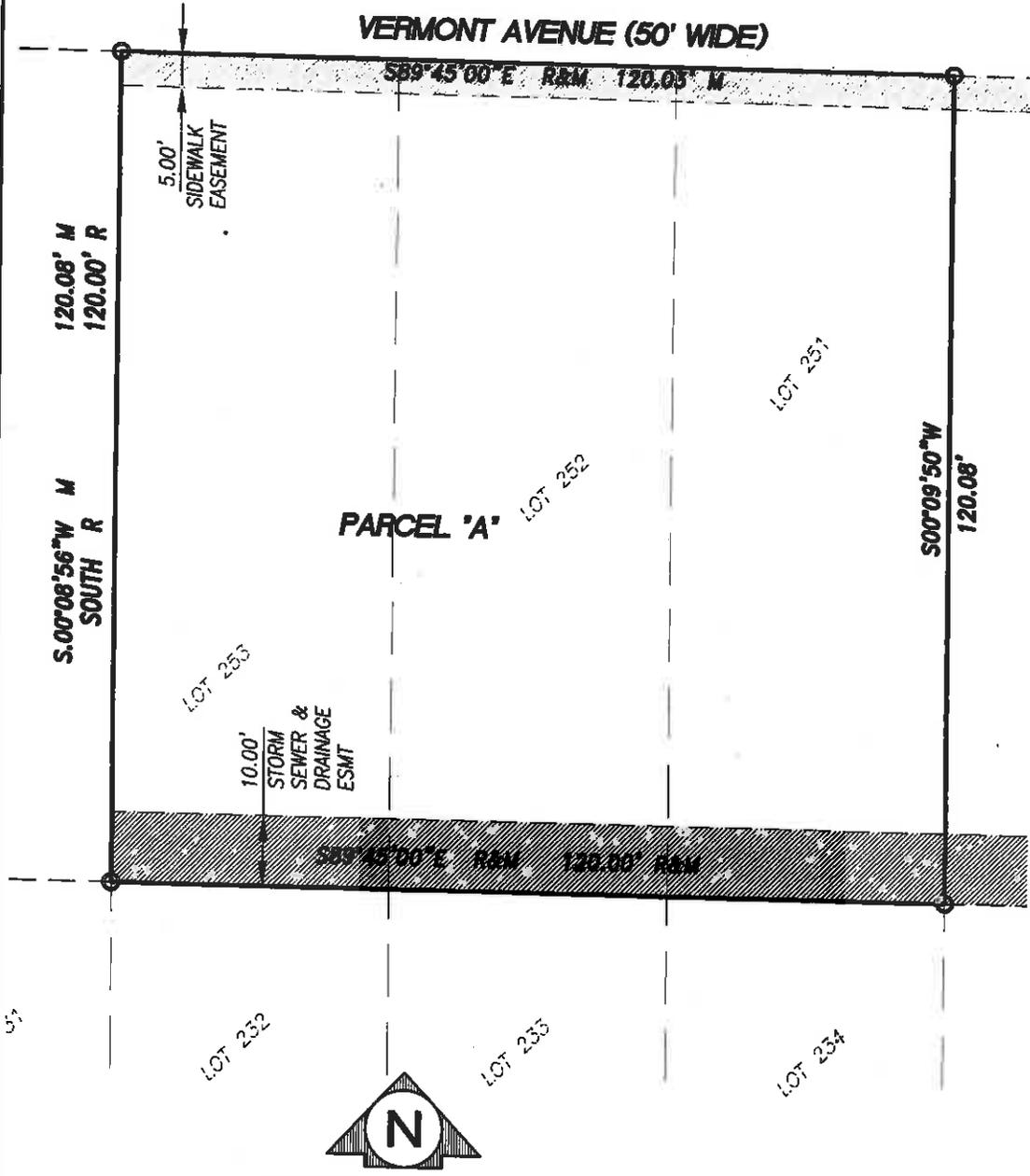
21-079-02

SKETCH OF EASEMENT

STORM SEWER AND SURFACE DRAINAGE EASEMENT: THE SOUTHERLY 10 FT. OF PARCEL A, INCLUSIVE.

PARCEL 'A'

LOTS 251-253 AND OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,206 SQ. FT. OR 0.17 ACRES.



PREPARED FOR:
 CASTLEHILL BUILDERS
 2977 LOVINGTON
 TROY, MI 48083
 (248) 515-9061

SHEET: 1 OF 1

BRADLEY G. REICHERT P.S. #55923

Scale: 1"=20'
 Date: 2/20/13
 Job No. 08-064
 Drawn: B.G.R.

REICHERT SURVEYING INC.
 140 FLUMERFELT LANE
 ROCHESTER, MICH. 48306
 P:(248) 651-0592 F:(248) 656-7099
 EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:

PERMANENT EASEMENT

Sidwell #88-20-27-479-038 (part)

Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008, Grantor, whose address is 2977 Lovington, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 15th day of May A.D. 2013

Michael Agnetti (L.S.)
*Michael Agnetti Trustee of the Michael Agnetti Trust dated April 10, 2008

Michael Agnetti (L.S.)
*Michael Agnetti, individually

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 15th day of May, 2013, by Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

Larysa Figol
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

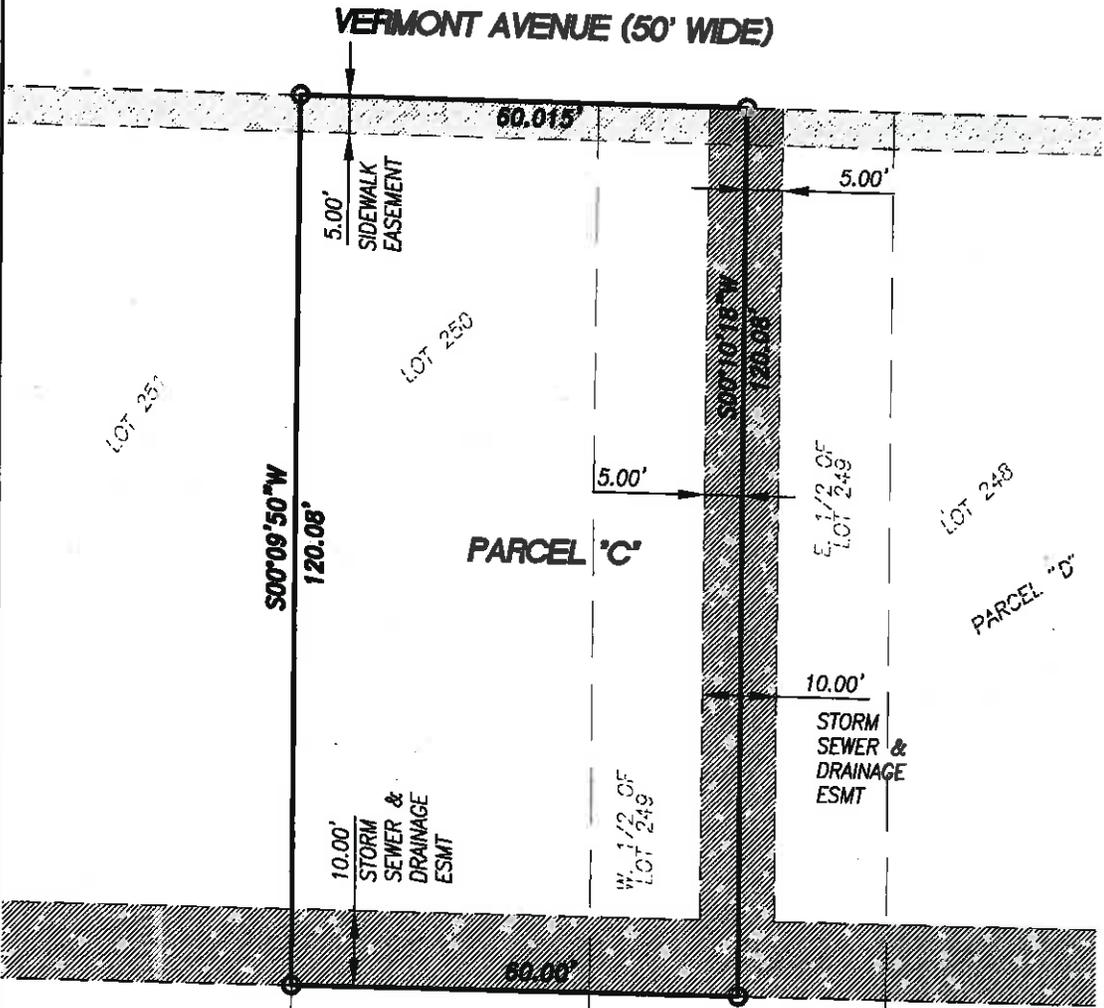
479-001

SKETCH OF EASEMENT

STORM SEWER AND SURFACE DRAINAGE EASEMENT: THE SOUTHERLY 10 FT. OF PARCEL C, INCLUSIVE. ALSO THE EASTERLY 5 FT. OF PARCEL C

PARCEL 'C'

LOT 250 AND THE WEST 1/2 OF LOT 249 OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,206 SQ. FT. OR 0.17 ACRES.



SCALE: 1" EQ. 20'

PREPARED FOR:
 CASTLEHILL BUILDERS
 2977 LOVINGTON
 TROY, MI 48083
 (248) 515-9061

SHEET: 1 OF 1

BRADLEY G. REICHERT P.S. #55923

Scale: 1"=20'
 Date: 2/20/13
 Job No. 08-064
 Drawn: B.G.R.

REICHERT SURVEYING INC.
 140 FLUMERFELT LANE
 ROCHESTER, MICH. 48306
 P:(248) 651-0592 F:(248) 656-7099
 EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:

PERMANENT EASEMENT

Sidwell #88-20-27-479-038 (part)

Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008, Grantor, whose address is 2977 Lovington, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace a sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 15th day of May A.D. 2013

Michael Agnetti (L.S.)
*Michael Agnetti Trustee of the Michael Agnetti Trust dated April 10, 2008

Michael Agnetti (L.S.)
*Michael Agnetti, individually

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 15th day of May, 2013, by Michael Agnetti, individually and as Trustee of the Michael Agnetti Trust dated April 10, 2008.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

Larysa Figol
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

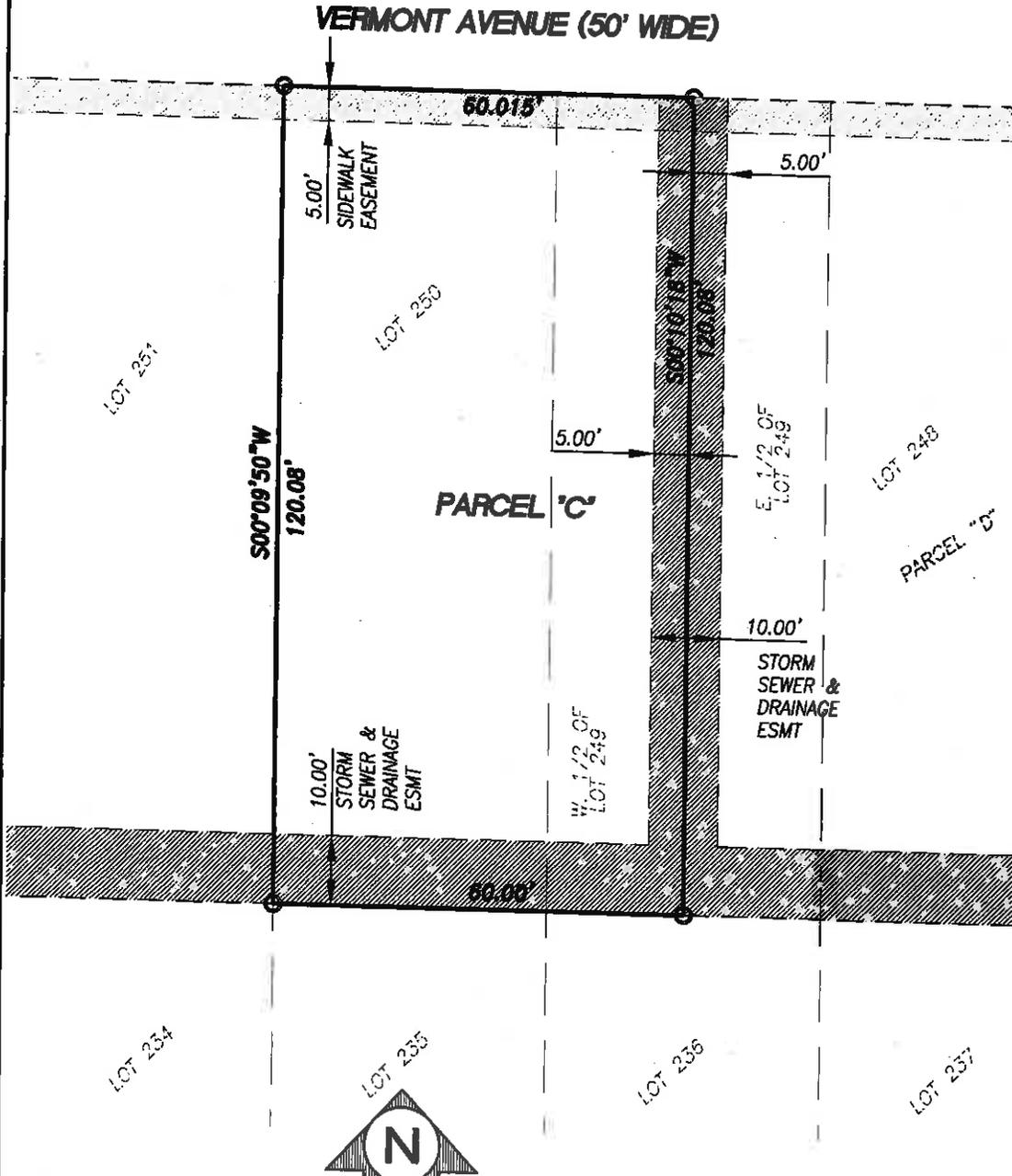
479-221

SKETCH OF EASEMENT

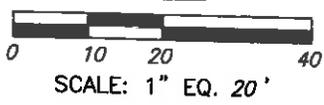
SIDEWALK EASEMENT: THE NORTHERLY 5 FT. OF PARCEL C, INCLUSIVE.

PARCEL 'C'

LOT 250 AND THE WEST 1/2 OF LOT 249 OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,206 SQ. FT. OR 0.17 ACRES.



PREPARED FOR:
 CASTLEHILL BUILDERS
 2977 LOVINGTON
 TROY, MI 48083
 (248) 515-9061



SHEET: 1 OF 1

BRADLEY G. REICHERT P.S. #55923

Scale: 1"=20'
 Date: 2/20/13
 Job No. 08-064
 Drawn: B.G.R.

REICHERT SURVEYING INC.
 140 FLUMERFELT LANE
 ROCHESTER, MICH. 48306
 P:(248) 651-0592 F:(248) 656-7099
 EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:



CITY COUNCIL AGENDA ITEM

Date: May 28, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Ursula Danielle Richardson
Sidwell #88-20-27-479-039

History

As part of the development of a vacant parcel located in the southeast $\frac{1}{4}$ of Section 27, the Engineering department has received two permanent easements for sidewalk, and storm sewer & surface drainage from Ursula Danielle Richardson, owner of the property having Sidwell #88-20-27-479-039.

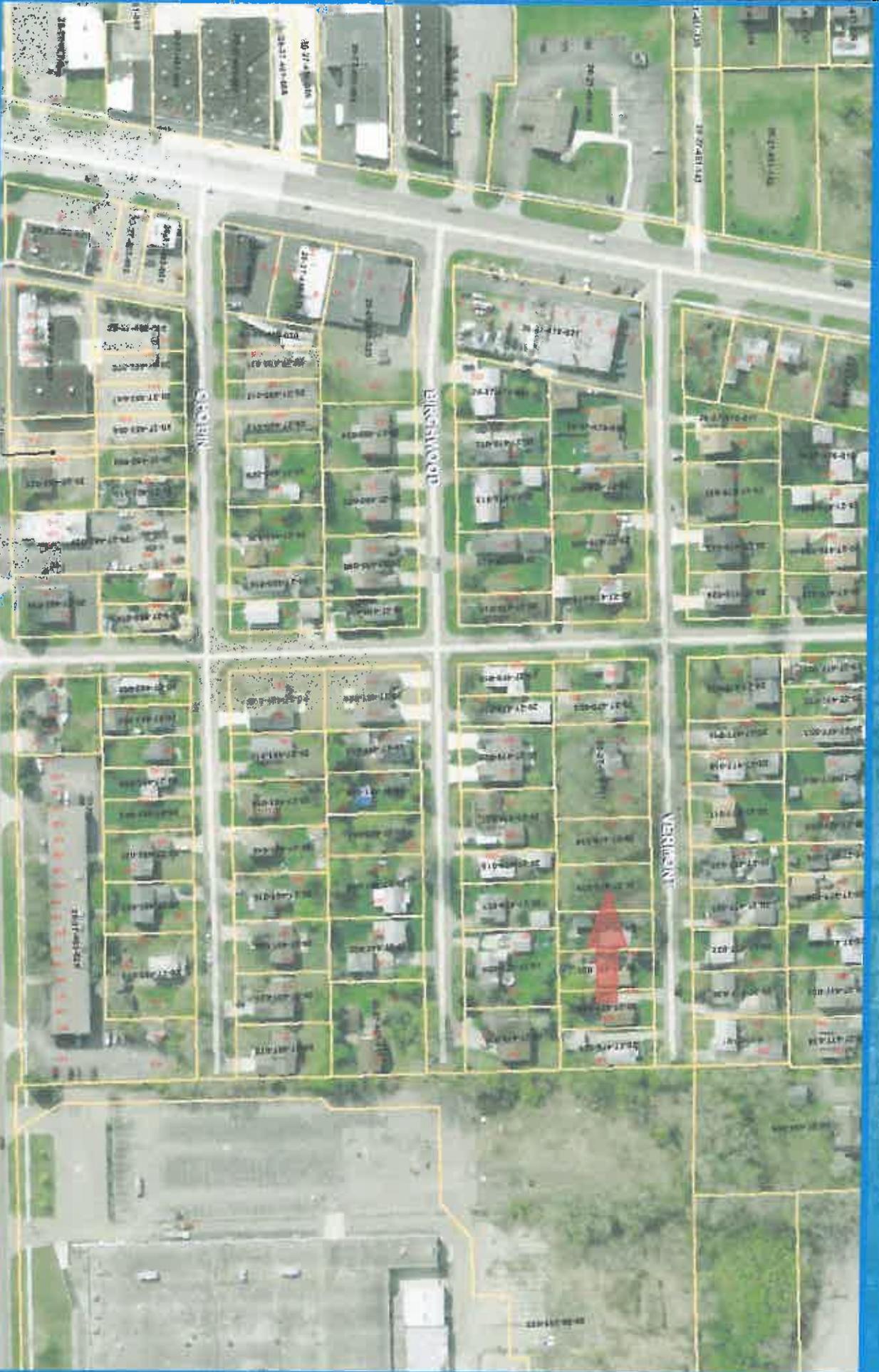
The format and content of this easement is consistent with easements previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.



457 0 229 457 Feet



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

PERMANENT EASEMENT

Sidwell #88-20-27-479-039 (pt)
Resolution #

Ursula Danielle Richardson, a married woman, Grantor, whose address is 1122 Vermont, Troy, MI 48083 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed her signature(s) this 27th day of February A.D. 2013.

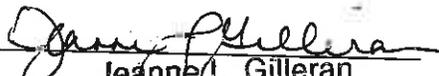
Signed by:

 (L.S.)
Ursula Danielle Richardson

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 27th day of February, 2013, by Ursula Danielle Richardson, a married woman

JEANNE L. GILLERAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Aug 18, 2018
ACTING IN COUNTY OF


* Jeanne L. Gilleran
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

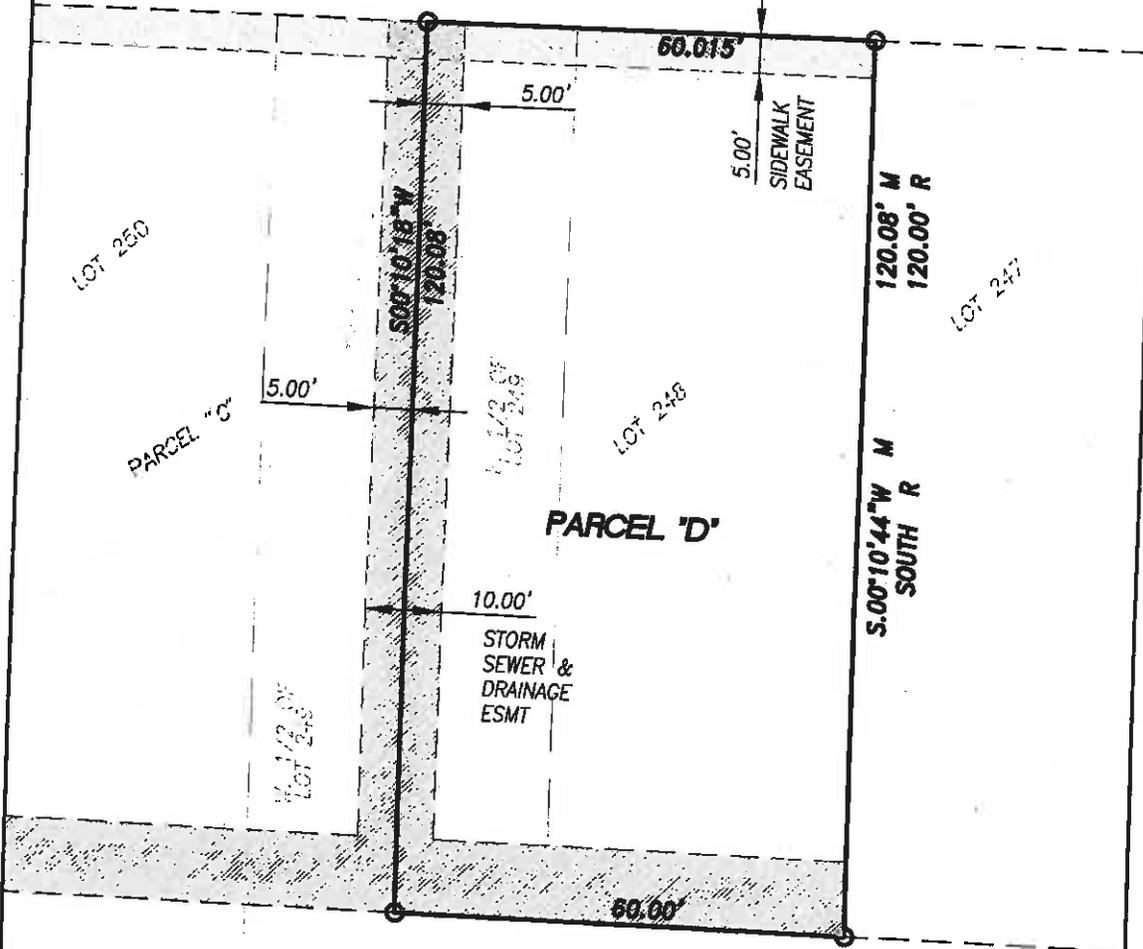
SKETCH OF EASEMENT

SIDEWALK EASEMENT: THE NORTHERLY 5 FT. OF PARCEL D, INCLUSIVE.

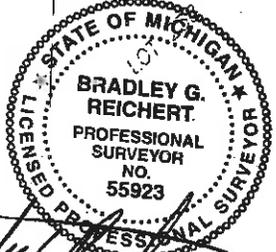
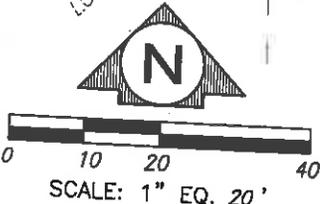
PARCEL 'D'

LOT 248 AND THE EAST 1/2 OF LOT 249 OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,206 SQ. FT. OR 0.17 ACRES.

VERMONT AVENUE (50' WIDE)



PREPARED FOR:
CASTLEHILL BUILDERS
2977 LOVINGTON
TROY, MI 48063
(248) 515-9061



Bradley G. Reichert
BRADLEY G. REICHERT P.S. #55923

SHEET: 1 OF 1

Scale: 1"=20'
Date: 2/20/13
Job No. 08-064
Drawn: B.G.R.

REICHERT SURVEYING INC.
140 FLUMERFELT LANE
ROCHESTER, MICH. 48306
P:(248) 651-0592 F:(248) 656-7099
EMAIL:MAIL@REICHERTSURVEYING.COM

Date:	Rev. By:

PERMANENT EASEMENT

Sidwell #88-20-27-479-039 (pt)
Resolution #

Ursula Danielle Richardson, a married woman, Grantor, whose address is 1122 Vermont, Troy, MI 48083 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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IN WITNESS WHEREOF, the undersigned hereunto affixed her signature(s) this 27th day of February A.D. 2013.

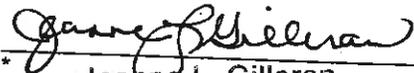
Signed by:

 (L.S.)
Ursula Danielle Richardson

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 27th day of February, 2013, by Ursula Danielle Richardson, a married woman

JEANNE L. GILLERAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Aug 16, 2018
ACTING IN COUNTY OF OAKLAND


Notary Public, Jeanne L. Gilleran County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

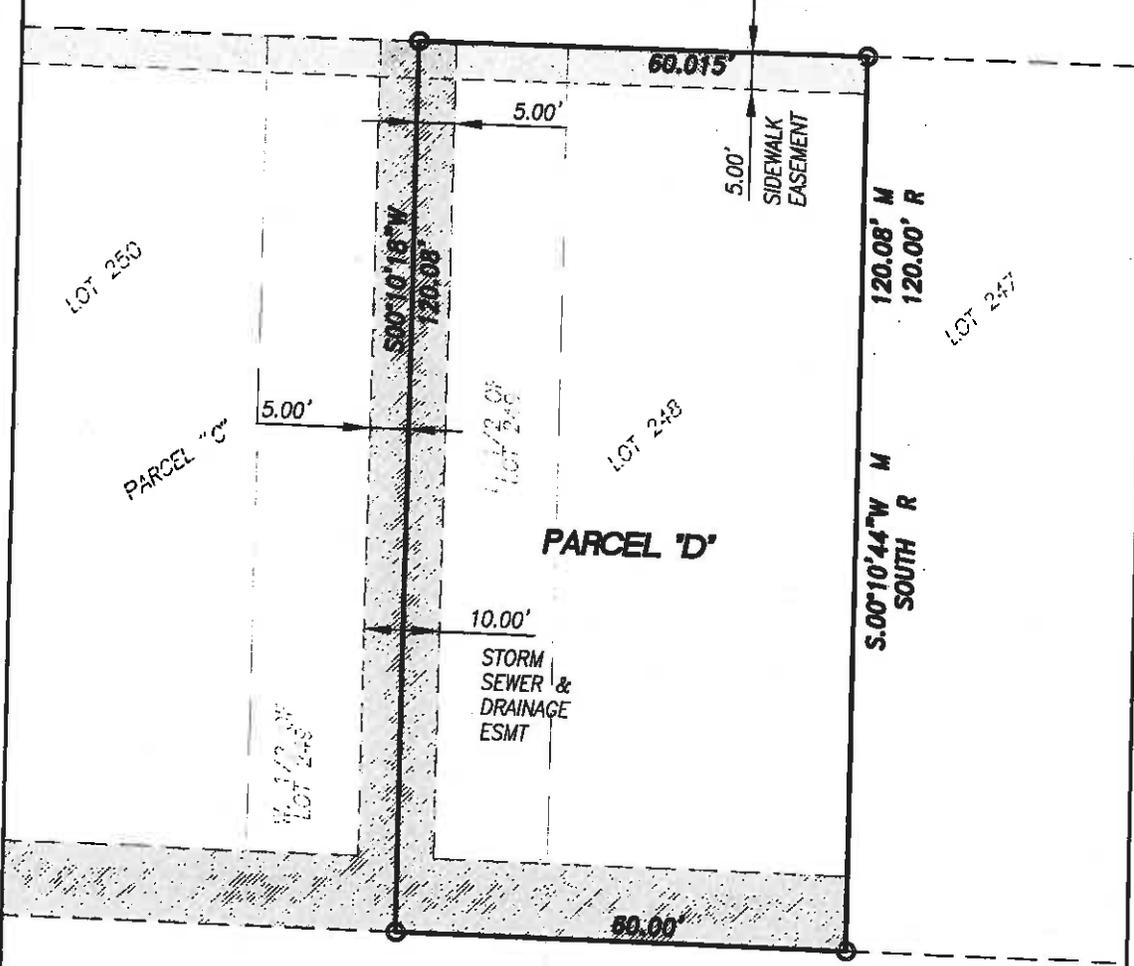
SKETCH OF EASEMENT

STORM SEWER AND SURFACE DRAINAGE EASEMENT: THE SOUTHERLY 10 FT. OF PARCEL D, INCLUSIVE. ALSO THE WESTERLY 5 FT. OF PARCEL D.

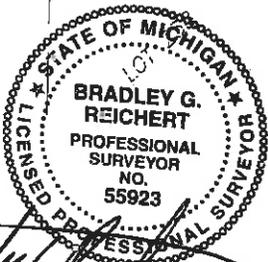
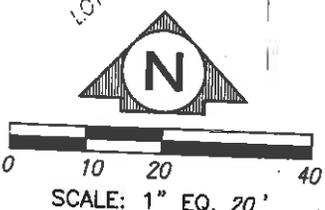
PARCEL 'D'

LOT 248 AND THE EAST 1/2 OF LOT 249 OF "STUMPF'S BEECH GROVE SUBDIVISION" BEING A PART OF THE S.E. 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGES 11 & 12, OAKLAND COUNTY RECORDS. CONTAINING 7,206 SQ. FT. OR 0.17 ACRES.

VERMONT AVENUE (50' WIDE)



PREPARED FOR:
CASTLEHILL BUILDERS
2977 LOVINGTON
TROY, MI 48083
(248) 515-9061



Bradley G. Reichert
BRADLEY G. REICHERT P.S. #55923

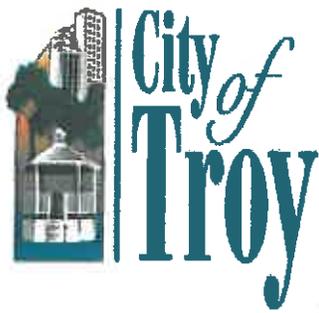
SHEET: 1 OF 1

Scale: 1"=20'
Date: 2/20/13
Job No. 08-064
Drawn: B.G.R.

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140 FLUMERFELT LANE
ROCHESTER, MICH. 48306
P:(248) 651-0592 F:(248) 656-7099
EMAIL:MAIL@REICHERTSURVEYING.COM



Date:	Rev. By:



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: May 29, 2013
SUBJECT: Edward Belczak v. City of Troy

Enclosed please find a copy of a lawsuit that Edward Belczak filed against the City of Troy on May 28, 2013. This case has been assigned to the Honorable Judge Denise Langford Morris of the Oakland County Circuit Court.

Through this lawsuit, Plaintiff is seeking an Order from the Oakland County Circuit Court that would reverse the 52-4 District Court Magistrate's order freezing Mr. Belczak's account at Merrill Lynch. The order freezing the account was granted at the request of the Troy police department, on the basis that the City of Troy police detectives are pursuing a criminal investigation of Mr. Belczak for alleged embezzlement and other crimes. This investigation has resulted in volumes of documentation, which has taken some time to review. The investigatory documents have also been requested and turned over to the Internal Revenue Service and the Federal Bureau of Investigations for simultaneous investigatory purposes.

The Complaint alleges four separate counts. First, Mr. Belczak argues that the City has wrongfully frozen the Merrill Lynch account, and he requests termination of the order, and full access to the money in the account. Second, he asserts a claim of replevin, where he argues that the City has wrongfully taken the money in the account from him, and asks for its return to him. Third, he asserts a due process violation, where he claims that he was not provided with an opportunity to challenge the entry of the order freezing the assets. Fourth, he alleges that the City has violated his Fourth Amendment rights by seizing his property. Lastly, he argues that he should be entitled to receive a copy of the police detective's affidavit in support of the request to freeze the account. This affidavit has been sealed by Court order until the conclusion of the investigation.

In addition to the requested access to his Merrill Lynch account, Mr. Belczak is also seeking monetary damages, costs, and attorney fees.

A proposed resolution authorizing our office to defend the City's interests is provided for your consideration.

PROPOSED RESOLUTION:

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 *Edward Belczak v. City of Troy (Oakland County Circuit Court Case No. 13-134158-PD)*. Furthermore, the City Attorney is authorized to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 2013-134158-PD 13- -PD JUDGE LANGFORD MORRIS
--	------------------------------	--

Court address
1200 N. TELEGRAPH ROAD, DEPT. 404, PONTIAC, MI 48341-0404

Court telephone no.
(248) 858-1000

Plaintiff's name(s), address(es) and telephone no(s).
EDWARD BELCZAK

Plaintiff's attorney, bar no., address, and telephone no.
ERNEST J. ESSAD, JR. (P32572)
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.
380 N. OLD WOODWARD AVENUE, SUITE 300
BIRMINGHAM, MI 48009; (248) 642-0333

v

Defendant's name(s), address(es), and telephone no(s).
CITY OF TROY, a Michigan municipal corporation
500 W. BIG BEAVER
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 an 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 MAY 22 2013	This summons expires AUG 21 2013	Court clerk Lisa Brown
------------------------------	--	----------------------------------

*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

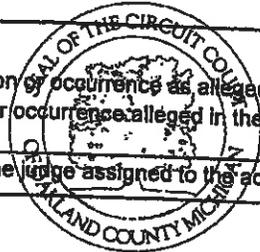
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties 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) CITY OF BLOOMFIELD HILLS, OAKLAND COUNTY, MI	Defendant(s) residence (include city, township, or village) CITY OF TROY, OAKLAND COUNTY, MI
Place where action arose or business conducted OAKLAND COUNTY, MI	

05/21/2013
Date

[Signature]
Signature of attorney/plaintiff **WILLIAM E. HOSLER (P41257)**

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (3/08) **SUMMONS AND COMPLAINT**

MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

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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.

STATE OF MICHIGAN
6th JUDICIAL CIRCUIT COURT
OAKLAND COUNTY

EDWARD BELCZAK

Plaintiff,

v

Case No. 2013- 134158 -PD
Hon. JUDGE LANGFORD MORIS

CITY OF TROY, a Michigan
municipal corporation

Defendant.

Ernest J. Essad, Jr (P32572)
William E. Hosler (P41257)
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.
Attorneys for Plaintiff
380 N. Woodward Avenue, Suite 300
Birmingham, Michigan 48009
PH: (248) 642-0333; FAX: (248) 642-0856
ejc@wwrplaw.com
weh@wwrplaw.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

/s/ Ernest J. Essad, Jr.

Ernest J. Essad, Jr (P32572)

COMPLAINT FOR CLAIM AND DELIVERY AND OTHER RELIEF

NOW COMES plaintiff EDWARD BELCZAK ("Plaintiff"), by and through his attorneys WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C., and for his Complaint against the defendant City of Troy, states:

1. Plaintiff is an individual residing in Oakland County, Michigan.
2. Defendant CITY OF TROY ("Troy") is a Michigan municipal corporation whose offices are in the City of Troy, Oakland County, Michigan.

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3. Troy has a police department ("Troy PD") whose offices are also in Troy, Oakland County, Michigan.

4. The events giving rise to this action took place in Oakland County, Michigan.

5. The amount in controversy is within the jurisdiction of this court because Plaintiff claims not only equitable relief in the form of affirmative relief, but money damages in excess of \$25,000, exclusive of interest, costs, and attorney fees.

6. Venue is proper in this Court.

GENERAL ALLEGATIONS

7. On or about February 5, 2013, the Troy PD sought and obtained, through an affidavit signed by Detective Michelle Cooney, a search warrant adversely affecting the Plaintiff (See Exhibit A, the partially redacted "Search Warrant".)

8. The Search Warrant has been served upon Merrill Lynch (ML). The Search Warrant states that ML shall "freeze and seal all funds" and/or safe deposit boxes belonging to the Plaintiff.

9. This act has caused the Plaintiff's account at ML to in fact be frozen and inaccessible to the Plaintiff.

10. The Plaintiff has not been charged with any crime. He is innocent until proven guilty and he vehemently denies he has committed any crime whatsoever.

11. The affidavit supporting the Search Warrant has not been provided to the Plaintiff or his counsel. The grounds for the issuance of the Search Warrant are unknown to the Plaintiff.

12. Without free access to his Property (defined below), including but not limited to all funds at ML, the Plaintiff is being wrongfully deprived of his lawful rights thereto, in violation of his state and federal constitutional rights.

13. The Troy PD has publicly announced that it is no longer investigating Plaintiff for an embezzlement yet refuses to release the Search Warrant and consequential freeze on the Plaintiff's account(s) despite demands to do so.

14. Upon information and belief, Troy has transferred Plaintiff's entire file to the federal authorities who, like Troy, have also concluded that no bases exist to continue any further investigation into allegations of any criminal wrongdoing by the Plaintiff.

COUNT I – CLAIM AND DELIVERY

15. Plaintiff re-alleges and incorporates by reference Paragraph 1 through 14 as though fully restated verbatim.

16. Upon information and belief, there is no evidence of a crime or criminal conduct involving the Plaintiff and pursuant to MCL 780.652, the grounds for continuing the issuance of the Search Warrant are baseless.

17. Under MCL 600.2920, a civil action may be brought to recover possession of any goods or chattels which have been unlawfully taken or unlawfully detained and to recover damages sustained by the unlawful taking or unlawful detention.

18. The Plaintiff has had his goods and/or chattels in the form of money, negotiable instruments (and/or their equivalent), investments, and all respective rights thereto (hereafter "Property") wrongfully taken from him by and through the continuing action of the Defendant. The Plaintiff seeks an order from this Court terminating the Search Warrant, and ordering that the Plaintiff have immediate access to and return of all of his Property.

19. Under MCL 440.2716 and/or MCL 440.2971, the Plaintiff seeks any form of supplemental decree from the Court for specific performance or equitable relief, directing the Defendant to release and return his Property to him upon such terms and conditions as to payment, damages, or other relief as the court may deem just.

WHEREFORE, the Plaintiff Edward Belczak respectfully requests that this Honorable Court enter relief in his favor against the Defendant as set forth below.

COUNT II – REPLEVIN

20. Plaintiff re-alleges and incorporates by reference Paragraph 1 through 19 as though fully restated verbatim.

21. The Plaintiff's Property taken by the Defendant was his personal property.

22. The Plaintiff is entitled to the immediate return of his Property.

23. The Defendant has wrongfully taken the Plaintiff's Property, or wrongfully caused it to have been taken from him.

24. Despite repeated requests, the Defendant has refused to return the Plaintiff's Property to him, or caused it to be returned to him as of the filing of this complaint.

WHEREFORE, the Plaintiff Edward Belczak respectfully requests that this Honorable Court enter relief in his favor against the Defendant as set forth below.

COUNT III – DENIAL OF DUE PROCESS

25. Plaintiff re-alleges and incorporates by reference Paragraph 1 through 24 as though fully restated verbatim.

26. The Plaintiff has expressed his ongoing interest in preserving his rights to and interests in, and to, his Property.

27. The constitutional guaranty of due process, in its most fundamental sense, is a guarantee against arbitrary legislation, demanding that the law shall not be unreasonable, arbitrary, or capricious, and that the means selected shall have a real and substantial relation to the object sought to be attained.

28. In this case, an underlying due process safeguard for the Plaintiff is the right not to have determinations about his Property made in an arbitrary and capricious manner without reasonable standards.

29. For example, but not limitation, the Plaintiff's due process rights were violated by the Search Warrant being obtained and issued without providing the Plaintiff notice and an opportunity to be heard.

30. In violation of the Plaintiff's due process rights, the Defendant has wrongfully seized the Plaintiff's Property rights and interests.

WHEREFORE, the Plaintiff Edward Belczak respectfully requests that this Honorable Court enter relief in his favor against the Defendant as set forth below.

COUNT IV – VIOLATION OF FOURTH AMENDMENT

31. Plaintiff re-alleges and incorporates by reference Paragraph 1 through 30 as though fully restated verbatim.

32. The Plaintiff has expressed his ongoing interest in preserving his rights to and interests in, and to, his Property.

33. Under the 4th Amendment of the United States Constitution, as well as article 1, section 11 of the Michigan Constitution, the people have a right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.

34. As set forth in this complaint, this constitutional protection owed to the Plaintiff against unreasonable searches and seizures has been violated by this Defendant concerning the rights and interests of the Plaintiff in and to his Property.

WHEREFORE, the Plaintiff Edward Belczak respectfully requests that this Honorable Court enter relief in his favor against the Defendant as set forth below.

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COUNT V – F.O.I.A REQUEST

35. Plaintiff re-alleges and incorporates by reference Paragraph 1 through 34 as though fully restated verbatim.

36. The Plaintiff is entitled to obtain a copy of the Search Warrant affidavit pursuant to MCL 780.651(8) and MCL 15.231, *et seq.*, the Michigan freedom of information act (“F.O.I.A.”)

37. The Plaintiff, through counsel, has requested a copy of the subject affidavit, but such request has been rejected.

38. Plaintiff denies any and all civil or criminal liability or behavior, either in his personal or professional capacity. He is entitled to know about all statements and allegations which assert anything to the contrary.

WHEREFORE, the Plaintiff Edward Belczak respectfully requests that this Honorable Court enter relief in his favor and against the Defendant City of Troy as follows:

- A. Enter a judgment or order setting aside the Search Warrant; and
- B. Enter a judgment or order granting Plaintiff’s claim and delivery request, ordering immediate unrestricted access to all of his Property, including but not limited to all accounts at ML, or the collateral equivalent thereto, and/or a judgment for the value of the collateral in the account(s) at the time the Search Warrant was first issued; and
- C. Enter a judgment or order granting Plaintiff’s replevin request, ordering immediate access to all of his Property, including but not limited to all accounts at ML, or the collateral equivalent thereto, and/or a judgment for the value of the collateral in the account(s) at the time the Search Warrant was first issued; and
- D. Enter a judgment or order granting Plaintiff’s request that the Defendant be found in violation of the Plaintiff’s due process rights, ordering the appropriate relief including but not limited to the Plaintiff’s immediate access to his Property, including but not limited to all accounts at ML, or the collateral equivalent thereto, and/or a judgment for the value of the collateral in the

account(s) at the time the Search Warrant was first issued, in addition to recovery of all his costs and actual attorney fees to date; and

E. Enter a judgment or order granting Plaintiff's request that the Defendant be found in violation of the Plaintiff's 4th Amendment rights, ordering the appropriate relief including but not limited to the Plaintiff's immediate access to his Property, including but not limited to all accounts at ML, or the collateral equivalent thereto, and/or a judgment for the value of the collateral in the account(s) at the time the Search Warrant was first issued, in addition to recovery of all his costs and actual attorney fees to date; and

F. Enter a judgment or order granting the Plaintiff's F.O.I.A. request, and order that the Troy PD and/or Detective Cooney immediately provide the Plaintiff a copy of the affidavit supporting the Search Warrant, in addition to copies of whatever other documents are in the possession or control of the Troy PD or Detective Cooney that in any way pertain to the allegations in the affidavit; and

G. Award Plaintiff such other and further interim and final relief, including monetary damages and costs, as justice and equity require.

Respectfully submitted,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

By: /s/ Ernest J. Essad, Jr.

ERNEST J. ESSAD, JR. (P32572)

WILLIAM E. HOSLER (P41257)

Attorneys for Plaintiff

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Birmingham, MI 48009

(248) 642-0333

EJE@WWRPLAW.COM

WEH@WWRPLAW.COM

Dated: May 21, 2013

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EXHIBIT A

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EXHIBIT A

5-2-4 DISTRICT Court,
Oakland County, State of Michigan.

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MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LSB*
DATE: May 30, 2013
SUBJECT: Proposed Ordinance Incorporating Recent Changes To State Fireworks Statute

The Troy City Council has previously discussed some of the local impacts resulting from the passage of the Michigan Fireworks Safety Act (2011 PA 256, MCL 28.451 et. seq.). (See attached memorandums) In August 2012, the Troy City Council passed a resolution urging the Michigan legislature to modify the law to address some of the municipal concerns with the state law (attached). Since that time, City Administration has been closely monitoring this issue. Yesterday, on May 29, 2013, the Michigan House of Representatives almost unanimously passed amendments to the law that expressly allow for municipalities to set limits on the hours that fireworks can be discharged during the three day holiday period. It is hoped that the Michigan Senate will act quickly on this proposed bill, so that it will be effective prior to July 4, 2013.

There are only two regularly scheduled Troy City Council meetings before July 4, 2013. As of today's date, the Michigan Senate has not taken any action. However, if the Senate does approve changes to the law, then City Council only has one additional regularly scheduled City Council meeting prior to July 4, 2013. Therefore, in anticipation of changes to state law, this item is presented to the Troy City Council as an informational item for the June 3, 2013 agenda, with the hope that City Council will be able to consider ordinance amendments at the June 17, 2013 regularly scheduled City Council meeting.

A red lined draft of City Administration's current recommended revisions is attached, but this may need to be revised, depending on what happens to the state law. Please let me know if there are any questions concerning this matter.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 98 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 98, Section 98.05.16 of the Code of the City of Troy.

Section 2. Amendment

Section 98.05.16 shall be amended as follows:

98.05.16 Fireworks. No person shall fire, discharge, display, or possess any fireworks, except as permitted by state law and this ordinance. There shall be no ignition, discharge or use of consumer fireworks on all days except for on the day before a national holiday, the national holiday, and the day after a national holiday. On these holiday dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 8 am to midnight for each of these days, and between 8 am and midnight on New Year's Day only, in accordance with state and local law. A person who ignites, uses or discharges a consumer firework at any time except as set forth above is responsible for a municipal civil infraction, which is punishable by a fine of up to \$500. A person who violates any other portion of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine or not more than \$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 the _____ day of _____, _____.

Dane Slater, Mayor

M. Aileen Bittner, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 93 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 93 of the Code of the City of Troy.

Section 2. Amendment

Sections 105.6.14.1, 3301.1.3, 3308.1, 3308.11, and Chapter 47 shall be amended as follows:

105.6.14.1 Fireworks. An operational permit is required for **ignition, discharge and use of agricultural or wildlife fireworks, articles pyrotechnic, public display fireworks before a proximate audience, or special effects fireworks as stipulated in this ordinance.** ~~the public display and retail display and sale of fireworks.~~ Application for permits shall be made in writing at least 15 days in advance of the date of the public display, ~~retail display or sale of fireworks.~~ The ~~sale,~~ possession, and distribution of fireworks for such **use and** display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks ~~are prohibited unless~~ **shall be** in compliance with the Michigan Fireworks Law 1931 PA 328 **Safety Act, Act No. 256, Public Acts of 2011** ~~as amended, or its equivalent.~~ **and any amendments thereto, and this ordinance.**

3308.1 General. ~~The display of fireworks, including~~ **Outdoor fireworks displays,** proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with this chapter, and NFPA 1123 or NFPA 1126. ~~d~~Approved public displays shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property or endanger any person.

~~**3308.11 Retail Display and Sale.** A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks~~

~~displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.~~

Chapter 47 REFERENCED STANDARDS

State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:

Michigan Fire Prevention Code 1941 PA 207
Michigan Explosives Law 1970 PA 202
~~Michigan Fireworks Law 1931 PA 328~~ Michigan Fireworks Safety Act, Act
No. 256, Public Acts of 2011, and any amendments thereto
Michigan Model Rocket Law 1965 PA 333
Michigan Storage and Handling of Flammable and Combustible Liquids
Rules
Michigan Underground Storage Tank Rules 1999

Section 3. Repeal

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

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

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

Dane Slater, Mayor

M. Aileen Bittner, City Clerk

July 25, 2012
N-06a Regular Meeting



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LSB*
DATE: July 18, 2012
SUBJECT: Fireworks Regulations

The Michigan Legislature's passage of the Michigan Fireworks Safety Act (2011 PA 256) has caused some municipalities to enact local regulations concerning the use and discharge of fireworks. Due to activity during the past month, some members of the Michigan legislature are reviewing the newly enacted state statute, MCL 28.451 et. seq. to address concerns that have been raised by residents and local governmental units.

In the interim, some municipalities have enacted ordinances that completely prohibit the use or discharge of fireworks on days other than the national holidays. Local ordinances have been enacted in Birmingham, Center Line, Ferndale, Keego Harbor, Novi, Rochester Hills, Royal Oak, Sterling Heights, Sylvan Lake, Warren, West Bloomfield and other metropolitan Detroit communities, as well as in cities on the west side of the State, including Grand Rapids, Kentwood and Walker.

The current state law pre-empts any local regulation addressing the use and discharge of fireworks on the national holidays (including the day before and the day after the holiday). In other communities, there have been challenges to criminal noise citations issued on these designated days, so there may be case law in the near future clarifying this aspect.

The City of Troy has used state law and Troy's existing ordinances to address firework complaints. Under state law, fireworks cannot be discharged on public property, school property, church property, or the property of another person (unless explicit permission is given). Persons under the influence of drugs or alcohol are prohibited from discharging fireworks. Minors cannot purchase the more powerful fireworks that are otherwise authorized under the new state statute. All of these provisions are incorporated in Troy's ordinance, which requires compliance with the State law. Troy also has additional provisions, including Chapter 98, Section 98.05.05, prohibiting loud conduct which disturbs the peace and quiet. This provision can be cited if persons are caught disturbing the peace with the use of fireworks. The City also has a nuisance ordinance, Chapter 88 of the City of Troy Ordinances, which could be used against property owners to abate a continuing nuisance, such as loud conduct or littering.

City Administration is happy to work on a proposed ordinance revisions concerning fireworks if Council directs. A proposed ordinance could do any of the following:

- prohibit fireworks on all days but the designated holidays; and/or
- set hours on the discharge of fireworks; and/or
- prohibit minors from using or discharging fireworks; and/or
- create setbacks from residential property; and/or
- other items that need to be addressed

Please let us know how Council would like to proceed on this matter.

1-06 August 13
2012
Regular
Meeting



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LSB*
DATE: August 8, 2012
SUBJECT: Proposed Resolution Requesting Changes to State Fireworks Statute

At the July 23, 2012 City Council meeting, City Council discussed the impact of the newly passed Michigan Fireworks Safety Act (2011 PA 256, MCL 28.451 et. seq.) in the City of Troy. In recognition of the number of complaints filed and the potential conflicts in the law, City Council informally requested the preparation of a proposed resolution for consideration at the August 13, 2012 City Council meeting.

Attached please find a proposed resolution that sets forth the municipal concerns articulated by the Fire Department, Police Department, and Planning/ Code Enforcement Departments.

Please let me know if there are any questions concerning this matter.

CITY COUNCIL MINUTES-Final

August 13, 2012

the services of the Oakland County Board of Carvassers.

Yes: McGinnis, Slater, Daniels, Campbell, Fleming, Henderson
No: None
Abstain: Tietz

MOTION CARRIED

1-5 City Council Rules of Procedure

Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby APPROVES the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

Vote on Resolution to Postpone Item 1-5 City Council Rules of Procedure

Resolution #2012-08-161
Moved by Tietz
Seconded by Fleming

RESOLVED, That Troy City Council hereby POSTPONES Item 1-5 City Council Rules of Procedure to the August 27, 2012 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

1-6 Proposed Resolution Requesting Changes to State Fireworks Statute

Resolution #2012-08-162
Moved by Daniels
Seconded by Slater

WHEREAS, 2011 PA No. 288 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, The revised state fireworks statutes, specifically MCL 28.451 et seq., resulted in many complaints and concerns being raised by municipal constituents during the most recent 4th of July holiday period; and

WHEREAS, The statutory revisions to MCL 28.451 et. seq. also contain provisions that have created some concerns for Michigan municipalities.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly URGES the Michigan Legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq., to

←
2012
Resolution
←

CITY COUNCIL MINUTES-Final

August 13, 2012

address the following:

- Provide clarification as to the powers of municipalities to establish reasonable regulations on all days, including designated holidays, in furtherance of the municipal obligation to provide for the public peace and health and safety of persons and property. These municipal powers include but are not limited to restrictions on the hours that fireworks can be discharged or restrictions on the locations that fireworks can be discharged.
- Remove any potential conflicts between the Michigan Occupational Safety and Health Act (PA 154 of 1974, as amended), the Michigan Fire Prevention Code Act, (PA 207 of 1941, as amended), the International Fire Code (2009) and MCL 28.451 et. seq.
- Clarify the storage and disposal responsibilities imposed on municipal officials for seized or illegal fireworks.
- Articulate the pre-emptive abilities of a municipal government to enact emergency moratoriums, based on hazardous environmental conditions.
- Clarify the powers of municipal officials to enforce reasonable regulations on all days, including designated holidays.
- Explicitly affirm that fireworks distributors and entities are not exempt from any and all local municipal regulations governing temporary businesses.
- Apply consistent regulations governing minors who purchase, use, store or discharge fireworks.
- Explicitly delegate inspection responsibilities to municipal officials, since this will increase the knowledge and preparedness for emergency responders, as well as the timeliness of the inspections. This also requires coordinating provisions for payment to the municipalities for the inspection and other work performed.

BE IT FURTHER RESOLVED, That the City Clerk shall SEND a copy of this Resolution to all state elected officials representing any portion of the City of Troy.

Yes: Daniels, Campbell, Fleming, Henderson, McGinnis, Slater
No: Tietz

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-08-163
Moved by Fleming
Seconded by McGinnis

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

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on March 27, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Al Petruilis

Jayne Saeger

Gretchen Waters

Absent:

Patrick Carolan

Steve Toth

Also Present:

Paul Evans, Zoning and Compliance Specialist

Julie Dufrane, Assistant City Attorney

Mr. Evans advised that because a full Board was not present, the applicant may request postponement to a date certain. The applicant did not request adjournment.

2. APPROVAL OF AGENDA – No changes

3. APPROVAL OF MINUTES – November 28, 2012

Moved by Petruilis

Seconded by Saeger

RESOLVED, to approve the November 28, 2012 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASE

- A. WAIVER REQUEST, EDWARD DOWNING, 4282 SUGAR GROVE – In order to keep up to 4 chickens, hens only, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .34 acres in size.

Mr. Downing presented a brief PowerPoint presentation reviewing the aspects of his request including:

- A 6 foot tall fence will be erected around the backyard.
- Chicken wings will be clipped or an enclosure will be built to prevent chickens escaping.
- He will follow Michigan Commission of Agriculture & Rural Development “Generally Accepted Agricultural and Management Practices for the Care of Farm Animals” dated January 2012.

Mr. Downing discussed the Michigan Right to Farm Act and its applicability in this matter. City staff advised the Michigan Right to Farm Act does not apply to this request.

Mr. Downing expressed his opinion about the City’s Animal Ordinance. He referenced a 2012 Environmental Law Institute survey of municipal laws relating to backyard poultry, and paraphrased information from it relating to the number of chickens different communities allow.

Chair Saeger opened the public hearing.

A resident of Minnesota Drive expressed her general belief that chickens should be allowed on residential property.

Mr. Evans summarized written communications received by the Planning Department:

- E-mails from 5 Sugar Grove Court residents in favor of the request.
- One e-mail from a Brandywyne Drive resident not in favor of the request.
- One letter from 3 Frostwood Court residents not in favor of the request.

Chair Saeger closed the public hearing.

In response to public hearing comments, Mr. Downing disagreed with many of the statements indicated in the letters from those not in favor of the request.

Motion by Petrulis
Seconded by Waters

RESOLVED, to deny the request because the property is significantly under $\frac{3}{4}$ of an acre and the property size is typical of those within Troy subdivisions.

Yes: All

MOTION PASSED

5. OTHER BUSINESS

A. ELECTION OF OFFICERS

Motion by Waters
Second by Petrulis

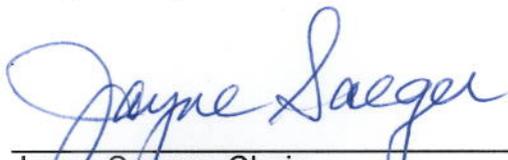
RESOLVED, to adjourn Election of Officers to the regularly scheduled May 22, 2013 meeting, because a full Board is not present.

Yes: All

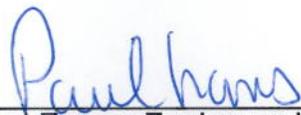
6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 8:02 p.m.

Respectfully submitted,



Jayne Saeger, Chair



Paul Evans, Zoning and Compliance Specialist

On April 16, 2013, at 7:30 p.m., in the Council Chambers of Troy City Hall, Vice Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

- Bruce Bloomingdale
- Glenn Clark
- Kenneth Courtney
- Orestis Kaltsounis
- Thomas Krent
- David Lambert

Absent:

- Allen Kneale
- David Eisenbacher

Also Present:

- Paul Evans, Zoning & Compliance Specialist
- Allan Motzny, Assistant City Attorney

2. APPROVAL OF MINUTES – January 15, 2013

RESOLVED, To approve the January 15, 2013 meeting minutes.

Moved by Bloomingdale
Seconded by Courtney

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. **Variance Request, John Wernis, United Ventures II LLC, Vacant property on Birchwood between 1825 and 1871 Birchwood, Tax Parcel Identification Number 20-26-478-033** – In order to operate a contractor’s yard/outdoor storage facility, a variance from the requirement that a building must be on the site.

Moved by Krent
Seconded by Bloomingdale

RESOLVED, To grant the request.

Yes: Bloomingdale, Clark, Kaltsounis, Krent
No: Courtney, Lambert

MOTION PASSED

5. COMMUNICATIONS – Elections for ZBA Chair and Vice Chair will be held in May. Each position is a 1 year term.

6. MISCELLANEOUS BUSINESS – Mr. Evans summarized changes to the ZBA application form to more clearly direct applicants to explicitly state their practical difficulty. The Board was in general agreement with the changes.

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:30 p.m.

Respectfully submitted,



Glenn Clark, Vice Chair



Paul Evans, Zoning and Compliance Specialist

On April 16, 2013, at 7:30 p.m., in the Council Chambers of Troy City Hall, Vice Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale
Glenn Clark
Kenneth Courtney
Orestis Kaltsounis
Thomas Krent
David Lambert

Absent:

Allen Kneale
David Eisenbacher

Also Present:

Paul Evans, Zoning & Compliance Specialist
Allan Motzny, Assistant City Attorney

2. APPROVAL OF MINUTES – January 15, 2013

RESOLVED, To approve the January 15, 2013 meeting minutes.

Moved by Bloomingdale
Seconded by Courtney

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

- A. **Variance Request, John Wernis, United Ventures II LLC, Vacant property on Birchwood between 1825 and 1871 Birchwood, Tax Parcel Identification Number 20-26-478-033** – In order to operate a contractor's yard/outdoor storage facility, a variance from the requirement that a building must be on the site.

Moved by Krent
Seconded by Bloomingdale

RESOLVED, To grant the request.

Yes: Bloomingdale, Clark, Kaltsounis, Krent
No: Courtney, Lambert

MOTION PASSED

5. COMMUNICATIONS – Elections for ZBA Chair and Vice Chair will be held in May. Each position is a 1 year term.

6. MISCELLANEOUS BUSINESS – Mr. Evans summarized changes to the ZBA application form to more clearly direct applicants to explicitly state their practical difficulty. The Board was in general agreement with the changes.

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:30 p.m.

Respectfully submitted,

Glenn Clark, Vice Chair

Paul Evans, Zoning and Compliance Specialist

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on April 23, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Edward Kempen
Tom Krent
Philip Sanzica
Gordon Schepke
Robert Schultz
Thomas Strat
John J. Tagle

Absent:

Michael W. Hutson

Also Present:

R. Brent Savidant, Planning Director
Susan Lancaster, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2013-04-031

Moved by: Schultz
Seconded by: Kempen

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Hutson

MOTION CARRIED

3. APPROVAL OF MINUTES

Chair Tagle requested the minutes to replace the term “stairwell” with “stairway” in Resolution # PC-2013-04-030.

Resolution # PC-2013-04-032

Moved by: Sanzica
Seconded by: Krent

RESOLVED, To approve the minutes of the April 9, 2013 Regular meeting as revised.

Yes: All present (8)
Absent: Hutson

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Krent gave a report on the April 16, 2013 Zoning Board of Appeals meeting.

- Variance granted for 1861 Birchwood from the requirement that a building must be on the site.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant gave a report on the April 17, 2013 Downtown Development Authority meeting.

- General discussion on bond obligations.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on:

- ZOTA 245, Sober Living Facilities, postponed by City Council at their April 15 meeting to their May 13, 2013 meeting.
- Site development challenges.

POSTPONED ITEM

8. PUBLIC HEARING – SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 403) – Proposed Fifth Third Bank ATM, Northeast Corner of John R and 14 Mile Road, Oakland Plaza, Section 36, Currently Zoned CB (Community Business) District

Mr. Carlisle addressed the site plan revisions and recommended Preliminary Site Plan approval with the condition that lighting levels be reduced to no more than 10-foot candles under the canopy between 11:00 p.m. and sunrise, as part of the Final Site Plan submittal.

Gerald Weber, the project architect, was present to represent Fifth Third Bank. He addressed:

- Lighting requirements of the bank.
- National lighting requirements.
- Photometric plan submission.
- Security and safety precautions.

Mr. Weber requested consideration by the Board to grant an exception to the Zoning Ordinance requirement that lighting intensity must be reduced between 11:00 p.m. and sunrise.

There was discussion on:

- Accuracy of photometric plan.
- Site location, as relates to open parking lot, nearby 24-hour business, existing mature trees, affect on residents or traffic in area.
- Setting precedent in granting exceptions.
- Ambient, peripheral, pole lighting.
- Motion sensor, timer.

PUBLIC HEARING

Other than petitioner’s representative, Gerald Weber, no other members of the public were present at the meeting to speak to this agenda item. Therefore, no public comments were made.

Resolution # PC-2013-04-033

Moved by: Sanzica

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Fifth Third Bank ATM, Northeast Corner of John R and 14 Mile Road, Oakland Plaza, Section 36, currently zoned CB (Community Business) district, be granted, subject to the following condition:

- 1) Reduce lighting levels to no more than 10-foot candles under the canopy between 11:00 p.m. and sunrise, with the exception to control lighting levels with a photocell sensor and timer that cannot exceed up to 20-foot candles for up to 10 minutes per ATM visit, in an effort to provide safety and security precautions due to the conditions and nature of the site and the lack of personnel to call for assistance.

Yes: All present (8)

Absent: Hutson

MOTION CARRIED

OTHER BUSINESS

9. **PUBLIC COMMENTS** – For Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There were general Planning Commission comments on:

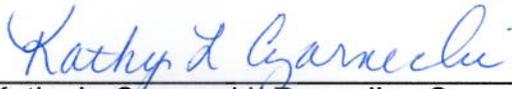
- Shared parking, Granite City site plan.
- Preliminary Site Plan review as relates to outside storage on public access.
- Sign Ordinance; update on all City codes and procedures.
- Master Plan study, as relates to recent variance granted from the requirement that a building must be on a site.
- Planning Commission education and training budget item; kudos to Mr. Savidant in his presentation to City Council.
- Transit Center status.

The Special/Study meeting of the Planning Commission adjourned at 8:05 p.m.

Respectfully submitted,



John J. Tagle, Chair



Kathy L. Czarnecki, Recording Secretary

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Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on May 14, 2013 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle

Absent:

Gordon Schepke

Also Present:

R. Brent Savidant, Planning Director
Lori Grigg Bluhm, City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2013-05-034

Moved by: Schultz
Seconded by: Kempen

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2013-05-035

Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the April 23, 2013 Special/Study meeting as published.

Yes: All present (8)
Absent: Schepke

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEMS

5. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 401) – Proposed Midwest Industrial Metals Inc., 2222 Stephenson Highway, Section 26, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Savident advised the Board that revised plans were received but not in time for review by the Planning Consultant and staff. It is recommended to postpone the item to the June 11, 2013 Regular meeting. Mr. Savident noted for the record the public comment received on this item was provided to the Board.

Resolution # PC-2013-05-036

Moved by: Schultz

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Midwest Industrial Metals Inc., 2222 Stephenson Highway, Section 26, currently zoned IB (Integrated Industrial and Business) district, be postponed to June 11, 2013. Such postponement shall provide the applicant time to prepare and submit a property survey and plans for appropriate screening along the northern property line.

Yes: All present (8)

Absent: Schepke

MOTION CARRIED

Mr. Savidant said anyone interested in seeing the revised plans can contact the Planning Department.

6. PUBLIC HEARING - SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 404) – Proposed United Ventures II LLC, West of John R, North of Maple (1861 Birchwood), Section 26, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Carlisle reviewed the history and proposed use of the site. He addressed concerns relating to the operation, logistics and circulation of the site as well as parking and landscaping. He stated that based on the findings of the City's Traffic Engineer and the Traffic Consultant, it is recommended that the applicant resubmit plans that would reduce the proposed number of vehicles to be stored on site.

The petitioner, John Wernis, and project engineer, Nathan Robinson of Horizon Engineering, were present. They asked the Board's consideration for approval this evening and addressed the following:

- Number of stored vehicles on site.
- Employee parking.
- Synchronized, organized work structure.
- Existing facilities currently in operation on smaller sites.
- Landscaping requirements.
- Subject site currently in operation with six vehicles.
- Improvements on subject site.

The Board discussed:

- Temporary approval with review at a specified date.
- Approval conditioned on no off-street parking.

Ms. Bluhm advised the Board that their focus should be on the property itself and its proposed use. She stated that the proposal should be self-contained and advised against placing a condition on approval relating to off-street parking.

Mr. Carlisle advised the petitioner that he is obligated to comply with the Zoning Ordinance regulations relating to landscaping.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-05-037

Moved by: Sanzica

Seconded by: Hutson

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed United Ventures II LLC, west of John R, north of Maple (1861 Birchwood), Section 26, currently zoned IB (Integrated Industrial and Business) district, be postponed to June 11, 2013. Such postponement shall provide the applicant time to resubmit a site plan, and other associated plans, which reduce the proposed number of vehicles to be stored on site. Reducing the number of vehicles will reduce the number of employee off-street parking spaces and provide better site circulation.

Yes: All present (8)

Absent: Schepke

MOTION CARRIED

SPECIAL USE REQUESTS AND PRELIMINARY SITE PLAN REVIEWS

7. **PUBLIC HEARING – SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 407)** – Proposed 1-800 Mini Storage, East side of Rochester, South of Wattles (3846 Rochester), Section 23, Currently Zoned GB (General Business) District

Mr. Carlisle stated the proposed use of a mini storage is a less intense use that could be permitted by right in the General Business zoning district. He reported the proposed development meets all area, width, height and setback requirements. Mr. Carlisle addressed the steps taken by the petitioner to mitigate the impact to adjacent residential parcels to the east. He stated the petitioner has also offered to preserve the existing tree buffer and supplement it with additional evergreens. Mr. Carlisle recommended postponing the item to allow time for the petitioner to resubmit an accurate site plan that shows the additional landscaping and revised maneuverability radius on the driveway.

Mr. Savidant noted for the record the public comment, inclusive of a signed petition, received on this item was provided to the Board.

The petitioner and project architect, Joseph Guido, was present. Mr. Guido said they would comply with all the Planning Consultant’s suggestions. He stated ownership of the proposed facility is the same owner of the existing storage facility located on Maple and Coolidge. Mr. Guido said the nature of the business is less intense than office or restaurant, and estimates the facility would generate approximately 20 vehicular trips daily.

There was discussion on:

- Height of building; potential to eliminate stories and/or “stepping down”.
- Shadow effect on residential.
- Existing trees/landscaping to buffer residential.
- Truck maneuverability.

PUBLIC HEARING OPENED

The following persons spoke in *opposition*, citing concerns relating to building height, not a good fit for neighborhood, traffic, shadow effect, noise and truck maneuverability.

Robert Flaig	1219 Judy
Kim Flaig	1219 Judy
Krishna Chellemella	3787 Hawthorne
Dave Hummi	3803 Hawthorne
Haruko Terada	836 DeEtta
Mark Dziadosz	3819 Hawthorne

George Perl, client of the existing storage facility in Troy, spoke in favor of the proposed use and spoke highly of the existing facility. He confirmed he has no financial interest in the proposed development.

PUBLIC HEARING CLOSED

Discussion followed on:

- Diagram to portray height of trees to preclude visibility from residential.
- Shadow effect on residential; accuracy of shadow effect report.
- Petitioner's compromise to mitigate effect on residential.
- Diagram to show impact / context of 5 story building from street side.
- Submittal requirements: reports, graphics, tree preservation, tree inventory.
- Sale/purchase agreement on property.

Resolution # PC-2013-05-038

Moved by: Schultz

Seconded by: Hutson

RESOLVED, To postpone Special Use Approval and Preliminary Site Plan Approval for the proposed 1-800 Mini Storage, east side of Rochester, south of Wattles (3846 Rochester), Section 23, currently zoned GB (General Business) district to the June 11, 2013 Regular meeting or until such time as the petitioner has supplied necessary information to the Planning Department and Planning Consultant with adequate time for review.

FURTHER RESOLVED, That the petitioner could request a Special meeting if they choose.

Yes: Edmunds, Hutson, Kempen, Krent, Sanzica, Schultz, Tagle

No: Strat

Absent: Schepke

MOTION CARRIED

8. PUBLIC HEARING – SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 406) – Proposed McDonald's Restaurant, West side of Dequindre, South of Big Beaver (36895 Dequindre), Section 25, Currently Zoned NN "B" (Neighborhood Node "B")

Mr. Carlisle reported on the significant changes required for the proposed conversion of the existing McDonald's drive-through, as relates to the newly adopted Zoning Ordinance. Mr. Carlisle said after discussing the outstanding site plan items with the petitioner, it was mutually agreed to postpone the item to provide time to resubmit a revised site plan.

The petitioner and project architect, Frank Martin, was present. Mr. Martin said most of the outstanding items as noted in the Planning Consultant's report would be addressed with the resubmission. He noted of most concern is the requirement for the additional door at the front of the building, and shared the corporate restaurant standard building layout. Mr. Martin addressed the drive-through business, permanent outdoor seating with decorative fencing, landscaping and lighting.

There was discussion on:

- Photometric plan; reduced lighting during evening hours.
- Front entry door on the east side.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2013-05-039

Moved by: Hutson

Seconded by: Schultz

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed McDonald's Restaurant improvements, west side of Dequindre, south of Big Beaver (36895 Dequindre), Section 25, currently Zoned NN "B" (Neighborhood Node "B"), be postponed to the June 11, 2013 Regular meeting.

Yes: All present (8)

Absent: Schepke

MOTION CARRIED

OTHER BUSINESS

11. PUBLIC COMMENTS – For Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENTS

There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 9:21 p.m.

Respectfully submitted,

John J. Tagle, Chair

Kathy L. Czarnecki, Recording Secretary

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On May 21, 2013, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Kneale called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale
Glenn Clark
Kenneth Courtney
David Eisenbacher
Allen Kneale
Thomas Krent
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Lori Grigg-Bluhm, City Attorney

2. APPROVAL OF MINUTES – April 16, 2013

RESOLVED, to approve the April 16, 2013 meeting minutes.

Moved by Clark
Seconded by Courtney

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, GEORGE BOGAERT FOR TUFF SHED INC., 4585 BUTLER – In order to build a new shed, a portion of which is proposed to be in the front yard adjacent to London Drive, a variance from the requirement that sheds be placed only in the rear yard. Zoning Ordinance Section 7.03 B 2 (a).

Moved by Lambert
Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, KEN AND AMANDA CRUM, 1643 ROCKFIELD – In order to split the existing parcel into two parcels, a variance to allow the existing house to be set back 8.29 feet from the proposed new side lot line. The Zoning Ordinance requires the house to be at least 10 feet from the proposed new side lot line. Zoning Ordinance Section 4.06 (C) R1-C Zoning District.

Moved by Eisenbacher
 Seconded by Bloomingdale

RESOLVED, to grant the request.

Yes: Bloomingdale, Clark, Eisenbacher, Krent
 No: Courtney, Kneale, Lambert

MOTION PASSED

- C. VARIANCE REQUEST, JEFFREY AND KRISTA FALK, 4197 RAVENWOOD COURT – In order to enlarge the garage, a 3 foot variance to the required 40 foot front yard setback. Zoning Ordinance Section 4.06 (C) R1-B Zoning District.

Moved by Courtney
 Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- 5. COMMUNICATIONS – None
- 6. MISCELLANEOUS BUSINESS – Elect Chair and Vice Chair

Moved by Clark
 Seconded by Krent

RESOLVED, to elect Allen Kneale Chair.

Yes: All

MOTION PASSED

Moved by Bloomingdale
 Seconded by Eisenbacher

RESOLVED, to elect Glenn Clark Vice Chair.

Yes: All

MOTION PASSED

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:34 p.m.

Respectfully submitted,

Allen Kneale, Chair

Paul Evans, Zoning and Compliance Specialist

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Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on May 22, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Jayne Saeger
Steve Toth
Gretchen Waters

Absent:

Al Petruilis

Also Present:

Paul Evans, Zoning and Compliance Specialist
Julie Dufrane, Assistant City Attorney

2. APPROVAL OF AGENDA – Add Item 3 “Election of Officers”.

3. ELECTION OF OFFICERS

Motion by Carolan
Second by Waters

RESOLVED, to postpone Election of Officers to the regularly scheduled July 24, 2013 Board meeting because a full Board is not present.

Yes: All

MOTION PASSED

4. APPROVAL OF MINUTES

Moved by Carolan
Seconded by Waters

RESOLVED, to approve the March 27, 2013 meeting minutes.

Yes: All

MOTION PASSED

5. HEARING OF CASE - None

6. OTHER BUSINESS – Study Session

Mr. Evans summarized Board duties as enumerated in City Code Chapter 90 Animals. Ms. Dufrane made a brief presentation on the Open Meetings Act. A brief discussion with questions and answers followed.

7. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 8:12 p.m.

Respectfully submitted,

Jayne Saeger, Chair

Paul Evans, Zoning and Compliance Specialist

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**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
DTE ELECTRIC COMPANY**

CASE NO. U-17251

- DTE Electric Company, f/k/a The Detroit Edison Company requests Michigan Public Service Commission approval to amend its Standard Contract Rider No. 3 Parallel Operation and Standby Service.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- A public hearing in this matter will be held:

DATE/TIME: June 10, 2013, at 9:00 a.m.

This will be a prehearing conference to determine future hearing dates and other procedural matters.

BEFORE: Administrative Law Judge Sharon L. Feldman

LOCATION: Constitution Hall
525 West Allegan
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) April 19, 2013 application to amend its Standard Contract Rider No. 3 Parallel Operation and Standby Service as described in its application. DTE Electric is seeking to amend its Rider No. 3 to add a new provision to address the Station Power Standby service needs of generation stations that are located within its retail service territory and directly interconnected to ITC Transmission.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by June 3, 2013. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, Michael J. Solo, Jr., One Energy Plaza, Detroit, Michigan 48226.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information: available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of DTE Electric's request may be reviewed on the Commission's website at michigan.gov/mpscedockets, and at the office of DTE Electric Company, One Energy Plaza, Detroit, Michigan. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

May 14, 2013

May 27, 2013

The Honorable Dane Slater
Mayor of Troy
500 West Big Beaver Road
Troy, MI 48084-5285

Dear Mr. Slater:

Last year, park and recreation advocates from across Michigan gathered at the state Capitol to recognize June as No Child Left Inside month, and July as Parks and Recreation month. The event – “Get Outside and Play at the Capitol,” attracted more than 1,000 children from communities across the state.

We are writing to inform you that the second annual “Get Outside and Play” day at the Capitol will be held on Tuesday, June 18, 2013. The event is designed to promote overall well-being and healthy lifestyles through use of parks and recreation facilities.

Get Outside and Play day will run from 10am-3pm and provides free outdoor activities and nature education opportunities for youth, including: disc golf, kayaking simulations, tennis games, demonstrations for first-time campers, lawn Olympics, and more!

Help us show our state leaders the unique and fun ways to stay active while spending time with their family and community. Please call your State Senator John Pappageorge and Representative Martin Howrylak to extend a personal invitation to attend the event. Michigan residents recognize that parks, recreation, and leisure services are essential components of vibrant communities that produce jobs and spur economic development—and our state leaders should too.

The event is endorsed by Lt. Governor Brian Calley and sponsored by Blue Cross Blue Shield of Michigan, USTA Midwest, McDonald’s, the Michigan DNR, Michigan No Child Left Inside Coalition and the Michigan Recreation and Park Association.

If you have questions about “Get Outside and Play at the Capitol,” please call Justin Lippe with MRPA at 517-485-9888.

On behalf of Oakland County Parks and Recreation and MRPA, we thank you for helping Michigan communities get fit, and realizing the value of our parks and recreation facilities!

Sincerely,



Daniel J. Stencil
Executive Officer Parks and Recreation

Gerald A. Fisher
Chairman
J. David VanderVeen
Vice Chairman
John A. Scott
Secretary
Pecky D. Lewis, Jr.
Chairperson Emeritus

A. David Baumhart III
Gregory C. Jamian
Robert E. Kostin
Christine Long
Gary R. McGillivray
Jim Nash

Daniel J. Stencil
Executive Officer