

# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**JULY 22, 2013**  
**CONVENING AT 7:30 P.M.**

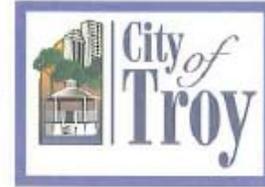
**Submitted By**  
**The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in blue ink, 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**  
July 22, 2013 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

<b><u>INVOCATION: Assistant Pastor Scott DeClaire From Troy Assembly of God</u></b>	<b>1</b>
<b><u>PLEDGE OF ALLEGIANCE:</u></b>	<b>1</b>
<b><u>A. CALL TO ORDER:</u></b>	<b>1</b>
<b><u>B. ROLL CALL:</u></b>	<b>1</b>
<b><u>C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:</u></b>	<b>1</b>
C-1 Troy High School 2013 Girls Varsity Soccer Team Division Champions Presentation ( <i>Introduced by: Cindy Stewart, Community Affairs Director</i> )	1
C-2 Carla Reeb, Troy Nature Center Executive Director will Present Information on the Troy Nature Center Open House/Ice Cream Social Sponsored by the Troy Nature Society (No backup)	1
C-3 Transit Center Status Report – July 2013 ( <i>Introduced by: Steven Vandette, City Engineer</i> )	1
<b><u>D. CARRYOVER ITEMS:</u></b>	<b>1</b>
D-1 No Carryover Items	1
<b><u>E. PUBLIC HEARINGS:</u></b>	<b>2</b>
E-1 No Public Hearings	2

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<b><u>F.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA:</u></b>	<b><u>2</u></b>
<b><u>G.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b><u>3</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>3</u></b>
H-1	No Postponed Items	3
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>3</u></b>
I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Liquor Advisory Committee; Traffic Committee	3
I-2	Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Parks and Recreation Board; Zoning Board of Appeals	4
I-3	No Request for Closed Session	6
I-4	Contract Ratification – Troy Communications Supervisors Association (TCSA) <i>(Introduced by: Peggy Sears, Human Resources Director)</i>	6
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>7</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	7
J-1b	Address of “J” Items Removed for Discussion by City Council	7
J-2	Approval of City Council Minutes	7
	a) City Council Special Meeting Minutes-Draft – July 8, 2013 .....	7
	b) City Council Meeting Minutes-Draft – July 8, 2013.....	7
J-3	Proposed City of Troy Proclamations	7
	a) Certificate of Recognition Troy High School 2013 Girls Varsity Soccer Team .....	7
J-4	Standard Purchasing Resolutions:	7
	a) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Fitness Equipment.....	7
J-5	Medi-Go Plus Service Agreement	8

J-6	Addendum #1 – Contract 13-1 – Square Lake Road Mill and Asphalt Overlay	8
J-7	Amendment #2 – Preliminary Engineering Agreement with Orchard, Hiltz, and McCliment Inc. for Engineering Services for the John R, Long Lake to Square Lake Reconstruction Project No. 02.203.5	8
J-8	Amendment #2 – Preliminary Engineering Agreement with Orchard, Hiltz, and McCliment Inc. for Engineering Services for the John R, Square Lake to South Boulevard Reconstruction Project No. 02.204.5	9
J-9	Acquisition of Property as a Result of Foreclosure for Non-Payment of Property Taxes	9
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b><u>9</u></b>
K-1	Announcement of Public Hearings:	9
	a) August 12, 2013 – Rezoning Application File Z 744 – Proposed Belleclaire Condominiums, East Side of Rochester, North of Wattles, South Side of Lamb (Part of 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District .....	9
	b) August 12, 2013 – Proposed Amendments to Troy Downtown Development Authority (TDDA) Development and Tax Increment Financing Plan .....	9
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	9
<b><u>L.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:</u></b>	<b><u>9</u></b>
<b><u>M.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>10</u></b>
M-1	No Council Referrals Advanced	10
<b><u>N.</u></b>	<b><u>COUNCIL COMMENTS:</u></b>	<b><u>10</u></b>
N-1	No Council Comments Advanced	10
<b><u>O.</u></b>	<b><u>REPORTS:</u></b>	<b><u>10</u></b>
O-1	Minutes – Boards and Committees:	10
	a) Zoning Board of Appeals-Final – May 21, 2013 .....	10

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b)	Building Code Board of Appeals-Final – June 5, 2013.....	10
c)	Employees’ Retirement System Board of Trustees-Final – June 12, 2013 .....	10
d)	Planning Commission Special/Study-Draft – June 25, 2013 .....	10
e)	Planning Commission Special/Study-Final – June 25, 2013 .....	10
f)	Building Code Board of Appeals-Draft – July 10, 2013 .....	10
O-2	Department Reports: None Submitted	10
O-3	Letters of Appreciation:	10
a)	The South Oakland Intelligence Consortium (SONIC) Enjoyed Working with the Troy Special Investigations Unit (SIU).....	10
b)	To Paul Evans and Gary Bowers From April Church Regarding Wonderful Service .....	10
c)	To Paul Evans From Debbie Schuh Regarding Quick Service.....	10
d)	To Mayor, City Council and City Manager From Carol Russell Regarding Expedient Response to Residents .....	10
e)	To Sam Lamerato From Kathy Leenhouts, City of Clawson .....	10
f)	To Chief Gary Mayer From John Reynolds From Delphi.....	10
g)	To City Council From Genisys Credit Union Regarding Being Named One of the Best Towns For Families .....	10
O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	10
O-5	2013 Second Quarter Litigation Report	10
O-6	Troy Named One of America’s Top 10 Best Towns for Families by Family Circle Magazine	11
<b>P.</b>	<b><u>STUDY ITEMS:</u></b>	<b>11</b>
P-1	No Study Items	11
<b>Q.</b>	<b><u>CLOSED SESSION:</u></b>	<b>11</b>
Q-1	No Closed Session Requested	11
<b>R.</b>	<b><u>ADJOURNMENT:</u></b>	<b>11</b>
	<b><u>FUTURE CITY COUNCIL PUBLIC HEARINGS:</u></b>	<b>12</b>
	Monday, August 12, 2013 Rezoning Application File Z 744 – Proposed Belleclair Condominiums, East Side of Rochester, North of Wattles, South Side of Lamb (Part of 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District .....	12

Monday, August 12, 2013 Proposed Amendments to Troy Downtown  
Development Authority (TDDA) Development and Tax Increment Financing..... 12

**SCHEDULED REGULAR CITY COUNCIL MEETINGS: 12**

Monday, August 12, 2013 Regular Meeting ..... 12  
Monday, August 26, 2013 Regular Meeting ..... 12  
Monday, September 9, 2013 Regular Meeting..... 12  
Monday, September 23, 2013 Regular Meeting..... 12  
Monday, October 7, 2013 Regular Meeting..... 12  
Monday, October 21, 2013 Regular Meeting..... 12  
Monday, November 11, 2013 Regular Meeting..... 12  
Monday, November 25, 2013 Regular Meeting..... 12  
Monday, December 2, 2013 Regular Meeting..... 12  
Monday, December 16, 2013 Regular Meeting..... 12

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 12**

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**INVOCATION: Assistant Pastor Scott DeClaire 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 #2013-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the City Council Special Meeting and the Regular City Council Meeting of July 22, 2013, due to \_\_\_\_\_.

Yes:

No:

Absent:

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

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**C-1** Troy High School 2013 Girls Varsity Soccer Team Division Champions Presentation (*Introduced by: Cindy Stewart, Community Affairs Director*)

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**C-2** Carla Reeb, Troy Nature Center Executive Director will Present Information on the Troy Nature Center Open House/Ice Cream Social Sponsored by the Troy Nature Society (No backup)

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**C-3** Transit Center Status Report – July 2013 (*Introduced by: Steven Vandette, City Engineer*)

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:****E-1 No Public Hearings****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:****In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

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

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

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

*front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

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

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

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

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Liquor Advisory Committee; Traffic Committee**

**a) Mayoral Appointments: None**

**b) City Council Appointments:**

Suggested Resolution  
Resolution #2013-07-  
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:**

**Matthew Binkowski**

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

Term currently held by: Vacancy – David Ogg Resigned

[Traffic Committee](#)  
 Appointed by Council  
 7 Regular Members  
 3 Year Term

**Nominations to the Traffic Committee:**

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

**Tim Brandstetter**

Term currently held by: Vacancy - David Ogg Resigned

Yes:  
 No:  
 Absent:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Parks and Recreation Board; Zoning Board of Appeals**

- a) **Mayoral Nominations: None**
- b) **City Council Nominations**

Suggested Resolution  
 Resolution #2013-07-  
 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:

[Parks and Recreation Board](#)

Appointed by Council  
 7 Regular Members and 1 Troy School Board Member:  
 Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1	Notes 3
Anderson	Carol		12/31/2099		
Fejes	Kathleen M	9/30/2012	9/30/2013		
Gazetti	Tod	9/14/2012	9/30/2013		No Reappointment
Hauff	Gary	2/6/2014	7/31/2013	Troy School Dist. Rep.	
Huber	Laurie G	2/8/2014	9/30/2015		
Kaltsounis	Orestis Rusty	1/20/2014	9/30/2015	ZBA (Alt.) exp 1/31/2015	

Kovacs	Meaghan	3/25/2010	9/30/2014		
Stewart	Jeffrey L	9/30/2011	9/30/2013		
Yelamanchi	Aditya	6/5/2014	7/31/2013	Student Rep.	No Reappointment
Zikakis	Janice	11/11/2013	9/30/2014		

**Nominations to the Parks and Recreation Board:**

**Term Expires: 07/31/2014**

Term currently held by: Gary Hauff

**Term Expires: 07/31/2014**

Term currently held by: Aditya Yelamanchi

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Baker	Julia (Judy)	5/7/2015	
Boudon	Frank	5/15/2015	
Brandstetter	Tim	5/1/2015	
Gauri	Kul B	11/22/2013	
Howrylak	Frank	2/1/2014	
Knight	P. Terry	1/4/2014	DDA exp 9/30/2015; Personnel Bd exp 4/30/2015
Rosenberg	Michael	4/19/2015	
Steele	John	9/27/2013	
Toth	Steve	10/3/2013	Animal Control Appeal Bd. exp 9/30/2014
Viola	Vincent J	11/16/2013	

**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		
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	Alternate	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	Alternate	

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

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

**(Alternate)**

Term currently held by: Vacancy – David Eisenbacher  
Appointed to Full Member Term

**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;
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	
McCown	Paul	7/10/2015	
Ragan	John	1/26/2014	

Yes:

No:

Absent:

**I-3 No Request for Closed Session**

**I-4 Contract Ratification – Troy Communications Supervisors Association (TCSA)  
(Introduced by: Peggy Sears, Human Resources Director)**

Suggested Resolution

Resolution #2013-07-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and TCSA for the period July 1, 2013 through June 30, 2016 is hereby **RATIFIED** by the City Council of the

City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:  
No:  
Absent:

**J. CONSENT AGENDA:**

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

Suggested Resolution  
Resolution #2013-07-  
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:

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

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

Suggested Resolution  
Resolution #2013-07-

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

- a) City Council Special Meeting Minutes-Draft – July 8, 2013
- b) City Council Meeting Minutes-Draft – July 8, 2013

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**J-3 Proposed City of Troy Proclamations**

- a) **Certificate of Recognition Troy High School 2013 Girls Varsity Soccer Team**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Fitness Equipment**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to **PURCHASE** and **INSTALL** seven (7) New Matrix T5x Treadmills, four (4) new Matrix U3x Upright Cycles, two (2) Matrix

E5x Ellipticals, and three (3) Matrix A5x Ascent Trainers at the Troy Community Center, less Trade-ins of seven (7) Matrix T5x Treadmills, four (4) Matrix U3x Upright Cycles, two (2) Matrix E5x Ellipticals, and three (3) Matrix A5x Ascent Trainers to the low bidder meeting specifications, *All Pro Exercise of Farmington Hills, MI*, for an estimated net total cost of \$54,685.00, all at prices contained in the bid tabulation dated July 3, 2013.

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

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#### **J-5 Medi-Go Plus Service Agreement**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That the request for funding in the amount of entire municipal and community credits transferred from SMART for Troy Medi-Go Plus, and the funding agreement between the City of Troy and Troy Medi-Go Plus are hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

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#### **J-6 Addendum #1 – Contract 13-1 – Square Lake Road Mill and Asphalt Overlay**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That Contract No. 13-1, Square Lake Road Mill & HMA Overlay, with Florence Cement Company, 12585 23 Mile Road, Shelby Township, MI 48315, **BE AMENDED** to include mill and overlay work along Square Lake Road from Rochester to Livernois at an estimated cost of \$380,000.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

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#### **J-7 Amendment #2 – Preliminary Engineering Agreement with Orchard, Hiltz, and McCliment Inc. for Engineering Services for the John R, Long Lake to Square Lake Reconstruction Project No. 02.203.5**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That the Second Amendment to Preliminary Engineering Agreement No. 02-5178/S1, between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Long Lake and Square Lake is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$94,002.36, and the Mayor and City Clerk are

**AUTHORIZED TO EXECUTE** the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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**J-8 Amendment #2 – Preliminary Engineering Agreement with Orchard, Hiltz, and McCliment Inc. for Engineering Services for the John R, Square Lake to South Boulevard Reconstruction Project No. 02.204.5**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That the Second Amendment to Preliminary Engineering Agreement No. 02-5179/S1, between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Square Lake and South Boulevard is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$79,827.82, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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**J-9 Acquisition of Property as a Result of Foreclosure for Non-Payment of Property Taxes**

Suggested Resolution  
Resolution #2013-07-

RESOLVED, That the Engineering Department is hereby **AUTHORIZED TO PURCHASE** a foreclosed property having Sidwell #88-20-26-200-086 for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$1,000 plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That all current active special assessments, if any, **BE VACATED**.

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

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

- a) August 12, 2013 – Rezoning Application File Z 744 – Proposed Belleclaire Condominiums, East Side of Rochester, North of Wattles, South Side of Lamb (Part of 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District
- b) August 12, 2013 – Proposed Amendments to Troy Downtown Development Authority (TDDA) Development and Tax Increment Financing Plan

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

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

**M. COUNCIL REFERRALS:**

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

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**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

**N-1 No Council Comments Advanced**

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

- a) Zoning Board of Appeals-Final – May 21, 2013
  - b) Building Code Board of Appeals-Final – June 5, 2013
  - c) Employees' Retirement System Board of Trustees-Final – June 12, 2013
  - d) Planning Commission Special/Study-Draft – June 25, 2013
  - e) Planning Commission Special/Study-Final – June 25, 2013
  - f) Building Code Board of Appeals-Draft – July 10, 2013
- 

**O-2 Department Reports: None Submitted**

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**O-3 Letters of Appreciation:**

- a) The South Oakland Intelligence Consortium (SONIC) Enjoyed Working with the Troy Special Investigations Unit (SIU)
  - b) To Paul Evans and Gary Bowers From April Church Regarding Wonderful Service
  - c) To Paul Evans From Debbie Schuh Regarding Quick Service
  - d) To Mayor, City Council and City Manager From Carol Russell Regarding Expedient Response to Residents
  - e) To Sam Lamerato From Kathy Leenhouts, City of Clawson
  - f) To Chief Gary Mayer From John Reynolds From Delphi
  - g) To City Council From Genisys Credit Union Regarding Being Named One of the Best Towns For Families
- 

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

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**O-5 2013 Second Quarter Litigation Report**

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**O-6** Troy Named One of America's Top 10 Best Towns for Families by Family Circle Magazine

**P. STUDY ITEMS:**

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**P-1** No Study Items

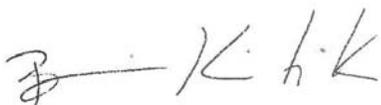
**Q. CLOSED SESSION:**

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**Q-1** No Closed Session Requested

**R. ADJOURNMENT:**

Respectfully submitted,

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

Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

- Monday, August 12, 2013 .....Rezoning Application File Z 744 – Proposed Belleclaire Condominiums, East Side of Rochester, North of Wattles, South Side of Lamb (Part of 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District
- Monday, August 12, 2013 .....Proposed Amendments to Troy Downtown Development Authority (TDDA) Development and Tax Increment Financing

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

- 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:**

# City of Troy

## CERTIFICATE OF RECOGNITION TROY HIGH SCHOOL 2013 GIRLS VARSITY SOCCER TEAM

**WHEREAS**, The **Troy High School 2013 Girls Varsity Soccer Team** won the **Michigan High School Athletic Association Division One Girls Soccer Championship** on June 15 in Grand Rapids beating Grandville High School in come from behind fashion 2-1 for the title; and

**WHEREAS**, Special commendation is due to Captains Jamie Hawkey, Alison Holland and Madison Hirsch and team members Sydney Alexander, Michelle Babst, Cami Barnett, Brooke Bogdanovich, Addy Bouzide, Nadine Bratu, Jenna Cabelof, Phylisha Drayton, Grace Goodrich, Brittany Guitar, Natalie Longroy, Katie Luongo, Dani Mukomel, Kayla Porter, Liz Rhodes, Sarah Troccoli, Sara Wideman, Erin Wrubel; and

**WHEREAS**, This has been an exciting, hard fought soccer season with a 15-6-3 record, and we are proud of the title you have earned and the winning reputation you have brought to our community and your school. This is the program's first **State Championship** since 2003; and

**WHEREAS**, We applaud Girls Varsity Soccer Head Coach Brian Zawislak; Assistant Coaches Hank Thoenes, Stew Givens, Joey Franchini and Meghan Sermo; and Trainer Mike Sime for their commitment to the **Troy High Girls Varsity Soccer Team**;

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy commends the **Troy High School 2013 Girls Varsity Soccer Team** for their fine efforts, and extends this token of affection and admiration with which you are regarded in this City;

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy, joins the citizens of this community in appreciation and celebration of the **2013 Troy High School Girls Varsity Soccer Division I State Champions**.

Signed this 22<sup>nd</sup> day of July, 2013.

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*Dane Slater, Mayor*

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*Jim Campbell, Councilmember*

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*Wade Fleming, Councilmember*

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*Dave Henderson, Councilmember*

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*Maureen McGinnis, Councilmember*

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*Ed Pennington, Councilmember*

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*Doug Tietz, Councilmember*



## COUNCIL REPORT

July 16, 2013

TO: Honorable Mayor and City Council

FROM: Brian Kischnick, City Manager  
Lori Bluhm, City Attorney  
Mark Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer/Project Manager

SUBJECT: Transit Center Status Report – July 2013

This memo provides a brief update on the status of construction and acquisition of the Transit Center Property.

### Construction

Construction is continuing while the City works through the process of resolving the status of the land. The City will file an application for leave to appeal with the Michigan Supreme Court, and will also pursue other necessary legal options in order to guarantee continued ownership of the property. It's certain that resolution of the land issue will take much longer than the few months remaining in the transit center construction schedule. Suspending construction during this time would add considerable cost to the project and these costs may not qualify for federal reimbursement.

Meanwhile, construction is moving along on schedule and within budget. Most of the structural and exterior work on the building, bridge and elevator tower is complete with the exception of glass. The platform on the Birmingham side is complete. Site work is coming next, including the reconstruction of Doyle Drive and construction of bus slips adjacent to the station. This work started July 10<sup>th</sup> and is expected to take approximately three (3) weeks. Interior work including elevators, wall and ceiling surfaces, bathroom fixtures, doors and hardware is scheduled for August. Final finish work is scheduled for early September.

### Opening the Transit Center

Construction is expected to be completed in August and we anticipate that the station will be opened for use in September.

### Status of the Lawsuit

The Michigan Court of Appeals denied the City's motion for reconsideration and also denied Grand Sakwa's motion for immediate effect, maintaining the status quo. The City will file an application for leave to appeal to the Michigan Supreme Court by July 26<sup>th</sup>. It is unknown when the Michigan Supreme Court will issue its decision, but it is not anticipated that this case will be finalized prior to the anticipated September 2013 opening date.

## Backup Plan

Although City Administration is hesitant to provide details of the City's legal strategies in an open forum, the City has identified other available legal options as well, and has initiated the appraisal process, which would be a necessary component of securing permission to use federal funds if additional legal measures are required.

## Reimbursements for Construction

FRA temporarily suspended reimbursement as a precautionary measure just after the Court of Appeals opinion was released. City Administration is working with MDOT, and we are optimistic that FRA will reverse its position in the near future. In the meantime, the construction work has continued in compliance with the federal funding contractual requirements and since the transit center property will continue to be owned by the City of Troy, FRA would have no basis to deny reimbursement to the City.

**A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, July 8, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 6:00 PM.

**B. ROLL CALL:**

- Mayor Dane Slater
- Jim Campbell
- Wade Fleming
- Dave Henderson
- Maureen McGinnis
- Ed Pennington – Arrived at 6:15 PM
- Doug Tietz

**Vote on Resolution to Adjourn into Closed Session**

Resolution #2013-07-120  
Moved by Fleming  
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL ADJOURN** into Closed Session, as permitted by MCL 15.268 (c) – Labor Negotiations – American Federation of State, County and Municipal Employees (AFSCME).

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

**MOTION CARRIED**

**C. DISCUSSION ITEMS:**

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**C-1 Closed Session - Labor Negotiations - American Federation of State, County and Municipal Employees (AFSCME)**

**D. PUBLIC COMMENT: No Public Comment**

**E. ADJOURNMENT:**

The Meeting **ADJOURNED** at 6:42 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk

Associate Pastor Jeremy Durrant from Troy Assembly of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

#### **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, July 8, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

#### **B. ROLL CALL:**

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

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

**C-1** 39<sup>th</sup> Annual Troy Garden Club's Garden Walk (*Introduced by: Cindy Stewart*)

**C-2** Proclamation Celebrating Parks & Recreation Month – July, 2013 (*Introduced by: Mayor Slater*)

#### **D. CARRYOVER ITEMS:**

**D-1** No Carryover Items

#### **E. PUBLIC HEARINGS:**

**E-1** No Public Hearings

#### **F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Marvin Reinhardt	Spoke on Item J-8.
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#### **G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

#### **H. POSTPONED ITEMS:**

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

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

a) **Mayoral Appointments: None**

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 #2013-07-121

Moved by Fleming

Seconded by McGinnis

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

**Liquor Advisory Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Nominations to the Liquor Advisory Committee:**

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

**Matthew Binkowski**

Term currently held by: Vacancy – David Ogg Resigned

**Traffic Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Nominations to the Traffic Committee:**

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

**Tim Brandstetter**

Term currently held by: Vacancy - David Ogg Resigned

City Council **TOOK NO ACTION** on the Nominations to the Zoning Board of Appeals.

Yes: All-7  
No: None

**MOTION CARRIED**

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**I-3 No Request for Closed Session**

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**I-4 Southeast Michigan Council of Governments (SEMCOG) Sustainable Community Recognition Program (Introduced by: Stephanie Dilworth)**

Resolution #2013-07-122  
Moved by Campbell  
Seconded by Fleming

WHEREAS, Troy City Council seeks to improve the long term sustainability of our community;  
and

WHEREAS, Troy City Council seeks to achieve economic prosperity while protecting the environment and providing a high quality of life for residents; and

WHEREAS, Troy City Council seeks to inform residents about innovative initiatives being implemented in our community; and

WHEREAS, Troy City Council seeks to maximize SEMCOG membership dues by using services available to member local governments; and

WHEREAS, SEMCOG assists local governments in Southeast Michigan by making them more efficient and effective, and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the public's best interest to **APPROVE** a commitment to participate in the SEMCOG Community Recognition Program, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DESIGNATES** William Huotari as the primary contact from our community for this program;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the submission of contract documents and all other specified requirements;

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents on behalf of the Troy City Council.

Yes: All-7  
No: None

**MOTION CARRIED**

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**I-5 Rescind and Re-Award Catering Contract for Community Center Events  
(Introduced by: Carol Anderson)**

Resolution #2013-07-123  
Moved by Fleming  
Seconded by Pennington

- a) WHEREAS, On May 9, 2011, Troy City Council awarded a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, (Resolution #2011-05-093); and

WHEREAS, Encore Catering has requested termination of their contract due to economic hardship effective July 31, 2013; and

WHEREAS, Encore Catering has agreed to the attached Assignment of Existing Agreement between the City and Kosch Hospitality, LLC.

NOW THEREFORE BE IT RESOLVED, That contingent upon the execution of the attached Assignment of Existing Agreement between the City and Kosch Hospitality LLC, Troy City Council hereby **RESCINDS WITH PREJUDICE** the contract with Encore Catering. Any rescission of the Agreement does not excuse Alpha-Doni, Inc. from the requirement to pay all outstanding amounts due and owing through to the effective date of the rescission, and these amounts must be paid by Alpha-Doni, Inc. within 365 (three hundred sixty-five) days or the City will exercise its rights under the Agreement and the City of Troy's bid policy; and

- b) WHEREAS, Kosch Hospitality LLC participated in the original request for proposal process in 2011 for Catering Services at the Community Center and finished second when the pricing model was added to the final score; and

WHEREAS, Kosch Hospitality LLC agrees to the Assignment of the Existing Agreement between the City and Alpha-Doni, Inc d/b/a Encore Catering, dated June 14, 2013, and will pay the City 10% of gross receipts with a guaranteed minimum payment of \$12,000.00 per year with a five-year renewal;

NOW THEREFORE BE IT RESOLVED, That Troy City Council hereby **RE-AWARDS AND ASSIGNS** the catering contract that would have expired in August of 2014 to Kosch Hospitality, LLC under the terms and conditions of the Assignment dated June 14, 2013, to commence August 1, 2013 with a renewal for five (5) additional years through July 31, 2019, so long as the caterer is in good standing.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer's submission of properly executed Agreement and contract documents, including insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement when in acceptable form; and

- c) WHEREAS, The City of Troy has entered into an Agreement with Kosch Hospitality, LLC to provide catering and banquet services at the City owned and operated Troy Community Center; and

WHEREAS, The Agreement requires Kosch Hospitality, LLC to have the ability to serve alcohol at the Troy Community Center as part of the catering services; which requires a liquor license from the Michigan Liquor Control Commission; and

WHEREAS, Kosch Hospitality, LLC is willing and intends to submit the required documentation and paperwork to be considered for a municipal civic center liquor license under MCL 436.1509; and

WHEREAS, The City of Troy is willing to support the request of Kosch Hospitality, LLC to be the sole liquor licensee for the Troy Community Center banquet and catering operations, in accordance with the provisions of MCL 436.1509; and

WHEREAS, Under MCL 436.1509, any such municipal civic center liquor license is not considered transferrable property of the licensee, and therefore if the Agreement between the City of Troy and Kosch Hospitality, LLC. is terminated, then the municipal civic center liquor license would be surrendered, and could be transferred to subsequent caterers at the Troy Community Center in accordance with State and local laws and regulations.

NOW THEREFORE BE IT RESOLVED, That Kosch Hospitality, LLC **HAS BEEN SELECTED** as the caterer for the City owned Troy Community Center, and **HAS ENTERED** into an Agreement with the City of Troy for those services, which include the potential sale of alcohol on the premises; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUESTS** the Michigan Liquor Control Commission issue a municipal civic center liquor license under the provisions of MCL 436.1509 to Kosch Hospitality, LLC., for catering and banquet operations at the Troy Community Center, located at 3179 Livernois, Troy, MI 48084.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** any documents that are required to effectuate the application by Kosch Hospitality, LLC for a municipal civic center liquor license under the provisions of MCL 436.1509.

Yes: All-7  
No: None

#### **MOTION CARRIED**

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#### **I-6 Contract Ratification – American Federation of State, County and Municipal Employees (Introduced by: Peggy Sears)**

Resolution #2013-07-124  
Moved by McGinnis  
Seconded by Fleming

RESOLVED, That the tentative agreement that has been reached between the City of Troy and AFSCME for the period July 1, 2013 through June 30, 2016 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes: All-7  
No: None

## **MOTION CARRIED**

### **J. CONSENT AGENDA:**

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

Resolution #2013-07-125  
Moved by Tietz  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-8, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7  
No: None

## **MOTION CARRIED**

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

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

Resolution #2013-07-125-J-2a

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

- a) City Council Meeting Minutes-Draft – June 17, 2013
- 

#### **J-3 Proposed City of Troy Proclamations**

- a) Proclamation Celebrating Parks & Recreation Month – July, 2013
- 

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

- a) **Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – 3545 Rochester Road and Colebrook**

Resolution #2013-07-125-J-4a

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RESOLVED, That a contract to sell surplus real estate parcel located at 3545 Rochester Road and identified with Sidwell #88-20-277-027, is hereby **AWARDED** to the highest bidder, Petrit Skenderaj, for \$181,000.00, as listed on the attached bid tabulation opened June 21, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Engineering Department may **EXPEND** the necessary funds for title insurance and recording, to be taken from the proceeds of said sale, to close and record this real estate parcel; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** a Warranty Deed on behalf of the City of Troy to be delivered at closing; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

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**J-5 Waiver of Bid for Purchase of Grounds Maintenance Equipment**

Resolution #2013-07-125-J-5

RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase six (6) pieces of TORO grounds maintenance equipment from Spartan Distributors of Auburn Hills, Michigan for an estimated total cost of \$209,544.58; utilizing the MiDeal Contract #071B200329 and Billy Casper Contract pricing; as detailed in the attached tabulation which shall be **ATTACHED** to the original Minutes of this meeting.

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

---

**J-6 Private Agreement – Contract for Installation of Municipal Improvements – Pine Creek Ridge Site Condominiums – Project No. 03.907.3**

Resolution #2013-07-125-J-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Maurizio Gennari, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer and soil erosion 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 Traffic Committee Recommendations and Minutes – June 19, 2013**

Resolution #2013-07-125-J-7

**Item #4 – Request for Traffic Control – English at Windmill**

RESOLVED, That the intersection control be **MODIFIED** from “no traffic control” to a Stop sign on the Windmill Drive northbound approach to English Drive.

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**J-8 Resolution to Schedule Public Hearing on Proposed Amendments to Troy Downtown Development Authority (TDDA) Development and Tax Increment Financing Plan**

Resolution #2013-07-126

Moved by McGinnis

Seconded by Campbell

WHEREAS, Pursuant to Act 197, Public Acts of Michigan, 1975, as amended (“Act 197”), and Ordinance 78 adopted by the City Council on July 12, 1993, the City Council created the Downtown Development Authority of the City of Troy (the “DDA”); and

WHEREAS, To accomplish the purposes of Act 197, the DDA initially caused to be prepared and approved the DDA’s Development Plan and Tax Increment Financing Plan (the “Plan”) and recommended approval of the Plan to the City Council; and

WHEREAS, On December 13, 1993, the City Council, after notice and a public hearing on the Plan, adopted Ordinance 80, which approved the Plan, including the development area to which the Plan applies (the “Development Area”) in accordance with the requirements of Act 197; and

WHEREAS, Since 1993 the Plan has been amended in 1998, 2000, 2002 (twice) and 2007; and

WHEREAS, By resolution adopted June 19, 2013, the DDA approved and recommended to the City Council approval of further amendments to the Plan (the “2013 Plan Amendments”), in the form presented to this meeting; and

WHEREAS, The 2013 Plan Amendments amend the Plan to include (a) the extension of the duration of the Plan to December, 2033, (b) the removal of certain properties from the Development Area and (c) the issuance of bonds by the City to pay certain costs of the development program set forth in the Tax Increment Financing Plan included in the Plan and in connection therewith, refund bonds previously issued by the DDA for such purpose; and

WHEREAS, Pursuant to Act 197, the City Council may consider the approval of the 2013 Plan Amendments after conducting a public hearing with respect thereto upon giving such notice as required by Act 197; and

WHEREAS, The City Council desires to consider approval of the 2013 Plan Amendments and to set the time and date for a public hearing on the 2013 Plan Amendments and provide notice thereof as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED:

1. That a public hearing be **HELD** on Monday, August 12, 2013, at 7:30 p.m., local time, or as soon as possible thereafter, at the Troy City Hall to consider the approval of the 2013 Plan Amendments.
2. That the City Clerk is **DIRECTED** to publish, post and mail notice of such hearing, in substantially the form attached hereto as Exhibit A, in accordance with Section 18(1) of Act 197, and to take all other action necessary or desirable in connection with the public hearing.
3. That all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are **RESCINDED**.

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

**MOTION CARRIED**

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

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**K-1 Announcement of Public Hearings: None Submitted**

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

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

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

**M. COUNCIL REFERRALS:**

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

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**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

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**N-1 No Council Comments Advanced**

Council Member Tietz inquired about performance evaluations for the City Manager and the City Attorney. The consensus of City Council was to schedule a performance evaluation for City Attorney Lori Bluhm during a Closed Session after the Regular City Council Meeting on August 12, 2013. The City Manager's performance evaluation will be scheduled at a future date.

**O. REPORTS:**

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

- a) Traffic Committee-Final-April 17, 2013
  - b) Planning Commission Special/Study-Final-May 28, 2013
  - c) Building Code Board of Appeals-Draft-June 5, 2013
  - d) Planning Commission-Draft-June 11, 2013
  - e) Planning Commission-Final-June 11, 2013
- Noted and Filed
- 

**O-2 Department Reports:**

- a) Building Department Activity Report – May, 2013
  - b) Parks and Recreation Month Report
- Noted and Filed
- 

**O-3 Letters of Appreciation:**

- a) To Glenn Lapin and Paul Evans from Larry Chiapelli, Owner of Gramma’s Gardens
  - b) To Chief Mayer from Maureen Rider for Assistance in Handling a Complaint
- Noted and Filed
- 

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

Noted and Filed

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**O-5 Notice of Hearing for the Customers of DTE Electric Company – Case No. U-17302**

Noted and Filed

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**O-6 Charlene Femminineo v City of Troy et. al.**

Noted and Filed

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**P. STUDY ITEMS:**

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**P-1 No Study Items**

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**Q. CLOSED SESSION:**

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**Q-1 No Closed Session Requested**

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**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 8:14 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk

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# CITY COUNCIL AGENDA ITEM

Date: July 12, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
 MaryBeth Murz, Purchasing Manager  
 Carol K. Anderson, Temporary Recreation Director  
 Brian E. Goul, Aquatics/Fitness Coordinator

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Fitness Equipment

**History**

The Community Center Fitness Room offers and maintains sixty two (62) pieces of cardio equipment. The fitness equipment is continually monitored and a three to four year life cycle replacement plan is in place based on warranty coverage(s). The replacement plan ensures up-to-date equipment for patrons of the fitness room at the Community Center and limited repair expenses. Based on the replacement plan it is necessary to purchase and replace sixteen (16) pieces of equipment (less trade-ins) that no longer have warranty coverage and are all past the useful life cycle.

**Purchasing**

On July 3, 2013, a bid opening was conducted as required by City Charter and Code for sixteen (16) pieces of physical fitness equipment with one (1) for one (1) exchange on equipment. For every new piece of equipment purchased by the City from a vendor, that vendor was required to purchase one (1) trade-in. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and the bid was also sent to the Troy Chamber of Commerce. Two (2) bid responses were received. The award is recommended bid as specified in order to maintain standardized equipment at the Community Center. Below is a detailed summary of potential vendors:

<b>Companies notified via MITN</b>	33
Troy Companies notified via MITN	0
Troy Companies notified Active email Notification	0
Troy Companies notified Active Free	0
<b>Companies that viewed the bid</b>	10
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.

After reviewing the bid proposal, All Pro Exercise of Farmington Hills, MI was the lowest bidder meeting specifications and is being recommended for the purchase of sixteen (16) pieces of physical fitness equipment.

**Financial**

The funds for these purchases are available in the Community Center General Operating Supplies Account.

**Recommendation**

City management recommends awarding a contract to purchase and install seven (7) New Matrix T5x Treadmills, four (4) new Matrix U3x Upright Cycles, two(2) Matrix E5x Ellipticals, and three (3) Matrix A5x Ascent Trainers at the Troy Community Center less Trade-ins of seven (7) Matrix T5x Treadmills, four (4) Matrix U3x Upright Cycles, two (2) Matrix E5x Ellipticals, and three (3) Matrix A5x Ascent Trainers to the lowest bidder meeting specifications, *All Pro Exercise of Farmington Hills, MI* for an estimated net total cost of \$54,685.00, all at prices contained in the bid tabulation dated July 3, 2013.

VENDOR NAME: DESCRIPTION	ALL PRO EXERCISE (bid as specified)		ALL PRO EXERCISE (alternate bid)		PRO MAXIMA (alternate bid)	
	Unit Cost	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
	<b>ITEM #1</b> Seven (7) New Matrix T5x Treadmills	\$ 4,895.00	\$ 34,265.00	\$ 4,895.00	\$ 34,265.00	\$ 4,499.00
<b>ITEM #2</b> Four (4) New Matrix U3x Upright Cycles	\$ 1,895.00	\$ 7,580.00	\$ 1,895.00	\$ 7,580.00	\$ 2,100.00	\$ 8,400.00
<b>ITEM #3</b> Two (2) Matrix E5x Ellipticals	\$ 3,695.00	\$ 7,390.00	\$ 3,395.00	\$ 6,790.00	\$ 3,100.00	\$ 6,200.00
<b>ITEM #4</b> Three (3) Matrix A5x Ascent Trainers	\$ 4,995.00	\$ 14,985.00	(alt #3 E3x) \$ 4,695.00	\$ 14,085.00	\$ 3,999.00	\$ 11,997.00
			(alt #4 A3x)			
<b>TOTAL COST FOR NEW EQUIPMENT</b>		\$ 64,220.00		\$ 62,720.00	\$ 58,090.00	\$ 58,090.00
<b>ITEM #5 - PURCHASE OF CITY'S TEN (10) TRADE-INS</b>						
Seven (7) Matrix T5x Treadmills	\$ 805.00	\$ 5,635.00	\$ 805.00	\$ 5,635.00	\$ 100.00	\$ 700.00
Four (4) Matrix U3x Upright Cycles	\$ 375.00	\$ 1,500.00	\$ 375.00	\$ 1,500.00	\$ 25.00	\$ 100.00
Two (2) Matrix E5x Ellipticals	\$ 600.00	\$ 1,200.00	\$ 600.00	\$ 1,200.00	\$ 50.00	\$ 100.00
Three (3) Matrix A5x Ascent Trainers	\$ 400.00	\$ 1,200.00	\$ 400.00	\$ 1,200.00	\$ 100.00	\$ 300.00
<b>TOTAL TRADE-IN COST</b> (Deduct from cost of new equipment)		\$ 9,535.00		\$ 9,535.00		\$ 1,200.00
<b>ESTIMATED NET TOTAL AWARDED COST</b>		\$ 54,685.00		\$ 53,185.00		\$ 56,890.00
<b>BY AUGUST 30, 2013</b>						
<b>DELIVERY SCHEDULE:</b>	Yes or No	Yes	Yes	Yes	Yes	Yes
<b>AUTHORIZED DEALER</b>	Yes or No	Yes	Yes	Yes	Yes	Yes
<b>SERVICE FACILITY:</b>	Location:	Plymouth, Township	Plymouth, Township	Houston, Texas		
	Miles	Approximately 40 miles	Approximately 40 miles	Out of State		
	Response	48 Hours	48 Hours	24-48 HOURS		
<b>CONTACT INFORMATION:</b>	Names	Dan Coyer/Don King	Dan Coyer/Don King	Pro Maxima Service		
	24Hr Phone	800.525.2739 X13	800.525.2739 X13	800.231.6652		
	Hrs of Operation	8am - 5pm	8am - 5pm	M-F 7am-6pm & Sat 8am-3pm		
<b>WARRANTY: (3) Years Minimum</b>						
	All Wear Items	Yes	Yes	Yes	Yes	Yes
	All Parts & Labor	Yes	Yes	Yes	Yes	Yes
	Free 2nd Day Parts	Yes	Yes	Yes	Yes	Yes
	Free Service call	Yes	Yes	Yes	Yes	Yes
	Document Marked	Yes	Yes	Yes	Yes	Yes
<b>NO SUBCONTRACTORS:</b>	Complies	Blank	Blank	Blank	Blank	Blank
<b>INSURANCE:</b>	Can meet	X	X	X	X	X
	Cannot meet					
<b>PAYMENT TERMS:</b>		Not Specified	Not Specified	Not Specified	Not Specified	Not Specified
<b>EXCEPTIONS:</b>		Blank	Blank	Blank	Blank	Blank
<b>ALL OR NONE AWARD</b>	Yes or No	Yes	Yes	Yes	Yes	Yes
<b>ACKNOWLEDGEMENT: Signed</b>	Yes or No	Yes	Yes	Yes	Yes	Yes

MaryBeth Murz,  
Purchasing Manager

ATTEST:  
Susan Reisterer  
Brian Goul  
Enna Bachelor

HIGHLIGHTED AREA DENOTES LOW BIDDER MEETING SPECIFICATIONS.



## CITY COUNCIL AGENDA ITEM

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Date: July 5, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Tom Darling, Director of Financial Services  
Carol Anderson, Recreation Director

Subject: Medi-Go Plus Service Agreement

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### Background

Attached is the agreement with Troy Medi-Go Plus. We have had this agreement with Medi-Go Plus since 1998 which states that the City will fund Medi-Go Plus with entire municipal and community credits received from the Suburban Mobility Authority for Regional Transportation (SMART).

Municipal credits are state authorized funds that are given directly to SMART to be divided among every city, township and village in Oakland, Wayne and Macomb Counties on a per capita basis. Community credits are a direct result of the SMART millage that provides opt-in communities with additional funds. Troy's municipal and community credit dollars have been used to support the community based Troy Medi-Go Plus service. Medi-Go Plus provided over 14,000 rides to senior and disabled residents in 2011.

The budget includes Troy Medi-Go Plus funding. The entire amount of municipal and community credits received from SMART are allocated for Medi-Go Plus. Funds are available in the Recreation Administration account. The funds will be dispersed to Medi-Go Plus on a quarterly basis following receipt of required quarterly reports from Medi-Go Plus.

Instead of an annual agreement as in the past, this agreement will remain in full force and effect unless either party gives a 30 day advance written notice to the other that they desire to terminate the agreement for any reason or no reason.

### Recommendation

It is recommended that the City Council approve the agreement with Troy Medi-Go Plus authorizing funding, which will be reimbursed with municipal and community credits from SMART.

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

Approved as to Form and Legality:

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

**AGREEMENT BETWEEN  
THE CITY OF TROY, MICHIGAN AND TROY MEDI-GO PLUS**

This agreement is made by and between the City of Troy, Michigan, a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter called "Troy", and Troy Medi-Go Plus, a Michigan non-profit corporation whose address is 3179 Livernois, Troy, Michigan 48083, hereinafter called "Medi-Go Plus".

**A. PURPOSE**

To provide financial support from Troy to Medi-Go Plus for the purpose of maintaining a program to provide transportation service for senior citizens and physically handicapped residents of Troy, Michigan.

**B. MEDI-GO PLUS RESPONSIBILITIES**

Medi-Go Plus shall provide the following services for senior citizens and physically handicapped individuals who are residents of Troy.

1. Provide passenger vans with handicapped lifts operating the maximum number of hours that funding allows.
2. Provide experienced and properly licensed drivers to operate the passenger vans. Screen all drivers' traffic records annually to insure that those drivers have good driving records and will not be a threat to the users' health, safety or welfare.
3. Arrange for storing the passenger vans.
4. Provide a central scheduling person to implement the transportation services.

**C. MEDI-GO PLUS FURTHER AGREES:**

1. To maintain fiscal records and files, including appropriate income and expense ledgers.
2. To permit an independent auditor representing Troy to audit accounts of income and expenses relating to Troy's contribution with findings to be submitted to Troy.
3. To comply with all state and local regulations covering the use of passenger vans.

4. To indemnify, save and hold harmless Troy, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees and legal expenses, which may arise from, be caused directly by or in any way relate to the service provided by, or any act or omission of Medi-Go Plus or its officers, directors, employees, agents or volunteers.
5. To furnish information requested by Troy indicating the use of the service by the senior citizens and handicapped residents of Troy. This information will include, but is not limited to, number of rides given, number of unique riders, breakdown by destination, and number of riders denied service.
6. Prior to execution of this Agreement by Troy, Medi-Go Plus shall furnish a copy of a certificate of insurance indicating coverage for general liability, automobile liability and workers' compensation liability. Medi-Go Plus shall maintain insurance as set out in this paragraph during the term of this Agreement.
6. Medi-Go Plus shall not assign this Agreement to any other individual or entity without Troy's prior approval.
7. Medi-Go will complete reports required by SMART and provide the City with a copy of these reports.

**D. TROY'S RESPONSIBILITIES:**

1. Provide general fund payment equal to entire municipal and community credits available from SMART to be paid quarterly except for the fourth quarter of each year when the total annual cost for vehicle repairs completed by SMART will be deducted from the payment to Medi-go. Medi-Go will complete quarterly report and submit to SMART, copying to Troy. Troy will then reimburse Medi-Go.
2. Recognize Medi-Go Plus' autonomy in determining its own personnel and operating policies.
3. Assist, if possible, in disseminating information about the service to senior citizens and handicapped residents of Troy.
4. Make available at the Troy Community Center information regarding the Medi-Go Plus service.

**E. AGREEMENT PERIOD:**

This agreement shall not be changed or revised without the written agreement of both parties.

Except as otherwise set out herein, this agreement will remain in full force and effect unless either party gives a 30 day advance written notice to the other party at their last known address that they desire to terminate the agreement for any reason or no reason.

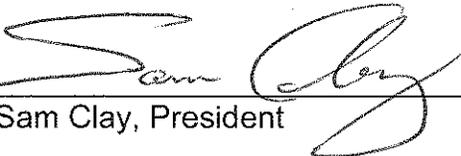
**CONTRACT APPROVAL:**

**CITY OF TROY**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Dane Slater, Mayor Aileen Bittner, City Clerk

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**TROY MEDI-GO PLUS**

By:  \_\_\_\_\_  
Sam Clay, President

Date: 7-3-13



## CITY COUNCIL AGENDA ITEM

---

Date: July 12, 2013

To: Brian Kischnick, City Manager

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

Subject: Addendum #1 - Contract 13-1 – Square Lake Road Mill & Asphalt Overlay

### **History**

This spring bids were received for Square Lake Road Mill & Asphalt Overlay. The low bidder was Florence Cement Company at \$987,141.80, which was 11.54% below the Engineer's estimate.

The work consisted of milling (grinding), the asphalt surface, road base repairs, curb & gutter repairs, and an asphalt overlay on two miles of Square Lake from Rochester to Dequindre. It started in May and was substantially complete by the end of June.

During the 2013-14 budget process City Council added \$1 million to the capital budget for use on major roads. Approximately half of that will be used to replace concrete slabs on Crooks near the I-75/Crooks intersection. The other half is targeted for resurfacing another mile of Square Lake Road, east of where the above described project left off. Any surplus funds at the end of the project will be utilized to do additional slab replacement work on Crooks Road.

Based on Florence Cement Company's performance on the first two miles of Square Lake, on time and under budget, Florence was asked to extend their unit prices for the same work on Square Lake from Rochester to Livernois. Approval of an addendum for this added work will allow Square Lake Road to be substantially complete by September 1, 2013, before the start of school.

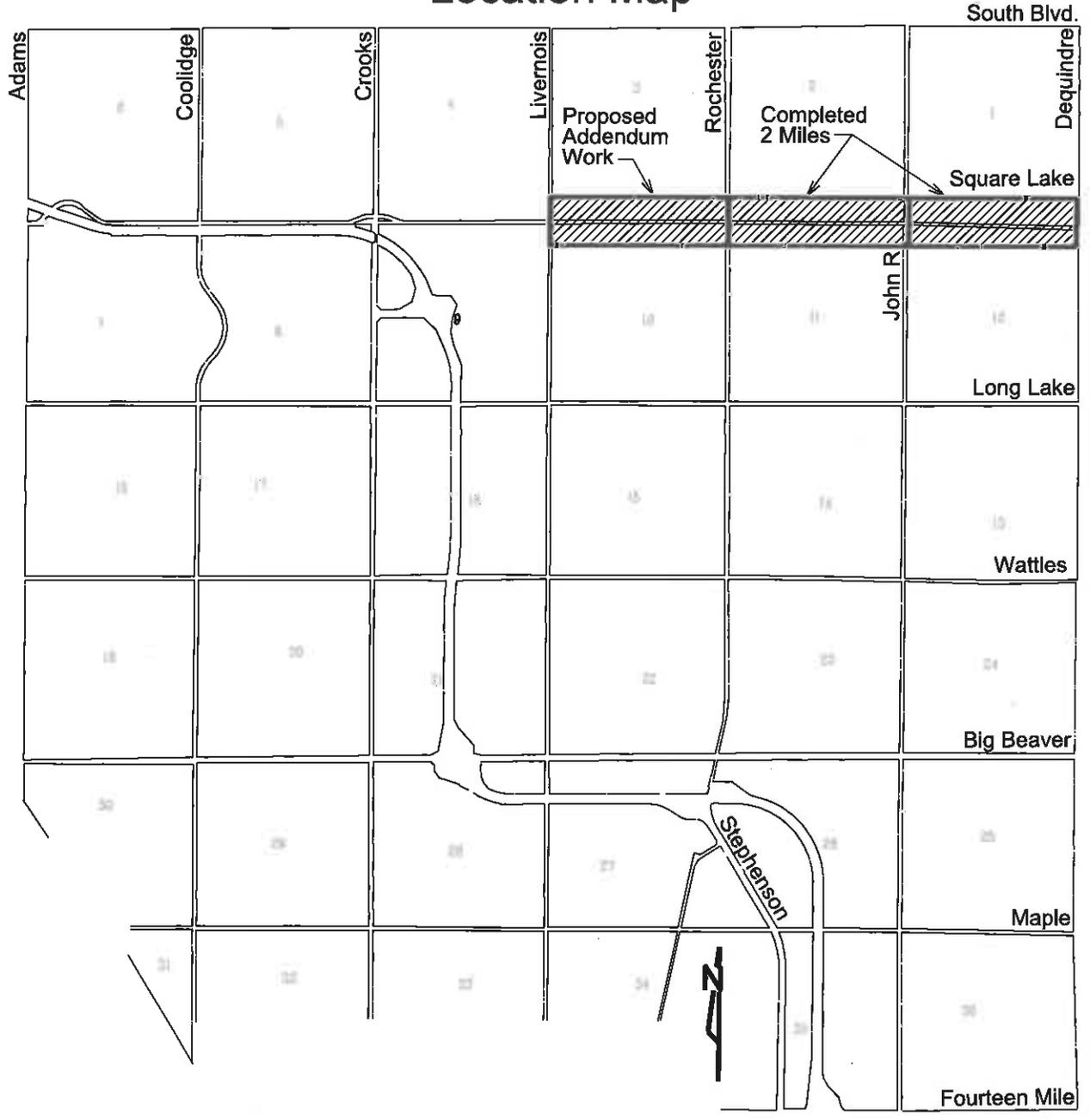
### **Financial**

Funds for this work are available in the 2013/14 budget. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

### **Recommendation**

It is recommended that City Council approve Addendum #1 for additional work by Florence Cement Company to mill and overlay Square Lake Road from Rochester to Livernois. The estimated total cost is \$380,000. In addition, we are requesting authorization to approve additional road work, if needed, not to exceed 15% of the addendum cost.

# Location Map



## **Addendum #1 - Contract No. 13-1 Square Lake Road Mill & HMA Overlay**

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**RESOLVED**, That contract No. 13-1, Square Lake Road Mill & HMA Overlay, with Florence Cement Company, 12585 23 Mile Road, Shelby Township, MI 48315, be amended to include mill and overlay work along Square Lake Road from Rochester to Livernois at an estimated cost of \$380,000.

**BE IT FURTHER RESOLVED**, That the award is contingent upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 15% of the total project cost.



## CITY COUNCIL AGENDA ITEM

---

Date: July 10, 2013

To: Brian Kischnick, City Manager

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

Subject: Amendment #2 - Preliminary Engineering Agreement with Orchard, Hiltz & McCliment, Inc. for Engineering Services for the John R, LONG LAKE to SQUARE LAKE, Reconstruction  
Project No. 02.203.5

### History

The City entered into a Preliminary Engineering agreement with Orchard, Hiltz & McCliment, Inc (OHM) in 2002 for the design of the John R reconstruction project from Long Lake to Square Lake Road (Resolution #2002-06-367-E-8). The amount of this design phase agreement was \$370,027.29.

In 2004 City Council approved the First Amendment to the agreement in the amount of \$49,996.23 (Resolution # 2004-02-040-E-4). This amendment provided for an extension of the project limits. It allowed for the John R project to tie into pavement at Long Lake, rather than leaving old pavement between Long Lake and the John R project.

The design phase was suspended in 2005 as we moved to the right-of-way phase and waited on the availability of federal funds for construction. Right-of-way acquisition has continued and nearly all property required for the project has been acquired.

More recently, the City applied for and was successful in securing \$6,500,000 in Federal funds for the construction phase, which starts in 2015. The design phase must now be completed in order that the construction funds can be obligated. The City share of approximately 20% of the construction phase will come from the Major Roads, Water and Sewer funds.

“Exhibit A” of the agreement details the items of work included within Amendment #2. The major items of additional work included in the amendment are:

- Updating the plans and specifications to meet current standards – project was originally designed using the MDOT 2003 specifications and the current MDOT standards are based on 2012 specifications.
- Sanitary sewers – It makes sense to provide for all public utilities to avoid the situation where underground work takes place after the road improvements have been completed.



## CITY COUNCIL AGENDA ITEM

- Bridge work – the original project scope did not include work on the existing bridge structure as it was designed and built to carry the ultimate 5-lane cross section. Over the past 10+ years, bridge inspections have identified deterioration of the bridge superstructure that requires rehabilitation. The best time to do this work is during the John R construction to capitalize on economies of scale by including it as part of a larger reconstruction project as well as avoid having a bridge rehabilitation project at a later date that would inconvenience road users again.
- Traffic Signals – revise traffic signal design to the current box span standard rather than the old span wire installation.
- Survey and existing conditions – additional survey work is required to account for changes in the right-of-way and/or on private property over the past 10+ years.
- Sidewalk ramps – the project will now include detailed grading plans for sidewalk ramp locations to be compliant with current American's with Disabilities Act (ADA) requirements.

The cost for these additional design services is \$94,002.36. The total not to exceed fee including Amendment #2 is \$514,025.88.

### **Financial**

Funds for Amendment #2 are available in the 2013/14 Major Roads, Water and Sewer funds.

### **Recommendation**

It is recommended that City Council approve the attached Second Amendment to the Preliminary Engineering Agreement between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Long Lake and Square Lake. Furthermore, staff recommends that the Mayor and City Clerk are authorized to execute the agreement for a not to exceed fee of \$94,002.36.

# Location Map



**SECOND AMENDMENT to PE AGREEMENT #02-5178/S1  
JOHN R, LONG LAKE to SQUARE LAKE**

**City of Troy – Orchard, Hiltz & McCliment, Inc.**

**MDOT Job No. 56246C  
Troy Project No. 02.203.5**

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between Orchard, Hiltz & McCliment, Inc., a Michigan Corporation, hereinafter referred to as the CONSULTANT, and the City of Troy, hereinafter referred to as the CITY, provides as follows:

WHEREAS, the CONSULTANT and the CITY, entered into Agreement No. 02-5178/S1, dated September 24, 2002 ("the Agreement") and amended this Agreement with Amendment #1, dated August 24, 2004 for the performance of certain Preliminary Engineering services required in connection with the reconstruction of John R Road, from Long Lake Road to Square Lake Road, hereinafter referred to as the PROJECT; and

WHEREAS, subsequent to execution of the Agreement and Amendment #1 it was decided that the project plans are required to be updated after a substantial project delay while construction funding and right-of-way was obtained. Due to this delay, additional SERVICES are required related to bringing the plans up to current MDOT design standards; and

WHEREAS, it was decided to add new design services to the project as outlined below. and

NOW, THEREFORE, it is agreed between the parties to amend the Agreement as follows:

**1. SECOND AMENDMENT SERVICES**

In addition to the services set forth in the Agreement and Amendment #1, the CONSULTANT shall perform the SERVICES set forth in the Second Amendment Exhibit A, attached hereto.

The additional cost for the SERVICES, as set forth in the Second Amendment, Exhibit B is Ninety-Four Thousand and Two Dollars and Thirty-Six Cents (\$94,002.36).

The amount of fixed fee contained within the total amount of Ninety-Four Thousand Two Dollars and Thirty-Six Cents (\$94,002.36) is Nine Thousand Three Hundred and Four Dollars and Sixty-Eight Cents (\$9,304.68).

**2. MAXIMUM AGREEMENT AMOUNT PAYABLE**

Section 20 of the Agreement is amended to provide that the maximum amount payable is increased by Ninety-Four Thousand Two Dollars and Thirty-Six Cents (\$94,002.36) to a maximum amount for the Agreement including Amendment #1 and Amendment #2 of Five Hundred Fourteen Thousand Twenty-Five Dollars and Eighty-Eight Cents (\$514,025.88).

The maximum fixed fee is increased by Nine Thousand Three Hundred and Four Dollars and Sixty-Eight Cents (\$9,304.68) to a maximum amount for the Agreement including Amendment #1 and Amendment #2 of Sixty-One Thousand Thirty-Eight Dollars and Sixteen Cents (\$61,038.16).

**3. CONTINUATION OF REMAINING PROVISIONS**

Except as specifically set forth herein all terms and provisions of the Agreement and attachments and exhibits remain as originally set forth thereon.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized agents and representatives the day and year first above written.

**ORCHARD, HILTZ & McCLIMENT, INC.**

**CITY OF TROY**

By \_\_\_\_\_

By \_\_\_\_\_

Dane Slater

Its \_\_\_\_\_

Its \_\_\_\_\_

Mayor

By \_\_\_\_\_

Aileen Bittner

Its \_\_\_\_\_

City Clerk

**Second Amendment to PE Agreement No. 02-5178/S1  
Exhibit A**

John R, Long Lake to Square Lake  
City of Troy – Orchard, Hiltz & McCliment, Inc.

MDOT Job No. 56246C  
Troy Project No. 02.203.5

<b>AMENDED PROJECT SCOPE SUMMARY EXHIBIT</b>
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**A. General**

This scope of work will restart the design of the John R reconstruction between Long Lake Road and Square Lake Road. When the project was previous suspended in 2005, GI level plans have been submitted to the City of Troy. While waiting for construction funding and acquiring property over the past 6-7 years, the design has become obsolete in some areas, and some additional items have been added. To bring the project to current standards and update the design plans, the following scope of services will be added to the project:

- Attend pre-design update meeting with the City to discuss outstanding issues, changes since the last project submittal, and discuss other items pertaining to the project scope, schedule and budget.
- Walk the project corridor to review previous topographic mapping versus current conditions.
- Update the project to the MDOT 2012 Design Standards as required to bid this project through MDOT, including the following:
  - Review and update the detailed roadway construction plans.
  - Review and update the detailed watermain plans
  - Review and update the maintenance of traffic plans.
  - Review and update the RCOC and City of Troy details.
  - Review and update the permanent striping and signing plans.
  - Review and update the Engineer's Opinion of Probable Construction Cost.
- Update the project to 2012 RCOC Standards as applicable to the project.
- Update the current ROW lines to incorporate ROW acquired since the project was suspended.
- Design the addition of sanitary sewer plans for the following locations:
  - On the west side of John R from the Oak Forest development to an existing sanitary structure just south of Oakwood Street.
  - Crossing John R from an existing sanitary structure just north of Highbury Street.
- Design the bridge superstructure replacement of John R over the Nelson Drain.
- Update the traffic signal design at the intersection of Long Lake Road to a box span configuration including staging design.
- Design the modifications for the traffic signal at the intersection of Square Lake and John R to accommodate the widening of the roadway including staging design.
- Provide additional topographic survey. The anticipated survey scope is as follows:
  - On the west side of John R at station 437+00 just north of Jeffrey Dr. a new site development is planned. If this is constructed before design is completed we will acquire updated topo. If it is not completed, acquire grading/design plans and new lot information for this site.

- On the east side of John R around station 450+50 the Rainbow Child Care Center drive will be re-surveyed. The drive was reconstructed since our original topo.
- The intersection of John R and Square Lake Rd has been widened. New intersection topography will be acquired.
- Contact known utility companies in the corridor and order new utility maps for verification of private utilities in the corridor.
- Prepare a traffic signal warrant study for the replacement of the traffic signal at John R and Long Lake Road.
- Perform an analysis for the possible addition of right turn lanes at Hopedale Drive, Laurel Drive, Jeffrey Drive, and Highbury Drive.
- Complete the Traffic Mobility Plan (TMP) checklist as required by MDOT.
- Complete and submit new Federal Programming Forms.
- Evaluate the storm sewer outlet of the mainline storm sewer system at the Nelson Drain. Investigate replacing the existing 36" storm sewer and outlet the proposed storm into the Nelson Drain with a 54" outlet pipe to provide the needed capacity.
- Prepare additional detailed grading plans for all sidewalk ramps which will require modification to upgrade to be compliant with current ADA guidelines.

**Second Amendment to PE Agreement No. 02-5178/S1  
Exhibit B**

John R, Long Lake to Square Lake  
City of Troy – Orchard, Hiltz & McCliment, Inc.

MDOT Job No. 56246C  
Troy Project No. 02.203.5

<b>AMENDED PROJECT COST SUMMARY EXHIBIT</b>
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	<b>Total Not-to-Exceed Fee</b>	<b>Fixed Fee</b>
Original Preliminary Engineering Agreement	\$370,027.29	\$45,436.52
First Amendment	\$49,996.23	\$6,296.96
<u>Second Amendment</u>		
OHM – Additional Services	\$94,002.36	\$9,304.68
<b>AMENDED TOTAL AGREEMENT</b>	<b>\$514,025.88</b>	<b>\$61,038.16</b>



## CITY COUNCIL AGENDA ITEM

---

Date: July 10, 2013

To: Brian Kischnick, City Manager

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

Subject: Amendment #2 - Preliminary Engineering Agreement with Orchard, Hiltz & McCliment, Inc. for Engineering Services for the John R, SQUARE LAKE to SOUTH BOULEVARD, Reconstruction  
Project No. 02.204.5

### History

The City entered into a Preliminary Engineering agreement with Orchard, Hiltz & McCliment, Inc (OHM) in 2002 for the design of the John R reconstruction project from Square Lake Road to South Boulevard (Resolution #2002-06-367-E-7). The amount of this design phase agreement was \$326,428.81.

In 2004 City Council approved the First Amendment to the agreement in the amount of \$5,292.91 (Resolution # 2004-02-040-E-4). This amendment provided for an increase in cost due to a delay in authorization which moved data collection from late summer/fall into the winter months.

The design phase was suspended in 2005 as we moved to the right-of-way phase and waited on the availability of federal funds for construction. Right-of-way acquisition has continued and nearly all property required for the project has been acquired.

More recently, the City applied for and was successful in securing \$6,500,000 in Federal funds for the construction phase, which starts in 2016. The design phase must now be completed in order that the construction funds can be obligated. The City share of approximately 20% of the construction phase will come from the Major Roads, Water and Sewer funds.

“Exhibit A” of the agreement details the items of work included within Amendment #2. The major items of additional work included in the amendment are:

- Updating the plans and specifications to meet current standards – project was originally designed using the MDOT 2003 specifications and the current MDOT standards are based on 2012 specifications.
- Sanitary sewers – It makes sense to provide for all public utilities to avoid the situation where underground work takes place after the road improvements have been completed.
- Water Main – an additional water main extension will be included across John R near Saxony.



## CITY COUNCIL AGENDA ITEM

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- Traffic Signals – revise traffic signal design to the current box span standard rather than the old span wire installation.
- Survey and existing conditions – additional survey work is required to account for changes in the right-of-way and/or on private property over the past 10+ years.
- Sidewalk ramps – the project will now include detailed grading plans for sidewalk ramp locations to be compliant with current American’s with Disabilities Act (ADA) requirements.

The cost for these additional design services is \$79,827.82. The total not to exceed fee including Amendment #2 is \$411,549.54.

### **Financial**

Funds for Amendment #2 are available in the 2013/14 Major Roads, Water and Sewer funds.

### **Recommendation**

It is recommended that City Council approve the attached Second Amendment to the Preliminary Engineering Agreement between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Square Lake and South Boulevard. Furthermore, staff recommends that the Mayor and City Clerk are authorized to execute the agreement for a not to exceed fee of \$79,827.82.

# Location Map



**SECOND AMENDMENT to PE AGREEMENT #02-5179/S1  
JOHN R, SQUARE LAKE to SOUTH BOULEVARD**

**City of Troy – Orchard, Hiltz & McCliment, Inc.**

**MDOT Job No. 56247C  
Troy Project No. 02.204.5**

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between Orchard, Hiltz & McCliment, Inc., a Michigan Corporation, hereinafter referred to as the CONSULTANT, and the City of Troy, hereinafter referred to as the CITY, provides as follows:

WHEREAS, the CONSULTANT and the CITY, entered into Agreement No. 02-5178/S1, dated September 24, 2002 (“the Agreement”) and amended this Agreement with Amendment #1, dated August 24, 2004 for the performance of certain Preliminary Engineering services required in connection with the reconstruction of John R Road, from Long Lake Road to Square Lake Road, hereinafter referred to as the PROJECT; and

WHEREAS, subsequent to execution of the Agreement and Amendment #1 it was decided that the project plans are required to be updated after a substantial project delay while construction funding and right-of-way was obtained. Due to this delay, additional SERVICES are required related to bringing the plans up to current MDOT design standards; and

WHEREAS, it was decided to add new design services to the project as outlined below. and

NOW, THEREFORE, it is agreed between the parties to amend the Agreement as follows:

**1. SECOND AMENDMENT SERVICES**

In addition to the services set forth in the Agreement and Amendment #1, the CONSULTANT shall perform the SERVICES set forth in the Second Amendment Exhibit A, attached hereto.

The additional cost for the SERVICES, as set forth in the Second Amendment Exhibit B is Seventy-Nine Thousand Eight Hundred Twenty-Seven Dollars and Eighty-Two Cents (\$79,827.82).

The amount of fixed fee contained within the total amount of Seventy-Nine Thousand Eight Hundred Twenty-Seven Dollars and Eighty-Two Cents (\$79,827.82) is Seven Thousand Nine Hundred and One Dollars and Sixty-Four Cents (\$7,901.64).

**2. MAXIMUM AGREEMENT AMOUNT PAYABLE**

Section 20 of the Agreement is amended to provide that the maximum amount payable is increased by Seventy-Nine Thousand Eight Hundred Twenty-Seven Dollars and Eighty-Two Cents (\$79,827.82) to a maximum amount for the Agreement including Amendment #1 and Amendment #2 of Four Hundred Eleven Thousand Five Hundred Forty-Nine Dollars and Fifty-Four Cents (\$411,549.54).

The maximum fixed fee is increased by Seven Thousand Nine Hundred and One Dollars and Sixty-Four Cents (\$7,901.64).to a maximum amount for the Agreement including Amendment #1 and Amendment #2 of Forty-Seven Thousand Nine Hundred Seventy-Six Dollars and Eighty-Five Cents (\$47,976.85).

**3. CONTINUATION OF REMAINING PROVISIONS**

Except as specifically set forth herein all terms and provisions of the Agreement and attachments and exhibits remain as originally set forth thereon.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized agents and representatives the day and year first above written.

**ORCHARD, HILTZ & McCLIMENT, INC.**

**CITY OF TROY**

By \_\_\_\_\_

By \_\_\_\_\_

Dane Slater

Its \_\_\_\_\_

Its \_\_\_\_\_

Mayor

By \_\_\_\_\_

Aileen Bittner

Its \_\_\_\_\_

City Clerk

**Second Amendment to PE Agreement No. 02-5179/S1  
Exhibit B**

John R, Square Lake to South Blvd  
City of Troy – Orchard, Hiltz & McCliment, Inc.

MDOT Job No. 56247C  
Troy Project No. 02.204.5

<b>AMENDED PROJECT SCOPE SUMMARY EXHIBIT</b>
--

**A. General**

This scope of work will restart the design of the John R reconstruction between Long Lake Road and Square Lake Road. When the project was previously suspended in 2005, GI level plans have been submitted to the City of Troy. While waiting for construction funding and acquiring property over the past 6-7 years, the design has become obsolete in some areas, and some additional items have been added. To bring the project to current standards and update the design plans, the following scope of services will be added to the project:

- Attend pre-design update meeting with the City to discuss outstanding issues, changes since the last project submittal, and discuss other items pertaining to the project scope, schedule and budget.
- Walk the project corridor to review previous topographic mapping versus current conditions.
- Update the project to the MDOT 2012 Design Standards as required to bid this project through MDOT, including the following:
  - Review and update the detailed roadway construction plans.
  - Review and update the detailed watermain plans
  - Review and update the maintenance of traffic plans.
  - Review and update the RCOC and City of Troy details.
  - Review and update the permanent striping and signing plans.
  - Review and update the Engineer's Opinion of Probable Construction Cost.
- Update the project to 2012 RCOC Standards as applicable to the project.
- Update the current ROW lines to incorporate ROW acquired since the project was suspended.
- Design the addition of sanitary sewer plans for the following locations:
  - Crossing John R from an existing sanitary structure just north of Saxony Street.
  - On the west side of John R extending north from an existing sanitary structure just north of Gulliver Street to south of Chancery.
  - On the west side of John R extending south from an existing sanitary structure just north of Burdic Street to south of Burdic Street.
  - On the west side of John R extending north from an existing sanitary structure just south of Harned Street to south of South Blvd.
- Design the addition of one watermain extension across John R near Saxony Street.
- Update the traffic signal design at the intersection of South Blvd to a box span configuration including staging design.
- Design the staging of the traffic signal at the intersection of Square Lake and John R.
- Provide additional topographic survey. The anticipated survey scope is as follows:
  - The driveway on the west side of John R at Station 575+00 has been reconstructed and

will require new topo.

- The driveway on the west side of John R at Station 602+10 appears changed from the current topographic mapping and will require new survey.
- Contact known utility companies in the corridor and order new utility maps for verification of private utilities in the corridor.
- Prepare a traffic signal warrant study for the replacement of the traffic signal at John R and South Blvd.
- Perform an analysis for the possible addition of right turn lanes at the driveway to Kensington Community Church, Saxony Drive, Atkins Drive, Lakeside Road, Alfred Drive, Lyster Lane, Chancery Drive and the driveway to the Child Care facility south of South Blvd.
- Complete the Traffic Mobility Plan (TMP) checklist as required by MDOT.
- Complete and submit new Federal Programming Forms.
- Prepare additional detailed grading plans for all sidewalk ramps which will require modifications to be compliant with current ADA guidelines.

**Second Amendment to PE Agreement No. 02-5179/S1  
Exhibit B**

John R, Square Lake to South Blvd  
City of Troy – Orchard, Hiltz & McCliment, Inc.

MDOT Job No. 56247C  
Troy Project No. 02.204.5

<b>AMENDED PROJECT COST SUMMARY EXHIBIT</b>
---

	<b>Total Not-to-Exceed Fee</b>	<b>Fixed Fee</b>
Original Preliminary Engineering Agreement	\$326,428.81	\$39,500.89
First Amendment	\$5,292.91	\$574.32
<u>Second Amendment</u>		
OHM – Additional Services	\$79,827.82	\$7,901.64
<b>AMENDED TOTAL AGREEMENT</b>	<b>\$411,549.54</b>	<b>\$47,976.85</b>



## CITY COUNCIL AGENDA ITEM

---

Date: July 16, 2013

To: Brian Kischnick, City Manager

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

Subject: Acquisition of Property as a Result of Foreclosure for Non-Payment of Property Taxes

---

### **History**

In accordance with Public Act 123, Section 211.78M(1), Oakland County Treasurer has offered the City of Troy the right of second refusal of properties located in our community that were foreclosed under Public Act 123 of 1999 as amended.

On February 13, 2013 a Circuit Court hearing was held on a petition by the Oakland County Treasurer to foreclose real property for failure to pay real property taxes. Title was forfeited and is free of all liens. Property owners were given the opportunity to redeem their property by April 1, 2013. The State of Michigan is given first opportunity to purchase foreclosed property, and then the City of Troy for the amount of delinquent taxes, interest and penalties.

Staff has reviewed the parcels acquired by the Oakland County Treasurer and sees benefit in acquiring one of these parcels for the future development of the McCulloch Drain. The vacant parcel, located in Section 26 on Bellingham Road and having Sidwell #88-20-26-200-086, is located in a 100-year floodway.

### **Financial**

The tax sale addressed unpaid taxes for 2010. The acquisition amount includes any unpaid taxes, interest, finance charges, and special assessments. The exact amount paid in this land sale will be determined by the amount of interest applied for the month in which the City purchases these properties. As of July, 2013 the accumulated taxes, interest and penalties are \$642.13.

Acquisition of this property will be made with monies from the Drains fund.

### **Recommendation**

Staff is seeking Council's approval to purchase this property in an amount not to exceed \$1,000.00



# OAKLAND COUNTY TREASURER

1200 N. TELEGRAPH RD., DEPT 479  
PONTIAC, MI 48341-0479

ANDY MEISNER  
COUNTY TREASURER

JODY WEISSLER DEFOE  
CHIEF DEPUTY TREASURER

July 11, 2013

CITY OF TROY  
ASSESSOR-NINO LICARI  
500 WEST BIG BEAVER  
TROY, MI, 48084-5285

Dear NINO LICARI,

Attached is the list of Oakland County Properties for your governmental entity that were foreclosed under Public Act 123 of 1999 as amended. The Circuit Court Hearing was held on February 13, 2013. The redemption period expired at the close of business, April 1, 2013.

This list is submitted in accordance with Public Act 123, Section 211.78M (1). The list is offered to you as your government has the right of second refusal. The list is sorted by the Parcel Identification Number, listing the parcel address, the State Equalized Value, the delinquent tax year(s) owed, and the amount due as of the end of the redemption period per the court's judgment. Additional fees, interests and cost may yet be added.

If you wish to purchase any of the properties so listed at the minimum bid price, please submit a written list to the Oakland County Treasurer's Office with the parcel numbers. We will attempt to respond to your requests as soon as possible after the State's right of refusal has expired, July 25, 2013, quoting the price for each parcel you listed. **We will need a copy of your council or board's resolution "not more than" approving the purchase of the properties.** In order that we have time to allow the County an opportunity to review the list and to take action, **we will need your response by the close of business Friday, July 26, 2013.** If a response is not received from you by the above due date, we will presume this to be a total refusal of all properties and continue with the rights to purchase or refuse as stipulated by law.

Sincerely,

Andrew E. Meisner  
Oakland County Treasurer  
(248) 858-1860  
meisnera@oakgov.com

RECEIVED

JUL 12 2013

CITY OF TROY  
ASSESSING DEPT.

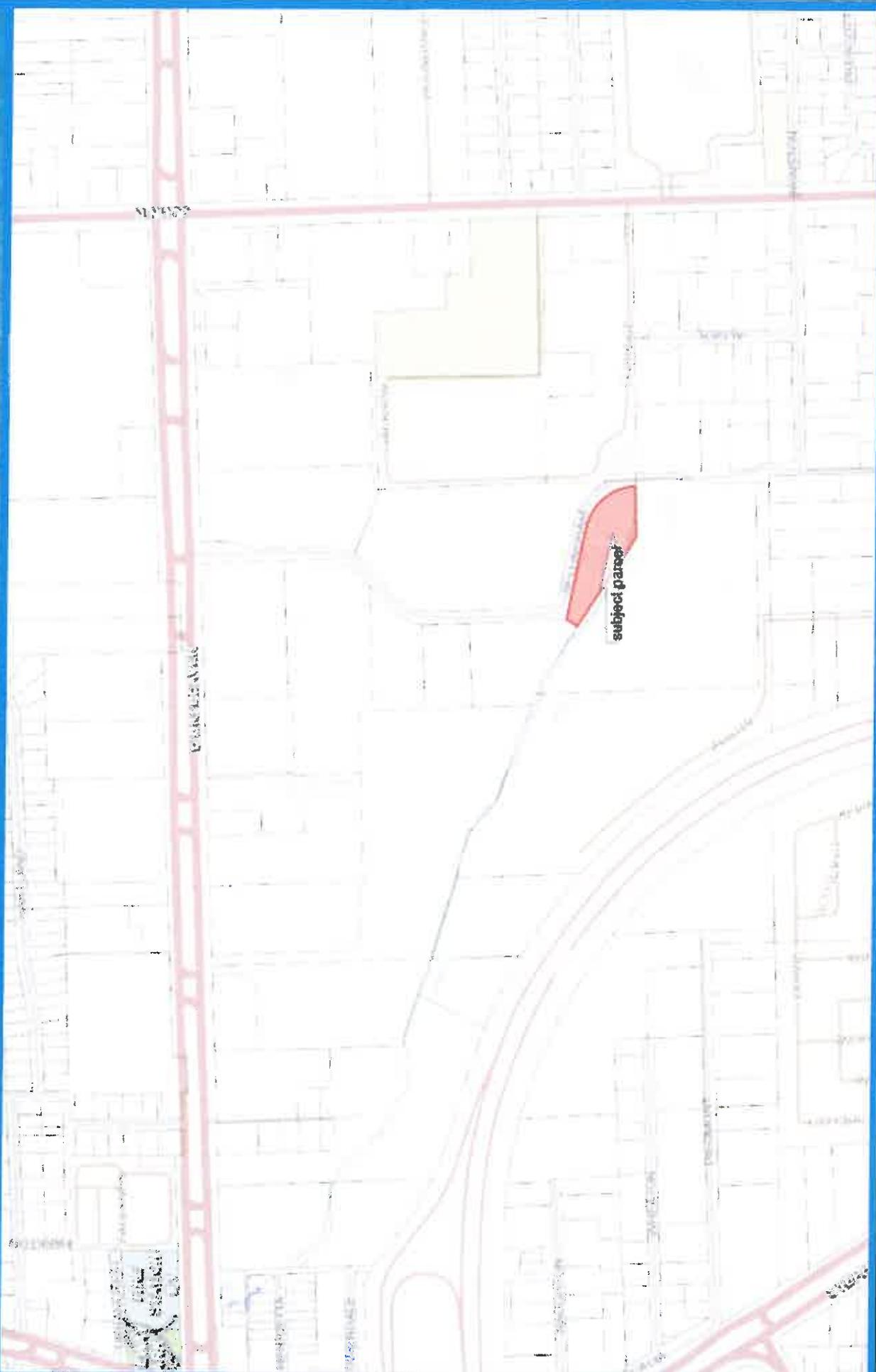
OAKLAND COUNTY TREASURER'S OFFICE  
 FORECLOSED PARCELS FOR LAND SALE  
 Municipality Report for July, 2013

DATE: 07/11/2013  
 PAGE: 262 of 271

DTXR9175

Cvt: 88 City of Troy

Parcel Id	Property Address/Legal Description	Assessed Value	Tax Year	Tax Amount	Interest/Fees	Amount Due
20-26-200-086	T2N, R11E, SEC 26 PART OF NE 1/4 OF SEC BEG AT PT DIST S 89-42-00 W 720.60 FT & S 00-29-22 E 102 FT & S 89-42-00 W 922.05 FT & S 00-36-00 E 559.88 FT & S 28-09-00 W 235.68 FT & S 56-54-00 W 88.18 FT & S 28-09-00 W 293.40 FT & S 00-36-00 E 630.46 FT FROM NE SEC COR, TH S 76-41-39 E 443.84 FT, TH ALG CURVE TO RIGHT, RAD 245 FT, CHORD BEARS S 38-39-40 E 301.90 FT, DIST OF 325.26 FT, TH N 89-21-30 W 244.99 FT, TH N 55- 11-44 W 499.66 FT, TH N 34-48-16 E 60.83 FT TO BEG 2.47 A 10-14-03 FR 079	\$0	2010	\$260.23	\$381.90	\$642.13
				<b>Total:</b>		\$642.13



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



1,686 Feet

843

0

1,686



## CITY COUNCIL AGENDA ITEM

---

Date: July 16, 2013

To: Brian Kischnick, City Manager

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

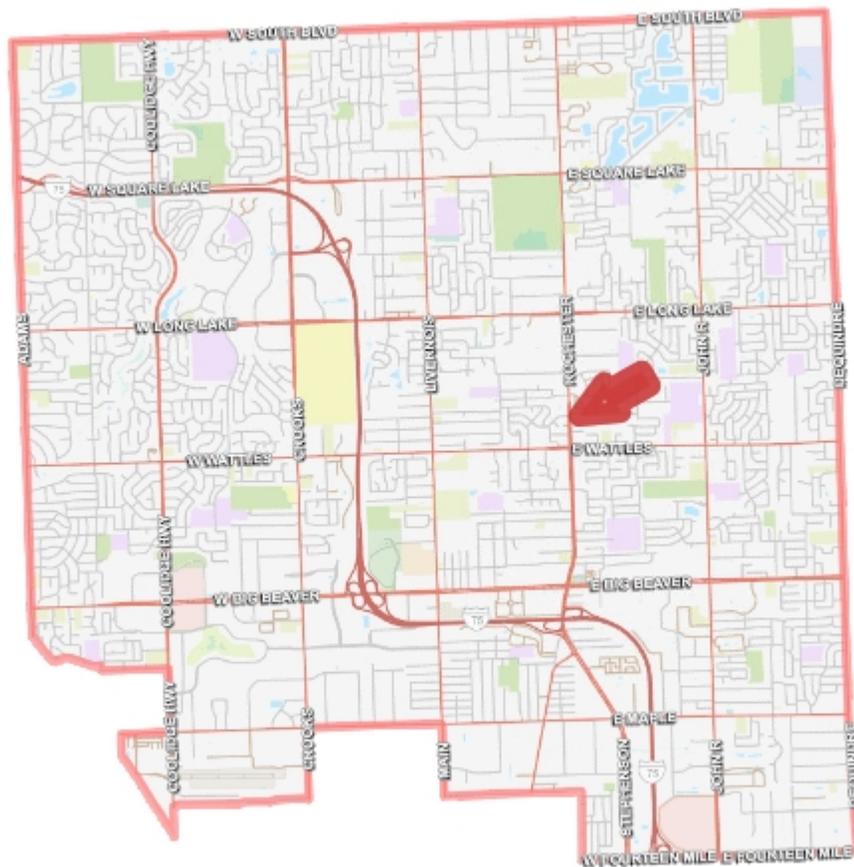
Subject: ANNOUNCEMENT OF PUBLIC HEARING (JULY 22, 2013) – REZONING APPLICATION (File Number Z 744) – Proposed Belleclaire Condominiums, East side of Rochester, North of Wattles, South side of Lamb (*part of* 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District

A public hearing for this item is scheduled for the August 12, 2013 City Council Regular meeting.

The public notice language is attached.

Attachments:

1. Locational Maps (2)
2. Planning Commission agenda item from July 9, 2013 Regular meeting.
3. Planning Commission Minutes from the July 9, 2013 Regular Meeting (draft excerpt)
4. Public notice language



20,203 0 10,101 20,203 Feet



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

DATE: July 2, 2013

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - REZONING APPLICATION (File Number Z 744) – Proposed Belleclaire Condominiums, East side of Rochester, North of Wattles, South side of Lamb (*part of* 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District

The applicant, Mondrian Properties Belleclaire LLC, seeks a rezoning of the subject parcel from R-1C (One Family Residential) District to RT (One Family Attached Residential) District. The applicant indicated that the rezoning is needed in order to bring the site into closer compliance with the Master Plan.

The site is within the Rochester Road classification in the City of Troy Master Plan. This classification calls for lower impact uses such as condominiums along the corridor frontage between the more intense nodes located at the major road intersections.

Adjacent properties along Rochester Road to the north and south are presently zoned RT, as is a parcel to the southwest across Rochester Road.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the rezoning request. CWA prepared the report with input from various City departments including Planning, Engineering, Public Works and Fire. City Management supports the findings of fact contained in the report and agrees with the recommendation.

Please be prepared to discuss this item at the July 9, 2013 Planning Commission Regular meeting.

Attachments:

1. Maps
2. City of Troy Master Plan (excerpt)
3. Report prepared by Carlisle/Wortman Associates, Inc.

G:\REZONING REQUESTS\Z 744 Belleclaire Condominiums Sec 14\PC Memo 07 09 2013.doc

## PROPOSED RESOLUTION

REZONING APPLICATION (File Number Z 744) – Proposed Belleclaire Condominiums, East side of Rochester, North of Wattles, South side of Lamb (*part of* 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District

**Resolution # PC-2013-07-**

Moved by:

Seconded by:

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to RT rezoning request, located on the east side of Rochester Road, north of Wattles, south side of Lamb Road, part of 4210 Rochester Road, in Section 14, being approximately 1.084 acres in size, be approved.

Yes:

Absent:

**MOTION CARRIED / FAILED**



Legend:

203 0 101 203 Feet

Scale 1: 1,216



**Legend:**

**Form Based Zoning (Current)**

- (PUD) Planned Unit Development
- (CF) Community Facilities District
- (EP) Environmental Protection District
- (BB) Big Beaver Road (Form Based)
- (MR) Maple Road (Form Based)
- (NN) Neighborhood Nodes (A-U)
- (CB) Community Business
- (GB) General Business
- (IB) Integrated Industrial Business District
- (O) Office Building District
- (OM) Office Mixed Use
- (P) Vehicular Parking District
- (R-1A) One Family Residential District
- (R-1B) One Family Residential District
- (R-1C) One Family Residential District
- (R-1D) One Family Residential District
- (R-1E) One Family Residential District
- (RT) One Family Attached Residential District
- (MF) Multi-Family Residential
- (MHP) Manufactured Housing
- (UR) Urban Residential
- (RC) Research Center District
- (PV) Planned Vehicle Sales

203                      0                      101                      203 Feet

Scale 1: 1,216

## Rochester Road: Green Corridor



- *Regional model for a green corridor*
- *A strong focus on access management*
- *Heightened emphasis on strong stormwater management techniques*
- *Retail catering to regional traffic*
- *Innovative site design techniques applied through PUD use to allow for redevelopment for shallow lots*

Rochester Road carries high volumes of traffic causing backups at intersections. The abutting development pattern from Big Beaver Road north to Long Lake Road is a continuous row of highway-oriented commercial uses. North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.

**If Rochester Road is to have a defined role and pleasing character in the City, it must undergo a significant transformation over time.** Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on

native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.

**While the emphasis on innovative stormwater management is specifically called on for the Rochester Road Corridor, new low-impact techniques are to be encouraged elsewhere throughout the City of Troy.** As noted in Chapter 7, innovative stormwater management is a priority for the community. Rochester Road will play an important role in this City-wide initiative by proving a regional showcase for such techniques.

New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape feature. By connecting properties, the basins create visual relief from traffic. **Low impact development methods will be used throughout the corridor to filter stormwater runoff.** Rochester Road will also be characterized by effective new signage, high-quality lighting, and effective, complementary site and architectural design.

Uses along Rochester Road will include a variety of mixed uses, established in a “pulsing” pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.





CARLISLE

WORTMAN  
associates, inc.

605 S. Main Street, Ste. 1  
Ann Arbor, MI 48104

(734) 662-2200  
(734) 662-1935 Fax

Date: June 28, 2013

## Rezoning Analysis For City of Troy, Michigan

<b>Applicant:</b>	Joseph Maniaci
<b>Project Name:</b>	Belleclaire Condominiums
<b>Location:</b>	4120 Rochester Road (northwest portion)
<b>Current Zoning:</b>	R-1C, Single Family Residential District
<b>Action Requested:</b>	To rezone northwest 1.1 acres of Tax Parcel #20-14-351-083 from R-1C to RT, One-Family Attached Residential
<b>Required Information:</b>	As noted in review.

### BACKGROUND

The purpose of this analysis is to assist the City in determining the appropriateness of rezoning the northwest 1.1 acres of 4120 Rochester Road from R-1C, Single Family Residential to RT, One-Family Attached Residential. The rezoning would allow development of a nine (9) unit attached single-family development at the southeast corner of Rochester Road and Lamb Drive. This site was formerly developed as a nursery containing an existing building, shed and greenhouse. The eastern portion of the site was recently approved for a nine (9) unit single-family residential development (Belleclaire Estates).

While a site plan was submitted by the applicant, site plan approval is not part of this application. A complete site plan application will be submitted by the applicant if the rezoning is granted by the City Council.

Location of Subject Property:

East side of Rochester Road and south side of Lamb Drive.

**Approximate Location of Site Development**



Size of Subject Property:

The parcel is 1.1 net acres in area:

Proposed Uses of Subject Parcel:

Nine (9) attached, single family homes.

Current Use of Subject Property:

The subject property is currently vacant

Current Zoning:

The property is currently zoned R-1C, One-family Residential District.

## MASTER PLAN

The subject site lies in the Rochester Road future land use category, on the edge of the Single-Family Residential category. The intent of the Rochester Road future land use category is described in the Master Plan as follows:

*Rochester Road carries high volumes of traffic causing backups at intersections. The abutting development pattern from Big Beaver Road north to Long Lake Road is a continuous row of highway-oriented commercial uses. North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.*

*Uses along Rochester Road will include a variety of mixed uses, established in a "pulsing" pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.*

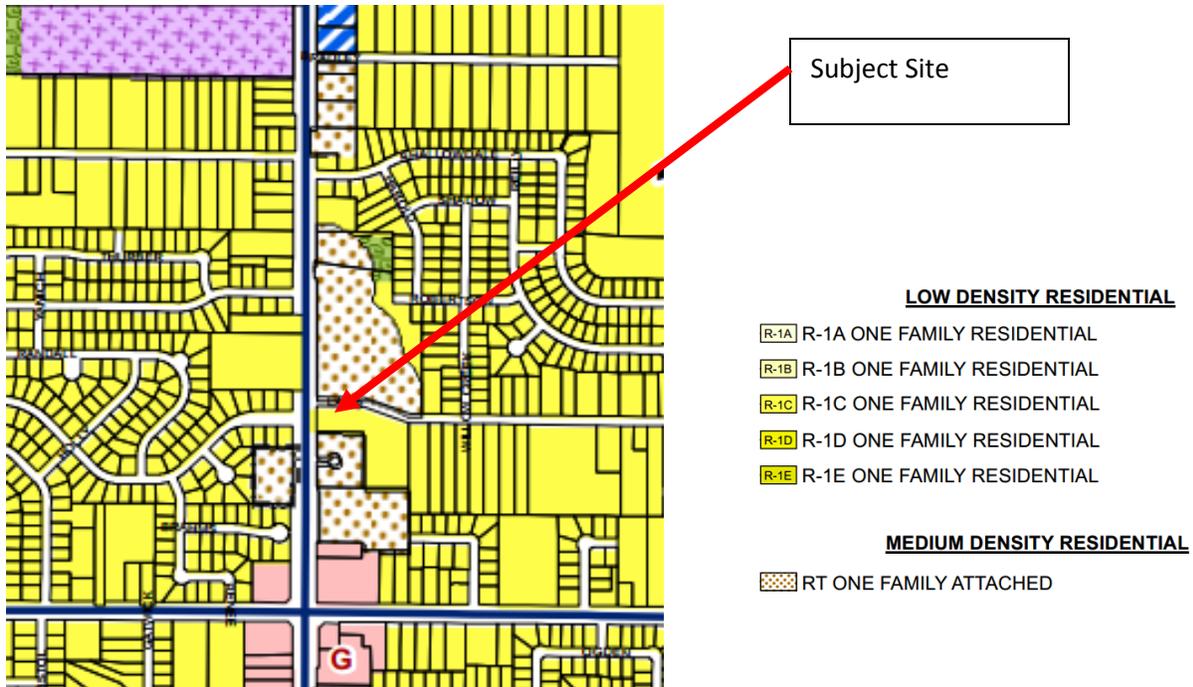
The Rochester Road category is designed to have "soft edges," that is, it does not closely follow parcel lines and is intended to be applied to a wide variety of sites having access to Rochester Road. The use of this site as attached residential uses will provide an appropriate transition between Rochester Road and the adjacent single-family residential neighborhood. The proposed rezoning to RT is consistent with the overall goals of the Master Plan and the specific recommendations for this area.

**Items to be Addressed:** None.

## ZONING and LAND USE

The zoning, land use and Master Plan designations for the surrounding parcels are shown in the table below:

	Zoning	Master Plan	Land Use
<b>North</b>	R-T, Residential Attached	Rochester Road	Single-family attached homes
<b>South</b>	R-T, Residential Attached	Rochester Road	Single-family attached homes
<b>East</b>	R-1C, One-Family Residential	Single Family Residential	Single-family homes
<b>West</b>	R-1C, One-Family Residential	Rochester Road	Single-family homes



The stated intent in the Zoning Ordinance of the R-1C District is as follows “...*The Master Plan recognizes that single-family residential neighborhoods are vital components of the City, and comprise the majority of the land area within the City. The intent of the R-1A through R-1E Districts is to provide areas for single-family dwellings with the primary distinction being a range of densities, implemented through varying lot sizes. The R-1A through R-1E Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses which support residential neighborhoods.*”

The R-1C District permits a narrow range of uses compatible with, or dedicated to, residential purposes.

The proposed RT District allows for two-family and attached single-family dwellings in addition to the narrow range of uses compatible with or dedicated to residential purposes. The RT district is designed to permit attached residential dwellings which may serve as a transition between high intensity or non-residential areas and low density residential areas. The RT District differs from the existing R-1C classification only in that it allows for two-family and attached single-family dwellings.

The subject site is surrounded by attached single-family and traditional single-family residential development. The proposed RT zoning district will provide a transition area from the Rochester Road corridor to the neighboring single-family residential developments to the east. We find the proposed rezoning request complies with the surrounding zoning and land uses.

**Items to be Addressed: None.**

## TRAFFIC IMPACT AND SITE ACCESS

The proposed rezoning would allow development of a nine (9) unit attached single-family condominium building and associated site improvements. This type of development will result in minimal daily trips, and will not negatively impact traffic patterns.

**Items to be Addressed:** None.

## STANDARDS OF REVIEW

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

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

The rezoning of the subject site to RT is in compliance with the City of Troy Master Plan. Further, it is consistent with the development pattern of this area of the City, and will not be a detriment to the public health, safety or welfare, and will not burden public services and facilities.

**Items to be Addressed:** None.

## SITE PLAN COMMENTS

While a review of the site plan is not part of the rezoning application review process, we note the following issues should be considered by the applicant for the future site plan submittal:

1. Confirmation that the westerly dwelling unit will face Rochester Road, providing a street presence.
2. Consolidate curb cuts.
3. A rear yard is provided along the east property line, and a side yard along the south property line distancing the proposed development from the single-family development to the east.

**SUMMARY**

We find the proposed rezoning request is consistent with the Master Plan and complies with the surrounding zoning and land uses. We recommend approval of the proposed rezoning of the northwest portion of Parcel #20-14-351-083 from R-1C, One Family Residential to RT, One Family Attached.



---

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

#225-02-1318

Cc: Joe Maniaci via [JManiaci@mondrianproperties.com](mailto:JManiaci@mondrianproperties.com)  
Horizon Engineering via [nrobinson@horizoneng.net](mailto:nrobinson@horizoneng.net)

May 23, 2013

Planning Department  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Re: Rezoning Request for "Belleclaire Condominiums"  
Part of #4210 Rochester Road

Dear City of Troy Planning Department:

Attached to this letter please find the following items:

- One (1) Rezoning Request Application.
- One (1) Rezoning Application Checklist.
- One (1) Certified Topographical (Boundary) Survey.
- One (1) Site Plan & Rezoning Plan.
- One (1) CD containing PDF copies of the above items.
- Two (2) checks (\$1,800 Rezoning Request Fee and \$1,500 Escrow Fee).

These materials are being submitted for your review pursuant to placement on a Planning Commission agenda for a Rezoning Request for a part of the property located at #4210 Rochester Road and as described on the enclosed Site Plan & Rezoning Plan.

The subject property is currently zoned R-1C, one-family residential district. An application for Site Condominium review has been filed with the City for the easterly portion of the property to be developed as zoned into a one-family residential site condominium (proposed "Belleclaire Estates").

The balance of the property, being the westerly portion and the subject of the enclosed Rezoning Application, is proposed to be developed as a one-family attached residential condominium, which requires rezoning from the R-1C district to the RT district.

Though zoned R-1C, the property has historically been used as a commercial operation for landscaping and nursery sales and services. Redeveloping as an attached condominium reduces the intensity of the use and brings the site into closer conformity to the City's Master Plan which generally calls for lower-impact uses, such as condominiums, along the Rochester Road corridor between the higher-intensity commercial nodes located at the main roadway intersections.

---

May 23, 2013  
Planning Department, City of Troy  
Re: Rezoning Request for "Belleclaire Condominiums"

Neighboring developments to the north and south are zoned RT and developed as one-family attached condominiums. This property currently interrupts an otherwise contiguous district. By rezoning from R-1C to RT and redeveloping from a commercial operation to condominiums the property becomes more harmonious with surrounding developments and the neighborhood in general, and provides a more acceptable transition in use and intensity between Rochester Road and the single family R-1C district to the east.

Your consideration of our request is greatly appreciated. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Nathan P. Robinson, P.E.  
*President*  
*nrobinson@horizoneng.net*

cc.: Joseph Maniaci, Mondrian Properties

attachments

---

# TOPOGRAPHIC SURVEY

CERTIFIED TO: MONDRIAN PROPERTIES BELLECLAIR LLC

NORTH



SCALE: 1"=30'

**AZTEC**  
LAND SURVEYORS INC.  
P.O. BOX 393  
HOLLY, MI 48442  
PHONE: 586-306-1999  
FAX: 480-207-8799

TOPOGRAPHIC SURVEY  
PART OF THE SOUTHWEST 1/4 OF SECTION 14,  
CITY OF TROY, OKLAHOMA COUNTY, MI

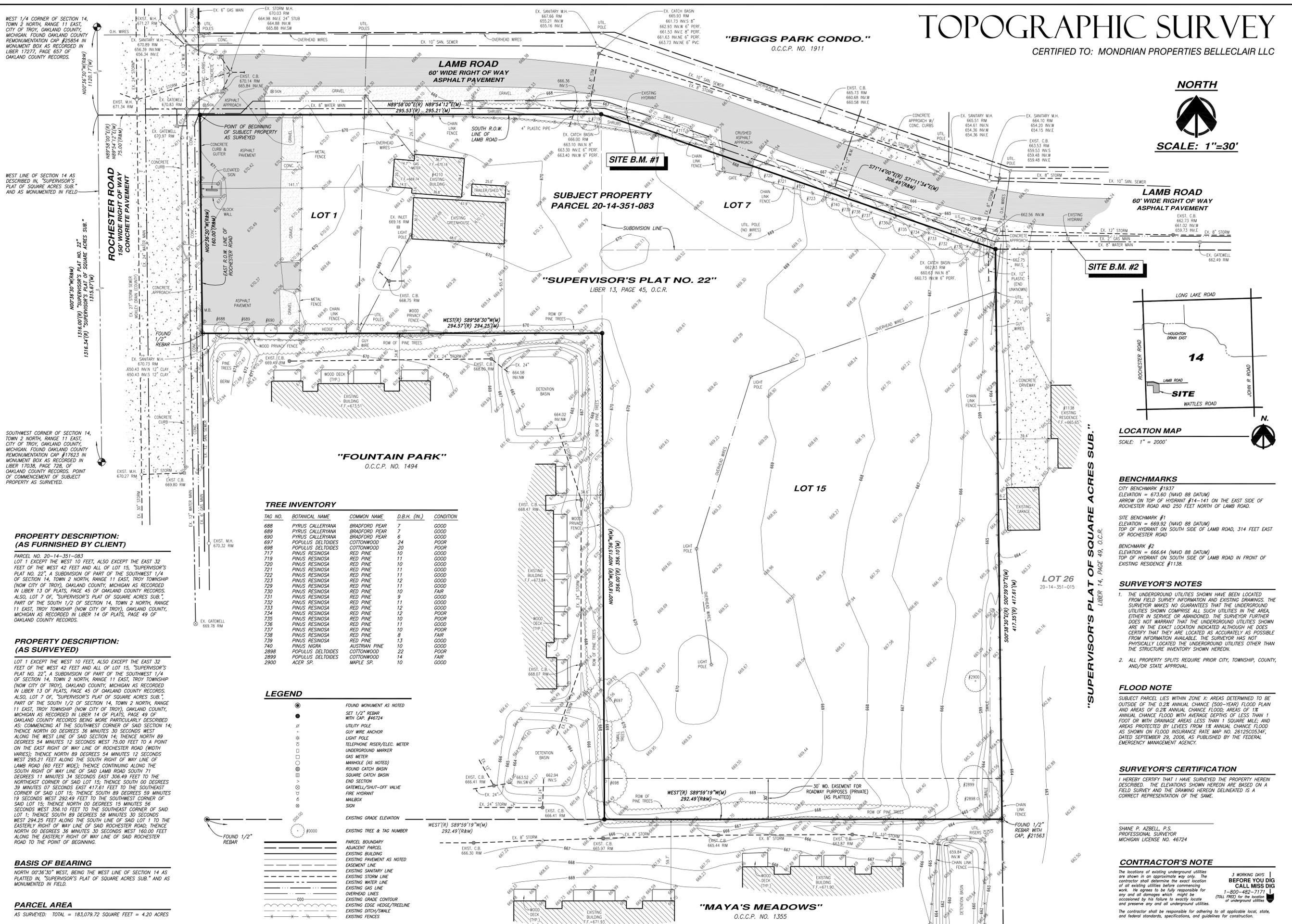
CLIENT: MONDRIAN PROPERTIES  
5021E SCHROEDER ROAD  
SHELBY TOWNSHIP, MI 48315  
JOB NO: 13-095  
DATE: 3/14/13  
DRAWN BY: S.A.  
CHECKED BY: S.A.

REVISIONS:

SCALE:

SHEET

1 OF 1  
MUNICIPAL REVIEW NUMBERS:



WEST 1/4 CORNER OF SECTION 14,  
TOWN 2 NORTH, RANGE 11 EAST,  
CITY OF TROY, OKLAHOMA COUNTY,  
MICHIGAN, FOUND OKLAHOMA COUNTY  
REMONUMENTATION CAP #25854 IN  
MONUMENT BOX AS RECORDED IN  
LIBER 17271, PAGE 657 OF  
OKLAHOMA COUNTY RECORDS.

WEST LINE OF SECTION 14 AS  
DESCRIBED IN "SUPERVISOR'S  
PLAT OF SQUARE ACRES SUB."  
AND AS MONUMENTED IN FIELD

ROCHESTER ROAD  
150' WIDE RIGHT OF WAY  
CONCRETE PAVEMENT  
1516.34 (R) "SUPERVISOR'S PLAT NO. 22"  
1515.67 (M)

SOUTHWEST CORNER OF SECTION 14,  
TOWN 2 NORTH, RANGE 11 EAST,  
CITY OF TROY, OKLAHOMA COUNTY,  
MICHIGAN AS RECORDED IN LIBER 17623 IN  
MONUMENT BOX AS RECORDED IN  
LIBER 17036, PAGE 729 OF  
OKLAHOMA COUNTY RECORDS. POINT  
OF COMMENCEMENT OF SUBJECT  
PROPERTY AS SURVEYED.

"BRIGGS PARK CONDO."  
O.C.C.P. NO. 1911

LAMB ROAD  
60' WIDE RIGHT OF WAY  
ASPHALT PAVEMENT

LAMB ROAD  
60' WIDE RIGHT OF WAY  
ASPHALT PAVEMENT

SITE B.M. #1

SUBJECT PROPERTY  
PARCEL 20-14-351-083

"SUPERVISOR'S PLAT NO. 22"  
LIBER 13, PAGE 45, O.C.R.

SITE B.M. #2

"FOUNTAIN PARK"  
O.C.C.P. NO. 1494

"MAYA'S MEADOWS"  
O.C.C.P. NO. 1355

"SUPERVISOR'S PLAT OF SQUARE ACRES SUB."  
LIBER 14, PAGE 49, O.C.R.

**PROPERTY DESCRIPTION:  
(AS FURNISHED BY CLIENT)**

PARCEL NO. 20-14-351-083  
LOT 1 EXCEPT THE WEST 10 FEET, ALSO EXCEPT THE EAST 32  
FEET OF THE WEST 42 FEET AND ALL OF LOT 15, "SUPERVISOR'S  
PLAT NO. 22", A SUBDIVISION OF PART OF THE SOUTHWEST 1/4  
OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP  
(NOW CITY OF TROY), OKLAHOMA COUNTY, MICHIGAN AS RECORDED  
IN LIBER 13 OF PLATS, PAGE 45 OF OKLAHOMA COUNTY RECORDS.  
ALSO, LOT 7 OF "SUPERVISOR'S PLAT OF SQUARE ACRES SUB",  
PART OF THE SOUTH 1/2 OF SECTION 14, TOWN 2 NORTH, RANGE  
11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OKLAHOMA COUNTY,  
MICHIGAN AS RECORDED IN LIBER 14 OF PLATS, PAGE 49 OF  
OKLAHOMA COUNTY RECORDS.

**PROPERTY DESCRIPTION:  
(AS SURVEYED)**

LOT 1 EXCEPT THE WEST 10 FEET, ALSO EXCEPT THE EAST 32  
FEET OF THE WEST 42 FEET AND ALL OF LOT 15, "SUPERVISOR'S  
PLAT NO. 22", A SUBDIVISION OF PART OF THE SOUTHWEST 1/4  
OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP  
(NOW CITY OF TROY), OKLAHOMA COUNTY, MICHIGAN AS RECORDED  
IN LIBER 13 OF PLATS, PAGE 45 OF OKLAHOMA COUNTY RECORDS.  
ALSO, LOT 7 OF "SUPERVISOR'S PLAT OF SQUARE ACRES SUB",  
PART OF THE SOUTH 1/2 OF SECTION 14, TOWN 2 NORTH, RANGE  
11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OKLAHOMA COUNTY,  
MICHIGAN AS RECORDED IN LIBER 14 OF PLATS, PAGE 49 OF  
OKLAHOMA COUNTY RECORDS.

**BASIS OF BEARING**

N00°36'30" WEST, BEING THE WEST LINE OF SECTION 14 AS  
PLATTED IN "SUPERVISOR'S PLAT OF SQUARE ACRES SUB." AND AS  
MONUMENTED IN FIELD.

**PARCEL AREA**

AS SURVEYED: TOTAL = 183,079.72 SQUARE FEET = 4.20 ACRES

**TREE INVENTORY**

TAG NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (IN.)	CONDITION
688	PYRUS CALLERYANA	BRADFORD PEAR	7	GOOD
689	PYRUS CALLERYANA	BRADFORD PEAR	7	GOOD
690	PYRUS CALLERYANA	BRADFORD PEAR	6	GOOD
697	POPULUS DELTOIDES	COTTONWOOD	24	POOR
698	POPULUS DELTOIDES	COTTONWOOD	20	POOR
717	PINUS RESINOSA	RED PINE	10	GOOD
719	PINUS RESINOSA	RED PINE	11	GOOD
720	PINUS RESINOSA	RED PINE	10	GOOD
721	PINUS RESINOSA	RED PINE	11	GOOD
722	PINUS RESINOSA	RED PINE	11	GOOD
723	PINUS RESINOSA	RED PINE	12	GOOD
729	PINUS RESINOSA	RED PINE	11	GOOD
730	PINUS RESINOSA	RED PINE	10	FAIR
731	PINUS RESINOSA	RED PINE	9	GOOD
732	PINUS RESINOSA	RED PINE	11	GOOD
733	PINUS RESINOSA	RED PINE	12	GOOD
734	PINUS RESINOSA	RED PINE	12	POOR
735	PINUS RESINOSA	RED PINE	10	POOR
736	PINUS RESINOSA	RED PINE	11	GOOD
737	PINUS RESINOSA	RED PINE	10	POOR
738	PINUS RESINOSA	RED PINE	8	FAIR
739	PINUS RESINOSA	RED PINE	13	GOOD
740	PINUS INGRA	AUSTRIAN PINE	10	GOOD
2898	POPULUS DELTOIDES	COTTONWOOD	22	POOR
2899	POPULUS DELTOIDES	COTTONWOOD	14	FAIR
2900	ACER SP.	MAPLE SP.	10	GOOD

**LEGEND**

- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR WITH CAP #46724
- UTILITY POLE
- GUY WIRE ANCHOR
- LIGHT POLE
- TELEPHONE RISER/ELEC. METER
- UNDERGROUND MARKER
- GAS METER
- MANHOLE (AS NOTED)
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- END SECTION
- GATEWELL/SHUT-OFF VALVE
- FIRE HYDRANT
- MAILBOX
- SIGN
- EXISTING GRADE ELEVATION
- EXISTING TREE & TAG NUMBER
- PARCEL BOUNDARY
- ADJACENT PARCEL
- EXISTING BUILDING
- EXISTING PAVEMENT AS NOTED
- EASEMENT LINE
- EXISTING SANITARY LINE
- EXISTING STORM LINE
- EXISTING WATER LINE
- EXISTING GAS LINE
- OVERHEAD LINES
- EXISTING GRADE CONTOUR
- EXISTING DIRT/ROCK/DEBRIS/TREELINE
- EXISTING DITCH/SWALE
- EXISTING FENCES

**LOCATION MAP**

SCALE: 1" = 2000'



**BENCHMARKS**

- BENCHMARK #1937**  
ELEVATION = 673.60 (NAVD 88 DATUM)  
ARROW ON TOP OF HYDRANT #14-141 ON THE EAST SIDE OF  
ROCHESTER ROAD AND 250 FEET NORTH OF LAMB ROAD.
- SITE BENCHMARK #1**  
ELEVATION = 669.92 (NAVD 88 DATUM)  
TOP OF HYDRANT ON SOUTH SIDE OF LAMB ROAD, 314 FEET EAST  
OF ROCHESTER ROAD.
- BENCHMARK #2**  
ELEVATION = 666.64 (NAVD 88 DATUM)  
TOP OF HYDRANT ON SOUTH SIDE OF LAMB ROAD IN FRONT OF  
EXISTING RESIDENCE #1138.

**SURVEYOR'S NOTES**

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED  
FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE  
SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND  
UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA,  
EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER  
DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN  
ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE DECS  
CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE  
FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT  
PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN  
THE STRUCTURE INVENTORY SHOWN HEREON.
2. ALL PROPERTY SPLITS REQUIRE PRIOR CITY, TOWNSHIP, COUNTY,  
AND/OR STATE APPROVAL.

**FLOOD NOTE**

SUBJECT PARCEL LIES WITHIN ZONE X. AREAS DETERMINED TO BE  
OUTSIDE OF THE 0.2% ANNUAL CHANCE (500-YEAR) FLOOD PLAIN  
AND AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1%  
ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1  
FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND  
AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD  
AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 26125C0534F,  
DATED SEPTEMBER 29, 2006, AS PUBLISHED BY THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN  
DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A  
FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A  
CORRECT REPRESENTATION OF THE SAME.

SHANE P. AZBELL, P.S.  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE NO. 46724

**CONTRACTOR'S NOTE**

The locations of existing underground utilities  
are shown in an approximate way only. The  
contractor shall determine the exact location  
of all existing utilities before commencing  
work. He agrees to be fully responsible for  
any and all damages which might be  
occasioned by his failure to exactly locate  
and preserve any and all underground utilities.  
The contractor shall be responsible for adhering to all applicable local, state,  
and federal standards, specifications, and guidelines for construction.

3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
(TOLL FREE) for the location  
of underground utilities.



**REZONING REQUEST**

5. PUBLIC HEARING - REZONING APPLICATION (File Number Z 744) – Proposed Belleclaire Condominiums, East side of Rochester, North of Wattles, South side of Lamb (*part of* 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District

Mr. Carlisle reviewed the proposed rezoning application. He reported the rezoning request is consistent with the Master Plan and complies with the surrounding zoning and land uses. Mr. Carlisle stated support for the rezoning request.

Joseph Maniaci of Mondrian Properties and Nathan Robinson of Horizon Engineering were present. Mr. Maniaci briefly addressed stormwater management for the proposed condominium development.

Several members applauded the petitioner for his interest and investment in the City.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2013-07-055**

Moved by: Hutson

Seconded by: Krent

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to RT rezoning request, located on the east side of Rochester Road, north of Wattles, south side of Lamb Road, part of 4210 Rochester Road, in Section 14, being approximately 1.084 acres in size, be approved.

Yes: All present (8)

Absent: Schultz

**MOTION CARRIED**

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, August 12, 2013, at 7:30 p.m. or as soon thereafter as the agenda will permit, to consider a Rezoning Request to rezone the following described property from the R-1 C (One Family Residential) district to the RT (One-Family Attached Residential) district.

The subject property is located **on the east side of Rochester, north of Wattles, South side of Lamb.**

The subject property address is:       **4210 Rochester Road**  
  **Parcel ID # 88-20-14-351-083 (part of)**

Comments can be expressed at the Public Hearing, or written comments can be directed to the attention of the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084, or by e-mail to [planning@troymi.gov](mailto:planning@troymi.gov) no later than 3:00 p.m. on the date of the meeting. If you have questions you may contact the Planning Department by e-mail or by phone at (248) 524-3364.

The application on file can be viewed and/or copies can be purchased at the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084.

Notices and information for public hearings will also be posted on the City website at <http://troymi.gov/Government/PublicHearings> .

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Aileen Bittner, CMC  
City Clerk

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

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

1. ROLL CALL

Present:

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

Also Present:

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

2. APPROVAL OF MINUTES – April 16, 2013

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

Moved by Clark  
Seconded by Courtney

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

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

Moved by Lambert  
Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

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

Moved by Eisenbacher  
Seconded by Bloomingdale

RESOLVED, to grant the request.

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

MOTION PASSED

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

Moved by Courtney  
Seconded by Eisenbacher

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None

6. MISCELLANEOUS BUSINESS – Elect Chair and Vice Chair

Moved by Clark  
Seconded by Krent

RESOLVED, to elect Allen Kneale Chair.

Yes: All

MOTION PASSED

Moved by Bloomingdale  
Seconded by Eisenbacher

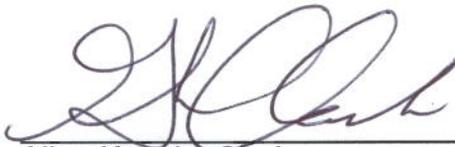
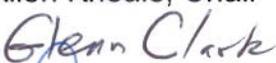
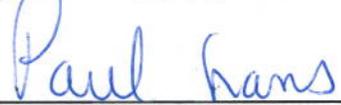
RESOLVED, to elect Glenn Clark Vice Chair.

Yes: All

MOTION PASSED

7. PUBLIC COMMENT – None
  
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:34 p.m.

Respectfully submitted,

  
Vice Allen Kneale, Chair  
  
  
Paul Evans, Zoning and Compliance Specialist

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on June 5, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Teresa Brooks  
Michael Carolan

Members Absent:

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 May 1, 2013 Regular meeting as submitted.

Yeas: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

3. HEARING OF CASES

A. **VARIANCE REQUEST, PAUL D'ANGELO, 854 BROOKLAWN** – A variance to install a six (6') foot high privacy fence in the twenty five (25') foot required front setback along Witherbee where the fence height is limited to thirty (30") inches.

Mr. Grusnick gave a summary of the variance request. Mr. Grusnick said a site inspection revealed an existing sixteen (16") inch high retaining wall located along the property line adjacent to Witherbee would make a portion of the requested six (6') foot high fence above the Zoning Ordinance height limit of six (6') feet. He said the applicant was notified and is offering a solution. Mr. Grusnick reported the department received no responses to the public notice.

The applicant, Paul and Nicole D’Angelo, were present. They addressed their concerns with privacy, security and traffic. Mr. D’Angelo offered to either cut the fence height down to four (4’) feet eight (8”) inches, or to move the fence back five (5’) feet from the walkway and plant flower beds, shrubs and perennials.

Discussion followed.

Moved by: Abitheira  
Support by: Brooks

**RESOLVED**, To grant the variance for the six (6’) foot high privacy fence with a five (5’) foot minimum setback from the face of the retaining wall along Witherbee.

Yeas: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

- B. **VARIANCE REQUEST, JOHNNY AND ASHLEY HEANG, 2022 CHANCERY** – A variance to install a six (6’) foot high privacy fence in the twenty five (25’) foot required front setback along John R where the fence height is limited to thirty (30”) inches.

Mr. Grusnick gave a summary of the variance request. Mr. Grusnick said a site inspection revealed a natural vegetation growth line along John R and asked if the applicant intends to keep the existing vegetation. Mr. Grusnick reported the department received no responses to the public notice.

The applicant, Johnny and Ashley Heang, were present. They addressed their concerns with the traffic and safety of their family. Ms. Heang indicated they would not disturb the natural growth line and would remove the existing chain link fence to create a uniform fence.

Discussion followed.

The applicant was informed that a utility easement runs along John R.

Moved by: Abitheira  
Support by: Brooks

**RESOLVED**, To grant the variance at a minimum of seven (7’) feet from the John R frontage property line.

Yeas: All present (4)  
Absent: 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



**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – June 12, 2013**

A meeting of the Employees' Retirement System Board of Trustees was held on **Wednesday June 12, 2013** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:15 p.m.

**Trustees Present:** Mark Calice  
 Thomas J. Gordon, II  
 Thomas Darling, CPA  
 Milton Stansbury  
 Steve Pallotta  
 William R. Need (Ex-Officio)  
 Brian Kischnick  
 Dave Henderson

**Trustees Absent:** None

**Also Present:** Sehrish Salah-Ud-Din

**Minutes****Resolution # ER – 2013-06-16**

Moved by Pallotta  
 Seconded by Gordon

RESOLVED, That the Minutes of the May 10, 2013 meeting be approved.

Yeas: All-8

**Retirement Requests – Carolyn Wright Disability Retirement**

The board agreed to defer this request to the meeting in July. In August 2013, Ms. Wright will be eligible to retire and can apply for regular retirement. At that time, the board can approve the Retirement.

**Other Business – Discussion Relating to the Selection of Investment Consultant****Resolution # ER – 2013-06-17**

Moved by Kischnick  
 Seconded by Gordon

RESOLVED, That the Board of Trustees directs the ERS Administrator to begin negotiations with the firm of Greystone Consulting (a business of Morgan Stanley) for Investment Consulting Services as outlined in their proposal dated October 26, 2012 and to remit back to the ERS Board a letter of understanding for approval.

Be it further resolved that the ERS Board of Trustees wishes to communicate to the Retiree Health Care Benefits and Trust Board the recommendation and support of UBS Financial Services for Investment Consultant Services as outlined in their proposal dated October 23, 2012.

Yeas: All-7

**INVESTMENTS**

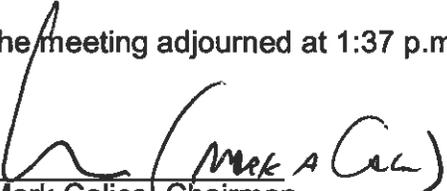
No action taken.

**Public Comment**

None

The next meeting is July 10<sup>th</sup>, 2013 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:37 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

Vice Chair Edmunds called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 25, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Edward Kempen  
Tom Krent  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
Thomas Strat

Absent:

John J. Tagle

Also Present:

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

2. APPROVAL OF AGENDA

**Resolution # PC-2013-06-050**

Moved by: Schultz  
Seconded by: Schepke

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
Absent: Tagle

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-06-051**

Moved by: Sanzica  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the June 11, 2013 Regular meeting as published.

Yes: All present (8)  
Absent: Tagle

**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

There was no Zoning Board of Appeals meeting this month.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant gave a report on the June 19, 2013 Downtown Development Authority meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant publically apologized to the business owner of United Flooring at 3806 Rochester Road and announced the flooring company is open for business. The planning report prepared for the proposed 1-800-Mini Storage facility at 3846 Rochester Road incorrectly stated that the current use of that parcel was vacant and formerly United Flooring. Using that report as a resource, an article in the *Troy Times* printed the incorrect information; subsequently the business owner received several telephone calls with concerns that the business was closing.

Mr. Savidant announced the department received a Preliminary Site Plan application for the proposed MJR Theatres.

### SITE CONDOMINIUM DEVELOPMENT

8. PRELIMINARY SITE PLAN REVIEW – Proposed Cedar Pines Woods Site Condominium, 8 units/lots, East side of Crooks, South of Benjamin (6622 Crooks), Section 4, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle reviewed the Preliminary Site Plan application and addressed specific concerns relating to the landscape buffer, the road adjacent to single family homes and the configuration of Lots 6 and 7. He recommended the applicant consider site arrangement alternatives to address the incompatibility with and negative impact upon adjacent properties. Mr. Carlisle suggested options such as utilizing the cluster option, removing a number of lots and/or making the road private.

The applicant, Bruce Michael of Trowbridge Companies, was present. Mr. Michael addressed the landscape buffer, sidewalk requirements, location of road and the configuration of Lot 6. He indicated that he met with four adjacent homeowners who responded to a flyer notifying residents of the proposed development.

Vice Chair Edmunds opened the floor for public comment.

The following persons spoke in opposition of the development as proposed.

- Daniel Pratt, 847 Benjamin
- Don Pratt, 3031 Albany
- Joel Pumphrey, 6616 Glendale
- Paul Eichbrecht, 6605 Glendale
- Paul Pitts, 6617 Glendale
- Bob Solak, 879 Benjamin
- Anil Sethi, 831 Benjamin

The floor was closed for public comment.

There was discussion on:

- Challenging site to develop.
- Landscape buffer.
- Street location.
- Retention pond, capacity to share.
- Stormwater management.
- Cluster development option.
- Lots 6 and 7.
- Adverse impact on adjoining or nearby properties.

Ms. Bluhm addressed approval of an application that appears to meet all Zoning Ordinance requirements but might not meet the intent of the Zoning Ordinance and has potential to negatively impact the surrounding neighbors.

Mr. Michael requested to postpone the item so consideration can be given to developing the site utilizing the cluster option.

**Resolution # PC-2013-06-052**

Moved by: Schultz  
 Seconded by: Kempen

**RESOLVED**, To postpone the item to the August 13, 2013 Regular meeting to allow the applicant time to rework the site plan based on feedback and comments of the Planning Department, Planning Consultant and Planning Commission.

Yes: All present (8)  
 Absent: Tagle

**MOTION CARRIED**

## **STUDY ITEMS**

9. **BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT (File Number PUD 010 – Proposed Revisions to Residential Portion)**

Mr. Savidant reviewed the mixed use project and stated the applicant is present this evening to seek direction from the Planning Commission on modifying the design of the residential portion of the development.

Jim Clark of Robertson Brothers and Cary Gitre, the original developer, gave a presentation on the proposed modification to the residential portion. Three residential units would be added. The units would have a smaller layout and urban style architecture. Mr. Clark said this product type has been successful in other locations and would attract first time home buyers.

There was discussion on:

- Outdoor elements of the site (courtyard, fountain, public art, walnut tree).
- Elevation design (vertical, traditional vs urban, character of site).
- Parking.
- Hand count taken on consideration of 17 units (show of 4 hands).
- Hand count taken on consideration to eliminate Lot 7, 16 units (show of 4 hands).

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

Messrs. Savidant and Carlisle briefly reviewed the proposed Zoning Ordinance Text Amendment.

Mr. Savidant confirmed that to date sober living facilities are not recognized and licensed by the State of Michigan.

Mr. Schultz stated he is not supportive of the proposed amendment.

It was the consensus of the Board to schedule a public hearing for the item.

## **OTHER BUSINESS**

11. **PUBLIC COMMENT** – For Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

There were general Planning Commission comments relating to the following:

- Sign Ordinance.
- Checklist for applications.
- Invitation to City Manager.
- Transit Center.

The Special/Study meeting of the Planning Commission adjourned at 9:08 p.m.

Respectfully submitted,

---

Donald Edmunds, Vice Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2013 PC Minutes\Draft\2013 06 25 Special Study Meeting\_Draft.doc

Vice Chair Edmunds called the Special/Study meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 25, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Edward Kempen  
Tom Krent  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
Thomas Strat

Absent:

John J. Tagle

Also Present:

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

2. APPROVAL OF AGENDA

**Resolution # PC-2013-06-050**

Moved by: Schultz  
Seconded by: Schepke

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
Absent: Tagle

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-06-051**

Moved by: Sanzica  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the June 11, 2013 Regular meeting as published.

Yes: All present (8)  
Absent: Tagle

**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

There was no Zoning Board of Appeals meeting this month.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant gave a report on the June 19, 2013 Downtown Development Authority meeting.

7. PLANNING AND ZONING REPORT

Mr. Savidant publically apologized to the business owner of United Flooring at 3806 Rochester Road and announced the flooring company is open for business. The planning report prepared for the proposed 1-800-Mini Storage facility at 3846 Rochester Road incorrectly stated that the current use of that parcel was vacant and formerly United Flooring. Using that report as a resource, an article in the *Troy Times* printed the incorrect information; subsequently the business owner received several telephone calls with concerns that the business was closing.

Mr. Savidant announced the department received a Preliminary Site Plan application for the proposed MJR Theatres.

### SITE CONDOMINIUM DEVELOPMENT

8. PRELIMINARY SITE PLAN REVIEW – Proposed Cedar Pines Woods Site Condominium, 8 units/lots, East side of Crooks, South of Benjamin (6622 Crooks), Section 4, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle reviewed the Preliminary Site Plan application and addressed specific concerns relating to the landscape buffer, the road adjacent to single family homes and the configuration of Lots 6 and 7. He recommended the applicant consider site arrangement alternatives to address the incompatibility with and negative impact upon adjacent properties. Mr. Carlisle suggested options such as utilizing the cluster option, removing a number of lots and/or making the road private.

The applicant, Bruce Michael of Trowbridge Companies, was present. Mr. Michael addressed the landscape buffer, sidewalk requirements, location of road and the configuration of Lot 6. He indicated that he met with four adjacent homeowners who responded to a flyer notifying residents of the proposed development.

Vice Chair Edmunds opened the floor for public comment.

The following persons spoke in opposition of the development as proposed.

- Daniel Pratt, 847 Benjamin
- Don Pratt, 3031 Albany
- Joel Pumphrey, 6616 Glendale
- Paul Eichbrecht, 6605 Glendale
- Paul Pitts, 6617 Glendale
- Bob Solak, 879 Benjamin
- Anil Sethi, 831 Benjamin

The floor was closed for public comment.

There was discussion on:

- Challenging site to develop.
- Landscape buffer.
- Street location.
- Retention pond, capacity to share.
- Stormwater management.
- Cluster development option.
- Lots 6 and 7.
- Adverse impact on adjoining or nearby properties.

Ms. Bluhm addressed approval of an application that appears to meet all Zoning Ordinance requirements but might not meet the intent of the Zoning Ordinance and has potential to negatively impact the surrounding neighbors.

Mr. Michael requested to postpone the item so consideration can be given to developing the site utilizing the cluster option.

**Resolution # PC-2013-06-052**

Moved by: Schultz  
 Seconded by: Kempen

**RESOLVED**, To postpone the item to the August 13, 2013 Regular meeting to allow the applicant time to rework the site plan based on feedback and comments of the Planning Department, Planning Consultant and Planning Commission.

Yes: All present (8)  
 Absent: Tagle

**MOTION CARRIED**

## **STUDY ITEMS**

9. **BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT (File Number PUD 010 – Proposed Revisions to Residential Portion**

Mr. Savidant reviewed the mixed use project and stated the applicant is present this evening to seek direction from the Planning Commission on modifying the design of the residential portion of the development.

Jim Clark of Robertson Brothers and Cary Gitre, the original developer, gave a presentation on the proposed modification to the residential portion. Three residential units would be added. The units would have a smaller layout and urban style architecture. Mr. Clark said this product type has been successful in other locations and would attract first time home buyers.

There was discussion on:

- Outdoor elements of the site (courtyard, fountain, public art, walnut tree).
- Elevation design (vertical, traditional vs urban, character of site).
- Parking.
- Hand count taken on consideration of 17 units (show of 4 hands).
- Hand count taken on consideration to eliminate Lot 7, 16 units (show of 4 hands).

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

Messrs. Savidant and Carlisle briefly reviewed the proposed Zoning Ordinance Text Amendment.

Mr. Savidant confirmed that to date sober living facilities are not recognized and licensed by the State of Michigan.

Mr. Schultz stated he is not supportive of the proposed amendment.

It was the consensus of the Board to schedule a public hearing for the item.

## **OTHER BUSINESS**

11. **PUBLIC COMMENT** – For Items on Current Agenda

There was no one present who wished to speak.

**12. PLANNING COMMISSION COMMENT**

There were general Planning Commission comments relating to the following:

- Sign Ordinance.
- Checklist for applications.
- Invitation to City Manager.
- Transit Center.

The Special/Study meeting of the Planning Commission adjourned at 9:08 p.m.

Respectfully submitted,



\_\_\_\_\_  
Donald Edmunds, Vice Chair



\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

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Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on July 10, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Teresa Brooks  
Michael Carolan  
Brian Kischnick

Support Staff Present:

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

Also Present:

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

2. APPROVAL OF MINUTES

Moved by: Brooks  
Support by: Carolan

**RESOLVED**, To approve the minutes of the June 5, 2013 Regular meeting as submitted.

Yeas: All present (5)

**MOTION CARRIED**

3. HEARING OF CASES

- A. **VARIANCE REQUEST, THOMAS DESMOND FOR D&G CAPITAL LLC, 1436 WACON** – A variance to replace a dilapidated 6' high wood privacy fence in the required front setback along Lyons. Fences are limited to 30" inches in the front setback at this location. The proposed fence has been installed without a permit and is set back 4'6" from the sidewalk along Lyons.

Mr. Grusnick gave a summary of the variance request. He indicated a total of ten property owners voiced approval of the variance request. Mr. Grusnick said City records show no permits were issued for the fence previously constructed on the property but a permit was issued for the hot tub.

Chair Dziurman opened the floor for public comment.

Connie Kleinstiver of 2805 Lahser, Bloomfield Hills, was present to represent the property owner at 1402 Wacon. She asked about the visibility of traffic in relation to the fence construction.

Mr. Grusnick stated there is no vision obstruction.

Seeing no one else was present to speak, Chair Dziurman closed the floor for public comment.

The applicant, Thomas Desmond, was present. He said he was informed by the fence contractor that a permit was not required for repair work only. Mr. Desmond said the previous fence had been there since the 1970’s and was structured around the existing patio and hot tub. Mr. Desmond said the same footprint was used for the new fence, and is of the same dimensions and height as the previous fence.

Mr. Grusnick confirmed that the same footprint was used.

There was discussion on:

- Double front setback.
- Regulations on hot tubs.
- Approval of neighbors re property improvements.
- Potential for future variance requests.

Moved by: Kischnick

Support by: Abitheira

**RESOLVED**, To approve the variance request based on the unique circumstances, and that the property owner did not enlarge the footprint or height of the pre-existing, non/conforming fence, and that the safety would be enhanced with this approval.

Yeas: All present (5)

**MOTION CARRIED**

- B. **VARIANCE REQUEST, BOB REED FOR CUSTOM SIGN CENTER, INC., 1852 E BIG BEAVER** – A variance to allow two ground signs (menu boards) each measuring 41.22 square feet. The signs will not be visible from the public right of way. Sign permits are not required for signs that do not exceed 36 square feet provided they are not visible from the public right of way.

Mr. Grusnick gave a summary of the variance request.

Patrick Bell, representative of Tim Horton's Restaurant, was present. Mr. Bell briefly addressed the size of the menu boards. He noted the same variance request was granted by this Board last year for the Tim Horton's restaurant on Maple Road. Mr. Bell said the drive-through at the two-tenant building would be used solely for Tim Horton's.

Mr. Grusnick said the menu boards are located behind the building and not visible from any public right-of-way. He confirmed a similar variance was granted last year for the Maple Road restaurant. Mr. Grusnick said no public comment was received.

Chair Dziurman opened the floor for public comment; seeing no one was present to speak, the floor was closed.

Moved by: Carolan  
Support by: Abitheira

**RESOLVED**, To approve the variance as requested.

Yeas: All present (5)

**MOTION CARRIED**

- C. **VARIANCE REQUEST, TOBY BUECHNER FOR TROY GYMNASTICS, 1921 NORTHWOOD** – A variance to allow gymnastic use occupancy in an existing 41,744 square foot building that is type 2B construction. The 2009 Michigan Building Code, Chapter 503, limits the A-3 use group occupancy in this existing type 2B building to 38,726 square feet.

Mr. Grusnick gave a summary of the variance request. Mr. Grusnick said there was no public comment received.

Toby Buechner, owner of Troy Gymnastics, and Paul Taylor, project architect, were present. Mr. Taylor addressed the use with respect to fire code and safety.

Mr. Buechner gave an overview of the remodeling of the existing office space and gymnasium area. He indicated the building will be open and completely visible. Mr. Buechner said seven exits are proposed, noting that safety is of utmost importance for the children.

Mr. Grusnick reported that plans for the building remodel have been submitted for permits. The plans show the removal of the wall to open up the gymnasium area and confirmed the entire building would continue to be sprinkled.

Mr. Grusnick summarized the following code equivalencies relating to safety factors for consideration by the Board in their determination.

- 7 exits provided; 3 required.
- Maximum of 100 feet travel distance provided to exit(s); 250 feet is allowed.
- Ceiling height is 24 feet; Code permits 8 feet.
- Space layout is open, designed without corridors and partitions.
- Open space to the south not used in area increase because of setback to the property line; however, space will provide emergency vehicle access.

Mr. Carolan asked to recuse himself from voting on the item because his daughter is an active member of gymnastics facility.

Moved by: Kischnick  
Support by: Brooks

**RESOLVED**, To approve the variance as requested based on the additional safety factors.

Yeas: Abitheira, Brooks, Kischnick, Dziurman  
Abstain: Carolan

**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 3:32 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

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Kathy L. Czarnecki, Recording Secretary

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**BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET**

July 10, 2013

NAME (PLEASE PRINT)	ADDRESS
Patrick Bell	565 E. Grand River, Brighton, MI 48016
PAUL TAYLOR	127 PHILLIPS PLACE ROYAL OAK, MI 48067
Toby Brechner	2411 Hampton Troy
Thomas Desmond	1436 Wagon
C. Kleinstiver	2805 LAHSE DR (off Wagon)
(Kleinstiver)	

**BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET**

July 10, 2013



# WEST BLOOMFIELD TOWNSHIP

## Police Department

Business: (248) 975-9200

Fax: (248) 682-1811

4530 Walnut Lake Road Box 250188 West Bloomfield, MI 48325

Michael Patton  
Chief of Police

Michele Economou Ureste  
Township Supervisor

June 19, 2013

Chief Gary Mayer  
City of Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

Dear Chief Mayer,

In the past few months, the South Oakland Narcotics Intelligence Consortium (SONIC), comprised of Officers from the West Bloomfield, Farmington Hills, and Novi Police Departments, have enjoyed working with the Troy Special Investigations Unit (SIU).

As you know, in several fast moving and difficult surveillance operations, the teams have worked well together resulting in the arrest of a number of major league criminals.

It is personally and professionally rewarding to know that such interagency cooperation and enthusiasm is still alive and well.

Please pass along our thanks and respect to the members of your team:

Donald Ostrowski  
Timothy Daniels  
Brian Kaschyk  
Jeremy Peters  
Anthony Woycehowski

GOODWORK BY ALL OF YOU.  
I ECHO CHIEF PATTON'S COMMENTS.  
THANK YOU ALL AND KEEP IT UP

Sincerely,

Michael Patton  
Chief of Police

**Beth L Tashnick**

---

**Subject:** FW: code violation complaint (sorry) 2438 Gulason Court

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**From:** April Church  
**Sent:** Monday, July 08, 2013 6:27 PM  
**To:** Paul M Evans  
**Cc:** Gary L Bowers  
**Subject:** Re: code violation complaint

Thank you. Inspector Bowers is welcome to view our neighbors back yard from our back yard. Let me know if you need anything. Thank you again for you wonderful service. I know how short staffed the city is and I am appreciative and amazed that you are able to personally answer e-mails in less than 24 hours. Thank you again.  
April

**Beth L Tashnick**

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**Subject:** FW: Neglected House Located at 6275 Seminole Dr., Troy

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**From:** Debbie Schuh  
**Sent:** Tuesday, July 09, 2013 11:28 AM  
**To:** Paul M Evans  
**Subject:** RE: Neglected House

Thank you, I appreciate your quick response. Have a great day!

---

**From:** Paul M Evans  
**Sent:** Tuesday, July 09, 2013 10:26 AM  
**To:** 'Debbie Schuh'  
**Cc:** Gary L Bowers  
**Subject:** RE: Neglected House

Thank you for your follow up Debbie.

Inspector Gary Bowers saw the tall grass on the 3<sup>rd</sup>,

On July 8 he sent an order to our contractor to cut the grass.

The contractor is required to cut within 10 days of the order, per our signed contract with him.

We expect it to be cut by July 18.

Feel free to contact me if you have further questions.

Paul Evans  
Zoning & Compliance Specialist  
City of Troy  
248 524-3359

---

**From:** Debbie Schuh  
**Sent:** Tuesday, July 09, 2013 9:57 AM  
**To:** Paul M Evans  
**Subject:** Neglected House

Mr. Evans,

I spoke with you a couple of weeks ago regarding the house listed above. You had said someone was due to come out and inspect on Wednesday, July 3<sup>rd</sup>. They may have come, but I did not see anyone show up. I'm attaching two photos of the home. The weeds at the sidewalk are 34", they get even worse when you get closer to the walkway to the front door. I can get closer photos if needed.

In our neighborhood, everyone takes care of their homes and as taxpayers we expect the same of our city to take of the ones that are not lived in. Please advise me when the city will be out to take care of this home.

Thank you,  
Debbie Schuh

2805 Athena Drive  
Troy, MI 48083-2471  
1-248-689-5030  
July 4, 2013

Mayor Dane Slater and Troy City Counsel  
500 W. Big Beaver Road  
Troy, MI 48084

To whom it may concern

On behalf of the concerned residents on Athena Drive we would like to thank Mayor Dane Slater, City Manager Brian Kischnick and members of the Troy City Counsel for their expedient handling and replacement of unsightly fencing on the Dequindre entrance to our subdivision.

We were so pleased to receive a personal phone call informing us that our request did not go unnoticed and that the fencing would be replaced in a timely fashion which it was and looks so much better.

We love living in our city and we are proud that Troy, Michigan has been voted by *Family Circle Magazine* as one of America's top 10 best towns for families.

Sincerely,

Carol Russell

A handwritten signature in black ink that reads "Carol Russell". The signature is written in a cursive style with a large initial 'C'.

A Troy resident for 41 years



# City of Clawson

425 N. Main Street / Clawson, Michigan 48017  
(248) 435-4500 FAX (248) 435-0515

---

June 14, 2013

Samuel Lamerato  
City of Troy-Fleet Maintenance Division  
4693 Rochester Rd.  
Troy, MI 48085

Dear Sam,

I want to thank you and the City of Troy for the great service we have received while leasing a vehicle for our Senior Transportation Program. Due to current economic conditions we will be terminating our lease with the City of Troy effective July 1, 2013. We will turn the lease vehicle in June 14, 2013. It has been a pleasure working with you. We will keep the lease option a possibility for the future, should our budget improve.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Leenhouts".

Kathy Leenhouts  
Director of Recreation and Senior Services  
City of Clawson

**From:** Reynolds, John D [mailto: @delphi.com]  
**Sent:** Friday, July 12, 2013 7:19 AM  
**To:** Gary G Mayer  
**Subject:** Delphi

Greetings Chief!

I just wanted to take a quick moment to say Thank You for allowing Delphi the unique opportunity to have Sgt. Breidenich present the Workplace Violence/Active Shooter Program at the Troy offices on June 27<sup>th</sup>. The seminar was outstanding and has provided me with overwhelming positive and beneficial feedback from our employees! Andy's style and professional delivery of this material, albeit an unfriendly and sensitive topic, brought the awareness and mindfulness of this subject to our business community in exactly the way I was hoping for! He hit a HOME RUN here!

It was also a pleasure to have Capt. Redmond introduce the meeting and "kick it off"!

Again, it was an extreme pleasure working with Andy to prepare this seminar and I am proud to have had this opportunity to interact and host this valuable seminar with these two fantastic representatives of the City of Troy Police Department and MY business community!

Absolutely priceless experience for Delphi!

Best Regards, and thank you again!

John

**John D Reynolds**  
Sr. Operations Manager - Americas  
Delphi Corporate Security

**DELPHI**

5820 Delphi Drive  
M/C 480-405-232  
Troy, MI 48098-2815

CAPT ROBERT REDMOND  
SGT. ANDREW BREIDENICH,  
BOB + ANDY - THANK YOU FOR REPRESENTING  
TROY PD SO WELL. ANDY - YOUR PRESENTING  
ABILITY JUST KEEPS GETTING BETTER.



RECEIVED  
CHIEF OF POLICE  
7-12-2013



July 8, 2013

City Council  
City of Troy  
500 W. Big Beaver Rd  
Troy, Michigan 48084

Dear City of Troy Council Members,

On behalf of Genisys Credit Union, I would like to congratulate the City of Troy for being named one of the "Best Towns for Families" by Family Circle Magazine. With affordable housing options, green public spaces, strong school systems, high household income levels, and neighbors you can count on, the City of Troy truly deserves such an honor.

We at Genisys Credit Union are very happy to be apart of the Troy community and wish the city continued success for years to come.

If Genisys can ever assist you with your business or personal needs, feel free to call me at your earliest convince.

Sincerely,

A handwritten signature in black ink that reads "Linda Zabik".

Linda Zabik  
Manager  
Public Relations and Community Involvement

2100 Executive Hills Blvd  
Auburn Hills, MI 48326  
(248).332-9800

Cc: Ms. Pamela Sejnowski, Troy Branch Manager



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LB*  
 Allan T. Motzny, Assistant City Attorney *ATM*  
 Susan M. Lancaster, Assistant City Attorney *SL*  
 Julie Quinlan Dufrane, Assistant City Attorney *JQD*  
**DATE:** July 16, 2013  
**SUBJECT:** 2013 Second Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the SECOND quarter of 2013 are in bold.**

#### A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

#### B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Grand Sakwa v. City of Troy- Grand Sakwa filed this case, seeking relief from the Court, which had jurisdiction of the matter based on a Consent Judgment that allowed for the highly intense commercial and residential development on approximately 77 acres of property known as Midtown. The Consent Judgment provided that a small parcel to the rear of the shopping center was donated to the City for transportation center purposes. The Consent Judgment required the transportation center to be "funded" on or before June 2, 2010. If this condition was

not satisfied, then the property would revert to Grand Sakwa. Shortly after the June 2, 2010 date, Grand Sakwa filed this action, seeking a Court ordered reversion of the property. Grand Sakwa argued that the transit center was not funded by June 2, 2010, as required by the Consent Judgment. The City countered by relying on the City's budgetary allocations since 2006, and also the federal funding, where 8.4 million dollars was awarded under the American Recovery Reinvestment Recovery Act of 2009- High Speed Intercity Passenger Rail Program (HSIPR) and 1.3 million dollars was appropriated in the December 16, 2009 Transportation, Housing and Urban Development Appropriations Act, Bus and Bus Facility Program. The City also argued that the language of the consent judgment did not require "full funding" or "irrevocable funding" or preclude the use of a reimbursable grant in satisfaction of the terms of the judgment. On May 25, 2011, the Oakland County Circuit Court entered an order in favor of the City, and denied Grand Sakwa's request for a reversion of property. On June 15, 2011, Grand Sakwa filed a Motion for Reconsideration. The Court ordered the City to file a response to the Motion for Reconsideration. On September 22, 2011, the Court denied the Plaintiff's Motion for Reconsideration. On September 29, 2011, Plaintiff filed an appeal with the Michigan Court of Appeals. On October 11, 2011, the Michigan Court of Appeals dismissed the claim of appeal, since there is no appeal of right from a post-judgment order. Grand Sakwa filed a Motion for Reconsideration on October 28, 2011, which was denied by the Court of Appeals on December 8, 2011. Prior to receiving this decision, Grand Sakwa also filed a Delayed Application for Leave to Appeal on November 22, 2011. The parties are now waiting for a decision from the Michigan Court of Appeals. On July 30, 2012, the Michigan Court of Appeals granted Grand Sakwa's delayed application for leave to appeal. Grand Sakwa filed its Brief on Appeal on September 19, 2012, and the City's Brief on Appeal must be filed on or before October 24, 2012. The legal briefs have been timely filed and the parties are now waiting for the Court to schedule oral argument. Oral argument was held on March 6, 2013, and the parties are now waiting for the Court's decision on appeal. **The Court of Appeals released its opinion on May 2, 2013. The City filed a Motion For Reconsideration on May 23, 2013. Grand Sakwa filed a Motion for Immediate Effect the same day, seeking immediate possession of the property. The Court of Appeals denied both of these motions. The City has until July 26, 2013 to file an Application For Leave To Appeal with the Michigan Supreme Court.**

2. **Gennari et. al. v. Troy et. al.** - This is a re-plat lawsuit that was filed by Plaintiffs, Maurice Gennari, Sandra Gennari and Sandra Gennari Trust u/a/d April 2008, who are owners of property in the Pine Creek Estates Subdivision, which is located north of Square Lake Road and east of Livernois. Part of the Pine Creek Estates Subdivision Plat is being developed as a site condominium project known as Pine Creek Ridge Condominiums, and this project encompasses part of the Pine Creek Estates Subdivision Plat, which needs to be amended in order to develop the Pine Creek Ridge Condominiums as approved. These revisions require four changes to the plat concerning lots that Plaintiff owns, and no other lots will be impacted by

**the proposed plat revision. As with all plat revision cases, all government entities and utilities that may have an interest in the property and all owners within 300 feet of the property are named as defendants.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

**There are no pending condemnation cases for this quarter.**

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Alan A. May, as Personal Representative of the Estate of Jesus Gillard v. Bloomfield Township, Troy, et. al – Plaintiff, Alan A. May, is the personal representative of the estate for the deceased Jesus Gillard. Gillard was involved in a police pursuit that was initiated in Bloomfield Township by its police officers. The pursuit ended in the City of Troy at the intersection of Big Beaver Road and Adams Road when Gillard's van collided with an SUV driven by a civilian. After the collision, Gillard continued to attempt to flee and elude police officers from both Bloomfield Township and Troy. He actively resisted the officers' attempts to subdue him and place him under arrest. At some time after Gillard was handcuffed, he stopped breathing. The defendants in the lawsuit are the City of Troy and individual officers from the police department as well as Bloomfield Township and individual officers from its police department. This wrongful death lawsuit alleges constitutional violations against the defendants, including failure to train and deliberate indifference to a serious medical need. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to the Honorable Judge Robert Cleland. The parties are obtaining discovery in this matter. The parties continue to conduct discovery in this matter. Depositions of Plaintiff's expert witnesses have been scheduled and will continue through the beginning of November. The City plans to file a Motion for Summary Judgment on or before the cut-off date which is November 14, 2012. The City timely filed its Motion for Summary Judgment, and the parties are now awaiting oral argument before the Court. Oral argument is scheduled for April 3, 2013. **On May 28, 2013, Judge Cleland issued an Opinion and Order granting summary judgment in favor of the City of Troy and all of the individual Troy police officers except one. The Court also dismissed all but one of the claims raised by Plaintiff, and found that as to the one claim of excessive**

force, there was an issue of fact to be determined by a jury. The jury trial is scheduled to begin on October 21, 2013.

2. ***Charlene Femminineo v Slater, et al*** – Plaintiff filed this lawsuit in the Federal District Court for the Eastern District of Michigan on April 15, 2013, seeking declaratory relief, injunctive relief, damages, punitive damages, costs and attorney fees against the City and all individual members of City Council. Ms. Femminineo claims that defendants violated her First Amendment right to free speech, her Fourteenth Amendment right to equal protection and the Michigan Open Meetings Act by striking her public comments from re-broadcasts of the City Council meeting and the minutes, since they were found to be in violation of the City Council Rules of Procedure (public comment). Ms. Femminineo also challenged the defendant's actions in asking her not to repeat the stricken comments at a subsequent City Council meeting. The case was assigned to Judge John Corbett O'Meara. The City immediately filed a Motion to Dismiss and for Summary Judgment on behalf of all Defendants.

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

**There are no pending personal injury and damage cases for this quarter.**

#### F. MISCELLANEOUS CASES

1. ***Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy*** – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides

that 20% of each building permit fee be returned to the City to cover services that are not “reasonably related to the cost of building department services,” as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any “surplus” building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant’s brief is expected to be filed soon. **The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument.**

2. *T.R. Pieprzak v. City of Troy.* This case has been filed by the successful bidder for the Section 9 water main replacement contract, seeking approximately \$900,000 over the contract bid for alleged additional work, unanticipated conditions and delays that Plaintiff attributes to the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition, which the City responded to. Argument on this Motion is scheduled for July 6, 2011. The Court denied Plaintiff’s Motion for Partial Summary Disposition. The case is now in discovery. Case evaluation for the case took place on November 17, 2011. The City and the Plaintiff each filed Motions for Summary Disposition at the close of discovery. The Court agreed with the amount the City claimed was due on the contract and entered an Order on March 9, 2012 that dismissed Plaintiff’s claims seeking damages in excess of that amount. The Order is a final order and closes the case. T.R. Pieprzak filed a Motion for Reconsideration on March 29, 2012. The Court has not yet issued an opinion on Pieprzak’s Motion for Reconsideration. On January 17, 2013, Judge Nichols entered his Opinion and Order denying the Plaintiff’s Motion for Reconsideration. The Plaintiff has now filed a Claim of Appeal with the Michigan Court of Appeals. **Plaintiff filed its appellate brief, and the City’s brief is due July 18<sup>th</sup>.**

3. *Troy Police Officers Association v. City of Troy and Act 78 Civil Service Commission.* Plaintiff TPOA Union has filed this lawsuit against the City and also the Act 78 Civil Service Commission, seeking a hearing on behalf of one of its members, Todd Michael. Mr. Michael seeks a hearing before the Civil Service Commission, where he can have the chance to establish that he was constructively discharged from the City; or in the alternative that he was improperly disciplined by the City. In addition to seeking a court order mandating a hearing for Todd Michael, Plaintiff is also seeking an order requiring the City to amend its rules to allow for hearings in similar circumstances. The Amended Complaint was filed on May 21, 2012. On September 18, 2012, Plaintiff filed a Motion for Summary Disposition, which is scheduled for hearing on November 21, 2012. On December 5, 2012, the Court granted in part, denied in part the cross motions for summary disposition. This case is now pending in the Michigan Court of Appeals. Appellant's brief has been filed with the Court of Appeals. **Appellee timely filed its brief, and the City filed a reply brief in response. The parties are now waiting for the Court of Appeals to schedule a date for oral argument.**
4. *Rodney Knutson v. City of Troy et. al.* Plaintiff has filed this lawsuit against the City and one of its officers, alleging breach of implied contract or oral agreement and conversion of property. In this case, the Troy Police Department agreed to temporarily store a large amount of cash that would have otherwise been left unattended at Plaintiff's house. There was a \$1000 discrepancy as to the amount of cash that was temporarily safeguarded by the Troy Police Department. The City has filed an Answer to the Complaint and Affirmative Defenses. A pre-trial is scheduled for October 29, 2012 with Judge Kirsten Nielsen Hartig, 52-4<sup>th</sup> District Court. Based on potential conflicts, the Troy District Court transferred this case to the Novi District Court, which scheduled a January pre-trial conference. The parties are engaging in discovery. **The parties are waiting for the Court to schedule the trial.**
5. *Todd Michael v. City of Troy et. al.-* Todd Michael has filed this lawsuit against the City, the Troy Police Department and the Troy Police Chief. Through this lawsuit, Plaintiff alleges that he was discriminated against in his employment with the City, in violation of the Americans With Disabilities Act. He also alleges that he suffered retaliation for his alleged disability. He is asking to be reinstated as a Troy Police Officer. He is also asking for additional compensation, punitive damages, costs and attorney fees. The answer to the complaint and affirmative defenses were filed on September 27, 2012. The Court has issued a scheduling order in this case, and discovery is on-going. The parties are continuing in the discovery phase. **The Court has extended the discovery cut off in this matter, and the parties continue to take depositions in this case.**
6. *Citizens United Against Corrupt Government v. Troy City Council-* This is a lawsuit filed by the Citizens Against Corrupt Government, which is a Michigan

Non-Profit Corporation formed by Robert Davis. In this lawsuit, Plaintiff alleges that the City violated the Open Meetings Act in holding a closed session on August 15, 2012, as part of the City Manager Search process. Through this lawsuit, Plaintiff is seeking a declaration that the City Council violated the Open Meetings Act. Plaintiff also asked for injunctive relief, and asked for an immediate hearing. The Court, after hearing arguments from the parties, denied the request for Injunctive relief with an order dated September 13, 2012. Immediately thereafter, Plaintiff attempted to schedule depositions of individual City Council members and other members of City Administration and the search consultant. The City filed a Motion for a Protective Order on September 28, 2012. On that day, the City also filed a Motion for Summary Disposition, arguing that Plaintiff does not have a viable case against the Troy City Council. On November 21, 2012, Judge O'Brien issued her order granting the City's Motion for Summary Disposition and dismissing this case. Plaintiff appealed this decision, which is now pending in the Michigan Court of Appeals. It is anticipated that Appellant will file its legal brief in the immediate future. **Plaintiff missed the deadline for filing its appellate brief, but the Court of Appeals may allow a late brief.**

7. National Public Finance Guarantee Corporation v. City of Troy- This lawsuit was served on the City of Troy on October 18, 2012. The Plaintiff, National Public Finance Guarantee Corporation (NPFGE), is an insurer on bonds issued by the Troy Downtown Development Authority. NPFGE filed a Freedom of Information Request (FOIA), looking for financial documents from the City of Troy. Through this lawsuit, Plaintiff argues that the City did not fully comply with FOIA when responding to the FOIA request. The City has filed an answer, and the parties are conducting discovery. The parties are continuing in the discovery phase. **On June 19, 2013, this case was dismissed by stipulation of the parties.**
8. Troy Police Officers Association v. City of Troy and Troy Employee Retirement System Board of Trustees- This lawsuit was served on the City on January 9, 2013. The Troy Police Chief, on behalf of former Troy Police Officer Todd Michael, filed a disability retirement request with the Troy Employee Retirement System Board of Trustees. Mr. Michael had not worked for the City since January 10, 2010, as a result of three independent neuropsychological examination reports. TPOA filed this lawsuit to prevent the Employee Retirement System Board of Trustees from considering this retirement request. An ex parte temporary restraining order was entered by the Court at the time that the complaint was filed, with a show cause hearing date of January 16, 2013. At that time, the parties agreed to engage in facilitation. The Court scheduled a court date for April 24, 2013 in the event that the case was not resolved prior to that time. **Facilitation of this and companion cases was unsuccessful, and the Court scheduled a hearing for July 10, 2013, where Plaintiff would need to demonstrate entitlement to its requested relief.**
9. Alan R. Brown v City of Troy Police Department. Plaintiff filed this claim and delivery action in the 52-4 District Court seeking return of several firearms that

were seized from his home by the Troy Police. The City has filed an Answer and a Response to Plaintiff's Motion for Possession. On May 16, 2013, Judge William E. Bolle denied Plaintiff's Motion for Immediate Possession, and the parties are now waiting for a scheduling order from the Court.

10. **Community Financial v. City of Troy-** Community Financial Members Federal Credit Union initially filed this lawsuit against the City of Troy, City of Troy Police Department, and one of its individual task force officers in the Ingham County Circuit Court (Lansing). Lansing Judge Jamo scheduled a show cause hearing for April 18, 2013, and the City successfully challenged this, since Oakland County was the appropriate venue for this lawsuit. The case was then transferred to the Honorable Judge Denise Langford Morris of the Oakland County Circuit Court on May 7, 2013. With this lawsuit, Plaintiff is seeking to invalidate the City's drug forfeiture of a 2007 Ford pick-up truck, which was seized when the owner of the pick-up truck was arrested for felony drug trafficking. Plaintiff Community Financial Members Federal Credit Union had a lien on the pick-up truck. Plaintiff argues that the City is not entitled to recoup any of its administrative costs or towing or storage charges. Additionally, Plaintiff claims that the City is not entitled to recoup money owed to a dealership for car repair and maintenance, since these costs are allegedly inferior to the Plaintiff's lien. The arrested person had taken the pick-up truck to the car dealership prior to his arrest, and it was from the dealership that the City seized the vehicle. Plaintiff is seeking a writ of mandamus, declaratory relief, and damages, costs, and attorney fees through this lawsuit.
11. **Edward Belczak v City of Troy.** This lawsuit was filed against the City on May 28, 2013. Through this lawsuit, Plaintiff seeks a reversal of an Order issued by a District Court Judge which froze certain assets held in a Merrill Lynch account. The assets were frozen pending the investigation of a claim of embezzlement and other crimes against Plaintiff. In essence, Plaintiff claims his Fourth Amendment rights were violated because the assets in the account were illegally seized, and he was not afforded due process. Plaintiff seeks the return and/or "unfreezing" of the assets in the Merrill Lynch account.
12. **Bradley Pelton v City of Troy.** Plaintiff has filed this claim and delivery action in the 52-4 District Court seeking return of several firearms that were seized from his home by the Troy Police. The City has filed an Answer and a Response to Plaintiff's Motion for Possession. A hearing is scheduled for July 25, 2013 on Plaintiff's motion for possession.
13. **Daniel E. Katayama v City of Troy.** Plaintiff filed this lawsuit under the Freedom of Information Act (FOIA) claiming that the City did not fully comply with a FOIA request he submitted on March 26, 2013. Plaintiff's FOIA request sought particular documents related to his arrest on suspicion of driving while

intoxicated. The City filed an Answer to the Complaint, and the parties are conducting discovery.

14. **Center City Tennis v. City of Troy.** Center Court Tennis has filed this lawsuit, challenging the City's contract with Troy Racquet Club, which does not expire until 2018. Prior to filing this lawsuit, Center City Tennis wrote a letter to City Administration and each of the individual City Council members, expressing interest in providing the services that have been provided by Troy Racquet Club since at least 1998. Center Court Tennis filed a similar lawsuit against the City of Birmingham. In this lawsuit, Plaintiff alleges that the City violated the Charter by refusing to accept competitive bids for the operation of the tennis bubble/tennis courts and tennis lessons, including the "bid" from Center Court Tennis, or in the alternative, the City violated the City Charter by allegedly failing to provide a public referendum process. As the City's first responsive pleading, we filed a Motion for Summary Disposition. Oakland County Circuit Court Judge Denise Langford Morris has scheduled the oral argument on this motion for August 28, 2013.

#### G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **People v John Haggarty.** The Defendant was arrested for operating while intoxicated after he was found in a parked vehicle with its engine running near the vacuum stations at a car wash. Police investigation revealed the Defendant was intoxicated. The Defendant filed a motion to dismiss, claiming there was insufficient evidence the Defendant operated the vehicle on a public road or any place open to the general public or generally accessible to motor vehicles. After an evidentiary hearing, District Court Judge Bolle denied the Defendant's motion, allowing the criminal case to proceed to a jury trial. The Defendant appealed that decision to the Oakland County Circuit Court. The assigned judge, Judge Rae Lee Chabot, denied Defendant's requested relief on July 20, 2011. The Defendant has now filed an Application for Leave to Appeal in the Michigan Court of Appeals. The City timely filed its response by the September 27, 2011 deadline. The parties are now waiting for the Michigan Court of Appeals to decide whether to allow the requested appeal. On April 13, 2012, the Court of Appeals granted Defendant's Application for Leave to Appeal. The Defendant has filed a Brief on Appeal. The City's Brief on Appeal is due June 25, 2012. The Court entertained oral arguments, and issued a written order affirming the District Court Judge and the City's position on September 27, 2012. The criminal case has now been remanded to the District Court. The Defendant filed an application requesting leave to appeal with the Michigan Supreme Court. The District Court has stayed the proceedings pending the decision. The parties are waiting on a decision from the Michigan Supreme

Court as to the requested leave to appeal. **The Michigan Supreme Court denied the application for leave to appeal, ruling in favor of the City. The case has now been remanded to the 52-4 District Court for the criminal trial.**

**2. People v Tyler Price.** The Defendant was arrested for operating while intoxicated after a Troy police officer observed Defendant speeding on Maple Road and then abruptly stop in the middle of the road after turning onto a side street. Defendant refused to submit to a preliminary breath test, but after failing sobriety tasks, he was arrested. At the police station, Defendant was given a blood test, and lab results revealed a blood alcohol level of 0.24. Defendant filed a motion to suppress the blood test, challenging that the police officer had no basis for the traffic stop. His motion was denied, and the case proceeded to a bench trial, where Defendant was found guilty. On March 13, 2013, Defendant filed a claim of appeal in the Oakland County Circuit Court, Judge James M. Alexander. **Both parties have fully briefed the issues raised on appeal, and oral argument is scheduled for July 31, 2013.**

**3. People v. Rodger Walters.** Rodger Walters, who resides on Boyd Street, was cited for impeding traffic by standing in the middle of the roadway as the International Academy students were leaving for the day. Mr. Walters had an attorney representing him for a formal hearing before Judge Kirsten Nielsen Hartig, who ultimately found him responsible for the civil infraction. The next day, Mr. Walters, on his own behalf, filed an appeal with the Oakland County Circuit Court, Judge Leo Bowman. **Mr. Walters has also filed a complaint with the Michigan Department of Civil Rights, alleging that the City discriminated against him by refusing to post additional “No Outlet” signs near his home.**

**4. People v Ou Lian Shuai.** Ms. Shuai was criminally charged with filing a false police report and illegal use of a telecommunication device. As part of these criminal proceedings, Ms. Shuai was referred for examination with Dr. Chiarina G. Owens, Ph.D., of the Michigan Department of Community Health, Center for Forensic Psychiatry. Dr. Owens testified that Ms. Shuai was incompetent to stand trial and ordered her committed to the Center for Forensic Psychiatry for treatment. 52-4 District Court Judge William E. Bolle agreed with Dr. Owens, and ordered her committed. Ms. Shuai, through her attorney, served the City with a claim of appeal from Judge Bolle’s determination.

**5. People v. Blake James.** Mr. James filed an appeal challenging the decision in his criminal case before 52-4 District Court Judge Kirsten Nielsen Hartig. He filed his appeal in the Oakland County Circuit Court. Judge Leo Bowman dismissed this appeal on May 30, 2013.

#### ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits)*. The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE) attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the remaining NPDES permits. On August 9, 2011, the Administrative Law Judge held the case in abeyance, due to pending case at the Michigan Court of Appeals. The parties will continue to provide status reports in the interim. The Court is continuing to receiving status reports, with the next one due on December 19, 2012. Status reports were timely filed on January 6, 2013 and March 22, 2013. **Additional status reports were submitted on June 24 and 25, 2013.**

If you have any questions concerning these cases, please let us know.



TO: Brian Kischnick, City Manager  
Mark Miller, Director of Economic & Community Development

FROM: Cindy Stewart, Community Affairs Director

RE: Troy Named One of America's Top 10 Best Towns for Families by Family Circle Magazine

DATE: July 15, 2013

The following press release was sent to our media outlets announcing Troy's latest recognition.

Troy has been named one of America's top 10 best towns for families, by Family Circle Magazine. With modestly priced homes, excellent City services including top rated Library, outstanding Parks & Recreation programs and facilities, a very low crime rate, and one of the best school systems in Michigan, it's no wonder Troy is tops for families.

"As the new City Manager, I think this is very impressive and so deserving," said City Manager Brian Kischnick. "Troy is exactly the place I want my family to be because of the excellent City services, amenities and the Troy School District."

America's 10 top family-friendly cities is featured in the August issue of Family Circle, which hit the newsstands July 2 and online at [www.FamilyCircle.com/besttowns](http://www.FamilyCircle.com/besttowns).

Family Circle's seventh annual list judged top towns on affordable housing options, green public spaces, strong school systems, household income levels and neighbors to count on.

"Look at the Athens High School students who raised more than \$40,000 for Angels of Hope during this year's charity week," Kischnick said. "This is definitely the community that truly cares about each other."

The magazine said Troy's school district "with its rigorous curriculum and plentiful AP courses, is among the best in the state, feeding a steady stream of students to Michigan State and the University of Michigan."

Mayor Dane Slater agreed with the recognition. "My wife and I raised two daughters who received an excellent education through the Troy Schools, and we know firsthand about our excellent City services," he said. "It's nice to be nationally recognized."

Ahsan Ali, 17, who will be a senior at Troy's International Academy in the fall, is also a supporter of the community. "Troy is one of the most diverse and balanced cities around. Troy offers something for everyone such as golf, public parks and a variety of programs at the Community Center."

"The core of our school's academic curriculum is excellent, and our diversity makes it possible to learn about other religions and cultures," Ali added.

With the help of Onboard Infomatics, a New York City research firm that provides real estate, demographic and other data, Family Circle assembled a list of 3,335 cities and towns with populations between 10,000 and 150,000. The list was then cut down based on such factors as households with median incomes between \$55,000 and \$100,000, access to health care, low crime rate and financial stability.

Troy, with a population of 80,980, has a median income of \$85,956 (census 2010) and median home price of \$208,760.

The entire list of Best Towns for Families, in alphabetical order:

Allen, Texas; Boulder City, Nevada; Madison, Alabama; Marion, Iowa; Morton, Illinois; Rio Rancho, New Mexico; Suwanee, Georgia; Troy, Michigan; Upper Arlington, Ohio and West Hartford, Connecticut