



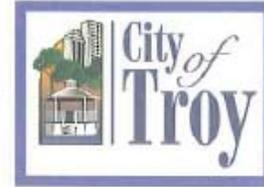
TROY CITY COUNCIL

REGULAR MEETING AGENDA

JUNE 17, 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 17, 2013 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Student Pastor Fred Betcher From Troy Assembly of God 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Presentation by St. Nicholas Greek Orthodox Church on OPA Fest 2013
(*Introduced by: Cindy Stewart, Community Affairs Director*) 1

C-2 Presentation by the City of Troy and SAFEbuilt, Inc. for the 2nd Annual Youth
Achievement Scholarship Award by Cindy Stewart and Steve Burns to Kenneth
Scudder, Athens High School and Frank Boudon, Troy High School (*Introduced
by: Cindy Stewart, Community Affairs Director*) 1

C-3 Service Commendation for Susan Leirstein (*Introduced by: Cindy Stewart,
Community Affairs Director*) 1

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SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 21

INVOCATION: Student Pastor Fred Betcher From Troy Assembly of God

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 _____ at the Regular City Council Meeting of June 17, 2013, due to _____.

Yes:
No:
Absent:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Presentation by St. Nicholas Greek Orthodox Church on OPA Fest 2013
(Introduced by: Cindy Stewart, Community Affairs Director)

C-2 Presentation by the City of Troy and SAFEbuilt, Inc. for the 2nd Annual Youth Achievement Scholarship Award by Cindy Stewart and Steve Burns to Kenneth Scudder, Athens High School and Frank Boudon, Troy High School *(Introduced by: Cindy Stewart, Community Affairs Director)*

C-3 Service Commendation for Susan Leirstein *(Introduced by: Cindy Stewart, Community Affairs Director)*

D. CARRYOVER ITEMS:**D-1 No Carryover Items****E. PUBLIC HEARINGS:****E-1 Public Hearing to Establish a Special Assessment District for Asphalt Paving of the Westerly 324' of Troywood in Section 22 – Standard Resolution #4**Suggested Resolution

Resolution #2013-06-

Moved by

Seconded by

WHEREAS, Troy City Council has caused Special Assessment Roll No. 12.201.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy; and

Bituminous Paving of a portion of Troywood Street

WHEREAS, Troy City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and

WHEREAS, Troy City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 12.201.1 in the amount of \$60,100.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.

Yes:

No:

Absent:

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 – None; b) City Council Appointments – Liquor Advisory Committee

a) Mayoral Appointments: None

b) City Council Appointments:

Suggested Resolution
Resolution #2013-06-
Moved by
Seconded by

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

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 07/31/2014

Robert Mitch Huber

(Student)

Term currently held by: Student Member

Yes:
No:
Absent:

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: None

b) City Council Nominations

Suggested 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:
Absent:

I-3 Request for Closed Session

Suggested Resolution

Resolution #2013-06-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) - (Knutson v. City of Troy and Community Financial Credit Union v. City of Troy).

Yes:
No:
Absent:

I-4 Troy Downtown Development Authority Bond Repayment Proposal and Resolution Authorizing the Publication of a Notice of Intent to Issue Bonds (*Introduced by: Brian Kischnick, City Manager*)

Suggested Resolution
Resolution #2013-06-
Moved by
Seconded by

At a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on June 17, 2013.

PRESENT:

ABSENT:

The following resolution was moved by _____ and seconded by _____:

RESOLUTION AUTHORIZING THE PUBLICATION OF
A NOTICE OF INTENT TO ISSUE BONDS

WHEREAS, the Downtown Development Authority of the City of Troy (the "DDA") has previously issued the following bonds pursuant to Act 197 of the Public Acts of Michigan of

1975, as amended (“Act 197”), secured solely by tax increment revenues received by the DDA to finance the implementation of a portion of its Development Plan and Tax Increment Financing Plan (collectively, the “Plan”): (i) Downtown Development Authority Development and Refunding Bonds, Series 2001 in the aggregate principal amount of \$24,000,000 to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) Community Center Facility Bonds, Series 2002 in the aggregate principal amount of \$9,700,000 to finance a portion of the cost of constructing the Troy Community Center, and (iii) Community Facility Center Junior Lien Bonds, Series 2003 in the aggregate principal amount of \$4,025,000 to finance a portion of the cost of constructing the Troy Community Center (such bonds are collectively referred to as the “DDA Bonds”); and

WHEREAS, although the schedules prepared as part of each issue of DDA Bonds predicted that there would be sufficient tax increment revenues to cover all of the debt service on the DDA Bonds, there has been an unanticipated decline in property values in the Plan’s Development Area since 2008, and a corresponding decrease in the available tax increment revenues to the extent that they are unable to pay the debt service on the DDA Bonds as of November 1, 2013; and

WHEREAS, without any further amendments to the Plan, because of the decline in the property values in the Plan’s Development Area, it is also expected that the DDA will not be capturing any tax increment revenues for the next fiscal year (beginning on July 1, 2014) and each fiscal year thereafter, until the final maturity of the DDA Bonds on November 1, 2018, and therefore the DDA will be unable to pay the debt service due on the DDA Bonds; and

WHEREAS, the Troy City Manager has submitted, and the DDA has approved, a proposal to avoid a default on the DDA Bonds that, if implemented, would involve the following actions: (a) extending the existence of the DDA and the Plan to 2033 to allow for the capture of annual tax increment revenues to ultimately pay off the indebtedness represented by the DDA Bonds; (b) amending the Plan by removing certain specified properties that have significantly decreased in value from the Plan’s Development Area to enable the DDA to

realize a capture of tax increment revenues from the revised Development Area in amounts sufficient to pay the annual debt service on the City Bonds (as hereinafter defined); and (c) the City issuing general obligation bonds (the "City Bonds") to refund the DDA Bonds, which although requiring the City to pledge its limited tax full faith and credit, will be secured primarily by the tax increment revenues to be derived from the revised Development Area for the extended period of time; and

WHEREAS, the City is authorized under Act 197 to issue the City Bonds to pay all or part of the cost of implementing the Plan and in connection therewith, refunding the DDA Bonds, as part of the proposed overall plan to avoid a default on the DDA Bonds; and

WHEREAS, in order for the City to implement the proposed plan and to issue the City Bonds, it is necessary that the City publish a notice of intent to issue bonds pursuant to Section 5(g) of Act 279 of the Public Acts of Michigan of 1909 (MCL 117.5), as amended ("Act 279").

NOW, THEREFORE, BE IT RESOLVED:

1. That a notice of intent to issue bonds for the City Bonds shall be **PUBLISHED** in accordance with Section 5(g) of Act 279 (MCL 117.5).
2. That the City Clerk is **AUTHORIZED** and **DIRECTED** to publish the notice of intent to issue bonds in the Oakland Press, a newspaper of general circulation in the City, in the form **ATTACHED** hereto as **Exhibit A.**
3. That all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same **ARE RESCINDED.**

RESOLUTION DECLARED ADOPTED.

Yes: _____

No: _____

Absent: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted at a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on June 17, 2013, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et. seq.).

M. Aileen Bittner, CMC
Troy City Clerk

EXHIBIT A

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

NOTICE OF INTENT TO ISSUE BONDS TO ELECTORS AND TAXPAYERS OF THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SECURED BY THE LIMITED TAX FULL FAITH AND CREDIT OF THE CITY AND THE RIGHT TO REFERENDUM THEREON

PLEASE TAKE NOTICE that the City of Troy, Oakland County, Michigan (the "City") intends to issue limited tax general obligation bonds, in one or more series, in the maximum amount of not to exceed \$15,500,000.

The bonds will be issued for the purpose of financing a portion of the cost of the development program of the Tax Increment Financing Plan of the Downtown Development Authority of the City of Troy (the "DDA") and in connection therewith, refunding (i) the DDA's outstanding Downtown Development Authority Development and Refunding Bonds, Series 2001 issued by the DDA to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) the DDA's outstanding Community Center Facility Bonds, Series 2002 issued by the DDA to finance a portion of the cost of constructing the Troy Community Center, and (iii) the DDA's outstanding Community Facility Center Junior Lien Bonds, Series 2003 issued by the DDA to finance a portion of the cost of constructing the Troy Community Center.

The bonds of each series will be payable in annual principal installments not to exceed twenty (20) in number and will bear interest at rates to be determined at a competitive or negotiated sale but in no event to exceed such rates as may be permitted by law. The bonds will be issued pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended ("Act 197"). The bonds will not be issued by the City unless and until the City Council extends the existence of the DDA to December 31, 2033 and approves amendments to the DDA's Development Plan and Tax Increment Financing Plan (collectively, the "Plan") in accordance

with Act 197, which extends the existence of the Plan to December, 2033 and revises the Development Area for the Plan by removing therefrom certain specified properties, with the result that the DDA is projected to capture sufficient tax increment revenues to pay the principal of and interest on the bonds.

SOURCE OF PAYMENT AND SECURITY

The principal of and interest on the bonds will be secured first from the tax increment revenues received by the DDA pursuant to the Plan, as amended as described above, and will be secured secondarily by the limited tax full faith and credit pledge of the City. The City will be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem taxes on all taxable property within its corporate boundaries to pay the principal of and interest on such bonds in the event and to the extent that such tax increment revenues of the DDA are not sufficient to make such payments. Taxes levied by the City to pay such principal and interest are subject to applicable constitutional, statutory and charter tax rate limitations.

RIGHT OF REFERENDUM

This notice is given by order of the City Council of the City of Troy, to and for the benefit of the electors of the City in order to inform them of their right to petition for a referendum on the question of the issuance of the aforesaid bonds. The bonds will be issued, without submitting such a question to a vote of the electors, unless within 45 days from the date of publication of this notice a petition, signed by not less than 10% or 15,000 of the registered electors residing within the City, whichever is less, shall have been filed with the undersigned City Clerk requesting a referendum upon the question of the issuance of said bonds. In the event that such a petition is filed, the bonds will not be issued until approved by the vote of the majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This notice is published pursuant to the requirements of Section 5(g) of Act 279 of the Public Acts of Michigan of 1909 (MCL 117.5), as amended.

M. Aileen Bittner, CMC
Troy City Clerk

Yes:
No:
Absent:

I-5 Troy Nature Society Agreement (Introduced by: Brian Goul, Aquatics/Fitness Coordinator)

Suggested Resolution
Resolution #2013-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the agreement with the Troy Nature Society for a four year period effective July 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the agreement, and a copy shall be **ATTACHED** to the original minutes of this meeting.

Yes:
No:
Absent:

**I-6 Proposed Ordinance Incorporating Recent Changes to State Fireworks Statute
(Introduced by: Lori Bluhm, City Attorney)**

Suggested Resolution
Resolution #2013-06-
Moved by
Seconded by

RESOLVED, That the amendments to Chapter 93 of the City of Troy Code of Ordinances, Sections 105.6.14.1, 3301.1.3, 3308.1, and Chapter 47, and amendments and a renumbering of Chapter 98, Section 98.05.16, and the addition of a new Section 98.15.01, 98.15.02, and 98.15.13 are hereby **ADOPTED**. A copy of these amendments shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:
Absent:

J. CONSENT AGENDA:

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

Suggested 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:
Absent:

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

J-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2013-06-

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

- a) Joint Special City Council and Troy School Board Meeting Minutes-Draft – May 28, 2013
 - b) City Council Meeting Minutes-Draft – June 3, 2013
-

J-3 No Proposed City of Troy Proclamations**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Rochester Hills – Fire House Testing**

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby **APPROVES** a three (3) year contract for fire hose testing services during the 2013-2014 year from the lowest acceptable bidder; Waterway Michigan, LLC, of Caledonia, MI, through a MITN Cooperative Award hosted by the City of Rochester Hills at unit price as detailed on the bid tabulation for SFQ-RH 13-017 for the unloading, testing and reloading of approximately 50,780 feet of fire hose to expire December 30, 2015.

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

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program**

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby awards a three (3) year contract to complete the Sidewalk Replacement and Installation Program for fiscal year 2013-16 with an option to renew for one (1) additional year to the low total bidder; Rotondo Construction Company of Farmington Hills, MI, at unit prices contained in the bid tabulation opened June 7, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall **NOT EXCEED** annual budgetary limitations, with the contract expiring June 30, 2016.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid and contract documents, including Insurance Certificates, Performance, Labor and Material Bonds, Maintenance Bonds and all other specified requirements.

c) **Standard Purchasing Resolution 2: Award to Lowest Bidders Meeting Specifications – Traffic Control Signs and Posts**

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Traffic Control Signs and Posts on a proposal by proposal basis to the four (4) lowest total bidders meeting specifications as detailed below at unit prices contained in the bid tabulation, opened May 24, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 1, 2014.

Bidder	Proposal
Rathco Safety Supply	A, E, F, I, G
Custom Products Corp.	C, G
MD Solutions	H
Vulcan Signs	B, D, G

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** all bids under Proposal B, item #5, 24 x 24 Directional Arrow Sign because it is a non-inventory standard sign and will not be purchased.

d) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2013 Annual Conference**

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council Members are **AUTHORIZED** to attend the Michigan Municipal League 2013 Annual Conference from September 17-20, 2013 in Detroit, Michigan, in accordance with accounting procedures of the City of Troy.

e) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-8 – Section 4 Water Main Replacement – North Side**

Suggested Resolution
Resolution #2013-06-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 12-8, Section 4 Water Main Replacement – North Side, to Superior Excavating, Inc., P.O. Box 214290, Auburn Hills, MI 48321-4290 for their low total bid amount of \$2,632,685.00.

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 15% of the total project cost.

J-5 Private Agreement – Contract for Installation of Municipal Improvements – Galleria of Troy – Project No. 13.904.3Suggested Resolution
Resolution #2013-06-

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

J-6 Addendum No. 1 to Contract 12-03 – Fieldstone Sanitary RepairSuggested Resolution
Resolution #2013-06-

RESOLVED, That Addendum No. 1 to Contract No.12-03, Fieldstone Sanitary Repair be **AWARDED** to Superior Excavating, P.O. Box 4290, Auburn Hills, MI 48321 at an estimated total cost of \$176,514.50 and, if additional work is required, such additional work is **AUTHORIZED** in an amount **NOT TO EXCEED** 20% of the total project cost including Addendum No. 1.

J-7 Application Regarding New SDM Liquor License for Super City Smoker, Inc.Suggested Resolution
Resolution #2013-06-

WHEREAS, Super City Smoker, Inc. requests a New SDM License to be located at 2981 E. Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Req. #676052}; and

WHEREAS, The Troy Police Department conducted an investigation into this application, and did not discover any reasons for disqualification of the two applicants; and

WHEREAS, Based on past experience, the Troy City Administration is concerned about the increased probability of liquor license violations for those businesses that primarily sell tobacco products to patrons, including those between the ages of 18 to 20 years old who are considered minors under the liquor laws; and

WHEREAS, Based on this increased probability of illegal sales of alcohol to minors in these establishments, the Troy City Council finds that tobacconists are not favorable locations to sell alcoholic products, and reaffirms commitment to the prevention of access to and consumption of alcohol by persons under the age of 21 as an established community norm which is consistent with the community's established priorities and dedication to public safety.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RECOMMENDS DENIAL** of the application from Super City Smoker, Inc. for a New SDM License to be located at 2981 E. Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Req. #676052}.

J-8 Sale of Equipment – Surplus Police Vehicle

Suggested Resolution
Resolution #2013-06-

WHEREAS, Macomb Community College has expressed an interest in purchasing one (1) out of service 2009 Ford Crown Victoria with 90,000 miles for use on their driving course to provide Emergency Vehicle Operations (EVO) training for Macomb Police Academy cadets and in-service police officers; and

WHEREAS, The Troy Police Department utilizes the Macomb Police Academy for basic police academy training and sends in-service officers to their Basic EVO refresher course; and

WHEREAS, To validate the fair market value of this surplus vehicle, prior auctions were reviewed and it was determined the fair market value to be \$6,200.00;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal auction procedures and **AUTHORIZES** the City of Troy to sell the 2009 surplus Ford Crown Victoria police vehicle for the fair market value of \$6,200.00 with the appropriate transfer of title.

BE IT FINALLY RESOLVED, That City staff will **ENSURE** the appropriate transfer of the vehicle title to Macomb Community College / Public Service Institute.

J-9 Private Agreement – Contract for Installation of Municipal Improvements – White Chapel Office Renovation – Project No. 12.913.3

Suggested Resolution
Resolution #2013-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and White Chapel Memorial Park Cemetery, is hereby **APPROVED** for the installation of water main, sanitary sewer, storm sewer, sidewalks, paving, 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.

J-10 Bid Waiver – Workers’ Compensation Insurance Renewal for Fiscal Year 2013-14

Suggested Resolution
Resolution #2013-06-

WHEREAS, The Michigan Municipal League has provided Workers’ Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City’s experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of \$255,911.00 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2013-2014 fiscal year.

J-11 Application Regarding Class C Liquor License for Garden of Eden/T&M United, Inc.

Suggested Resolution

Resolution #2013-06-

WHEREAS, T & M United, Inc. requests to transfer ownership of Class C license with Sunday Sales Permit, Outdoor Service Permit, Dance Permit, Food Permit, and 2 Additional Bars from Carroll Investments, Inc. to 1477 John R. Road, Troy, MI 48083, Oakland County {MLCC Request #676036}; and

WHEREAS, The Troy Police Department conducted an investigation into this application and discovered that the applicant was arrested on a warrant for gambling on 4/3/02, and the applicant Pled Guilty to Misdemeanor Disorderly Conduct; to wit Gambling, on 8/19/02; and

WHEREAS, The City of Troy Ordinance Chapter 101, governing the City's procedures for liquor license applications requires consideration of an applicant's criminal convictions for gambling and other offenses as part of the criteria for the City's action on a liquor license request; and

WHEREAS, The applicant answered "No" to the question "Have you ever been arrested ANYWHERE?" on the liquor license questionnaire he completed for the Troy Police Department; and

WHEREAS, The applicant answered "No" to the question "Have you ever been convicted of a crime?" on the liquor license questionnaire he completed for the Troy Police Department; and

WHEREAS, Due to the applicant's prior involvement in gambling, and the fact that he was not truthful on his application;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RECOMMENDS DENIAL** of the application from T & M United, Inc. to transfer ownership of Class C license with Sunday Sales Permit, Outdoor Service Permit, Dance Permit, Food Permit, and 2 Additional Bars from Carroll Investments, Inc. to 1477 John R. Road, Troy, MI 48083, Oakland County {MLCC Request #676036}.

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:

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) Building Code Board of Appeals-Final – May 1, 2013
- b) Planning Commission Special/Study-Draft – May 28, 2013

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation:

- a) To Troy Police Department From Martin E. Bourdeau Regarding Police Service
- b) To Troy Police Department From Lennie Wilson
- c) To Troy Community Coalition From Kathleen M. Roy
- d) To Staff From Melinda Jones, Executive Director – ReLeaf Michigan Regarding Assistance in the Planting at Firefighters Park

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

O-5 DTE Opt-Out Program

P. STUDY ITEMS:

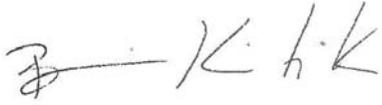
P-1 No Study Items

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Kischnick". The signature is written in a cursive, somewhat stylized font.

Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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:

**SERVICE COMMENDATION
SUSAN LEIRSTEIN**

WHEREAS, Susan Leirstein began her career with the City of Troy on May 16, 1988, when she was hired as an Account Clerk in the Finance Department. In 1990 she was promoted to Administrative Aide in the Streets Division of the Public Works Department where she met her husband Brian; and

WHEREAS, Susan was promoted to Buyer in the Purchasing Department in 1995; reclassified to the Purchasing Systems Administrator in 2002; and promoted to the Director of Purchasing in 2007; and

WHEREAS, Susan's dedication to public purchasing extends beyond the City limits. She has been active in many purchasing organizations such as the Michigan Intergovernmental Trade Network, Michigan Public Purchasing Officers Association, and National Institute of Governmental Purchasing. **Susan** has also been a trainer to her co-workers for JDE and our current New World System. During her career, Troy's Purchasing Department received the prestigious "Achievement of Excellence in Procurement" award from the National Purchasing Institute eight times in a row; and

WHEREAS, Though quiet and unassuming in her day-to-day work, **Susan's** dedication to the City and our purchasing practices, as well as her reputation for great customer service is well recognized. **Susan** has a Bachelor of Science degree in Accounting, as well as certifications as a Certified Public Purchasing Buyer and a Certified Public Procurement Officer. **Susan** has saved the City of Troy a lot of money in her 18 years with the Purchasing Department; and

WHEREAS, Susan's commitment was very evident when she came back as the part-time Purchasing Director one week after retiring and worked until June 21, 2013 giving the City time to hire and train a new Purchasing Manager and Buyer. **Susan** will now officially retire from the City of Troy with 25 years of dedicated service; and

WHEREAS, In her retirement, **Susan** will have more time to spend with her husband **Brian**, daughter **Hillary**, son-in-law **Bob**, grandkids **Zachery and Lauren**, and son **Nathan** and daughter-in-law **Carolina**. She will also be able to devote more time to playing golf, and to her and Brian's new venture – managing Laundromats;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Susan Leirstein** for her many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Susan** during her retirement years.

Presented the 17th day of June 2013.



CITY COUNCIL AGENDA ITEM

Date: June 17, 2013

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Finance/Administration
Nino Licari, City Assessor

Subject: Public Hearing to establish a Special Assessment District for Asphalt Paving of the westerly 324' of Troywood in Section 22 – Standard Resolution #4

Background:

On May 20, 2013 Troy City Council approved Standard Resolutions 1, 2 and 3 to prepare and approve plans and estimates for a Special Assessment District (SAD) for asphalt paving of the westerly 324' of Troywood, in Section 22, and to set a Public Hearing to consider the approval of same on June 17, 2013.

The affected property owners have been notified, and will have an opportunity to speak concerning this Special Assessment. The project was requested by 3 of the 4 affected owners.

Community Development Block Grant Funds are available to pay the cost of the Special Assessment for any owner meeting income guidelines.

Financial Considerations:

The total cost of the project is \$60,100, of which the City share is \$39,600. This amount is budgeted in the Local roads Fund, and was mentioned in Mr. Houtari's presentation of the Capital Projects portion of the proposed budget.

The resident's share is therefore \$20,500. The breakdown of their individual costs and the amortization of the 10 year payment plan are attached to this memorandum.

Also attached is the Roll Certification, which becomes effective with approval of Standard Resolution #4, by the City Council.



CITY COUNCIL AGENDA ITEM

Recommendation:

Assuming there is no change to the nearly 70% approval of the resident in the project area during the Public Hearing, and considering that funds are already budgeted for this project, staff recommends approving Standard Resolutions 4 which formally adopts the plans and District.

NI/nl H:SpecialAsses\Troywood\Memo StandRes 4 06.17.13.docx

CITY OF TROY

Special Assessment Roll Number: 12.201.1 For defraying the expense of construction for: Westerly 324 feet of Troywood - Bituminous (Asphalt) Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the 17th day of June A.D. 2013, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessment for the purpose of Asphalt Paving of westerly 324' of Troywood Street

That in making such assessment I have, as near as may be and according to my judgement, conformed in all things to the direction contained in the resolution of the Council herinbefore referred to, and the Charter of the City relating to such assessments.

Dated at the City of Troy, Oakland County, Michigan on this 17th day of June A.D., 2013.

Leger A. (Nino) Licari, City Assessor

Advertised: _____

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify that the above and foregoing assesment roll was filed on the 17th day of June A.D., 2013, and approved and confirmed by the Council of the City of Troy on the 17th day of June A.D., 2013.

Aileen Bittner, City Clerk

In the name of the People of the State of Michigan
To the Treasurer of the City of Troy, in the County of Oakland, Michigan.

You are hereby commanded to collect from each of the several persons assessed in the Special Assessment Roll hereunto annexed, the amount of money assessed to and set opposite his name therein, said amount being payable in 10 annual installments due March 1, 2014 respectively, with interest at the rate of six percent (6%) per annum or such other rate of interest per annum which is not in excess of 1% of the rate borne by bonds issued in anticipation of the collection of said special assessment roll from and after March 1, 2014.

And in case any named in said Roll shall neglect or refuse to pay his assessment upon demand, after the same becomes due, you are hereby authorized to levy and collect the same by distress and sale of the goods and chattels of such person, and return said Roll and Warrant, together with your doing thereon within sixty (60) days; for so doing this shall be your sufficient Warrant.

Given under my hand and Seal of the City of Troy, Michigan, this 17th day of June A.D., 2013.

Aileen Bittner, City Clerk

City of Troy - Assessing Department
SAD #06.202.1 Eckford Street Paving
785 - 996 Eckford
Petition Analysis

City of Troy - Assessing Department
Troywood S.A.D. #12.201.1
Spread of S.A.D. Costs per Front Foot
Petition Analysis Included

Parcel ID	#	Street	Frontage	% Total	SAD Cost	Owners	Petition Yes/No
88-20-22-201-017	493	Troywood	121.50	25.88	5,304.55	2	Yes
88-20-22-251-001	480	Troywood	99.13	21.11	4,327.90	1	Yes
88-20-22-251-002	510	Troywood	100.00	21.30	4,365.88	1	Yes
88-20-22-251-003	540	Troywood	148.92	31.72	6,501.67	1	No
Total			469.55	100.00	20,500.00	5	68.28%
Total Check			469.55		20,500.00		

City of Troy Assessing Department

Project Name Troywood Bituminous Asphalt Paving

Project # 12.201.1

Amortization Table 10 Year

int. @.06

Assessment 5,304.55

Year	Principal	Interest	Payment	Balance
1	\$ 530.46		\$ 530.46	\$ 4,774.10
2	\$ 530.46	\$ 286.45	\$ 816.90	\$ 4,243.64
3	\$ 530.46	\$ 254.62	\$ 785.07	\$ 3,713.19
4	\$ 530.46	\$ 222.79	\$ 753.25	\$ 3,182.73
5	\$ 530.46	\$ 190.96	\$ 721.42	\$ 2,652.28
6	\$ 530.46	\$ 159.14	\$ 689.59	\$ 2,121.82
7	\$ 530.46	\$ 127.31	\$ 657.76	\$ 1,591.37
8	\$ 530.46	\$ 95.48	\$ 625.94	\$ 1,060.91
9	\$ 530.46	\$ 63.65	\$ 594.11	\$ 530.46
10	\$ 530.46		\$ 530.46	\$ -
<hr/>				
TOTAL	\$ 5,304.55	\$ 1,400.40	\$ 6,704.95	

88-20-22-201-017

493 Troywood

City of Troy Assessing Department

Project Name Troywood Bituminous Asphalt Paving

Project # 12.201.1

Amortization Table 10 Year

int. @.06

Assessment 4,327.90

Year	Principal	Interest	Payment	Balance
1	\$ 432.79		\$ 432.79	\$ 3,895.11
2	\$ 432.79	\$ 233.71	\$ 666.50	\$ 3,462.32
3	\$ 432.79	\$ 207.74	\$ 640.53	\$ 3,029.53
4	\$ 432.79	\$ 181.77	\$ 614.56	\$ 2,596.74
5	\$ 432.79	\$ 155.80	\$ 588.59	\$ 2,163.95
6	\$ 432.79	\$ 129.84	\$ 562.63	\$ 1,731.16
7	\$ 432.79	\$ 103.87	\$ 536.66	\$ 1,298.37
8	\$ 432.79	\$ 77.90	\$ 510.69	\$ 865.58
9	\$ 432.79	\$ 51.93	\$ 484.72	\$ 432.79
10	\$ 432.79		\$ 432.79	\$ -
<hr/>				
TOTAL	\$ 4,327.90	\$ 1,142.57	\$ 5,470.47	

88-20-22-251-001

480 Troywood

City of Troy Assessing Department

Project Name Troywood Bituminous Asphalt Paving

Project # 12.201.1

Amortization Table 10 Year

int. @.06

Assessment 4,365.88

Year	Principal	Interest	Payment	Balance
1	\$ 436.59		\$ 436.59	\$ 3,929.29
2	\$ 436.59	\$ 235.76	\$ 672.35	\$ 3,492.70
3	\$ 436.59	\$ 209.56	\$ 646.15	\$ 3,056.12
4	\$ 436.59	\$ 183.37	\$ 619.95	\$ 2,619.53
5	\$ 436.59	\$ 157.17	\$ 593.76	\$ 2,182.94
6	\$ 436.59	\$ 130.98	\$ 567.56	\$ 1,746.35
7	\$ 436.59	\$ 104.78	\$ 541.37	\$ 1,309.76
8	\$ 436.59	\$ 78.59	\$ 515.17	\$ 873.18
9	\$ 436.59	\$ 52.39	\$ 488.98	\$ 436.59
10	\$ 436.59		\$ 436.59	\$ (0.00)
<hr/>				
TOTAL	\$ 4,365.88	\$ 1,152.59	\$ 5,518.47	

88-20-22-251-002

510 Troywood

City of Troy Assessing Department

Project Name Troywood Bituminous Asphalt Paving

Project # 12.201.1

Amortization Table 10 Year

int. @.06

Assessment 6,501.67

Year	Principal	Interest	Payment	Balance
1	\$ 650.17		\$ 650.17	\$ 5,851.50
2	\$ 650.17	\$ 351.09	\$ 1,001.26	\$ 5,201.34
3	\$ 650.17	\$ 312.08	\$ 962.25	\$ 4,551.17
4	\$ 650.17	\$ 273.07	\$ 923.24	\$ 3,901.00
5	\$ 650.17	\$ 234.06	\$ 884.23	\$ 3,250.84
6	\$ 650.17	\$ 195.05	\$ 845.22	\$ 2,600.67
7	\$ 650.17	\$ 156.04	\$ 806.21	\$ 1,950.50
8	\$ 650.17	\$ 117.03	\$ 767.20	\$ 1,300.33
9	\$ 650.17	\$ 78.02	\$ 728.19	\$ 650.17
10	\$ 650.17		\$ 650.17	\$ -
<hr/>				
TOTAL	\$ 6,501.67	\$ 1,716.44	\$ 8,218.11	

88-20-22-251-003

540 Troywood

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, June 17, 2013, at 7:30 P.M. to consider the approval of a Special Assessment District (SAD) for the paving of the westerly 324' of Troywood in Section 22, including the following properties:

88-20-22-201-017 493 Troywood, Troy, MI. 48083,
88-20-22-251-001 480 Troywood, Troy, MI. 48083,
88-20-22-251-002 510 Troywood, Troy, MI. 48083 and
88-20-22-251-003 540 Troywood, Troy, MI. 48083

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

M. Aileen Bittner, City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

88-20-22-201-017
BRYAN & PATRIZIA URBEN
493 TROYWOOD
TROY MI 48083-5142

88-20-22-251-001
KISHORE & MONIKA OCHANI
480 TROYWOOD
TROY MI 48083-5141

88-20-22-251-002
DEFLORIO HOMES INC
3609 CEDAR BROOK
ROCHESTER MI 48309

88-20-22-251-003
CONSTANCE R MANSOUR
540 TROYWOOD
TROY MI 48083-5197

AFFIDAVIT OF PUBLICATION, POSTING & MAILING

State of Michigan
County of Oakland
City of Troy

RE: PUBLIC HEARING:

Council/Board/Committee: City Council
Day: Monday
Date: June 17, 2013
Time: 7:30 PM
Number _____
To consider the following: approval of a Special Assessment District (SAD) for the paving of the westerly 324' of Troywood.
Address: Troywood
Section: 22

I hereby certify that the attached notice was E-mailed to the Somerset Gazette Newspapers on: May 21, 2013

For publication on: May 27, 2013

I further certify that the postcard mailing is scheduled to be mailed by first class mail by the Clerk's Office on: May 22, 2013

Cheryl A. Stewart
Admin Aide

POSTED: May 21, 2013
PUBLISHED: May 27, 2013

From: [Cheryl A Stewart](#)
To: "[Cindy Kmett](#)"; "[Patti Sweitzer](#)"
Cc: [Clerks](#)
Subject: PUBLISH: May 27, 2013 20130617 CC-SAD Sec 22 Asphalt Paving - Troywood.doc
Date: Tuesday, May 21, 2013 3:06:35 PM
Attachments: [20130617 CC-SAD Sec 22 Asphalt Paving - Troywood.doc](#)
[image001.png](#)

Cindy and/or Patti,

Would you please publish the attached notice in the May 27, 2013 edition of the Somerset Gazette?

Also, would you please reply to this email to confirm receipt of the information?

Thanks,

Cheryl A. Stewart
Admin Aide
City Clerk's Office
City of Troy



Standard Resolution No. 4

Suggested Resolution

Resolution 2013-

Moved by:

Seconded by:

WHEREAS, Troy City Council **HAS CAUSED** Special Assessment Roll No. 12.201.1 to **BE PREPARED** for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

Bituminous Paving of a portion of Troywood Street

AND WHEREAS, Troy City Council and the City Assessor **HAVE MET** after due legal notice and **HAVE REVIEWED** said Special Assessment Roll and **HAVE HEARD** all persons interested in said Special Assessment Roll appearing at said hearing;

AND WHEREAS, Troy City Council **IS SATISFIED** with said Special Assessment Roll as prepared by the City Assessor;

THEREFORE BE IT RESOLVED THAT Special Assessment Roll No. 12.201.1 in the amount of \$60,100.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be attached to, and become a part of the minutes of this meeting.

Yes:

No:



CITY COUNCIL AGENDA ITEM

Date: June 17, 2013

To: Members of the City Council

From: Brian Kischnick, City Manager
Lori Bluhm, City Attorney
Mark Miller, Director of Economic and Community Development

Subject: Troy Downtown Development Authority Bond Repayment Proposal and Resolution Authorizing the Publication of a Notice of Intent to Issue Bonds - Introduced by: Brian Kischnick

One of City Council's top priority assignments was to explore options to avoid a default of the Troy Downtown Development Authority bonds, since a default would likely negatively impact the City's bond rating and would be a deterrent to development in the City. A team consisting of our bond attorney, municipal financial advisor and city administrative staff has been meeting to identify a solution. At the May 15, 2013 Troy Downtown Development Authority (TDDA) meeting, the TDDA Board recommended pursuit of a conceptual plan, which is designed to avoid the otherwise unavoidable TDDA default, and also avoids use of the general fund as payment.

The concept includes the following components:

1. Amendment of the DDA Ordinance (78) to extend the DDA until December 31, 2033
2. The Development Plan/Tax Increment Financing Plan is amended to exclude specific properties that are valued at less than their value in 1993 (base year) (e.g. Kmart Headquarters and Bank of America building).
3. The City of Troy issues \$14,485,000 in bonds backed by the full faith and credit of the City with amounts from TDDA tax capture dedicated to bond payments

In order to implement the Plan, the following timeline is contemplated:

June 17, 2013 City Council issues notice of intent to issue bonds
June 19, 2013 TDDA Board adopts small plan amendments and recommends to City Council
July 8, 2013 City Council schedules a public hearing for plan amendments
August 12, 2013 City Council approves bond authorizing resolution and plan amendments

Our bond counsel, Terry Donnelly of Dickinson Wright has prepared the notice of intent to issue bonds.

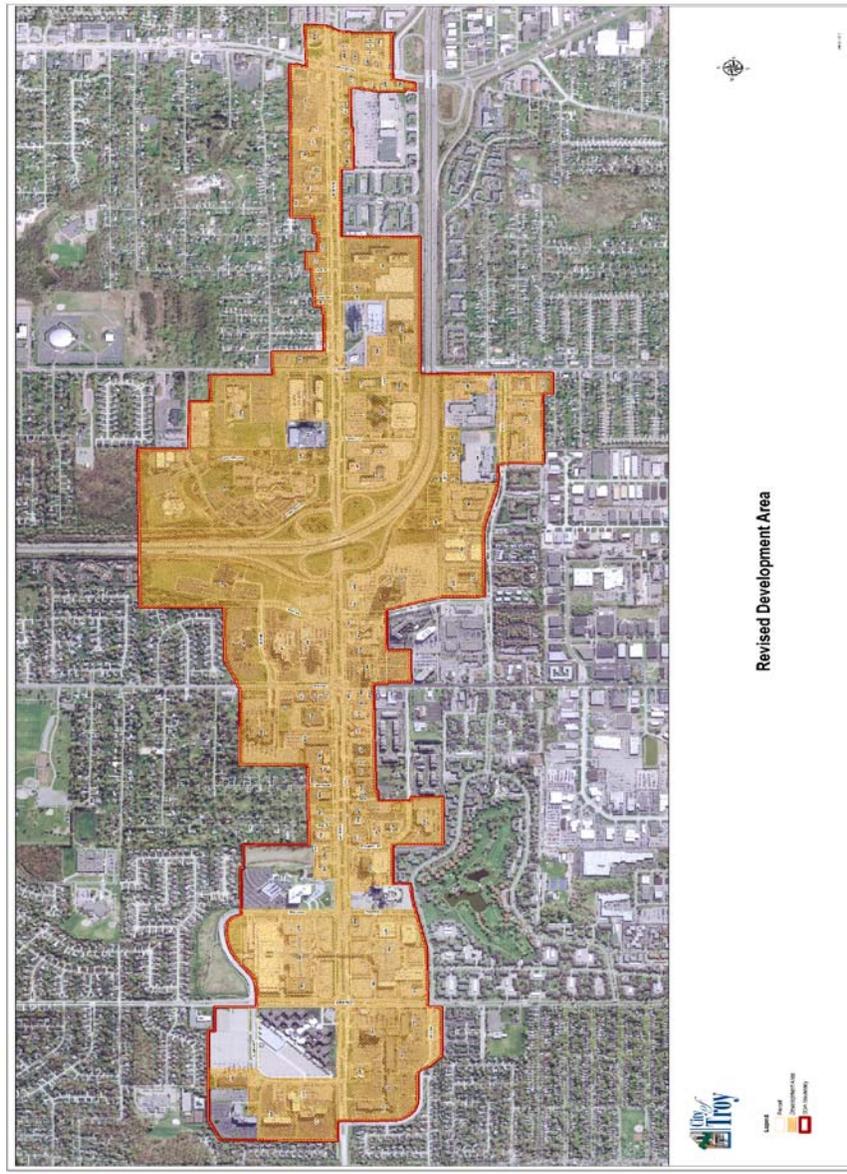
We have also included the Bond Repayment Proposal presentation for your review.



CITY COUNCIL AGENDA ITEM

Year	Total Taxable Value	Captured Taxable Value	Captured Taxes (16.7105 Mills)	Estimated Bond Payment *	Over / (Under) Debt Payment
2014/2015	374,272,284.10	61,024,224	1,023,834	800,650	223,184
2015/2016	371,577,194.93	58,329,135	978,617	766,450	212,167
2016/2017	368,909,426.29	55,661,366	894,896	732,675	162,221
2017/2018	368,919,609.41	55,671,549	895,059	728,875	166,184
2018/2019	368,930,018.73	55,681,959	895,227	729,475	165,752
*2019/2020	372,619,318.91	59,371,259	954,541	782,975	171,566
2020/2021	376,345,512.10	63,097,452	1,014,449	823,725	190,724
2021/2022	380,108,967.22	66,860,907	1,074,956	876,600	198,356
2022/2023	383,910,056.90	70,661,997	1,136,068	931,100	204,968
2023/2024	387,749,157.46	74,501,097	1,197,791	977,225	220,566
**2024/2025	395,504,140.61	82,256,081	1,322,472	1,083,475	238,997
2025/2026	403,414,223.43	90,166,163	1,449,646	1,183,225	266,421
2026/2027	411,482,507.90	98,234,448	1,579,364	1,286,225	293,139
2027/2028	419,712,158.05	106,464,098	1,711,677	1,401,725	309,952
2028/2029	428,106,401.21	114,858,341	1,846,635	1,504,350	342,285
2029/2030	436,668,529.24	123,420,469	1,984,293	1,618,725	365,568
2030/2031	445,401,899.82	132,153,840	2,124,703	1,734,100	390,603
2031/2032	454,309,937.82	141,061,878	2,267,922	1,854,850	413,072
2032/2033	463,396,136.58	150,148,077	2,414,006	1,972,256	441,750
2033/2034	472,664,059.31	159,415,999	2,563,011	2,088,394	474,617

* Preliminary, Subject to Change- Based on Market Conditions



City Attorney's Review as to Form and Legality

Lori Brigg Bluhm, City Attorney

Date

At a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on June 17, 2013.

PRESENT: _____

ABSENT: _____

The following resolution was moved by _____ and seconded by _____:

RESOLUTION AUTHORIZING THE PUBLICATION OF
A NOTICE OF INTENT TO ISSUE BONDS

WHEREAS, the Downtown Development Authority of the City of Troy (the “DDA”) has previously issued the following bonds pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended (“Act 197”), secured solely by tax increment revenues received by the DDA to finance the implementation of a portion of its Development Plan and Tax Increment Financing Plan (collectively, the “Plan”): (i) Downtown Development Authority Development and Refunding Bonds, Series 2001 in the aggregate principal amount of \$24,000,000 to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) Community Center Facility Bonds, Series 2002 in the aggregate principal amount of \$9,700,000 to finance a portion of the cost of constructing the Troy Community Center, and (iii) Community Facility Center Junior Lien Bonds, Series 2003 in the aggregate principal amount of \$4,025,000 to finance a portion of the cost of constructing the Troy Community Center (such bonds are collectively referred to as the “DDA Bonds”); and

WHEREAS, although the schedules prepared as part of each issue of DDA Bonds predicted that there would be sufficient tax increment revenues to cover all of the debt service on the DDA Bonds, there has been an unanticipated decline in property values in the Plan's Development Area since 2008, and a corresponding decrease in the available tax increment revenues to the extent that they are unable to pay the debt service on the DDA Bonds as of November 1, 2013; and

WHEREAS, without any further amendments to the Plan, because of the decline in the property values in the Plan's Development Area, it is also expected that the DDA will not be capturing any tax increment revenues for the next fiscal year (beginning on July 1, 2014) and each fiscal year thereafter, until the final maturity of the DDA Bonds on November 1, 2018, and therefore the DDA will be unable to pay the debt service due on the DDA Bonds; and

WHEREAS, the Troy City Manager has submitted, and the DDA has approved, a proposal to avoid a default on the DDA Bonds that, if implemented, would involve the following actions: (a) extending the existence of the DDA and the Plan to 2033 to allow for the capture of annual tax increment revenues to ultimately pay off the indebtedness represented by the DDA Bonds; (b) amending the Plan by removing certain specified properties that have significantly decreased in value from the Plan's Development Area to enable the DDA to realize a capture of tax increment revenues from the revised Development Area in amounts sufficient to pay the annual debt service on the City Bonds (as hereinafter defined); and (c) the City issuing general obligation bonds (the "City Bonds") to refund the DDA Bonds, which although requiring the City to pledge its limited tax full faith and credit, will be secured primarily by the tax increment revenues to be derived from the revised Development Area for the extended period of time; and

WHEREAS, the City is authorized under Act 197 to issue the City Bonds to pay all or part of the cost of implementing the Plan and in connection therewith, refunding the DDA Bonds, as part of the proposed overall plan to avoid a default on the DDA Bonds; and

WHEREAS, in order for the City to implement the proposed plan and to issue the City Bonds, it is necessary that the City publish a notice of intent to issue bonds pursuant to Section 5(g) of Act 279 of the Public Acts of Michigan of 1909 (MCL 117.5), as amended (“Act 279”).

NOW, THEREFORE, BE IT RESOLVED:

1. That a notice of intent to issue bonds for the City Bonds shall be published in accordance with Section 5(g) of Act 279 (MCL 117.5).

2. That the City Clerk is authorized and directed to publish the notice of intent to issue bonds in the Oakland Press, a newspaper of general circulation in the City, in the form attached hereto as Exhibit A.

3. That all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are rescinded.

RESOLUTION DECLARED ADOPTED.

Yes: _____

No: _____

Absent: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted at a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on June 17, 2013, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et. seq.).

M. Aileen Bittner, CMC
Troy City Clerk

EXHIBIT A

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

NOTICE OF INTENT TO ISSUE BONDS TO ELECTORS AND TAXPAYERS OF THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SECURED BY THE LIMITED TAX FULL FAITH AND CREDIT OF THE CITY AND THE RIGHT TO REFERENDUM THEREON

PLEASE TAKE NOTICE that the City of Troy, Oakland County, Michigan (the “City”) intends to issue limited tax general obligation bonds, in one or more series, in the maximum amount of not to exceed \$15,500,000.

The bonds will be issued for the purpose of financing a portion of the cost of the development program of the Tax Increment Financing Plan of the Downtown Development Authority of the City of Troy (the “DDA”) and in connection therewith, refunding (i) the DDA’s outstanding Downtown Development Authority Development and Refunding Bonds, Series 2001 issued by the DDA to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) the DDA’s outstanding Community Center Facility Bonds, Series 2002 issued by the DDA to finance a portion of the cost of constructing the Troy Community Center, and (iii) the DDA’s outstanding Community Facility Center Junior Lien Bonds, Series 2003 issued by the DDA to finance a portion of the cost of constructing the Troy Community Center.

The bonds of each series will be payable in annual principal installments not to exceed twenty (20) in number and will bear interest at rates to be determined at a competitive or negotiated sale but in no event to exceed such rates as may be permitted by law. The bonds will be issued pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended (“Act 197”). The bonds will not be issued by the City unless and until the City Council extends the existence of the DDA to December 31, 2033 and approves amendments to the DDA’s Development Plan and Tax Increment Financing Plan (collectively, the “Plan”) in accordance with Act 197, which extends the existence of the Plan to December, 2033 and revises the Development Area for the Plan by removing therefrom certain specified properties, with the result that the DDA is projected to capture sufficient tax increment revenues to pay the principal of and interest on the bonds.

SOURCE OF PAYMENT AND SECURITY

The principal of and interest on the bonds will be secured first from the tax increment revenues received by the DDA pursuant to the Plan, as amended as described above, and will be secured secondarily by the limited tax full faith and credit pledge of the City. The City will be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem taxes on all taxable property within its corporate boundaries to pay the principal of and interest on such bonds in the event and to the extent that such tax increment revenues of the

DDA are not sufficient to make such payments. Taxes levied by the City to pay such principal and interest are subject to applicable constitutional, statutory and charter tax rate limitations.

RIGHT OF REFERENDUM

This notice is given by order of the City Council of the City of Troy, to and for the benefit of the electors of the City in order to inform them of their right to petition for a referendum on the question of the issuance of the aforesaid bonds. The bonds will be issued, without submitting such a question to a vote of the electors, unless within 45 days from the date of publication of this notice a petition, signed by not less than 10% or 15,000 of the registered electors residing within the City, whichever is less, shall have been filed with the undersigned City Clerk requesting a referendum upon the question of the issuance of said bonds. In the event that such a petition is filed, the bonds will not be issued until approved by the vote of the majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This notice is published pursuant to the requirements of Section 5(g) of Act 279 of the Public Acts of Michigan of 1909 (MCL 117.5), as amended.

M. Aileen Bittner, CMC
Troy City Clerk

An aerial photograph of a city street, likely in Troy, Michigan, showing traffic and surrounding buildings. The image is dimmed to serve as a background for the text.

Troy Downtown Development Authority Bond Repayment Proposal

June 17, 2013

Expenditures

Original Bonds

What did the original bonds pay for?

2001: Financed the Roadway and Streetscape improvements to Big Beaver and refinanced a portion of the cost of the parking garage adjacent to Somerset North
(\$24,000,000)

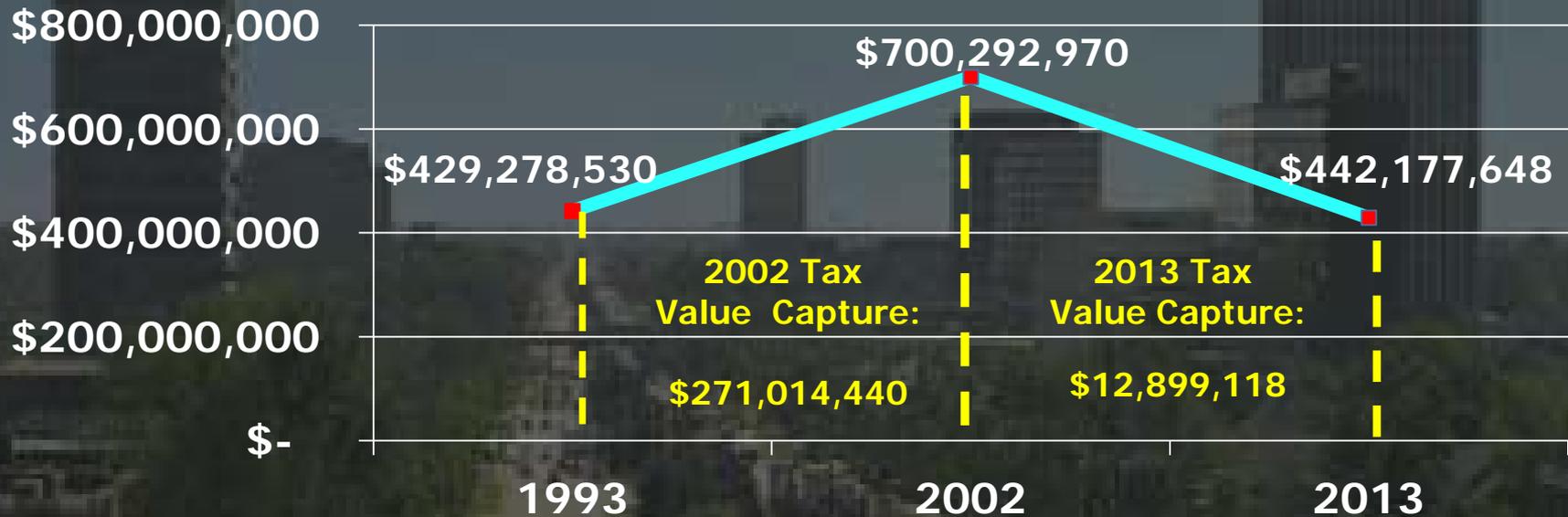
2002: Financed a portion of the cost of constructing the Troy Community Center
(\$9,700,000)

2003: Financed a portion of the cost of constructing the Troy Community Center
(\$4,025,000)

Note: Final Bond Maturity Date: November 1, 2018

Annual Debt Payment		
	2012	2013
Principal	\$ 2,215,000	\$2,365,000
Interest	\$989,480	\$ 888,601
Rate	3.15-5.5%	3.3-5.5%

Structural Problem



Revenue	
2002	\$4,528,787
2013	\$215,550

Two Properties that contributed to the major loss

1. Kmart headquarters was valued at \$27,646,000 in the base year and is valued at \$6,181,000 in 2012
2. The Bank of America building was valued at \$27,749,000 in the base year and was valued at \$17,534,800 in 2012

Problem Summary

- Statement of Problem:

- The initial value of the district in 1993 was \$429,278,530 and is therefore established as the base with all values above the base being captured by the TDDA. The value of properties in the district has dropped significantly, in some instances below the base year value causing the capture to be reduced bordering on no capture.
- TDDA is required to make debt payments in amount of \$3,298,965, in 2014. Annual payments end in 2018.
- 2013 Captured Taxable Value for the TDDA= \$12,899,118 and results in \$215,550 in revenue to TDDA.

- Conclusion:

- There is not enough Tax Capture in the TDDA to make the debt service payments.

Why default is not an option?

- City's bond rating could be impacted
- Access to capital could be significantly impaired
- NPMG(National Public Finance Guarantee)- Bond Insurance possible litigation
- Adverse Impact on other Taxing Jurisdictions
- Negative publicity
- Possible involvement by State of Michigan - Emergency Financial Manager

Proposed Plan

Development Plan/Tax Increment Financing

Plan Change and New Debt Issued:

- Increase the captured value by eliminating underperforming properties from the Development Area
- Extend the debt schedule, the TDDA, the Development Plan and the Tax Increment Financing Plan 20 years
- City of Troy issues bonds (\$14,485,000) backed by City for 20 years with amounts from TDDA tax capture dedicated to bond payments

Proposed Plan

Safety Net:

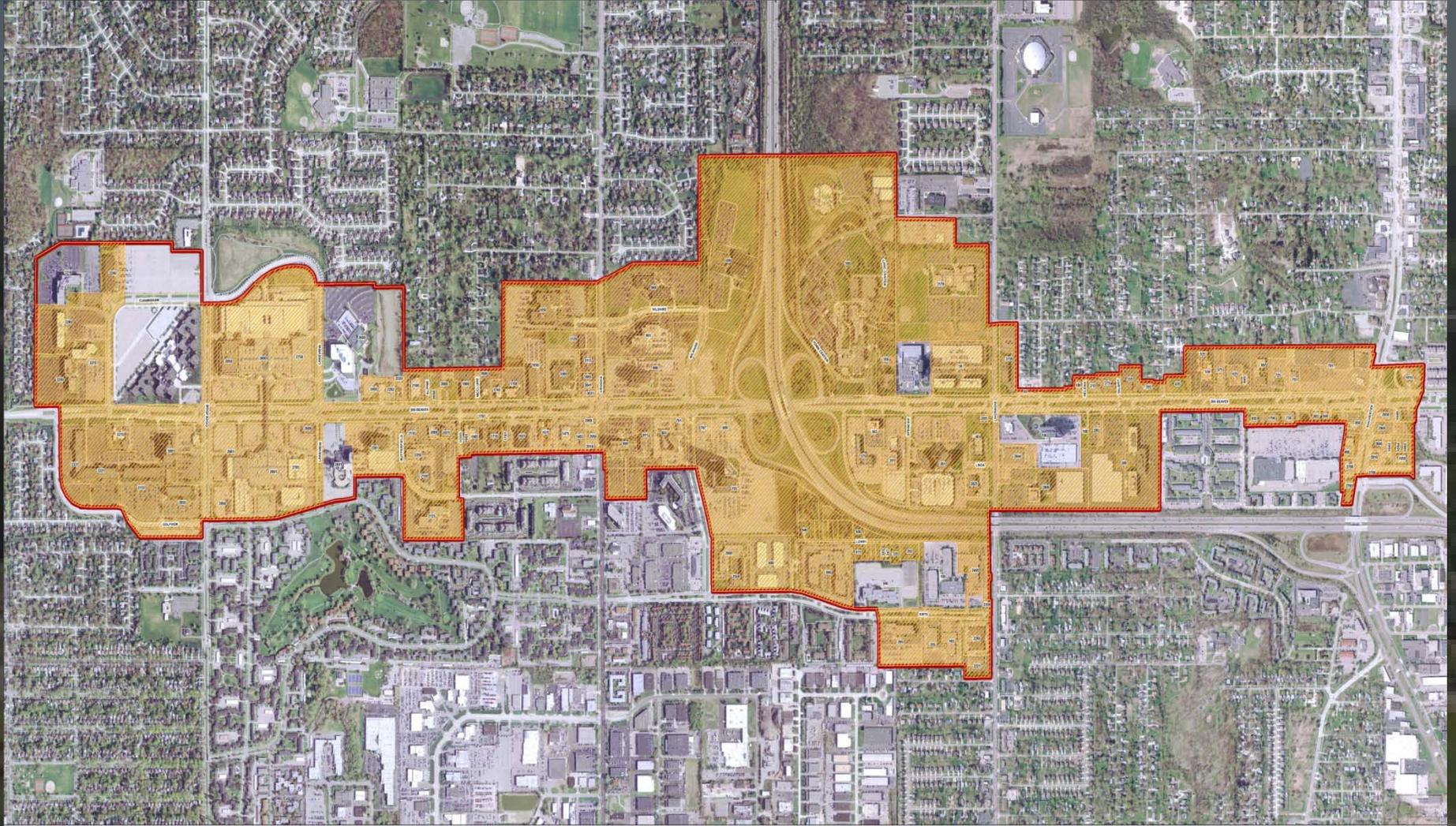
1) Parking Structure:

- The projected payment at the end of the agreement (2020) is \$4,035,131 and is viewed as a safety net to the City
- The proposal does not recommend transfer of the parking structure prior to 2020 because the earlier sale would result in a significant loss of revenue

2) Up to 2 mill levy

- MCL 125.1662 allows a downtown development authority, with the approval of the municipal governing body, to levy an ad valorem tax

Proposed TDDA Amended Development Area/TIF Plan



Values, Yield and Debt Schedule

Year	Total Taxable Value	Captured Taxable Value	Captured Taxes (16.7105 Mills)	Estimated Bond Payment *	Over / (Under) Debt Payment
2014/2015	374,272,284.10	61,024,224	1,023,834	800,650	223,184
2015/2016	371,577,194.93	58,329,135	978,617	766,450	212,167
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2033/2034	472,664,059.31	159,415,999	2,563,011	2,088,394	474,617

* Preliminary, Subject to Change- Based on Market Conditions

Timeline to Implement the Plan

Date	Action
June 17, 2013	City Council issues notice of intent to issue bonds
June 19, 2013	TDDA Board adopts Plan amendments and recommends to City Council
July 8, 2013	City Council schedules a public hearing for Plan amendments
August 12, 2013	City Council approves bond authorizing resolution and Plan amendments



CITY COUNCIL AGENDA ITEM

Date: June 10, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
 Carol Anderson, Recreation Director
 Brian Goul, Aquatic/Fitness Coordinator

Subject: Troy Nature Society Agreement

History

The Troy Nature Society was founded in the spring of 2010 as a 501c3 organization to support the Lloyd A. Stage Nature Center. In 2011, the Nature Society and the City entered into a two year agreement for the Nature Society to provide programming at the Nature Center.

The current agreement expires June 30, 2013. There is a two year extension on the current agreement but the revisions are such that a new agreement is optimal. The new agreement includes changes as follows:

1. Eliminates all start up language.
2. Allocates \$50,000 in city funds for fiscal 2013-14 and will continue to consider annual appropriations each year thereafter as part of TROY's annual budget process.
3. Allows TNS to charge an admission to enter the grounds or building.
4. Eliminates city approval for specific program offerings.
5. Allows use of the farm property with city approval. Previous agreement addressed use of the Nature Center property only.
6. Term of the agreement is four years beginning July 1, 2013 with a four year option to renew.

Financial

Funds for the allocation are budgeted in the Nature Center budget 101.771.7802.070.

Recommendation

City management recommends approval of the agreement as attached with the Troy Nature Society for a four year term beginning July 1, 2013.

City Attorney's Review as to Form and Legality

 Lori Grigg Bluhm, City Attorney

 Date

**AGREEMENT BETWEEN THE CITY OF TROY
AND TROY NATURE SOCIETY FOR USE AND OPERATION OF
LLOYD A. STAGE NATURE CENTER**

THIS AGREEMENT made this _____ day of _____, 2013, by and between **THE CITY OF TROY**, a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan, (“TROY”) and **TROY NATURE SOCIETY**, a Michigan non-profit corporation, whose address is P.O. Box 99302, Troy, Michigan, 48099 (“TNS”) , and collectively referred to as the “Parties” hereby agree as follows:

RECITALS

WHEREAS, TROY established the Lloyd A. Stage Nature Center to create passion for, and knowledge of, the natural world in the hearts and minds of its citizens leading to increased understanding and stewardship of our natural environment, as set out in its mission statement; and

WHEREAS, due to current economic conditions TROY is unable to provide funding in its budget, including TROY personnel, for the continued operation of the Lloyd A. Stage Nature Center; and

WHEREAS, the mission of the TNS is to provide resources and education to inspire the appreciation and preservation of nature. The TNS will accomplish their mission through an organized structure of volunteers, fundraising efforts, and collaboration with TROY, community groups and entities; and

WHEREAS, the Parties desire to enter into this Agreement to facilitate the mutual goals of the Parties:

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. NON-PROFIT STATUS. TNS represents and warrants that it is a Michigan non-profit corporation exempt from tax under Sec. 501 (c)(3) of the Internal Revenue Code and that it has the power and authority to execute and deliver this Agreement and to perform its obligations hereunder, and the execution, delivery and performance of this Agreement have been authorized by all necessary action, including the approvals and ratification by the TNS Board of Directors prior to the effective date hereof. This Agreement shall only be effective if TNS continues its status as a Michigan non-profit corporation with the same or similar mission as attached hereto as Exhibit 1.

2. USE OF CITY PROPERTY BY TNS. TROY, in consideration of the mutual covenants and agreements contained herein, and for other valuable consideration, will allow TNS the non-exclusive use of its property commonly known as the Lloyd A. Stage Nature Center, located at 6685 Coolidge Highway, Troy, Michigan 48098 (“Nature Center”), legally described on Exhibit 2.

- The use of the term “Nature Center” shall refer to the land, improvements and facilities on the Premises. The term “Premises” shall refer to the Nature Center only. The Premises are to be occupied and used for the sole purpose of promoting outdoor recreation and nature education programs under the conditions and requirements set out in this Agreement.
- TNS shall have the right to have access to and may utilize the Lloyd A. Stage Nature Center building, consisting of the “interpretive center” and the maple syrup shed (“Buildings”) for preparation, classes and disassembly of set up for any programs it offers consistent with its mission statement. (Exhibit 1) If at any time TROY believes the Buildings or Premises are being misused or activities are occurring which are beyond the scope of this Agreement or TNS’ mission, the Director, in his/her sole discretion, may require TNS to immediately cease the activity or misuse. TNS shall be solely responsible for any damage to property caused by the misuse of or the improper use of the Premises.
- TNS shall have the sole discretion to develop and oversee classes, programs or activities and shall be solely responsible for overseeing the actual instructional material and activities of its employees or volunteers. TNS will provide a copy of the public programs and activities that are scheduled prior to public notification of the programs.
- TNS, at its own expense, may maintain and operate a Nature Center store.
- The Premises shall remain the property of TROY at all times. At any time, employees of TROY and/or agents acting on behalf of TROY may enter onto the Premises for maintenance, service and inspection or for any other purpose set out in this Agreement.

3. TROY’S EXCLUSIVE USE OF PREMISES FOR ELECTIONS. TNS acknowledges and agrees that at any time an election is held which requires use of TROY’S Premises as a polling place, the use of the Premises shall be controlled exclusively by TROY. TROY shall advise TNS as soon as reasonably possible of the dates and times that TROY will require exclusive use of the Premises for elections. During those times, TNS may be denied any and all access to the Premises or areas of the Premises designated by TROY. If at all possible, any property belonging to TNS will be allowed to remain on the property; however, TNS shall cooperate in moving the property to another area on the Premises or removing the property from the Premises when so indicated by TROY.

4. FINANCIAL ASSISTANCE. In order to insure the continued vitality of the Lloyd A. Stage Nature Center as an invaluable community resource to the citizens of Troy and as a center of learning for Troy children and adults alike, TROY will provide an appropriation for TNS operations of \$50,000 for 2013, and will continue to consider annual appropriations each year thereafter as part of TROY’s annual budget process.

During the term of the Agreement, TROY also agrees to the following:

- Reasonable Utilities and Maintenance. TROY shall be responsible for all reasonable water, electricity and gas service used on the Premises. TROY shall be responsible for all reasonable custodial services on the Premises, including lawn mowing and parking lot snow removal. Troy shall be responsible for all park, buildings, equipment and forestry maintenance and repairs at its sole and absolute discretion.
- Trash Pick-Up. Troy shall pick up trash, so long as it is bagged and placed in designated Troy owned trash cans and placed at a properly designated location for pick-up.
- Surveillance. TROY, at its expense, shall be responsible for the costs and maintenance of the current Vigilante surveillance system on the Premises, or any similar system installed by TROY.
- Phone line. TROY will continue to provide the connection for the one existing analog phone line on the Premises. Any phone line billings resulting from that use of a phone at that connection site are the responsibility of TNS.

TNS may charge an admission fee as part of the funding to support the operation of the Premises, outreach and/or programs, in addition to program/class fees. TNS may only charge reasonable admission fees subject to the approval of the Recreation Director. All other terms and conditions set forth in this Agreement shall also apply to admission fees.

5. TERM OF AGREEMENT. This Agreement shall remain in effect for a four (4) year period beginning on July 1, 2013 unless terminated by either party as set out in Section 18. Within sixty (60) days prior to the end of the term of this Agreement, TNS shall notify TROY if it desires to continue to perform the services described in this Agreement. At that time, Troy City Council may decide to renew the Agreement for an additional four (4) year period, at which time City Council may decide to extend the original Agreement or modify terms contained in Section 4. Alternatively, City Council may decide to continue to use of the services of TNS but require that TNS and TROY enter into a new Agreement.

6. USE OF TROY'S COLLECTIONS AND EQUIPMENT ON THE PREMISES. TNS shall be entitled to use all equipment listed on TROY'S July 1, 2011 inventory to prepare and conduct workshops, classes, nature walks, and other activities promoting outdoor recreation.

If TNS at its own expense adds to the collections of TROY, those collection additions shall become the property of TROY. Any equipment purchased by TNS at its own expense shall remain the property of TNS.

7. DUTIES AND RESPONSIBILITIES OF TNS.

- Employees and Volunteers. TNS shall be responsible for the recruitment, salaries and schedules of all employees and volunteers. TNS will provide application forms, pre-approved by TROY, for potential volunteers. TNS will initially screen all individuals for acceptable volunteer candidates for TNS. Applications for volunteers found acceptable by TNS will be forwarded to TROY. TROY will run background checks with State of Michigan I-CHAT, or another program acceptable to TROY, at no cost to TNS. The completed background check responses will be returned to the TNS in a timely manner and TROY shall have absolute discretion in deciding which individual applicants shall not be accepted as volunteers due to unsatisfactory background checks or any other reason. TNS will oversee the training of their employees and volunteers. The names, addresses and telephone numbers of each employee and each volunteer will be provided to TROY upon request.

No volunteer shall be under the age of 14 years old. Any volunteers that are between the ages of 14 and 18 years old, such as, but not limited to school programs, youth volunteers or Boy Scouts or Girls Scouts, shall be supervised at all times by TNS employees and/or an adult present at the site on behalf of the volunteers.

- Program/Class Registration and Advertising. TNS shall be responsible for program, class or other activity on-line or in person registration and fee collection. TNS shall be responsible for keeping records for all registrations and fees. If there is a cancellation of a program, class or activity, TNS shall be responsible for reimbursing fees to the registrant.

TNS shall be responsible for the preparation of advertising of any programs or classes for *Troy Today*. TNS will at its own expense pay for publication of advertising in *Troy Today* or any other TROY owned publication. TROY shall have sole discretion to prohibit TNS from advertising activities in a specific publication or other media source. TROY may require that TNS remove immediately any content which, in TROY'S sole discretion, is inaccurate, offensive or not in keeping with TROY'S opinion of the mission of the Lloyd A. Stage Nature Center or the philosophy of TROY. Failure to remove the content as requested may constitute cause for an immediate termination of this Agreement.

All advertising materials prepared and/or disseminated by TNS or its agents shall contain a statement which reads: "Troy Nature Society has entered into an

agreement with the City of Troy to manage the Lloyd A. Stage Nature Center. All programs and events are now under the direction of Troy Nature Society.”

- Program/Class Supplies. TNS shall be responsible for the costs of all programs and/or class supplies.
- Hours of Operation and Opening/Closing of Facilities. TNS may determine the hours of programs and/or classes. TNS shall be responsible for the daily opening and closing of the facilities on the Premises during those periods it is using the Premises. TNS shall be provided with a key to the main buildings at the Nature Center.
- Daily Maintenance. TNS shall keep the Premises clean and orderly and all trash shall be kept inside and out of view until the designated trash pick-up day(s). TNS shall notify TROY immediately of any defects of whatever nature it discovers on the Premises, Buildings or trails and shall not use the Premises, or trails until TROY has inspected the defect, made repairs or closed down the Premises, Buildings and/or trails for safety reasons. Failure to notify TROY of such discovered defects shall result in liability to TNS. TNS shall be responsible for any hazardous waste as set forth in Section 30.
- Telephone/Electronic/Other Equipment. At its own expense, TNS will be solely responsible for telephones, telephone lines, computers, computer cables, fax machines, fax cables, copiers, copier cables and other electrical systems. No changes to the Premises for the installation of any telephones, telephone lines, computers, computer cables, fax machines, fax cables, copier, copier cables or other electrical systems shall be made without prior written approval of TROY. TNS shall be responsible for supplies and routine maintenance associated with the items set out in this Section.

8. ALLIANCES. TNS, after consulting with TROY’S contact person, may enter into partnerships, collaborations, or other relationships with entities other than TROY to enhance the Nature Center mission-focused visitor experience, enhance operations, diversify sources of private or public funding, reduce costs, or realize other benefits or operational efficiencies.

9. TNS REVENUES. All funds received by TNS from any sources shall be used to further and promote the general welfare and interests of the Nature Center. All donations to support other TNS non-program activities or activities conducted on other premises besides the Nature Center may be used at the discretion of TNS to support its other activities. Donations to TNS with conditions or directives set by the donor relating to the Nature Center or other property owned by TROY shall be reviewed and approved by TROY. TNS shall have no authority to authorize any agreements, conditions, promises, directives or other actions on behalf of TROY.

TNS will have full control of those revenues received from all educational and recreational programs including special fund raising activities. TNS may maintain banking accounts, including, but not limited to, checking and savings accounts, special service accounts, certificates of deposit or an endowment fund. All funds from any monies received by TNS must be accounted for in the records of TNS as set out in Section 20 of this Agreement.

10. PROTECTION OF COLLECTIONS. Any property of TROY'S shall not be used as collateral by TNS. TNS shall not de-access or dispose of any buildings or collection materials without TROY's prior permission. New accessions donated to or purchased by TNS will become the property of TROY. If TROY authorizes the sale of any building or collection materials, any proceeds from the sale of any building or collection materials will be used only for the acquisition of new artifacts, or archival materials, or for the care of existing collections.

11. SECURITY. TNS shall allow members of the Troy Police Department and/or any other federal or state law enforcement agency onto the property at any time to ensure security of the premises.

12. FINANCIAL STATEMENTS AND REPORTS. By October 15 of each year, TNS shall furnish an annual report of its activities with respect to the Nature Center to TROY. This report shall include the following subject matters:

- a. Itemized revenues and expenses;
- b. Fund raising activities;
- c. Program/class participation numbers/reports;
- d. Number of visitors during the reporting period;
- e. The schedule of hours of operation of the Nature Center during the reporting period and the average number of hours per week that the Nature Center was open to the public during the reporting period;
- f. List of major accessions and deaccessions.
- g. TNS shall deliver a copy of its annual financial statements for the previous fiscal year, audited, compiled or reviewed by an independent certified public accountant, to TROY.

13. INSURANCE. TNS shall carry general liability insurance, personal property insurance, workers compensation insurance, liquor liability insurance (if required as set out herein), and motor vehicle liability insurance for any actions, claims, liability or damages caused to others arising out of the performance of this Agreement, in coverage amounts approved by TROY. TROY shall be named as an additional insured on the general liability insurance and the liquor liability insurance (if required as set out herein), using the following wording: "City of Troy, all elected and appointed officials, all employees and volunteers, boards, commissions and/or authorities and their board members, employees, and volunteers are additional insureds" on ISO form B or broader. Liquor liability insurance shall be required per occurrence or event. Service of liquor on the Premises at any time by TNS or its agents, without liquor liability insurance

in place, shall be considered a material breach of this Agreement and TROY may immediately terminate this Agreement. Proof of liquor liability insurance will be presented to TROY'S risk manager at least 30 days prior to the service of any alcoholic beverages on the Premises.

TROY shall be notified of any cancellation or material change of any insurance within 30 days. The cancellation clause shall read:

“Should any of the above-described policies be canceled or materially changed before the expiration date thereof, the issuing company will provide 30 days written notice to the additional insured.”

Cancellation of the insurance shall be considered a material breach of this Agreement, and the Agreement shall become null and void unless TNS immediately provides proof of renewal of continuous coverage to TROY. All TNS insurance carriers shall be licensed and admitted to do business in the State of Michigan and shall be acceptable to TROY. Proof of insurance meeting these requirements shall be provided to TROY within 24 hours after execution of this Agreement.

TNS is responsible for any deductibles for any of the policies. TNS shall furnish to TROY three (3) complete copies of the acceptable Certificates of Insurance. If any of the policies expire during the term of the Agreement, TNS shall deliver renewal certificates and/or policies to TROY at least ten (10) days prior to the expiration date.

14. MUTUAL INDEMNIFICATION. To the fullest extent permitted by law, TNS agrees to defend, pay on behalf of, indemnify, and hold harmless TROY, its elected and appointed officials, employees and volunteers and others working on behalf of TROY, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from TROY, its elected and appointed officials, employees, volunteers or others working on behalf of TROY, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the execution of activities by TNS as outlined in this Agreement or as relating to or resulting from those activities. To the fullest extent permitted by law, TROY agrees to defend, pay on behalf of, indemnify, and hold harmless TNS against any and all claims, demands, suits or loss, including costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from TNS, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which are proximately caused and the direct result of the gross negligence of TROY or its employees or which TROY may be statutorily liable under MCL 691.1401, et. seq..

15. ALCOHOL AND TOBACCO USE. TNS shall prohibit the use of tobacco on the Premises at all times. The use of alcohol shall be prohibited unless approved by TROY and unless TNS obtains a valid permit issued by the Michigan Liquor Control Commission. The use of alcohol is restricted to fund raising events only and no alcohol

will be served or allowed outside of the interpretive center building. Persons who refuse to cooperate with this requirement shall be removed from the premises by TNS and/or law enforcement personnel.

16. PARKS AND RECREATION DEPARTMENT RULES. TNS agrees to abide by all of the rules and regulations of TROY'S Parks and Recreation Departments.

17. DUTY TO NOTIFY AND COOPERATE. The parties shall provide notice within twenty-one (21) days of the receipt of any claim for damages or injuries. The parties shall cooperate with the defense of any claims subject to the indemnification provisions of Section 14.

18. TERMINATION AND SURRENDER OF PREMISES. TROY or TNS for any reason may terminate this Agreement upon one hundred eighty (180) days written notice to the other Party. Notice shall be provided as set out in Section 36. TNS shall peaceably surrender the Premises to TROY immediately when requested to do so by TROY in the same condition as the date of first use of the Premises by TNS, excepting normal wear and tear. Either TROY or TNS may terminate this Agreement with sixty (60) days written notice for substantial breach of the terms of the Agreement.

19. TAXES. TNS agrees to pay any and all sales, use or other taxes that may be legally due and owing to any governmental agency as a result of its use, occupation and/or programming on the Premises.

20. ACCOUNTING. For the purpose of ascertaining revenues and expenditures, TNS agrees to maintain records showing all income, expenditures and other receipts with respect to TNS's use, occupation and programming on the Premises. TROY shall have the right to examine TNS's records at any reasonable time and/or place. TNS further agrees to meet with the City Manager of TROY or his/her designee when requested, but at least once a calendar year, for the purpose of jointly evaluating the continued use, occupation and programming on the Premises. TNS shall further provide to TROY an annual verification or certification status as a Michigan Non-Profit Organization. TNS will provide an annual report to TROY and include financial reporting of revenues, expenditures and programming reviews as set out in Section 12.

21. VENDING MACHINES. Subject to approval of TROY, TNS may provide vending machines for its employees, volunteers and participants at its sole expense and at its discretion regarding the contractor. TROY shall approve the location and number of vending machines prior to their installation. TNS shall at its own expense pay for the costs of installation or removal of the vending machines.

22. CONSTRUCTION, IMPROVEMENTS AND REPAIRS BY TNS. Any and all construction to be performed on or about the Premises by TNS shall not occur without the prior written consent of TROY at its sole and absolute discretion, following discussion with TNS. Any approved construction work shall be performed in a safe, proper and workmanlike manner and as expeditiously as possible so as to minimize any

interference with the use of the Premises and its surrounding environs and in such a manner so as to not interfere with the use and operation of any utilities, except as mutually agreed by the Parties, that may be located within the Premises.

Any construction, improvements and repairs done by TNS at its expense shall become the property of TROY.

23. SIGNS. TNS, as an independent contractor, shall comply with TROY'S Code of Ordinances, Chapter 85, Signs, including the placement or installation of any permanent or temporary signs on the Premises. TNS shall follow any application or other procedures set out in that Ordinance.

24. CAPITAL EXPENSES. TROY shall be responsible for and have the sole discretion to determine the need for long-term capital expenses and costs to the facilities located on the Premises.

25. FIRE OR OTHER LOSS. TROY shall not be responsible or liable to TNS for any fire, theft or damage to the Premises or any property located, kept or stored on the Premises, or any loss or damage to property that may be occasioned by or through the acts or omissions of TNS, its employees, agents, officers, business invitees or any other person; or any of its or their heirs, representatives, agents or assigns, whether that property be owned by TROY or TNS. TNS shall give immediate written notice to TROY in case of fire, damage or accidents at or to the Premises.

26. USE OF SEWERS. TNS or its employees, volunteers and/or agents shall not use, deposit or discharge any material, debris or goods down any drains or sewers that in any way may cause or result in blockage or obstruction of normal sewer activities.

27. NO WARRANTIES. TNS has inspected the Premises and accepts the Premises "as is". TNS acknowledge that no warranties or representations regarding the condition of the Premises have been made by TROY.

28. MUTUAL AUTHORSHIP. This Agreement shall be deemed to have been mutually authored by the Parties.

29. COMPLIANCE WITH LAW. TNS shall comply with all Federal and State laws, and Troy's Code of Ordinances. TNS shall comply with all permit and licensing requirements, including, but not limited to, acquiring any permits or licenses required under those laws.

30. HAZARDOUS MATERIALS. TNS shall not use or permit the use of the Premises for any purpose relating to the storage or use of hazardous materials. TNS shall under no circumstances manufacture, produce, release, discharge or dispose of, on, in, or under the Premises any hazardous materials. TSN shall not allow any other person or entity to do so, or transport to or from the Premises any hazardous material.

TNS, its employees, volunteers and/or agents shall comply with all Federal and State laws, Troy's Code of Ordinances and any rules and/or regulations promulgated by those laws, ordinances or regulations relating to hazardous materials and above ground and underground storage tanks on, in, under or about the Premises.

"Hazardous materials" shall mean any flammable explosives, radioactive materials, hazardous wastes, injurious substance, toxic substances or related materials, including without limitation, any substance defined as or included in the definition of hazardous substances, hazardous wastes, hazardous materials, toxic substances, contaminants or pollutants under any applicable Federal or State law and/or rule or regulation.

31. INDEPENDENT CONTRACTOR RELATIONSHIP. TNS is an independent contractor and as such shall have full authority and responsibility to discharge the duties imposed upon it hereunder without restrictions other than those imposed by or pursuant to this Agreement. Nothing contained in this Agreement shall constitute the Parties as partners or joint venturers for any purpose, it being the express intention of the Parties that no such partnership or joint venture exists and that each Party has only those duties to the other that are specified in this Agreement.

32. DOCUMENTATION. TROY and TNS agree that they will execute and deliver any documents which may be necessary to implement this Agreement.

33. NO AUTHORITY TO BIND OTHER PARTY. TNS, its Board of Directors and its Officers, shall not have any right or authority to bind or obligate TROY, nor shall TROY have any right or authority to bind or obligate TNS, without the other party's prior written consent.

34. NON-ASSIGNABILITY. TNS's privilege to use, occupy and provide programs on the Premises shall be solely in connection with this Agreement. TNS shall not transfer or assign this Agreement or any rights hereunder. This Agreement is non-assignable in whole or in part.

35. CONTACT PERSONS. TROY will contact the President of TNS regarding issues of concern regarding use, occupation and programs on the Premises or other concerns raised under this Agreement. In the absence or unavailability of the President, TROY will contact the individual named by the President as his/her designee. For concerns regarding the day to day use, occupation and programming on the Premises, TNS will contact the Director or his/her designee. The Director, or his/her designee, shall serve as the "contact person" under this Agreement.

It is the intent of this Agreement that TNS will cooperate with TROY in accommodating TROY's concerns regarding the use, occupation and programming on the Premises, including, but not limited to, the amount of fees charged for admission or programs so that members of the general public will not be prohibited financially from visiting the Nature Center. If, after consultation with TROY's contact person, there is a

dispute between TROY and TNS regarding a use, occupation, admission/programming fee or programming content issue, the Parties agree to abide by the decision of the Director.

36. NOTICES. All notices required under this Agreement shall be in writing and be sent by certified mail addressed to the respective party at the address indicated below or at such other address as the parties shall designate in writing. A change in address may be effected by a letter sent via first class mail by either party to the other. Notices regarding termination shall be sent by certified mail return receipt requested. In the alternative, notices of termination may be given by personal service on the party.

To the CITY
City Manager
TROY City Hall
500 W. Big Beaver Rd.
TROY, MI 48084

With copies to-

TROY City Clerk
TROY City Hall
500 W. Big Beaver Rd.
TROY, MI 48084

and
TROY City Attorney
TROY City Hall
500 W. Big Beaver Rd.
TROY, MI 48084

To TNS

Troy Nature Society
P.O. Box 99302
Troy, MI 48099
Attention: President

37. ENTIRE AGREEMENT; AMENDMENT; WAIVER. This Agreement is and shall be deemed to be the complete and final expression of the agreement among the parties as to the matters contained in and related to this Agreement and supersedes any previous understandings, dealing and communications, including negotiations, discussions, representations, warranties, information, documents and agreements, among the parties pertaining to such matters. This Agreement shall not be modified or amended except pursuant to a written agreement signed by both Parties. Any waiver of any Party's rights or obligations under this Agreement must be in writing and must

be signed by the Party against which such waiver is to be enforced. No Party's failure to exercise a right or to invoke a remedy in any particular circumstance shall be construed as a waiver of such right or remedy, and no waiver by either Party of any right or remedy in one situation shall constitute a waiver of such Party's rights or remedies in any other subsequent situation, whether similar or not.

38. SEVERABILITY. If any court, agency, commission, legislative body or other Authority of competent jurisdiction declares invalid, illegal or unenforceable any portion of this Agreement or its application to any person, that decision shall not affect the validity of the remaining portions of this Agreement.

39. NO THIRD PARTY BENEFICIARIES. Except to the extent expressly contemplated in this Agreement, the obligations undertaken by TROY and TNS in this Agreement are for the benefit of TROY and TNS only, and neither any creditor of TROY and TNS, nor any other party shall have the right to rely on or enforce the provisions of this Agreement as a thirty-party beneficiary or otherwise.

40. NON-DISCRIMINATION. TNS shall not discriminate in the hiring of any employees or contractors, in its use of volunteers or in its use of the Premises, directly or indirectly on the basis of age, race, color, religion, national origin, sex, height, weight, disability, familial relationship, political orientation or any other illegal basis.

41. GOVERNMENTAL IMMUNITY. By entering into this Agreement, TROY in no way gives up its right to claim governmental immunity or any other defense provided to governmental entities under Federal or State law, on behalf of itself, all elected and appointed officials, all employees and volunteers, those working as agents or on behalf of TROY, its boards, commissions and/or authorities, or board members, employees, and volunteers.

42. SECTION HEADINGS. The Section headings contained in this Agreement have been inserted only as a matter of convenience and for reference and will not be construed to define, limit or describe the scope or intent of any provision of this Agreement

43. GOVERNING LAW. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan. In the event any provision of this Agreement is in conflict with any statute or rule of any law in the State of Michigan or is otherwise unenforceable for any reason whatsoever, then that provision shall be deemed severable from or enforceable to the maximum extent permitted by law, as the case may be, and that provision shall not invalidate any other provision of this Agreement. Venue for any action brought under this Agreement shall lie in Oakland County Circuit Court, Michigan.

44. TNS LIMITED USE OF TROY FARM. TROY, in its sole discretion, may permit TNS use of the Troy Farm, which is legally described in the Attached Exhibit 3, for any programs it offers consistent with its mission statement (Attached as Exhibit 1). Any

programs and/or activities conducted at the Troy Farm must be approved by the Director. If at any time TROY believes that the Troy Farm Property is being misused or activities are occurring which are beyond the scope of this Agreement or TNS' mission, the Director, in his/her sole discretion, may require TNS to immediately cease the activity or misuse. TNS shall be solely responsible for any damage to property caused by the misuse of or the improper use of the Troy Farm Property.

45. CERTIFICATION OF AUTHORITY TO SIGN AGREEMENT. The persons signing this Agreement on behalf of the Parties hereto certify by their signatures that they are duly authorized to sign on behalf of said Parties and that this Agreement has been authorized by said Parties.

WITNESSES:

CITY OF TROY,
a Michigan Municipal Corporation

By: _____
Dane Slater, Mayor

By: _____
M. Aileen Bittner, CMC, City Clerk

WITNESSES:

TROY NATURE SOCIETY,
a Michigan Non-Profit Corporation

By: _____
Stuart Redpath
Title: President

Exhibit 1

Troy Nature Society

501 (c) (3) Corporation

Purpose: Studying and preserving natural spaces for future generations

Mission: To provide resources and education to inspire the appreciation and preservation of nature.

Support: The organization will support operations and programs at the Lloyd A. Stage Nature Center and other activities within the city and surrounding region that are within the scope of our mission. The organization may involve or partner with other organizations to increase our support of the Lloyd A. Stage Nature Center and green space in Troy and surrounding region.

EXHIBIT 2

Legal Description of Lloyd A. Stage Nature Center and adjoining property that Troy Nature Society may use for programing

Licensors, in consideration of the covenants and agreements herein specified to be kept by the Licensee, hereby grants to Licensee a non-exclusive license and permit to use the following described premises situated and being in the City of Troy, County of Oakland and State of Michigan, including the Lloyd A. Stage Nature Center, *to wit*:

Town 2 North, Range 11 East, Section 6
Part of the Northeast Fractional 1/4
Beginning at a Point Distant
South 00-04-00 East 1,689 Feet
From the Northeast Section Corner,
Thence South 00-04-00 East 790 Feet,
Thence South 89-46-00 West 1,322.29 Feet,
Thence North 00-06-00 East 790 Feet,
Thence North 89-45-00 East 1,319.82 Feet
To Beginning. 23.95 A

Parcel Identification Number 88-20-06-200-003
(hereinafter, the "Premises") to be occupied and used for the sole purpose of promoting outdoor recreation and nature education programs and subject to the limitations and requirements contained in the Agreement between the Troy Nature Society and the City of Troy.

EXHIBIT 3

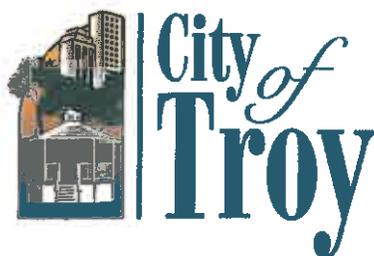
Legal Description of Troy Farm that Troy Nature Society may use for programming subject to discretion of Director

Licensors, in consideration of the covenants and agreements herein specified to be kept by the Licensee, hereby grants to Licensee a non-exclusive license and permit to use the following described premises situated and being in the City of Troy, County of Oakland and State of Michigan, *to wit*:

Town 2 North, Range 11 East, Section 6
Part of the Northeast Fractional 1/4
Beginning at the North 1/4 Corner,
Thence North 89-32-10 East 1,327.41 Feet,
Thence South 00-13-30 East 2,483.75 Feet,
Thence South 89-48-30 West 1,322.72 Feet,
Thence North 00-19-54 West 2,477.42 Feet
To Beginning. 75.46 Acres

Parcel Identification Number 88-20-06-200-007

(hereinafter, the "Troy Farm") to be occupied and used for the sole purpose of promoting outdoor recreation and nature education programs and subject to the limitations and requirements contained in the Agreement between the Troy Nature Society and the City of Troy.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: June 13, 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. On May 29, 2013, the Michigan House of Representatives passed amendments to the law. Under these amendments, municipalities are now able to prohibit the use, ignition, and discharge of consumer fireworks on days other than holidays. Additionally, municipalities can now prohibit the use, ignition, and discharge of consumer fireworks between the hours of 12 am and 8 am on each holiday (includes the holiday, the day before, and the day after). For New Years Day, state law allows for the use, ignition and discharge until 1 am.

As of June 12, 2013, both chambers of the Michigan legislature passed amendments to the State law, and it is hoped that the Governor will sign the bill prior to the City Council meeting on June 17, 2013. These bills passed almost unanimously in both chambers of the Michigan legislature.

Based on input received after this item was presented to the Troy City Council, and based on some minor Senate revisions to the bill, this version has been slightly modified from the version presented as an informational item for the June 3, 2013 City Council meeting. A red lined draft of City Administration's revised recommended revisions is attached.

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

Proposed Resolution

RESOLVED, that the amendments to Chapter 93 of the City of Troy Code of Ordinances, Sections 105.6.14.1, 3301.1.3, 3308.1, and Chapter 47, and amendments and a renumbering of Chapter 98, Section 98.05.16, and the addition of a new Section 98.15.01, 98.15.02, and 98.15.13 are hereby adopted. A copy of these amendments shall be attached to the original minutes of this meeting.

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 ~~1934 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

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 renumbered and amended as follows:

FIREWORKS

98.05.16

98.15.01 Fireworks. ~~No person~~ **An individual** shall ~~not~~ 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 a national holiday. National holiday is further defined to include only the following federal holidays, including the day preceding and the day following the federal holiday: New Year's Day, the birthday of Martin Luther King, Jr., Washington's birthday (President's Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. On these holiday dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 8:00 am to 12:00 am (midnight) for each of these days, and between 8:00 am and 1:00 am 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 98.15.02, and 98.15.03 shall be added as follows:

98.15.02 Ignition, Use, Discharge of Fireworks While Under Influence of Alcohol or Controlled Substances. An individual shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, which are defined under the Michigan vehicle code, 1949 PA 300 and any amendments. A person who ignites, uses, or discharges fireworks in violation 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 of not more than \$500, or both.

98.15.03 Discharge of Fireworks on Public Property. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who ignites, uses or discharges fireworks in violation of this section is guilty of a municipal civil infraction, punishable by a fine of up to \$500.

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 23, 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 258) 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 Canvassers.

Yes: McGinnis, Slater, Daniels, Campbell, Flanning, Henderson
No: None
Abstain: Titz

MOTION CARRIED

1-5 City Council Rules of Procedure

Moved by Flanning
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 #2012-08-101
Moved by Titz
Seconded by Flanning

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 #2012-08-102
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 26.451 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 26.451 et. seq. also contain provisions that have created some concerns for Michigan municipalities.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **UNDES** the Michigan Legislature to recall and revise the state fireworks statutes, MCL 26.451 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 26.451 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: Tie

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2012-06-103
Moved by Fleming
Seconded by McGinnis

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

The Assembly recited the Pledge of Allegiance to the Flag.

A. CALL TO ORDER: President Philippart called the Meeting to order at 6:00 PM.

B. IN ATTENDANCE:

Troy City Council

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

Troy Board of Education

President Nancy Philippart
Todd Milette
Paula Fleming
Ida Edmunds
Wendy Underwood
Gary Hauff
Karl Schmidt

Also Present:

City of Troy

City Manager Brian Kischnick
City Attorney Lori Grigg Bluhm
Mark Miller, Director of Economic & Community Development Services
Tom Darling, Director of Financial Services
Chief Gary Mayer, Troy Police Department
Aileen Bittner, City Clerk
Captain Robert Redmond, Troy Police Department
Sergeant Andy Breidenich, Troy Police Department

Troy School District

Superintendent Barbara Fowler
Kerry Birmingham, Director of Community & Media Relations
Janet Keeling, Assistant Superintendent of Elementary Instruction
Richard Machesky, Assistant Superintendent of Secondary Education
Mark Rajter, Assistant Superintendent of Business Services
Jasen Witt, Assistant Superintendent of Human Resources

President Philippart offered the opportunity for Public Comment to members of audience who wished to speak. No Public Comment was received.

C. DISCUSSION ITEMS:

C-1 DDA Bond Issue

City Manager Kischnick presented information relating to the DDA Bond Issue in the form of a verbal presentation and handout. He confirmed that the DDA Bond Issue has no impact to the Troy School District.

C-2 Update on School Security and Discussion About Police in Schools Concept/Programs

Police Chief Mayer offered a brief introduction of the presentation and introduced Sgt. Breidenich.

Sgt. Breidenich presented information relating to School Security in the form of a verbal presentation and handout. He discussed the first step in returning Police presence to Troy Schools since the City budget cuts by way of an agreement reached between the Troy School District and City of Troy to dedicate one Police Officer, specifically, as the liaison officer for Troy schools. He commended the Troy School District's choice of Safe-Ed, LLC. for contracted security services.

Chief Mayer reiterated that every Troy Police Officer is trained and equipped at all times for school security incidents.

Chief Mayer described the school resource officer's duties as patrolling every Troy school during the week in order to be the safety expert, enforce laws, solve issues, provide environmental security and conflict resolution, increase awareness of drug/alcohol prevention, and provide the Troy Police Department with updated building layouts, if applicable. The Officer sets the patrol schedule independently based on the needs of the schools and issues during each week.

Chief Mayer summarized by saying that the school resource officer will enhance the Police Department's relationship with the Troy School District. Also, the Police Department has applied for a grant that, if approved, would provide funding for two additional school resource officers.

President Philippart inquired if Safe-Ed can help the Police Department by being eyes and ears in the schools? Chief Mayer responded that yes, intelligence from Safe-Ed helps to resolve issues before they turn into problems.

Trustee Schmidt questioned when the school resource officer will be assigned. Chief Mayer responded that presence would begin with the 2013-14 school year.

Trustee Miletti asked Superintendent Fowler if the bond proposal included a contract with the Troy Police Department. Superintendent Fowler responded that it did not yet include a contract.

Trustee Hauff commented that communication with the Police Department is great now versus when the Police were only involved after problems occurred.

Chief Mayer commented that the Troy Police Department and the Troy School District meet regularly, which works very well.

Mayor Slater reiterated that this meeting is about communication; and, we are on the way back to where we were before the budget crisis. He said he is hopeful for the grant to be approved for the two additional school officers.

Mayor Pro Tem Fleming asked if the resource officer will patrol other schools or only Troy Schools. Chief Mayer replied that the Police Department has a commitment with the Troy School District during the days Troy Schools are in session. On days when Troy Schools are not in session, the officer will patrol other schools in Troy, such as

preschools. If the grant is approved, the two additional officers could make more contact with those other schools.

C-4 Troy Governance Project

Assistant Superintendent Machesky introduced and discussed the Troy Governance Project. This project is intended to educate voters and students on civic understanding of the democratic process and democratic citizenry. The project brought together representatives from the Troy School District, City of Troy, League of Women Voters and Friends of the Troy Public Library. The project started because government classes in school and text books do not teach local government even though local government is where important decisions are made. A video presentation called Get Gov! includes interviews revealing misconceptions about local government, and a panel discussion with various officials have been completed and is in the editing stage now. The video covers topics, such as Mayor and City Council, City Management, City Charter, Taxes, Troy School District, Voter Services and Civic Participation. The project went very well and will be a class resource for educating students on local governance.

Council Member McGinnis asked when the Get Gov! video will be revealed. Assistant Superintendent Machesky replied that he is hoping it will be made available for the cable channel and City Council before next school year.

Trustee Schmidt asked how many students were involved in the project. Assistant Superintendent Machesky responded that over 100 students at Troy High School, Athens High School and the International Academy were involved, plus the video production class at Troy High School.

President Philppart questioned if the video will become part of classes. Assistant Superintendent Machesky responded that yes, the idea is that the video will be used in classes at the high school level and will cause more conversations regarding local governance in the future.

Trustee Edmunds thanked Rhonda Hendrickson and Assistant Superintendent Machesky for putting this together. She thanked City staff and officials for their expertise and assistance.

C-5 School District Update and Bond Discussion

Superintendent Fowler presented an overview of the status of the Troy School District. The District offers a wide variety of programs for all ages. Enrollment is steady at 12,400+ students and growing every year. There are 83 languages represented in the student population. The School District holds the North Central Accreditation and the Board of Education receives many honors. Troy High School was #1 and Athens High School was #6, according to the Washington Post list of top academic schools in Michigan. Troy has twenty-seven (27) advanced placement offerings and was named in the 100 Best Communities for Music Education. This year, there were seven (7) Troy School District students that had perfect ACT scores; 60+ National Merit Scholars; and two Troy School District students won the International Space Lab Contest. The MEAP scores for 3rd-8th

grade students are the 2nd highest in Oakland County for reading and the highest in Oakland County for mathematics.

Superintendent Fowler reported that the challenges facing the school district come from Lansing where the funding for education has been cut each year. To address financial issues resulting from funding cuts, there will be a bond proposal on the November ballot. The last time the Troy School District had a bond proposal was in 2004. The bond will be for infrastructure; security and building modifications; technology; instructional equipment; and transportation. The bond is 55% infrastructure.

Superintendent Fowler emphasized that the bond will not cause a tax increase for Troy residents due to lower interest rates. The proposal organization, made up of Troy residents, will be releasing podcasts, holding meetings, and disseminating information regarding the bond.

Mayor Slater stressed the importance of a great school district like the Troy School District to real estate property values. He thanked the School Board and administrators.

C-6 Other

Mayor Slater commented that the Troy School District/City of Troy partnership is impressive. He read from a report provided by the City Manager to City Council that indicated, among many others, the relationship between the School District and: Community Affairs, Information Technology, Recreation, Police Department, Public Works and the Troy Public Library.

Mayor Slater stated that one police officer is a good start in the schools, but more are needed.

Trustee Hauff said that he thinks citizens missed out by not attending tonight's meeting because it shows good governance and two areas of resident services coming together.

President Philippart said this is the first step in reestablishing the formal collaboration between the Troy School District and the City of Troy.

D. ADJOURNMENT: President Philippart adjourned the meeting at 7:13 PM.

Pastor Jack Mannschreck from Big Beaver United Methodist Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, June 3, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:33 PM.

B. ROLL CALL:

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

Resolution #2013-06-108

Moved by Slater

Seconded by McGinnis

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

Council Member Fleming at the Regular City Council Meeting of June 3, 2013, due to being out of the county.

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

No: None

Absent: Fleming

MOTION CARRIED

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:**

James Savage	Spoke on Item O-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 – Planning Commission; b) City Council Appointments – None**a) Mayoral Appointments**

Resolution #2013-06-109

Moved by Slater

Seconded by Tietz

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: Campbell, Henderson, McGinnis, Pennington, Tietz, Slater

No: None

Absent: Fleming

MOTION CARRIED

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: None

b) City Council Nominations

Resolution #2013-06-110
Moved by Slater
Seconded by Henderson

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

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 07/31/2014 Robert Mitch Huber (Student)

Term currently held by: Student Member

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

No: None

Absent: Fleming

MOTION CARRIED

I-3 No Closed Session

J. CONSENT AGENDA:

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

Resolution #2013-06-111
Moved by Campbell
Seconded by McGinnis

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

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2013-06-111-J-2

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**

Resolution #2013-06-111-J-4a

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 Supplies**

Resolution #2013-06-111-J-4b

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 Appointments

Resolution #2013-06-111-J-5

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 Estates

Resolution #2013-06-111-J-6

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. Fleming

Resolution #2013-06-111-J-7

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

Resolution #2013-06-111-J-8

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

Resolution #2013-06-111-J-9

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

Resolution #2013-06-111-J-10

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:

Marv Reinhardt	Spoke about various topics.
James Savage	Spoke about public comment.

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

Mayor Slater and Council Member Henderson announced the “Dane and Dave Show,” which is a program that will promote the City of Troy in a positive way. CMN will air the first show on June 17, 2013, and will highlight the golf courses to show how private and public enterprises can work together for the betterment of the community.

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
Noted and Filed
-

O-2 Department Reports: None Submitted
Noted and Filed

O-3 Letters of Appreciation: None Submitted
Noted and Filed

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

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

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

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:07 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL ACTION REPORT

May 29, 2013

TO: Brian Kischnick, City Manager

FROM: MaryBeth Murz, Purchasing Manager
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 4: MITN Purchasing Cooperative-
City of Rochester Hills – Fire Hose Testing

History

Fire hose is required to be tested annually by the National Fire Protection Association Standards. This hose testing project covers the next three (3) years.

Purchasing

In March of 2013, the City of Rochester Hills obtained bids for Fire Hose Testing via the Michigan Intergovernmental Trade Network (MITN) website of which the City of Troy is part. Rochester Hills accepted the 2nd lowest bid received from Waterway Michigan LLC for a three (3) year contract for unloading, testing and reloading fire hose. The bid was awarded to Waterway Michigan LLC who is the 2nd lowest bidder due to poor quality of work references by the lowest bidder. Note that cooperative purchasing minimizes costs and increases the efficiency and effectiveness of the City government.

Financial Considerations

Funds are budgeted for this service in the 2013-2014 budget and the total purchase for this year is estimated at \$10,166.00.

Recommendation

City management and the Fire department request authorization to contract for fire hose testing services from the lowest acceptable bidder, Waterway Michigan, LLC, of Caledonia, MI, as a result of a MITN Cooperative award for the unloading, testing and reloading of approximately 50,780 feet of fire hose at unit prices as detailed on the bid tabulation for SFQ-RH 13-017 to expire December 30, 2015.



CITY COUNCIL AGENDA ITEM

Date: June 6, 2013

To: Brian Kischnick, City Manager

From: Susan A. Leirstein, Purchasing Director
MaryBeth Murz, Purchasing Manager
Timothy L. Richnak, Public Works Director
Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Sidewalk Replacement and Installation Program

History

The Streets Division is responsible for the inspection of all sidewalks so as to ensure defects are corrected to provide a safe pedestrian walkway. Under Chapter 34.10 residents are responsible for the sidewalk repair and maintenance abutting their property. The Streets Division notifies property owners of any defects and provides an opportunity for the resident to complete the repair themselves or to participate in the City's sidewalk program. Under the Sidewalk Program the City manages the repair and invoices the resident for the repair. Because the City bids this work in large volumes it is often less expensive for the resident to allow the City to manage the repairs. It is estimated that residents participating in the program reimburse the City for approximately 40-60% of total program expenses. The remaining expense not reimbursed is sidewalk defects caused by City assets such as right-of-way trees, manholes, or because the property is City owned.

Purchasing

On June 7, 2013, a bid opening was conducted as required by City Charter and Code for three (3) year requirements of the Sidewalk Replacement and Installation Program with an option to renew for one (1) additional year. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info and the bid was also sent to the Troy Chamber of Commerce. Four (4) bid responses were received. Below is a detailed summary of potential vendors:

Companies notified via MITN	381
Troy Companies notified via MITN	2
Troy Companies notified Active email Notification	2
Troy Companies notified Active Free	0
Companies that viewed the bid	44
Troy Companies that viewed the bid	0

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying** members are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.



CITY COUNCIL AGENDA ITEM

Purchasing (continued)

All items were bid as estimated linear or square footage quantities based upon historical data. Annual estimated total Proposal costs are predicated upon estimated quantities. The Sidewalk Replacement and Installation Program is completed on as needed basis. All items bid were separated into two (2) proposal categories based on the Division responsible for the task. The Streets and Drains Division is responsible for the expenses under Proposal A and the Water and Sewer Division is responsible for the expenses in Proposal B. These proposals complement each other and to ensure an efficient operation, the award is based on the all-inclusive estimated bid prices for both Proposal A and B.

Financial

Funds are available in the Streets Division's Capital Budget and Water and Sewer Operating Budget. Also, note that these Budgets are not off-set by resident reimbursements participating in the Sidewalk Program. Funds from resident reimbursements participating in this program go directly to the City's General Fund.

Recommendation

City management recommends awarding a three (3) year contract for fiscal years 2013-2016 with an option to renew for one (1) additional year for the Sidewalk Replacement and Installation Program on an as needed basis to the low total bidder, Rotondo Construction Company of Farmington Hills, MI for an estimated total annual cost of \$800,000.00 at unit prices contained in the bid tabulation opened June 7, 2013 with all expenses not to exceed budgetary limitations, expiring June 30, 2016.

VENDOR NAME:

Rotondo Construction Inc.

CHECK #:

Farmington Hills, MI

CHECK AMOUNT:

626437

\$10,000.00

PROPOSAL A: SIDEWALK REPLACEMENT AND SIDEWALK INSTALLATION PROGRAM

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Remove and Replace 4" Concrete	S.F.	153,000	\$ 2.91	\$ 445,230.00	\$ 2.93	\$ 448,290.00	\$ 2.98	\$ 455,940.00
2	Remove and Replace 6" Concrete	S.F.	40,000	\$ 3.41	\$ 136,400.00	\$ 3.43	\$ 137,200.00	\$ 3.49	\$ 139,600.00
3	Remove and Replace 8" Concrete	S.F.	9,000	\$ 3.91	\$ 35,190.00	\$ 3.93	\$ 35,370.00	\$ 4.01	\$ 36,090.00
4	Adjusting Drainage Structure	Ea	25	\$ 100.00	\$ 2,500.00	\$ 100.00	\$ 2,500.00	\$ 100.00	\$ 2,500.00
5	Reconstruct Drainage Structure	L.F.	40	\$ 100.00	\$ 4,000.00	\$ 100.00	\$ 4,000.00	\$ 100.00	\$ 4,000.00
6	Remove/Replace Concrete Curb/Gutter, if needed.	L.F.	1000	\$ 23.00	\$ 23,000.00	\$ 23.00	\$ 23,000.00	\$ 23.75	\$ 23,750.00
7	Curb Cut/Removal of Concrete Curb & Gutter for new Handicap Ramps	S.F.	200	\$ 23.00	\$ 4,600.00	\$ 23.00	\$ 4,600.00	\$ 23.75	\$ 4,750.00
8	Install Handicap Ramps per MDOT R-28H	S.F.	15,000	\$ 7.75	\$ 116,250.00	\$ 7.75	\$ 116,250.00	\$ 8.53	\$ 127,950.00
9	Detectable Warnings	L.F.	250	\$ 1.00	\$ 250.00	\$ 1.00	\$ 250.00	\$ 1.00	\$ 250.00
10	Remove Concrete & replace with top soil & seed	S.F.	730	\$ 0.95	\$ 693.50	\$ 0.95	\$ 693.50	\$ 0.95	\$ 693.50
11	Tree Root Grind	EA	400	\$ 11.00	\$ 4,400.00	\$ 11.50	\$ 4,600.00	\$ 12.00	\$ 4,800.00
12	Class "A" Culvert, 12", if needed	L.F.	10	\$ 1.00	\$ 10.00	\$ 1.00	\$ 10.00	\$ 1.00	\$ 10.00
13	6" Edge drain, if needed	L.F.	20	\$ 1.00	\$ 20.00	\$ 1.00	\$ 20.00	\$ 1.00	\$ 20.00
14	Install Concrete Sidewalk, 4" as per specs.	S.F.	15,000	\$ 2.91	\$ 43,650	\$ 2.91	\$ 43,650	\$ 2.98	\$ 44,700
15	Install Concrete Sidewalk, 6" as per specs.	S.F.	500	\$ 2.91	\$ 1,455.00	\$ 2.92	\$ 1,460.00	\$ 2.98	\$ 1,490.00
16	Install Concrete Sidewalk, 8" as per specs.	S.F.	250	\$ 2.30	\$ 575.00	\$ 2.30	\$ 575.00	\$ 2.30	\$ 575.00
17	Traffic Maintenance		Included						
18	Soil Erosion Control		Included						
19	Restoration		Included						
Estimated Cost - Proposal A					\$ 818,223.50		\$ 822,468.50		\$ 847,118.50
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL A - SIDEWALK REPLACEMENT AND INSTALLATION PROGRAM									
					\$ 2,487,810.50				

PROPOSAL B: SANITARY MANHOLE REHABILITATION

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Repair Sanitary manhole Chimney	L.F.	70	\$ 390.00	\$ 27,300.00	\$ 395.00	\$ 27,650.00	\$ 425.00	\$ 29,750.00
2	Repair Gate Well Manhole Chimney	L.F.	70	\$ 390.00	\$ 27,300.00	\$ 395.00	\$ 27,650.00	\$ 425.00	\$ 29,750.00
3	External Seal - Sanitary Manhole Wrap	L.F.	70	\$ 180.00	\$ 12,600.00	\$ 190.00	\$ 13,300.00	\$ 210.00	\$ 14,700.00
4	Traffic Maintenance		Included						
5	Items of Excavation, Removal & Restoration		Included						
Est. Total Cost - Proposal B					\$ 67,200.00		\$ 68,600.00		\$ 74,200.00
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL B - SANITARY MANHOLE REHABILITATION									
					\$ 210,000.00				

ESTIMATED GRAND TOTAL - PROPOSALS A & B: \$ 885,423.50 \$ 891,068.50 \$ 921,318.50

ESTIMATED THREE (3) YEAR GRAND TOTAL - PROPOSALS A & B: \$ 2,697,810.50

Opening Date -- 6/7/13
 Date Reviewed - 6/10/13

CITY OF TROY
 BID TABULATION
 SIDEWALK REPLACEMENT & INSTALLATION

VENDOR NAME:
INSURANCE: Can Meet
 Cannot Meet
CONTACT INFORMATION: Hours of Operation
 24 Hr Phone #
PROGRESS PAYMENTS: Identified as
REFERENCES: Y or N
PAYMENT TERMS:
WARRANTY:
EXCEPTIONS:
TWO FORMS COMPLETED:
 Legal Status Y or N
 Non-Collusion Y or N
 Debarment Certification Y or N
 Iran Linked Business Y or N
ACKNOWLEDGEMENT: Signed Y or N

Rotondo Construction Inc.	
	Yes
	8:00 am - 5:00 pm
	(248) 763-0420
	Every 2 weeks
	Blank
	Yes
	Blank
	Blank
	None
	Yes

Proposal - for three (3) year requirements of the sidewalk replacement and installation program with an option renew for one (1) additional year.

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

ATTEST:
Susan Riesterer
Enan Bachelor
Marina Basta-Farouk

 MaryBeth Murz,
 Purchasing Manager

VENDOR NAME:

A Land Construction, Inc.

CHECK #:

Dearborn, Heights, MI

CHECK AMOUNT:

9085315720

\$10,000.00

PROPOSAL A: SIDEWALK REPLACEMENT AND SIDEWALK INSTALLATION PROGRAM

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Remove and Replace 4" Concrete	S.F.	153,000	\$ 2.85	\$ 436,050.00	\$ 2.85	\$ 436,050.00	\$ 2.90	\$ 443,700.00
2	Remove and Replace 6" Concrete	S.F.	40,000	\$ 3.70	\$ 148,000.00	\$ 3.70	\$ 148,000.00	\$ 3.90	\$ 156,000.00
3	Remove and Replace 8" Concrete	S.F.	9,000	\$ 4.20	\$ 37,800.00	\$ 4.20	\$ 37,800.00	\$ 4.20	\$ 37,800.00
4	Adjusting Drainage Structure	Ea	25	\$ 100.00	\$ 2,500.00	\$ 100.00	\$ 2,500.00	\$ 100.00	\$ 2,500.00
5	Reconstruct Drainage Structure	L.F.	40	\$ 100.00	\$ 4,000.00	\$ 100.00	\$ 4,000.00	\$ 100.00	\$ 4,000.00
6	Remove/Replace Concrete Curb/Gutter, if needed.	L.F.	1000	\$ 16.00	\$ 16,000.00	\$ 16.00	\$ 16,000.00	\$ 16.00	\$ 16,000.00
7	Curb Cut/Removal of Concrete Curb & Gutter for new Handicap Ramps	S.F.	200	\$ 15.00	\$ 3,000.00	\$ 15.00	\$ 3,000.00	\$ 15.00	\$ 3,000.00
8	Install Handicap Ramps per MDOT R-28H	S.F.	15,000	\$ 9.50	\$ 142,500.00	\$ 9.50	\$ 142,500.00	\$ 9.50	\$ 142,500.00
9	Detectable Warnings	L.F.	250	\$ 35.00	\$ 8,750.00	\$ 35.00	\$ 8,750.00	\$ 35.00	\$ 8,750.00
10	Remove Concrete & replace with top soil & seed	S.F.	730	\$ 1.50	\$ 1,095.00	\$ 1.50	\$ 1,095.00	\$ 1.50	\$ 1,095.00
11	Tree Root Grind	EA	400	\$ 10.00	\$ 4,000.00	\$ 10.00	\$ 4,000.00	\$ 10.00	\$ 4,000.00
12	Class "A" Culvert, 12", if needed	L.F.	10	\$ 40.00	\$ 400.00	\$ 40.00	\$ 400.00	\$ 40.00	\$ 400.00
13	6" Edge drain, if needed	L.F.	20	\$ 20.00	\$ 400.00	\$ 20.00	\$ 400.00	\$ 20.00	\$ 400.00
14	Install Concrete Sidewalk, 4" as per specs.	S.F.	15,000	\$ 2.20	\$ 33,000	\$ 2.20	\$ 33,000	\$ 2.20	\$ 33,000
15	Install Concrete Sidewalk, 6" as per specs.	S.F.	500	\$ 2.60	\$ 1,300.00	\$ 2.60	\$ 1,300.00	\$ 2.60	\$ 1,300.00
16	Install Concrete Sidewalk, 8" as per specs.	S.F.	250	\$ 3.10	\$ 775.00	\$ 3.10	\$ 775.00	\$ 3.10	\$ 775.00
17	Traffic Maintenance		Included						
18	Soil Erosion Control		Included						
19	Restoration		Included						
Estimated Cost - Proposal A					\$ 839,570.00		\$ 839,570.00		\$ 855,220.00
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL A - SIDEWALK REPLACEMENT AND INSTALLATION PROGRAM					\$ 2,534,360.00				

PROPOSAL B: SANITARY MANHOLE REHABILITATION

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Repair Sanitary manhole Chimney	L.F.	70	\$ 325.00	\$ 22,750.00	\$ 325.00	\$ 22,750.00	\$ 325.00	\$ 22,750.00
2	Repair Gate Well Manhole Chimney	L.F.	70	\$ 375.00	\$ 26,250.00	\$ 375.00	\$ 26,250.00	\$ 375.00	\$ 26,250.00
3	External Seal - Sanitary Manhole Wrap	L.F.	70	\$ 220.00	\$ 15,400.00	\$ 220.00	\$ 15,400.00	\$ 220.00	\$ 15,400.00
4	Traffic Maintenance		Included						
5	Items of Excavation, Removal & Restoration		Included						
Est. Total Cost - Proposal B					\$ 64,400.00		\$ 64,400.00		\$ 64,400.00
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL B - SANITARY MANHOLE REHABILITATION					\$ 193,200.00				

ESTIMATED GRAND TOTAL - PROPOSALS A & B: \$ 903,970.00 \$ 903,970.00 \$ 919,620.00

ESTIMATED THREE (3) YEAR GRAND TOTAL - PROPOSALS A & B: \$ 2,727,560.00

Opening Date -- 6/7/13
 Date Reviewed - 6/10/13

CITY OF TROY
 BID TABULATION
 SIDEWALK REPLACEMENT & INSTALLATION

VENDOR NAME:

INSURANCE: Can Meet
 Cannot Meet

CONTACT INFORMATION:

Hours of Operation
 24 Hr Phone #

PROGRESS PAYMENTS:

Identified as

REFERNCES:

Y or N

PAYMENT TERMS:

WARRANTY:

EXCEPTIONS:

TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N
 Debarment Certification Y or N
 Iran Linked Business Y or N

ACKNOWLEDGEMENT: Signed

Y or N

A Land Construction, Inc.	
	Yes
	Blank
	(313) 779-2131
	Blank
	Yes
	Blank
	Blank
	None
	Yes

Proposal - for three (3) year requirements of the sidewalk replacement and installation program with an option renew for one (1) additional year.

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

ATTEST:

Susan Riesterer

 Enan Bachelor

 Marina Basta-Farouk

 MaryBeth Murz,
 Purchasing Manager

VENDOR NAME:

Audia Concrete Construction, Inc.

CHECK #:

Milford, MI

CHECK AMOUNT:

21690316

\$10,000.00

PROPOSAL A: SIDEWALK REPLACEMENT AND SIDEWALK INSTALLATION PROGRAM

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Remove and Replace 4" Concrete	S.F.	153,000	\$ 2.89	\$ 442,170.00	\$ 2.89	\$ 442,170.00	\$ 2.95	\$ 451,350.00
2	Remove and Replace 6" Concrete	S.F.	40,000	\$ 3.30	\$ 132,000.00	\$ 3.30	\$ 132,000.00	\$ 3.40	\$ 136,000.00
3	Remove and Replace 8" Concrete	S.F.	9,000	\$ 3.90	\$ 35,100.00	\$ 3.90	\$ 35,100.00	\$ 4.00	\$ 36,000.00
4	Adjusting Drainage Structure	Ea	25	\$ 2.95	\$ 73.75	\$ 2.95	\$ 73.75	\$ 3.15	\$ 78.75
5	Reconstruct Drainage Structure	L.F.	40	\$ 200.00	\$ 8,000.00	\$ 200.00	\$ 8,000.00	\$ 200.00	\$ 8,000.00
6	Remove/Replace Concrete Curb/Gutter, if needed.	L.F.	1000	\$ 29.00	\$ 29,000.00	\$ 29.00	\$ 29,000.00	\$ 29.00	\$ 29,000.00
7	Curb Cut/Removal of Concrete Curb & Gutter for new Handicap Ramps	S.F.	200	\$ 19.00	\$ 3,800.00	\$ 19.00	\$ 3,800.00	\$ 19.00	\$ 3,800.00
8	Install Handicap Ramps per MDOT R-28H	S.F.	15,000	\$ 7.30	\$ 109,500.00	\$ 7.30	\$ 109,500.00	\$ 8.20	\$ 123,000.00
9	Detectable Warnings	L.F.	250	\$ 76.00	\$ 19,000.00	\$ 76.00	\$ 19,000.00	\$ 80.00	\$ 20,000.00
10	Remove Concrete & replace with top soil & seed	S.F.	730	\$ 2.00	\$ 1,460.00	\$ 2.00	\$ 1,460.00	\$ 2.00	\$ 1,460.00
11	Tree Root Grind	EA	400	\$ 45.00	\$ 18,000.00	\$ 45.00	\$ 18,000.00	\$ 45.00	\$ 18,000.00
12	Class "A" Culvert, 12", if needed	L.F.	10	\$ 80.00	\$ 800.00	\$ 80.00	\$ 800.00	\$ 80.00	\$ 800.00
13	6" Edge drain, if needed	L.F.	20	\$ 25.00	\$ 500.00	\$ 25.00	\$ 500.00	\$ 25.00	\$ 500.00
14	Install Concrete Sidewalk, 4" as per specs.	S.F.	15,000	\$ 3.80	\$ 57,000	\$ 3.80	\$ 57,000	\$ 4.10	\$ 61,500
15	Install Concrete Sidewalk, 6" as per specs.	S.F.	500	\$ 4.20	\$ 2,100.00	\$ 4.20	\$ 2,100.00	\$ 4.50	\$ 2,250.00
16	Install Concrete Sidewalk, 8" as per specs.	S.F.	250	\$ 4.50	\$ 1,125.00	\$ 4.50	\$ 1,125.00	\$ 5.00	\$ 1,250.00
17	Traffic Maintenance		Included						
18	Soil Erosion Control		Included						
19	Restoration		Included						
Estimated Cost - Proposal A					\$ 859,628.75		\$ 859,628.75		\$ 892,988.75
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL A - SIDEWALK REPLACEMENT AND INSTALLATION PROGRAM					\$ 2,612,246.25				

PROPOSAL B: SANITARY MANHOLE REHABILITATION

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Repair Sanitary manhole Chimney	L.F.	70	\$ 200.00	\$ 14,000.00	\$ 220.00	\$ 15,400.00	\$ 235.00	\$ 16,450.00
2	Repair Gate Well Manhole Chimney	L.F.	70	\$ 200.00	\$ 14,000.00	\$ 220.00	\$ 15,400.00	\$ 235.00	\$ 16,450.00
3	External Seal - Sanitary Manhole Wrap	L.F.	70	\$ 250.00	\$ 17,500.00	\$ 265.00	\$ 18,550.00	\$ 280.00	\$ 19,600.00
4	Traffic Maintenance		Included						
5	Items of Excavation, Removal & Restoration		Included						
Est. Total Cost - Proposal B					\$ 45,500.00		\$ 49,350.00		\$ 52,500.00
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL B - SANITARY MANHOLE REHABILITATION					\$ 147,350.00				

ESTIMATED GRAND TOTAL - PROPOSALS A & B: \$ 905,128.75 \$ 908,978.75 \$ 945,488.75

ESTIMATED THREE (3) YEAR GRAND TOTAL - PROPOSALS A & B: \$ 2,759,596.25

Opening Date -- 6/7/13
 Date Reviewed - 6/10/13

CITY OF TROY
 BID TABULATION
 SIDEWALK REPLACEMENT & INSTALLATION

VENDOR NAME:

INSURANCE: Can Meet
 Cannot Meet

CONTACT INFORMATION:

Hours of Operation
 24 Hr Phone #

PROGRESS PAYMENTS:

Identified as

REFERENCES:

Y or N

PAYMENT TERMS:

WARRANTY:

EXCEPTIONS:

TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N
 Debarment Certification Y or N
 Iran Linked Business Y or N

ACKNOWLEDGEMENT: Signed

Y or N

Audia Concrete Construction, Inc.	
	Yes
	7:00 am - 6:00 pm
	(313) 350-0318
	Blank
	Yes
	Blank
	Blank
Cannot guarantee/commit to 7/1 start date, but can guarantee project will be completed by the due date.	
	Yes

Proposal - for three (3) year requirements of the sidewalk replacement and installation program with an option renew for one (1) additional year.

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

ATTEST:

Susan Riesterer
 Enan Bachelor
 Marina Basta-Farouk

 MaryBeth Murz,
 Purchasing Manager

VENDOR NAME:

Lacaria Concrete Construction

CHECK #:

Detroit, MI

CHECK AMOUNT:

575242

\$10,000.00

PROPOSAL A: SIDEWALK REPLACEMENT AND SIDEWALK INSTALLATION PROGRAM

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Remove and Replace 4" Concrete	S.F.	153,000	\$ 2.98	\$ 455,940.00	\$ 3.12	\$ 477,360.00	\$ 3.24	\$ 495,720.00
2	Remove and Replace 6" Concrete	S.F.	40,000	\$ 3.35	\$ 134,000.00	\$ 3.50	\$ 140,000.00	\$ 3.65	\$ 146,000.00
3	Remove and Replace 8" Concrete	S.F.	9,000	\$ 4.65	\$ 41,850.00	\$ 4.95	\$ 44,550.00	\$ 5.30	\$ 47,700.00
4	Adjusting Drainage Structure	Ea	25	\$ 200.00	\$ 5,000.00	\$ 200.00	\$ 5,000.00	\$ 200.00	\$ 5,000.00
5	Reconstruct Drainage Structure	L.F.	40	\$ 150.00	\$ 6,000.00	\$ 150.00	\$ 6,000.00	\$ 150.00	\$ 6,000.00
6	Remove/Replace Concrete Curb/Gutter, if needed.	L.F.	1000	\$ 24.00	\$ 24,000.00	\$ 26.00	\$ 26,000.00	\$ 28.00	\$ 28,000.00
7	Curb Cut/Removal of Concrete Curb & Gutter for new Handicap Ramps	S.F.	200	\$ 24.00	\$ 4,800.00	\$ 26.00	\$ 5,200.00	\$ 28.00	\$ 5,600.00
8	Install Handicap Ramps per MDOT R-28H	S.F.	15,000	\$ 14.50	\$ 217,500.00	\$ 15.50	\$ 232,500.00	\$ 16.50	\$ 247,500.00
9	Detectable Warnings	L.F.	250	\$ 32.00	\$ 8,000.00	\$ 36.00	\$ 9,000.00	\$ 38.00	\$ 9,500.00
10	Remove Concrete & replace with top soil & seed	S.F.	730	\$ 1.00	\$ 730.00	\$ 1.00	\$ 730.00	\$ 1.00	\$ 730.00
11	Tree Root Grind	EA	400	\$ 30.00	\$ 12,000.00	\$ 30.00	\$ 12,000.00	\$ 30.00	\$ 12,000.00
12	Class "A" Culvert, 12", if needed	L.F.	10	\$ 40.00	\$ 400.00	\$ 40.00	\$ 400.00	\$ 40.00	\$ 400.00
13	6" Edge drain, if needed	L.F.	20	\$ 20.00	\$ 400.00	\$ 20.00	\$ 400.00	\$ 20.00	\$ 400.00
14	Install Concrete Sidewalk, 4" as per specs.	S.F.	15,000	\$ 2.90	\$ 43,500	\$ 2.98	\$ 44,700	\$ 3.10	\$ 46,500
15	Install Concrete Sidewalk, 6" as per specs.	S.F.	500	\$ 3.30	\$ 1,650.00	\$ 3.40	\$ 1,700.00	\$ 3.50	\$ 1,750.00
16	Install Concrete Sidewalk, 8" as per specs.	S.F.	250	\$ 4.30	\$ 1,075.00	\$ 4.65	\$ 1,162.50	\$ 4.95	\$ 1,237.50
17	Traffic Maintenance		Included						
18	Soil Erosion Control		Included						
19	Restoration		Included						
Estimated Cost - Proposal A					\$ 956,845.00		\$ 1,006,702.50		\$ 1,054,037.50
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL A - SIDEWALK REPLACEMENT AND INSTALLATION PROGRAM					\$ 3,017,585.00				

PROPOSAL B: SANITARY MANHOLE REHABILITATION

ITEM	DESCRIPTION	U/M	EST QTY	UNIT PRICE	2013-2014 AMOUNT	UNIT PRICE	2014-2015 AMOUNT	UNIT PRICE	2015-2016 AMOUNT
1	Repair Sanitary manhole Chimney	L.F.	70	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00
2	Repair Gate Well Manhole Chimney	L.F.	70	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00
3	External Seal - Sanitary Manhole Wrap	L.F.	70	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00	\$ 200.00	\$ 14,000.00
4	Traffic Maintenance		Included						
5	Items of Excavation, Removal & Restoration		Included						
Est. Total Cost - Proposal B					\$ 42,000.00		\$ 42,000.00		\$ 42,000.00
ESTIMATED THREE (3) YEAR GRAND TOTAL COST PROPOSAL B - SANITARY MANHOLE REHABILITATION					\$ 126,000.00				
ESTIMATED GRAND TOTAL - PROPOSALS A & B:					\$ 998,845.00		\$ 1,048,702.50		\$ 1,096,037.50
ESTIMATED THREE (3) YEAR GRAND TOTAL - PROPOSALS A & B:					\$ 3,143,585.00				



CITY COUNCIL AGENDA ITEM

Date: June 6, 2013

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
 Timothy L. Richnak, Public Works Director
 Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Standard Purchasing Resolution 2: Award To Lowest Bidders Meeting Specifications – Traffic Control Signs and Posts

History

The Streets Division is responsible for the maintenance of all city posted traffic control signs and posts. These signs and posts require new installations, as well as repairs and replacements to be in compliance with the most current standards as specified in the Michigan Manual on Uniform Traffic Control Devices.

Purchasing

On May 24, 2013, a bid opening was conducted as required by City Charter and Code for one (1) year requirements of traffic control signs and posts. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info and the bid was also sent to the Troy Chamber of Commerce. (7) bid responses were received. One (1) vendor, Dornbos Sign, Inc. did not meet specifications (DMS) and was not considered for award because their minimum shipment requirement of \$5000.00 greatly exceeded the \$500.00 minimum as specified in the bid documents. Below is a detailed summary of potential vendors:

Companies notified via MITN	88
Troy Companies notified via MITN	0
Troy Companies notified Active email Notification	0
Troy Companies notified Active Free	0
Companies that viewed the bid	23
Troy Companies that viewed the bid	0

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying** members are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.*

Quantities are estimated and shall be purchased at quoted unit prices, on an as needed basis.

All items bid were separated into nine proposal categories, A – I. Due to minimum shipment requirements, contracts are to be awarded on a proposal by proposal basis. Proposal B, item 5 was not awarded and removed from all bid tabs because it was determined after the bid opening that it is not a standardized sign and will never be purchased. Proposal G is a set-up fee to fabricate non-standard signs for all sizes listed in the contract. Therefore, all vendors awarded sign material contracts shall also be awarded Proposal G.



CITY COUNCIL AGENDA ITEM

Financial

Funds are available in the Operating Budgets of the Public Works Streets Division.

Recommendation

City management recommends awarding one (1) year contracts on a proposal by proposal basis to the following four (4) low bidders meeting specifications as detailed below for an estimated total cost of \$29,085.00 at unit prices contained in the bid tabulation opened May 24, 2013.

Bidder	Proposal	Estimated Total
Rathco Safety Supply	A, E, F, I, G	\$15,172.20
Custom Products Corp.	C, G	\$7,920.15
MD Solutions	H	\$3,585.00
Vulcan Signs	B, D, G	\$2,407.15
Estimated Grand Total		\$29,084.50

VENDOR NAME:

				RATHCO SAFETY SUPPLY	CUSTOM PRODUCTS CORP	MD SOLUTIONS
				Portage, MI	Jackson, MS	Plain City, OH
ITEM	EST QTY	DESCRIPTION		UNIT PRICE	UNIT PRICE	UNIT PRICE
PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY ON ALUMINUM						
1.	25	36" YIELD (R1-2)		\$ 17.76	\$ 16.36	
2.	25	30" STOP (R1-1)		\$ 24.54	\$ 23.29	
3.	10	36" STOP (R1-1)		\$ 35.33	\$ 33.39	
4.	10	18" x 6" All Way (R1-4)		\$ 3.02	\$ 4.02	
5.	300	12" x 12" No Parking (R8-3A)		\$ 4.22	\$ 5.64	
PROPOSAL A: EST TOTAL --				\$ 2,707.00	\$ 3,057.35	NO BID
PROPOSAL B: COMPLETE SIGNS, SINGLE FACE, 3M DIAMOND GRADE, DG3 REFLECTIVE, FLUORESCENT YELLOW GREEN ON ALUMINUM						
1.	10	36" S2-1 School Crossing		\$ 59.92	\$ 55.05	
2.	20	30" S1-1 School Advanced		\$ 41.61	\$ 38.48	
3.	10	36" S1-1 School Advanced		\$ 59.92	\$ 55.05	
4.	10	24"x12" Directional Arrow (W16-7p)		\$ 13.41	\$ 13.13	
5.	10	24" x 24" Directional Arrow (W16-7p)		\$ 26.81	\$ 25.12	
PROPOSAL B: EST TOTAL --				\$ 2,164.70	\$ 2,001.90	NO BID
PROPOSAL C: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED CORNERS						
1.	10	12" X 18"		\$ 6.51	\$ 6.35	
2.	10	12" X 24"		\$ 8.06	\$ 8.57	
3.	20	12" X 30"		\$ 10.08	\$ 10.71	
4.	40	12" X 36"		\$ 12.09	\$ 12.01	
5.	20	12" X 42"		\$ 14.11	\$ 14.01	
6.	20	12" X 48"		\$ 16.12	\$ 16.00	
7.	10	12" X 54"		\$ 18.14	\$ 18.00	
8.	10	18" X 36"		\$ 3.02	\$ 4.01	
9.	20	18" X 18"		\$ 9.07	\$ 10.29	
10.	10	18" X 30"		\$ 15.11	\$ 15.00	
11.	20	18" X 48"		\$ 24.18	\$ 23.18	
12.	20	18" X 60"		\$ 30.23	\$ 29.06	
13.	10	24" X 24"		\$ 16.12	\$ 16.00	
14.	100	24" X 30"		\$ 20.15	\$ 19.93	
15.	10	24" X 36"		\$ 24.18	\$ 23.18	
16.	10	24" X 48"		\$ 32.24	\$ 30.99	
17.	75	30" X 30"		\$ 25.19	\$ 24.21	
18.	10	36" X 36"		\$ 36.27	\$ 34.50	
PROPOSAL C: EST TOTAL --				\$ 8,060.15	\$ 7,920.15	NO BID
PROPOSAL D: COMPLETE SIGNS, STANDARDS, WARNING DIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY						
1.	10	12" X 12" Two Color		\$ 4.40	\$ 5.20	
2.	25	12" X 18" Two Color		\$ 6.51	\$ 6.75	
3.	10	30" X 30" Three Color		\$ 29.54	\$ 30.54	
PROPOSAL D: EST TOTAL --				\$ 502.15	\$ 526.15	NO BID
PROPOSAL E: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY						
1.	500	12" X 12" No Parking Symbol R8-3A Fac		\$ 1.89	\$ 3.13	
2.	10	30" Stop Faces		\$ 11.05	\$ 10.57	
3.	10	36" Yield Faces		\$ 7.07	\$ 7.15	
PROPOSAL E: EST TOTAL --				\$ 1,126.20	\$ 1,742.20	NO BID
PROPOSAL F: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM						
1.	25	9" X 30" Extruded HIP White		\$ 14.27	\$ 15.84	\$ 16.70
2.	25	9" X 36" Extruded HIP White		\$ 17.13	\$ 19.09	\$ 19.70
3.	25	9" X 42" Extruded HIP White		\$ 19.98	\$ 22.27	\$ 22.69
4.	25	9" X 48" Extruded HIP White		\$ 22.84	\$ 25.34	\$ 25.68
PROPOSAL F: EST TOTAL --				\$ 1,855.50	\$ 2,063.50	\$ 2,119.25

Opening Date -- 5/24/13
Date Reviewed -- 6/6/13

CITY OF TROY
BID TABULATION
TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:

ITEM EST QTY DESCRIPTION

PROPOSAL G: SET UP FEES

PROPOSAL H: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.

1. 100 12 Ft. Galvanized steel round post

PROPOSAL H: EST TOTAL --

PROPOSAL I: U-CHANNEL SIGN POSTS

1. 100 12 FT - 3lbs Galvanized Steel
2. 200 10 FT - 3lbs Green Painted Steel
3. 100 15 FT - 2lbs Green Painted Steel

PROPOSAL I: EST TOTAL --

ESTIMATED GRAND TOTAL AWARDED ITEMS:

DELIVERY: Minimum Shipment

of Days

CONTACT INFO: Hrs of Operation:
24 Hr Phone Number:

DESCRIPTIVE LITERATURE: Marked

PAYMENT TERMS:

WARRANTY:

EXCEPTIONS:

FORMS INCLUDED: Legal Status Bidder
Non-Collusion Affidavit
Debarment Certification
Iran-Linked Business

ALL OR NONE AWARD: Y or N

ACKNOWLEDGEMENT SIGNED: Y or N

RATHCO SAFETY SUPPLY	CUSTOM PRODUCTS CORP	MD SOLUTIONS
Portage, MI	Jackson, MS	Plain City, OH
UNIT PRICE	UNIT PRICE	UNIT PRICE
NO BID	\$ 65.00	NO BID
NO BID	NO BID	\$ 35.85
\$	\$	\$ 3,585.00
\$ 27.84		\$ 29.87
\$ 16.10		\$ 16.98
\$ 34.80		\$ 38.83
\$ 9,484.00	NO BID	\$ 10,266.00
\$ 15,172.70	\$ 7,920.15	\$ 3,585.00
\$500.00	\$500.00	\$500.00
30 DAYS	30 DAYS	U-post 50 per bundle, round posts 37 per bundle, 30-45 days
8:00AM-4:30PM	7:00AM-5:00PM	8:30am-5:00pm
BLANK	800.367.1492 X228	BLANK
NET 30	NET 30	NET 30
SHEETING 3M	3M	STANDARD
Posts - one time order delivery	*	Round posts ordered in bundles of 37
YES	YES	YES
NO	NO	NO
YES	YES	YES

HIGHLIGHTED ITEMS DENOTES LOW TOTAL BIDDER BY PROPOSAL

Proposal B: Item 5. 24"x24" Directional Arrow - Recommend Rejection

DMS: Reason:
Dornbos Shipment requirements not as specified.

ATTEST:
Susan Riesterer
Enna Bachelor
Kurt Bovensiep

MaryBeth Murz
Purchasing Manager

VENDOR NAME:

				VULCAN SIGNS	ROCAL INC.	TRAFFIC & PARKING CONTROL COMPANY
				Foley, AL	Frankfort, OH	Brown Deer, WI
ITEM	EST QTY	DESCRIPTION		UNIT PRICE	UNIT PRICE	UNIT PRICE
PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY ON ALUMINUM						
1.	25	36" YIELD (R1-2)		\$ 17.30	\$ 20.06	\$ 29.85
2.	25	30" STOP (R1-1)		\$ 24.41	\$ 28.94	\$ 30.70
3.	10	36" STOP (R1-1)		\$ 33.45	\$ 41.67	\$ 57.00
4.	10	18" x 6" All Way (R1-4)		\$ 3.60	\$ 5.47	\$ 9.40
5.	300	12" x 12" No Parking (R8-3A)		\$ 4.85	\$ 6.63	\$ 7.35
PROPOSAL A: EST TOTAL --				\$ 2,868.25	\$ 3,685.40	\$ 4,382.75
PROPOSAL B: COMPLETE SIGNS, SINGLE FACE, 3M DIAMOND GRADE, DG3 REFLECTIVE, FLUORESCENT YELLOW GREEN ON ALUMINUM						
1.	10	36" S2-1 School Crossing		\$ 53.00	\$ 76.50	\$ 84.60
2.	20	30" S1-1 School Advanced		\$ 36.80	\$ 53.13	\$ 51.55
3.	10	36" S1-1 School Advanced		\$ 53.00	\$ 76.50	\$ 84.60
4.	10	24"x12" Directional Arrow (W16-7p)		\$ 12.55	\$ 17.00	\$ 21.45
5.	10	24" x 24" Directional Arrow (W16-7p)		NO BID	\$ 34.00	\$ 39.60
PROPOSAL B: EST TOTAL --				\$ 1,921.50	\$ 2,762.60	\$ 2,937.50
PROPOSAL C: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED CORNERS						
1.	10	12" X 18"		\$ 6.30	\$ 6.95	\$ 11.90
2.	10	12" X 24"		\$ 8.50	\$ 9.26	\$ 13.05
3.	20	12" X 30"		\$ 11.75	\$ 11.58	\$ 19.70
4.	40	12" X 36"		\$ 12.70	\$ 13.89	\$ 23.80
5.	20	12" X 42"		\$ 14.35	\$ 16.21	\$ 35.00
6.	20	12" X 48"		\$ 16.40	\$ 18.52	\$ 38.00
7.	10	12" X 54"		\$ 18.45	\$ 20.84	\$ 45.60
8.	10	18" X 36"		\$ 3.60	\$ 5.47	\$ 11.15
9.	20	18" X 18"		\$ 9.55	\$ 10.42	\$ 13.85
10.	10	18" X 30"		\$ 15.38	\$ 17.36	\$ 27.40
11.	20	18" X 48"		\$ 24.60	\$ 27.78	\$ 34.75
12.	20	18" X 60"		\$ 30.75	\$ 34.73	\$ 59.85
13.	10	24" X 24"		\$ 16.40	\$ 18.52	\$ 22.45
14.	100	24" X 30"		\$ 20.50	\$ 23.15	\$ 29.85
15.	10	24" X 36"		\$ 24.60	\$ 27.78	\$ 35.60
16.	10	24" X 48"		\$ 32.80	\$ 37.04	\$ 51.50
17.	75	30" X 30"		\$ 25.63	\$ 28.94	\$ 36.90
18.	10	36" X 36"		\$ 36.90	\$ 41.67	\$ 48.75
PROPOSAL C: EST TOTAL --				\$ 8,257.55	\$ 9,274.80	\$ 13,401.50
PROPOSAL D: COMPLETE SIGNS, STANDARDS, WARNING DIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY						
1.	10	12" X 12" Two Color		\$ 4.85	\$ 6.99	\$ 9.40
2.	25	12" X 18" Two Color		\$ 6.75	\$ 7.49	\$ 13.50
3.	10	30" X 30" Three Color		\$ 26.84	\$ 36.19	\$ 56.30
PROPOSAL D: EST TOTAL --				\$ 485.65	\$ 619.05	\$ 994.50
PROPOSAL E: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY						
1.	500	12" X 12" No Parking Symbol R8-3A Faces		\$ 2.30	\$ 1.99	\$ 7.70
2.	10	30" Stop Faces		\$ 11.33	\$ 12.44	\$ 19.35
3.	10	36" Yield Faces		\$ 7.30	\$ 17.91	\$ 10.75
PROPOSAL E: EST TOTAL --				\$ 1,336.30	\$ 1,298.50	\$ 4,151.00
PROPOSAL F: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM						
1.	25	9" X 30" Extruded HIP White		\$ 14.50	\$ 17.70	\$ 39.75
2.	25	9" X 36" Extruded HIP White		\$ 17.35	\$ 21.24	\$ 41.40
3.	25	9" X 42" Extruded HIP White		\$ 20.35	\$ 24.78	\$ 46.55
4.	25	9" X 48" Extruded HIP White		\$ 23.10	\$ 28.32	\$ 52.85
PROPOSAL F: EST TOTAL --				\$ 1,882.50	\$ 2,301.00	\$ 4,513.75

Opening Date -- 5/24/13
Date Reviewed -- 6/6/13

CITY OF TROY
BID TABULATION
TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:

ITEM EST QTY DESCRIPTION

PROPOSAL G: SET UP FEES

PROPOSAL H: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.

1. 100 12 Ft. Galvanized steel round post

PROPOSAL H: EST TOTAL --

PROPOSAL I: U-CHANNEL SIGN POSTS

- 1. 100 12 FT - 3lbs Galvanized Steel
- 2. 200 10 FT - 3lbs Green Painted Steel
- 3. 100 15 FT - 2lbs Green Painted Steel

PROPOSAL I: EST TOTAL --

ESTIMATED GRAND TOTAL AWARDED ITEMS:

ESTIMATED GRAND TOTAL:

DELIVERY: Minimum Shipment

of Days

CONTACT INFO: Hrs of Operation:
24 Hr Phone Number:

DESCRIPTIVE LITERATURE: Marked

PAYMENT TERMS:

WARRANTY:

EXCEPTIONS:

FORMS INCLUDED: Legal Status Bidder
Non-Collusion Affidavit
Debarment Certification
Iran-Linked Business

ALL OR NONE AWARD: Y or N

ACKNOWLEDGEMENT SIGNED: Y or N

VULCAN SIGNS	ROCAL INC.	TRAFFIC & PARKING CONTROL COMPANY
Foley, AL	Frankfort, OH	Brown Deer, WI
UNIT PRICE	UNIT PRICE	UNIT PRICE
CALL FOR QUOTE	\$ 150.00	\$45.00
		NO BID
NO BID	NO BID	\$
\$ 35.77		
\$ 20.30		
\$ 45.90		
\$ 12,227.00	NO BID	NO BID
\$ 2,407.15		
\$ 29,084.50		
\$500.00	\$500.00	\$500.00
3-5 days ARO (STOCK) 30-45 days ARO (non-stock), 15ft 3lb post 45-60 days ordered in bundles of 50	30-45 DAYS	20 BUSINESS DAYS
7:00am-4:00pm	8:00AM-4:30PM OFFICE 7:00AM-3:30PM PLANT	8:00AM-5:00PM CST
800.633.6845	BLANK	262.814.7000
NET 30 DAYS	NET 30 DAYS	NET 30
STANDARD	ATTACHED TO BID	3M SHEETING
BLANK	ALL ORDERS IN WRITING	BLANK
YES	YES	YES
NO	NO	NO
YES	YES	YES

HIGHLIGHTED ITEMS DENOTES LOW TOTAL BIDDER BY PROPOSAL

Opening Date -- 5/24/13
 Date Reviewed -- 6/6/13

CITY OF TROY
 BID TABULATION
TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:

DORNBOS (DMS)		
Charlotte, MI		
UNIT PRICE		
PROPOSAL A: COMPLETE SIGNS, SINGLE FACE 3M HIGH INTENSITY ON ALUMINUM		
1.	25	36" YIELD (R1-2)
2.	25	30" STOP (R1-1)
3.	10	36" STOP (R1-1)
4.	10	18" x 6" All Way (R1-4)
5.	300	12" x 12" No Parking (R8-3A)
PROPOSAL A: EST TOTAL --		
		\$ 3,375.55

PROPOSAL B: COMPLETE SIGNS, SINGLE FACE, 3M DIAMOND GRADE, DG3 REFLECTIVE, FLUORESCENT YELLOW GREEN ON ALUMINUM

1.	10	36" S2-1 School Crossing	\$ 52.64
2.	20	30" S1-1 School Advanced	\$ 36.54
3.	10	36" S1-1 School Advanced	\$ 52.64
4.	10	24"x12" Directional Arrow (W16-7p)	\$ 13.16
5.	10	24" x 24" Directional Arrow (W16-7p)	\$ 25.94
PROPOSAL B: EST TOTAL --			\$ 1,915.20

PROPOSAL C: COMPLETE SIGNS, STANDARD WARNING DIAMOND, RECTANGULAR OR SQUARE - ONE COLOR HIGH INTENSITY PRISMATIC ON ALUMINUM, ROUNDED CORNERS

1.	10	12" X 18"	\$ 6.75
2.	10	12" X 24"	\$ 9.00
3.	20	12" X 30"	\$ 10.53
4.	40	12" X 36"	\$ 12.46
5.	20	12" X 42"	\$ 14.74
6.	20	12" X 48"	\$ 16.84
7.	10	12" X 54"	\$ 18.95
8.	10	18" X 36"	\$ 4.92
9.	20	18" X 18"	\$ 9.34
10.	10	18" X 30"	\$ 15.79
11.	20	18" X 48"	\$ 25.26
12.	20	18" X 60"	\$ 31.58
13.	10	24" X 24"	\$ 16.60
14.	100	24" X 30"	\$ 20.76
15.	10	24" X 36"	\$ 25.26
16.	10	24" X 48"	\$ 33.68
17.	75	30" X 30"	\$ 25.94
18.	10	36" X 36"	\$ 37.36
PROPOSAL C: EST TOTAL --			\$ 8,368.80

PROPOSAL D: COMPLETE SIGNS, STANDARDS, WARNING DIAMOND, RECTANGULAR OR SQUARE - TWO OR MORE COLORS HIGH INTENSITY

1.	10	12" X 12" Two Color	\$ 5.15
2.	25	12" X 18" Two Color	\$ 7.50
3.	10	30" X 30" Three Color	\$ 33.95
PROPOSAL D: EST TOTAL --			\$ 578.50

PROPOSAL E: 3M STANDARD PRE-PRINTED TRAFFIC SIGN FACES HIGH INTENSITY

1.	500	12" X 12" No Parking Symbol R8-3A Faces	\$ 3.15
2.	10	30" Stop Faces	\$ 11.60
3.	10	36" Yield Faces	\$ 8.35
PROPOSAL E: EST TOTAL --			\$ 1,774.50

PROPOSAL F: COMPLETE SIGNS, DOUBLE FACED, HIGH INTENSITY PRISMATIC TWO SIDED ON WHITE ON EXTRUDED ALUMINUM

1.	25	9" X 30" Extruded HIP White	\$ 17.63
2.	25	9" X 36" Extruded HIP White	\$ 21.07
3.	25	9" X 42" Extruded HIP White	\$ 24.49
4.	25	9" X 48" Extruded HIP White	\$ 27.93
PROPOSAL F: EST TOTAL --			\$ 2,278.00

Opening Date -- 5/24/13
 Date Reviewed -- 6/6/13

CITY OF TROY
 BID TABULATION
TRAFFIC CONTROL SIGNS & POSTS

VENDOR NAME:

ITEM EST QTY DESCRIPTION

DORNBOS (DMS)			
Charlotte, MI			
UNIT PRICE	UNIT PRICE	UNIT PRICE	
BLANK			
PROPOSAL G: SET UP FEES			
PROPOSAL H: ROUND GALVANIZED STEEL POST, 2" NOMINAL SIZE, 2-1/8" OD, .125 WALL THICKNESS, 3 LBS. PER LINEAL FOOT.			
1.	100	12 Ft. Galvanized steel round post	\$ 45.98
PROPOSAL H: EST TOTAL --			\$ 4,598.00
PROPOSAL I: U-CHANNEL SIGN POSTS			
1.	100	12 FT - 3lbs Galvanized Steel	\$ 27.96
2.	200	10 FT - 3lbs Green Painted Steel	\$ 15.60
3.	100	15 FT - 2lbs Green Painted Steel	\$ 34.95
PROPOSAL I: EST TOTAL --			\$ 9,411.00
ESTIMATED GRAND TOTAL AWARDED ITEMS:			
DELIVERY:	Minimum Shipment		\$5,000.00
	# of Days		30-45 days
CONTACT INFO:	Hrs of Operation:		7:30am-4:00pm
	24 Hr Phone Number:		517.712.2467
DESCRIPTIVE LITERATURE:	Marked		
PAYMENT TERMS:			NET 30
WARRANTY:			3M
EXCEPTIONS:			BLANK
FORMS INCLUDED:	Legal Status Bidder		YES
	Non-Collusion Affidavit		NO
	Debarment Certification		YES
	Iran-Linked Business		YES
ALL OR NONE AWARD:	Y or N		NO
ACKNOWLEDGEMENT SIGNED:	Y or N		YES



CITY COUNCIL AGENDA ITEM

June 4, 2013

TO: Brian Kischnick, City Manager

FROM: Tom Darling, Financial Services Director
Beth Tashnick, Office Coordinator

SUBJECT: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2013 Annual Conference

History

In advance of Conferences and Workshops City Council members have expressed interest; management prepares a Standard Purchasing Resolution that will authorize the travel expenses that may be incurred.

Purchasing

Effective February, 2004, Administrative Memo 1-PU-9 "Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Requests – Standard Purchasing Resolution 10" requires approval by resolution of travel by Council Members.

Financial

General early registration (on or before 8.23.13) per member for this event is \$449 and funds are available in the 2012/13 General Fund – City Council – Education and Training account.

Recommendation

The Michigan Municipal League 2013 Annual Conference is scheduled to take place September 17-20, 2013 in Detroit, Michigan.

It is recommended that City Council authorize and approve the expenditure of funds on travel expenses for any Council members interested in attending this conference.



[General Info](#)

[Pre-Convention Workshops](#)

[Speakers](#)

[Agenda](#)

[Housing/Travel](#)

[Mobile Workshops](#)

[Community Excellence Award](#)

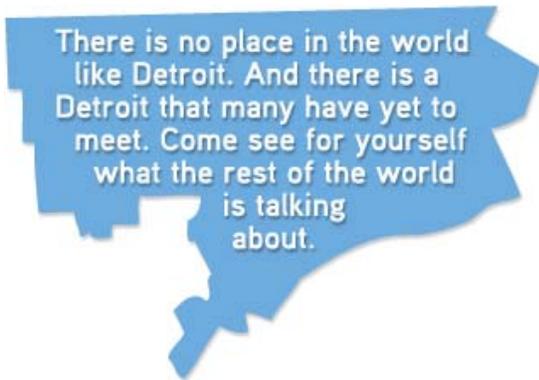
[Vendor Opportunities](#)

**Michigan Municipal League Annual Convention
September 17-20, 2013
Marriott Renaissance Center, Detroit**

Join hundreds of municipal officials who will gather in Detroit from every corner of the state, to the urban core where American industry was born and the heart of Michigan still beats.

The Michigan Municipal League 2013 Convention takes place on the state's largest metropolitan stage, where local leaders will learn strategic lessons in placemaking, civic engagement, entrepreneurship, urban planning and socioeconomic development that can translate to communities of every size.

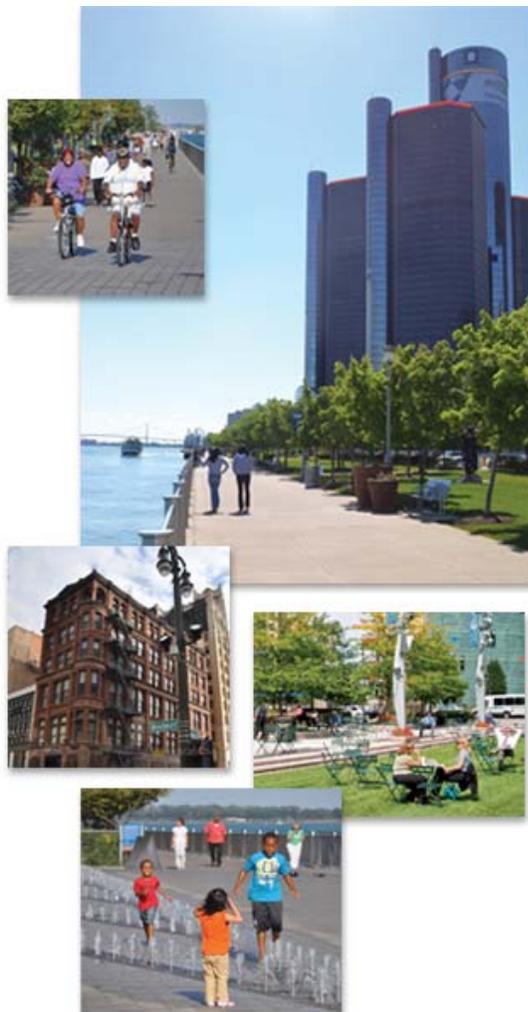
Take a ride on a mobile workshop to explore key city sites. See the work of the doers and dreamers who are redefining what it means to be a city in today's global village. Sit down face-to-face with the peers and partners who are powering a statewide vision for change.



The Convention will include breakout sessions on EVIP, PPT, transportation, risk management cases and decisions, demographic changes, streetscape projects, finance, energy efficiency improvements, and more!

Join us at the Marriott Renaissance Center in Detroit on September 17-20, 2013. It's the place where the Michigan of tomorrow is being born today.

Why Detroit Matters:
[Read all about it](#) in the March/April issue of *The Review*.



[Co](#)

Get Your Inf Apps online

Android



General Info	Pre-Convention Workshops	Speakers	Agenda	Housing/Travel	Mobile Workshops	Community Excellence Award	Vendor Opportunities
Tuesday, September 17, 2013							REGI Convention I Co Stay Cor Get Your Info on the Apps online or direct Android Market
9:00-4:00 pm			Pre-Convention Workshops				
2:30 pm			Board of Trustees Meeting				
Wednesday, September 18, 2013							
8:30-9:30 am			Elected Officials Academy Board Meeting				
10:00 am-11:30 am			Welcoming General Session Parade of Flags Community Excellence Awards				
11:30 am-1:00 pm			Lunch				
12:00-3:30 pm			Silent Auction Bidding				
1:00-2:15 pm			Breakout Sessions				
2:30-3:45 pm			Breakout Sessions				
4:00-4:45 pm			Annual Meeting				
4:45-5:45 pm			Governance Committee Meeting				
7:05 pm			Take Me Out to the Ball Game! Foundation Fundraiser				
Thursday, September 19, 2013							
7:00 am-12:00 pm			Registration Hours				
7:30-8:30 am			Michigan Association of Mayors Breakfast				
8:00 am-2:45 pm			Silent Auction Bidding				
8:30-10:00 am			General Session				
10:15 am-1:00 pm			Mobile Workshops & Lunch				
1:15-2:30 pm			Breakout Sessions				
3:00-4:00 pm			General Session				
4:15-5:30 pm			Breakout Sessions				
6:00-9:00 pm			Reception and Annual Awards Banquet				
Friday, September 20, 2013							
8:30-10:00 am			Closing Breakfast & General Session				
			Community Excellence Award "Race for the Cup" Winner Announced				
10:45 am-12:00 pm			MBC-LEO Meeting				



CITY COUNCIL AGENDA ITEM

Date: June 7, 2013

To: Brian Kischnick, City Manager

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

Subject: Standard Purchasing Resolution #1: Award to Low Bidder
Contract 12-8 – Section 4 Water Main Replacement – North Side

History

The cast iron water mains in the northeast corner of Section 4 (e.g. Fredmoor, Vernmoor, Houghten, South Blvd., Scone, W. Lovell, Hurst, and Troyvally Streets) are over 45 years old and have exceeded their service life. This project will replace and upsize these mains to meet current size and fire flow standards while eliminating costly main breaks that are common with older water mains. Work will include replacing the existing 6" and 8" water mains on the above noted streets with 8" & 12" water main. The work is anticipated to start in July and be completed in December.

Purchasing

Bids were received and publicly read on June 5, 2013. The low bid of \$2,632,685.00, as submitted by Superior Excavating, Inc. can be seen in the attached tabulation of bids. The engineer's estimate at the time of bidding was \$2,744,000.00. The low bid is therefore \$111,315 or 4.1% below the engineer's estimate.

Work was competitively bid and publicly opened with eleven (11) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Financial

Funds for this work are included in the Water Fund. The budgeted amount includes funds for construction, inspection and contingencies.



CITY COUNCIL AGENDA ITEM

Recommendation

It is recommended that City Council award a contract for the Section 4 Water Main Replacement – North Side project to Superior Excavating, Inc., P.O. Box 214290, Auburn Hills, MI 48321-4290 for their low total bid amount of \$2,632,685.00. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 15% of the original project cost due to unknown conflicts with existing underground utilities that may arise during construction.

Enterprise funds are being used to fund this project; enterprise funds can only be used for operation, maintenance and improvements to the water system.

**BID TABULATION
CONTRACT 12-8**

Section 4 Water Main Replacement - North Side
City of Troy
Oakland County, Michigan

Bids Due: June 5, 2013
Project # 12.501.5

	Total Bid Amount
Superior Excavating, Inc.	\$ 2,632,685.00
A D J Excavating, Inc.	\$ 2,643,658.44
Brioco Excavating Company, LLC	\$ 2,829,441.00
C&P Construction Co., Inc.	\$ 2,880,824.50 *
Teltow Contracting, Inc.	\$ 3,211,051.00
DiPonio Contracting	\$ 3,273,435.00
Fenton Excavating	\$ 3,294,502.98 *
PAMAR Enterprises	\$ 3,536,554.00
V.I.L. Construction, Inc.	\$ 3,565,207.00
T.R. Pieprzak, Inc.	\$ 3,815,890.60 *
Lawrence M. Clarke, Inc.	\$ 4,227,984.00

* = Corrected By Engineer



CITY COUNCIL AGENDA ITEM

Date: June 5, 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
Galleria of Troy - Project No. 13.904.3

History

The Galleria of Troy proposed by Galleria of Troy, LLC is located at the north west corner of Big Beaver and I-75 in section 21.

Troy Planning Commission recommended preliminary site plan approval on March 12, 2013, resolution #PC-2013-03-018.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; Water Main, Sanitary sewer, Storm sewer, Paving, Sidewalks, Soil erosion and Landscaping, which will be constructed by Galleria of Troy, 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 Galleria of Troy, LLC (see attached Private Agreement).

Financial

See attached summary of required deposits and fees for this 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.: **13.904.3**

Project Location: **SW 1/4 Section 21**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 17th 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 Galleria of Troy, LLC whose address is 30500 Northwestern Hwy., Suite 525, Farmington Hills, MI 48334 and whose telephone number is 248-855-2100 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Water Main, Sanitary sewer, Storm sewer, Paving, Sidewalks, Soil erosion and Landscaping in accordance with plans prepared by Professional Engineering Associates whose address is 2430 Rochester Ct., Sute 100, 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 \$ 525,656.00. 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	<input checked="" type="checkbox"/>

Refundable cash deposit in the amount of \$ 60,066.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
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Non-refundable cash fees in the amount of \$ 38,507.00. 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 14th day of May, 2013.

OWNERS

CITY OF TROY

By: 

By:

Galleria of Troy, LLC, Majid Koza

Please Print or Type

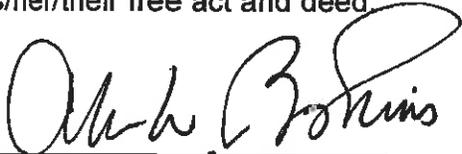
Dane M. Slater, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 14th day of May, A.D. 2013, before me personally appeared Majid Koza 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.



Alan W. BASKINS
NOTARY PUBLIC, Oakland County, Michigan

ALAN W. BASKINS NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF OAKLAND My Commission Expires July 31, 2013 Acting in the County of <u>OAKLAND</u>
--

My commission expires: 7/31/2013

Detailed Summary of Required Deposits & Fees
Galleria of Troy
13.904.3

ESCROW DEPOSITS (PUBLIC):

Sanitary Sewers	\$61,201
Water Mains	\$153,265
Paving	\$20,910
Sidewalks	\$7,500
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap	\$282,780

TOTAL ESCROW DEPOSITS (Refundable): **\$525,656**
Cash, Letter of Credit or Performance Bond

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$12,012
Water Main Testing and Chlorination (PA 2)	\$778
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$36,743
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$400
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$800
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$12,226

TOTAL CASH FEES (Non-Refundable): **\$38,507**

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$52,566

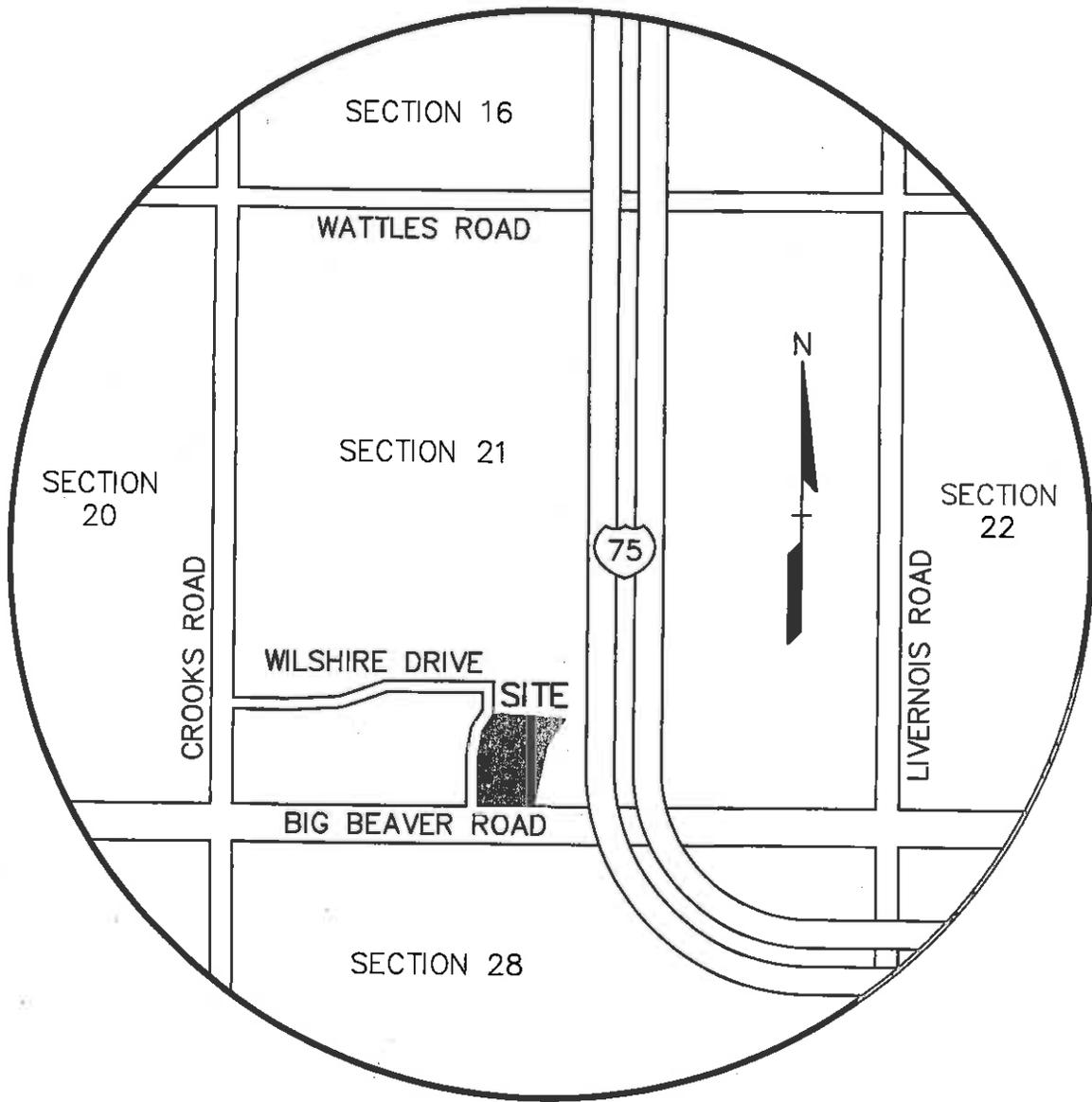
TOTAL CASH DEPOSITS (Refundable): **\$60,066**

Total Escrow & Cash Deposits (Refundable): Separate Check Required **\$585,722**

Total Cash Fees (Non-Refundable): Separate Check Required **\$38,507**

Total Amount: **\$624,228**

PAID
MAY 29 2013
CITY OF TROY
TREASURER'S OFFICE



LOCATION MAP
NO SCALE



CITY COUNCIL AGENDA ITEM

Date: June 5, 2013

To: Brian Kischnick, City Manager

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

Subject: Agenda Item – Addendum No. 1 to Contract 12-03 – Fieldstone Sanitary Repair

History

Quotes for water and sewer line repair work at four different locations were received from three contractors currently under contract with the City for similar underground utility work. The low quote of \$176,514.50 was submitted by Superior Excavating as shown in the attached summary for the work described below:

- A short segment of sanitary sewer on Whitfield that services Hamilton Elementary has failed and intermittently becomes clogged with debris. The DPW has been proactively cleaning the lines to reduce the potential for blockages. Their TV investigation has confirmed that the sewer should be replaced.
- The sanitary sewer along Rochester south from Gable is in very poor condition. The DPW preformed an emergency repair at one location this past winter. This sanitary sewer outlets to a Clawson sanitary sewer. Clawson has asked that we disconnect the sanitary sewer from their system and connect it to our system. TV investigation has confirmed that the sewer is connected to Clawson and should be repaired and connected to a Troy sanitary sewer.
- A section of water main along Coolidge north of Big Beaver was apparently hit by directional drilling operations sometime in the past. The DPW made a temporary repair to the water main this winter when the leaked surfaced. The repair sleeve did not completely stop the leak. A twenty (20) foot piece of water main will have to be replaced and an additional eighty (80) feet investigated and repaired as necessary.
- A walkout refrigeration unit was constructed over an existing 8 inch water main. The water main must be located out around the refrigeration unit.

The above work is anticipated to start in July and be completed by September.



CITY COUNCIL AGENDA ITEM

Financial

Funds for this work are included in the 2012-13 & 2013-14 Sewer Fund. The budgeted amount includes funds for construction, inspection and contingencies.

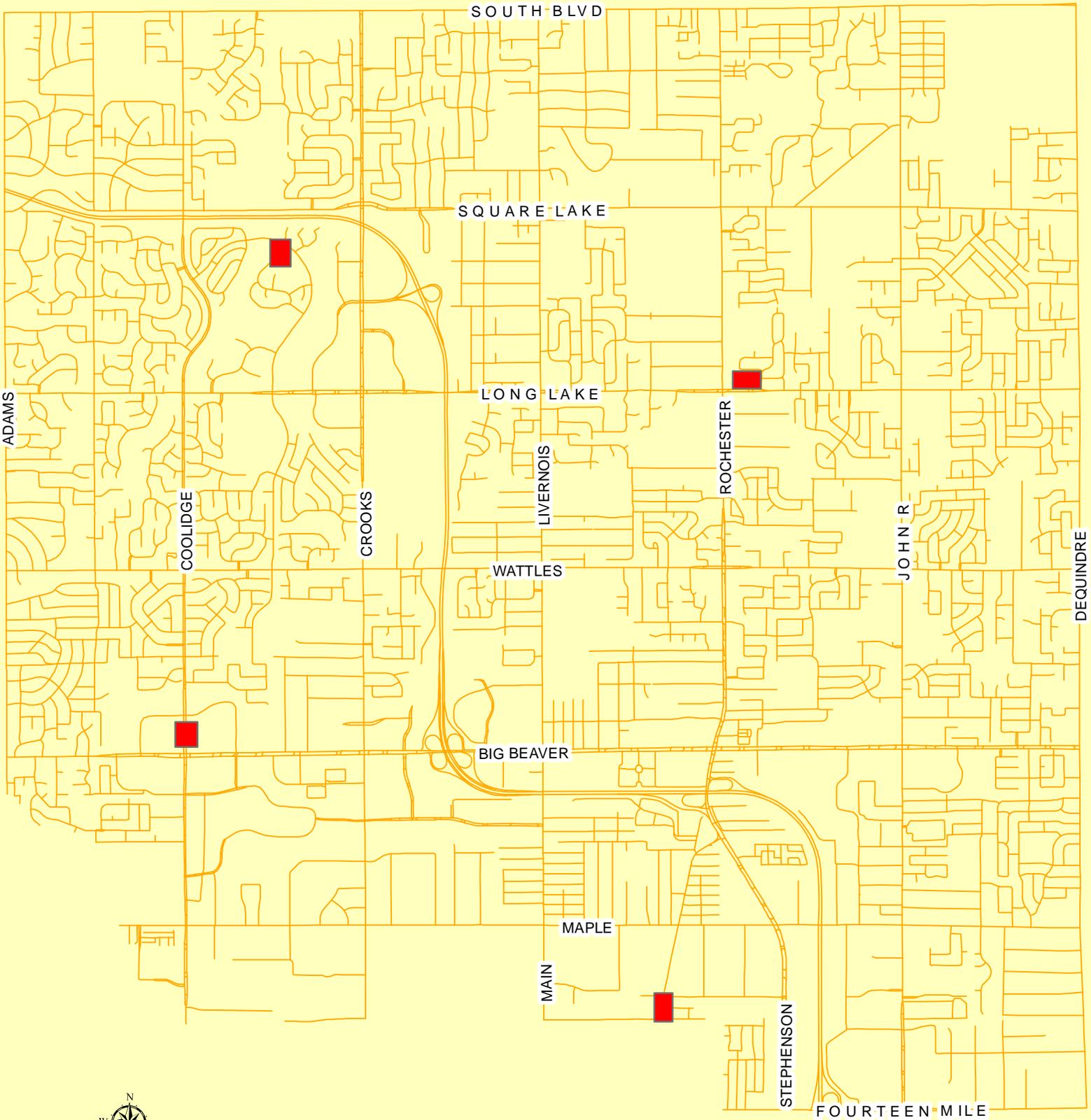
Recommendation

It is recommended that City Council approve Addendum No. 1 to Fieldstone Sanitary Repair contact 12-3 to Superior Excavating, P.O. Box 4290, Auburn Hills, MI 48321 in the amount of \$176,514.50.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 20% of the Addendum No. 1 costs due to unknown underground conditions that may arise during construction.

QUOTE TABULATION
Project # 11.401.5
Sanitary Sewer and Water Main Repairs at Various Locations
City of Troy
Oakland County, Michigan

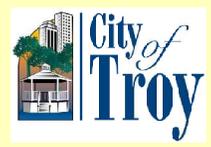
	Total Quote Amount
Superior Excavating, Inc.	\$ 176,514.50
Bricco Excavating Company, LLC	\$ 225,076.00
Pamar Enterprises	\$ 411,398.00



Legend

 Project Repair

Troy Project Repairs





CITY COUNCIL AGENDA ITEM

Date: June 4, 2013

To: Brian Kischnick, City Manager

From: Gary Mayer, Chief of Police *GM*
 Lieutenant Thomas Gordon *TL*
 Sergeant George Zielinski *GZ*

Subject: Application regarding New SDM Liquor License for Super City Smoker, Inc.

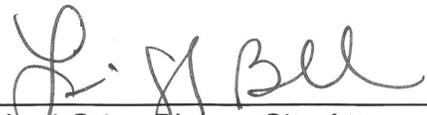
Background

Super City Smoker, Inc. requests a New SDM license at 2981 E. Big Beaver Road, Troy, MI {MLCC Request #676052}.

The Troy Police Department conducted an investigation into this application, and did not discover any reasons for disqualification of the two applicants. The Michigan Liquor Control Commission (MLCC) Rules allow for tobacconists to hold SDM liquor licenses. However, the Police Department is also mindful of several liquor violations that occurred at the same address, 2981 E. Big Beaver Road, when the business was previously named Super City Smokers Express. In fact, the previous owner of the Super City Smokers Express tobacco shop at 2981 E. Big Beaver had a liquor license revoked by the MLCC in May, 2012 because there were so many violations involving sales of alcohol to minors. The Police Department is concerned about the increased risk of sales of alcohol to minors in these small shops that are frequented by patrons between the ages of 18 to 20 years.

The MLCC has revised its liquor license procedures. As a result of the revised procedures, the MLCC does not require City Council approval any longer for most liquor license requests. However, the MLCC will consider an opinion sent to them from a local Police Department or City Council regarding a liquor license request. Since this request for Super City Smoker, Inc. complies with all applicable Troy City Ordinances and MLCC Rules, it is likely that the MLCC will grant the requested SDM liquor license, even if City Council objects. However, the City may wish to go on record in opposition to the license request. A proposed resolution is enclosed for your review.

Reviewed and approved:



 Lori Grigg Bluhm, City Attorney

Prepared by: Jeff Oberski



CITY COUNCIL AGENDA ITEM

Date: June 11, 2013

To: Brian Kischnick, City Manager

From: Susan Leirstein, Purchasing Director
MaryBeth Murz, Purchasing Manager
Gary G. Mayer, Police Chief
Timothy Richnak, Public Works Director
Samuel Lamerato, Superintendent of Motor Pool

Subject: Sale of Equipment - Surplus Police Vehicle

History

In the past, Troy City Council granted approval to dispose of surplus vehicles either by live or online auctions with the disposal fee rolled into the sale price, which is commonly referred to as a Buyer's Premium. The intent is to receive fair market value for the equipment the City sells.

Macomb Community College has expressed an interest in making an outright purchase for one (1) used, Ford Crown Victoria, four door, police package, model year 2007 or newer, patrol car. It would be utilized on their driving course to provide Emergency Vehicle Operations (EVO) training for Macomb Police Academy cadets and in-service police officers. The Troy Police Department utilizes the Macomb Police Academy for basic police academy training and sends in-service officers to Macomb Community College basic EVO refresher courses.

The Motor Pool Division of the Public Works Department has an out of service, 2009 Ford Crown Victoria with 90,000 miles ready for disposal. The vehicle has been stripped of all emergency and police equipment.

Purchasing

In July 2012, the City sold the exact same vehicle (make and model), model year 2008 at auction for \$5,200.00. The fair market value (FMV) of the 2009, Ford Crown Victoria patrol car has been established at \$6,200.00.

Financial

Proceeds from the sale are deposited to the revenue account - Gains on sale -capital assets and used for future equipment purchases.

Recommendation

It is recommended that the 2009 Ford Crown Victoria be sold to the Macomb Community College for the fair market value of \$6,200.00 for the purpose of providing Emergency Vehicle Operations (EVO) training for Macomb Police Academy cadets and in-service police officers.



Public
Service Institute

MACOMB COMMUNITY COLLEGE

Discover. Connect. *Advance.*



May 17, 2013

Sam Lamerato
Superintendent of Fleet Maintenance
Troy Department of Public Works
4693 Rochester Road
Troy, MI 48085

Dear Mr. Lamerato:

On behalf of Macomb Community College I am requesting consideration regarding the purchase of one, used, Ford Crown Victoria, four door, police package, model year 2007 or more recent, patrol car. It is my understanding that the City Troy auctions such vehicles and the college is prepared to pay fair market value, up to \$6,900, for the car.

The car will be attached to a Skid Car platform and utilized on our driving course for the purpose of providing Emergency Vehicle Operations (EVO) training for Macomb Police Academy cadets and in-service police officers. The Troy Police Department utilizes the Macomb Police Academy for basic police academy training and sends in-service officers to our Basic EVO refresher course.

It is my understanding that you have an auction scheduled for the very near future; if you can honor our request we will endeavor to complete the transaction in a timely fashion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles T. Craft".

Charles T. Craft
Manger of Basic Training/Police Academy Director
Macomb Community College
586-498-4061
craftc@macomb.edu



CITY COUNCIL AGENDA ITEM

Date: June 11, 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
White Chapel Office Renovation - Project No. 12.913.3

History

The White Chapel Office Renovation proposed by White Chapel Memorial Park Cemetery is located at Long Lake between Crooks road and I-75.

Troy Planning department recommended administrative site plan approval on June 5, 2012.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; water main, sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping, which will be constructed by White Chapel Memorial Park Cemetery on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Check, that will assure completion of the municipal improvements, have been provided by White Chapel Memorial Park Cemetery.

Financial

See attached summary of required deposits and fees for this 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.: **12.913.3**

Project Location: **NW 1/4 Section 16**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **17th** 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 **White Chapel Memorial Park Cemetery** whose address is **901 Wilshire Dr., Troy, MI 48084** and whose telephone number is **248-362-7693** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of water main, sanitary sewer, storm sewer, sidewalks, paving, soil erosion and landscaping in accordance with plans prepared by Rowe Professional Services whose address is 540 S. Saginaw St., Ste. 200, P.O. Box 3748, Flint, MI 48502 and whose telephone number is 810-341-7500 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 \$ **38,000.00**. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ **9,300.00**. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
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Non-refundable cash fees in the amount of \$ **3,280.00**. 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 10th day of June, 2013.

OWNERS White Chapel Memorial Association CITY OF TROY

By: David P. Krall
Chairman/President & CEO

David P. Krall

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 10th day of June, A.D. 2013, before me personally appeared David P. Krall 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.

Carol A Daniels

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: Dec 30, 2013

CAROL A. DANIELS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Dec 31, 2013
ACTING IN COUNTY OF Oakland

Detailed Summary of Required Deposits & Fees
White Chapel Office Renovation
12.913.3

ESCROW DEPOSITS (PUBLIC):

Sanitary Sewers	\$0
Water Mains	\$38,000
Paving	\$0
Sidewalks	\$0
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap	\$0
 TOTAL ESCROW DEPOSITS (Refundable):	 <u>\$38,000</u>

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$2,510
Water Main Testing and Chlorination (PA 2)	\$650
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$3,078
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$0
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$0
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$2,958
 TOTAL CASH FEES (Non-Refundable):	 <u>\$3,280</u>

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$500
Punchlist & Restoration	\$3,800
 TOTAL CASH DEPOSITS (Refundable):	 <u>\$9,300</u>

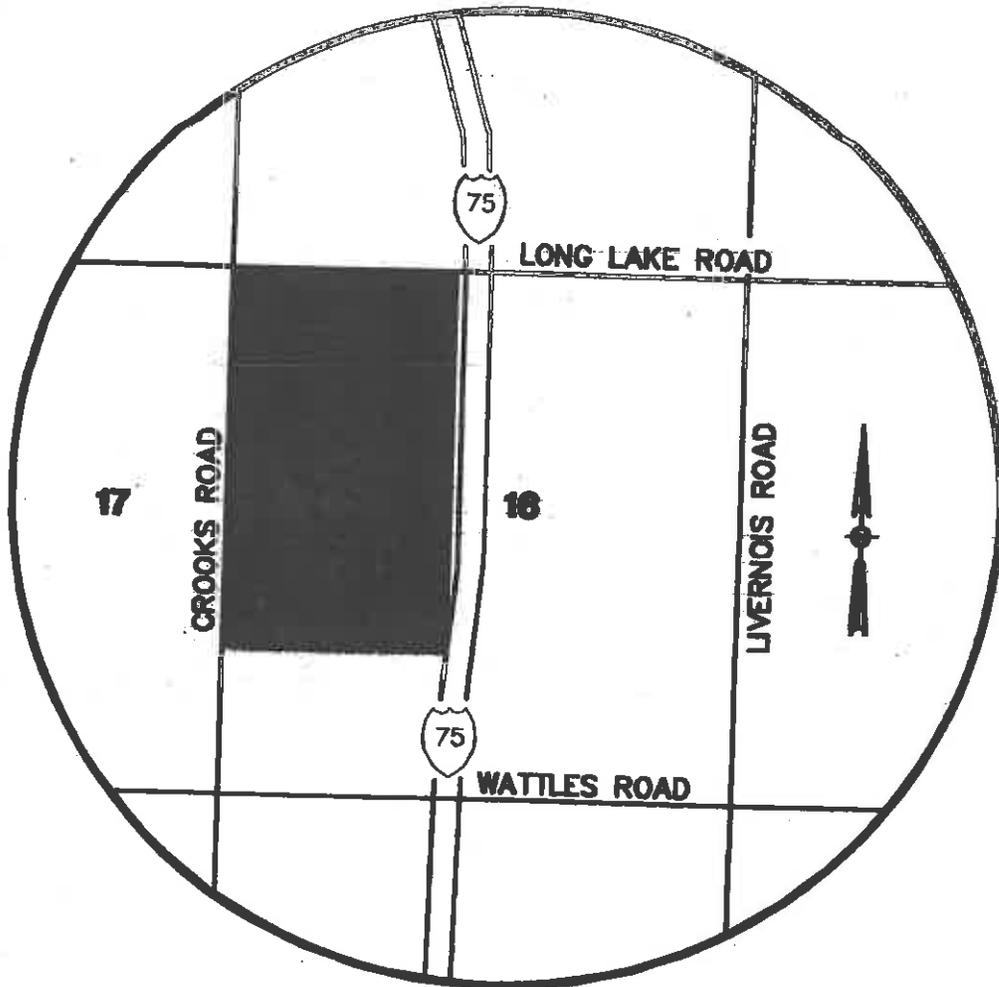
Total Escrow & Cash Deposits (Refundable):	<u>\$47,300</u>
Total Cash Fees (Non-Refundable):	<u>\$3,280</u>

Separate Checks Required for Refundable & Non-Refundable

Total Amount:

\$50,580

PAID
JUN 11 2013
CITY OF TROY
TREASURER'S OFFICE



LOCATION MAP
NOT TO SCALE



CITY COUNCIL AGENDA ITEM

Date: June 11, 2013

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Financial Services
Lisa Burnham, Accounting Manager

Subject: Bid Waiver – Workers’ Compensation Insurance Renewal for Fiscal Year 2013/14

History

In 2003, City Management engaged an independent insurance counselor, Mr. Angelo Zervos to evaluate the current state of the City’s workers’ compensation program. His evaluation indicated the MML WCF program would cost the City less than if we were self –insured or went to the commercial marketplace. Mr. Zervos was contacted again in 2009. At that time, Mr. Zervos indicated that his evaluation was as relevant today as it was then. The philosophy and program of the MML WCF has not changed, and the MML WCF continues to produce an equitable value for its members.

The MML WCF provides Workers Compensation coverage to more than 860 public entities throughout Michigan. The broker for the MML WCF takes competitive bids from re-insurers. As of June 2013, the re-insurer and the A.M.Best rating is: Munich RE (A+).

As an employer, the State of Michigan requires the City of Troy to provide the workers’ disability compensation under Public Act 317 of 1969. The MML WCF provides legal expertise and defense loss control services, and claims handling services which are included in their premium

Financial

The City is in receipt of a renewal package from the Michigan Municipal League Workers’ Compensation Fund (MML WCF) which includes a dividend credit attributable to Fund members overall. Last year we had an experience modification factor of 1.02; this year we had a decrease of .05 in our experience modifier. In addition, we are receiving a dividend credit of \$222,443.

The renewal premium to the City for FY 2013/14 is \$255,911. The City’s premium for FY 2012/13 was \$269,407 and for FY 2011/12 it was \$336,349.

Funds are available in the Worker’s Compensation Fund.



CITY COUNCIL AGENDA ITEM

Recommendation

City Management's fiscal responsibility to City Council and our residents is best served by continuing the relationship with the MML WCF. It is recommended that City Council approve the renewal of the City's workers compensation coverage for the net cost in the fiscal year 2013-2014 of \$255,911.



CITY COUNCIL AGENDA ITEM

Date: June 13, 2013

To: Brian Kischnick, City Manager

From: Gary Mayer, Chief of Police *GM*
 Lieutenant Thomas Gordon *th*
 Sergeant George Zielinski *GZ*

Subject: Application regarding Class C Liquor License for Garden of Eden / T & M United, Inc.

Background

T & M United, Inc. requests to transfer ownership of Class C license with Sunday Sales Permit, Outdoor Service Permit, Dance Permit, Food Permit, and 2 Additional Bars from Carroll Investments, Inc. to 1477 John R. Road, Troy, MI {MLCC Request #676036}. Garden of Eden is the name of the business to be located at 1477 John R. in Troy, previously known as Mario's.

The Troy Police Department conducted an investigation into this application and discovered that the applicant was arrested on a warrant for gambling on 4/3/02 in Sterling Heights. The applicant Pled Guilty to Misdemeanor Disorderly Conduct; to wit Gambling, on 8/19/02. The applicant failed to disclose the arrest or the conviction on the application, as required. The applicant answered "No" to the question "Have you ever been arrested ANYWHERE?" on the liquor license questionnaire he completed for the Troy Police Department. He also answered "No" to the question of whether he had been convicted of a crime.

Due to the applicant's prior involvement in gambling, and the fact that he was not truthful on his application, it is recommended that we submit a formal opinion in writing to the MLCC that we do not approve of this request for a liquor license.

The MLCC has revised its liquor license procedures. As a result of the revised procedures, the MLCC no longer requires City Council approval for most liquor license transfer requests. However, the MLCC will consider an opinion sent to them from a local Police Department or City Council regarding a liquor license request. Since this request for Garden of Eden / T & M United, Inc. otherwise complies with all applicable Troy City Ordinances and MLCC Rules, it is very possible that the MLCC will grant the requested transfer of the Class C liquor license, even if City Council objects. However, the City may wish to go on record in opposition to the license request. A proposed resolution is enclosed for your review.

Reviewed and approved:

L. Grigg Bluhm

 Lori Grigg Bluhm, City Attorney

Prepared by: Jeff Oberski

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 1, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Gary Abitheira
Teresa Brooks

Members Absent:

Michael Carolan
Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Brooks
Support by: Abitheira

RESOLVED, To approve the minutes of the April 3, 2013 Regular meeting as submitted.

Yeas: All present (3)
Absent: Carolan, Kischnick

MOTION CARRIED

Chair Dziurman advised the applicants that a minimum of three votes for approval is required, and a request by the applicant to postpone an item to a later meeting would be entertained prior to the deliberation of the item. Neither applicant requested a postponement.

3. HEARING OF CASES

- A. VARIANCE REQUEST, STEVE LENDERMAN, MBL+A ARCHITECTS, 1414 E MAPLE ROAD – (1) A variance to allow a total of 6 wall signs on the building. The building currently has 4 wall signs measuring an aggregate total of 517 square feet in area. Two additional wall signs measuring an aggregate total of 336 square feet are proposed. (2) A variance to allow a second ground sign measuring 60 square feet in area and 10 feet in height. The Sign Code allows a second ground provided it does not exceed 36 square feet in area.

Mr. Grusnick gave a summary of the variance request. He stated the request for a total of six (6) wall signs is revised to a total of five (5) because the existing *Entertainment* sign will be removed and replaced once the space is reoccupied. Mr. Grusnick addressed the requested wall signage as relates to the specific zoning district classification and setbacks. He indicated the existing sign over the main entrance is permitted; it replaces the previous ‘for lease’ banner.

Steve Lenderman of MBL+A Architects was present and addressed the locations where the additional wall signage would be placed, the replacement of the existing sign, the design of a tenant’s sign and the building expansion itself which will bring in 1600 employees to the City.

Mr. Lenderman said the request for an additional ground sign is to aid identification of the existing drives, and noted the proposed sign meets Zoning Ordinance requirements. He said the small lease signs presently on site are in violation and will be removed.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the request to allow the additional wall signs and ground sign.

Yeas: All present (3)
Absent: Carolan, Kischnick

MOTION CARRIED

Agenda item 3.C. was moved forward on the Agenda because the location and applicant are the same as Agenda item 3.A.

C. **VARIANCE REQUEST, STEVE LENDERMAN, MBL+A ARCHITECTS, 1414 E MAPLE ROAD** – A variance to allow the fourth floor interior exit stairway doors of the 5 story office building to be locked on the stairway side preventing unauthorized access to the tenant space. Building code requires interior stairway means of egress doors remain operable from both sides without the use of a key or special knowledge.

Mr. Grusnick reminded the Board that at their December 5, 2012 meeting, a similar request was granted to lock the stairway doors on the second and third floors of the building. He addressed the request as relates to the building classification and egress requirements. Mr. Grusnick confirmed the City’s Fire Department reviewed the application and has no objections.

Mr. Lenderman said the request is the same as submitted in December 2012. He briefly addressed the card reader control access and emergency precautions. The door locks will release with an interruption of power or fire alarm activation.

Moved by: Brooks
Support by: Abitheira

RESOLVED, To approve the request to lock the fourth floor interior egress doors on the stairway side.

Yeas: All present (3)
Absent: Carolan, Kischnick

MOTION CARRIED

- B. **VARIANCE REQUEST, GERALD G. WEBER, 268-388 JOHN R ROAD** – In order to add two additional 1.65 square foot wall signs to a proposed standalone ATM machine, a variance from the requirement that the total combined area of all wall signs not exceed 10% of the front area of the structure. 10% of the front area is 6.47 square feet.

Mr. Grusnick gave a review of the request as it relates to the installation of the freestanding Banking ATM in the parking lot. He indicated the proposed sign area is 9.77 square feet.

Gerald Weber of Weber Architecture was present. Mr. Weber addressed the location of the standalone ATM in relation to the parking lot and surrounding retail area. He said existing vegetation screens the site very well and signage on the canopy is needed to identify the existence of the standalone ATM.

Mr. Weber addressed lighting levels on the site. He advised the Board that the Planning Commission granted Preliminary Site Plan approval with the condition to control lighting levels between the hours of 11:00 p.m. and sunrise. Mr. Weber said a photocell sensor and timer would be used to control lighting that cannot exceed up to 20-foot candles for up to 10 minutes per ATM visit.

General discussion followed.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To approve the request for signage at the standalone ATM located at 268-388 John R.

Yeas: All present (3)
Absent: Carolan, Kischnick

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:30 p.m.

Respectfully submitted,


Theodore Dziurman, Chair


Kathy L. Czarnecki, Recording Secretary

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on May 28, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Edward Kempen
Tom Krent
Gordon Schepke
Thomas Strat
John J. Tagle

Absent:

Philip Sanzica
Robert Schultz

Also Present:

R. Brent Savidant, Planning Director
Allan Motzny, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Frank Boudon, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2013-05-040

Moved by: Krent
Seconded by: Kempen

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)
Absent: Sanzica, Schultz

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2013-05-041

Moved by: Edmunds
Seconded by: Strat

RESOLVED, To approve the minutes of the May 14, 2013 Regular meeting as published.

Yes: All present (7)
Absent: Sanzica, Schultz

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 May 21, 2013 Zoning Board of Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant gave a report on the May 15, 2013 Downtown Development Authority meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the June 11, 2013 Planning Commission Regular meeting agenda.

SITE CONDOMINIUM DEVELOPMENT

8. PRELIMINARY SITE PLAN REVIEW – Proposed Belleclaire Estates Site Condominium, 9 units/lots, East side of Rochester, North of Wattles, South side of Lamb, Section 14, Currently Zoned R-1C (One Family Residential) District

Mr. Carlisle reviewed the application and recommended Preliminary Site Plan approval conditioned on the applicant satisfying two requirements as part of Final Site Plan approval, noted in his report dated May 23, 2013.

Joe Maniaci of Mondrian Properties and Nathan Robinson of Horizon Engineering were present.

Chair Tagle opened the floor for public comment. There was no one present who wished to speak.

Resolution # PC-2013-05-042

Moved by: Krent

Seconded by: Strat

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Belleclaire Estates Site Condominium, 9 units/lots, east of Rochester, north of Wattles, south side of Lamb, Section 14, within the R-1C (One Family Residential) District, be granted, subject to the following:

1. Provide five (5) additional trees along Bellechlaire Drive.
2. Provide seed mix for detention facility.

Yes: All present (7)
Absent: Sanzica, Schultz

MOTION PASSED

STUDY ITEM

9. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 245) – Sober Living Facilities

Mr. Savidant reported on the status of the proposed Zoning Ordinance Text Amendment. He addressed the direction and intent of City Council's decision to remand the matter back to the Planning Commission for further study.

Mr. Carlisle identified the following proposed options for consideration to address potential impact on single family residential properties and neighborhoods:

- Permit use only in multiple-family residential, integrated business and office-mixed use districts.
- Limit the maximum permitted residents per facility to 20.
- Increase minimum lot area per resident from 2,500 square feet to 4,000 square feet.

Discussion followed on:

- City Council questions/comments.
- Map identifying potential properties.
- Rationale/justification for proposed options.
- Review of proposed options, affirmation by Legal Department.
- Acknowledgement of growing need for facilities.
- Management, operation, supervision of facilities.
- Regulatory action by the State in the future.

Chair Tagle opened the floor for public comment.

Tom Telotte, operator of a sober living facility in another community, addressed concerns relating to limiting the number of residents per facility and increasing the minimum lot area per resident. He addressed the management/operation of a facility.

David Lord said the proposed options are excessively restrictive and the "numbers" have no rationale behind them. He also addressed the management/operation of a facility.

Chair Tagle closed the floor for public comment.

It was the consensus of the members to go forward with the proposed draft language as presented.

Mr. Carlisle said public hearing draft language would be prepared and public hearings would be scheduled for both the Planning Commission and City Council.

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.

Mr. Savidant introduced Frank Boudon, the Board's new Student Representative.

The Special/Study meeting of the Planning Commission adjourned at 8:25 p.m.

Respectfully submitted,

John J. Tagle, Chair

Kathy L. Czarnecki, Recording Secretary

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RB & SONS INC.

Electrical Contractor

1951 Larchwood • Troy, Michigan 48083-2262

Phone (248) 524-1630 • Fax (248) 524-1649

O-03a

May 09, 2013

City of Troy Police Department
500 W. Big Beaver
Troy MI 48084

To Whom it May Concern:

On Saturday May 4th one of our employees inadvertently left our shop bay door open when he left the building for the day.

As we have vehicles and inventory in the shop this could have resulted in a massive theft of these items. Luckily, the neighbor across the street made a call to your Department at about 8:00 P.M. and your officers arrived shortly thereafter. They were courteous and professional and secured the building as needed. It is reassuring to know that we can count on them and we appreciate the exemplary work that they do. So often this work goes unnoticed.

Thanks again for your help.



Sincerely,

Martin E. Bourdeau
Martin E. Bourdeau
President

CFS 13-13570
Sgt. Scott Smith
Police Officer Mike Giordano

THANK YOU BOTH FOR HANDLING THIS AND MAKING SUCH A GREAT IMPRESSION.
HE CERTAINLY APPRECIATES IT + SO DO I.

Jay

May 2, 2013

Officer Allan
Troy Police Department
500 West Big Beaver Road
Troy, MI 48084



Officer Allan,

I wish to thank you for allowing me to ride along with you on Friday evening the 12th of April.

The amount of knowledge you shared with me was more than you can imagine. The perspective from an officer's point of view shed a whole new light for me regarding your activities.

My insight of your profession, as a by-stander, was much different than seeing a perspective from your standpoint. You do indeed need to be vigilant and in control of situations at all times. I did not expect your level of alertness even during our lunch break; but, now, I certainly do understand.

Your professionalism in dealing with the many varied situations was consistent for the environment and type of circumstance. Please thank each of your brethren we encountered that evening as they were also just as professional. I did not anticipate how busy we would be that evening.

Again, please accept my "THANK YOU" for tutoring me in the critical job you do every day.

You can count on my support when talking with others regarding the importance and professionalism in the services that you and the rest of the Troy Police Department provide for our community.

Sincerely,

Lennie Wilson

Lennie Wilson

*POLICE OFFICER SCOT ALLAN -
THANK YOU FOR MAKING SUCH A GREAT
IMPRESSION ON MR. WILSON WHILE TAKING
HIM ON A RIDE ALONG. I APPRECIATE IT.
Jay*

Bcc: Chief Mayer ✓

May 17, 2013

Nancy Morrison
Troy Community Coalition
4420 Livernois Rd
Troy, MI 48098

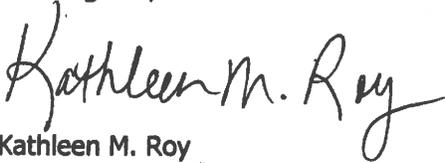
Dear Ms. Morrison,

Enclosed are two \$100 gift certificates to the Capital Grill that we wish to donate to the Troy Community Coalition for October's Celebrity Night Dinner. This donation is being made in honor of Sgt. Andy Breidenich of the Troy Police Department for outstanding service to the business community of Troy, Michigan.

We were honored to recently have Sgt. Breidenich conduct a series of safety and security training sessions for our employees at the Kelly Services Corporate Headquarters in Troy. The training was exceedingly well received, and Sgt. Breidenich got rave reviews! He is truly an asset to the Troy Police Department and the Troy community at large. Not only is he knowledgeable and highly competent in his duties, he has impeccable ethics, is extremely personable, and his sense of humor was definitely enjoyed and appreciated.

It was Sgt. Breidenich's request that these gift certificates be directed to the Troy Coalition. We sincerely hope the proceeds will benefit your mission.

Best regards,



Kathleen M. Roy
Manager, Business Continuity

Enclosures (2)

cc: Sgt. Andy Breidenich, Troy Police Department
Chief Gary Mayer, Troy Police Department
Captain Bob Redmond, Troy Police Department



Sgt. Andy Breidenich

Andy -

THANK YOU FOR REPRESENTING TROY PD
SO WELL AND REMEMBERING OUR PARTNERSHIP
WITH THE TROY COMMUNITY COALITION.



Chief Mayer -
Thank you so much
for your support of
the Troy Business
Community and
sharing Andy with
us for a couple
of days.
KMR

Kurt Bovensiep

From: mjones@releafmichigan.org
Sent: Monday, June 10, 2013 11:17 AM
To: William S Nelson; Kurt Bovensiep; Cindy A Stewart; Mike A Potyok; Shirley J Shepherd
Cc: Bill Lawrence; cforton@releafmichigan.org; ReLeaf Michigan; Patricia Calabro
Subject: Firefighters Park Planting
Attachments: group shot2.jpg

On behalf of ReLeaf Michigan and the State Bar of Michigan- Environmental Law Section, I would like to thank all of you for your assistance in making the planting this past Saturday such a success. We have been planting with communities for over 25 years now and I can say unequivocally that all of you and your staff were the most helpful and cooperative that we have worked with in a long time. I have even received emails from participants saying how well it went which is great.

Thank you again for helping us pull the planting together so quickly and in such a professional manner. Your cooperation was very much appreciated!

Melinda Jones

Executive Director

ReLeaf Michigan

www.ReLeafMichigan.org

1-800-642-7353

734-718-2702 (cell)

"Celebrating 25 years of Healthy Trees, Healthy Communities!"

1988 - 2013





C: Agenda
Cindy S
TIM R

May 24, 2013

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

Dear Mr. Kischnick:

On or about 7/23/2012, the City of Troy passed a Resolution regarding DTE Electric Company's f/k/a The Detroit Edison Company's ("DTE Electric") Advanced Metering Program and requested that an opt-out program be considered. DTE Electric subsequently filed its proposal for an opt-out program with the Michigan Public Service Commission ("MPSC"), which was approved by the MPSC on May 15, 2013.

DTE Electric fully believes that the advanced meters it utilizes are safe, reliable and protect a customer's privacy. On June 29, 2012, the MPSC Staff issued its report which specifically addressed the safety of smart meter deployment. After careful review, the Staff determined that *"the health risk from the installation and operation of metering systems using radio transmitters is insignificant...The appropriate federal health and safety regulations provide assurance that smart meters represent a safe technology."* (See MPSC Report to the Commission in Case No U-17000). Ultimately the MPSC approved a program whereby customers can have a non-transmitting meter installed at their residence pursuant to the MPSC approved tariff and the applicable charges.

Customers who participate in the Opt-Out Program will not receive the benefits that the advanced metering technology has to offer, such as:

- Automatic power outage detection
- Remote reading of your electric meter
- Fewer estimated bills
- Access to your daily energy usage information

Customers who have an advanced meter installed and are interested in the Opt-Out Program are asked to call 1-855-225-6470 for more information.

Thank you for your attention, and please do not hesitate to contact me at (248) 427-2240 regarding any questions or concerns.

Sincerely,

Michael Palchesko
DTE Regional Relations

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion,)
to review issues bearing on the deployment of smart)
meters by regulated electric utilities in Michigan.)
_____)

Case No. U-17000

At the September 11, 2012 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John D. Quackenbush, Chairman
Hon. Orjiakor N. Isiogu, Commissioner
Hon. Greg R. White, Commissioner

ORDER

On January 12, 2012, the Commission issued an order opening this docket for the purpose of addressing concerns raised by some individuals and local governments regarding the deployment of Advanced Metering Infrastructure (AMI) by electric utilities operating in Michigan.

In its January 12, 2012 order, the Commission directed all regulated electric utilities to submit information in this docket regarding AMI deployment plans, costs, and sources of funding; estimates of monetary savings and other benefits expected to be achieved by the deployment of AMI; scientific information concerning the safety of smart meters; an explanation of the type of information that will be gathered through the use of AMI; the steps that the electric utility intends to take to safeguard the privacy of the customer information; and whether the electric utility intends to allow customers to "opt out" of having a smart meter and if so, how the electric utility intends to recover the cost of an opt-out program.

After the submission of the information by the regulated electric utilities, the Commission provided interested persons with an opportunity to comment until April 16, 2012. Following the deadline for the submission of comments, the Commission Staff (Staff) was directed to prepare a report for the Commission's consideration, to be filed in this docket on or before June 29, 2012. Specifically, the Staff was requested to summarize the filings from the utilities and interested persons, independently review the literature regarding AMI, and identify any developments in other jurisdictions pertinent to this investigation. At the end of its report, the Staff was directed to make its recommendations concerning further deployment of AMI.

By March 16, 2012, Alpena Power Company (Alpena), Consumers Energy Company (Consumers), The Detroit Edison Company (Detroit Edison), Indiana Michigan Power Company (I&M), Northern States Power Company-Wisconsin (NSP-W), Upper Peninsula Power Company (UPPCo), Wisconsin Electric Power Company (WEPCo), and Wisconsin Public Service Corporation (WPS Corp) filed responses to the directives set forth in the January 12, 2012 order. A joint response was filed by Alger Delta Cooperative Electric Association, Cherryland Electric Cooperative, Cloverland Electric Cooperative, Great Lakes Energy Cooperative, Homeworks Tri-County Electric Cooperative, Midwest Energy Cooperative, Ontonagon County Rural Electrification Association, Presque Isle Electric & Gas Co-op, and Thumb Electric Cooperative.

Also in response to the Commission's request, over 400 comments were received from interested persons, filed both before and after utility information was provided. On June 29, 2012, the Staff submitted a detailed report addressing the information filed by the utilities and comments from the public. The report also contained recommendations regarding customer data privacy, cyber security, the need for a smart grid "vision," AMI opt-out, and customer education.

The Staff's Report on Advanced Metering Infrastructure and Smart Grid

As an initial matter, the Commission expresses its appreciation to the electric providers, the members of the public and various professional organizations that took the time and effort to provide comments, and to the Staff for presenting a comprehensive review of the issues surrounding the widespread deployment of AMI in Michigan.

In its report, the Staff summarized the information on AMI provided by the utilities and noted that the public comments filed could generally be classified as: (1) involving issues of possible adverse health effects of AMI; (2) customer privacy concerns; (3) data protection and cyber security issues; and (4) cost implications of AMI implementation.

The Staff concluded that AMI is rapidly becoming the primary replacement meter to existing electromechanical meters because the new meters are more accurate, they provide enhanced outage response, and AMI offers opportunities for customer energy management. Furthermore, the electromechanical meter is obsolete and no longer in production. Nevertheless, the Staff recognized that investments in AMI and other smart grid components should be subject to ongoing review in contested rate case proceedings. The Staff added that some customers will continue to have concerns about AMI and therefore recommended that the utilities make available a cost-based, opt-out option for these customers.

The Staff also reported that “after careful review of the available literature and studies, the Staff has determined that the health risk from the installation and operation of metering systems using radio transmitters is insignificant. In addition, the appropriate federal health and safety regulations provide assurance that smart meters represent a safe technology.” Staff Report, p. 2.

The Staff stated that customer data privacy and cyber security are, and will continue to be, priorities for customers, providers, and the Commission. The Staff observed that data protection

practices and procedures are constantly evolving and are being updated at the national and state levels regularly. The Staff recommended that customer data privacy be addressed through utility tariffs or rulemaking and made preliminary suggestions concerning how cyber security should be addressed by the utilities.

Finally, the Staff developed a smart grid vision for Michigan that took a comprehensive view of electrical grid improvement that goes beyond the mere updating of outmoded electrical meters.

As the Staff summarized:

A Michigan smart grid vision should provide direction to implement technology that will enhance the functionality of the electric grid. . . .Therefore, it is important to identify electric grid “objectives” that outline a more reliable grid, improve power quality and incorporate cleaner power sources for electricity generation. All components of electric grid improvements, including AMI installation, distribution infrastructure replacement, and electric generation should reflect the larger objectives of a smart grid vision.

Staff Report, p. 23.

Discussion

The Commission finds the Staff’s report to be thoughtful and comprehensive; and the report should be accepted as a practical point of departure for further discussion and Commission action.

The Staff’s specific recommendations are discussed *seriatim*.

1. On-going Assessment of Advanced Metering Infrastructure and Smart Grid

The Commission agrees with the Staff that AMI and smart grid investments should be reviewed in the context of general rate case proceedings. The Commission expects the utilities, the Staff, and other interested parties to continue to refine the scope of, and quantify and assess the costs and benefits of AMI and smart grid during the implementation of these new technologies on a case-by-case basis.

2. Opt-out Options

As the Staff pointed out, a small minority of customers has significant concerns about AMI, and for those customers, the Staff recommends that an opt-out option be provided by the electric utilities. The Commission agrees that the investor-owned electric utilities (i.e., Alpena, Consumers, Detroit Edison, I&M, NSP-W, UPPCo, WEPCo, and WPSC) shall make available an opt-out option, based on cost-of-service principles, for their customers if or when the provider elects to implement AMI.¹ The Commission observes that only Consumers and Detroit Edison are currently installing AMI thus, at this point in time, only these providers are affected by this directive. Detroit Edison has already filed a proposed opt-out tariff. *See*, Case No. U-17053. In the case of Consumers, within 60 days of the date of this order, or in Consumers' next general rate case filing, whichever occurs first, the Commission directs the company to include a proposed opt-out tariff.

3. Customer Data Privacy and Cyber Security

The Staff summarized the concerns with cyber security, in connection with AMI, as follows:

As Michigan transitions to a more technologically advanced power grid, it is important that the proper actions are taken by utilities to address cyber security threats. Cyber security planning is defined as preventing damage to, unauthorized use of, or exploitation of electronic information and communications systems and the information contained therein to ensure confidentiality, integrity, and availability. The attention cyber security has received at the national and state levels for many years indicates that utilities, regulators and consumers all share common concerns. Improving the electrical grid involves gathering more data and utilizing more technology. With every added piece of technology, the risk of vulnerabilities inherently increases. The U.S. DOE has stated that the smart grid of the future should be secure and resilient against all forms of attacks. A smarter grid includes more devices and connections that may become avenues for intrusions, error-caused disruptions, malicious attacks, destruction, and other threats.

¹Because electrical cooperatives are member-governed, the Commission finds that any determinations regarding AMI opt-out should be at the members' discretion and not mandated by the Commission.

Staff Report, p. 14 (footnotes omitted).

Similarly, with respect to data privacy, the Staff explained:

AMI necessitates a higher volume of data collected by utilities, therefore it is imperative that customer information be properly protected through appropriate regulations. Federal legislation protecting consumer data privacy is forthcoming; however, it is important to identify ways to protect Michigan's ratepayers in the interim.

Staff Report, p. 13 (footnote omitted).

The Commission finds that these issues concerning customer data collection, privacy, and cyber security are complex, and sufficiently important to merit the creation of a future docket limited to these issues. The Commission will solicit company-specific information on cyber security planning, standards, and policies for the utilities currently implementing AMI or planning to implement these systems.

In the same future docket the Commission will request utility input on customer data collection and privacy standards, required rulemaking or rule amendments, and interim measures to be undertaken while the potential rulemaking process proceeds.

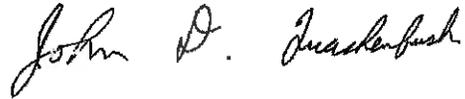
THEREFORE, IT IS ORDERED that:

- A. The Commission Staff's report on Advanced Metering Infrastructure and Smart Grid is accepted.
- B. Within 60 days of the date of this order or in the company's next general rate case proceeding, whichever occurs first, Consumers Energy Company shall propose a customer opt-out tariff based on cost-of-service.
- C. If or when Alpena Power Company, Indiana Michigan Power Company, Northern States Power Company-Wisconsin, Upper Peninsula Power Company, Wisconsin Electric Power Company, or Wisconsin Public Service Corporation, decide to implement advanced metering

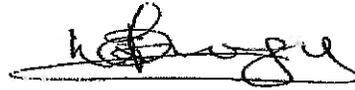
infrastructure, the company shall provide an opt-out option or an explanation for why an opt-out is unnecessary or cost-prohibitive.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION



John D. Quackenbush, Chairman



Orjiakor N. Isiogu, Commissioner



Greg R. White, Commissioner

By its action of September 11, 2012.



Mary Jo Kunkle, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-17000

County of Ingham)

Alyssa Sherman being duly sworn, deposes and says that on September 11, 2012 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



Alyssa Sherman

Subscribed and sworn to before me
This 11th day of September 2012



Gloria Pearl Jones
Notary Public, Ingham County, MI
My Commission Expires June 5, 2016
Acting in Eaton County

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-17000

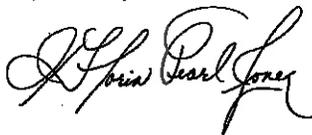
County of Ingham)

Lisa Felice being duly sworn, deposes and says that on September 11, 2012 A.D. she served a copy of the attached **Commission Order (Commission's Own Motion)** via **e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).



Lisa Felice

Subscribed and sworn to before me
this 11th day of September 2012



Gloria Pearl Jones
Notary Public, Ingham County, MI
As acting in Eaton County
My Commission Expires June 5, 2016

Service List U-17000

Charter Township of Brighton
Clerk's Office
4363 Buno Road
Brighton, MI 48114

Charter Township of Shelby
Administrative Offices - Township Clerk
52700 Van Dyke Avenue
Shelby Township MI 48316-3572

City of Oak Park
Administrative Offices, City Clerk
13600 Oak Park Blvd.
Oak Park MI 48237

City of Rochester
Administrative Offices - City Clerk
400 Sixth Street
Rochester MI 48307

City of Rochester Hills
Administrative Offices - City Clerk
1000 Rochester Hills Drive
Rochester Hills MI 48309

City of Southfield
Administrative Offices, City Clerk
26000 Evergreen Road
P.O. Box 2055
Southfield MI 48037-2055

City of Sterling Heights
Office of the City Manager
40555 Utica Road
Sterling Heights MI 48313

City of Warren
City Clerk
One City Square, Suite 205
Warren MI 48093-2393

Village of Grosse Pointe Shores
Office of the City Clerk
795 Lake Shore Road
Grosse Pointe Shores MI 48236