

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

AUGUST 25, 2008

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, 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 amendment and 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.

Identified below are outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Outcome Statements

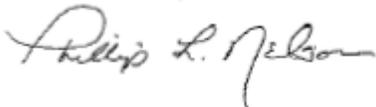
I. Troy has enhanced the health and safety of the community

II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues

III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

August 25, 2008 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: **1**

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Steve Husava –Northfield Hills Baptist Church **1**

ROLL CALL **1**

CERTIFICATES OF RECOGNITION: **1**

- A-1 Presentations: 1
 - a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (July), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$450.88 to Ann Comiskey for *Troy Community Coalition* 1

CARRYOVER ITEMS: **1**

- B-1 No Carryover Items 1

PUBLIC HEARINGS: **1**

- C-1 Establishment of an Industrial Development District (IDD) – EcoMotors, 1055 West Square Lake 1

- C-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) to EcoMotors, 1055 West Square Lake 2

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

C-3	Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD-013) – West Side of Crooks, North Side of New King (5500 New King) Section 8 - O-M (Office Mid-Rise) District	3
<u>POSTPONED ITEMS:</u>		4
D-1	No Postponed Items	4
<u>PUBLIC COMMENT: Limited to Items Not on the Agenda</u>		4
<u>REGULAR BUSINESS:</u>		4
E-1	Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Parks & Recreation Board	4
E-2	Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Study Committee; Historical Commission; and Liquor Advisory Committee	5
E-3	Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League (MML)	6
E-4	Troy Racquet Club Owner – Request to Delete Lease Provisions	6
E-5	Library Café Space Recommendation	7
E-6	Liquor License Ordinance Fees – Chapter 60 Amendment	7
E-7	Request to Amend Library Fee Schedule	8
E-8	Proposed Amendment to Troy City Code Chapter 93 – Fire Prevention	8
<u>CONSENT AGENDA:</u>		8
F-1a	Approval of “F” Items NOT Removed for Discussion	8
F-1b	Address of “F” Items Removed for Discussion by City Council and/or the Public	9

F-2	Approval of City Council Minutes	9
F-3	Proposed City of Troy Proclamation(s): None Submitted	9
F-4	Standard Purchasing Resolutions	9
	a) Standard Purchasing Resolution 7: Amendment – Proprietary Service Contract CLEMIS Fire Records Management System	9
F-5	Sole Known Supplier – Cell Phone Forensics Purchase	9
F-6	Application for Transfer of Resort Class C License to Dhammamegha, Inc. – 72 West Maple	10
F-7	Fireworks Permit – Troy Daze Festival	10
F-8	Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-30-226-008 – Nemer Troy Place Equities and Troy Place Equities, LLC	11
F-9	Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-29-151-001 – Somerset Park Apartments, LLC	11
F-10	Request for Acceptance of Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-30-228-002 – Somerset Collection Limited Partnership	11
F-11	Troy Daze Festival Parking Services	12
<u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u>		12
G-1	Announcement of Public Hearings:	12
	a) Rezoning Application – Proposed Shell Gas Station/Tim Hortons, Southeast Corner of Rochester Road and Wattles Road – (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731) – September 8, 2008	12
G-2	Memorandums:	12
	a) Massage Facility Licensing Ordinance	12

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda **12**

H-1 Proposed Resolution Authorizing Staff to Draft Information Regarding Ballot Proposal as Requested by Council Member Robin Beltramini 12

COUNCIL COMMENTS: **13**

I-1 No Council Comments Advanced 13

REPORTS: **13**

J-1 Minutes – Boards and Committees: 13

- a) Advisory Committee for Persons with Disabilities/Draft – June 4, 2008 13
- b) Advisory Committee for Persons with Disabilities/Final – June 4, 2008 13
- c) Employees’ Retirement System Board of Trustees Amended/Final – June 11, 2008 13
- d) Employees’ Retirement System Board of Trustees/Final – July 9, 2008 13
- e) Ethnic Issues Advisory Board/Final – July 15, 2008 13
- f) Planning Commission Special/Study/Draft – July 22, 2008 13
- g) Planning Commission Special/Study/Final – July 22, 2008 13
- h) Liquor Advisory Committee/Draft – August 11, 2008 13
- i) Ethnic Issues Advisory Board/Draft – August 12, 2008 13

J-2 Department Reports: 13

- a) Customer Solutions Monthly Report – July, 2008 13
- b) Purchasing Department/Final Reporting – BidNet On-Line Auction Services – July, 2008 13

J-3 Letters of Appreciation: 13

- a) Letter from Pat Anlishiv Commending Lifeguards 13
- b) Letter of Thanks to Detective Pokley from Dale and Debbie Bise Regarding the Effort and Assistance Received on a Case 13
- c) Letter of Thanks to Officer Andy Breidenich from Hannah Mae Russ Regarding the Time Taken to Educate for Daisy Scout Petal 13

J-4 Proposed Proclamations/Resolutions from Other Organizations: 14

- a) Oakland County Board of Commissioners Resolution #08125 – Michigan’s Structural Deficit 14

J-5 Communication from City Attorney Lori Bluhm Regarding Amber Creek East Apartments v. City of Troy 14

J-6	Communication from City Attorney Lori Bluhm Regarding Proposed Consolidation and Redraft of Municipal Solid Waste and Littering Ordinances	14
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STUDY ITEMS: **14**

K-1	No Study Items Submitted	14
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PUBLIC COMMENT: Address of “K” Items **14**

CLOSED SESSION: **14**

L-1	Closed Session – Performance Evaluation of the City Attorney as Permitted by Council Resolution #2008-07-233	14
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RECESSED **14**

RECONVENED **14**

ADJOURNMENT **14**

FUTURE CITY COUNCIL PUBLIC HEARINGS: **15**

Monday, September 8, 2008	15
1. Rezoning Application – Proposed Shell Gas Station/Tim Hortons, Southeast Corner of Rochester Road and Wattles Road – (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731)	15

SCHEDULED CITY COUNCIL MEETINGS: **15**

Monday, September 8, 2008	Regular City Council.....	15
Monday, September 22, 2008	Regular City Council.....	15
Monday, October 6, 2008	Regular City Council	15
Monday, October 20, 2008	Regular City Council	15
Monday, November 10, 2008	Regular City Council.....	15
Monday, November 24, 2008	Regular City Council.....	15
Monday, December 1, 2008	Regular City Council.....	15
Monday, December 15, 2008	Regular City Council.....	15

CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Steve Husava –Northfield Hills Baptist Church**ROLL CALL**

- (a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin
- (b) Excuse Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (July), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$450.88 to Ann Comiskey for *Troy Community Coalition*

CARRYOVER ITEMS:

- B-1 No Carryover Items**

PUBLIC HEARINGS:

- C-1 Establishment of an Industrial Development District (IDD) – EcoMotors, 1055 West Square Lake**

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for EcoMotors International, for property known as 1055 West Square Lake, Troy, MI 48098, Parcel # 88-20-08-226-002, in accordance with City Council Policy Resolution #2006-06-238; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes:

No:

C-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) to EcoMotors, 1055 West Square Lake

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on August 25, 2008, established an Industrial Development District (IDD) for property known as 1055 West Square Lake, Troy MI, 48098, Parcel # 88-20-08-226-002;

WHEREAS, An application has been submitted by EcoMotors International, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1055 West Square Lake, Troy, MI 48098, for twelve (12) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on August 25, 2008, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for EcoMotors International, at 1055 West Square Lake, Troy, MI 48098 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for EcoMotors International, at 1055 West Square Lake Troy, MI 48098 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for EcoMotors International, Inc., at 1055 West Square Lake, Troy, MI 48098, Parcel #88-20-08-227-004, for personal property for a term of twelve (12) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and EcoMotors International, in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Letter of Agreement between the City of Troy and EcoMotors, International, a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Clerk to complete the application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes:

No:

C-3 Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD-013) – West Side of Crooks, North Side of New King (5500 New King) Section 8 - O-M (Office Mid-Rise) District

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, The petitioner Tinelle Properties, LLC has requested Concept Development Plan approval, pursuant to article 35.50.01, for Troy Plaza Planned Unit Development (PUD-013), located on the west side of Crooks and north side of New King, in Section 8, within the O-M zoning district, being approximately 6.16 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on July 8, 2008;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parcel 88-20-08-276-002, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, NE 1/4 of Section 8

Beginning at a Point N 02°30'26" W, 224.14 ft. along the section line in Crooks Rd. and S 87°29'34" W, 90.00 ft. to the West right-of-way line, from the East ¼ corner of said Section 8; thence S 87°29'34" W, 248.90 ft.; thence 554.06 ft. along the arc of a curve to the right (chord bearing N 47°30'51" W, 498.81 ft., radius 352.68 ft.); thence N 02°30'26" W, 137.51 ft.; thence N 87°29'34" E, 601.65 ft.; thence S 02°30'26" E, 490.18 ft. along the west right-of-way line of said Crooks Road (150 ft. wide) to the Point of Beginning. Containing ±6.16 acres, more or less, and subject to easements of record.

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the subject parcel to PUD; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-013; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement and hereby **AUTHORIZES** the Mayor and City Clerk to execute the Planned Unit Development Agreement for Troy Plaza Planned Unit Development on behalf of the City, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the recording of the executed Troy Plaza Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for Troy Plaza Planned Unit Development and the petitioner is hereby permitted to submit Preliminary Development Plans pursuant to Article 35.50.02 of Chapter 39.

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. 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.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 “E”.

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Parks & Recreation Board

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The appointment of new members to all of the listed Board and Committee vacancies will require only one motion and vote by City Council. Council members submit nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments – No appointments scheduled

(b) City Council Appointments

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Parks & Recreation Board

Appointed by City Council (7-Regular: 3-Year Terms) (1-Troy School Board: 1-Year Term) (1-Troy Daze Committee: 1-Year Term) (1-Adv. Comm. for Sr. Citizens: 1-Year Term)

Gary Hauff – Troy School District Representative Term Expires 07/31/09

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Study Committee; Historical Commission; and Liquor Advisory Committee

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

(a) Mayoral Nominations – No nominations scheduled

(b) City Council Nominations

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

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

Historic District Study Committee

Appointed by City Council (7-Regular-Ad Hoc); (1 Member from Historic District Comm.);
(1 Member from Historic District Commission;

Ad Hoc

Historical Commission

Appointed by City Council (7-Regular) 3-Year Terms

Term Expires 07/31/11

Liquor Advisory Committee

Appointed by City Council (7-Regular) 3-Year Terms

Student Term Expires 07/31/09

Yes:

No:

E-3 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League (MML)

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **DESIGNATES** _____ as Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** _____ as the Alternate Official Representative (Official Alternate Voting Delegate) to cast the vote of the City of Troy at the Annual Business Meeting of the Michigan Municipal League to be held October 1 through October 4, 2008 on Mackinaw Island, Michigan.

Yes:

No:

E-4 Troy Racquet Club Owner – Request to Delete Lease Provisions

Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

(a) Proposed Resolution to Deny the Request to Amend the Lease

RESOLVED, That Troy City Council hereby **DENIES** the request by the Troy Racquet Club to amend the lease eliminating the provisions that allow for termination without cause.

OR

(b) Proposed Resolution to Direct Staff to Draft Amendment to Lease

RESOLVED, That Troy City Council hereby **DIRECTS** staff to draft an amendment eliminating the provisions that allow for termination without cause.

Yes:

No:

E-5 Library Café Space Recommendation**Suggested Resolution**

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, On December 3, 2007, a one-year contract for Library Café Services based upon new terms and conditions was approved to Zeyn Francis of Troy, MI, (Resolution # 2007-12-345-F17); and

WHEREAS, Zeyn Francis has defaulted on the contract due to closing the café without notice prior to the contract expiration of December 31, 2008;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for Library Café Services from Zeyn Francis, and hereby **AUTHORIZES** the space to be reconfigured at the Troy Public Library known as Steamers Café for use as a multi-purpose room that includes a vending café and the *Friends of the Troy Public Library* Gift Shop.

Yes:

No:

E-6 Liquor License Ordinance Fees – Chapter 60 Amendment**Suggested Resolution**

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Section 60.03, as recommended by the City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-7 Request to Amend Library Fee ScheduleSuggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** the revisions to the Troy Public Library Schedule of Library Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revisions shall apply as of January 1, 2009.

Yes:

No:

E-8 Proposed Amendment to Troy City Code Chapter 93 – Fire PreventionSuggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Chapter 93 of the Troy City Code as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

F-1a Approval of "F" Items NOT Removed for DiscussionSuggested Resolution

Resolution #2008-08-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes:

No:

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 11, 2008 as submitted.

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 7: Amendment – Proprietary Service Contract CLEMIS Fire Records Management System

Suggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **AMENDS** the five-year proprietary interlocal service agreement with Oakland County for participation in the Oakland County Fire Records Management System to an estimated total cost of \$25,750.00 expiring December 31, 2009.

F-5 Sole Known Supplier – Cell Phone Forensics Purchase

Suggested Resolution

Resolution #2008-08-

WHEREAS, Cell phone forensics is a growing field within law enforcement used to substantiate a claim of criminal activity;

WHEREAS, Recovery of evidence from cell phones is a very complicated activity that requires specialized training, and specific hardware and software used to retrieve the evidence;

WHEREAS, In order to build a forensics lab capable of handling the majority of cell phones on the market at this time, several software and hardware applications are needed; and

WHEREAS, Teel Technologies is the only company that currently sells all the software and hardware applications the Troy Police Department has determined necessary to build a cell phone forensics lab in one package;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase forensic hardware, software, and services from Teel Technologies of Norwalk, CT, for an estimated total cost of \$36,050.23, as detailed on the quote dated July 15, 2008, a copy of which is **ATTACHED** to the original Minutes of this meeting, plus ongoing license renewals, updates and technical support as needed.

F-6 Application for Transfer of Resort Class C License to Dhammamegha, Inc. – 72 West Maple

(a) Transfer of Resort Class C License

Suggested Resolution
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Dhammamegha, Inc. to transfer ownership of the 2008 Resort Class C licensed business, issued under MCL 436.1531 (2), with Official Permit (Food), from Priya Enterprises, Inc., located at 72 West Maple, Troy, MI, Oakland County; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Suggested Resolution
Resolution #2008-08-

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Dhammamegha, Inc. to transfer ownership of the 2008 Resort Class C licensed business, issued under MCL 436.1531 (2), with Official Permit (Food), from Priya Enterprises, Inc., located at 72 West Maple, Troy, MI, Oakland County, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Fireworks Permit – Troy Daze Festival

Suggested Resolution
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions, of Kingsbury, IN for the display of fireworks at the conclusion of the 2008 Troy Daze Festival on September 14, 2008.

F-8 Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-30-226-008 – Nemer Troy Place Equities and Troy Place Equities, LLC

Suggested Resolution
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for sidewalk from property owner Nemer Troy Place Equities, LLC and Troy Place Equities, LLC, having Sidwell # 88-20-30-226-008; and

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

F-9 Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-29-151-001 – Somerset Park Apartments, LLC

Suggested Resolution
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for sidewalk from property owner Somerset Park Apartments, LLC, having Sidwell # 88-20-29-151-001; and

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

F-10 Request for Acceptance of Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project 07.103.5, Sidwell #88-20-30-228-002 – Somerset Collection Limited Partnership

Suggested Resolution
Resolution #2008-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for sidewalk from property owner Somerset Collection Limited Partnership, having Sidwell # 88-20-30-228-002; and

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

F-11 Troy Daze Festival Parking ServicesSuggested Resolution

Resolution #2008-08-

RESOLVED, That Troy City Council hereby **APPROVES** a three-year contract to furnish parking services as outlined in the Troy Daze Festival Parking Agreement with the Troy Police Explorers Post 1950 at an annual cost of \$4,500.00 for 2008, 2009, and 2010, plus a \$500.00 bonus if revenues of the annual event exceed expenses by \$500.00 or more; and

BE IT FURTHER RESOLVED That the contract is **CONTINGENT** upon the Explorer's submission of acceptable insurance certificate(s) and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

- a) Rezoning Application – Proposed Shell Gas Station/Tim Hortons, Southeast Corner of Rochester Road and Wattles Road – (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731) – September 8, 2008

G-2 Memorandums:

- a) Massage Facility Licensing Ordinance

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**H-1 Proposed Resolution Authorizing Staff to Draft Information Regarding Ballot Proposal as Requested by Council Member Robin Beltramini**Suggested Resolution

Resolution #2008-08-

Moved by

Seconded by

WHEREAS, It is anticipated that the citizen initiated charter amendment petition to add Section 9.16.5 to the Troy Charter will be approved by the Attorney General and the Governor of the State of Michigan for placement on the November 4, 2008 ballot;

WHEREAS, The City's past practice has been to authorize City Administration to prepare a frequently asked questions factual information sheet or other similar educational piece about the ballot proposal, which would first be submitted to the City Council for review and approval, as well as direction as to the distribution of the educational materials, which could be done through the inclusion on the City's web site and/or the printing and distribution and/or mailing of the neutral educational material to the voters of the City of Troy;

WHEREAS, Troy City Council is interested in providing neutral educational information to the voters about the November 2008 ballot questions; and

WHEREAS, It is in the City's best interest to hire outside experts to prepare such neutral educational materials concerning the November 4, 2008 ballot questions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to hire outside legal counsel, at a cost not to exceed \$10,000.00 (inclusive of all costs and consultants deemed necessary by outside legal counsel), to prepare factual neutral information about the ballot proposal for the November 2008 ballot, which shall be presented to the Troy City Council for its review and approval and direction as to distribution at the earliest opportunity; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to provide any necessary assistance or factual information for the preparation of such neutral educational materials, as requested by the outside legal counsel or any consultant retained by outside legal counsel to assist with the neutral educational materials.

Yes:
No:

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a)** Advisory Committee for Persons with Disabilities/Draft – June 4, 2008
 - b)** Advisory Committee for Persons with Disabilities/Final – June 4, 2008
 - c)** Employees’ Retirement System Board of Trustees Amended/Final – June 11, 2008
 - d)** Employees’ Retirement System Board of Trustees/Final – July 9, 2008
 - e)** Ethnic Issues Advisory Board/Final – July 15, 2008
 - f)** Planning Commission Special/Study/Draft – July 22, 2008
 - g)** Planning Commission Special/Study/Final – July 22, 2008
 - h)** Liquor Advisory Committee/Draft – August 11, 2008
 - i)** Ethnic Issues Advisory Board/Draft – August 12, 2008
-

J-2 Department Reports:

- a)** Customer Solutions Monthly Report – July, 2008
 - b)** Purchasing Department/Final Reporting – BidNet On-Line Auction Services – July, 2008
-

J-3 Letters of Appreciation:

- a)** Letter from Pat Anlishiv Commending Lifeguards
 - b)** Letter of Thanks to Detective Pokley from Dale and Debbie Bise Regarding the Effort and Assistance Received on a Case
 - c)** Letter of Thanks to Officer Andy Breidenich from Hannah Mae Russ Regarding the Time Taken to Educate for Daisy Scout Petal
-

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Oakland County Board of Commissioners Resolution #08125 – Michigan’s Structural Deficit
-

J-5 Communication from City Attorney Lori Bluhm Regarding Amber Creek East Apartments v. City of Troy**J-6 Communication from City Attorney Lori Bluhm Regarding Proposed Consolidation and Redraft of Municipal Solid Waste and Littering Ordinances****STUDY ITEMS:**

-
- K-1 No Study Items Submitted**

PUBLIC COMMENT: Address of “K” Items

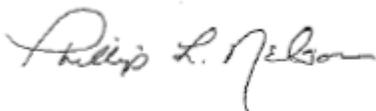
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. 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.

CLOSED SESSION:

-
- L-1 Closed Session – Performance Evaluation of the City Attorney as Permitted by Council Resolution #2008-07-233**

RECESSED**RECONVENED****ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, September 8, 2008

1. Rezoning Application – Proposed Shell Gas Station/Tim Hortons, Southeast Corner of Rochester Road and Wattles Road – (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731)

SCHEDULED CITY COUNCIL MEETINGS:

Monday, September 8, 2008	Regular City Council
Monday, September 22, 2008	Regular City Council
Monday, October 6, 2008	Regular City Council
Monday, October 20, 2008	Regular City Council
Monday, November 10, 2008	Regular City Council
Monday, November 24, 2008	Regular City Council
Monday, December 1, 2008	Regular City Council
Monday, December 15, 2008	Regular City Council



CITY COUNCIL ACTION REPORT

August 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Brian Murphy, Assistant City Manager – Economic Development Services
Nino Licari, City Assessor

SUBJECT: Public Hearing for Establishment of an Industrial Development District (IDD) for EcoMotors, International, 1055 W Square Lake

Background:

- EcoMotors, International is requesting the creation of an Industrial Development District (IDD) at 1055 W. Square Lake, in order to apply for an Industrial Facilities Exemption Certificate (IFEC), for tax abatement at the same location.

EcoMotors has licensed with Advanced Propulsion Technologies (APT) to further develop for commercial use, the Opposed-Piston-Opposed-Cylinder (OPOC) engine that was developed for Military use.

Their intent is to have a mid size demonstrator automobile, achieving 100 miles per gallon, out by February of 2010.

They are a very well funded firm, intent on hiring the best engineers in the area, and have specifically targeted this area for the sheer volume of engineering expertise that are no longer working in the automobile industry.

They currently have 7 employees in Troy, and another 7 in California. They plan to add 157 new jobs to Troy with this project.

They intend to occupy the 30,000 square foot engineering building at 1055 W. Square Lake (formerly occupied by Hi-Lex).

The IDD and the IFEC do require separate Public Hearings, unless the local unit has delineated all areas where IDD's may locate, in advance. Council's policy is to set the district as each application is received. For this reason, the bulk of the information for this application is presented with the District public hearing.

Financial Considerations:

- The estimated amount of investment in personal property is \$3,548,100 for the project. Over a twelve (12) year life, the estimated total taxes are \$157,714.59, of which \$49,997.65 would be City taxes.

A 50% abatement amounts to a savings of \$78,857.29 in total taxes, of which \$24,998.83 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

- The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

- The application is in compliance with the amended tax abatement policy of the City Council of the City of Troy (Resolution #2006-06-238, attached).

City Council Goal II, "Retain and attract investment while encouraging redevelopment" is met with this expansion.

Since both legal and policy considerations are met, staff would recommend establishing the District.

Options:

- City Council has the option to establish an Industrial Development district, or not. If Council does not establish a District, then no Exemption can be granted. A public hearing is still necessary to deny the exemption.

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit <div style="text-align: right; font-size: 1.2em;">06/12/08</div>
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) EcoMotors International	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3714	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1055 W. Square Lake, Troy, MI 48098	▶ 1d. City/Township/Village (indicate which) City of Troy	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Troy	▶ 3b. School Code 63150
		4. Amount of years requested for exemption (1-12 Years) 12

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

The planned technical facility will house the technical research staff and laboratories for EcoMotors International. At maturity the center will providemaore than 160 new jobs, have a laboratory that will include at least 2 dynamometer cells, and a garage facility that will have 4-6 hoists. See attachments for additional details.

6a. Cost of land and building improvements (excluding cost of land)	▶ <u>\$0.00</u>
* Attach list of improvements and associated costs.	Real Property Costs
* Also attach a copy of building permit if project has already begun.	▶ <u>\$3,548,100.00</u>
6b. Cost of machinery, equipment, furniture and fixtures	Personal Property Costs
* Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>\$3,548,100.00</u>
6c. Total Project Costs	Total of Real & Personal Costs
* Round Costs to Nearest Dollar	

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▶	<u>12/1/08</u>	<u>12/31/10</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	<u>6/1/08</u>	<u>12/31/10</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 7	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 157
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land)	
b. TV of Personal Property (excluding inventory)	
c. Total TV	

▶ 12a. Check the type of District the facility is located in:

Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)

8/25/08

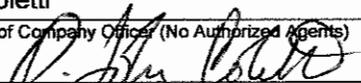
▶ 12c. Is this application for a speculative building (Sec. 3(8))?

Yes No

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name O. John Coletti	13b. Telephone Number (248) 643-8399	13c. Fax Number	13d. E-mail Address john.coletti@ecomotors.com
14a. Name of Contact Person Curt Brainard	14b. Telephone Number (248) 675-0925	14c. Fax Number	14d. E-mail Address curt@cbbusinesssolutions.co
▶ 15a. Name of Company Officer (No Authorized Agents) O. John Coletti			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 6-1-08
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2401 W Big Beaver Rd, Troy, Mi 48084		15f. Telephone Number (248) 643-8399	15g. E-mail Address john.coletti@ecomotors.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for <u>N/A</u> Yrs Real (1-12), ___ Yrs Pers (1-12) After Completion <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability. <u>N/A</u>	
16c. LUCI Code <u>3714</u>	16d. School Code <u>63150</u>
17. Name of Local Government Body <u>CITY OF TROY</u>	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk <u>TONNI L BARTHOLDMEW</u>	19c. E-mail Address <u>T.BARTHOLDMEW@TROYMI.GOV</u>
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) <u>500 W BIG BEAVER TROY MI 48084-5254</u>		
19e. Telephone Number <u>248 524-3316</u>	19f. Fax Number <u>248 524-1770</u>	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

EcoMotors Technical Center

Investment Summary

(Note: All figures @2008 economics)

Office Area	2008	2009	2010	TOTAL
Computers	105.0	21.0	88.2	214.2
Office Furniture Modules	93.0	18.6	78.1	189.7
Communication Equipment	22.5	4.5	19.2	46.2
Computer Support Equipment	15.6	3.0	12.6	31.2
Reproduction Equipment	8.4	1.8	5.4	15.6
Service Equipment	4.3	3.0	4.8	12.1
PDAs	3.9	1.5	6.3	11.7
Cell Phones	5.0	1.2	5.0	11.3
Office Subtotal \$(000)	\$ 257.8	\$ 54.6	\$ 219.7	532.0

Lab Facility	2008	2009	2010	TOTAL
Transient Dynamometer	0.0	0.0	461.3	461.3
Dyno Cells *	133.0	133.0	164.0	430.0
Dyno Instrumentation	103.0	77.0	231.0	411.0
Test Equipment	30.8	66.6	205.1	302.5
Eddy Current Dynamometer	0.0	256.0	0.0	256.0
Design Aid Facilities *	51.0	51.0	51.0	153.0
Fabrication Equipment	61.5	31.0	61.6	154.1
Engine Build Equipment	31.0	31.0	62.0	124.0
Measurement Equipment	25.7	30.8	51.2	107.7
Water Brake Dynamometer	0.0	103.0	0.0	103.0
Design Aid Equipment	31.0	26.0	26.0	83.0
Engine Build Facility *	21.0	21.0	42.0	84.0
Engine Teardown Facility *	15.4	15.4	30.8	61.6
Engine Teardown Equipment	10.3	10.3	20.6	41.2
Lab Facility Subtotal \$(000)	\$ 513.7	\$ 852.1	\$ 1,406.6	2,772.4

Garage Facility	2008	2009	2010	TOTAL
Secure Storage Facility *	0.0	30.8	30.8	61.6
Fuel Handling Systems *	0.0	41.0	0.0	41.0
Site Preparation *	20.5	20.5	0.0	41.0
Hoists	0.0	15.4	23.1	38.5
Exhaust System *	0.0	30.8	0.0	30.8
Fire Systems *	0.0	30.8	0.0	30.8
Garage Facility Subtotal \$(000)	\$ 20.5	\$ 169.3	\$ 53.9	\$ 243.7

GRAND TOTAL \$(000)	\$ 792.0	\$ 1,076.0	\$ 1,680.2	\$ 3,548.1
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* Categorized as Building Improvements on Line 6a of application>>>>

\$ 933.8

**EcoMotors International Technical Center
Projected Investment by Calendar Month**

(Note: All figures @2008 economics)

\$(000)

		Office	Lab	Garage	Total
2008	June	10.6	-	-	10.6
	July	37.0	-	-	37.0
	August	-	-	-	-
	September	68.0	41.0	-	109.0
	October	32.9	-	-	32.9
	November	55.3	-	-	55.3
	December	53.9	472.7	20.5	547.1
		\$ 257.8	\$ 513.7	\$ 20.5	\$ 792.0

		Office	Lab	Garage	Total
2009	January	10.0	256.0	35.9	301.9
	February	-	-	102.6	102.6
	March	1.8	-	-	1.8
	April	10.0	240.8	-	250.8
	May	-	-	-	-
	June	1.8	-	-	1.8
	July	10.0	195.6	23.1	228.7
	August	-	-	-	-
	September	1.2	159.7	-	160.9
	October	19.9	-	7.7	27.6
	November	-	-	-	-
	December	-	-	-	-
		54.6	852.1	169.3	1,076.0

		Office	Lab	Garage	Total
2010	January	44.7	-	15.4	60.1
	February	-	-	-	-
	March	25.2	-	-	25.2
	April	50.8	502.7	7.7	561.2
	May	-	-	-	-
	June	1.8	-	-	1.8
	July	51.4	610.8	23.1	685.3
	August	-	-	-	-
	September	12.0	61.6	-	73.6
	October	33.8	-	7.7	41.5
	November	-	-	-	-
	December	-	231.5	-	231.5
		219.7	1,406.6	53.9	1,680.2

TOTAL	\$ 532.0	\$ 2,772.4	\$ 243.7	\$ 3,548.1
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EcoMotors International
Summary of Personal Property Investment by Month Put in Service

Year	Month	Area	Item Description	Total Item Costs	Monthly Totals
2008	June	Office Area	Computers	4,200	\$ 10,620
			Office Furniture Module	3,720	
			Cell Phones	2,400	
			PDAs	300	
2008	July	Office Area	Computers	12,600	\$ 37,020
			Office Furniture Module	11,160	
			Computer Support Equipment	7,800	
			Communication Equipment	4,500	
			Service Equipment	720	
			Cell Phones	240	
2008	September	Office Area	Office Furniture Module	37,200	\$ 109,040
			Computers	12,600	
			Communication Equipment	9,000	
			Reproduction Equipment	4,200	
			PDAs	2,400	
			Service Equipment	2,160	
			Cell Phones	480	
		Lab Facility	41,000		
2008	October	Office Area	Computers	12,600	\$ 32,880
			Office Furniture Module	11,160	
			Computer Support Equipment	7,800	
			Cell Phones	720	
			PDAs	600	

EcoMotors International
Summary of Personal Property Investment by Month Put in Service

2008	November	Office Area	Computers	21,000	\$ 55,320
			Office Furniture Module	18,600	
			Communication Equipment	9,000	
			Reproduction Equipment	4,200	
			Service Equipment	1,440	
			PDAs	600	
			Cell Phones	480	
2008	December	Office Area	Computers	42,000	\$ 547,080
			Office Furniture Module	11,160	
			Cell Phones	720	
	Lab Facility	Dyno Cells	133,000		
		Dyno Instrumentation	103,000		
		Design Aid Facilities	51,000		
		Design Aid Equipment	31,000		
		Engine Build Equipment	31,000		
		Test Equipment	30,800		
		Measurement Equipment	25,700		
		Engine Build Facility	21,000		
		Fabrication Equipment	20,500		
		Engine Teardown Facility	15,400		
		Engine Teardown Equipment	10,300		
Garage Facility	Site Preparation	20,500			
2009	January	Office Area	Computers	4,200	\$ 301,860
			Office Furniture Module	3,720	
			Communication Equipment	900	
			Computer Support Equipment	600	
			PDAs	300	
			Cell Phones	240	
		Lab Facility	Eddy Current Dynamometer	256,000	
		Garage Facility	Site Preparation	20,500	
Secure Storage Facility	15,400				

EcoMotors International
Summary of Personal Property Investment by Month Put in Service

2009	February	Garage Facility	Fuel Handling Systems	41,000	\$ 102,600
			Exhaust System	30,800	
			Fire Systems	30,800	
2009	March	Office Area	Service Equipment	1,800	\$ 1,800
2009	April	Office Area	Computers	4,200	\$ 250,760
			Office Furniture Module	3,720	
			Communication Equipment	900	
			Computer Support Equipment	600	
			PDA's	300	
			Cell Phones	240	
		Lab Facility	Dyno Cells	133,000	
			Dyno Instrumentation	77,000	
			Measurement Equipment	30,800	
2009	June	Office Area	Reproduction Equipment	1,800	\$ 1,800
2009	July	Office Area	Computers	4,200	\$ 228,660
			Office Furniture Module	3,720	
			Communication Equipment	900	
			Computer Support Equipment	600	
			PDA's	300	
			Cell Phones	240	
		Lab Facility	Test Equipment	66,600	
			Design Aid Facilities	51,000	
			Engine Build Equipment	31,000	
			Design Aid Equipment	26,000	
			Engine Build Facility	21,000	
		Garage Facility	Secure Storage Facility	15,400	
			Hoists	7,700	

EcoMotors International
Summary of Personal Property Investment by Month Put in Service

2009	September	Office Area	Service Equipment	1,200	\$ 160,900
		Lab Facility	Water Brake Dynamometer	103,000	
			Fabrication Equipment	31,000	
			Engine Teardown Facility	15,400	
			Engine Teardown Equipment	10,300	
2009	October	Office Area	Computers	8,400	\$ 27,620
			Office Furniture Module	7,440	
			Communication Equipment	1,800	
			Computer Support Equipment	1,200	
			PDA's	600	
			Cell Phones	480	
		Garage Facility	Hoists	7,700	
2010	January	Office Area	Computers	21,000	\$ 60,100
			Office Furniture Module	18,600	
			Service Equipment	2,400	
			PDA's	1,500	
			Cell Phones	1,200	
		Garage Facility	Secure Storage Facility	15,400	
2010	March	Office Area	Communication Equipment	14,400	\$ 25,200
			Computer Support Equipment	7,200	
			Reproduction Equipment	3,600	

EcoMotors International
Summary of Personal Property Investment by Month Put in Service

2010	April	Office Area	Computers	25,200	\$ 561,160
			Office Furniture Module	22,320	
			PDAs	1,800	
			Cell Phones	1,440	
		Lab Facility	Dyno Instrumentation	231,000	
			Dyno Cells	164,000	
			Test Equipment	92,300	
			Fabrication Equipment	15,400	
Garage Facility	Hoists	7,700			
2010	June	Office Area	PDAs	1,800	\$ 1,800
2010	July	Office Area	Computers	25,200	\$ 685,260
			Office Furniture Module	22,320	
			Service Equipment	2,400	
			Cell Phones	1,440	
		Lab Facility	Transient Dynamometer	461,300	
			Design Aid Facilities	51,000	
			Engine Build Equipment	31,000	
			Design Aid Equipment	26,000	
			Engine Build Facility	21,000	
			Fabrication Equipment	20,500	
Secure Storage Facility	Secure Storage Facility	15,400			
	Hoists	7,700			
2010	September	Office Area	Computer Support Equipment	5,400	\$ 73,600
			Communication Equipment	4,800	
			Reproduction Equipment	1,800	
		Lab Facility	Measurement Equipment	25,600	
			Engine Teardown Facility	15,400	
			Engine Teardown Equipment	10,300	
			Fabrication Equipment	10,300	

EcoMotors International
Summary of Personal Property Investment by Month Put in Service

2010	October	Office Area	Computers	16,800	\$ 41,540
			Office Furniture Module	14,880	
			PDAs	1,200	
			Cell Phones	960	
		Garage Facility	Hoists	7,700	
2010	December	Lab Facility	Test Equipment	112,800	\$ 231,500
			Engine Build Equipment	31,000	
			Measurement Equipment	25,600	
			Engine Build Facility	21,000	
			Engine Teardown Facility	15,400	
			Fabrication Equipment	15,400	
			Engine Teardown Equipment	10,300	

EcoMotors International
Personal Property Investment by Item Description

Description	Area	Qty	Cost Ea.	Total	Year	Month	Annual Totals	Item Totals
Cell Phones	Office Area	10	240	2,400	2008	June	5,040	11,280
		1	240	240		July		
		2	240	480		September		
		3	240	720		October		
		2	240	480		November		
		3	240	720		December		
		1	240	240	2009	January	1,200	
		1	240	240		April		
		1	240	240		July		
		2	240	480		October		
		5	240	1,200	2010	January	5,040	
		6	240	1,440		April		
		6	240	1,440		July		
4	240	960	October					
Communication Equipment	Office Area	1	4,500	4,500	2008	July	22,500	46,200
		1	9,000	9,000		September		
		1	9,000	9,000		November		
		1	900	900	2009	January	4,500	
		1	900	900		April		
		1	900	900		July		
		1	1,800	1,800	2010	October	19,200	
		1	14,400	14,400		March		
		1	4,800	4,800		September		
Computer Support Equipment	Office Area	1	7,800	7,800	2008	July	15,600	31,200
		1	7,800	7,800		October		
		1	600	600	2009	January	3,000	
		1	600	600		April		
		1	600	600		July		
		2	600	1,200	2010	October	12,600	
		1	7,200	7,200		March		
		1	5,400	5,400		September		

EcoMotors International
Personal Property Investment by Item Description

Computers	Office Area	1	4,200	4,200	2008	June	105,000	214,200
		3	4,200	12,600		July		
		3	4,200	12,600		September		
		3	4,200	12,600		October		
		5	4,200	21,000		November		
		10	4,200	42,000		December		
		1	4,200	4,200	2009	January	21,000	
		1	4,200	4,200		April		
		1	4,200	4,200		July		
		2	4,200	8,400		October		
		5	4,200	21,000	2010	January	88,200	
		6	4,200	25,200		April		
		6	4,200	25,200		July		
		4	4,200	16,800		October		

EcoMotors International
Personal Property Investment by Item Description

Office Furniture Module	Office Area	1	3,720	3,720	2008	June	93,000	189,720
		3	3,720	11,160		July		
		10	3,720	37,200		September		
		3	3,720	11,160		October		
		5	3,720	18,600		November		
		3	3,720	11,160		December		
		1	3,720	3,720	2009	January	18,600	
		1	3,720	3,720		April		
		1	3,720	3,720		July		
		2	3,720	7,440		October		
		5	3,720	18,600	2010	January	78,120	
		6	3,720	22,320		April		
		6	3,720	22,320		July		
		4	3,720	14,880		October		
PDAs	Office Area	1	300	300	2008	June	3,900	
		8	300	2,400		September		
		2	300	600		October		
		2	300	600		November		
		1	300	300	2009	January	1,500	
		1	300	300		April		
		1	300	300		July		
		2	300	600		October		
		5	300	1,500	2010	January	6,300	
		6	300	1,800		April		
		6	300	1,800		June		
		4	300	1,200		October		
Reproduction Equipment	Office Area	1	4,200	4,200	2008	September	8,400	
		1	4,200	4,200		November		
		1	1,800	1,800	2009	June	1,800	
		1	3,600	3,600	2010	March	5,400	
		1	1,800	1,800		September		

EcoMotors International
Personal Property Investment by Item Description

Service Equipment	Office Area	1	720	720	2008	July	4,320	12,120
		3	720	2,160		September		
		2	720	1,440		November		
		3	600	1,800	2009	March	3,000	
		2	600	1,200		September		
		1	2,400	2,400	2010	January	4,800	
		1	2,400	2,400		July		
Design Aid Equipment	Lab Facility	1	31,000	31,000	2008	December	31,000	83,000
		1	26,000	26,000	2009	July	26,000	
		1	26,000	26,000	2010	July	26,000	
Design Aid Facilities	Lab Facility	1	51,000	51,000	2008	December	51,000	153,000
		1	51,000	51,000	2009	July	51,000	
		1	51,000	51,000	2010	July	51,000	
Dyno Cells	Lab Facility	1	133,000	133,000	2008	December	133,000	430,000
		1	133,000	133,000	2009	April	133,000	
		1	164,000	164,000	2010	April	164,000	
Dyno Instrumentation	Lab Facility	1	103,000	103,000	2008	December	103,000	411,000
		1	77,000	77,000	2009	April	77,000	
		1	231,000	231,000	2010	April	231,000	
Eddy Current Dynamometer	Lab Facility	1	256,000	256,000	2009	January	256,000	256,000
Engine Build Equipment	Lab Facility	1	31,000	31,000	2008	December	31,000	124,000
		1	31,000	31,000	2009	July	31,000	
		1	31,000	31,000	2010	July	62,000	
		1	31,000	31,000		December		
Engine Build Facility	Lab Facility	1	21,000	21,000	2008	December	21,000	84,000
		1	21,000	21,000	2009	July	21,000	
		1	21,000	21,000	2010	July	42,000	
		1	21,000	21,000		December		
Engine Teardown Equipment	Lab Facility	1	10,300	10,300	2008	December	10,300	41,200
		1	10,300	10,300	2009	September	10,300	
		1	10,300	10,300	2010	September	20,600	
		1	10,300	10,300		December		

EcoMotors International
Personal Property Investment by Item Description

Engine Teardown Facility	Lab Facility	1	15,400	15,400	2008	December	15,400	61,600
		1	15,400	15,400	2009	September	15,400	
		1	15,400	15,400	2010	September	30,800	
		1	15,400	15,400		December		
Fabrication Equipment	Lab Facility	1	41,000	41,000	2008	September	61,500	154,100
		1	20,500	20,500		December		
		1	31,000	31,000	2009	September	31,000	
		1	15,400	15,400	2010	April	61,600	
		1	20,500	20,500		July		
		1	10,300	10,300		September		
		1	15,400	15,400		December		
Measurement Equipment	Lab Facility	1	25,700	25,700	2008	December	25,700	107,700
		1	30,800	30,800	2009	April	30,800	
		1	25,600	25,600	2010	September	51,200	
		1	25,600	25,600		December		
Test Equipment	Lab Facility	1	30,800	30,800	2008	December	30,800	302,500
		1	66,600	66,600	2009	July	66,600	
		1	92,300	92,300	2010	April	205,100	
		1	112,800	112,800		December		
Transient Dynamometer	Lab Facility	1	461,300	461,300	2010	July	461,300	461,300
Water Brake Dynamometer	Lab Facility	1	103,000	103,000	2009	September	103,000	103,000
Exhaust System	Garage Facility	1	30,800	30,800	2009	February	30,800	30,800
Fire Systems	Garage Facility	1	30,800	30,800	2009	February	30,800	30,800
Fuel Handling Systems	Garage Facility	1	41,000	41,000	2009	February	41,000	41,000

EcoMotors International
Personal Property Investment by Item Description

Hoists	Garage Facility	1	7,700	7,700	2009	July	15,400	38,500
		1	7,700	7,700		October		
		1	7,700	7,700	2010	April	23,100	
		1	7,700	7,700		July		
		1	7,700	7,700		October		
Secure Storage Facility	Garage Facility	1	15,400	15,400	2009	January	30,800	61,600
		1	15,400	15,400		July		
		1	15,400	15,400	2010	January	30,800	
		1	15,400	15,400		July		
Site Preparation	Garage Facility	1	20,500	20,500	2008	December	20,500	41,000
		1	20,500	20,500	2009	January	20,500	

Applicant Name EcoMotors International

Fiscal Statement (to be completed by local unit)

	<u>YES</u>	<u>NO</u>
Is this project:		
Real Property?	<input type="checkbox"/>	<input type="checkbox"/>
Personal Property?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - New Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - Rehabilitation Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both New and Replacement Facility?	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Project Investment (not assessed value):

Real Property	Personal Property	Total
---------------	-------------------	-------

	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. Is this a renovation or expansion of an existing building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Will this project require improvement of your road service?	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Will this project require improvement of your sanitary sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Will this project require improvement of your storm sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Will this project require improvement of your water services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Will this project require other costs?	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	<input type="checkbox"/>	<input type="checkbox"/>	_____

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature Leger A. (Nino) Licari	Name and Title of Local Governmental Unit Official
---	--



EcoMotors
INTERNATIONAL™

May 1, 2008

Leger (Nino) Licari
City Assessor
City of Troy
500 W Big Beaver Rd
Troy, MI 48084-5254

cc: Brian Murphy
Lynda Earhart
Pamela Valentik

Subject: Letter of Intent

Ref: EcoMotors International meeting with the City of Troy on May 1, 2008

Dear Nino,

The purpose of this letter is to confirm our intention to locate our technical facility in Troy, Michigan. In addition, please be advised that we will be requesting personal property tax abatements for this facility and associated equipment.

Thank you for your consideration and support.

Regards,

O. John Coletti
President/COO

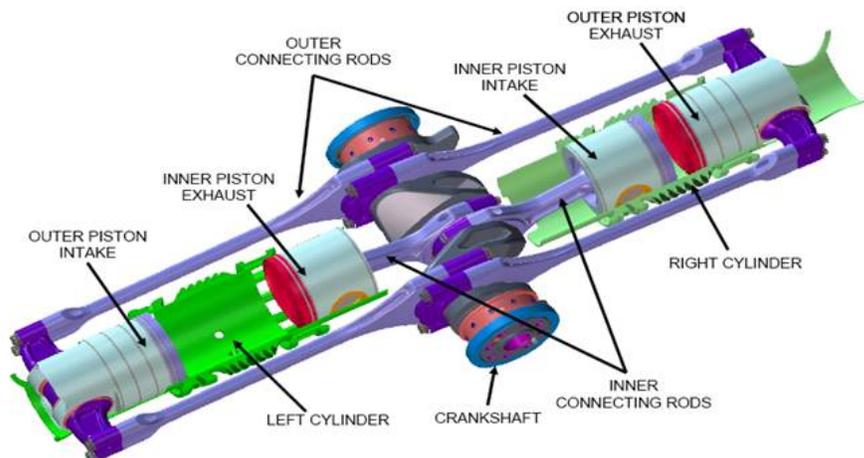


EcoMotors International was incorporated in the State of Delaware on January 9, 2008. Khosla Ventures (Menlo Park, CA) became the lead investor on February 9, 2008. Near-term, EcoMotors will build a company to commercialize the Opposed-Piston-Opposed-Cylinder (OPOC) engine technology, with the near-term objective of building, by February of 2010, a demonstrator vehicle capable of achieving 100mpg.

The OPOC engine is a new mechanical power system. The design is based on the Opposed Piston Opposed Cylinder engine that was developed for the military by Advanced Propulsion Technologies (APT). EcoMotors has entered into a License Agreement with APT under which further development of the OPOC technology for commercial applications will proceed.

The base design (shown below) is highly flexible and can be:

- Adapted to utilize any combustion system (i.e. compression ignition, spark ignition, etc.)
- Operated on a wide variety of fuels
- Sized for a wide array of product lines



EcoMotors is currently headquartered in Troy, Michigan, with a staff of 7 management and product development engineers. In addition to the Troy facilities, the company has an R&D center in Goleta, California, which also currently employs 7 people.

With the recent approval of a \$6.3MIL MEGA Tax Credit, EcoMotors plans to construct a new Technical Center in Troy Michigan. With a capital investment exceeding \$7MIL and creation of approximately 156 new jobs, EcoMotors will put in place the technical team and facilities necessary to develop the demonstrator vehicle, and to spearhead the development of large scale commercialization of the product as early as 2011/12.

June 2008



1201

1187

W SQUARE LAKE

W SQUARE LAKE

1055



CROOKS



Legal Description for : 88-20-08-226-002
1055 W Square Lake
EcoMotors

T2N, R11E, SEC 5 & 8
PART OF SE 1/4 SEC 5 &
PART OF NE 1/4 SEC 8
BEG AT PT DIST
S 87-05-55 W 125 FT
FROM NE COR OF SEC 8,
TH S 02-30-26 E 241.27 FT,
TH ALG CURVE TO LEFT,
RAD 2973.79 FT, CHORD BEARS
N 77-41-27 W 491.32 FT,
DIST OF 491.89 FT,
TH N 02-30-26 W 109.23 FT,
TH N 74-08-01 E 67.20 FT,
TH ALG CURVE TO RIGHT,
RAD 1234.77 FT, CHORD BEARS
N 76-54-55 E 119.86 FT,
DIST OF 119.91 FT,
TH N 79-41-50 E 130.93 FT,
TH ALG CURVE TO RIGHT,
RAD 1034 FT, CHORD BEARS
N 82-27-57 E 99.88 FT,
DIST OF 99.92 FT,
TH N 85-14-03 E 62.30 FT,
TH S 02-48-28 E 60.10 FT
TO BEG. 2.26 A
6-25-01 FR 08-226 -001 & 20-05-480-001

**City of Troy - Assessing Department
EcoMotors International
Estimate of Total Taxes and Tax Savings for IFEC Application**

Market Value	3,548,100	3,252,543	2,710,670	2,033,273	1,355,787	791,101	395,709	164,971	55,034	13,775	2,300	193	0
50% of Value	1,774,050	1,626,272	1,355,335	1,016,637	677,893	395,551	197,854	82,486	27,517	6,888	1,150	96	0
Year	1	2	3	4	5	6	7	8	9	10	11	12	
Depreciation	0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169	0.3336	0.2503	0.1670	0.0837	0.0004	
Faxable Value	1,626,272	1,355,335	1,016,637	677,893	395,551	197,854	82,486	27,517	6,888	1,150	96	0	

Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes	Taxes
100% of Millage													
Trans County	0.59500	\$967.63	\$806.42	\$604.90	\$403.35	\$235.35	\$117.72	\$49.08	\$16.37	\$4.10	\$0.68	\$0.06	\$0.00
Int Schools	4.64610	\$7,555.82	\$6,297.02	\$4,723.40	\$3,149.56	\$1,837.77	\$919.25	\$383.24	\$127.85	\$32.00	\$5.34	\$0.45	\$0.00
Comm Coll	3.36900	\$5,478.91	\$4,566.12	\$3,425.05	\$2,283.82	\$1,332.61	\$666.57	\$277.89	\$92.71	\$23.20	\$3.88	\$0.32	\$0.00
State Ed	1.58440	\$2,576.66	\$2,147.39	\$1,610.76	\$1,074.05	\$626.71	\$313.48	\$130.69	\$43.60	\$10.91	\$1.82	\$0.15	\$0.00
School Op	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	5.28560	\$8,595.82	\$7,163.76	\$5,373.53	\$3,583.07	\$2,090.72	\$1,045.78	\$435.99	\$145.44	\$36.40	\$6.08	\$0.51	\$0.00
Admin	4.13000	\$6,716.50	\$5,597.53	\$4,198.71	\$2,799.70	\$1,633.62	\$817.14	\$340.67	\$113.65	\$28.45	\$4.75	\$0.40	\$0.00
City	0.38310	\$623.02	\$519.23	\$389.47	\$259.70	\$151.54	\$75.80	\$31.60	\$10.54	\$2.64	\$0.44	\$0.04	\$0.00
Total	9.28000	\$15,091.80	\$12,577.51	\$9,434.39	\$6,290.85	\$3,670.71	\$1,836.09	\$765.47	\$255.36	\$63.92	\$10.67	\$0.89	\$0.00
Total	29.27320	\$47,606.17	\$39,674.99	\$29,760.21	\$19,844.11	\$11,579.04	\$5,791.83	\$2,414.62	\$805.52	\$201.62	\$33.67	\$2.82	\$0.00

Total 12 Years \$157,714.59
Total City 12 Yr \$49,997.65

50% Total 12 Yr	\$78,857.29	Net Total Taxes Abated
50% Total City 12	\$24,998.83	Net Total City Taxes Abated

Industrial Facilities Tax Abatement Policy Resolution 06/05/06

F-5 Amending the Personal Property Tax Abatement for Manufacturing and Headquarters Companies

Resolution #2006-06-238

Moved by Beltramini

Seconded by Fleming

WHEREAS, the City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites, and

WHEREAS, the Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax exemptions for certain industrial properties which meet certain criteria established by the Act, and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Troy, that the following criteria are to be met, applied or measured by the City Manager or his designees in the review of areas and locations to be considered for designation as Industrial Development Districts (IDD) by the City Council:

- (1) That the tax exemption shall not apply to real property except those building improvements which are uniquely required to support the personal property to be abated; and
- (2) That the tax exemption shall not apply to leasehold improvements or building improvements except those uniquely required to support personal property to be abated; and
- (3) That said abatement of taxes shall cease at such time as applicant fails to prove by factual evidence that such personal property is being used in compliance with the basic guidelines established above.
- (4) That the company provide documentation that they are Michigan Economic Growth Authority (MEGA) eligible, or are moving into existing vacant buildings, or are retaining or expanding their job base in Troy.

BE IT FINALLY RESOLVED, That the term of abatement for any and all property meeting the aforementioned criteria **SHALL NOT** exceed 12 years, it being the **INTENT OF THE CITY COUNCIL TO APPROVE** various lengths of abatements to the extent provided by laws of the State of Michigan.

Yes: Fleming, Lambert, Schilling, Beltramini

No: Howrylak

Absent: Broomfield, Stine

06/16/08

To: State Tax Commission
P.O. Box 30471
Lansing, MI 48909-7971

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that no payment of any kind has been made or promised in exchange for favorable consideration of an exemption certificate application by the City of Troy, in regards to the application of EcoMotors International, 1055 W. Square Lake, Troy, Michigan.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

**CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **EcoMotors International**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **EcoMotors International**, understands that through its investment of \$3,548,100 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is ___ years after either completion of construction of the facilities, or December 31, 2022, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2010, **EcoMotors International** will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **EcoMotors International**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

EcoMotors International, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

- 4.) **EcoMotors International**, understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12’C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

- 5.) **EcoMotors International**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

The City of Troy acknowledges that in some instances economic conditions may prevent the Company from complying fully with this Agreement, and the terms of the Application. The City of Troy will give the Company an opportunity to explain the reasons for any variations from the representations contained in the Application and will evaluate the Company's situation prior to taking any action authorized by Paragraph 4 and 5 of this Letter of Agreement.

- 7.) This Agreement constitutes the entire Agreement between the parties and there are no other remedies for breach of this Agreement other than as specified in this Agreement or as provided for in Public Act 198.

This agreement may only be altered upon mutual consent of both parties.

CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT
(Signature page)

Signed: _____ (date) _____

Name:

Title:

Signed: _____ (date) _____
Louise E. Schilling , Mayor
City of Troy
500 W Big Beaver
Troy, MI 48084-5285

Signed: _____ (date) _____
Tonni L. Bartholomew
City Clerk

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 25, 2008 at 7:30 P.M. to consider the request from EcoMotors, International, for the establishment of an Industrial Development District (IDD) at the following location:

88-20-08-226-002 1055 W. Square Lake, Troy, MI. 48098
T2N, R11E, Section 8

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

Tonni Bartholomew, MMC
City Clerk

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

**TROY PUBLIC SCHOOLS
4400 LIVERNOIS
TROY MI 48098-4799**

**OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266**

**OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328**

**OAKLAND COUNTY PTA
PATRICK DOHANY
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479**

**OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341**

**O JOHN COLETTI
ECOMOTORS INTERNATIONAL
1055 W SQUARE LAKE
TROY MI 48098**

**O JOHN COLETTI
ECOMOTORS INTERNATIONAL
2401 W BIG BEAVER STE 100
TROY MI 48084**

**CURT BRAINARD
CLB BUSINESS SOLUTIONS LLC
PO BOX 95
NORTHVILLE MI 48167**



300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
ASSISTANCE CENTER
517 373 9808

WWW.MICHIGAN.ORG

Michigan Economic Growth Authority (MEGA)

Certificate

Resolution 2008-37

EcoMotors International, Inc.

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN
Chair
General Motors Corporation

PHILIP H. POWER
Vice-Chair
The Center for Michigan

JAMES C. EPOLITO
President and CEO

RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber
JOHN W. BROWN
Stryker Corporation
DR. DAVID E. COLE
Center for
Automotive Research

KEITH W. COOLEY
Michigan Department of
Labor & Economic Growth

JOANN CRARY
Saginaw Future Inc.
DR. HAIFA FAKHOURI
Arab American and
Chaldean Council

STEVEN K. HAMP
Hamp Advisors, LLC
HAYDEN H. HARRIS
EDF Ventures

PAUL HILLEGONDS
DTE Energy Company

FREDERICK W. HOFFMAN
Chrysler, LLC

GEORGE W. JACKSON JR.
Detroit Economic
Growth Corporation

MICHAEL J. JANDERNOA
Bridge Street Capital
Partners, LLC.

BIRGIT M. KLOHS
The Right Place, Inc.

F. THOMAS LEWAND
Bodman LLP

DR. IRVIN D. REID
Wayne State University

MICHAEL B. STAEBLER
Pepper Hamilton LLP

DENNIS R. TOFFOLO
Oakland County

PETER S. WALTERS
Guardian Industries Corp.

I, Peter C. Anastor, Secretary to the MEGA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MEGA board at a meeting on May 20, 2008 and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 2nd day of June, A.D. 2008.

Peter C. Anastor
Secretary to the MEGA Board

Stacy Bowerman, Recording Secretary
MEGA Board

RESOLUTION 2008-37
MICHIGAN ECONOMIC GROWTH AUTHORITY

EcoMotors International, Inc.
High Tech Credit

At the meeting of the Michigan Economic Growth Authority ("MEGA") Board held on May 20, 2008, in Lansing, Michigan.

WHEREAS, EcoMotors International, Inc., (the "Company"), proposes to open a technical center focusing on developing a commercially viable diesel engine in the City of Troy, Oakland County ("the Project"),

WHEREAS, the Company has applied for an Employment Tax Credit under the Michigan Economic Growth Authority Act, 1995 PA 24, as amended (the "Act"),

WHEREAS, the MEGA has the authority to grant an authorized business a credit against the tax imposed by the Michigan Business Tax Act, 2007 PA 36,

WHEREAS, upon the execution of a written Agreement between the Company and the Michigan Economic Growth Authority, the Company will become an authorized business,

WHEREAS, in compliance with the Act, the MEGA Board has determined that the following statutory requirements have been or will be met by the Company:

- (a) That the Company is a qualified high technology business within the meaning of the Act that proposes to create a minimum of five Qualified New Jobs within one year and 25 Qualified New Jobs within five years, by locating in Michigan.
- (b) That the Company has agreed to maintain the statutory level of Qualified New Jobs, and has agreed to maintain a level of full-time jobs equal to or greater than the number of full-time jobs it maintained in this state prior to the expansion, as determined by the Authority.
- (c) That the Company has agreed that the wage for each and every Qualified New Jobs will be equal to or greater than 150% of the Federal Minimum Wage.
- (d) That the plans for the expansion are economically sound.
- (e) That the expansion of the Company will benefit the people of Michigan by increasing employment opportunities and strengthening the economy of the state.
- (f) That the tax credits are an incentive to expand the Company in Michigan and address competitive disadvantages with sites outside of Michigan.
- (g) That a cost/benefit analysis indicates that authorizing the credits will result in an overall positive fiscal impact to Michigan.
- (h) That the Company has not begun construction, renovation, or equipping of the facility.

BE IT RESOLVED, that the MEGA Board authorizes to EcoMotors International, Inc., an Employment Credit of 100 percent for ten consecutive tax years, beginning no later than the Company's tax year ending December 31, 2009,

Provided that:

- (a) The Company creates and maintains, at the Project, a minimum of 5 Qualified New Jobs within one year after, and 25 Qualified New Jobs within five years after, the Beginning of Operations at the Project, as that date is determined by the Chairperson.
- (b) In addition to the jobs specified in (a), the Company agrees to maintain a base employment level equal to or greater than the seven full-time jobs it maintained in this state prior to the expansion.
- (c) The Credits are awarded for a maximum of up to 156 Qualified New Jobs.
- (d) The Qualified New Jobs pay an average weekly wage of at least \$1,594.
- (e) The City of Troy approves a property tax abatement of the Company's new property taxes related to the Project for a period of ten years.

BE IT FURTHER RESOLVED, that the MEGA Board authorizes the MEGA staff to execute a written Agreement with the Company, in substantially the form of the standard MEGA Agreement, incorporating the terms set forth in this Resolution and will require repayment of a portion of any credit claimed by the Company for at the least the term of the agreement if the Company moves full-time jobs outside this state. If a written Agreement is not executed by the Company within 60 days of the date this Resolution is adopted, this Resolution shall have no effect. Based upon a showing of good cause, the staff of the MEGA may extend the time period for executing the written Agreement up to 30 additional days.

ADOPTED:

AYES: Douglas Buckler, Keith Cooley, Cullen Dubose, James Epolito, Baldomero Garcia, Andrew Lockwood (acting on behalf of Robert Kleine, authorization attached), and Jackie Shinn (acting on behalf of Kirk Steudle, authorization attached).

NAYS:

May 20, 2008
Lansing, Michigan



CITY COUNCIL ACTION REPORT

August 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Brian Murphy, Assistant City Manager – Economic Development Services
Nino Licari, City Assessor

SUBJECT: Public Hearing to consider granting an Industrial Facilities Exemption Certificate (IFEC) to EcoMotors, International, 1055 W. Square Lake

Background:

- EcoMotors intends to purchase and occupy the vacant 30,000 square foot engineering building at 1055 W. Square Lake, as a research and development headquarters.

The Michigan Economic Growth Authority (MEGA) has granted the company \$6.3 million in tax credits. One of the contingencies tied to these State Tax Credits is tax abatement from the City of Troy. This is according to Public Act 198 of 1974 (as amended) and local City policy. As you will recall, this amounts to an approximate 50% reduction in personal property taxes that they would pay, over a twelve (12) year period.

Financial Considerations:

- The estimated amount of investment in personal property is \$3,548,100 for the project. Over a twelve (12) year life, the estimated total taxes are \$157,714.59, of which \$49,997.65 would be City taxes.

A 50% abatement amounts to a savings of \$78,857.29 in total taxes, of which \$24,998.83 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

- The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

- The application is in compliance with the newly amended tax abatement policy of the City Council of the City of Troy (Resolution #2006-06-238, attached).

City Council Goal II, “Retain and attract investment while encouraging redevelopment” is met with this expansion. The company will own and occupy an existing vacant 30,000 square foot building, and bring in an additional 157 jobs.

Since both legal and policy considerations are met, staff would recommend granting the exemption.

Options:

- City Council has the option of granting the Industrial Facilities Exemption Certificate for any period of one (1) to twelve (12) years, or not at all.

Staff recommends that the Exemption be granted for the full twelve (12) years.

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 25, 2008 at 7:30 P.M. to consider the request from EcoMotors, International, for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-08-226-002 1055 W. Square Lake, Troy, MI. 48098
T2N, R11E, Section 8

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

Tonni Bartholomew, MMC
City Clerk

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

**TROY PUBLIC SCHOOLS
4400 LIVERNOIS
TROY MI 48098-4799**

**OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266**

**OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328**

**OAKLAND COUNTY PTA
PATRICK DOHANY
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**O JOHN COLETTI
ECOMOTORS INTERNATIONAL
2401 W BIG BEAVER STE 100
TROY MI 48084**

**CURT BRAINARD
CLB BUSINESS SOLUTIONS LLC
PO BOX 95
NORTHVILLE MI 48167**



CITY COUNCIL ACTION REPORT

DATE: August 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Public Hearing – Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West side of Crooks, North side of New King (5500 New King), Section 8 – O-M District

Background:

- The Planning Commission recommended Concept Development Plan Approval of PUD 13 at the July 8, 2008 Special/Study meeting.
- The applicant proposes a mixed-use development on the 6.16-acre parcel. The project includes a 5-story, 172-room hotel, with banquet facility and restaurant. The hotel is to be connected via ramped skywalk to 14 extended stay suites, which are located above a 14,000 square foot retail building (including a drive-thru). A stand-alone 3,400 square foot retail building (with a drive-thru) is also proposed on the site. Parking is to be provided using a combination of on-site at-grade parking, on-site decked parking, and shared spaces on adjacent parcels off-site.
- Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared a report summarizing the project and recommending Concept Development Plan Approval.
- The proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.
- The attached report was presented to the Planning Commission at the July 8, 2008 Regular meeting.
- The Concept Development Plan Application was distributed to City Council prior to the August 11, 2008 Regular meeting.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.
- Concept Development Plan Approval will have the effect of rezoning the subject parcel to PUD 13.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the application for Concept Development Plan Approval.
- City Council can approve the application for Concept Development Plan Approval with conditions.
- City Council can deny the application for Concept Development Plan Approval.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated July 1, 2008.
3. Draft PUD Agreement.
4. Traffic Impact Study Review prepared by HRC, dated May 5, 2008.
5. Traffic Impact Study Review (revised) prepared by HRC, dated May 28, 2008.
6. Planning Commission Minutes from the July 8, 2008 Regular meeting.
7. Public comment.

Prepared by RBS/MFM

cc: Applicant
Richard Carlisle/CWA
File /PUD 13

G:\PUD's\PUD 013 Troy Plaza PUD\CC Public Hearing 08 25 08.doc

REC'D

AUG - 1 2008

PLANNING DEPT.

NORTHEAST
CORNER
SECTION 8,
T 2 N., R 11 E.
FD.CONC.MON.
W/REMON.CAP

LC.R.C.
L17277,P.691 O.C.R.



CROOKS ROAD (150' WIDE)

225.27'(M)

N.02°30'26"W 224.14'(R&M)

EAST 1/4
CORNER
SECTION 8,
T 2 N., R 11 E.
FOUND MON.
LC.R.C.
L17277,P.692 O.C.R.

FOUND
CHISELED "X"

S.02°30'26"E 490.18'

8' CONC.
SIDEWALK

10' WIDE
EASEMENT
FOR
PUBLIC
UTILITIES
PT. 10107,
P. 225,
O.C.R.

POINT OF
BEGINNING

6" WOOD RETAINING WALL

TRAFFIC
POLE

SET
MAGNAIL

EXISTING DETENTION BASIN
EXISTING EDGE OF WATER
TOP OF BANK

S.87°29'34"W 90.00'

S.87°29'34"W 248.90'

CORPORATE DRIVE
(120' R.O.W.)

EASEMENT FOR
INGRESS/EGRESS
(L. 7908, P. 8)

ASPHALT PAVEMENT

EX. 5' WIDE
SIDEWALK

CONCRETE

ASPHALT PAVEMENT

N.87°29'34"E 601.65'

PARCEL ID NO.
20-08-276-002
6.16 AC.

#5500 NEW KING ST.
1-STORY
BRICK BLDG.
37,774 SFT.

CONCRETE
DUMPSTER
AREA

A/C
HEATING
UNITS

BLOCK WALL

ASPHALT CURB

EX. 12' WIDE
WATERMAIN
EASEMENT
L. 11493, P.
510, O.C.R.

Arc = 554.06'
Radius = 352.68'
Delta = 90°00'40"
Ch.Brg. = N.47°30'51"W
498.81'

N.02°30'26"W
137.51'

NEW KING ST.
(70' wide)

SCALE: 1"=100'



BOUNDARY SURVEY

PART OF THE NORTHEAST 1/4 OF SECTION 8, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE:	07/31/08	CHECKED BY:	DATE:	SCALE:	1"=100'
DRAWN:	LDA			SHEET:	1 OF 2
DESIGN:				JOB No:	17572
SECTION:	8	T-2-N., R-11-E.			

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written consent of Giffels-Webster Engineers, Inc.

LEGAL DESCRIPTION

(PER RECORDED DEED 38379, PAGE 858, OAKLAND COUNTY RECORDS)

A PARCEL OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 8, T-2-N., R-11-E, CITY OF TROY, OAKLAND COUNTY MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT N.02° 30' 26" W., 224.14' FEET ALONG THE SECTION LINE IN CROOKS ROAD AND S.87° 29' 34" W., 90.00 FEET TO THE WEST RIGHT OF WAY LINE, FROM THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 8; THENCE S.87° 29' 34" W., 248.90 FEET; THENCE 554.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CHORD BEARING N.47° 30' 51" W., 498.81 FEET, RADIUS 352.68 FEET,) THENCE N.02° 30' 26" W., 137.51 FEET; THENCE N.87° 29' 34" E., 601.65 FEET; THENCE S.02° 30' 26" E., 490.18 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID CROOKS ROAD (150' WIDE) TO THE POINT OF BEGINNING AND CONTAINING 268,226 SQUARE FEET OR 6.16 ACRES.

SIDWELL *20-08-276-002

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREON PLOTTED AND DESCRIBED DURING JULY, 2008, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1 IN 64,400; THAT THE BEARINGS FOR THIS SURVEY ARE BASED ON DESCRIPTION OF RECORD, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

Leyla D. Ahmed
 LEYLA D. AHMED P.S. 49294



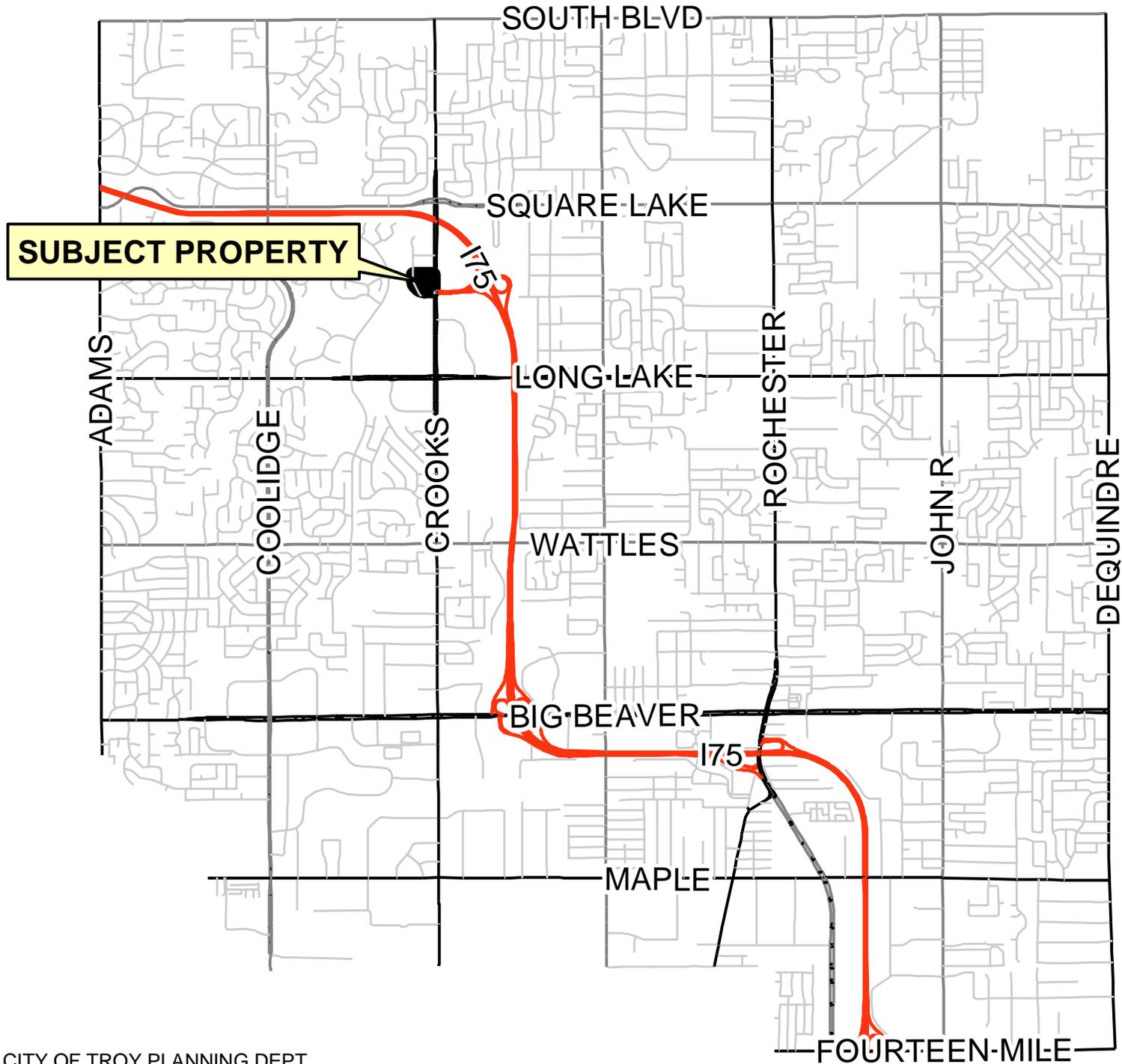
BOUNDARY SURVEY

PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 8, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

GWE
Giffels-Webster Engineers, Inc.
 ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 2871 BOND STREET, ROCHESTER HILLS, MI. 48309
 (248) 852-3100

DATE: 07/31/08	CHECKED BY	DATE	SCALE: 1"= 100'
DRAWN: LDA			SHEET: 2 OF 2
DESIGN:			JOB No: 17572
SECTION: 8	T-2-N., R-11-E.		

CITY OF TROY



SUBJECT PROPERTY

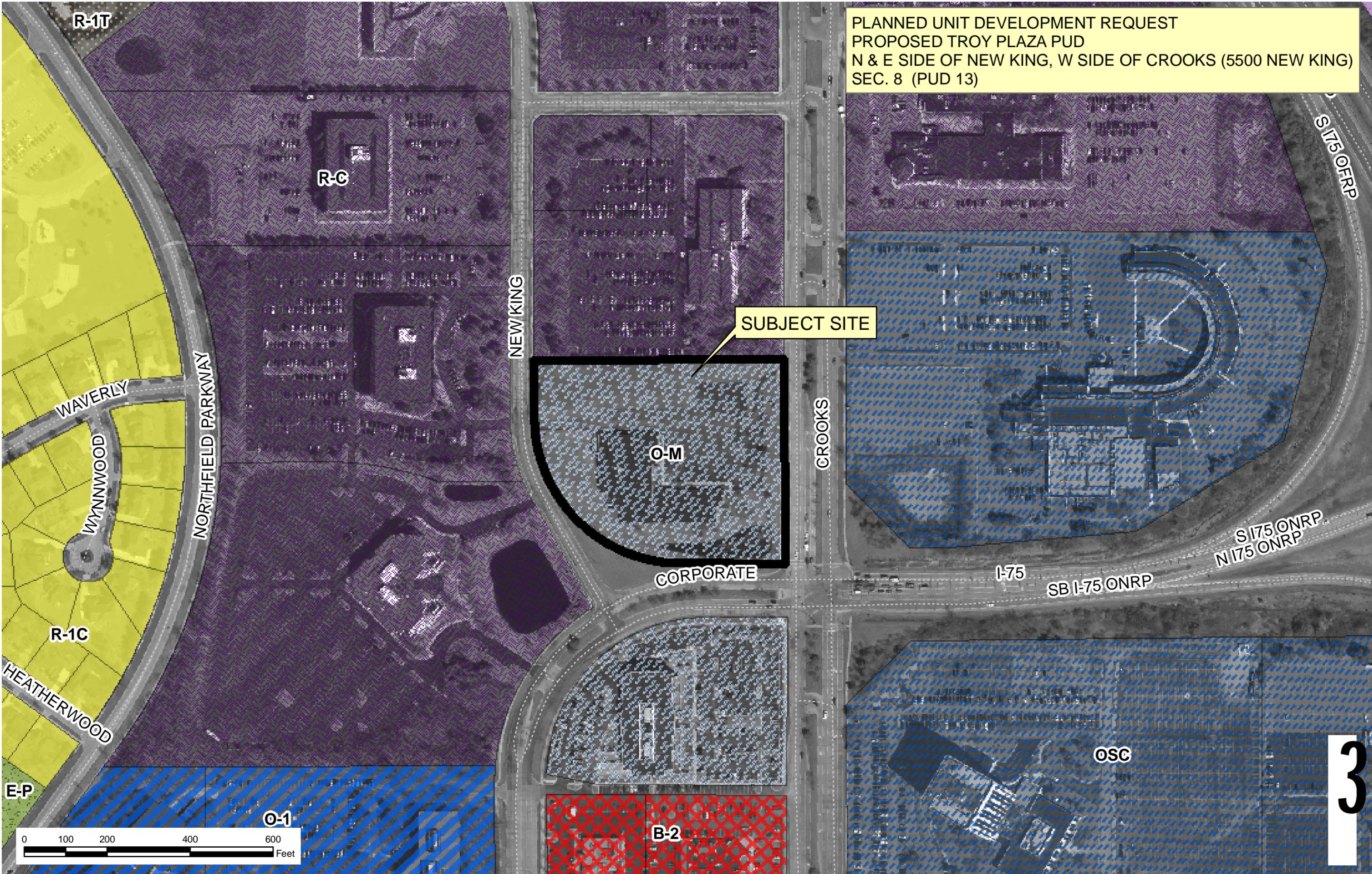
PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED TROY PLAZA PUD
N & E SIDE OF NEW KING, W SIDE OF CROOKS (5500 NEW KING)
SEC. 8 (PUD 13)

SUBJECT SITE



0 100 200 400 600 Feet

PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED TROY PLAZA PUD
N & E SIDE OF NEW KING, W SIDE OF CROOKS (5500 NEW KING)
SEC. 8 (PUD 13)



SUBJECT SITE

O-M

CORPORATE

B-2

OSC

3



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: May 12, 2008
Rev: July 1, 2008

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant	Ron Asmar, Tinelle Properties, LLC
Project Name:	Troy Plaza PUD
Plan Date:	April 10, 2008
Revised:	June 12, 2008
Location:	5500 New King Street, at the intersection of Crooks Road and Corporate Drive
Zoning:	O-M, Office Midrise
Action Requested:	<p>Planning Commission review and recommendation to the City Council for approval of the Concept Development Plan. The procedure for review and approval of a PUD is a three-step process:</p> <ul style="list-style-type: none">• The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.• The second step of the review and approval process is application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any

one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

Required Information: Deficiencies are noted throughout this review.

PROJECT, SITE DESCRIPTION, AND CONCEPT PLAN

We are in receipt of a revised full conceptual submittal for the Troy Plaza mixed use PUD at the corner of Crooks Road and Corporate Drive. This revised conceptual plan has been provided in response to issues raised in our initial report on this project, dated May 12, 2008, a review provided to the City by Hubbell Roth and Clark, and the items discussed with the applicant at a meeting on May 20, 2008 at City Hall. We provided comments on a May 22, 2008 single sheet submittal demonstrating potential changes to the site plan in a memo dated May 28, 2008. The new full submittal incorporates changes demonstrated in the May 22 single sheet submittal.

Since the original full submittal, the applicant has made a number of changes to the conceptual plans that include:

- The proposed central driveway has been changed to two-way traffic for the entire length from the north to south boundary of the project. We support this change in that it will better allow for loading and unloading for the mixed-use building, safer entry and exit for the drive-through lanes, and a more logical and practical layout.
- The stacking lanes and circulation pattern for the proposed stand-alone building at the southeast corner of the property has been revised; it is now a 360 degree drive-through design, separating it from the other drive through stacking area along the west façade of the mixed-use building. We support this change in that it will no longer be necessary to circle around the large mixed-use building to access the drive-through and fewer conflicts with the drivers accessing the mixed-use building may occur.
- The proposed south driveway access to Corporate Drive has been moved west to expand the distance between the driveway and Crooks Road. This has also resulted in a reconfiguration of the driveway in the southern portion of the property, separating it from the parking lot at the southeast corner of the project. This has allowed the drive-through to exit into a parking area rather than the main north-south drive.

- The south driveway on New King Street has been relocated to be directly opposite the existing driveway on the west side of New King Street, resulting in a minor reconfiguration of the parking area there.
- The sidewalk network has been slightly revised in keeping with other changes and is now less impacted by the proposed drive-throughs as a result of their reconfiguration.
- A portion of the proposed parking spaces within parking easements on adjacent properties has been reduced to 306 spaces; however, the plans now indicate that 150 of those spaces will be available starting at 5 p.m.

The proposed Planned Unit Development (PUD) includes a 172 room hotel tower with a restaurant and banquet facility, a 14,000 square foot retail building with a drive through and 28 extended stay suites above, and a separate 3,400 square foot drive through restaurant building. The site is currently occupied by a vacant single-story structure and a surface parking lot. The site is 6.16 acres in area. The project is proposed in two phases.

Located on a site that is currently unused, the proposed project could supply lodging and meeting space for Troy businesses. While hotels and motels are permitted in the O-M District as uses subject to special use approval; they must meet a series of conditions. If developed under conventional zoning as a special land use, a hotel in the O-M District, they must be on a 5 acre or larger site, must have no less than 200 rooms or suites, have meeting room facilities accommodating 800 persons, and restaurant facilities accommodating a minimum of 250 persons. The 172 hotel rooms and 28 extended stay suites allow the project to meet the minimum number of rooms, and the site is over 5 acres in area. However, the proposed restaurant would house only 102 customers, and the proposed banquet facilities would accommodate only 700, therefore the project could not be permitted as proposed under current zoning.

The retail portion of the project would be permitted as a principal permitted use in the O-M District. While restaurants are also permitted in the O-M District, drive through facilities are not allowed, and therefore the retail and restaurant portion of the project could not be permitted as designed under the current zoning.

The project would also require a series of deviations from the dimensional and parking requirements of the O-M District. Given these proposed use and dimensional deviations, the applicant has elected to pursue PUD approval for this project.

Items to be Addressed: None

NEIGHBORING ZONING AND LAND USE

The site is located within an existing O-M zone. A similar O-M District is located immediately south of the site across Corporate Drive. Two larger OSC District areas are situated on the north and south sides of the Interstate 75 interchange ramps on the east side of Crooks Road. The area to the north and to the west, across New King Street are zoned R-C, Research Center District.

Nearby land uses include a variety of office and research center uses, a small collection of retail establishments, and the Interstate. There are also existing hotels to the east on either side of the Interstate 75 ramp. A residential area is located to the west, on the opposite side of the office development immediately west of the site.

Items to be Addressed: None

MASTER PLAN

The Master Plan designations for the site and surrounding area largely replicate current zoning. The subject site and immediate surrounding area is designated Office Research. Across Corporate Drive to the south is a small area planned for Office Service use. A combination of Mid-Rise Office, High-Rise Office, and Office/Research is located immediately east of the site across Crooks Road, surrounding the Interstate 75 ramp. Two elements of the proposed combination of uses, a hotel and retail, would be permitted as a special use and permitted use in the zoning districts associated with this future land use category, however, the drive through restaurants would not be permitted.

Items to be Addressed: None.

PUD STANDARDS

The PUD provisions of the Zoning Ordinance are found in article XXXV. Criteria are set forth in Section 35.30.00 for consideration of a PUD project as a PUD. The following are our comments:

Section 35.30.00, A. The proposed development shall be applied for by a person or entity that has the legal right to execute a binding agreement concerning all process on the development.

The application lists the owner as Ron Asmar, the applicant.

Section 35.30.00, B.: The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met.

The project includes a mix of uses. Given the current underlying zoning, O-M District, hotels and motels are permitted as a use subject to special use and retail and restaurant uses could be permitted as principal uses. However, conditions and specific requirements for these uses would not permit them to be developed as designed in this proposal without the PUD option.

2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.

The proposed hotel use does not constitute a public facility dedicated towards recreation transportation, safety or security. While the addition of a hotel use in the area may be a welcome addition for the adjacent office developments, and could contribute to the overall health of the surrounding development there, it does not specifically provide a public benefit which will directly enhance add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.

3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations.

The addition of a hotel in this area would contribute to the overall well being of the large-scale office developments in the area, as it would provide lodging for visiting professionals. This is especially true given the project's walkable design, easily access, and inclusion of a collection of restaurants and retail uses for visitors.

This project also includes a collection of other restaurant uses and retail spaces. The proposed mix of uses increases overall benefit of the project overall by providing dining and service, all within walking distance. The proposed combination of uses will be unable to meet all parking and dimensional requirements of the Ordinance under conventional zoning.

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.

The site is currently developed. The development would improve this condition by adding open space, landscaping, and stormwater management benefits.

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.

The project would improve on the existing conditions in this regard and does include small pockets of open space and landscaped areas. While it does not provide a great deal of open space, it does make effective use of the remaining open areas for stormwater management and for landscape features.

The project does include a useful pedestrian network, connecting the primary hotel to the extended stay suites via a skywalk. It also allows for effective, safe pedestrian access between the hotel and retail components, using a traffic island for a pedestrian respite point in order to bridge across the area adjacent the corner of the proposed stacking lanes. Given the high vehicle traffic likely to use this area, the surface pedestrian network takes an acceptable route between these major components of the site plan. Complements by the proposed skywalk, effective cross-access should be accommodated. The project also includes sidewalks around its entire perimeter, adequately connected to the uses within.

6. Appropriate land use transitions between the PUD and surrounding properties.

Given the nonresidential character of the area, we do not believe that any land use transition issues will be created by the development of a hotel, retail, and restaurants at this location and that the proposed project would be largely compatible with the overall area in terms of use.

7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development.

The project narrative and conceptual plan indicates that the project intends to promote green building techniques and low impact design. The conceptual plan indicates that green roofs will be part of the final design and that the project designers will seek LEED Certification for the project. Another benefit is the redevelopment of an underutilized surface parking lot and vacant building for a positive economic return, and which will improve the condition of the site with regard to permeability and stormwater management. The project includes bioswales designed to assist with pretreatment of stormwater runoff. Given the conceptual level of detail offered with this submittal, it is unclear what other green development practices are proposed by the applicant.

8. Innovative and creative site and building designs, solutions and materials.

The proposed PUD includes a hotel connected via a skyway to the upper level of a three-story structure. The connected upper level will house extended stay units, and will be located above retail and restaurant uses. The site plan includes an integrated parking structure, a thorough pedestrian network, and unprogrammed open space with distinct landscape features. This approach creates a compact, integrated development that maximizes the use of the property.

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

As noted in the previous response, this project does have a strong emphasis on street activity, mixed use, and pedestrians. It is designed to provide a gateway into the City of Troy and create a visually memorable landmark for the Interstate 75 exit. The proposed building designs are appropriate. The project provides an opportunity to maximize the impact this site has on the City, and bring maximum visibility to the uses on the site and in the immediate area.

10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities.

The City of Troy has retained a traffic consultant to provide a detailed review with regard to traffic impact and mitigation measures. Please refer to the section of this report entitled "site access and circulation."

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;

This project will be redeveloping what is a vacant structure and parking lot. Therefore, the project does allow for the positive redevelopment of an obsolete use.

12. A complementary variety of housing types that are in harmony with adjacent uses;

No permanent housing is proposed as part of this project.

13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure.

Please refer to comment #11 above.

14. A development consistent with and meeting the intent of this Article; and will promote

the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area.

As mentioned earlier, the proposed project represents a use which is complementary to the primary future land use designation for the area, and therefore meets the Master Land Use Plan designation.

15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

- A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.

The site plan includes conceptual drawings of the proposed buildings, but detailed drawings that adequately describe materials of construction have not yet been provided. The hotel tower and retail buildings appear to make extensive use of glass curtain walls and stone.

- B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

The project incorporates parking all around its perimeter. Two rows of parking are situated along Crooks Road. We support the incorporation of a parking structure and the concealment of the service drive and stacking areas for the proposed drive through uses.

- C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

Typical screening measures are shown on the site plan in the landscaping plans and detail sheets. Dumpster pads and loading and unloading areas are integrated throughout the project in accessible but unobtrusive areas.

- D. The hours of operation of the proposed uses.

Hours of operation for hotel uses are 24 hours a day, with typical busy times in the check-in and check-out windows. The retail and restaurant uses will likely have hours running until mid to late evening.

- E. The location, amount, type and intensity of landscaping, and other site amenities.

The submittal adequately describes the proposed concept landscaping plan.

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to

the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

Please refer to the section of this report entitled Parking and Loading. The project relies heavily on landbanked and shared parking to meet minimum requirements and anticipated demand.

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

As indicated earlier, the project does include bioswales. The project also includes a detention basin and an underground stormwater storage area to accommodate large rain events. The inclusion of green roofs in the project will also reduce the rate of stormwater runoff.

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

On the basis of the information provided all applicable laws and ordinances will be observed.

Items to be Addressed: None

AREA, WIDTH, HEIGHT, SETBACKS

The site slopes from west to east, allowing the buildings to be situated with offset heights. That is, the first story of the hotel building would connect via a skywalk to the second story of the extended stay suite and retail mixed use building.

The applicant has outlined a series of estimated anticipated deviations from the underlying dimensional requirements of the O-M District that are requested as part of this PUD submittal. The anticipated deviation would be an insufficient north setback. Only about 62 feet are provided, but 93 would be required, resulting in a proposed 31-foot encroachment into the setback along the north property boundary.

The dimensional requirements and proposed dimensions are as described on the following page:

	<u>Required:</u>	<u>Provided:</u>
<i>Lot Area</i>	5 acres	6.16 acres
<p>Setbacks: 30 feet for all sides plus one additional foot for every foot in building height when the property abuts another non-residential property. (If a building is five stories or 75 feet in height, the minimum setback is 50 feet at the 4th story and above, with an additional foot for every foot of height above 30 feet when abutting a non-residential property.)</p>		
<i>New King Frontage</i>	Hotel: 50 feet plus 1 foot for every foot above 30 feet, in this case, 42.33, or 43 additional feet (at the 4 th story and above). A minimum of 93 feet of setback is required. For the single story building, 30 feet are required.	73 feet from the banquet center portico (first level), 93 feet from the main building The site plan meets the New King frontage setback.
<i>Crooks Frontage</i>	Three story mixed use building: 30 feet plus 1 foot for every foot above 30 feet, in this case, 13.33, or 14 additional feet. A minimum of 44 feet of setback is required. For the single story building, 30 feet are required.	103 feet. The site plan meets the Crooks Road setback.
<i>North Boundary</i>	Hotel: 50 feet plus 1 foot for every foot above 30 feet, in this case, 42.33, or 43 additional feet. A minimum of 93 feet of setback is required.	62 feet. The site plan is deficient 31 feet from the required north boundary setback.
Building Height	Minimum of 3 stories for 80 percent of the project; setback requirements are tiered for building higher than 30 feet.	<ul style="list-style-type: none"> • Hotel: 5 stories • Mixed use building: 3 stories • Stand alone drive-through building: 1 story

Items to be Addressed: None.

PARKING, LOADING

The applicant has submitted a description of proposed parking that requires the application of shared parking. Given the different peak demands for parking for the hotel, retail, restaurant and adjacent office uses, this does likely present a good opportunity to reduce overall surface parking and use the shared approach. The applicant has included a revised self-directed parking study in their submittal package.

The applicant's parking study and schedule provides the following information about parking for the proposed project:

Phase 1:

87 required spaces

- Retail portion of mixed-use building: 14,000 square feet at one space per 200 square feet = 70 required spaces
- Retail portion of separate retail building: 3,400 square feet at one space per 200 square feet = 17 required spaces

97 surface spaces provided in surface lots

Phase 2:

695 required spaces

- Hotel: 200 rooms and 18 staff = 218 spaces required
- 102 seat restaurant at 1 space per 2 seats plus 1 space for every 10 seats = 61 spaces
- 2,100 square foot meeting rooms: 300 seats (7 square feet per person) at one space for every 2 seats (150 spaces) plus one space for every ten seats (30 spaces) for 180 required spaces.
- 5,900 square foot banquet rooms: 393 seats (15 square feet per person) at one space for every 2 seats (197 spaces) plus one space for every ten seats (40 spaces – the applicant's submittal incorrectly rounds down to 39) for 237 requires spaces.

611 surface spaces provided in:

- surface lots (92 spaces)
- garage spaces (196 spaces)
- landbanked parking (17 spaces)
- parking easements for shared parking (306 spaces)

The total parking required for this project, including both phases, would be **782** spaces. The applicant has provided **708** spaces.

Given that parking for the proposed project cannot be met on the site due to constraints in the site's area, the applicant intends to utilize shared parking for the project. The proposed shared parking would total 306 spaces, 150 of which would be available for use between 5 p.m. and 2 a.m. on weekdays, and 156 of which would be available between 7 p.m. and 2 a.m. on weekdays. All 306 spaces would be available all day and night on weekends.

The applicant's parking study, conducted by Metro Transportation Group, concludes that the only period when the on-site parking would be exceeded by demand is between 6 pm and 7 pm (a 22 space deficiency) and when the banquet facility would be in use, after 7 pm. The study is based on The Institute of Transportation Engineers' *Parking Generation Manual* and on the Urban Land Institute's *Shared Parking* publication. In the case of the latter, the study takes into

account the time-of-day variations and peak hour demands of the proposed uses. Even though the proposed parking and shared parking would not meet minimum Ordinance requirements under conventional zoning, this study reveals that the parking proposed under the PUD option would be adequate to meet anticipated demand in that the peak hours of the various uses do not coincide.

The highest demand for parking could occur on a weeknight evening if the banquet center is occupied and hotel is full. The surplus parking provided by the shared parking easement (306 spaces) should now be sufficient to meet that peak hour demand in that a portion of those spaces would now be available starting at 5 p.m.

The two proposed drive through lanes include stacking areas. Both lanes provide at least 8 stacking spaces, meeting ordinance requirements. The applicant has significantly revised the layout of the proposed drive-throughs to reduce circulation conflicts and enhance efficiency.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

The existing site is served by a driveway on Crooks Road and a driveway on New King Street. The proposal includes four driveways in total, reusing the Crooks Road driveway in its current location. The remaining three driveways would be along the south and west portions of the site. The existing driveway on New King Street would be relocated to the extreme north end of the site, and a new driveway would be added close to the Corporate Drive and New King Street intersection. A final driveway would be added at the extreme south end of the site, off of Corporate Drive.

The City's traffic consultant, Hubbell Roth and Clark, issued an analysis of this project in a letter dated May 5, 2008. It states that the proposed reuse of the driveway to Crooks Road would be acceptable, but the remaining driveways raise concerns.

In response to Hubbell Roth and Clark, the applicant moved the new south driveway on New King Street to be directly opposite the existing driveway to the west, eliminating the potential inadequate offset condition. The proposed driveway on Corporate Drive was moved west, further from Crooks Road.

Items to be Addressed: None.

ESSENTIAL SERVICES

The application includes a summary of proposed utility connections. The applicant intends to connect the site to the existing 8 inch water main on New King Street and provide a loop around the site. The on-site water system would then connect to the existing 12 inch water main in the greenbelt area along the north side of Corporate Drive.

A new 8 inch sanitary sewer line will connect to the existing 8 inch sewer line in the greenbelt area along the north side of Corporate Drive.

We defer to the City Engineer in this regard.

Items to be Addressed: Consult with City Engineer with regard to water and sewer service.

RECOMMENDATIONS

We believe the innovative design and appropriate mix of uses included in this project largely complement the surrounding area. The PUD option allows the City to permit a compact, higher-density project that incorporates a number of complementary uses that would be highly beneficial in this office and research dominated area.

This revised submittal has addressed our primary concerns: parking, site access and internal circulation, through the use of revised drives and driveways, and by revising the shared parking plan to make a sufficient portion of those spaces available at 5:00 p.m. Therefore, we recommend the Planning Commission recommend to the City Council that the Concept Development Plan be approved.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

225-02-2603

RKC: zb

TROY PLAZA

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF TROY**

**DEVELOPMENT AGREEMENT FOR “TROY PLAZA”
PLANNED UNIT DEVELOPMENT**

This Development Agreement (“Agreement”), dated _____, 2008 is entered into by and between **Tinelle Properties, LLC**, a Michigan limited liability company, whose address is 18700 W. 10 Mile Road, Southfield, Michigan (“Developer”), and the **City of Troy**, a Michigan municipal corporation, having its principal offices at 500 W. Big Beaver Road, Troy, Michigan 48084 (“City”).

RECITALS:

A. Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, containing approximately 6.16 acres, located on the west side of Crooks Road and north of Corporate Drive, which is more particularly described in Exhibit A hereto (the “Property”).

B. The Property contains a long-vacant and obsolete office building that has or will be demolished by Developer as part of the project described below.

C. Developer petitioned for an amendment to the City’s Zoning Ordinance granting a rezoning of the Property to Planned Unit Development (“PUD”), in order to develop a mixed-use project consisting of a boutique hotel, banquet/meeting room, extended stay hotel suites and retail uses (the “Project” or the “Troy Plaza PUD”). Developer has received Concept Development Plan approval from City Council for the rezoning of the Property to PUD as required by Article XXXV of the City’s Zoning Ordinance.

D. In connection with the grant of rezoning of the Property to PUD, Section 35.50.01 E of the City's Zoning Ordinance requires the execution of a Planned Unit Development Agreement which incorporates the Concept Development Plan, including site plans, landscaping plans and other documents enumerated as PUD Documents, as defined below and which requires Concept Development Plan Approval by City Council as part of the grant of rezoning of the Property to PUD. As part of Concept Development plan approval, Developer has offered and agreed to make the improvements and to proceed with the undertakings described in the PUD Documents which Developer and the City agree were necessary and roughly proportional to the burden imposed in order to (i) ensure that the public services and facilities affected by the Project will be capable of accommodating increased services and facility loads caused by the Project, (ii) protect the natural environment and conserve natural resources, (iii) ensure compatibility with adjacent uses of land, (iv) promote use of the Property in a socially and economically desirable manner and (v) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101, *et. seq.* and Chapter 39, Article XXXV of the City of Troy Zoning Ordinance.

E. For the purpose of confirming the rights, obligations and restrictions in connection with the improvements and development to be undertaken on the Property, once City Council has granted rezoning to Troy Plaza Planned Unit Development and approved this Agreement and the Concept Development Plan, including final site plans, landscaping plans and the other PUD Documents, this Agreement is effective on the date the City's Zoning Ordinance is amended to grant rezoning of the Property to PUD (the "Effective Date") and to be binding upon the City, the Developer, and their successors and assigns.

NOW, THEREFORE, as an integral part of the grant of the rezoning of the Property to Troy Plaza Planned Unit Development, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I

GENERAL TERMS

1.1 This Agreement, incorporates all PUD Documents, and shall run with the land. Reference in this Agreement or any PUD Documents to "Developer" shall include Developer's respective successors and assigns. It is the intent of the City and Developer to put all future owners of the Property or parties in interest on notice of the rights, obligations and restrictions contained herein by recording this Agreement with the Oakland County Register of Deeds. The terms and conditions of this Agreement shall be considered "Deed Restrictions" for any successors or assigns of the Property, and shall be incorporated by reference in any master deed or other restrictions created in connection with the development and/or use of the Property.

1.2 The Property shall be developed and improved only in accordance with the following, which shall be referred to herein as the "PUD Documents":

- A. Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance, and amendments, if any.

B. The Troy Plaza Planned Unit Development Concept Development Plan Application, submitted by Developer to the Planning Department on July 18, 2008. Information included in the Concept Development Plan Application includes but is not limited to the following:

1. The following plans prepared by Moiseev/Gordon Associates, Inc. (“MGA”):

- (a) SP-1 Sheet Schedule Location Plan
- (b) SP-2 Site Plan
- (c) A-1 Lower Level Floor Plan
- (d) A-2 First Floor Plan
- (e) A-3 Typical Floor Plan 2, 3, & 4
- (f) A-4 Fifth Floor Plan
- (g) A-5 Retail & Extended Stay Suites Floor Plans
- (h) A-6 South and West Elevations
- (i) A-7 North and East Elevations

2. The following plans prepared by Giffels-Webster Engineers, Inc. (“GWE”):

- (a) SP-01 Conceptual Development Plan Cover Sheet
- (b) SP-02 Topographic Survey
- (c) SP-03 Demolition Plan
- (d) SP-04 Utility Plan
- (e) SP-05 Geometric Plan
- (f) SP-06 Preliminary Grading Plan
- (g) SP-07 Details
- (h) L-1 Landscape Plan

C. Any and all conditions of the approval of the City Council pertaining to the Troy Plaza Planned Unit Development Conceptual Development Plan as specifically reflected in the resolution of the official minutes of the meeting at which such approval is granted.

- D. An Affidavit of Property Ownership to be recorded with the Oakland County Register of Deeds prior to commencement of construction and prior to the sale or lease of any portion of the Project, containing the legal description of the entire Property, specifying the date of Concept Development Plan approval and rezoning of the Planned Unit Development by City Council, and declaring that all future development of the Property has been authorized, restricted and required to be carried out in accordance with this Agreement and the Ordinance amendment granting rezoning to Troy Plaza Planned Unit Development.

1.3 The Ordinance amendment granting the Troy Plaza Planned Unit Development reclassifies the zoning of the Property to PUD and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in substantial conformity with such Ordinance and the PUD Documents referenced herein.

ARTICLE II

DEVELOPER'S RIGHTS, OBLIGATIONS AND PROPERTY RESTRICTIONS

2.1 The Preliminary Development Plan (PDP) application submitted per the requirements of Section 35.50.02 of Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance, shall meet and conform to the criteria of the Conceptual Development Plan. The Final Development Plan application submitted per the requirements of Section 35.50.03 of Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance, shall meet and conform to the criteria of the Conceptual Development Plan and Preliminary Development Plan.

2.2 Developer shall have the right to develop the Property in accordance with the PUD Documents as per Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance. Any changes to the Plan shall be approved in accordance with the PUD Documents and the City's Zoning Ordinance.

2.3 The Project shall be developed in two phases. The first phase (Phase I) shall consist of up to 28 extended stay hotel suites, and a maximum of 17,400 square feet of retail. Phase I shall also include a two story parking structure , drop-offs and drive-throughs as shown on Sheet SP-2 Site Plan. The second phase (Phase II) shall be a proposed 5 story full service hotel containing not more than 172 rooms as shown on Sheet SP-2 Site Plan, which will seat a 102 person restaurant. Phase II shall also include a walk way connecting the Phase I development to the Phase II development.

2.4 List of Conditions Offered in Exchange for PUD Consideration. As part of the PUD approval and as conditions of said approval and to satisfy the PUD zoning standards, Developer shall do the following: (a) demolish the vacant and obsolete office building on the Property; (b) construct a 30' landscaped buffer along New King Street and a 25' landscaped buffer along Crooks Road; (c) minimize the amount of impervious surfaces and a "sea of parking" by construction and utilizing two parking decks and entering into a shared parking agreement binding on the parties and successors with the owners of the properties adjacent to the Troy Plaza PUD for 316 parking spaces as identified in the correspondence dated May 10, 2008,

and included with the PUD application; (d) integrate the various buildings and uses on the Property with common architectural standards and controls; (e) develop the Project using green building practices, including a green roof design and bioswales with native plantings; (f) erect a ramped skywalk between the extended stay/retail uses and the hotel, conference center and restaurant uses; (g) include pedestrian site amenities, including green spaces and a water feature; and (h) create a mixed use and integrated development by combining extended stay and retail uses in the same building structure. The public benefit provided by Developer shall, in addition to the items set forth above, include the elimination of existing blight by redevelopment of the Property with desirable and compatible land uses that provide a logical transition with the surrounding properties, and the creation of an attractive gateway to the City of Troy.

2.5 If the Developer should determine to sell or lease parts of the Project in the form of a business condominium, Developer shall submit to the Troy City Attorney the proposed Master Deed and Bylaws for the Project (collectively the “Master Deed”) for review and approval. If the Master Deed satisfies the requirements of this Development Agreement and other applicable City ordinances then approval shall not be unreasonably withheld. The Master Deed shall acknowledge that each unit owner and the Condominium Association (the “Association”) identified therein will be bound by the terms and provisions of this Agreement. The Master Deed shall comply with all statutes of the State of Michigan and City Ordinances and be recorded with the Oakland County Register of Deeds after the Effective Date of the amendment of the Zoning Ordinance to rezone the Property to PUD.

2.6 The Master Deed shall obligate the Association to maintain the general common elements of the Project, as more particularly set forth in the Master Deed, in good working order and appearance, including, without limitation, storm water drainage and retention facilities, private roadways, landscaping, parking areas, sidewalks, water features, common structures and facilities, and common areas or elements. In addition, the Master Deed shall provide that the Project is controlled by the PUD Documents. The Master Deed shall also contain provisions for the performance of Developer’s maintenance obligations under this Agreement and the PUD Documents.

2.7 Each unit owner in the Project shall be a member of the Association, as applicable, at all times during the term of ownership and, and subject to the assessments of the Association. The Association shall be authorized to perform the functions and duties delegated and assigned under the Master Deed.

2.8 The Master Deed shall prohibit exterior modification of the units within the Project which are in conflict with the PUD Documents.

2.9 Until such time as a Condominium Association is formed or the Developer’s responsibilities are otherwise formally transferred, Developer shall maintain all common areas, storm water drainage and retention facilities, landscaped areas, parking areas and sidewalks in good working order and appearance. Developer may establish an Association or Associations to assume the maintenance obligations set forth in this Article II, this Planned Unit Development Agreement and otherwise, in which event the Association or Associations shall succeed to the Developer’s obligations for those portions of the Property defined in the instrument establishing

each Association, and Developer shall be relieved of all obligation and liability with respect thereto.

2.10 Developer, or successor Association or Associations, shall maintain the landscaping and related improvements in a neat and orderly appearance, substantially free from refuse and debris and, shall promptly replace any dead or dying plants and shrubs. If the weather does not allow for immediate removal and replacement, then it shall be done as soon as possible, but in no event shall it be longer than the end of the current planting season.

2.11 The Property contains one or more structures which Developer intends to demolish. Developer shall comply with all State statutes and City Ordinances regarding demolition. In connection with the demolition of such structure(s), Developer shall engage a demolition contractor to remove any asbestos and/or asbestos contaminated materials contained within such structure(s) prior to performing its demolition activities. Any asbestos shall be removed in accordance with an action plan prepared by Developer's contractor, which action plan shall include the following: Prior to the removal of any asbestos and/or asbestos contaminated materials, such contractor shall notify the Michigan Department of Environmental Quality that the contractor intends to commence demolition activities involving a structure(s) which contains asbestos; Developer's contractor shall use trained asbestos abatement/removal technicians. All asbestos materials which are removed from the site shall be sent to a Type II landfill and, in connection with the transportation of such materials to the landfill, appropriate shipping manifests shall be obtained and a third-party monitoring company shall be engaged to monitor the transportation of asbestos contaminated materials to such landfill. Demolition of structures will commence/resume following completion of asbestos removal activities. During the demolition process, the site will be sprayed with water to minimize airborne particles. Following completion of the demolition activities, the City shall inspect the site prior to the performance of backfilling and grading activities. When the City has approved the site, which approval shall not be unreasonably withheld, the site will then be graded and seeded to prevent soil erosion.

2.12 Developer shall comply with the City Code and Ordinances make any necessary application for permits and obtain any necessary permits for the use of temporary sales trailers and/or sale and advertising signs.

ARTICLE III

PUBLIC IMPROVEMENTS

3.1 Water and Sanitary Sewer Systems. Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems, including any required water hydrants. Such improvements shall be designed and constructed in accordance with the Final Development Plan, approved engineering construction plans and all applicable City, County and State standards, codes, regulations, ordinances and laws. Such water and sanitary sewer service facilities, including any on-site and off-site facilities, extensions and easements to reach the area to be served, shall be provided by and at the sole expense of the Developer shall be completed, approved and dedicated to (as required by the City in its discretion) the City to the extent necessary to fully service all proposed

and existing facilities, structures and uses in the Project. All water and sanitary system improvements shall be completed before construction of Phase I of the development.

3.2 Storm Water Drainage. The Developer, at its sole expense, shall construct and maintain a storm water and retention system, which system shall include the improvements provided in this Agreement, and shall be installed in accordance with the PUD Documents, the approved engineering construction plans, and all applicable ordinances, laws, codes, standards and regulations. All drainage improvements necessary for the entire Project shall be completed and approved prior to issuance of any Certificate of Occupancy for any structure for any phase. During the development of the Project, the Developer shall be obligated to maintain the storm drainage and retention system and facilities in a fully operational condition. Upon completion of the storm drainage and retention system, the Developer may assign its responsibility with respect to such maintenance to an Association if allowable by applicable Master Deed. In such case, the obligation shall be solely that of the Association. The Developer shall post security in the form of cash or check or certificate of deposit or irrevocable letter of credit (issued by an institution doing business in Oakland County), as specified in a separate agreement approved by the City. The security shall be in an amount equal to the estimated cost of installation, or a performance bond in an amount equal to the cost of construction plus 10%. The Agreement shall also authorize the City, at its option, to complete the drainage improvements as required by the City Engineer, if Developer fails to complete the drainage improvements in a timely fashion, once construction has commenced. All performance bonds shall be issued by institutions licensed and admitted to do business in the State of Michigan. In such case, building permits for the applicable phase of the development to be served by the drainage improvements in question shall be issued upon the posting of such security and execution of such agreement, which shall be approved by the City Attorney. The drainage improvements shall be completed and approved prior to issuance of any certificates of occupancy for the last building within the Phase of that development.

All construction, repair, maintenance and replacement of the storm drainage and retention system which are Developer's responsibility, as described in this Section, shall be the sole obligation of the Developer and its successors in ownership except for storm water retention, which can be shifted to any successor Association by Master Deed. Any such Master Deed shall require ongoing maintenance, repair and improvement of such storm drainage and retention system by the Association. During the development of the applicable phase, the Developer shall be obligated to maintain the storm drainage and retention system and facilities in a fully operational condition. Upon the installation of the final or topcoat of asphalt on the roads within a phase, the Developer may assign its responsibility with respect to such maintenance to the Association as provided in the applicable Master Deed or as Deed Restrictions herein. Thereafter, the obligation shall be solely that of the Association. The proper functioning, maintenance and repair of the applicable portion of such drainage and retention facilities shall be a condition for issuance of any and all building permits for construction of dwellings on the Property and for issuance of certificates of occupancy.

3.3 Sidewalks, Drives, Entryways and Parking Lots. All drives, entryways, sidewalks, and parking lots within the Project shall be designed, situated and constructed in accordance with all requirements and applicable ordinances of the City, the PUD Documents and the approved engineering construction plans. All internal drives, entryways, sidewalks, and

parking lots will be private except as otherwise set forth herein. The Developer, its successors and assigns, shall provide in the Master Deed provisions for emergency access for public entities and their personnel. The Developer shall post security in the form of cash or check or certificate of deposit or irrevocable letter of credit (issued by an institution doing business in Oakland County), as specified in a separate agreement approved by the City. The security shall be in an amount equal to the estimated cost of installation, or a performance bond in an amount equal to the cost of construction plus 10%. The Agreement shall also authorize the City, at its option, to complete the sidewalks, drives, entryways and parking lots as required by the City Engineer, if Developer fails to complete the sidewalks, drives, entryways and parking lots in a timely fashion, once construction has commenced. All performance bonds shall be issued by institutions licensed and admitted to do business in the State of Michigan. In such case, building permits for the applicable phase of the development to be served by the sidewalks, drives, entryways, and parking lots in question shall be issued upon the posting of such security and execution of such agreement, which shall be approved by the City Attorney. The sidewalks, drives, entryways, and parking lots shall be completed and approved prior to issuance of any certificates of occupancy for the last building within the Phase of that development.

Building permits shall be issued subject to installation and maintenance of an adequate gravel surface base as determined by the City Engineer for all entranceways and internal drive areas to provide for access for construction traffic, City personnel, emergency and fire fighting equipment. Further, the Developer shall also sign an agreement that requires completion and approval of the paving of all areas referenced in this Paragraph (including topcoat and parking lot striping) prior to the issuance of more than 95% of the certificates of occupancy within any phase of the condominium Development, but in any event such paving shall be completed within two (2) years of issuance of the first building permit for a building within each phase of the Development.

Developer, its successors and assigns, shall be responsible for maintenance and repair of the drives, entranceways, sidewalks, and parking lots during the period of construction, and shall also keep streets abutting the Project and Crooks Road free from debris and repair any damage to the streets abutting the Project (subject to City of Troy requirements) caused by construction activities on or for the Property or the Project and use of abutting streets and Crooks Road for construction purposes. If the Developer fails to maintain and repair the streets, boulevards, drives, entranceways, parking lots and abutting streets and Crooks Road, as required by this Paragraph, the City may issue stop work orders and/or withhold issuance of further approvals, permits and occupancy certificates for the Project until such failure is cured in addition to any enforcement authorization or remedy provided herein, or any other agreement. At all times during and after completion of construction, Developer, its successor and assigns, shall cause all drives, entranceways and parking lots to be maintained, repaired and kept in an unimpeded, unobstructed, safe and passable condition at all times to allow for the free flow and circulation of traffic throughout the Project, except for temporary closures or obstruction due to repairs or snow. The responsibility and obligation for such ongoing maintenance and repair shall be that of the Developer, its successors and assigns. Developer shall incorporate provisions in any and all Master Deeds stating that property owners and the Association are bound by the obligations and restrictions herein.

3.4 Developer shall have the right, subject to City approvals, to assign its maintenance and repair obligations under this Agreement to an Association. Upon the assignment to and assumption by the Association of Developer's maintenance and repair obligations, Developer shall have no further obligations or liability with respect thereto.

3.5 For purposes of maintenance obligations set forth in this Paragraph, the term "maintenance," "maintain" and "maintained" shall mean and include regular inspections.

ARTICLE IV

THE CITY'S RIGHTS AND OBLIGATIONS

4.1 The City, in each instance, shall provide by written thirty (30) days notice to Developer documentation of any and all deficiencies and shall provide Developer with a time period in which to cure any deficiencies under this agreement, which shall be enough time for Developer, its successors, or assigns, to cure the deficiency. It is understood, however, that each phase shall stand on its own. Any defect or violation that affects a phase shall not be grounds to penalize the other Phase, and the City's remedies should be exercised as to each phase only.

If, following the expiration of the period set forth to cure any deficiencies, such deficiencies have not been cured, the City shall there upon have the power and authority, but not the obligation, to take any of the following actions, in addition to any actions authorized under City ordinance and/or State law:

(a) Demand that the non-performance, deficiency or obligation be fulfilled, performed or completed before Developer assigns its obligations to the Association and set a specific date to complete the performance, fulfill the obligation or correct the deficiency. If Developer has not completed the performance, fulfilled the obligation or corrected the deficiency by the date specified, the Developer shall not assign its obligations to the Association and the City may proceed under paragraph 4.1(b).

(b) Enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such obligation or take such corrective measures as reasonably found by the City Administration to be appropriate. In addition to any financial assurance given to ensure completion of the improvements, the additional costs and expense of making and financing such action by the City, including without limitation notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of ten (10%) percent of the total of all such costs and expenses incurred, shall be paid by Developer within thirty (30) days of City's invoicing to Developer. .

(c) The City may initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the PUD Documents.

(d) The City may issue a stop work order as to any or all aspects of the Project, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Project regardless of whether the Developer is the

named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Project.

4.2 At any time throughout the period of development and construction of any part of the Project, the City, its contractors, representatives, consultants and agents, shall be permitted and are hereby granted authority to enter upon all or any portion of the Property for the purpose of inspecting and/or completing the respective improvements, and for the purposes of inspecting for compliance with and enforcement of the PUD Documents.

4.3 To the extent the PUD Documents deviate from the City of Troy Development Standards, Zoning Ordinance or other City ordinances, or any amendments thereto, the PUD Documents shall control. All improvements constructed in accordance with the PUD Documents shall be deemed to be conforming under the Zoning Ordinance and in compliance with all ordinances of the City.

ARTICLE V

MAINTENANCE OBLIGATIONS

5.1 The Developer and any successor Association and any of their successors and assigns shall indemnify and hold harmless the City, from and against any and all claims for injuries and/or damages arising out of their use or maintenance of the areas owned by the City but maintained by the Developer or the Association, except those claims arising from the negligence or willful misconduct of the City, its agents or employees.

5.2 The Developer or any successor Association shall establish and levy assessments against the units within the Project for the purpose of performing the Association's maintenance and repair obligations under this Agreement, in addition to any maintenance obligations for the Project's common elements, including, but not limited to: storm drainage facilities, streets, entranceway improvements, landscaping, irrigation systems, sidewalks, and for any other proper purposes.. If the Developer or successor Association fails to fulfill the obligations as set out in this Agreement and the PUD Documents, the City may take any action available to it under Article IV against the individual property owners of each unit on a pro-rata basis and/or the Association, including, but not limited to, assessing a lien against the individual property owners on a pro-rata share.

ARTICLE VI

MISCELLANEOUS PROVISIONS

6.1 Nothing in this Agreement is intended to prevent Developer from including in any Master Deed terms and conditions which do not bind the City or are more restrictive requirements and standards with respect to the Project as long as those terms and conditions are not in conflict with this Agreement or the PUD Documents, and as long as such terms and conditions are in compliance with State and Federal law.

6.2 This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement. Developer shall have the right to

delegate its rights and obligations under this Agreement to a successor Association as set out in this Agreement. Until the rights and responsibilities under this Agreement are transferred to an Association, Developer and the City shall be entitled to modify, replace, amend or terminate this Agreement, without requiring the consent of any other person or entity whatsoever, regardless of whether such person has any interest in the Property, including unit owners, mortgages of co-owners, and others.

6.3 This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

6.4 If there is a conflict between the terms of any of the PUD Documents, such documents shall control in the following order: (a) the Conceptual Development Plan; (b) this Agreement; and (c) Chapter 39, Article XXXV of the City's Zoning Ordinance, and amendments, if any. Where there is a question with regard to applicable regulations for a particular aspect of the Project, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PUD Documents which apply, the City in the reasonable exercise of its discretion, shall determine the regulations of the City's Ordinances that are applicable, provided such determination is not inconsistent with the nature and intent of the PUD Documents.

6.5 The terms of the PUD Documents, including this Agreement, have been negotiated by the undersigned parties and such documentation represents the product of the joint efforts and agreement of the Developer and the City. Developer and the City fully accept and agree to the final terms, conditions, requirements and obligations of the PUD Documents, and shall not be permitted in the future to claim that the effect of these PUD Documents results in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the PUD Documents causes an inverse condemnation or taking of all or a portion of the Property. Furthermore, it is agreed that the improvements and undertakings set forth in the PUD Documents are necessary and roughly proportional to the burden imposed in order to ensure that services and facilities affected by the Troy Plaza Planned Unit Development will be capable of accommodating increased services and facility loads, traffic and storm water drainage caused by the development thereof, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially and economically desirable manner, and to achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.* It is further agreed and acknowledged hereby that all of such improvements are substantially related to the burdens to be created by the Project contemplated hereby, and all such improvements and the requirements and regulations of the Property under the PUD Documents and Zoning Ordinance, without exception, are clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

6.6 This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

6.7 This Agreement shall be binding on, and shall inure to the benefit of the parties and their respective successors and assigns.

THIS AGREEMENT was executed by the respective parties on the date specified with the notarization with their name, and shall take effect on the date of adoption by the Troy City Council of the Zoning Ordinance amendment granting rezoning of the Property to Troy Plaza Planned Unit Development.

[Signatures Follow]

IN WITNESS WHEREOF, Developer has caused this Development Agreement to be executed the ay and year first above written.

“Developer”

Tinelle Properties, LLC,
a Michigan limited liability company

By: _____

Name: _____

Its: _____

Dated: _____

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by _____, the _____ of Tinelle Properties, LLC, a Michigan limited liability company, on behalf of the company.

Print Name: _____

Notary Public, Oakland County, Michigan

My Commission Expires: _____

Acting in the County of Oakland

“City”

CITY OF TROY,
a Michigan municipal corporation

By: _____

Name: Louise E. Schilling

Its: Mayor

Dated: _____

By: _____
Name: Tonni L. Bartholomew
Its: City Clerk

Dated: _____

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Louise E. Schilling, Mayor and Tonni L. Bartholomew, City Clerk of the **City of Troy**, a Michigan municipal corporation, on behalf of the Corporation.

Print Name: _____
Notary Public, Oakland County, Michigan
My Commission Expires: _____
Acting in the County of Oakland

DRAFTED BY:

Alan M. Greene
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, Michigan 48304

WHEN RECORDED RETURN TO:

City Clerk
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

BH01\862325.2
ID\AMG



HUBBELL, ROTH & CLARK, INC
Consulting Engineers

Principals
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson
Thomas M. Doran

Senior Associates
Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
David P. Wilcox
Timothy H. Sullivan

Chief Financial Officer
J. Bruce McFarland

Associates
Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
Richard F. Beaubien
William R. Davis
Daniel W. Mitchell
Jesse B. VanDeCreek
Robert F. DeFrairi
Marshall J. Grazioli
Thomas D. LaCross
Dennis J. Benoit

May 5, 2008

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Attn: Mr. William J. Huotari, P.E., Deputy City Engineer

Re: Troy Plaza – 5500 New King St.
P.U.D. #13, North of Corporate Dr., West of Crooks Rd.
Traffic Impact Study Review

HRC Job No. 20080307.02

Dear Mr. Huotari:

In accordance with your request, our office has reviewed the Traffic Impact Study for Proposed Troy Plaza Development (dated April 7, 2008) prepared by Metro Transportation Group, Inc.

The proposed development will be located on the site of the existing vacant building at 5500 New King St. The proposed development consists of a hotel totaling 172 rooms, which will include a 102 seat restaurant; 700 seat meeting and banquet facilities; 17,000 square feet of retail which includes two drive-thru restaurants; and 28 extended stay hotel rooms. The proposed development will be built in two phases, but for the purposes of the traffic impact study (TIS) the development was analyzed in one phase at total build out. The TIS indicates the projected site build out to be 2010. The TIS evaluated the impact of the proposed development on the surrounding intersections of: Crooks Road/Square Lake Road, Crooks Road/I-75 Ramps/Corporate Drive, Crooks Road/Tower Drive and Crooks Road/Long Lake Road. The TIS also evaluated the unsignalized intersection of New King Street and Corporate Drive.

The qualifications of the preparer were not provided. Traffic impact studies are required to be prepared by a professional engineer or planner who has at least three years of recent experience developing impact studies. The resume of the preparer should be provided.

Traffic volumes were collected at the study intersections and peak hours determined. Background traffic volumes were calculated to the build out year of 2010 based on 0.5% per year growth agreed upon by the City's Traffic Engineer.

Trip generation was calculated using the proper land use codes in the *ITE Trip Generation Manual*. Pass-by trips are expected for the retail land uses only. The TIS correctly accounted for pass-by trip reductions. The trip distribution methodology/assumptions were not well explained in the text, but based on knowledge of the surrounding area, the trip distribution assumptions adequately address local trip characteristics.

Level of service analysis was provided for existing, background and development scenarios. The traffic signals within the study area are controlled by SCATS, which is constantly monitoring traffic and adjusting the traffic signals to the traffic conditions.

Troy Plaza proposes the addition of two driveways to the existing site. The first is a proposed driveway on Corporate Drive that would not have adequate separation from the Crooks Road/I-75 Ramps/Corporate Drive intersection. The second is proposed driveway on New King Street. The existing site driveway on New King Street aligns with an office driveway on the west side of New King Street. This alignment is appropriate because it reduces traffic conflicts involving left turn movements and therefore reduces the potential for traffic crashes. The development proposes to remove this existing driveway and construct a new driveway approximately 100 feet to the north. The proposal to offset the driveways would increase conflicting traffic movements and increase the potential for traffic crashes. The existing New King driveway location should be retained. The additional driveways proposed are not necessary to handle the traffic expected to be generated by the proposed site.

The driveway to Crooks Road should be designed to Road Commission for Oakland County standards (i.e., width, radii, etc.). The New King Street drive should be designed to City Development/Engineering Standards. The storage for each drive-thru must accommodate 9 vehicles (one vehicle at the window and stacking for 8 additional vehicles) using a 25 feet vehicle length in accordance with Section 22.25.01 of the Zoning Ordinance.

A capacity analysis was conducted using Synchro, v.7, software. The traffic signal at the Crooks Road/I-75 Ramps/Corporate Drive intersection is operating at a failing level of service under existing traffic volumes during both the AM and PM peak periods. Existing traffic on eastbound Corporate Drive backs up past the intersection with New King Street during the PM peak period, thus it is unclear if traffic exiting the proposed development will find gaps to turn left onto Corporate Drive from New King Street during the PM peak hour.

The addition of an exclusive left turn lane for eastbound Corporate Drive at Crooks would improve operations at this intersection. The addition of an eastbound exclusive left turn lane improves delay for eastbound traffic entering I-75 by 45.3 seconds per vehicle from the proposed Metro base signal timing plan. The prohibition of eastbound left turns from Corporate Drive would improve the operations of the intersection by redirecting the left turns to the Crooks Road crossover south of Corporate Drive. The prohibition of left turns improves delay for eastbound traffic entering I-75 by 25.3 seconds per vehicle from the proposed Metro base signal timing plan. Prohibiting the eastbound left turn improves peak hour operations without eliminating the traffic island on Corporate Drive.

The TIS recommends optimizing the default signal timing for the Crooks Road/I-75 Ramps/Corporate Drive intersection. Metro's optimization of this intersection's signal timing improves the overall intersection level of service for both the AM and PM peak periods but Corporate Drive and the I-75 Ramps get less green time while Crooks Road gets more green time. As a result, Corporate Drive backs up half way to Long Lake Road. HRC does not agree that the proposed "optimization" is an appropriate signal timing plan.

Recommendations

Troy Plaza proposes the addition of two driveways to the existing site and relocation of a third driveway. The proposed Corporate Drive driveway and second New King Street driveway should not be approved. The existing site driveways are adequate to handle development traffic. The existing driveway to New King Street should be retained at its current location.

The prohibition of eastbound left turns from Corporate Drive to Crooks is the preferred mitigation required to improve the operations of the intersection. The prohibition of left turns improves delay for eastbound traffic entering I-75 by 25.3 seconds per vehicle from the proposed Metro base signal timing plan.

The planned unit development agreement needs to address any parking variance or parking management plan required by the proposed development.

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

Very truly yours,

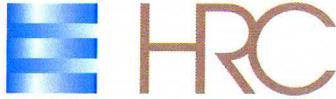
HUBBELL, ROTH & CLARK, INC.

A handwritten signature in black ink that reads 'Colleen L. Hill'.

Colleen L. Hill, P.E., PTOE
Transportation Project Engineer

CLH

pc: HRC; File



HUBBELL, ROTH & CLARK, INC
Consulting Engineers

Principals
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Peter T. Roth
Michael D. Waring
Keith D. McCormack
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Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli
Thomas D. LaCross
Dennis J. Benoit

May 28, 2008

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Attn: Mr. William J. Huotari, P.E., Deputy City Engineer

Re: Troy Plaza – 5500 New King St.
P.U.D. #13, North of Corporate Dr., West of Crooks Rd.

HRC Job No. 20080307.02

Dear Mr. Huotari:

In accordance with your request, our office has reviewed the revised plan for Proposed Troy Plaza Development (emailed on May 22, 2008) prepared by Moiseev/Gordon Associates, Inc. In general, the number of driveways to the site should be minimized to reduce traffic conflict points and thus reduce the potential for traffic crashes, the revised site plan appears to have mitigated several initial concerns with the additional driveways. Based on the revised site plan we have the following comments:

- The proposed driveway to Corporate Drive has been moved further away from the intersection of Corporate Drive and Crooks. The driveway on Corporate Drive is also located in a right turn lane to New King Drive. The increased distance from Crooks and the driveway being located in a right turn lane both help to minimize the potential for rear end crashes.
- The new driveway on New King aligns with the driveway from 5505 New King. Aligning the driveways reduces the potential for left turns from one driveway blocking the other driveway.
- Drive thru operations for the stand alone building in the southeast corner of the site have been modified to make the drive thru readily accessible for customers that enter the site from Corporate Drive.

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Colleen L. Hill, P.E., PTOE
Transportation Project Engineer

pc: City of Troy; Mark Miller, Brent Savidant
Moiseev/Gordon Associates, Inc.; Robert Cliffe, Michael Gordon

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

Engineering. Environment. Excellence.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT APPLICATION (P.U.D. 13) – Proposed Troy Plaza New King Planned Unit Development, West side of Crooks, North side of New King (5500 New King), Section 8, Currently Zoned O-M (Office Mid Rise) District

Mr. Miller gave a short summary of the proposed project.

Zak Branigan of Carlisle/Wortman Associates, Inc. reported on the revised submittal. He addressed the revisions relating to parking, site access and internal circulation. He said it is their recommendation that the Planning Commission recommend to the City Council approval of the Concept Development Plan for Troy Plaza New King PUD.

Michael J. Gordon of Moiseev/Gordon Associates (MGA Architects), 818 W. Eleven Mile Road, Royal Oak, was present to represent the petitioner. He introduced those present: the petitioner, Frank Asmar of Tinelle Properties; project architect, Robert Cliffe of MGA Architects; legal counsel, Alan Greene of Dykema Gossett; civil engineer, Scott Chabot of Giffels Webster Engineering; and transportation engineer, Dylan Foukes of Metro Transportation Group. Mr. Gordon gave a PowerPoint presentation and displayed different views of the project. He specifically addressed the water feature, banquet facility and extended stay hotel features.

PUBLIC HEARING OPENED

Robert Wineman of Etkin Equities, 29100 Northwestern Highway, Southfield, was present. Mr. Wineman said they are significant property owners of office space in the area of the proposed project. He gave a history of their interest in the surrounding property and discussions they had with City staff approximately twelve years ago. Mr. Wineman voiced opposition to the proposed PUD as relates to the proposed retail. He said their opposition is based upon former conversations and agreements, verbal and otherwise, they had with City representatives relative to what they collectively envisioned for this portion of the City. Mr. Wineman addressed a potential for an oversaturated market and a potential competitive market as relates to existing tenants in the area.

Mr. Maxwell addressed the potential retail competition as relates to the size of the proposed establishments and the possibility that new retail could be complimentary to the existing retail. He asked if Mr. Wineman could substantiate that the proposed PUD would have a direct adverse affect on existing retail in the area.

Mr. Wineman said retail establishments in intense office areas focus on service-oriented types of establishments such as coffee purveyors and food users. He contended those uses are currently captured in that marketplace. Mr. Wineman considers the square footage of the proposed retail relatively large in comparison to the existing retail.

Bill Wylonis, General Manager of Emmes Realty Services, was present. He represented five buildings in the area (5600 New King, 5750 New King, 5505 Corporate, 5555 New King, and 5607 New King). Mr. Wylonis specifically addressed concerns with daytime parking in the area. To his knowledge, he said there has been no approval given for additional parking at those office buildings.

Mr. Tagle said the Planning Commission is in receipt of a letter from Emmes Asset Management out of New York under the signature of Audris Shau. The letter states that Tinelle Properties can use parking spaces on three of those office locations (5600 New King, 5555 New King and 5505 Corporate) on certain days and at certain times.

PUBLIC HEARING CLOSED

Mr. Tagle asked the petitioner to address the project's construction phases.

Mr. Gordon replied construction would not be in phases. It is their intent to construct under a single building permit. He said that because the retail portion would be completed and occupied prior to the completion of the hotel construction, a temporary front desk check-in area would be provided for extended stay hotel guests.

Mr. Tagle asked the petitioner to address parking on the site and adjacent properties.

Mr. Gordon said retail, hotel and extended stay guests would park on the property. Staff, banquet users and the valet service would use parking on adjacent properties.

Mr. Vleck addressed parking agreements in relation to preliminary and final PUD approval. He also suggested that gateway signage would be a positive addition in the approval process of the project.

Chair Schultz agreed. He said the project's location at an expressway entrance/exit is more or less a major gateway to the City.

Mr. Tagle asked for clarification on a comment in the Carlisle/Wortman report stating that retail hours of operation could run until mid to late evening. He asked if there were any concerns or issues should there be a 24-hour retail operation.

Mr. Branigan said there are no concerns with a 24-hour retail operation as relates to residential or parking.

Resolution # PC-2008-07-084

Moved by: Vleck

Seconded by: Tagle

RESOLVED, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Tinelle Properties LLC for the Troy Plaza Planned Unit Development (PUD 13), located on the west side of Crooks and the north side of New King, Section 8, within the O-M zoning district, being approximately 6.16 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated July 1, 2008 that recommends Concept Development Plan approval of Troy Plaza Planned Unit Development; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends that Concept Development Plan Approval for Troy Plaza Planned Unit Development be granted.

Yes: All present (7)

Absent: Strat, Wright

MOTION CARRIED

June 6, 2008

VIA E-MAIL & FIRST CLASS MAIL

Mr. Mark Miller
CITY OF TROY
500 West Big Beaver Road
Troy, MI 48084

REC'D

JUN - 9 2008

PLANNING DEPT.

Re: Proposed Market Place North
5500 New King Street
Troy, Michigan

Dear Mark:

I am writing on behalf of ownership of the Northfield Point office building, Northfield Marketplace, Northfield Point East (the Chrysler Financial office building), and the Timberland Office Park to express our objection to the proposed Planned Urban Development ("PUD") permitting the development of a 14,000 square foot retail shopping center and bank pad site at the above-referenced property. Our objection to the proposed PUD-zoning is specific to the proposed first floor and freestanding retail space fronting both Crooks Road and Corporate Drive.

This objection is based upon the history surrounding the development of what is now the Northfield Point office building, Northfield Marketplace and Red Robin Restaurant (formerly Cooker's Restaurant). Approximately 12 years ago, we and other office owners in the Northfield area engaged the City of Troy in conversations to re-zone the southwest corner of Crooks Road and Corporate Drive from mid-rise office to commercial retail for the express purpose of creating a "neighborhood service node" to support the immediate surrounding office properties and their populations.

Through these discussions a collaboratively conceived site plan was established and eventually implemented. Of note, this plan was materially less in commercial scope and density than we originally conceived, as it was our desire to act as a responsible developer and good corporate citizen. It also located the retail node south of the corner of our site at the City's insistence. On that corner we built an extremely high-quality office building. In so doing, the existing commercial developments seen today were not only approved by the City of Troy, but all of the neighboring landowners at that time (EDS, Kelly Services, and Bellemeade of Michigan) as well. In addition, it was agreed amongst ourselves, the City of Troy, and the aforementioned property owners that no other parcel of land within this quadrant would receive commercial zoning for the purpose of developing additional retail. Rather, the Big Beaver Road corridor would continue to serve as the City of Troy's principal service destination. The intersection of Crooks Road and Big Beaver now does provide an extensive service restaurant cluster.

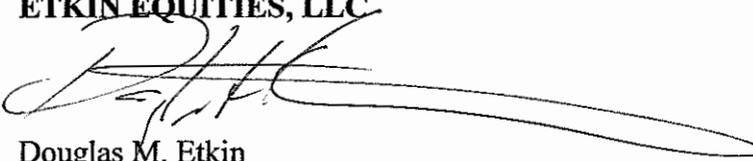
Mr. Mark Miller
June 6, 2008
Page Two

As a significant property owner within this immediate area, we recognize the value our "service node" provides to ourselves and neighboring property owners in meeting the amenity demands of today's market necessary to retain and attract tenants. It is our opinion and strong concern that the proposed Market Place North development will oversaturate and further dilute the current North Troy retail market at the sacrifice of current establishments operating within this already competitive marketplace. We also note that our area has the greatest vacancies and thus lowest daytime population it has had in years. In our view, expanding the existing retail competitive set would be irresponsible and result have materially negative effects on the market. Finally, it would be a breach of our understanding with the City.

As such, we strongly urge the Planning Commission and City Council to deny Bloomfield Development's PUD request. It should be noted, however, that we have no objection to the hotel component of Bloomfield Development's proposed PUD.

Very truly yours,

ETKIN EQUITIES, LLC



Douglas M. Etkin

DME/hbn

cc: Robert D. Wineman

DME-59.77



CITY COUNCIL ACTION REPORT

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League (MML)

Background:

- It is typical for at least one Troy City Council member to attend the MML Annual Convention as representation from the City of Troy in MML elections

Financial Considerations:

- Funds are available in the City Council's *Education and Training* account, number 102.7960 and have been appropriated by the Council for the attendance at the 2008 Annual Convention

Legal Considerations:

- There are no legal considerations associated with this agenda item

Policy Considerations:

- Council member participation in the elective process at the MML Annual Conventions is a right of membership and potentially impacts the MML governing officials and board operations

Options:

- Staff requests Council pass a resolution designating the Voting Delegates at the Annual Meeting of the Michigan Municipal League



michigan municipal league

Better Communities. Better Michigan.

August 13, 2008

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council or Commission Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held on Mackinac Island, October 1-4, 2008. **The annual meeting is scheduled for 11:00 a.m. on Thursday, October 2, at the Grand Hotel. The meeting will be held for the following purposes:**

1. **Election of Trustees.** To elect six members of the Board of Trustees for terms of three years each (see page 2).
2. **Policy.** To vote on Core Legislative Principles document and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, **the deadline for League trustees to receive resolutions for their review is September 2, 2008** (please see page 2).
3. **Other Business.** To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 15, 2008.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

➤ HEADQUARTERS

1675 Green Road

PO Box 1487

Ann Arbor, MI 48106-1487

TEL 734.662.3246 800.653.2483

FAX 734.662.8083

➤ CAPITAL OFFICE

208 N Capitol Avenue

1st Floor

Lansing, MI 48933-1354

TEL 800.995.2674

FAX 517.372.7476

➤ NORTHWEST FIELD OFFICE

200 Minneapolis Avenue

Gladstone, MI 49837-1931

TEL 906.428.0100

FAX 906.428.0101

➤ www.mml.org

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the MML to receive resolutions is August 28th.

"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed 2008-2009 Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the League website*, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, October 1st at the Grand Hotel on Mackinac Island for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed 2008-2009 MML Core Legislative Principles document are available on the League website at <http://www.mml.org>. If you would like to receive a copy of the proposed policies by fax, please call Susan at the League at 800-653-2483.

Sincerely,



Deborah Doyle
President



Daniel P. Gilmartin
Executive Director & CEO

Enc.

OFFICIAL VOTING DELEGATES
ANNUAL BUSINESS MEETING
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member municipality is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the municipal at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Prior to entering the Business Meeting, Official Voting Delegates should check-in at the registration desk located just outside of the meeting room. Official Voting Delegates will then be given a pass to enter in the reserved seating area for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate should check-in at the registration desk to be given the Voting Delegate pass.

Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member municipality will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.

2. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.

3. The Bylaw governing the submission of policy resolutions provides:

Section 4.5 - Resolutions

- A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.
- B. No resolution or motion, excepting procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either: 1) submitted to the meeting by the Board of Trustees; or 2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting**.

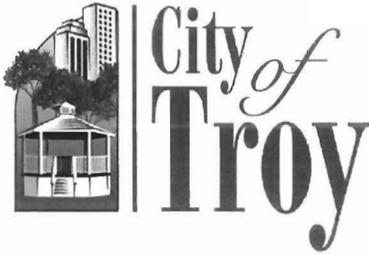
- C. Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof. If time permits, each such resolution with the recommendation of the Board shall be printed in the *Michigan Municipal Review*.

** The deadline for receiving resolutions is September 2, 2008.

4. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views before the vote is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

5. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's municipality speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.
6. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no municipality will have more than one person seated in the reserved area



CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director *CKA*

SUBJECT: Troy Racquet Club Owner – Request To Delete Lease Provisions

Background:

- The City has a Tennis Ground Lease with Troy Racquet Club. This lease was originally approved by the Troy City Council on March 9, 1977, and constructed shortly afterwards. The lease was re-negotiated and approved by the Troy City Council on May 4, 1998, and it does not expire until 2018. An amendment to this lease was most recently approved in March 2007 by the Troy City Council.
- Don Pierce, owner of the Troy Racquet Club, is now requesting a mid-term amendment to this lease. Specifically, he requests the removal of Section 3 (d) from the lease. This provision provides the City with the option to terminate the lease without cause upon 90 days written notice at the end of any two year term.
- According to his attached letter, Mr. Pierce contends that Section 3 (d) “is discomforting and likely presents an impediment to significant loan or sale transactions.”
- In the attached letter, Mr. Pierce indicates that the mutual termination provision in Section 3 (c) “may be a negative from the City’s perspective.” As such, he has agreed to the elimination of this provision if the City agrees to his request to remove the City’s option to terminate the lease without cause.
- Under Section 3 (a) of the current lease, the City still retains the right to terminate the lease upon 180 days written notice upon the City’s declaration that the property (or a significant portion) is needed for civic center expansion and/or road improvements. If this occurs, then it is treated as a “condemnation.”

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council would need to formally approve any amendments to the lease, including any deletions.

Policy Considerations:

- The current lease allows for the City to terminate without cause upon 90 days written notice, which can be exercised at each two year period. This provision provides the City with additional flexibility.
- The elimination of this provision would allow for termination only if there is a breach of the lease or if the property is “condemned.”
- The current lease also allows for the Troy Racquet Club to terminate without cause upon 90 days written notice. If the Troy Racquet Club were to exercise this contractual right to terminate, the City would have at least 90 days to secure a new operator for the facility, which is feasible.

Options:

- City Council can deny the request.
- City Council can direct City Administration to draft an amendment eliminating the provisions that allow for termination without cause.

Approved as to form and legality: _____

Lori Grigg Bluhm, Troy City Attorney



*c/o 801 W. Big Beaver Road, Suite 500
Troy, Michigan 48084
Telephone: (248) 362-1300
e-mail: dpierce@dflaw.com*

August 19, 2008

Ms. Carol Anderson, Director
Department of Parks & Recreation
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Re: Troy Racquet Club Lease Provision

Dear Ms. Anderson:

I have discovered a difficult provision in the Tennis Ground Lease between the City of Troy and the Troy Racquet Club and would appreciate your placing this request for a Lease change before the City Council.

1. Lease Provisions. Section 3 of the Lease is the pertinent portion, and a copy is attached. Specifically, Sections 3 c. and 3 d. provide that the Lessee and the Lessor, respectively, may terminate the Lease at any time by simply providing an election 90 days prior to the end of the then current term. From the Lessee's side, Section 3 d. is discomfoting and likely presents an impediment to significant loan or sale transactions. Section 3 c. may be a negative from the City's perspective.

Sections 3 a. and 3 b. addressed mutual concerns of a substantive nature which would be good grounds for terminating the Lease in accordance with their provisions. Their purposes and necessity would be totally obviated by the inclusions of Sections 3 c. and 3 d. Theoretically, 3 d. would permit the Lessor to arbitrarily terminate the Lease, although I do not believe that would happen.

Certainly, the parties are bound to act in accordance with the Lease, and a breach would be just cause for seeking a cure or termination of the Lease, as appropriate. All other enforcement provisions regarding Lessee obligations (see attached Summary), notice, and cure potentially lose their relevance.

2. Request. Accordingly, the Troy Racquet Club, as Lessee, requests that 3 d. be deleted from the Lease, with the understanding that the Troy Racquet Club would agree to the deletion of Section 3 c.

3. Background. Since we have not come up with examples of what might trigger a 3-d. termination, it is fair to ask, "why is it in the lease in the first place?"

Apparently, at the time this Lease was written a Section 3 d.-type provision had become standard language in City contracts. Both sides sought to expedite the execution of this form of Lease. I was then in the 20th year of what has been a 30 year contractual relationship with the City to develop, own and operate the Troy Racquet Club. The Lease was the backdrop for our mutual commitment to the project.

4. Un-portability and Equity Investment. The Lease itself is fundamental to the value of the Club's business as it represents a developed tennis site, promoted for 30 years. The clubhouse has been expanded and enhanced over the years, and the tennis courts are the footprint for 2 deluxe, customized air supported structures and their support equipment.

Although built with private investment funds, the buildings, courts, parking lot and other real estate always remain the City's, whereas the air structures, lighting and other support equipment, furnishings and fixtures remain the business owner's, for whatever other value they have.

The watchword originally and since then has been that the facilities would be built without taxpayer dollars.

5. Consequences. Nevertheless, for a lender to advance funds to a business whose main asset is the Lease Agreement, Section 3 d. is a barrier, particularly as there are no examples of its implementation.

The Lease document contemplates loans and security interests, and it permits a sale only with the City's approval, not to be unreasonably withheld. See Lease Section 31 relevant portion on attached Summary. Section 3 d. is a virtual prohibition against a transfer of the Lease or the sale of the business. Having an investment in place and accepting the notion that 3 d. is standard operating procedure for the City is one thing, but for a new lender or buyer, Section 3 d. is problematic.

Substantial investments have been made over the period of years in the site and the Club, with an eye toward future longevity. Not being reminded of Section 3 d. has fostered proper development to build value. One could live with 3 d. given a low enough value, but that would not be reflective of the scope of the funding.

6. Site Review. For City Council or administrative officials, we would be pleased to arrange a tour (or 2) time through your office for a view of the complete facilities.

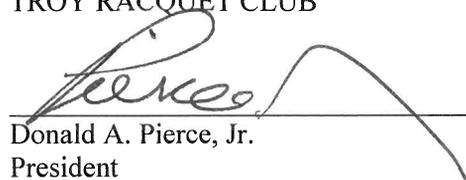
7. City Council Action. While recognizing that the City Administration cannot recommend the change, I would appreciate a chance to have the matter considered. Accordingly, I ask that you submit this request to delete 3 c. and 3 d. of the Lease to the City Council.

Thank you for your assistance.

Respectfully submitted

TROY RACQUET CLUB

By:



Donald A. Pierce, Jr.

Its:

President

*Res. #98-244
May 4, 1998*

TENNIS GROUND LEASE
between the
City of Troy as Lessor
and the
Troy Racquet Club as Lessee

April - 1998

3. TERMINATION

This Lease shall terminate upon the occurrence of any of the following events.

- a. In the event Lessor shall declare the existence of a need for the Leased Premises or a portion of the Leased Premises (such as would prevent Lessee, at its option, from operating its business) for expansion of the civic center or road improvements, provided that Lessor shall declare the necessity by resolution and serve upon Lessee a written notice of the resolution not less than 180 days prior to the time as Lessor shall desire to resume possession which possession shall be treated as a condemnation as provided in Section 25 of this Lease.
- b. Lessor may elect to terminate this Lease at any time in the event Lessee shall cease to use the Leased Premises for a Tennis facility by giving the Lessee notice of the election in writing not less than 60 days prior to Lessor's intended resumption of possession by Lessor because of Lessee's failure to use the Leased Premises for a Tennis Facility.

- c. Lessee may elect to terminate this Lease at the end of the initial term or any renewal term by giving the Lessor notice of the election in writing not less than 90 days prior to the expiration date of the term, in which event this Lease shall terminate.
- d. Lessor may elect to terminate this Lease at the end of the 2001-2002 term or any subsequent term(or sooner as provided in 3a or 3b above) by giving the Lessee notice of the election in writing not less than 90 days prior to the expiration date of the term, in which event this Lease shall terminate.

Summary of Lessee Obligations
from

TENNIS GROUND LEASE
between the
City of Troy as Lessor
and the
Troy Racquet Club as Lessee

April – 1998
(May 4, 1998 Resolution)

Prepared by:
Don Pierce
8/19/08

The following are excerpts from the Tennis Ground Lease between the City of Troy and the Troy Racquet Club, dated April 1, 1998. This is (other than amendments) the only Lease subsequent to the original Lease between the parties dated March 17, 1988.

1. Lease.

...the Leased Premises will be used and occupied for the purpose of maintaining a Tennis Facility and for no other purpose.

3. Termination.

This Lease shall terminate upon the occurrence of any of the following events.

a. In the event Lessor shall declare the existence of a need for the Leased Premises or a portion of the Lease Premises (such as would prevent Lessee, at its option, from operating its business) for expansion of the civic center or road improvements,... and serve upon Lessee a written notice of the resolution not less than 180 days prior to the time as Lessor shall desire to resume possession which possession shall be treated as a condemnation as provided in Section 25 of this Lease.

b. Lessor may elect to terminate this Lease at any time in the event Lessee shall cease to use the Leased Premises for a Tennis Facility by giving the Lessee notice of the election in writing not less than 60 days prior to Lessor's intended resumption of possession by Lessor because of Lessee's failure to use the Leased Premises for a Tennis Facility.

c. Lessee may elect to terminate this Lease at the end of... any renewal term by giving the Lessor notice of the election in writing not less than 90 days prior to the expiration date of the term, in which event this Lease shall...

d. Lessor may elect to terminate this Lease at the end of the 2001-2002 term or any subsequent term... by giving the Lessor notice of the election in writing not less than 90 days prior to the expiration date of the term, in which event this Lease shall terminate.

4. Rental.

... Lessee shall pay to the City Treasurer, as compensation...
[ed. rent has been subsequently adjusted]

5. Schedule of Operations and Hourly Rates.

Lessee shall keep the Tennis Facility open to club members and available for membership 32 consecutive weeks in each lease year... Minimum hours of operation and the hourly rates to be charged members shall be as follows:...

6. Court Reservations.

[ed. various arrangements e.g., permanent court time, random time, and others are permitted]

7. Changes in Rates and Fees.

... Any changes in court time rates or membership dues must be approved 90 days in advance of implementation by the City Council or City Manager.

8. Teaching Programs.

... Lessee may allot, set aside and reserve such time, up to fifty percent (50%) of available time during the hours of operation as may be required for instructional purposes...

9. Other Employees.

Lessee may employ such other persons as may be required in the operation, management and maintenance of the indoor Tennis Facility and its appurtenances. Lessee shall, where applicable, comply with the requirements of all Federal, State and local laws and ordinances and regulations relating to minimum wages, social security, unemployment insurance and worker's compensation and shall not discriminate against any employee or applicant because of race, sex, age, creed, color or national origin.... Lessee shall require all employees to exercise courtesy and consideration in their relations with the public and shall require all employees to wear a uniform or badge to show that such persons are employees of the Lessee.

10. Pro Shop.

A Pro Shop shall be operated in the Tennis Facility in order to make available to the public that merchandise of a type customarily found in other tennis pro shop of like circumstance and size, subject to member demand. ...

13. Lessee's Obligations for Repairs.

Lessee, at its own cost and expense, shall maintain the Leased Premises and all improvements, fixtures and equipment in good order and repair, making all necessary repairs and replacements.

14. Conformity to Law.

The Lessee shall promptly observe, perform, execute and comply with all applicable and valid laws, ordinances and regulations of every duly constituted governmental authority or agency relating to the Leased Premises. The Lessee, upon notice of any violation, shall have the right to correct it within the time allowed for correction or compliance and/or to contest in good faith, by appropriate action, the validity of any such law, rule, requirement, order, directive,

ordinance or regulation, provided that title of the Lessor to the Leased Premises and the rights of the parties to this Lease are not jeopardized or impaired...

15. Licenses.

The Lessee, at its own expense, shall obtain and keep in effect all licenses or permits which may be required by law to operate the Tennis Facility...

18. Liens.

The Lessee shall not permit any recorded liens to stand against the Leased Premises for any labor or material furnished to the Lessee in connection with any work performed by Lessee or at the Lessee's direction. ...

21. Insurance.

...the Lessee shall obtain and keep in force the following insurance coverage:

A. Fire and extended coverage insurance on the building constructed on...

B. Public liability insurance in favor of Lessee and Lessor, ...

C. Worker's Compensation insurance covering all of Lessee's employees to the extent and amount required by law.

22. Restoration.

...Lessee, at its expense, whether or not the proceeds of insurance shall be sufficient, shall promptly restore or rebuild the improvements as nearly as possible to the condition existing just prior to the destruction or damage. ...

24. Indemnity.

The Lessee shall indemnify and forever hold the Lessor harmless from and against all liability, actions, claims, demands, costs, damages or expense of any kind which may be brought or made against Lessor or which the Lessor may pay or incur, by reason of the Lessee's performance of or failure to perform any of its obligations under this Lease or...

26. Taxes.

The Lessee shall pay all charges for fuel, water, sewers, gas, electricity or other public utilities used by it on the Leased Premises. Lessee shall pay all personal property taxes levied on its interest in the property...

27. Set-Up and Take-Down of Air-Supported Structure.

Lessee shall, at its own expense, set up and take down the air-supported structure...

Lessee shall provide, after take-down of the air supported structure, posts for support of tennis nets, but not the nets themselves. ...

28. Lessee's Default.

The Lessee is in default, if it fails to fulfill any provision of this agreement and, provided, that Lessee shall have sixty (60) days after written notice by Lessor of the act or default to remedy the act or default and, should Lessee commence but be unable to cure the default by the expiration of the period, such time as is reasonably required to remedy the default through diligent action on its part. ...

In addition, the Lessee is in default if the Lessee shall make any assignment for the benefit of creditors or file a voluntary petition in bankruptcy or be adjudicated a bankrupt to take the benefit of any insolvency act or be dissolved,... Lessee shall notify Lessor of any security interest in any property located in or on the Leased Premises which it shall grant to anyone.

31. Sale of Interest in Lessee.

... If Donald A. Pierce, Jr., should, without the prior consent of the Lessor (which shall not be unreasonably withheld) divest himself of his entire interest in the Lessee, and/or cease to participate in the management of Lessee's business operations, except by reason of death or disability, the Lessor reserves the right to cancel this Lease. ...Any other sale or assignment of this Lease by Lessee... shall require the prior written approval of Lessor... which approval shall not be unreasonably withheld. ...

34. Interference with Other Uses.

...Lessee shall not unreasonably interfere with the general use of the surrounding public land and recreational property.

39. Inconsistencies.

This Lease has been drafted as an integrated description of the various rights and obligations of the parties and as an expansion upon that original proposal made on behalf of Lessee to Lessor for the construction and operation of the Tennis Facility. Where specific inconsistencies exist between that document and this, this Lease shall control as the final statement. Where matters are not covered, or where coverage is not exhausted or inconsistent with this Lease, the provisions of the original proposal shall supplement and control, as the case may be.

[ed. Particularly relevant related to Leasehold Mortgages]

43. Successors and Assigns.

All of the covenants, provisions, terms, agreements and conditions of this Lease shall inure to the benefit and be binding upon Lessor, Lessee and their respective successors and assigns.

45. Relationship Between Parties.

...nothing contained in this Lease and Agreement is intended, or shall be construed, as creating or establishing the relationship of co-partners or joint venturers between the parties or as constituting the Lessee as the agent or representative of the Lessor for any purpose or in any manner.

A handwritten signature in black ink, appearing to be 'DAP', is located on the right side of the page.



CITY COUNCIL ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Cathleen A. Russ, Library Director

SUBJECT: Library Café Space Recommendation

Background:

- On Monday, December 3, 2007, City Council approved a one-year contract amendment for Library Café Services to Zeyn Francis expiring December 31, 2008. (Resolution #2007-12-345-F17)
- Mr. Francis has since closed Steamers Café without notice on Wednesday, August 6, 2008, and verbally informed the Library Director that the café was no longer in business.
- Management recommends that the City cease café service operations at the Troy Public Library, and instead provide a seating area for patrons, with several multi-choice vending machines.

The reasons for this recommendation are as follows:

- Café patronage is very low;
- Ongoing problems with café proprietors, whose substandard service reflects poorly on the Troy Public Library. There is no guarantee there won't be similar problems with future owners;
- Grant patron requests for a space in which they can bring in food and eat inside the library;
- Will make better use of existing library space;
 - By combining the current café space and Friends Gift Shop into a large area where patrons can enjoy refreshments as well as browse the Gift Shop.
 - Doing so will reduce the amount of congestion/traffic in a very busy area.

August 18, 2008

To: Phillip L. Nelson, City Manager
Re: Library Café Space

Financial Considerations:

- Potential loss of revenue: rent for the café space has been budgeted at \$750/month, \$9,000/year. However, it is my expectation that high quality vending machines could generate at least this amount, if not more.
- The City could also charge the Friends a nominal amount for rent on the Gift Shop space if deemed necessary.

Legal Considerations:

- Zeyn Francis will receive a written notice of default and remedies for reinstatement as a potential vendor after three (3) years.

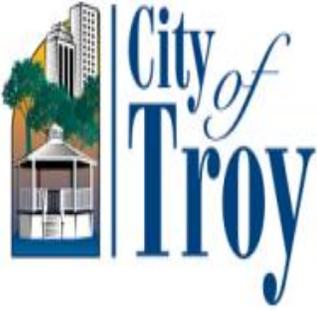
Policy Considerations:

This recommendation addresses the following Outcome Statements:

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues

Options:

- City management recommends the Troy City Council rescind with prejudice the contract approved on December 3, 2007, to Zeyn Francis of Troy, MI, for Library Café Services and reconfigure the space at the Troy Public Library known as Steamers Café for use as a multi-purpose room that includes a vending café and the Friends of the Troy Public Library Gift Shop.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: August 19, 2008
SUBJECT: Liquor License Ordinance Fees – Chapter 60 Amendment

The recently approved Chapter 101 sets forth the liquor license application procedure. Chapter 101 does not include the amount of fees, however, since these are set forth in Chapter 60 of the Troy City Ordinances.

Enclosed please find the proposed additions to Chapter 60, which codifies the amounts that are currently being charged for liquor license processing. Under this proposed ordinance, applications for new licenses or a change of location are \$1,000, since these applications require significant administrative time and inspection, including background checks, fire department inspections, building inspections, contract preparation, etc. Other changes, such as a change of the name of the corporate licensee or the addition of outdoor service for an existing licensee, require significantly less administrative time, and therefore are only \$300.

In addition to the above referenced fees, there may be additional fingerprinting charges, which are set by the State of Michigan. Although Chapter 101 requires the liquor license applicant to submit to fingerprinting when requested, it is the State of Michigan that determines when such fingerprinting is necessary for a liquor license application. Under the State Liquor Control Act administrative rules, the local unit of government must take the fingerprints when required, and submit payment to the State of Michigan. Currently, the State charges \$35 for fingerprinting, but since this amount could change, the proposed amendment refers to the State of Michigan fee schedule.

The proposed additions to Chapter 60 are recommended for approval. As always, if you have any questions concerning the above, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Section 60.03, of the Code of the City of Troy.

Section 2. Amendment

Chapter 60, Section 60.03 – Fee Schedule, shall be amended by adding the following items:

ITEM/SERVICE:	FEE:
Liquor License Application and Investigation Fee (New and transfers to different premises)	\$1,000.00
Applications for additions or amendments to existing liquor licenses	\$300.00
Fingerprinting fee (Payable to the State of Michigan)	Michigan State Police Fee Structure

Section 3. Savings

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

Section 4. Severability Clause

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

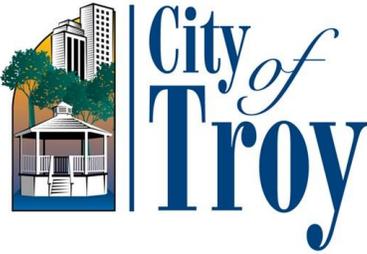
Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk



CITY COUNCIL ACTION REPORT

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cathleen A. Russ, Library Director

SUBJECT: Request to Amend Library Fee Schedule

Background:

- It is recommended that the Library Fee Schedule be revised to accommodate changes and additions to library collections, and to update user fees in several areas.

The City of Troy/Troy Public Library's operating costs are continually increasing. In order to offset increased operational costs, the following fee increases are proposed, to take effect October 1, 2008.

Financial Considerations:

- It is expected that the recommended adjustment to the overdue materials fees will yield an additional \$25,000 in revenue, for a projected total of \$135,000/year.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- This recommendation addresses the following Outcome Statement:
Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City management recommends that the changes to the fee structure for materials at the Troy Public Library be approved. City management further recommends that these rates can be adjusted by City management in order to stay competitive in the market.

TROY PUBLIC LIBRARY SCHEDULE OF LIBRARY FEES

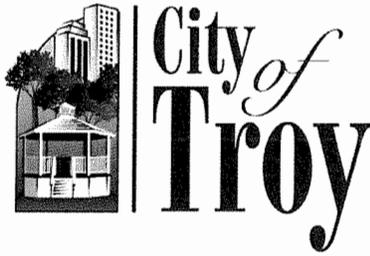
OVERDUE CHARGES

MATERIAL	LOAN PERIOD	CURRENT OVERDUE CHARGES/DAY	PROPOSED OVERDUE CHARGES/DAY	CURRENT MAXIMUM OVERDUE CHARGE *	PROPOSED MAXIMUM OVERDUE CHARGE*
Books (Adult)	21 days	\$ 0.15	\$ 0.25	\$10.00	\$15.00
Books (Youth)	21 days	\$ 0.15	\$ 0.25	\$10.00	\$15.00
Cassettes	21 days	\$ 0.15	\$ 0.25	\$10.00	\$15.00
Compact Discs	21 days	\$ 0.15	\$ 0.25	\$10.00	\$15.00
Puppets	7 days	\$ 0.15	\$ 0.25	\$10.00	\$15.00
Periodicals	7 days	\$ 0.15	\$ 0.25	\$10.00	*
CDROMS	7 days	\$1.00	\$1.00	\$10.00	\$15.00
Videocassettes	7 days	\$1.00	\$1.00	\$10.00	\$15.00
Videocassettes Non fiction	21 days	\$1.00	\$1.00	\$10.00	\$15.00
DVD	7 days	\$1.00	\$1.00	\$10.00	\$15.00
DVD Non fiction	21 days	\$1.00	\$1.00	\$10.00	\$15.00
Video Games	14 days	NA	\$1.00	NA	\$15.00
Boxed Set DVD	14 days	NA	\$1.00	NA	\$15.00

* Maximum charge does not exceed the replacement cost of the material

USER FEES

	CURRENT	PROPOSED
Lost/Damaged material	Retail replacement cost	Same
Library Card Replacement	\$ 2.00	\$3.00
Non-Resident Card	\$ 200.00	Same
DVD (Feature)	\$2.00 per title, per week	Same
Rental Books	\$ 0.15 per title, per day	\$ 0.25 per title per day
Computer Printout	\$ 0.10 per page	Same
Photocopy/Microform Copy	\$ 0.10 per page	Same
Color Copy	\$ 1.00 per page	Same
Fax	\$ 3.00 first page, \$ 1.00 per additional page \$ 1.00 per page received	Same
Video Games		\$ 5.00 for 14 days
Boxed Set DVDs		\$ 5.00 for 14 days



CITY COUNCIL ACTION REPORT

August 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: William S. Nelson, Fire Chief *WSN*
David J. Roberts, Assistant Fire Chief *DR*

SUBJECT: Troy City Code Chapter 93, Fire Prevention

Background:

- The Troy Fire Department is responsible for fire prevention inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within the City of Troy.
- The Fire Prevention Division is established under the direction of the Division Assistant Chief who serves as the Fire Marshal.
- The function of the division shall be the implementation, administration and enforcement of the provisions of the International Fire Code with local amendments as adopted in Troy City Code Chapter 93.
- Chapter 93 currently adopts the 2003 edition of the International Fire Code with amendments.
- The International Code Council publishes revised editions of codes every three years. The current edition of the International Fire Code is the 2006 edition.
- The International Building Code is a companion code to the International Fire Code, allowing uniformity in enforcing related fire and life safety related provisions by building officials and fire officials.
- The State of Michigan adopts the International Building Code with state amendments as the Michigan Building Code for use throughout all of Michigan. State amendments take approximately two years to approve before implementation as the Michigan Building Code.
- Per the requirements of Public Act 230 of 1972, as amended, the Troy Building Department enforces the Michigan Building Code.
- The 2006 Michigan Building Code took affect August 1, 2008.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- Revising Chapter 93 to adopt the 2006 edition of the International Fire Code with amendments coincides with the implementation of the 2006 edition of the Michigan Building Code on August 1, 2008.

- These codes serve as companion codes to one another and thus allow for uniform enforcement of each by fire and building department officials thereby avoiding potential conflict and any resulting legal proceedings.
- Code amendments / modifications are indicated by red strike-through text and are replaced with red/underlined text or are addressed elsewhere in the code.

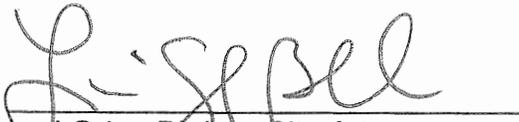
Policy Considerations:

- The implementation, administration, and enforcement of the provisions of Chapter 93 serve to meet Council's Outcome Statement of Troy enhancing the health and safety of the community.

Options

- City management requests the adoption of the 2006 International Fire Code with amendments as Chapter 93 of the Code of the City of Troy.

Reviewed and approved as to legality:



Lori Grigg Bluhm, City Attorney

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 16th amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

Section 2. Amendment

93.00 Adoption of the ~~2003~~ 2006 International Fire Code by Reference. The *International Fire Code*, ~~2003~~ 2006 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, ~~2003~~ 2006 Edition, shall be kept on file with the City Clerk.

93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, ~~2003~~ 2006 Edition and Amendment to Chapter 93. The City of Troy adopts the following ~~amendments to Chapter 93 of the Code of Ordinances which represent~~ additions, insertions, deletions and changes from the *International Fire Code*, ~~2003~~ 2006 Edition. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code*, ~~2003~~ 2006 Edition. Deletions are indicated with strike-through text while additions and insertions are indicated with underlined text. ~~Any provisions of Chapter 93, Section 93.01 which are not amended or deleted herein shall remain in full force and effect.~~

105.6 Required operational permits. The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through ~~105.6.47~~ 105.6.46. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

105.6.13 ~~Exhibits, crafts and trade shows~~ Special events. An operational permit is required to operate/conduct all special events including exhibits, crafts, and trade shows.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the ~~amounts listed in Table 105.6.21.~~ most restrictive amounts listed in this code, the EPA's *Emergency Planning and Community Right To Know regulations*, and MIOSHA's *Firefighter Right To Know requirements*.

105.6.20.1 Required amounts for reporting. Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in ~~Table 105.6.21.~~ the Troy Fire Department's HMIS packet as defined in Chapter 27 of this code.

105.6.21 Hazardous Materials. Deleted.

105.6.21.1 Required Amounts for Reporting. Deleted.

105.7.13 Permit Issuance. Deleted.

105.7.14 Permit issuance. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be ~~guilty of a misdemeanor punishable by a fine of not more than five hundred (500) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment as determined by a judge in a court of law.~~ responsible for a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Sanctions for each violation shall include a fine of not more than \$500, costs, damages and injunctive orders, as authorized by Chapter 100.

SECTION 202 GENERAL DEFINITIONS

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Burning for purposes of incineration of waste material including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

307.2 Allowable burning. Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs. Bonfires may be permitted if in compliance with 307.3.1 and subject to prior approval of the fire official.

307.2.2. Prohibited open burning. Deleted.

307.2.3. Allowable burning. Deleted.

307.3 Extinguishment authority. The fire code official or police official is authorized to order the extinguishment by the ~~permit holder~~ responsible person, another person responsible, or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

307.3.1 Bonfires. Deleted.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

307.3.3 Ground Fires. Deleted.

307.4.3 Ground fires. A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

404.5.1 Format. Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

SECTION 502 DEFINITIONS

609.1.1 Exhaust fans. Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

610.1.1 Exhaust fans. Deleted.

803.1.1. Explosive and highly flammable or combustible materials. Deleted.

803.3.1. Explosive and highly flammable or combustible materials. Furnishings or decorations of an explosive or highly flammable or combustible character shall not be used.

804.1.1. Restricted Occupancies. Deleted.

805.1 General. Deleted.

806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U occupancies.

Exceptions. Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B,E, F, M, R-1,R-2, S, and U.

807.1 General. In occupancies of Groups A, B, E, F, H, I, M, R-1, dormitories in Group R-2, R-4, S, and U, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

901.5. Installation acceptance testing. Deleted.

901.5 Installation acceptance testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing is performed in order to schedule, witness and approve such testing prior to use of said fire protection system or equipment.

901.6.2 Records. Deleted.

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request. A copy shall also be sent to the fire code official by the service company or individual performing such work within 30 days or as may be otherwise required by the fire code official.

901.6.2.1 Noncompliant systems. Deleted.

901.6.2.2 Noncompliant systems. Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

SECTION 902 DEFINITIONS

903.2.10.3 Buildings over 30 feet in height. Deleted.

903.2.10.3 Buildings over 30 feet in height. An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

Exceptions: Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

903.3.5.3 Required pressure margin. ~~Due to unforeseeable and changing conditions within the water supply, t~~ The code official is authorized to require a pressure margin of up to twenty (20) ~~lbs p.s.i.~~ over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

907.7.1 Annunciation. Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

907.10.2.2 Audible alarm appliance silencing. Deleted.

907.12.1 Remote annunciation: Deleted.

SECTION 914.0 TEMPERATURE AND MONITORING

Deleted in its entirety

SECTION 915.0 TEMPERATURE AND MONITORING

915.1 General. Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

1019.1.8 Smokeproof enclosures. Deleted.

1020.1.7 Smokeproof enclosures. In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exits of a building which serves stories where the floor surface is more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.2 of the International Building Code.

1022.2 Use in a means of egress. Deleted.

1023.2 Use in a means of egress. Exterior exit stairways shall not be used as an element of a required means of egress for occupancies in Group I-2. For occupancies in other than Group I-2, exterior exit stairways shall be permitted as an element of a required means of egress for buildings not exceeding five stories above grade plane or having occupied floors more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access.

1025.1 General. Deleted.

1026.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. In other than Group R-3 occupancies, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.
3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of Section 404 of the *International Building Code*, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. High-rise buildings in accordance with Section 403 of the *International Building Code*.
6. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
7. Basements without habitable spaces and having no more than 200 square feet (18.6m²) in floor area shall not be required to have emergency escape windows.

3301.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, ~~and along with~~ the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

3308.11 Retail display and sale. Deleted.

3308.11 Retail display and sale. A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

3405.2.4 Class I and II liquids. Deleted.

3406.2.5.2 Tanks for gravity discharge. Deleted.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the ___ day of _____ 2008.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 16th amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

Section 2. Amendment

93.00 Adoption of the 2006 International Fire Code by Reference. The *International Fire Code*, 2006 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, 2006 Edition, shall be kept on file with the City Clerk.

93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, 2006 Edition and Amendment to Chapter 93. The City of Troy adopts the following amendments to Chapter 93 of the Code of Ordinances which represent additions, insertions, deletions and changes from the *International Fire Code*, 2006 Edition. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code*, 2006 Edition. Deletions are indicated with strike-through text while additions and insertions are indicated with underlined text. Any provisions of Chapter 93, Section 93.01 which are not amended or deleted herein shall remain in full force and effect.

105.6 Required operational permits. The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.46. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

105.6.13 Special events. An operational permit is required to operate/conduct all special events including exhibits, crafts, and trade shows.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the most restrictive amounts listed in this code, the EPA's *Emergency Planning and Community Right To Know regulations*, and *MIOSHA's Firefighter Right To Know* requirements.

105.6.20.1 Required amounts for reporting. Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in the Troy Fire Department's HMIS packet as defined in Chapter 27 of this code.

105.6.21 Hazardous Materials. Deleted.

105.6.21.1 Required Amounts for Reporting. Deleted.

105.7.13 Permit Issuance. Deleted.

105.7.14 Permit issuance. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be responsible for a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Sanctions for each violation shall include a fine of not more than \$500, costs, damages and injunctive orders, as authorized by Chapter 100.

SECTION 202 GENERAL DEFINITIONS

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Burning for purposes of incineration of waste material including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

307.2 Allowable burning. Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs. Bonfires may be permitted if in compliance with 307.3.1 and subject to prior approval of the fire official.

307.2.2. Prohibited open burning. Deleted.

307.2.3. Allowable burning. Deleted.

307.3 Extinguishment authority. The fire code official or police official is authorized to order the extinguishment by the responsible person, another person responsible, or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

307.3.1 Bonfires. Deleted.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

307.3.3 Ground Fires. Deleted.

307.4.3 Ground fires. A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

404.5.1 Format. Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

SECTION 502 DEFINITIONS

609.1.1 Exhaust fans. Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

610.1.1 Exhaust fans. Deleted.

803.1.1. Explosive and highly flammable or combustible materials. Deleted.

803.3.1. Explosive and highly flammable or combustible materials. Furnishings or decorations of an explosive or highly flammable or combustible character shall not be used.

804.1.1. Restricted Occupancies. Deleted.

805.1 General. Deleted.

806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U occupancies.

Exceptions. Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B,E, F, M, R-1,R-2, S, and U.

807.1 General. In occupancies of Groups A, B, E, F, H, I, M, R-1, dormitories in Group R-2, R-4, S, and U, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

901.5. Installation acceptance testing. Deleted.

901.5 Installation acceptance testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing is performed in order to schedule, witness and approve such testing prior to use of said fire protection system or equipment.

901.6.2 Records. Deleted.

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request. A copy shall also be sent to the fire code official by the service company or individual performing such work within 30 days or as may be otherwise required by the fire code official.

901.6.2.1 Noncompliant systems. Deleted.

901.6.2.2 Noncompliant systems. Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

SECTION 902 DEFINITIONS

903.2.10.3 Buildings over 30 feet in height. Deleted.

903.2.10.3 Buildings over 30 feet in height. An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

Exceptions: Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

903.3.5.3 Required pressure margin. The code official is authorized to require a pressure margin of up to twenty (20) p.s.i. over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

907.7.1 Annunciation. Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

907.10.2.2 Audible alarm appliance silencing. Deleted.

907.12.1 Remote annunciation: Deleted.

SECTION 914.0 TEMPERATURE AND MONITORING

Deleted in its entirety

SECTION 915.0 TEMPERATURE AND MONITORING

915.1 General. Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

1019.1.8 Smokeproof enclosures. Deleted.

1020.1.7 Smokeproof enclosures. In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exits of a building which serves stories where the floor surface is more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.2 of the International Building Code.

1022.2 Use in a means of egress. Deleted.

1023.2 Use in a means of egress. Exterior exit stairways shall not be used as an element of a required means of egress for occupancies in Group I-2. For occupancies in other than Group I-2, exterior exit stairways shall be permitted as an element of a required means of egress for buildings not exceeding five stories above grade plane or having occupied floors more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access.

1025.1 General. Deleted.

1026.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. In other than Group R-3 occupancies, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.
3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of Section 404 of the *International Building Code*, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. High-rise buildings in accordance with Section 403 of the *International Building Code*.
6. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
7. Basements without habitable spaces and having no more than 200 square feet (18.6m²) in floor area shall not be required to have emergency escape windows.

3301.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, along with the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

3308.11 Retail display and sale. Deleted.

3308.11 Retail display and sale. A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. “No Smoking” signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

3405.2.4 Class I and II liquids. Deleted.

3406.2.5.2 Tanks for gravity discharge. Deleted.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the ___ day of _____ 2008.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

Regular Meeting of the Troy City Council was held Monday, August 11, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Paul Monson of St. Augustine Evangelical Lutheran Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

- Mayor Louise E. Schilling
- Robin Beltramini
- Cristina Broomfield
- David Eisenbacher
- Wade Fleming
- Mayor Pro Tem Martin Howrylak
- Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a. On behalf of the City of Troy Employees' *Casual for a Cause* Program (June), Carol Anderson, Parks & Recreation Director presented and accepted a check in the amount of \$503.17 to the Troy Seniors.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 City of Royal Oak Hospital Financing Authority Issuing Tax-Exempt Bonds for William Beaumont Hospital – Troy

The Mayor opened the Public Hearing.
The Mayor closed the Public Hearing after receiving comment from the Petitioner. No comment was received from the Public.

Resolution #2008-08-242
Moved by Kerwin
Seconded by Eisenbacher

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue

Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$825,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$825,000,000 in aggregate principal amount of the Bonds by the Authority; and
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 Approval of Proposed Ballot Language of the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5

Resolution #2008-08-243
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**AN INITIATORY PETITION TO AMEND THE TROY CITY
CHARTER BY ADDING SECTION 9.16.5**

Shall Section 9.16.5 regarding Millage Rate Levy Limitation be added to the Troy City Charter as follows:

“Section 9.16.5. The Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall first be approved by a majority of the City electors voting on the question.”?

Yes ___ No ___

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Beltramini, Kerwin, Schilling

MOTION CARRIED

Vote on Resolution for the Distribution of Charter Amendment Educational Information

Resolution #2008-08-244
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council shall hereby **APPROVE** any educational information that is posted or sent out by the City regarding the November 4, 2008 Charter Amendment before publication.

Yes All-7

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Historic District Commission and Historical Commission**

(a) Mayoral Appointments – No appointments scheduled

(b) City Council Appointments

Resolution #2008-08-245
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Historic District Commission

Appointed by City Council (7-Regular) 3-Year Terms

Emily Wang-Student

Term Expires 07/01/09

Historical Commission

Appointed by City Council (7-Regular) 3-Year Terms

Yanyu (Andrew) Liu-Student

Term Expires 07/31/09

Yes All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Parks and Recreation Board

(a) **Mayoral Nominations – No nominations scheduled**

(b) **City Council Nominations**

Resolution #2008-08-246

Moved by Howrylak

Seconded by Fleming

RESOLVED, That the 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 & Recreation Board

Appointed by City Council (7-Regular: 3-Year Terms) (1-Troy School Board: 1-Year Term) (1-Troy Daze Committee: 1-Year Term) (1-Adv. Comm. for Sr. Citizens: 1-Year Term)

Gary Hauff

Troy School District Rep.

Term Expires 07/31/09

Yes All-7

MOTION CARRIED

E-3 Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South Side of Long Lake and West Side of John R, Section 14, Currently Zoned PUD

Resolution #2008-08-247

Moved by Beltrami

Seconded by Howrylak

WHEREAS, On September 10, 2007, City Council granted Concept Development Plan approval, pursuant to Article 35.50.01, for The Oasis at Centennial Park Planned Unit Development (PUD 6), located on the south side of Long Lake and west side of John R, Section 14, being approximately 9.35 acres in size;

WHEREAS, The property was rezoned to the Planned Unit Development zoning district designation on September 10, 2007; and

WHEREAS, The petitioner Oasis at Centennial Park, LLC has requested that the Concept Development Plan be abandoned;

BE IT RESOLVED, That Troy City Council hereby **DECLARES** The Oasis at Centennial Park Planned Unit Development (PUD 6) project to be abandoned; and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the Concept Development Plan approval for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **INVALIDATES** the Development Agreement for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** any and all rights and approvals granted under and as a part of the Concept Development Plan for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record this resolution with the Oakland County Register of Deeds as evidence of City Council action.

Yes: All-7

MOTION CARRIED

E-4 Bid Waiver – Printing of Election and Voter Registration Materials

Resolution #2008-08-248

Moved by Beltramini

Seconded by Kerwin

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

WHEREAS, Printing Systems, Inc. has provided the City of Troy with the required materials as a result of the lowest quote and regularly as the only vendor able to provide the materials requested in the quotes; and

WHEREAS, Printing Systems, Inc. holds the contract for ballot printing and supply kits with Oakland County and it is desirable to utilize Printing Systems, Inc. for ballot folding and specialized forms in conjunction with the County procurement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of printing of Election and Voter Registration materials from Printing Systems, Inc. at an estimated cost of \$40,000.00.

Yes All-7

MOTION CARRIED

E-5 Ordinance to Add Chapter 101 to Troy City Code - Liquor Licenses

Resolution
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 101, Liquor Licenses, to the Troy City Code City, as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Resolution to Amend Chapter 101-Liquor Licenses of the Troy City Code

Resolution #2008-08-249
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Add Chapter 101 to the Troy City Code-Liquor Licenses* by **MOVING** "which shall be determined by the Troy City Council in its sole discretion" **AFTER** "or an assembly or a convention center use" in Paragraph 9.

Yes All-7

MOTION CARRIED

Vote on Resolution to Amend Chapter 101-Liquor Licenses of the Troy City Code as Amended

Resolution #2008-08-250
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 101, Liquor Licenses, to the Troy City Code, as recommended by the City Attorney and **AMENDED** by **MOVING** "which shall be determined by the Troy City Council in its sole discretion" **AFTER** "or an assembly or a convention center use" in Paragraph 9, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

MOTION CARRIED

E-6 Amendment to Chapter 98 of Troy City Code – Criminal Code for Liquor License Decoy Enforcement Operations

Resolution #2008-08-251
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 98.10.06 and 98.10.11 and the addition of a new Section 98.10.14 of Chapter 98 of the Troy City Code as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

MOTION CARRIED

E-7 Amendment to Chapter 13 of Troy City Code – Historic Preservation

Resolution #2008-08-252
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 3 of Chapter 13 of the Troy City Code as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

MOTION CARRIED

E-8 Phase II Stormwater Permit – Administrative Challenge

Resolution #2008-08-253
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AFFIRMS** City Administration’s filing of a Contested Case Proceeding Challenging the NPDES Storm Water Permit, and **AUTHORIZES** the payment of any necessary costs and expenses to adequately represent the City.

Yes All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2008-08-254-F-1a
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2, F-5, and F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes All-7

MOTION CARRIED

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 8: Best Value Award – Vending Machine Services

Resolution #2008-08-254-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a five-year contract to provide for the installation, operation and management of on-site vending machine services for various City of Troy facilities with additional options to renew at one-year intervals for a maximum length of ten (10) years to Vendtek/Satellite Vending Company of Wixom, MI, the bidder with the highest score as a result of a best value process, which the Troy City Council determines to be in the public interest, at a 15% - 18% return on gross receipts, which is offset by the cost of \$45/month for money changers at the Library and Community Center; or a guaranteed minimum of \$11,000.00 per year whichever is greater, to expire August 31, 2013; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and contract documents, including insurance certificates, agreement and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement when in acceptable form.

b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Stain Exterior General Store

Resolution #2008-08-254-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to stain the exterior of the General Store located at the Troy Historical Museum to the sole bidder meeting specifications, Hermes Painting Company of Troy, MI, for an estimated total cost of \$45,000.00, at prices contained on the bid tabulation opened June 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

Resolution #2008-08-254-F-4c

WHEREAS, On August 20, 2007, a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods was awarded to the low total bidder, Viking Construction, Inc. of Warren, Michigan (Resolution #2007-08-250-E-4e); and

WHEREAS, Viking Construction has agreed to exercise first of two one-year options to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Viking Construction to provide sidewalk replacement and installation for the 2008/09 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened July 19, 2007, to expire June 30, 2009.

d) **Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking Program**

Resolution #2008-08-254-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to furnish major street pavement markings with an option to renew for one (1) additional year to the low total bidder, RS Contracting, Inc. of Casco Twp, MI, at unit prices contained in the bid tabulation opened July 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2010; and

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

e) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment**

Resolution #2008-08-254-F-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to supply two-year requirements of initial issue police uniforms and equipment for newly hired Police Department employees, with an option to renew for two one-year periods, to the lowest bidder meeting specifications, Metropolitan Uniform Company, 3065 Orchard Lake Road, Keego Harbor, MI 48320, at an estimated cost of \$1,638.98 per employee, plus tailoring charges of \$8.00 per flashlight pocket, shirt or pants, at unit prices contained in the bid tabulation opened on July 16, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire August 11, 2010.

f) **Standard Purchasing Resolution 2: Lowest Bidders Meeting Specifications – Troy Daze Tents**

Resolution #2008-08-254-F-4f

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish, set-up and take down tents for the Troy Daze Festival to the lowest bidders meeting specifications, Dial Tent & Awning Co., Inc of Saginaw, MI, and Ace Canvas & Tent of Detroit, MI for an estimated total cost of \$11,656.00 and \$5,255.00 respectively, at unit prices contained in the price quote submitted August 4, 2008 and bid tabulation opened August 1, 2008, copies of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

g) **Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Community Center Treadmills**

Resolution #2008-08-254-F-4g

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install thirteen (13) new commercial treadmills at the Community Center to the lowest bidder meeting specifications, All Pro Exercise, Inc. of Farmington Hills, MI, at an estimated net total cost of \$51,142.00 including trade-ins, at prices contained in the bid tabulation opened July 21, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

h) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-8 – Civic Center and Town Center Mill and Overlay**

Resolution #2008-08-254-F-4h

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-8, Civic Center and Town Center Mill and Overlay, to Ajax Paving Industries, Inc., 830 Kirks Blvd., Suite 100, Troy, MI 48084, at an estimated total cost of \$595,675.70; and

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, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

i) **Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)**

Resolution #2008-08-254-F-4i

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2009 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of \$15,671.36.

F-7 Traffic Committee Recommendations – July 16, 2008

(a) Establishment of Fire Lanes – 1607 E. Big Beaver

Resolution #2008-08-254-F-7a

RESOLVED, That Traffic Control Order No. 08-03-MR be **ISSUED** for the establishment of fire lanes at 1607 E. Big Beaver as recommended by the Fire Department as shown in the attached sketch.

(b) Establishment of Fire Lanes – 6475 Rochester Road

Resolution #2008-08-254-F-7b

RESOLVED, That Traffic Control Order No. 08-04-MR be **ISSUED** for the establishment of fire lanes at 6475 Rochester Road as recommended by the Fire Department as shown in the attached sketch.

F-8 Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-233-022, Perry and Ramona Sankovich

Resolution #2008-08-254-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from property owner Perry J. Sankovich and Ramona Sankovich, owners of the property having Sidwell #88-20-09-233-022; and

BE IT FURTHER RESOLVED, That Troy City Council the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original minutes of this meeting.

F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council Minutes

Resolution #2008-08-255
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of July 21, 2008 as corrected.

Yes: All-7

MOTION CARRIED

F-5 Approval of Purchase Agreement for John R Road Improvements, Long Lake Road to Square Lake Road, Project No. 02.203.5 – Parcel #15 – Sidwell #88-20-11-226-037 – Dynex Properties, Inc.

Resolution #2008-08-256

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Dynex Properties, Inc., owners of property having Sidwell #88-20-11-226-037, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Long Lake Road to Square Lake Road in the amount of \$34,000.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin

No: Howrylak

MOTION CARRIED

F-6 Approval of MDOT Contract No. 08-5205 Street Lighting System Beneath I-75 at Long Lake Road – Project No. 08.102.6

Resolution #2008-08-257

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 08-5205 between the City of Troy and the Michigan Department of Transportation for the replacement of the street lighting system under I-75 at the Long Lake Road structure, Project No. 08.102.6, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

G-1 Announcement of Public Hearings:

- a. EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – August 25, 2008

Noted and Filed

- b. Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District – August 25, 2008

Noted and Filed

G-2 Memorandums: None Submitted**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

H-1 Discussion on the Possibility of City Council Adopting a Civility Pledge, Requested by Council Member Kerwin

Council Member Kerwin reminded Council that during the time Council Member Lambert served on City Council that he encouraged other council members to adopt a code of conduct or rules by which Council can govern themselves. Council Member Kerwin is hoping that Council will set time aside at an additional meeting where she can share the ideas from the various professional development sessions she has recently attended. She continued by stating that she is also hoping that they can reinstate the third meeting that was abandoned when the current Council established their rules to discuss policy issue topics such as the one she is suggesting tonight. Council Member Kerwin noted that there are several available dates at the end of September and in October where an additional meeting could be incorporated for discussions about developing a code of conduct.

Mayor Schilling concurred but is concerned that City Council is already obligated to meet to conclude discussions in regard to the *Budgeting for Outcomes* strategy. The Mayor then asked whether Council Member Kerwin is suggesting that City Council meet on Mondays when no meeting is scheduled.

Council Member Kerwin agreed and reminded City Council members that the last *Budgeting for Outcomes* meeting finished rapidly and that policy issue topics could be added to those meetings. Council Member Kerwin continued by stating that time needs to be set aside to discuss other policy topics also such as the *Green Initiative* topic which was brought forward by Council Member Eisenbacher.

Mayor Schilling recalled that once staff has compiled City Council's responses, the plan is to continue discussions about *Budgeting for Outcomes* after an upcoming City Council meeting in September.

Council Member Kerwin's preference would be to meet in a smaller room to discuss and develop their own civility pledge and although it would be an official meeting, it would be a workshop environment. She continued by stating that they all know a civility pledge is the hallmark of all efficient and effective governing teams, and Troy's City Council has never developed one.

Council Member Eisenbacher recalled that former City Council Member Lambert's proposal for a code of ethics would be a precursor to the information that was brought back by Council Member Kerwin. He understands that what has been holding them back is that there are other levels of state government currently formulating something similar to this type of policy.

City Attorney, Lori Bluhm advised that in her discussions with other Michigan Municipal League members that there is publication (*Ethics in Local Government*), scheduled to be released in the very immediate future that may possibly provide them with some guidance. Ms. Bluhm understands that there are plans to offer an on-line version so that the information can be accessed immediately.

Council Member Beltramini believes it is time to quit postponing policy issue topics and recommends that they consult their calendars to consider dates for additional meetings during the next quarter. She further believes that if City Council does not complete their *Budgeting for Outcomes* discussions within the next six weeks that staff will not be able to prepare a budget.

Council Member Broomfield is supportive of scheduling study sessions after regular meetings that are already scheduled that can accommodate an additional meeting afterwards. She added that she would be open to scheduling a third meeting only if necessary. She continued by stating that she recalls the reason a third meeting was originally scheduled in the past was because City Council was not getting through their agendas at their regular meetings.

Mayor Schilling agreed with Council Member Broomfield, but is in favor of getting the *Budgeting for Outcomes* well underway before scheduling meetings to discuss other policy issue items after a scheduled regular City Council meeting. The Mayor is also agreeable to scheduling an additional meeting on a Monday to be consistent with their current meeting schedule. She recalled that Council Member Howrylak is supportive of scheduling additional meetings on Mondays also.

COUNCIL COMMENTS:

I-1 Council Comments:

Council Member Eisenbacher asked what precautions are currently in place to protect the City's savings and further asked whether a preapproved back-up needs to be in place to transfer funds should any of the City's banks be at risk of going into receivership.

John Lamerato, Assistant City Manager/Finance & Administration, replied that all of the banks are carefully selected for investments and the investments are scattered with various banks that are reviewed by City Council annually. He continued by stating that the City's current investment banks are fairly local and in good shape. He added that they keep a close eye on the City's main depository, Fifth-Third Bank by pulling condition reports and noted that Fifth-Third Bank is doing well at this point. Mr. Lamerato reported that he has the authority to transfer funds quickly if necessary.

Although Council Member Beltramini is an advocate of buried power lines, she understands that state law governs designations of where lines can be located underground for local jurisdictions and that underground lines are limited to one area. She advised that Troy has designated the DDA area along Big Beaver for underground utility lines. Council Member Beltramini further understands that changes to this regulation can only be made at the state level.

Brian Murphy, Assistant City Manager/Economic Development Services reported that lines were located underground along Telegraph Road during the reconstruction in the City of Taylor in accordance with their ordinance. He continued by stating that in a recent case involving the City of Taylor, the State's Supreme Court ruled in favor of the utility companies and the city had to reimburse the cost for putting the lines underground to the utility companies. Mr. Murphy suggested that Council take this under consideration when exploring the possibility of locating utility lines underground.

Therefore, Council Member Beltramini understands that the City can only compel the utility companies to locate utility lines underground along Big Beaver.

Mr. Murphy agreed.

REPORTS:

J-1 Minutes – Boards and Committees:

- a. Traffic Committee/Final – February 20, 2008
- b. Traffic Committee/Final – March 19, 2008
- c. Downtown Development Authority/Final – June 18, 2008
- d. Troy Daze Advisory Committee/Final – June 24, 2008
- e. Planning Commission/Draft – July 8, 2008
- f. Planning Commission/Final – July 8, 2008
- g. Board of Zoning Appeals/Draft – July 15, 2008
- h. Board of Zoning Appeals/Final – July 15, 2008
- i. Ethnic Issues Advisory Board/Draft – July 15, 2008
- j. Board of Zoning Appeals/Draft – July 29, 2008

Noted and Filed

J-2 Department Reports:

- a. City Attorney's Office – 2008 Second Quarter Litigation Report
- b. Police Department – 2008 Year-To-Date Calls for Police Service Report
- c. Building Department – Permits Issued During the Month of July, 2008
- d. Council Member Kerwin's Travel Expense Report – Institute for Local Government's "Who Controls our Water System" Session on May 22, 2008
- e. Council Member Kerwin's Travel Expense Report – SME Chapter One Workshop: Michigan's Economy on June 17, 2008
- f. Council Member Kerwin's Travel Expense Report – MSUE Master Planner Advanced Academy on June 18, 2008
- g. Council Member Kerwin's Travel Expense Report – SEMCOG University Workshop: Asset Management on July 15, 2008
- h. Council Member Kerwin's Travel Expense Report – "Building a Championship Team" – Troy Chamber of Commerce on July 30, 2008

Noted and Filed

J-3 Letters of Appreciation:

- a. Letter of Thanks to Chief Craft from Troy High School Teacher Gail Yax Regarding the Cooperation and Services Received from Troy Police Personnel with Troy High School Students
- b. Letter of Appreciation from Shelley Spinner Regarding the Troy Family Aquatic Center
- c. Letters of Appreciation from H&S Inspection Service Regarding the Contributions of Richard Kessler, Gary Bowers, and Robert Winkelman during 422 Oliver Building Reconstruction

Noted and Filed

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

J-5 Troy Youth Assistance Board Meeting Draft Minutes from May 15, 2008

Noted and Filed

J-6 Communication from City Manager Phillip Nelson Regarding the Fitness Trail in Raintree Park

Council Member Fleming recommends that by raising the level of the landscaping along the fitness trail that the dense vegetation will provide sufficient screening, and will satisfy the resident's objections to the fitness trail adjacent to his property. Council Member Fleming believes this solution is much more cost effective than if they were to reconstruct the trail.

Council Member Beltramini believes the proposed plantings will obscure a 4-foot fence.

Mayor Schilling believes that the proposed landscape design plan is an appropriate way to resolve this issue with the adjacent residents who object to the fitness trail in Raintree Park. The Mayor explained that she believes it is not feasible for City Council to bring forward a resolution to remove the path due to the cost involved and reminded everyone that it was members of the community who requested inter-connecting pathways in all of the city's parks.

David Ross supports the compromise of the City installing a berm and plantings for screening, but raised concerns about the proposed landscape design plan. Mr. Ross would like clarification in regard to exactly what kinds of plants the City is intending to plant and be assured that his view of the park will be completely blocked.

Zitao Liu has safety concerns for his non-English speaking parents and small son in regard to the proximity of the fitness trail to his house. Mr. Liu supports the proposal to install a berm and plantings for screening.

Council Member Beltramini asked whether it would be less expensive to install a five-foot privacy fence rather than spend \$4,000-\$5,000.00 in landscaping.

Mayor Schilling's concern is that the fence would only benefit Mr. Ross and the landscaping option would benefit everyone.

Council Member Beltramini believes another argument could be raised that the landscaping takes away from areas that can be used for the park.

Council Member Broomfield is not certain that the other adjacent residents would welcome breaks between landscaping and fencing. Therefore, she believes landscaping is the better choice.

Council Member Eisenbacher asked if the intent is to provide a screen to block the visibility of the resident's view of the park.

Carol Anderson, Parks & Recreation Director responded that the intent is to block the view and described the types of proposed plantings. She explained that their goal is to also make the area appropriate and attractive.

Council Member Eisenbacher asked whether it is possible to provide a horizontal view of the plan for Mr. Ross.

Mrs. Anderson replied that she could redo the plan and provide a horizontal view. However, she noted that she does not recall Mr. Ross asking for a side view of the plan. She added that depending upon the plantings and the season that the view will change due to the growth of the plantings. She assured Council that the intent is to screen Mr. Ross' view of the park.

Council Member Beltramini believes it would be helpful to articulate the plan in a way that will clearly address the concerns of Mr. Ross.

Mrs. Anderson agreed.

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2008-08-258
Moved by Howrylak
Seconded by Broomfield

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Love v. Troy.

Yes: All-7

MOTION CARRIED

L-2 Closed Session – Performance Evaluation of the City Manager as Permitted by Council Resolution #2008-07-232

The meeting **RECESSED** at 9:58 PM.

The meeting **RECONVENED** at 10:08 PM.

The meeting **ADJOURNED** at 1:03 AM on Tuesday, August 12, 2008.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk



CITY COUNCIL ACTION REPORT

August 8, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 7: Amendment – Proprietary Service Contract CLEMIS Fire Records Management System

Background

- The Fire department has been using the CLEMIS Fire Records Management System (FRMS) since 2000.
- The contract was extended in 2006 for three additional years at an estimated cost of \$18,025.00. CC Res #2006-10-320-E4b
- During the first five years of the program, Oakland County CLEMIS provided the leased data lines that connect the Fire stations with City Hall and shared the cost of the lines with the City on a prorated schedule.
- Oakland County billed the City for the cost of the data lines on a quarterly basis.
- In 2007, the City Information Technology department was able to reconfigure the leased data lines to decrease the monthly line charge and Oakland County was notified to cancel the data lines they provided to the City.
- Due to the billing process at Oakland County, two quarters (six months) of the leased line charges were billed after the effective date of the 2006 contract extension and charged against the current purchase order.
- These charges have resulted in the expenditure of the maximum amount of the purchase order prior to the scheduled end of the contract.
- In order to continue with the FRMS program an additional \$7,725.00 must be added to the estimated 2006-2009 contract cost.

Financial Considerations

- Funds are budgeted in the Fire department operating budget for this program.

Legal Considerations

- The Fire department is required by state law to report fire incident activity to the State Fire Marshal.

Policy Considerations

- This regional program is consistent with City Council outcome number 1 - Troy has enhanced the health and safety of the community.

Options

- City management recommends amendment of the FRMS contract by adding \$7,725.00 to the five-year agreement with Oakland County for an estimated total cost of \$25,750.00.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2006-10-320-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 16, 2006 be **APPROVED** as submitted.

E-3 City of Troy Proclamation:

Resolution #2006-10-320-E-3a

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:

- a) Celebrating 60 Years – Kelly Services

E-4 Standard Purchasing Resolutions

- a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Seasonal Requirements of Grass Seed and Hydro Seeding Mulch/Fertilizer

Resolution #2006-10-320-E-4a

RESOLVED, That contracts to purchase grass seed and hydro-seeding mulch/fertilizer for the 2007 season are hereby **AWARDED** to the lowest bidders meeting specifications as follows:

<u>VENDORS</u>	<u>ITEM(S)</u>
John Deere Landscapes of Armada, MI	1,2,3,4,5,6
Tri-Turf of Farmington Hills, MI	7,9
Washington Elevator Co, Inc of Washington Township	8

for an estimated total cost of \$16,126.00, at unit prices contained in the bid tabulation opened September 27, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- b) Standard Purchasing Resolution 7: Proprietary Service Contract – CLEMIS Fire Records Management System

Resolution #2006-10-320-E-4b

RESOLVED, That a five-year proprietary interlocal service agreement with Oakland County for participation in the Oakland County Fire Records Management System is hereby **APPROVED** at an estimated total cost of \$18,025.00 expiring December 31, 2009.



CITY COUNCIL ACTION REPORT

October 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 7: Proprietary Service Contract
CLEMIS Fire Records Management System

Background:

- The fire department has been using the CLEMIS Fire Records Management System (FRMS) since 2000. CC Resolution # 2002-08-459-E7
- The Oakland County Board of Commissioners has authorized Oakland County to fund 75% of the FRMS costs.
- The FRMS permits fire departments within Oakland County to share data as required.
- The fire department share of the cost was fixed at approximately \$5,300 per year for the first five years of the program.
- The cost for each participating agency has been increased 10% for 2007, 3% for 2008, and 3% for 2009.

Financial Considerations:

- Funds are budgeted in the fire department operating budget for this program.

Legal Considerations:

- The fire department is required by state law to report fire incident activity to the State Fire Marshal.

Policy Considerations:

- This regional program is consistent with City Council goals I – Minimize cost and increase efficiency of City government; and goal VI – protect life and property.

Options:

- City management recommends approval of a five-year interlocal agreement with Oakland County for participation in the Oakland County Fire Records Management System at an estimated cost of \$18,025.00 to expire December 31, 2009.

**Oakland County
Fire Records Management System**

2006 - 2009 Fee Structure

2006	2007	2008	2009
Annual Department Fees	Annual Department Fees	Annual Department Fees	Annual Department Fees
\$ 3,500.00	\$ 3,850.00	\$ 3,966.00	\$ 4,085.00
Annual Additional Station Fee	Annual Additional Station Fee	Annual Additional Station Fee	Annual Additional Station Fee
\$ 300.00	\$ 330.00	\$ 340.00	\$ 350.00

Approved 1/11/2006
Oakland County Fire Governance Committee

Note: This is the first fee increase since the program's inception.



CITY COUNCIL ACTION REPORT

August 5, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: Sole Known Supplier – Cell Phone Forensics Purchase

Background

- Cell phone forensics is a growing field within law enforcement. Most if not all criminals have and use cell phones before, during, and after whatever criminal activity they are involved in. The evidence retrieved from these phones includes contact lists, call logs, text messages, emails, documents, and images that can be used to substantiate a claim of criminal activity.
- The recovery of evidence from cell phones is a very complicated activity that requires specialized training, and specific hardware and software used to retrieve the evidence.
- The department has a certified computer forensic examiner who has taken several classes dealing specifically with cell phone forensics and has tested all ten products requested for purchase through his involvement with the Michigan State Police Computer Forensics Lab.
- The Police department has conducted over a hundred cell phone forensic examinations with the use of the software and hardware provided at the Michigan State Police Computer Forensic Lab located in Livonia, Michigan.
- Through training and experience, it has been determined there is not a single tool (software and hardware) available with the ability to recover data from all the different types of cell phones on the market. Therefore, in order to build a lab capable of handling the majority of cell phones on the market at this time, several software and hardware applications are needed.
- The ten applications (software and hardware) requested will provide coverage for approximately 90 to 95 percent of the cell phones on the market now, including smart phones, PDA's, GPS navigation units, and older cell phones.

August 5, 2008

To: Phillip L. Nelson, City Manager
Re: Sole Known Supplier – Cell Phone Forensics

Background – continued

- TEEL Technologies is a company that tests cell phone software and hardware applications, maintains a data base of their findings and the findings of other technicians testing and supporting these applications.
- TEEL Technologies is the only company that sells all the software and hardware applications the Troy Police Department has determined necessary to build a cell phone forensics lab in one package.
- TEEL Technologies also provides several items with the package purchase, including;
 - five faraday bags (used to block signals to a cell phone)
 - TeelTech iGo50 Tip Kit (used to charge cell phones)
 - TEEL Technologies' Mobile Forensics Central Search Tool – offline version (provides an offline database detailing the capabilities of each application and which applications are most effective with which phones)
 - 3% discount on the entire purchase
- The software and hardware purchased will be used exclusively within the Troy Computer Forensics Lab, which is a standalone forensic lab. This means that the forensic lab is not on and/or associated with the City of Troy IT network because of the sensitive nature of the evidence examined within the lab, including child pornography and ongoing narcotic investigations.

Financial Considerations

- The State Forfeiture fund will be used to make this purchase based on the fact that a majority of the cell phone forensics this year was conducted for direct narcotic's investigations. Capital Fund, A/C #401.301.10.305.7978.065.

Legal Considerations

- None

Policy Considerations

- Troy continues to enhance the health and safety of the community. (Outcome Statement I)

Options

- City management recommends Troy City Council authorize the purchase of hardware, software, and services from TEEL Technologies at an estimated total cost of \$36,050.23, plus ongoing license renewals, updates, and technical support as needed.

Prepared by: James Mork, Investigations/Officer

JM97/Cell Phone Forensics Purchase



16 Knight St.
 Norwalk, CT 06851
 PH: (203) 855-5387
 FX: (203) 855-5389
www.teeltech.com
info@teeltech.com

Quote

Date:	07/15/2008
Quote #:	Q20080715-LAB-Mork

QUOTE PREPARED FOR:
James Mork 500 West Big Beaver Troy, MI 48084 (248) 524-3557

Quantity	Product Description	Part #:	Unit Price	Total
1	CellDek TEK including 1-year software + 1 year warranty w/parts and labor. Some Palm and Windows support.	TTCDEK	\$13,885.00	\$13,885.00
1	Secure View for Forensics (2-year license with all cables, storage kit and all software and cable updates for life of license.) 1-year license available for \$1,800.00. Blackberry support.	TTSVF2Y	\$2,400.00	\$2,400.00
1	.XRY one-year license unlimited extractions, SIM ID Cloner License. 10 SIM-ID Cloner cards, Carrying Briefcase with Cable Organizer, and cable subscription. (Now supports some Windows Phones)	TTXRY1	\$7,990.00	\$7,990.00
1	Neutrino one-year license, includes software, cable kit and WaveShield Faraday Bag (requires EnCase)	TTNEUT	\$1,715.00	\$1,715.00
1	Device Seizure Software and Toolkit and One-year software upgrades. Total: 18-months of software upgrades. Some Windows, Palm, Blackberry and iPhone support.	TTDSTK	\$1,800.00	\$1,800.00
1	Oxygen Forensic Suite, includes new Oxygen Forensic Suite 2, as well as Oxygen Forensic for Nokia and Symbian phones. New Forensic Suite supports Windows devices.	TTOXY	\$950.00	\$950.00

<u>LICENSE Renewal Terms and Notes:</u> CellDek annual update subscription cost: \$2,000.00 (first year priced in) SecureView for Forensics (after year two): \$2,400.00 for two-year license, or \$1,350.00 per year .XRY Year-Two License: \$4,990 (mandatory for continued system use) Neutrino Year-Ywo Update Subscription: \$1,000.00 Device Seizure Update Subscription (after 18 months): \$330.00 Oxygen Forensic Year-Two Subscription Update: \$599.00	Subtotal (page 1)	\$28,740.00



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Quote

Date:	07/15/2008
Quote #:	Q20080715-LAB-Mork

QUOTE PREPARED FOR:
James Mork 500 West Big Beaver Troy, MI 48084 (248) 524-3557

Quantity	Product Description	Part #:	Unit Price	Total
1	MOBILedit Forensic! Software w One-year of update support.	TTCMEF	\$579.00	\$579.00
1	ZRTV Screen, Video and Sound Capture System. Comes with all new updates for one year.	TTZRTV	\$1,695.00	\$1,695.00
1	SIMIS SIMTools, including SIMIS 2G/3G with Nextel SIM support, SIMulate SIM duplication tool, SIMgen SIM generation tool, card reader, 5 SIM adapters, and rewriteable SIMulate and SIMgen cards. Lifetime license.	TTSIMT	\$1,950.00	\$1,950.00
1	Cellebrite UFED "Universal Forensic Extraction Device". Complete system including software, cables, and updates for one-year.	TTCELEB	\$3,995.00	\$3,995.00
1	TeelTechnologies' Mobile Forensics Central Search Tool – Offline version. Enables Quick Search for expedited exam process on system not online.	TTMFC	\$0.00	\$0.00
5	Ramsey Faraday Bags	TTRMSY	\$0.00	\$0.00
1	TeelTech iGo50 Tip Kit	TTIGO50	\$0.00	\$0.00

<p><u>LICENSE Renewal Terms and Notes:</u></p> <p>MOBILedit! annual update subscription cost: \$299 Cellebrite UFED annual update subscription: \$899 ZRTV – annual update subscription: \$200 SIMTools – lifetime license Final Data Year-two license: TBD Radio Tactics Year-two updates, cable subscription and phone acquisition support: \$3,950.00</p> <p>All Products come with TeelTech Update and Technical Support.</p>

Subtotal page 2:	\$8,219.00
Discount 3% (pages 1 + 2)	(\$1,108.77)
Domestic Shipping for all items	\$200.00
Total (page 1 + 2)	\$36,050.23



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PH: (203) 855-5387 FX: (203) 855-5389
www.teeltech.com

Detective James Mork
Detective Bureau
Troy Police Department
500 West Big Beaver
Troy, Michigan 48084
RE: Sole Source Justification

July 15, 2008

Dear Detective Mork,

Thank you for your continued interest in working with Teel Technologies as your supplier of cell phone forensic tools.

As the only supplier of virtually all the cell phone forensic tools on the market today, Teel Technologies makes procurement for digital laboratories such as yours both more cost-effective, as well as more efficient. We have the most comprehensive collection of equipment in one place.

Not only are we able to provide a discount on the complete packaged order – and therefore offer the most competitive pricing - we are able to include extra equipment, such as the TeelTech iGo Tip Kit, the Faraday bags, and our MobileForensicsCentral offline search tool. This offline variant of our popular online web site enables users on forensic computers not connected to the internet to quickly search for the tools in their collection to analyze the device before them. The TeelTech MFC Offline tool is only available from us. Furthermore, procuring the complete collection of solutions enables you to have a single-point-of-contact for the purchasing aspect, and saves your administrative team time and effort.

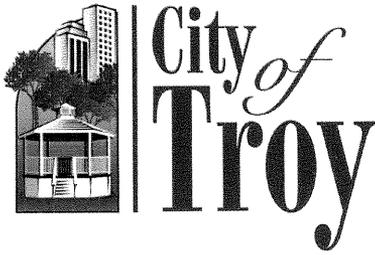
Another advantage of working with us for all your cell phone forensic needs is we provide the ongoing updates from the suppliers, and provide a first-line of defense for technical issues. Our familiarity with all the products enables us to support you on most of your technical requirements, and updates. As opposed to having to chase down the manufacturer for support, you can start with us. Of course, all solutions you purchase from us come with the same manufacturer's warranty and support as if you bought from the manufacturer.

Finally, working with us as your single source provider of tools ensures you keep your solutions updated when the licenses expire. In this respect, we work as your partner to help manage your licenses, and keep you informed when any of your licenses require renewal. While most tools are one-year licenses, and will require updating at approximately the same time, there are some with varying expiration dates. More importantly, as with your initial purchasing, you don't have to worry about having multiple vendors to procure from; we handle it all for you.

Please let me know if you have any questions or require further information about our business or the tools. We look forward to serving you.

Regards,

Bill Teel



CITY COUNCIL ACTION REPORT

August 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
 Deputy Chief, Gary Mayer *GM*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for transfer of Resort Class C license to Dhammamegha, Inc.

Background:

- Dhammamegha, Inc. requesting to transfer ownership of 2008 Resort Class C licensed business issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 W Maple, Troy, MI, 48084, Oakland County. {MLCC Req #480928}
- On August 11, 2008, applicant Ravi Mandava, of Dhammamegha, Inc. answered questions for the Liquor Advisory Committee.
- Mr. Mandava explained to the Committee that he has owned and operated restaurants with liquor licenses for upwards of 12 years and will continue to operate this establishment as Priya Restaurant.
- The Committee unanimously approved this request.

Financial Considerations:

- There are no financial considerations for the City.

Legal Considerations:

- The request complies with all applicable Troy City ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- The MLCC requires local government approval for the transfer of Class C licenses.

Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."

Options:

- City Council can approve or deny the request.

RC/Priya Restaurant

A regular meeting of the Liquor Advisory Committee was held on Monday, August 11, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry Allemon called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Timothy P. Payne

Resolution to Excuse Committee Members Ehlert & Payne

Resolution #LC2008-08-020
Moved by Hall
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of August 11, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Payne

Resolution to Approve Minutes of July 14, 2008 Meeting

Resolution #LC2008-08-021
Moved by Ukrainec
Seconded by Hall

RESOLVED, that the Minutes of the July 14, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Payne

Agenda Items

1. Dhammamegha, Inc. requests to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County. {MLCC Req #480928}

Present to answer questions from the Committee were applicant Ravi Mandava and attorney Kelly Allen.

Ms. Allen explained to the Committee that Mr. Mandava is purchasing the business from his uncle. Mr. Mandava worked for 1-1/2 years at this Troy location when it opened in 1996 and since then has managed the Farmington location. There was one liquor violation in Farmington in 2004 and the Troy location has had no violations since 2007. The Troy location had one violation in 2007; this applicant had no involvement with that operation at that time.

Sergeant Cantlon reported that his investigation uncovered no disqualifying factors.

Resolution #LC2008-08-022
Moved by Hall
Seconded by Ukrainec

RESOLVED, that Dhammamegha, Inc. be allowed to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County.

Yes: 5
No: 0
Absent: Ehlert, Payne

Sergeant Cantlon briefly reviewed the “Informational Items” that appeared on the Agenda.

Assistant City Attorney Lancaster stated that the new Ordinance would be presented to City Council this evening. Also, she distributed the first draft of a map showing the distribution of liquor licenses throughout the City of Troy.

The meeting adjourned at 7:18 p.m.

Henry W. Allemon

Patricia A. Gladysz, Secretary II



FOR MLCC USE ONLY

Request ID # 480928

Business ID # 213544

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

DHAMMAMEGHA, INC. REQUESTING TO TRANSFER OWNERSHIP 2008 RESORT CLASS C LICENSED BUSINESS, ISSUED UNDER MCL436.1531(2), WITH OFFICIAL PERMIT (FOOD), FROM PRIYA ENTERPRISES, INC. LOCATED AT 72 W MAPLE, TROY MICHIGAN, 48084, OAKLAND COUNTY

Section 1. APPLICANT INFORMATION

APPLICANT #1: RAVI MANDAVA 24460 WALDON WOODS FARMINGTON HILLS, MI 48335 (B.P. 248-615-7700 H.P. 248-471-1753)	APPLICANT #2:
DATE FINGERPRINTED: FINGERPRINTS NOT REQUIRED	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*
Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No	*Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No*
*Does the applicant have a Visa? Enter status:	*Does the applicant have a Visa? Enter status:

****Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission****

ARREST RECORD: <input type="checkbox"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
--	--

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

- Is this applicant qualified to conduct this business if licensed? Yes No
- Is the proposed location satisfactory for this business? Yes No
- Should the Commission grant this request? Yes No
- If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 480928

Business ID # 213544

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

July 22, 2008

TO: TROY POLICE DEPARTMENT

Re: DHAMMAMEGHA, INC.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

<input checked="" type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: <u>(FOOD)</u> Weekdays _____ A.M. to _____ A.M./P.M. Sundays <u>10:00</u> A.M. to <u>NOON</u> <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<p>NOTE: If the applicant is requesting two separate extended hours permits and the permits are for different hours you must complete the box below. If additional space is needed please use reverse side of this form.</p> <input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: Weekdays _____ A.M. to _____ A.M./P.M. Sundays _____ A.M. to _____ A.M./P.M. <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> DANCE PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ENTERTAINMENT PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMITS <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OTHER <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title
Troy Police Department

Print Name and Title

Date: _____

jr

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

Request ID #480928

RESOLUTION

At a _____ meeting of the _____ (Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

THAT THE REQUEST TO TRANSFER OWNERSHIP 2008 RESORT CLASS C LICENSED BUSINESS, ISSUED UNDER MCL436.1531(2), LOCATED AT 72 WMAPLE, TROY MICHIGAN, 48084, OAKLAND COUNTY, FROM PRIYA ENTERPRISES, INC. TO DHAMMAMEGHA, INC.

be considered for _____ (Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____ (Township Board, City or Village Council) (Regular or Special)

meeting held on _____ (Date)

(Signed) _____ (Township, City or Village Clerk)

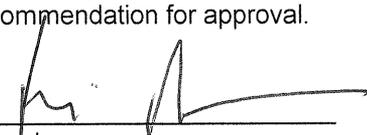
SEAL

(Mailing address of Township, City or Village)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200____, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and Dhammamegha, Inc, a Michigan corporation. d/b/a Priya Restaurant, whose address is 72 W Maple, Troy, Michigan, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a transfer ownership of the 2008 Class C-SDM licensed business from Priya Enterprise, Inc located at 72 W Maple, Troy, to Dhammamegha, Inc, d/b/a Priya Restaurant.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



Ravi Mandava
President
Dhammamegha, Inc

Witnesses:



Marsha J. LaRue

Subscribed and sworn to before me
this 25th day of July, 2008

Laura B. Peters
Laura Peters

Notary Public, Oakland

County, Michigan

My commission expires: 5/5/2011

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

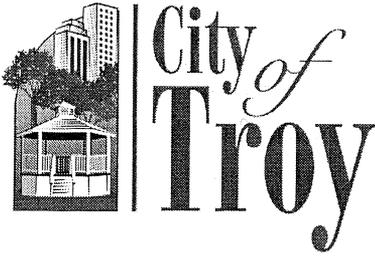
Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland

County, Michigan

My commission expires:



CITY COUNCIL ACTION REPORT

August 1, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
William Nelson, Fire Chief
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Agenda Item – Fireworks Permit – Troy Daze Festival

Background:

- Michigan Fireworks Law requires that before anyone can conduct a fireworks display, they must apply to the local unit of government for a permit.
- On August 1, 2008, a permit application from Mad Bomber Fireworks Productions, Inc., of Kingsbury, Indiana was received by the City of Troy for a public fireworks display to be conducted at the close of this year's Troy Daze Festival. The law defines local unit of government as a council or commission of a city or village, or the township board of a township.
- Mad Bomber Fireworks Productions, Inc. is requesting that City Council grant a permit for a public fireworks display to occur on Sunday, September 14, 2008 at Boulan Park.
- The Fire Prevention division has reviewed the permit application and recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions, Inc. Attached for Council's review is the permit application along with the permit to be signed and issued.

Financial Considerations:

- Funding for the fireworks display is available in the Parks and Recreation Community Fair operating account #103.784.7889.010

Legal Considerations:

- none

Policy Considerations:

- The Troy Daze Festival attracts nearly 100,000 people annually to celebrate the community. A wide variety of activities provides fun for the entire family, and offers an opportunity for Troy business and community groups to showcase their organizations. (Outcome Statement I)

Options:

- City Management recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions, Inc.

MICHIGAN STATE POLICE
FIRE MARSHAL DIVISION

APPLICATION FOR FIREWORKS DISPLAY PERMIT

<input checked="" type="checkbox"/> PUBLIC DISPLAY		<input type="checkbox"/> AGRICULTURAL PEST CONTROL		Date of Application 8-1-2008	
Name of Applicant Mad Bomber Fireworks Productions		Address P.O. Box 418 Kingsbury IN 46345		Age (18 or over)	
If a Corporation, Name of President Andrew James		Address 14509 Clark St. Crown Point IN 46307			
If a Non-resident Applicant: Name of MI Attorney or Resident Agent John Grando		Address 303 Brotherton Wakefield MA 01968		Phone No. (906) 224 9871	
Name of Pyrotechnic Operator Randy McKeeland		Address 2953 Aron Quay Valparaiso IN 46385		Age (18 or over) 37	
No. Years Experience 19	No. Displays 500+	Where IN IL MI WI FL MN MO			
Name of Assistant: Mike Gardner		Address Valparaiso IN		Age 28	
Name of Other Assistant Terry Noort		Address Lansing IL		Age 23	
Exact Location of Proposed Display Boulan Park, Coaks Rd Troy MI					
Date of Proposed Display September 2008		Time of Proposed Display Evening Dusk			
No. Of Fireworks		Kind of Fireworks to be Displayed			
350		2.5" Display Shells			
360		3" Display Shells			
2800 shots		Barrage Boxes			
Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities) Kingsbury Industrial Park High X Area					
Amount of Bond or Insurance (to be set by local gov't) \$5,000,000.00			Name of Bonding Corporation or Insurance Company Britton-Gallagher and Associates, etc.		
Address of Bonding Corporation or Insurance Company 6240 SOM Center Rd Cleveland OH 44139					
Signature of Applicant <i>[Signature]</i>					

SEE OTHER SIDE FOR INSTRUCTIONS

Authority: 1999 PA 35B Compliance: Voluntary but a permit will not be issued without an application
--

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/14/2008

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406
 Britton-Gallagher and Associates, Inc.
 6240 SOM Center Rd.
 Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED	INSURERS AFFORDING COVERAGE	NAIC#
Mad Bomber Fireworks Productions PO Box 418 Kingsbury IN 46345	INSURER A: Lexington Insurance Co	
	INSURER B: Granite State Insurance Co.	
	INSURER C: Arch Specialty Ins Co	
	INSURER D: Liberty Mutual Insurance Co	25035
	INSURER E:	

COVERAGES

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

INGR ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	1619303	1/5/2008	1/5/2009	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/PROP AGG \$2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	CA93487730	1/5/2008	1/5/2009	COMBINED SINGLE LIMIT (EA ACCIDENT) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
C	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10,000	ULP000396503	1/5/2008	1/5/2009	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	WC7348311836	12/25/2007	12/25/2008	WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Operations: Fireworks Display
 Additional Insured (s): City of Troy & Troy Daze Committee including Architects and Engineers, All elected and appointed officials, all employees and volunteers, boards, commissioners and/or authorities and their board member, employees and volunteers additional insured on ISO form B of Broader

CERTIFICATE HOLDER City of Troy 500 W. Big Beaver Rd. Troy, MI 48084	CANCELLATION or materially changed SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL SEND BY REGISTERED MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BY THE EXPIRATION DATE OF THIS CERTIFICATE, THE INSURER WILL NOT BE RESPONSIBLE FOR ANY CLAIMS MADE UNDER THIS CERTIFICATE. AUTHORIZED REPRESENTATIVE
---	---



Permit for Fireworks Display
 Michigan Department of Labor & Economic Growth
 Bureau of Construction Codes & Fire Safety
 Office of the State Fire Marshal
 P.O. Box 30254
 Lansing, MI 48909
 517-241-9302

Authority: Compliance: Penalty:	1969 PA 355 Required Misdemeanor	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
---------------------------------------	--	--

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

Public Display
 Agricultural Pest Control

ISSUED TO RANDY McCASLAND	AGE (18 or over) 37
-------------------------------------	-------------------------------

ADDRESS
2953 ARRAN QUAY TERRACE, VALPARAISO, IN 46385

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
MAD BOMBER FIREWORKS PRODUCTIONS

ADDRESS
P.O. BOX 418, KINGSBURY, IN 46345

NUMBER AND TYPES OF FIREWORKS

350 2.5" DISPLAY SHELLS

360 3" DISPLAY SHELLS

2800 SHOT BARRAGE BOXES

EXACT LOCATION OF DISPLAY
BOULAN PARK, 3671 CROOKS RD.

CITY, VILLAGE, TOWNSHIP TROY	DATE 09/14/08	TIME DARK
--	-------------------------	---------------------

BOND OR INSURANCE FILED

Yes No

AMOUNT
\$5,000,000.00

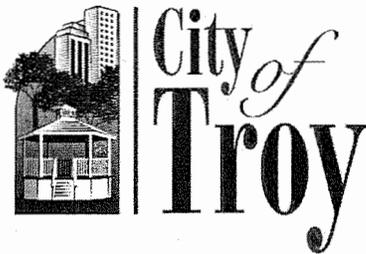
Issued by action of the

council
 commission
 board of

city
 village
 township of _____ on the _____ day of _____

_____ 20 _____

(Signature and Title of Council/Commission/Board Representative)



CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *SVV*
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project #07.103.5, Sidwell #88-20-30-226-008

Background:

- In connection with an intersection improvement project at the corners of Golfview and Coolidge, the Real Estate Department has received a sidewalk easement from property owners Nemer Troy Place Equities, LLC and Troy Place Equities, LLC, having Sidwell # 88-20-30-226-008.

Financial Considerations:

- The consideration amount on this document is \$1.00

Legal Considerations:

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

Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Management recommends that City Council accept the attached Permanent Easement for sidewalk, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-30-226-008 (part of)

NEMER TROY PLACE EQUITIES, LLC, and TROY PLACE EQUITIES, LLC, each a Michigan limited liability company, hereinafter referred to collectively as **Grantor(s)**, whose address is c/o 26877 Northwestern Hwy, Ste 101, Southfield, MI 48033 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan Municipal Corporation**, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **concrete sidewalk**, on the following described property situated in the City of Troy, Oakland County, Michigan described as:

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

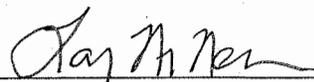
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

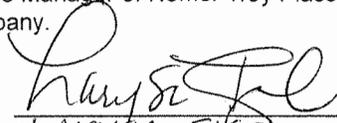
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 6th day of August A.D. 2008.

NEMER TROY PLACE EQUITIES, LLC, a Michigan limited liability company
By: NEMER TROY PLACE REALTY, LLC a Michigan limited liability company
Its: Manager

By:  (L.S.)
Larry M. Nemer, Manager

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

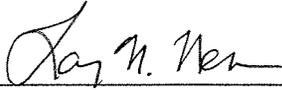
The foregoing instrument was acknowledged before me this 6th day of August, 2008, by Larry M. Nemer, the Manager of Nemer Troy Place Realty, LLC, the Manager of Nemer Troy Place Equities, LLC, a Michigan limited liability company, on behalf of the company.


*LARYBA FISO
Notary Public, OAKLAND County, Michigan
My Commission Expires 3-2-2012
Acting in OAKLAND County, Michigan

TROY PLACE EQUITIES, LLC, a Michigan limited liability company

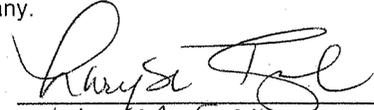
By: NEMER TROY PLACE REALTY, LLC
a Michigan limited liability company

Its: Manager

By:  (L.S.)
Larry M. Nemer, Manager

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of August, 2008, by Larry M. Nemer, the Manager of Nemer Troy Place Realty, LLC, the Manager of Troy Place Equities, LLC, a Michigan limited liability company, on behalf of the company.


* LARISA FIGOL
Notary Public, OAKLAND County, Michigan
My Commission Expires 3-2-2012
Acting in OAKLAND County, Michigan

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

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

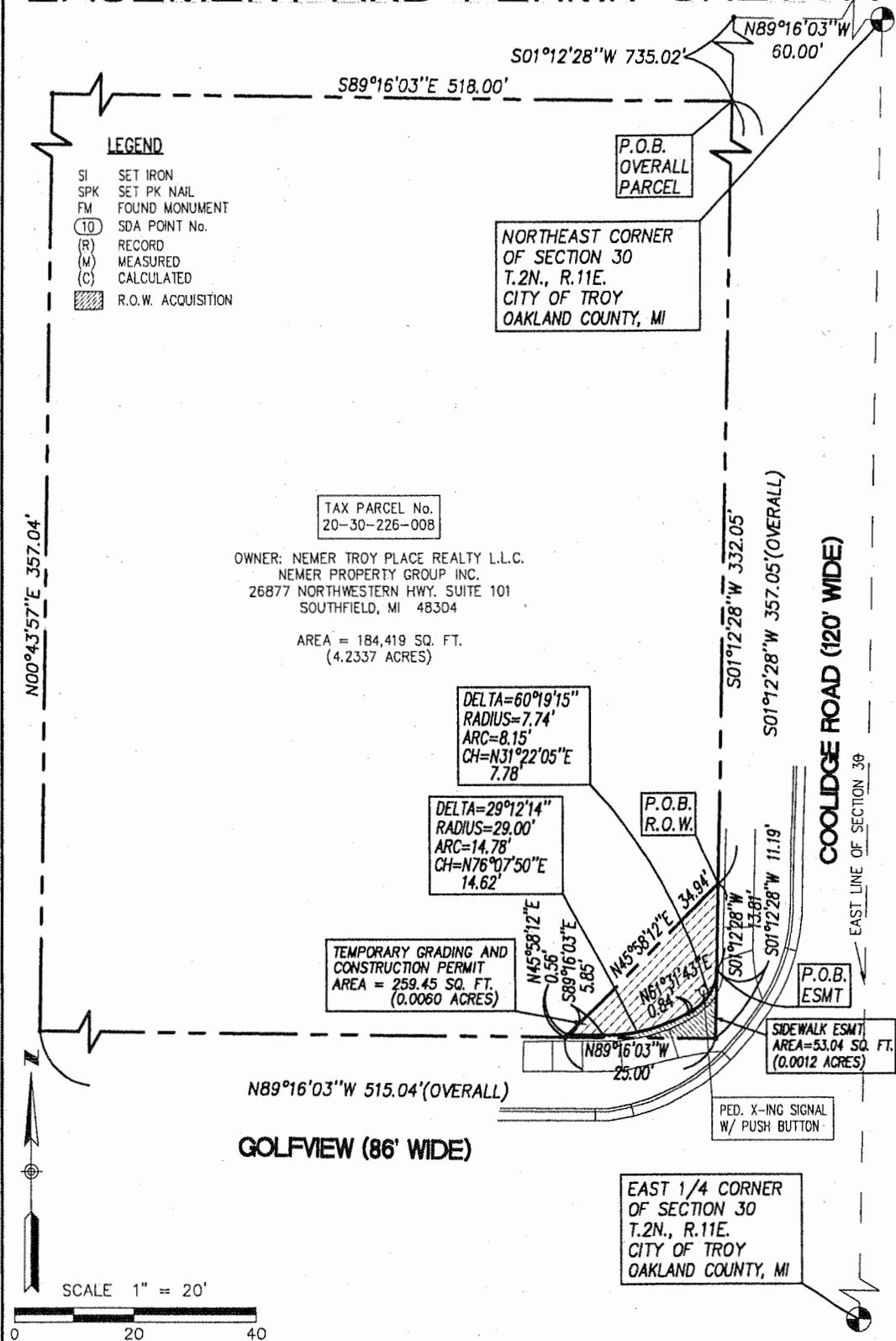
EXHIBIT "A"

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, T.2N, R.11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SAID NORTHEAST CORNER OF SECTION 30, THENCE N89°16'03"W 60.00 FEET AND S°012'28"W 1088.88 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF COOLIDGE ROAD (120 FEET WIDE) S01°12'28"W 11.19 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GOLFVIEW DRIVE (86 FEET WIDE) N89°16'03"W 25 FEET; THENCE 45°58'12"E 0.56 FEET; THENCE S 89°16'03"E 5.85 FEET; THENCE 14.78 FEET ALONG A TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 29°12'14", A RADIUS OF 29.00 FEET AND CHORD BEARING N76°07'50"E 14.62 FEET); THENCE N61°31'43"E 0.84 FEET; THENCE 8.15 FEET ALONG A TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 60°19'15", A RADIUS OF 7.74 FEET AND A CHORD BEARING N31°22'05"E 7.78 FEET) TO THE POINT OF BEGINNING. CONTAINING 53.04 SQUARE FEET (0.0012 ACRES).

ALSO KNOWN AS PART OF SIDWELL NO. 88-20-30-226-008

EASEMENT AND PERMIT SKETCH



<p>ISO 9001 CERTIFIED</p> <p>SPALDING DeDECKER ASSOCIATES, INC.</p> <p>ENGINEERS SURVEYORS</p> <p>905 SOUTH BLVD. EAST ROCHESTER HILLS, MI 48307 PH: (248) 844-5400 FAX: (248) 844-5404 www.spaldingdedecker.com</p> <p>Engineering & Surveying Excellence Since 1964</p>	SPALDING DeDECKER ASSOCIATES, INC. ENGINEERS SURVEYORS 905 SOUTH BLVD. EAST ROCHESTER HILLS, MI 48307 PH: (248) 844-5400 FAX: (248) 844-5404 www.spaldingdedecker.com	DRAWN: P.O'ROURKE CHECKED: P.O'ROURKE MANAGER: M.DeDECKER JOB No. RB07-012 SECTION 30 TOWN 02 NORTH RANGE 11 EAST CITY OF TROY	DATE: 07-07-08 DATE: 07-07-08 SCALE: 1" = 30' SHEET: 1 OF 2 OAKLAND COUNTY, MI
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CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *SJV*
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project #07.103.5, Sidwell #88-20-29-151-001

Background:

- In connection with an intersection improvement project at the corners of Golfview and Coolidge, the Real Estate Department has received a sidewalk easement from property owner Somerset Park Apartments, LLC, having Sidwell # 88-20-29-151-101.

Financial Considerations:

- The consideration amount on this document is \$1.00

Legal Considerations:

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

Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Management recommends that City Council accept the attached Permanent Easement for sidewalk, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-29-151-001 (part of)

SOMERSET PARK APARTMENTS, LLC, a Michigan liability company, Grantor(s), whose address is c/o 2301 West Big Beaver, Suite 900, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

BEGINNING AT THE NORTHWEST CORNER OF LOT 9 OF LOT 9 "TROY APARTMENT SUB. No. 4" (AS RECORDED IN PAGES 10 THRU 14, INCLUSIVE, OF OAKLAND COUNTY PLAT RECORDS), SECTION 29, T2N, R11E, SECTION 29 CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF GOLFVIEW DRIVE (86 FEED WIDE) S89°22'00"E 8.21 FEET; THENCE S41°58'23"W 12.57 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF COOLIDGE ROAD (120 FEET WIDE) N01°12'00"E 9.44 FEET TO THE POINT OF BEGINNING. CONTAINING 38.76 SQUARE FEET (0.0009 ACRES).

ALSO KNOWN AS PART OF SIDWELL No. 88-20-29-151-001.

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 2nd day of July A.D. 2008.

Somerset Park Apartments, LLC, a Michigan limited liability company

By [Signature] (L.S.) Its: [Signature]

STATE OF MICHIGAN) COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 2nd day of JULY, 2008, by STANLEY FRANKEL, MEMBER of Somerset Park Apartments, LLC, a Michigan limited liability company, on behalf of the company.

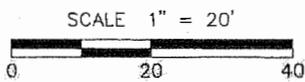
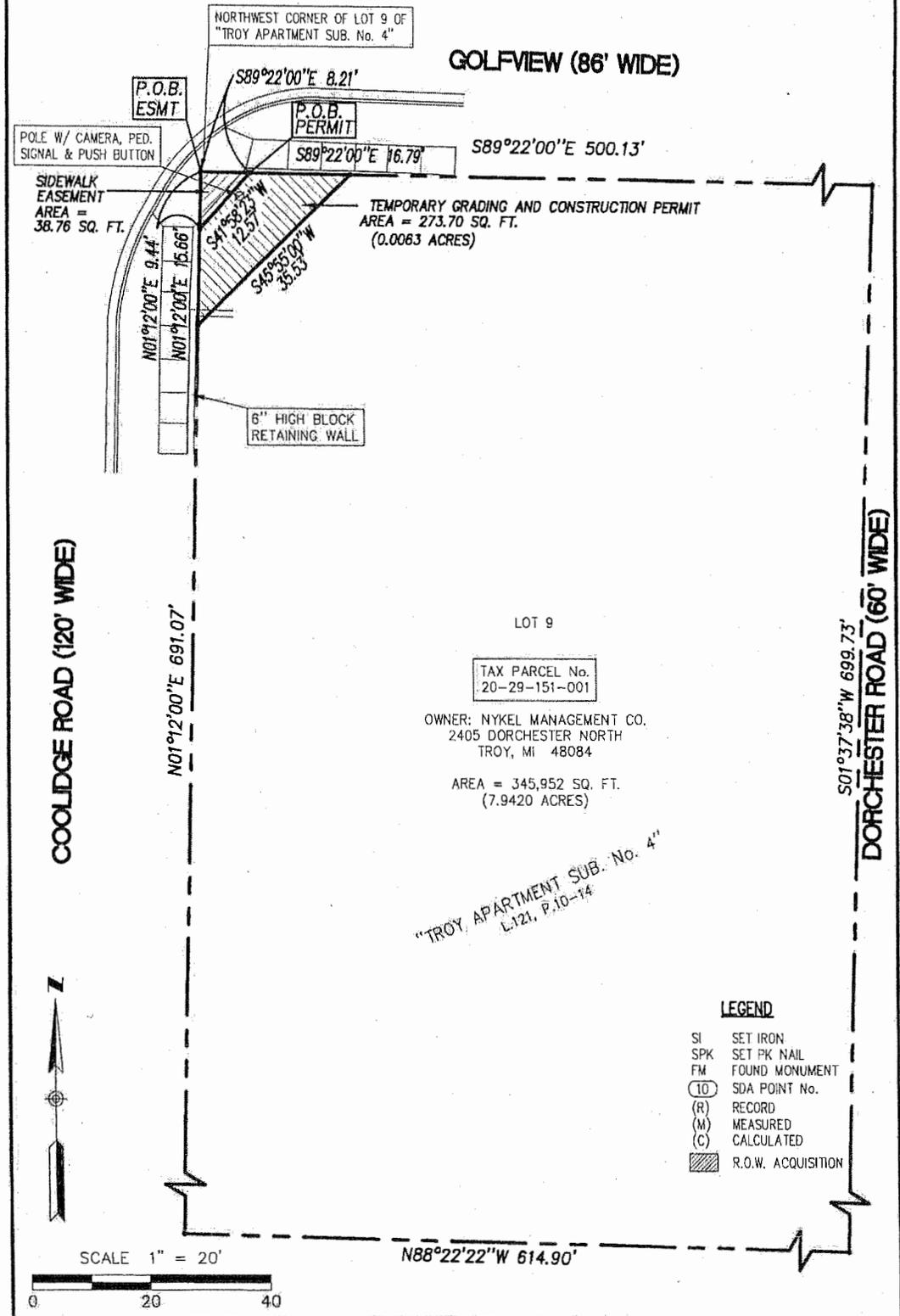
SANDRA R. PISCHING NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF MACOMB My Commission expires Sept. 19, 2013 Acting in the County of OAKLAND

[Signature] Notary Public, MACOMB County, Michigan My Commission Expires 9-19-13 Acting in OAKLAND County, Michigan

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

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

EASEMENT AND PERMIT SKETCH



LEGEND

SI	SET IRON
SPK	SET PK NAIL
FM	FOUND MONUMENT
(IO)	SDA POINT No.
(R)	RECORD
(M)	MEASURED
(C)	CALCULATED
	R.O.W. ACQUISITION



SPALDING DeDECKER ASSOCIATES, INC.
 ENGINEERS SURVEYORS
 905 SOUTH BLVD. EAST
 ROCHESTER HILLS, MI 48307
 PH: (248) 844-5400 FAX: (248) 844-5404
 www.spaldingdedecker.com

DRAWN: T.JUDSON	DATE: 06-27-08
CHECKED: M.DeDECKER	DATE: 06-27-08
MANAGER: M.DeDECKER	SCALE: 1" = 30'
JOB No. RBO7-012	SHEET: 1 OF 2
SECTION 29 TOWN 02 NORTH RANGE 11 EAST	
CITY OF TROY	OAKLAND COUNTY, MI



CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *STV*
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project #07.103.5, Sidwell #88-20-30-228-002

Background:

- In connection with an intersection improvement project at the corners of Golfview and Coolidge, the Real Estate Department has received a sidewalk easements from property owner Somerset Collection Limited Partnership, having Sidwell # 88-20-30-228-002.

Financial Considerations:

- The consideration amount on this document is \$1.00

Legal Considerations:

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

Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Management recommends that City Council accept the attached Permanent Easement for sidewalk, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-30-228-002 (part of)
Resolution #

SOMERSET COLLECTION LIMITED PARTNERSHIP, a Michigan limited partnership, Grantor(s), whose address is 100 Galleria Office Centre, 27700 Northwestern Hwy, Suite 427, Southfield, MI 48037 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY, a Michigan Municipal Corporation**, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sidewalk**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed His signature(s) this 5TH day of AUGUST A.D. 2008.

Somerset Collection Limited Partnership, a
Michigan limited partnership

By: SOMERSET COLLECTION GP, INC.
a Michigan corporation
Its: Partner

By: Nathan Pelt (L.S.)

Its: AUTHORIZED SIGNATORY

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 5TH day of AUGUST, 2008, by NATHAN FEEBES, AUTHORIZED SIGNATORY of Somerset Collection GP Inc., a Michigan Corporation, a partner of Somerset Collection Limited Partnership, a Michigan limited partnership, on behalf of the partnership.

Brenda Walton, Notary Public
State of Michigan, County of Oakland
My Commission Expires 10/1/2010
Acting in the County of OAKLAND



Notary Public, OAKLAND County, Michigan
My Commission Expires OCTOBER 2010
Acting in OAKLAND County, Michigan

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

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

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

EXHIBIT "A"

SIDEWALK EASEMENT – Part of 88-20-30-228-002

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 30, T.2N, R.11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SAID NORTHEAST CORNER OF SECTION 30, THENCE N89°16'03"W 60.00 FEET AND S01°12'28"W 1178.07 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF COOLIDGE ROAD, (120 FEET WIDE) S01°12'28"W 13.725 FEET; THENCE 23.56 FEET ALONG A NON-TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 58°40'59", A RADIUS OF 23.00 FEET AND A CHORD BEARING N51°46'51"W 22.54 FEET); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF GOLFVIEW DRIVE (86 FEET WIDE) S89°16'03"E 18.00 FEET TO THE POINT OF BEGINNING. CONTAINING 78.52 SQUARE FEET (0.0018 ACRES).

EASEMENT AND PERMIT SKETCH

LEGEND

- SI SET IRON
- SPK SET PK NAIL
- FM FOUND MONUMENT
- (10) SDA POINT No.
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED
-  R.O.W. ACQUISITION
-  TRAFFIC SIGNAL CONTROLLER

NORTHEAST CORNER
OF SECTION 30
T.2N., R.11E.
CITY OF TROY
OAKLAND COUNTY, MI

N89°16'03"W
60.00'

GOLFVIEW (86' WIDE)

UTILITY POLE W/
CAMERA & PED. SIGNAL

CONTROL PANEL ON PAD

SIDEWALK EASEMENT
AREA = 78.52 SQ. FT.
(0.0018 ACRES)

PED. SIGNAL
PUSH BUTTON

ESMT. P.O.B.

S89°16'03"E 514.33' GUY

S89°16'03"E
18.00'

S89°16'03"E
7.00'

DELTA=58°40'59"
R= 23.00'
L=23.56'
CH=N51°46'51"W
22.54'

N44°01'47"W
35.21'

S01°12'28"W
11.28'

S01°12'28"W
13.72'

PERMIT P.O.B.

UTILITY POLE W/
LIGHT & CAMERA

TEMPORARY GRADING & CONSTRUCTION PERMIT
AREA = 233.94 SQ. FT.
(0.0053 ACRES)

TAX PARCEL No.
20-30-228-002

OWNER: SOMERSET COLLECTION LTD PTN
P.O. BOX 667
SOUTHFIELD, MI 48304

AREA = 47,977 SQ. FT.
(1.101 ACRES)

N00°43'57"E 91.71'

S01°12'28"W 95.00'

EAST LINE OF SECTION 30

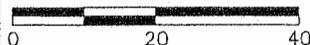
COOLIDGE ROAD (120' WIDE)

N88°54'05"W 513.55'

EAST 1/4 CORNER
OF SECTION 30
T.2N., R.11E.
CITY OF TROY
OAKLAND COUNTY, MI



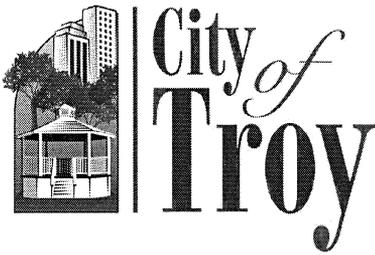
SCALE 1" = 20'



**SPALDING DeDECKER
ASSOCIATES, INC.**
ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.spaldingdedecker.com

DRAWN: T.JUDSON	DATE: 07-03-08
CHECKED: P.O'ROURKE	DATE: 07-07-08
MANAGER: M.DeDECKER	SCALE: 1" = 30'
JOB No. RB07-012	SHEET: 1 OF 2
SECTION 30 TOWN 02 NORTH RANGE 11 EAST	
CITY OF TROY	OAKLAND COUNTY, MI



CITY COUNCIL ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Troy Daze Festival Parking Services

Background:

- The Troy Police Explorers Post 1950 has performed parking services at the annual Troy Daze Festival for many years. Their duties include assistance with parking of vendors, attendees, and event volunteers, as well as fee collection for attendee parking.
- Their involvement ensures safe and easy access to and egress from the parking area, minimizes any potential safety hazards for pedestrians, and protects the park from any unnecessary damage.
- The Troy Police Explorers Post 1950 uses the funds from this contract to continue the work throughout the community and to perpetuate the organization, which allows young people to experience various career venues that they might have interest in pursuing as adults. The program concentrates on leadership training, character and integrity development, team building and communication skills.
- This three year contract would pay the Explorers \$4500.00 each year for the 2008, 2009, and 2010 Troy Daze festival. In addition, if the Troy Daze Festival revenues exceed expenses by \$500.00, or more; the Explorers shall receive a bonus of \$500.00.

Financial Considerations:

- Funding for Parking Services for the Troy Daze Festival is available in the Parks and Recreation Community Fair Fund operating account #103.784.7889.120.

Legal Considerations:

- All fees collected on site will be deposited by a Troy Police Department Shift Captain with a representative of the City of Troy Treasurer Department.
- The agreement is contingent upon the Troy Police Department Explorers providing an acceptable insurance certificate and all other specified requirements.

August 18, 2008

To: Phillip L. Nelson, City Manager
Re: Troy Daze Festival Parking Services

Policy Considerations:

- Services provided by the Troy Police Explorers Post 1950 at the Troy Daze Festival will help to ensure the safety of the public during the festival. (Outcome Statement I)
- The Troy Daze Festival is an annual event celebrating the community. (Outcome Statement III)

Options:

- City management and the Parks and Recreation Department recommend approval of a three-year contract to furnish parking services to the Troy Police Explorers Post 1950, as outlined in the attached Troy Daze Festival Parking Agreement at an annual cost of \$4500.00 for 2008, 2009, and 2010. Staff also recommends a bonus of \$500.00, if the revenues from annual event exceed expenses by \$500.00, or more.

Approved as to Form:

Lori Grigg Bluhm, City Attorney



Troy Daze Festival

City of Troy – Troy Daze Festival
3179 Livernois
Troy, MI 48083

Phone: 248-524-1147
Fax: 248-524-3499
Web: www.troymi.gov



PARKING AGREEMENT MAGIC OF FALL/ TROY DAZE FESTIVAL

The purpose of this agreement is to contract with the Troy Police Explorers Post 1950 to collect parking fees during the 2008 – 2009 – 2010 Magic of Fall/Troy Daze Festival. The Explorers Post 1950 will provide and conform to all requirements and guidelines. Failure to comply with the requirements and guidelines will result in the reduction of the organization's revenues.

The times of operation and necessary minimum manpower requirements are listed below. There are two (2) collection points for parking:

1. Northfield Parkway
2. Crooks Road Park Entrance

Thursday, 3:00 – 9:00 pm

Manpower Northfield -	2 people (2 hour shift) – 3:00 – 5:00 pm 2 people (3 hour shift) – 5:00 – 8:00 pm
Manpower Crooks -	4 people (2 hour shift) – 3:00 – 5:00 pm 4 people (3 hour shift) – 5:00 – 8:00 pm

Friday, 3:00 – 10:00 pm

Manpower Northfield -	2 people (2 hour shift) – 3:00 – 6:00 pm 2 people (3 hour shift) – 6:00 – 9:00 pm
Manpower Crooks -	6 people (2 hour shift) – 3:00 – 5:00 pm 8 people (3 hour shift) – 5:00 – 8:00 pm 8 people (2 hour shift) – 8:00 – 9:00 pm

Saturday, All Day

Manpower Northfield -	2 people (2 hour shift) – 10:00 am – 12:00 pm 2 people (3 hour shift) – 12:00 – 3:00 pm 2 people (3 hour shift) – 3:00 – 6:00 pm 2 people (3 hour shift) – 6:00 – 9:00 pm
Manpower Crooks -	4 people (2 hour shift) – 9:00 – 11:00 am 8 people (3 hour shift) – 11:00 am – 2:00 pm 8 people (3 hour shift) – 2:00 – 5:00 pm 8 people (3 hour shift) – 5:00 – 8:00 pm 6 people (2 hour shift) – 8:00 – 9:00 pm

Sunday, All Day

Manpower Northfield - 2 people (2 hour shift) – 10:00 am – 12:00 pm
 4 people (3 hour shift) – 12:00 – 3:00 pm
 2 people (3 hour shift) – 3:00 – 6:00 pm
 2 people (2 ½ hour shift) – 6:00 – 8:30 pm

Manpower Crooks - 4 people (3 hour shift) – 9:00 – 12:00 pm
 8 people (3 hour shift) – 12:00 am – 3:00 pm
 8 people (3 hour shift) – 3:00 – 6:00 pm
 8 people (3 hour shift) – 6:00 – 8:00 pm

The purpose is to collect from each vehicle that enters the park (excluding city-owned vehicles), a set parking fee. This fee helps to defray the cost of the festival.

The Explorers will receive payment based on the following:

- A. The organization will be paid \$4,500 each year for the 2008, 2009, and 2010 Troy Daze festival. Furthermore, if the Troy Daze Festival is successful based upon the City not having to contribute more than what has been included in the budget, the Explorers shall be paid a bonus of \$500.

The Troy Police Explorer Post 1950 upon entering into an agreement with the city of Troy will provide the following services:

- A. To staff the parking area of Boulan Park during the Magic of Fall / Troy Daze Festival with a minimum number of persons per shift as indicated.
- B. Staff people, 18 years and older, will collect the mandatory fee per vehicle at the Boulan Park Crooks Road entrance and Northfield Parkway entry point. Attendants will provide the driver of the vehicle with a marking sticker to be affixed to the outside of the windshield on the driver's side which will allow the vehicle to re-enter the Festival grounds at no additional cost during the remaining days of the Festival.
- C. To organize the parking vehicles in such a manner to allow for safe and easy access to and egress from the parking area, to minimize any potential safety hazards for pedestrians and to protect the park from any unnecessary damage.
- D. The parking lot attendants will maintain a change bank of not less than \$50.00 nor more than \$200.00.
- E. The Troy Police Explorer Post 1950 will designate a person as "Shift Captain" for each shift. Shift Captain will have the authority to make decisions for the organization affecting the parking operation. The Police Department and Explorers advisors will have complete control of all festival parking areas other than area provided for vendors.

- F. A Shift Captain representing the organization will turn in all collected fees at least once every two (2) hours. Collections shall be turned into City of Troy Treasurer Department representative on site. The Treasurer Department representative will count the funds collected and provide the Explorers organization with a signed and dated receipt indicating the amount of parking fees collected by the organization.
- G. The Troy Police Explorer Post 1950 shall hold the City of Troy harmless from any liability arising out of the permission granted in this agreement.

This Agreement shall remain in effect during the following dates and times:

- 3:00 pm September 11, 2008 through 9:00 pm September 14, 2008
- 3:00 pm September 17, 2009 through 9:00 pm September 20, 2009
- 3:00 pm September 16, 2010 through 9:00 pm September 19, 2010

Forfeiture - Should the organization fail to perform to the standards described in this agreement, the committee may decide to withhold all or a portion of the payment depending on the severity of organization failure to provide service.

Insurance - The Troy Police Department Explorers will provide a copy of an acceptable insurance certificate to the designated City representative. The City of Troy designated representative shall determine whether the insurance certificate provided is acceptable and meets City of Troy standards.

In witness whereof, the parties hereto caused this agreement to be executed this

_____ day of _____, _____.

WITNESSETH:

CITY OF TROY

Theresa Harrison Adams

TROY POLICE EXPLORERS



CITY COUNCIL REPORT

DATE: August 15, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Shell Gas Station/Tim Horton's, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731)

Background:

- A public hearing is scheduled for the September 8, 2008 City Council meeting.
- The Planning Commission recommended approval of the request to rezone the parcel to H-S at the August 12, 2008 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Non Center Commercial. This classification has a secondary correlation with the Highway Service Zoning District in the Future Land Use Plan. The application therefore is consistent with the Future Land Use Plan.
- The application is consistent with the general character of the area and compatible with adjacent zoning districts and land uses.
- The attached Planning Commission memo outlines the issues associated with this rezoning.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 Special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the rezoning application.
- No City Council action until the September 8, 2008 public hearing.

Attachments:

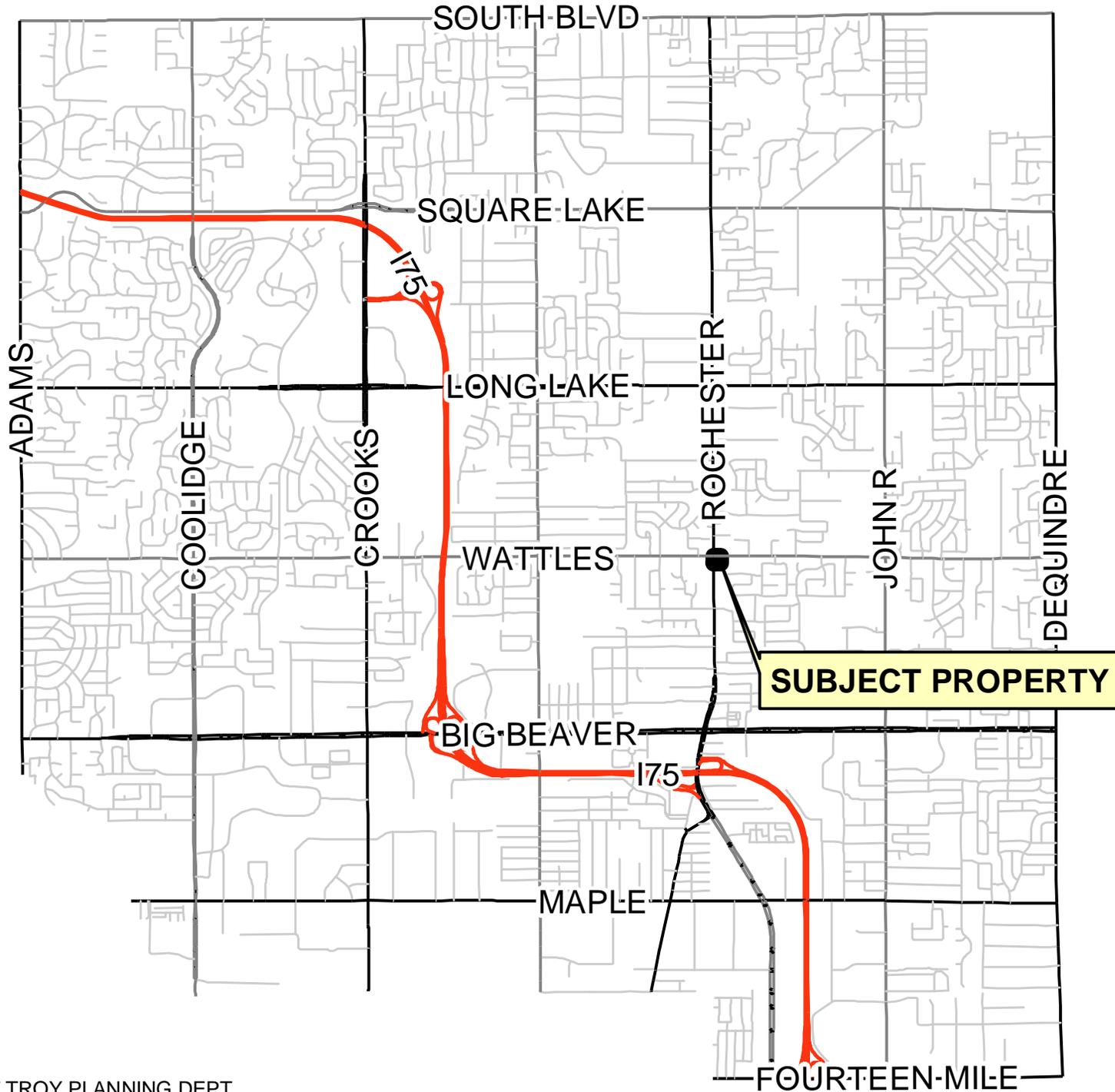
1. Maps.
2. Minutes (draft) from the August 12, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated August 7, 2008.
4. Letter of Opposition.

Prepared by RBS/MFM

cc: Applicant
File /Z 731

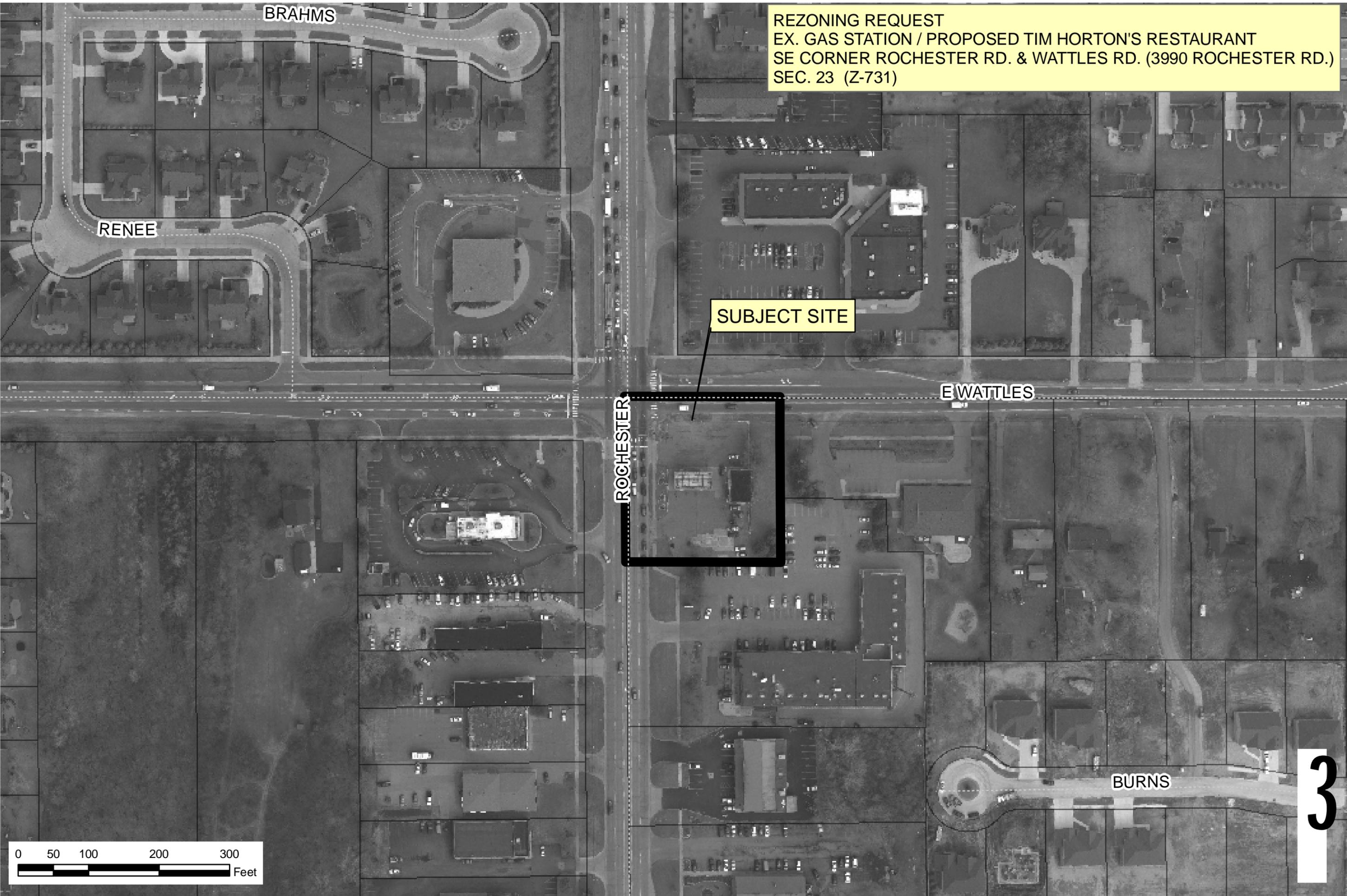
G:\REZONING REQUESTS\Z-731 Gas Station Tim Hortons Sec 23\Announce CC Public Hearing 08 25 08.doc

CITY OF TROY



REZONING REQUEST
EX. GAS STATION / PROPOSED TIM HORTON'S RESTAURANT
SE CORNER ROCHESTER RD. & WATTLES RD. (3990 ROCHESTER RD.)
SEC. 23 (Z-731)

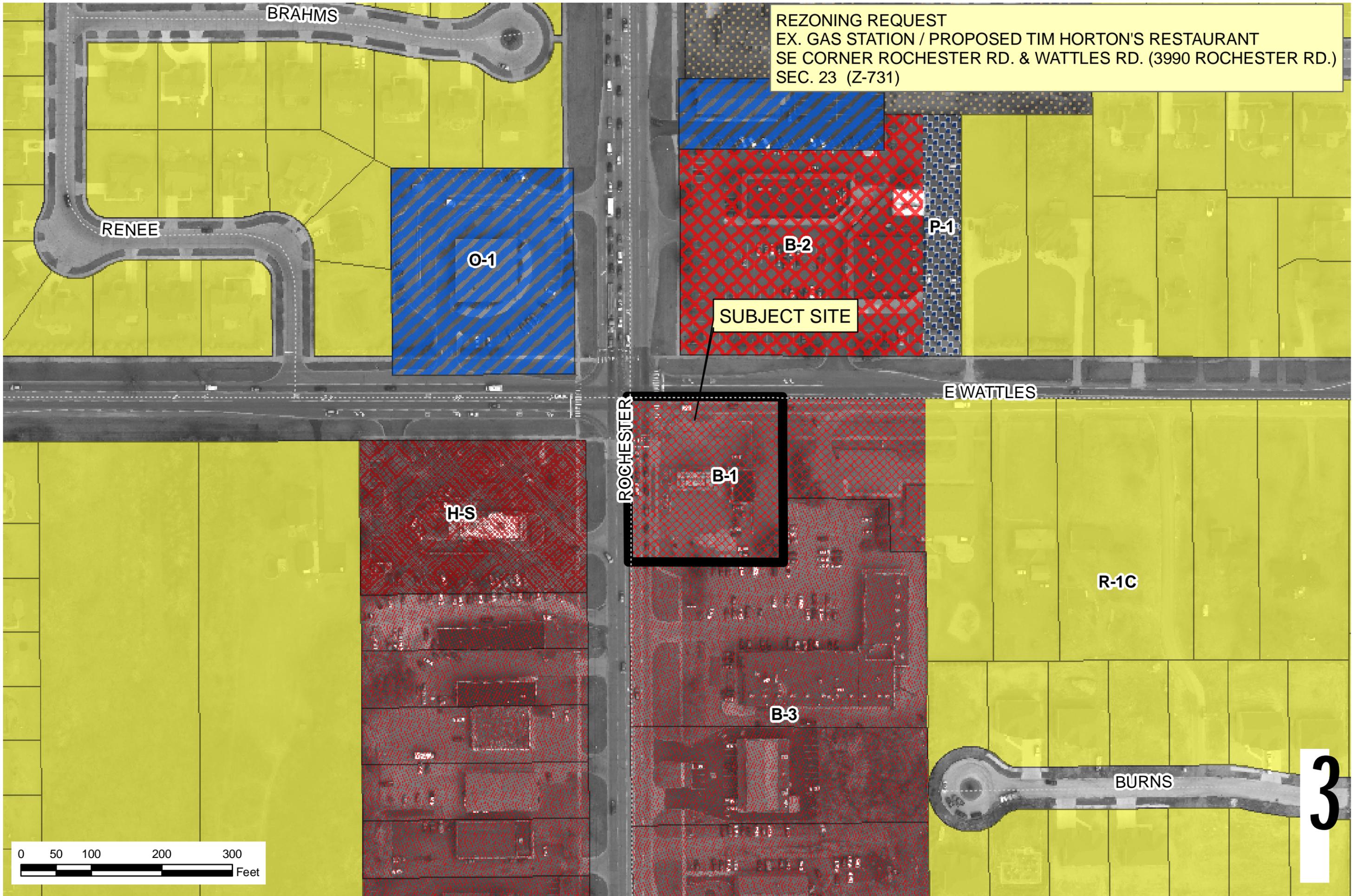
SUBJECT SITE



0 50 100 200 300 Feet

3

REZONING REQUEST
EX. GAS STATION / PROPOSED TIM HORTON'S RESTAURANT
SE CORNER ROCHESTER RD. & WATTLES RD. (3990 ROCHESTER RD.)
SEC. 23 (Z-731)



SUBJECT SITE

ROCHESTER

E WATTLES

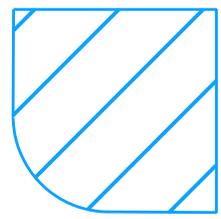
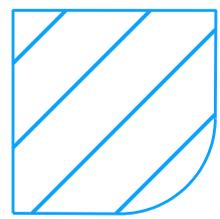
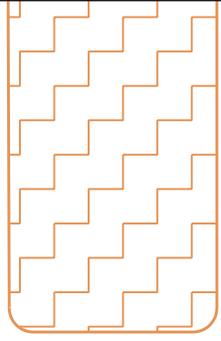
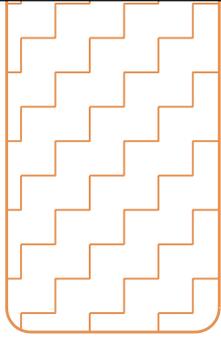
R-1C

BURNS



ROCHE

SUBJECT PROPERTY



REZONING REQUEST

6. PUBLIC HEARING – REZONING APPLICATION (Z 731) – Shell Gas Station / Tim Horton's Restaurant, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23, From B-1 (Local Business) to H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the request as submitted. He noted it is prudent professional community planning advice to consider acquisition and consolidation of abutting properties to create a larger redevelopment site. Mr. Miller also identified the trend for gasoline service stations to provide retail and food service. Mr. Miller addressed a detailed report submitted by the Planning Department relating to recently approved service stations that are less than one acre in size. It was noted those service stations listed on the report have no drive-through service.

Mr. Forsyth stated that a potential future right of way in the area is irrelevant to the Planning Commission deliberation of the proposed rezoning request.

Leo D. Gonzalez of CRS Commercial Real Estate Services, 550 Forest Avenue, Plymouth, was present to represent the petitioner. He announced that the owner, Sam Beydoun of Safeway Oil, was also present, and they would like to go forward with the request this evening.

Mr. Gonzalez gave a brief history of subject property and addressed changes in the operation of service stations from five to ten years ago. He addressed the investment by Safeway Oil to modify existing stations that would reflect current service station trends and would be beneficial to the community.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant announced that a letter of opposition was received in Planning Department today, copies of which were distributed to members prior to the beginning of tonight's meeting.

There was discussion on the proposed use with drive-through service as relates to lot size, lot layout, and traffic impact.

Chair Schultz reminded members that the proposed site plan should not be considered in the deliberation of the rezoning request.

Mr. Gonzalez said comments expressed this evening would be taken into consideration as well as the best interest of the petitioner and Safeway Oil in the redevelopment of the site.

Resolution # PC-2008-08-098

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-1 to H-S rezoning request, located at the southeast corner of Rochester and Wattles, within Section 23, being approximately 0.7 acres in size, be granted.

Yes: Hutson, Sanzica, Schultz, Strat, Vleck
No: Ullmann
Absent: Maxwell, Tagle, Wright

MOTION CARRIED

Mr. Ullmann said he has difficulties with the request.

DATE: August 7, 2008

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – REZONING APPLICATION (Z 731) – Proposed Gas Station / Tim Horton's, Southeast corner of Rochester Road and Wattles Road (3990 Rochester Road), Section 23 – B-1 to H-S

GENERAL INFORMATION

Name of Owner / Applicant:

The application states the applicant and owner is Sam Beydoun of Safeway Oil; however, the owner of record is Safeway Acquisition Company LLC.

Location of Subject Property:

The property is located on the southeast corner of Rochester Road and Wattles Road, in Section 23.

Size of Subject Parcel:

The parcel is approximately 30,492 square feet or 0.70 acre in gross area.

Current Use of Subject Property:

The property is currently used as a Shell gas station with automotive service and is a legal nonconforming use.

Current Zoning Classification:

B-1 Local Business.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The Rezoning Site Plan indicates the applicant is proposing to expand the convenience store, including adding a Tim Horton's restaurant with a drive-up window. The gasoline pump islands and overhead canopy are to be demolished and replaced.

Proposed City of Troy Right of Way Acquisition:

The City intends to acquire a portion of the subject property for a road widening project for both Rochester Road and Wattles Road. This potential right of way acquisition should not be considered in the Planning Commission's rezoning recommendation.

Current Use of Adjacent Parcels:

North: Shopping Center.

South: Shopping Center.

East: Daycare Center Parking Lot and Shopping Center.

West: Fast Food Restaurant.

Zoning Classification of Adjacent Parcels:

North: B-2 Community Business.

South: B-3 General Business.

East: B-1 Local Business and B-3 General Business.

West: H-S Highway Service.

ANALYSIS

Range of Uses Permitted in the Proposed H-S Highway Service Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Article 23.20.06 of the Zoning Ordinance, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Vehicular and Non-motorized Access:

The parcel fronts both Rochester Road and Wattles Road.

Potential Storm Water and Utility Issues:

The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan.

Compliance with Location Standards

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance states the following:

The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

- 23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.
- 23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The application is consistent with the Location Standards for the H-S District.

Analysis of Existing Parcel Size

The parcel is approximately 30,492 square feet or 0.70 acre in gross area. Applicant indicates that the purpose of the rezoning is to allow for a gasoline service station without automotive repair and Tim Horton's restaurant with a drive-up window. Minimum parcel size for service stations in the H-S district is 15,000 square feet or 0.34 acre without automotive repair, per Article 23.30.02 of the Zoning Ordinance. Minimum parcel size for restaurants with a drive-up window in the H-S district is 43,560 square feet or 1.0 acre; in addition, 150 feet of frontage on a major thoroughfare, per Article 23.25.01 of the Zoning Ordinance.

The subject property is 30,492 square feet or 0.70 acre in size and therefore would meet the minimum parcel size for a gasoline service station, while the subject parcel would not meet the 1.0 acre minimum parcel size for a restaurant with a drive-up window.

City Management has a recent history of recommending approval of H-S rezoning requests when the application is consistent with Future Land Use Plan and compatible with existing land uses and zoning districts. Intent of these recommendations was to convert nonconforming uses to a Use Permitted Subject To Special Use Approval. These rezonings enabled service station owners the legal ability to make substantial improvements that were prohibited for nonconforming uses. Attachment 2 titled Service Stations Recently Approved and Less Than One Acre in Size, provides a list of the service stations for the Planning Commission's use.

CITY MANAGEMENT RECOMMENDATION

1. The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and land uses. City Management recommends approval of the rezoning request as submitted.
2. The subject property appears small considering the full range of automobile-oriented uses permitted in the H-S District. If the subject property is redeveloped, it will require variances and produce very compact development with potential traffic access and circulation problems. It is prudent professional community planning advice to consider acquisition and consolidation of abutting properties to create a larger redevelopment site.
3. There is a trend for gasoline service stations to provide considerable retail and food service activities above and beyond the fuel sales. Given this evolutionary role of becoming convenience retail centers, City Management recommends the Planning Commission explore revising the standards for gasoline service stations during the comprehensive re-write of the Zoning Ordinance.

Attachments:

1. Maps
2. Service Stations Recently Approved and Less Than One Acre in Size

cc: Applicant
File (Z-731)

SERVICE STATIONS
RECENTLY APPROVED
AND LESS THAN ONE ACRE IN SIZE

*Prepared by:
City of Troy
Planning Department
August 8, 2008*

Location: 1602 Livernois, NE corner Maple and Livernois
Station: Clark
Section: 27
Parcel Size: 15,475 square feet / 0.35 acre
Building Size: 1,600 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 328
Preliminary Site Plan Approval: 09/13/05, Attached

Location: 6951 Rochester, SW corner South Blvd and Rochester
Station: Clark
Section: 3
Parcel Size: 19,517 square feet / 0.44 acre
Building Size: 2,475 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 337
Preliminary Site Plan Approval: 12/12/06, attached

Location: 5991 Livernois, SW corner Square Lake and Livernois
Station: BP
Section: 9
Parcel Size: 20,370 square feet / 0.46 acre
Building Size: 1,885 square feet
Existing Zoning: H-S
Future Land Use Plan: Community Service Area
File Number: SU 326
Preliminary Site Plan Approval: 12/14/04, attached

Location: 1610 John R, NE corner Maple and John R
Station: Clark
Section: 25
Parcel Size: 20,804 square feet / 0.47 acre
Building Size: 1,840 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 323
Preliminary Site Plan Approval: 11/09/04, attached

Location: 3400 Rochester, NE corner Rochester and Charrington
Station: Marathon
Section: 23
Parcel Size: 21,000 square feet / 0.48 acre
Building Size: 1,740 square feet
Existing Zoning: H-S
Future Land Use Plan: Non-center Commercial
File Number: SU 342
Preliminary Site Plan Approval: 01/09/07, attached

LEGAL DESCRIPTION:

(PROPERTY DESCRIPTION PER TITLE COMMITMENT)

APPROX 200 FEET OF THE EAST 215 FEET OF THE LAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF ROCHESTER, ONONDAGA COUNTY, NEW YORK, EXCEPT THE NORTH 25 FEET OF THE ROAD, ALSO EXCEPT THAT PART RESERVED FOR HIGHWAY DESCRIBED AS THAT PART WHICH UNLAWFULLY OF LAW DESCRIBED AS BEING AT A POINT 60 FEET S 87°22'49" W 22.83 FEET AND S 60°34'17" W 125 FEET FROM THE NORTHEAST CORNER, THEREBY MORE SPECIFICALLY TO A POINT ON THE NORTH SECTION LINE USUALLY S 67°22'49" W 22.83 FEET AND S 60°34'17" W 125 FEET FROM THE NORTHEAST CORNER, ALSO EXCEPT THE EAST 50 FEET TAKEN FROM ROCHESTER ROAD.

DESCRIPTION OF PROPERTY AS SHOWN:

PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF ROCHESTER, ONONDAGA COUNTY, NEW YORK, DESCRIBED AS BEING AT A POINT ON THE WEST LINE OF ROCHESTER ROAD, SAID POINT LOCATED 3 SEPARATIONS ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 78.0 FEET AND S 67°22'49" W 22.83 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 3, THENCE CONTINUING S 07°12'56" E ALONG SAID WEST LINE 127.17 FEET, THENCE S 80°07'59" W 140.00 FEET, THENCE S 07°12'56" W 140.00 FEET, THENCE N 17°03'51" E 18.61 FEET TO THE POINT OF BEGINNING.

SAHITARY SEWER EXIST' L. 5676, P. 348 IN SOUTH BLDG.

MIDDLEMAN BELL EXIST' L. 4003, P. 809 IN SOUTH BLDG.

DETROIT EDISON & WOODBURN BELL EXIST' L. 5423, P. 156 IN ROCHESTER RD. R/W.

WATERMAIN EXIST' L. 6253, P. 787 & L. 6254, P. 810 IN ROCHESTER RD.

DRIVEWAY EXIST' L. 15, 1987 EXPIRES AFTER 30 YRS. SUBJECT TO A 10 YEAR RENEWAL.

BENCH MARKS

- BM#1 ALDRICH ON HYDRANT ELEV 7218.19
- BM#2 ANDREW ON HYDRANT ELEV 7181.3

LEGEND

- SET FROM FOUND IRON
- BOUNDARY LINE
- EASEMENT LINE
- LOT LINE
- BUILDING LINE
- CURB LINE
- CURB CUT
- FENCE
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- UNDERGROUND PHONE LINE
- OVERHEAD PHONE LINE
- OVERHEAD PHONE & ELECTRIC LINE
- COMBINED SEWER
- WATCH LINE
- ELECTRIC WATER
- FIRE HYDRANT
- GAS METER
- DATE VALVE & WELL
- GUY WIRE
- AIR CONDITIONER
- COMBINED MANHOLE
- CATCH BASIN
- SANITARY MANHOLE
- STORM MANHOLE
- UTILITY POLE
- METAL LIGHT POLE
- TELEPHONE BLADE
- MONITORING WELL
- ELECTRIC TRANSFORMER PAD
- CLEAN OUT
- RECREATE CATCH BASIN
- ELECTRIC
- MANHOLE
- GUARD POST
- TRAFFIC SIGNAL POLE
- ELECTRIC SIGNAL POLE
- GAS VENT
- LIGHT POLE BASE
- VENTILATION PIPE
- WATER VALVE
- TREE - STEEL-DIAMETER-DUPLINE
- OPEN PORCH
- ASPH.
- CONC.
- F.F.
- TOP OF CURB ELEVATION
- OUTLET ELEVATION
- SPOT ELEVATION

VARIANCES GRANTED:

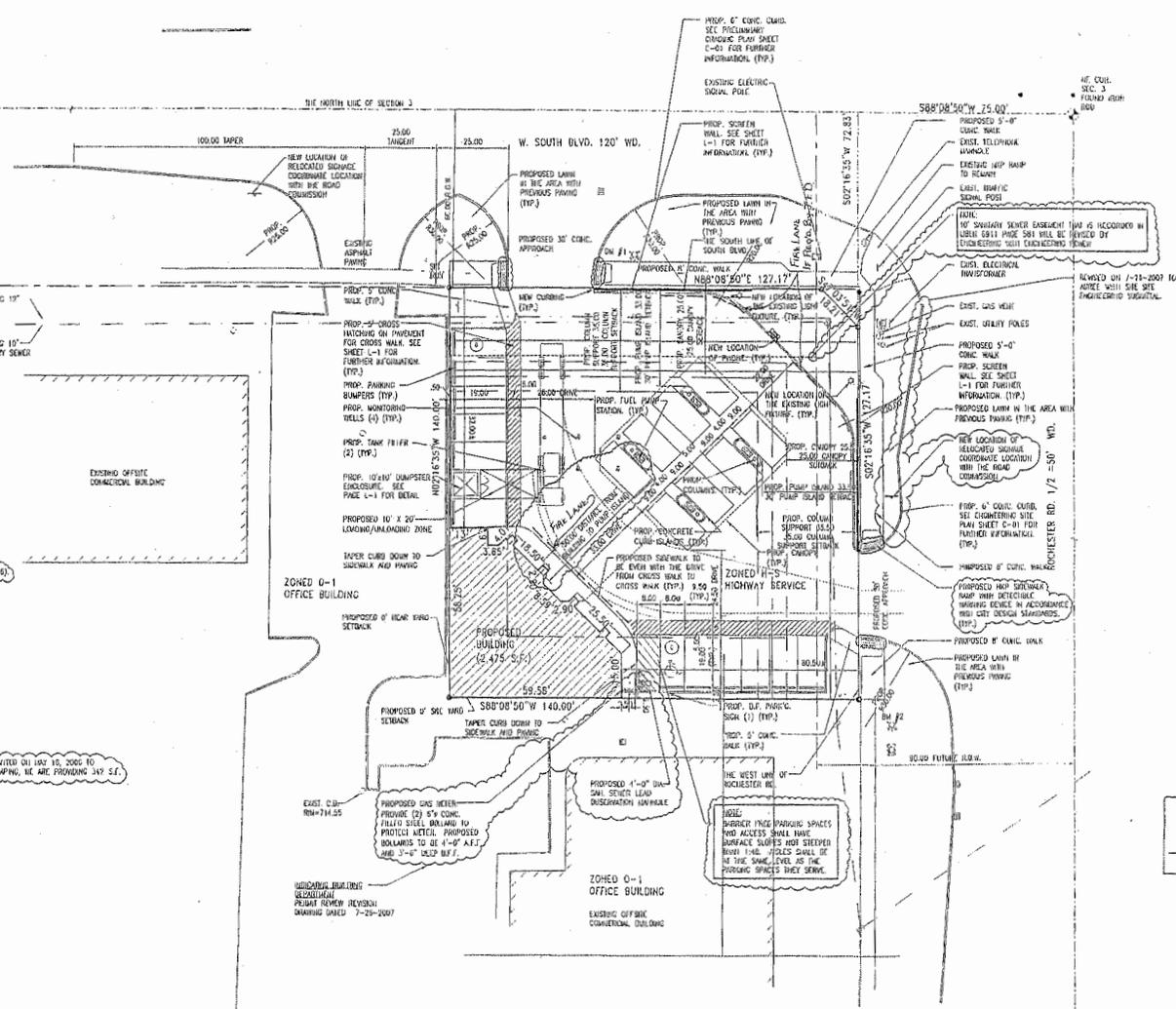
- VARIANCE REQUESTED FOR THE PROPOSED BUILDING WITHIN THE REQUIRED REAR YARD OR ADJACENT ROAD AND SOUTH BLDG. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE OPEN LANDSCAPE AREA. THE PROPERTY IS REQUIRED TO HAVE A LANDSCAPED OPEN SPACE UP AND ABOVE THE LANDSCAPED BUFFER STRIP. WE ARE REQUESTED TO HAVE ONE OF THE NEI AREAS AS A LANDSCAPED OPEN SPACE. THIS MEANS THAT 1000 SF. NEEDS TO BE COUNTED IN THE FRONT OR SIDE YARDS. WE NEED A MINIMUM OF 1000 SF. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REMOVED NUMBER OF TREES ALONG ROCHESTER ROAD AND SOUTH BLVD. WE ARE REQUESTED TO HAVE 6 TREES TOTAL. WE WILL PROVIDE 3 TREES. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REQUIRED SIZE OF THE LANDSCAPED AND OPENING ZONE IS 500 SF. WE ARE PROVIDING A LANDING AND UNLOADING ZONE OF 200 SF. (VARIANCE GRANTED ON MAY 16, 2006).

TABULATION:

SITE DATA	12 SPACES
VEHICLE REQUIRED	12 SPACES
FURNISH PROPOSED	12 SPACES
LANDSCAPING DATA	1,800 SF.
LANDSCAPED AREA (NUMBER)	342 SF. (NOTE: A VARIANCE WAS GRANTED ON MAY 16, 2006 TO ALLOW 240 SF. OF LANDSCAPING, WE ARE PROVIDING 342 SF. OF LANDSCAPING.)
SHRUB AREA	19,517 SF. 4484 ACRES
TREES AREA	17,024 SF. 4022 ACRES
REAR YARD AREA	2,470 SF.
REAR YARD OPEN SPACE	700 SF.
FRONT YARD AREA	2,487 SF.
FRONT YARD OPEN SPACE	560 SF.

NOTE: THE PROPOSED CANOPY HEIGHT WILL BE HAVE A MINIMUM HEIGHT OF 11'-0"

NOTE: ROCHESTER HILLS LOCATED TO THE NORTH OF THE PROPERTY



PLANNING DEPT Copy
FINAL SITE PLAN APPROVED ON Nov 19, 2007
PLANNING DEPARTMENT

REC'D
NOV 2 - 2007
PLANNING DEPT

REGISTERED ARCHITECT
WILLIAM S. QUINLAN
NO. 11459
STATE OF MICHIGAN

THE ABOVE EXISTING INFORMATION WAS TAKEN FROM THE TOPOGRAPHICAL SURVEY FROM METCO LAND S.E.A. CORPORATION 401 S. MAIN ST. CLAWSON, MI. 48017 TELEPHONE # (248) 588-2500, FAX # (248) 588-3117, E-MAIL: METCOLAND@aol.com THE SURVEY JOB # IS 15-04032

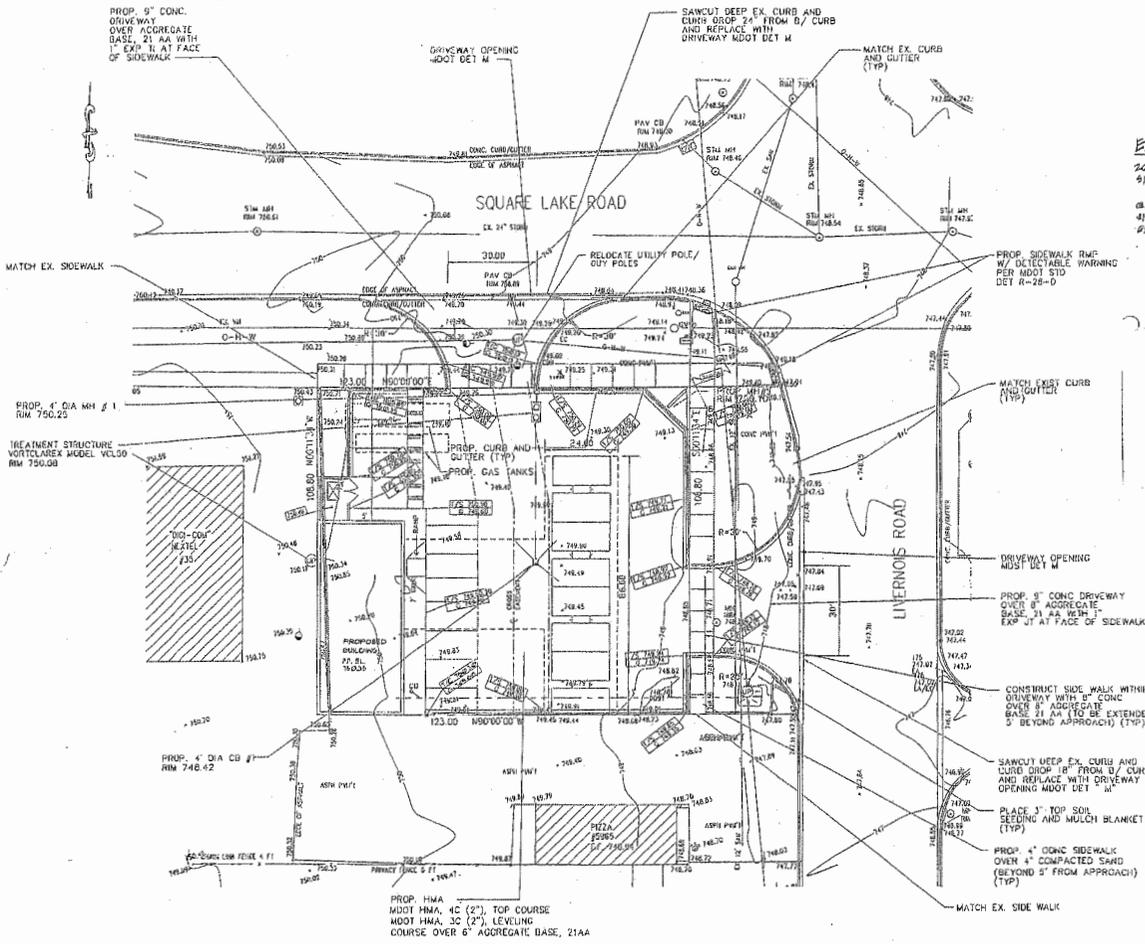
PROPOSED SITE PLAN
SCALE: 1" = 20'

SU 337

SU-337

William S. Quinlan

FILED
NOV 19 2007
CLAWSON MI
COUNTY CLERK
OFFICE OF THE COUNTY CLERK
CLAWSON MI 48017
PLANNING DEPARTMENT
PROPOSED GAS STATION AND C-STOPE FOR BRIAN SHARRAK



SITE PLAN
SCALE: 1" = 20'

EXISTING

ZONING = H-5 HIGHWAY SERVICE
 SITE AREA GROSS = 150' X 180' = 27,000 SQ FT = 4,670 A.
 NET = 123' X 100' = 12,300 SQ FT = 2,127 A.
 BUILDING = 24' X 61' = 1,464 SQ FT. APPROX
 SITE COVERAGE = 1235 / 15,282.4 = 8.11%
 PARKING SPACES = 1235 / 200 = 6.18 = 6 CARS
 PROVIDED

PROPOSED

ZONING = H-5 HIGHWAY SERVICE
 SITE AREA GROSS = 20,370 SQ FT = 4,070 A.
 NET = 12,300 SQ FT = 2,127 A.
 BUILDING = 24' X 61' = 1,464 SQ FT. APPROX
 SITE COVERAGE = 1235 / 15,282.4 = 8.11%
 PARKING SPACES = 1235 / 200 = 6.18 = 6 CARS
 PROVIDED

1. DETENTION BASIN AND IN-PAGE AREA FOR PERMANENT UPGRADE
 2. TO APPLY FOR SIGN PERMIT FROM CITY OF ILL. BUILDING DEPT.
 3. SIGNAGE APPROVAL FROM PLD., DEPT. FOR HIGHWAY SERVICE
 4. SIGNAGE GRANT FROM ILL. DEPT. OF TRANSPORTATION
 5. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)
 6. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)
 7. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)
 8. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)
 9. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)
 10. SIGNAGE FOR CANTY SUPPLY PLANT (TYP)

GENERAL NOTES:

ALL MATERIAL AND CONSTRUCTION FOR CONCRETE DRIVEWAY, CONC. SIDEWALK, DRAINAGE STRUCTURES, STORM SEWER, AND TRUNCATING UTILITY SHALL BE IN ACCORDANCE WITH CITY OF ILL. STANDARDS AND SPECIFICATIONS AND ILLINOIS DEPARTMENT OF TRANSPORTATION 2003 STANDARD SPECIFICATIONS FOR CONSTRUCTION.

THE CONTRACTOR SHALL NOTIFY CITY OF ILL. A MINIMUM OF 3 WORKING DAYS PRIOR TO START OF CONSTRUCTION.

THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM CITY OF ILL., OKLAHOMA COUNTY ROAD COMMISSION, OKLAHOMA COUNTY DRAIN COMMISSION PRIOR TO ANY WORK BEING DONE ON STREET SEWER OR ALONG MAPLE ROAD.

SEE ATTACHED ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARD PLANS.

ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES MUST BE IN PLACE PRIOR TO STARTING CONSTRUCTION.

FOR TEMPORARY AND PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SEE SOIL EROSION AND SEDIMENTATION CONTROL SHEET.

PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO EXPOSE ALL EXISTING UTILITIES THAT CROSS THE PROPOSED CONSTRUCTION AND THE DESIGN ENGINEER SHALL DETERMINE IF A VERTICAL CONFLICT EXISTS BETWEEN THE EXISTING UTILITY AND THE PROPOSED CONSTRUCTION. ALL LABOR REQUIRED TO UNCOVER THE EXISTING UTILITY SHALL BE INCLUSIVE TO THIS PROJECT. THE CONTRACTOR SHALL VERIFY THE DEPTH AND HORIZONTAL LOCATIONS OF ALL UTILITIES IN SUFFICIENT TIME SUCH THAT ANY CONFLICTS CAN BE RESOLVED BEFORE WORK IS STARTED IN THAT PORTION OF THE PROJECT. THE CONTRACTOR SHALL ARRANGE FOR THE VARIOUS UTILITY OWNERS TO LOCATE, REMOVE AND REPAIR OR RELOCATE THEIR FACILITIES. ALL COST FOR THIS SHALL BE INCLUSIVE TO THE PROJECT.

THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES ENCOUNTERED DURING CONSTRUCTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES CAUSED BY THE OPERATIONS AND SHALL BE REQUIRED TO MAKE TO THE SATISFACTION OF THE AUTHORITY HAVING JURISDICTION OF THE UTILITY, AT THE OWNERS RISK.

THE CONTRACTOR SHALL MAINTAIN TWO-WAY TRAFFIC AT ADJACENT ROADS AT ALL TIME.

ALL ELEVATIONS ARE BASED ON NGVD DATUM.

TRAFFIC CONTROL FOR GRADING DRIVEWAY WORK SHALL BE IN ACCORDANCE WITH THE ILLINOIS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

CALL PERMITS FOR CONSTRUCTION WITH A MINIMUM OF 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

LEGEND

- PROP. CATCH-BASIN
- PROP. STORMWATER
- PROP. SAND TRAP
- EXISTING MANHOLE
- PROPOSED 6" DIA. MANHOLE
- PROPOSED 8" DIA. MANHOLE
- PROPOSED 12" DIA. MANHOLE
- PROP. 12" CONC TILE AND MANHOLE ELEVATION
- EXISTING ELEVATION
- REMOVE

PLANNING DEPT. COPY

FINAL SITE PLAN APPROVED
 ON OCT 5, 2005
 PLANNING DEPARTMENT

REVISIONS:

1	Final Site Plan
2	Plan
3	
4	
5	
6	
7	

DATE: _____

DRAWING TITLE: **SQUARE LAKE - LIVERNOIS MARATHON GAS STATION**

PROJECT NO.: _____

DATE: _____

DESIGNER: _____

SCALE: _____

PROJECT NO.: _____

DATE: _____

DESIGNER: _____

SCALE: _____

SU 326

REC'D
 OCT - 4 2005
 PLANNING DEPT.

CO

August 12, 2008

Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

VIA ELECTRONIC MAIL

Re: Planning File No. Z-731 Gas Station/Tim Horton's

To the Powers that Be on the Troy Planning Department:

On behalf of the owners of the property located at the northeast corner of Rochester Road and Wattles Road, I am writing to you to express their partial opposition to the proposed Rezoning Request, for the property at 3990 Rochester Road, Troy, MI, which is scheduled for a public hearing before the Planning Department this evening. Due to extenuating circumstances, the owners cannot attend the public hearing and ask that this letter be read into the minutes at the public hearing.

For the last twenty-five years, my clients have owned and operated the strip center north of the subject property. During that time period, my clients have invested tens of thousands of dollars into improvements at the center. Those improvements have made the center a destination location for many Troy residents and attracted quality tenants to the area. One of those tenants, Ridley's Bakery, has invested an extraordinary sum of money into the area, including a remodel and expansion of its existing space in excess of \$100,000.00. In addition, Ridley's Bakery has brought jobs and services to the residents of the surrounding community. We believe that Ridley's Bakery, a Michigan-owned and operated company, will be directly and negatively impacted by the addition of a Tim Horton's store across the street. While my clients understand that their position may not have any legal basis, they implore you to find in their favor so that Tim Horton's, a national tenant, does not jeopardize the livelihood of another Michigan-owned company.

Given the investment that Ridley's Bakery has made and continues to make in the City of Troy, and the investment that Ridley's Bakery has made to my client's center, we firmly believe that the rezoning request should be denied with respect to the Tim Horton's operations. Moreover, my clients oppose any request to install a drive-thru at the property, since such a use would create safety and nuisance concerns. With regard to the Highway Services rezoning request, my clients do not oppose that request.

Sincerely,

John Spain, Esq.
Corporate Counsel



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: August 20, 2008
SUBJECT: Massage Facility Licensing Ordinance

During the past few years, the City has received a number of complaints about our "Massage Parlor Ordinance" provisions, which are contained in Chapter 98 of the Criminal Code. Under the existing provisions, massage therapy services are allowed only in very limited circumstances. However, with the adoption of Troy's Adult Use Business Ordinance, some of the protections provided by the Massage Parlor Ordinance are no longer necessary. There is now an increased acceptance of massage therapy as an alternative approach to the prevention of illness. There are some spas and other facilities in the City that desire to offer massage services.

We have met over the past year with the Assistant City Manager/Economic Development Services, the Planning Director, Director of Building and Zoning, representatives from the City Clerk's office and the Police Department to study the current trends in massage therapy. It was our intent to make sure that any licensing requirements of a massage ordinance would provide adequate protection for individuals that were using massage therapy services, while simultaneously expanding the opportunity to offer such services in reputable facilities.

The state does not currently regulate massage businesses or individual massage therapists, even though there have been several bills introduced by different legislators. This interest in massage therapy is due, in part, to the high standards of training and experience that have been implemented in the massage therapy schools and associations. In this proposed ordinance, we have required similar standards for licensing of massage facilities to match the criteria of accredited massage therapy schools. We have also contacted two local reputable Troy massage schools, Blue Heron Academy of Healing Arts and Science and Carnegie Institute, for input and comment. According to some of the faculty members who reviewed the proposed Massage Facility License ordinance, the criteria required by the ordinance would promote quality massage therapy businesses and allow qualified individual to perform massage therapy services.

A copy of the proposed Massage Facility License is provided as an informational item for your review. Proposed amendments to Chapter 60, setting fees for the Massage Facility Licenses, are also included for your review. In addition, there would need to be a repeal of Chapter 98, Sections 98.15.01 through 98.15.06, which is attached for your convenience. Absent significant concerns or contrary direction from City Council, the proposed ordinance revisions will appear as a regular action item on the next regular agenda.

If you have any questions concerning the above, please let us know.

CHAPTER 91 - MASSAGE FACILITY LICENSE

1. Definitions:

For the purpose of the provisions of this Chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- (a) “Employee” means any person other than a massage therapist, who renders any service in connection with the operation of a Massage Facility and receives compensation from the operator of the business or patrons. This includes a leased employee or subcontractor.
- (b) “Licensee” means the person to whom a license has been issued to own or operate a Massage Facility as defined herein.
- (c) “Manager” means an operator, other than a licensee, who is employed by a Massage Facility to act as a manager or supervisor of employees, independent massage therapists, or independent contractors, or is otherwise responsible for the operation of the business.
- (d) “Massage” means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever. For purposes of this Chapter, the term “bodywork” is included in the definition of massage.
- (e) “Massage facility” means any individual, group of individuals, person or business which engages in the practice of massage as defined in subsection 1(d), and which has a fixed place of business where any person, firm, association, partnership, limited liability company or corporation carries on any of the activities as defined in subsection 1(d). Massage Facility also includes a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation.
- (f) “Massage therapist” means any person who engages in the practice of massage as defined in subsection 1(d). Use of the word “massage therapist” in this Chapter shall include massage therapist, masseurs, masseuses and all others engaged in massage.
- (g) “Massage School” means a school which is licensed by the State of Michigan Board of Education as required by P.A. 148 of 1943 (MCLA 395.101, et. seq.) with a class hour requirement of at least 500 hours and which requires for admission students with a tenth grade education, which has minimum requirements of a

continuous course of study and training consisting of studies in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage, and which employs as instructors one or more massage therapists meeting all of the following criteria:

- (1) Graduate of a state licensed school with a minimum of 500 hours of education.
 - (2) A minimum of five years of experience as an instructor at a recognized school and/or massage therapist, and proof of such experience.
 - (3) For the purpose of this Chapter, a correspondence school or a school outside the United States is not a recognized school or massage school.
- (h) "Patron" means any person who receives a massage under such circumstances that it is reasonably expected that he or she shall pay money or give any other consideration for the massage.
- (i) "Person" means any individual, partnership, firm, association, joint stock company, limited liability company, corporation or combination of individuals or business entities of whatever form or character.

2. Facility License required:

Except as set forth in Section 3, no person shall operate a Massage Facility without obtaining a valid Massage Facility License for each separate office or place of business address. A Massage Facility License shall be renewed on an annual basis and cover the licensing period of January 1st to December 31st of each year.

The requirement to obtain a new Massage Facility License for the remainder of the 2008 calendar year is waived for those massage facilities that are properly licensed under the City's previous licensing requirements. However, commencing January 1, 2009, all massage facilities are required to comply with the provisions of this ordinance.

3. Exemptions for Massage Facility Licensing:

The following facilities are exempt from the requirement of a Massage Facility License:

- (a) Hospitals, medical facilities, medical offices where massage therapists engage in the performance of massage under the supervision of and in conjunction with the professional practices of physicians, surgeons, chiropractors, osteopaths, physical therapists or other recognized medical professionals who are fully licensed to practice their respective professions in the State of Michigan.
- (b) Hospitals, medical facilities, medical offices, or other facilities where nurses who are registered and licensed under the laws of the State of Michigan perform massages.
- (c) A facility which, as its primary function, is a gymnasium, fitness center with weight lifting/ body building/ body strengthening equipment, a sports training facility, or a sports or fitness facility in which massage therapy is an integral part of the

relaxation and/or treatment of muscle groups for sports or fitness conditioning.

- (d) A facility, including a school of cosmetology and/or beauty school that administers massage to the face, head, neck and shoulders only as part of cosmetic or beautifying processes.
- (e) A massage therapist or a group of massage therapists who administer massage for not more than 10 days in any calendar year at the same location and/or address, as long as there is no sale of merchandise at the temporary location other than merchandise directly related to massage. Individual massage therapists shall register with the Clerk, as provided in Section 4.

4. Massage Therapist Registration; Fee.

No individual shall act as a massage therapist in the City of Troy without first registering with the City Clerk and paying the registration fee as set out in Chapter 60. The registration fee shall be paid on an annual basis and cover the registration period from January 1st to December 31st of each year. An individual massage therapist administering massage at a location other than a Massage Facility shall only sell merchandise related to massage.

A massage therapist must complete a registration form, which will be kept in the ordinary course of business by the City Clerk. To satisfy the registration requirement the massage therapist must fully complete the registration form provided by the City Clerk, and must supply the following information under oath:

- A. The full name, home address, telephone number and date of birth of the massage therapist;
- B. A copy of the massage therapist's driver's license with photo identification or other government issued photo identification;
- C. The name and address of the massage school attended by the massage therapist;
- D. Proof that the massage therapist has completed the required course of study from a massage school that meets the requirements of Section 1(g) of this Chapter (certificate of completion).

A massage therapist shall display his/her registration at all locations where massage is administered.

5. Application for Massage Facility License; Fees:

Every applicant for a license to maintain, operate or conduct a Massage Facility shall file an application with the City Clerk's office upon the form provided by the City of Troy and pay the nonrefundable application investigation fee, which is set forth in Chapter 60. The applicant shall provide the following information, which shall be sworn to under oath:

- (a) A description of services to be provided.
- (b) The location, mailing address and all telephone numbers for the massage facility.
- (c) The name and permanent residential address of the applicant(s).

- (1) If the applicant is a corporation, the names and permanent residential addresses of each of the officers, directors and resident agents of said corporation and of each stockholder owning more than ten (10) percent of the stock of the corporation; the address of the corporation itself, if different from the address of the massage facility; and the name and address of a resident agent in Oakland County, Michigan.
 - (2) If the applicant is a partnership, the names and permanent residential addresses of each of the partners and limited partners and of the partnership itself, if different from the address of the massage facility; and the name and address of a resident agent in Oakland County, Michigan.
- (d) The applicant's two (2) immediately preceding addresses.
 - (e) Proof that each individual applicant is at least eighteen (18) years of age.
 - (f) The height, weight, sex and color of eyes and hair of each individual applicant or each partner of a partnership applicant.
 - (g) A copy of identification, such as driver's license, which bears a date of birth for each individual applicant or each partner for a partnership applicant, or each officer, director, stockholder and resident agent for a corporation applicant.
 - (h) One front face current portrait photograph of the individual applicant(s), which is at least two inches by two inches (2" x 2"), and a complete set of the individual applicant(s) fingerprints, which shall be taken by the Chief of Police or his agent.
 - (1) If the applicant is a corporation, one front face current portrait photograph, which is at least two inches by two inches (2" x 2"), of all officers and resident agents of said corporation and a complete set of the same officers', directors' and resident agents' fingerprints, which shall be taken by the Chief of Police or his agent.
 - (2) If the applicant is a partnership, one front-face current portrait photograph, which is at least two inches by two inches (2" x 2") in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints, which shall be taken by the Chief of Police or his agents.
 - (i) The business, occupation, or employment of the applicant(s) for the three (3) years immediately preceding the date of application.
 - (j) The massage or similar business history of the applicant(s);
 - (k) A statement of whether or not the applicant(s) currently operates or previously operated a massage business in this or another municipality or state;
 - (l) A statement of whether or not the applicant(s) had a business license of any kind revoked or suspended and the reason for the suspension or revocation;
 - (m) All of the individual applicant's criminal convictions (other than misdemeanor traffic

violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s) and court or tribunal where the matter was adjudicated.

(1) If the applicant is a corporation, the criminal convictions (other than misdemeanor traffic violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s), and the court or tribunal where the matter was adjudicated for all of the officers and resident agents of the corporation.

(2) If the applicant is a partnership, the criminal convictions (other than misdemeanor traffic violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s), and the court or tribunal where the matter was adjudicated for each partner, including a limited partner in the partnership.

- (n) The names, addresses, birth dates and driver's license numbers of each massage therapist and each employee or independent contractor who is or will be employed in said facility.
- (o) The name, address, birth dates and driver's license number of each individual who will be a manager, acting manager or in charge of each facility.
- (p) Applicant(s) must furnish a certified copy of a diploma or certificate of graduation from a school licensed pursuant to P.A. 148 of 1943 (MCLA 395.101, et. seq.) by the Michigan Board of Education or an equivalent license from another state for themselves and each massage therapist who may be doing massage at the massage facility, provided, however, that if the applicant(s) will not himself or herself engage in the practice of massage, he or she need not furnish such a diploma or certificate of graduation.
- (q) The name and addresses of any massage businesses facility or other facility owned or operated by any person whose name is required to be given in subsection 5(c).
- (r) A description of any other business(es) to be operated on the same premises or on adjoining premises owned or controlled by the applicant(s).
- (s) An authorization for the City, its agents and employees to seek information and conduct an investigation to verify the veracity of the information contained in the application and the qualifications of the applicant(s), including but not limited to authorization to conduct a LEIN records check of all applicants, employees, officers, directors, resident agents or stockholders.
- (t) The names, current addresses and written statements of at least three (3) bona fide permanent residents of the United States that the applicant is of good moral character. If possible, the statements must first be furnished from residents of the City of Troy. If the applicant cannot provide these statements from residents of the City of Troy, then the statements can be provided by residents of the County of Oakland. If the applicant cannot provide these statements from residents of Oakland County, then the statements can be from residents of the State of

Michigan, and lastly from the rest of the United States. These statements or references must be from persons other than relatives and business associates.

- (u) Evidence of current valid premises liability, workers compensation and general liability insurance for the massage facility, in an amount of two hundred fifty thousand dollars (\$250,000.00) or more.
- (v) All information required by this section shall be provided at the applicant's expense.

If there is any change to the above required information from the information that is provided with the application, the Massage Facility licensee is required to notify the City of Troy of each such change within thirty (30) days after such change occurs. Any such change may result in a revocation of the Massage Facility License for failure to satisfy the City's license requirements.

6. License procedures:

- (a) Any applicant for a license pursuant to this Chapter shall present to the City Clerk's office the application containing the aforementioned and described information. Once a fully completed application has been received by the City Clerk, it shall be referred to the Chief of Police or his/her designee, who shall have thirty (30) days in which to investigate the application and the background of the applicant(s). Based on such investigation, the Chief of Police, or his/her designee shall render a recommendation as to the approval or denial of the license to the City Clerk.

The Chief of Police shall recommend denial or approval of an application for license. In making this determination, the Chief of Police shall consider:

- (1) The criminal or penal history of the applicant(s), including but not limited to actual criminal convictions for all or each of the applicants, massage therapists, employees, managers and independent contractors; civil judgments against all or each of the applicants, massage therapists, employees, managers and independent contractors; the circumstances of those convictions or judgments; and the demeanor of the applicant, massage therapists, employees, managers and independent contractors subsequent to his or her conviction or judgment.
 - (2) The license history of the applicant(s), including but not limited to whether such person(s) has previously operated in this City or State, or in another state under a license, and has had such license or a permit revoked or suspended.
- (b) The facility may be inspected for compliance with the requirements of this Chapter and compliance with all City ordinances and State laws by one of more City representatives, including but not limited to representatives of the Police Department, Fire Department, Building Department and/or Planning Department. Within thirty (30) days of the date of submission of a fully completed application, any inspection reports and recommendations as set out herein shall be forwarded to the City Clerk.

7. Issuance of License for a Massage Facility:

The City Clerk shall issue a license for a Massage Facility if all requirements for a Massage Facility described in this Chapter are met, unless the City Clerk determines:

- (a) The correct license fee has not been tendered to the City and/or, a check, or bank draft, given to the City has not been honored with payment upon presentation.
- (b) The operation, as proposed by the applicant(s), if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health regulations.
- (c) The applicant(s), if an individual(s), or any of the stockholders holding more than ten (10) percent of the stock of the corporation; or any of the officers, directors or resident agents, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business; or any employees or independent contractors has (have) been convicted of any of the following offenses within or without the State of Michigan:
 - (1) A felony offense involving the use of force or violence upon another person.
 - (2) A misdemeanor or felony sexual misconduct offense, including but not limited to prostitution.
 - (3) A felony offense involving narcotics, dangerous drugs or dangerous weapons.

Exception: If any of the above referenced convictions were at least ten (10) years prior to the date of the application, and there are no subsequent felony convictions or convictions for the offenses listed in 7 (c)(2), the City Clerk may issue a license to the applicant(s).

- (d) The applicant(s) knowingly made any false or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith.
- (e) The applicant(s) ever had a massage business facility or other similar license denied, revoked, or suspended by the City or a similar business license or permit denied by any other governmental entity within ten (10) years prior to the date of the application and the denial, revocation or suspension was based on criminal activity, fraud or a violation of the healthy, safety and welfare provisions of a municipal ordinance or State law.
- (f) The applicant(s), if individual(s), or any of the officers, directors, and resident agents (if the applicant is a corporation); or any of the partners, including limited partners (if the applicant is a partnership); or any massage therapists or employees that are under the age of eighteen (18) years.

8. Approval or Denial of Application:

The City Clerk shall act to approve or deny an application for a license within a reasonable period of time and in no event this action occur later than sixty (60) days from the date that said application was accepted by the City Clerk's office.

Every license issued pursuant to this Chapter shall be valid for one year and must be renewed as required by this Chapter.

Applicant(s) denied a license, pursuant to these provisions, may appeal the denial to the City Council through a written document that states the reasons why the license should be granted. Such appeal proceedings shall be held in an open meeting before the City Council. The City Council may grant or deny a license after an appeal hearing.

9. Posting of License:

Every Massage Facility Licensed under this Chapter shall be displayed in a prominent place at the Massage Facility.

10. Records of Employees:

(a) The licensee shall maintain a register of all persons employed or engaged as massage therapists for the licensee and/or on the licensed premises. Such registry shall be maintained at the Massage Facility, and available upon request to representatives of the City of Troy during regular business hours.

(b) Each licensee is responsible for providing the information that is required under Section 5 of this ordinance for any new employees or massage therapists that will be employed or engaged by the Massage Facility licensee that were not included on the license application. The investigative fee for each such proposed new employee or massage therapist must also be paid, and the City will then conduct the required investigation. City Clerk approval is required before any new employee or massage therapist can work or do massage at the massage facility.

11. Suspension or Revocation of License; Notice and Hearing:

(a) When any of the provisions of this Chapter are violated by the licensee, an employee, manager, massage therapist, employee or independent contractor of the massage facility; and/or when any licensee, employee, manager, massage therapist, employee or independent contractor of the licensee is engaged in any conduct which violates any State law or City ordinance; or upon notification from the Oakland County Health Department that the Massage Facility is being managed, conducted, or maintained without regard to proper sanitation and hygiene; or for any good cause; the City Council of the City of Troy may suspend or revoke the Massage Facility License after notice and a due process hearing.

(b) For conditions posing a threat to the public health, safety and welfare of the community, patrons, employees or others, a health officer, code enforcement officer, fire marshal or a police officer, with the approval of the City Manager or his designee, is hereby granted the authority to immediately suspend any license granted hereunder, without notice or a hearing; provided, however, that written

notice of the suspension shall be given to the licensee within seventy-two (72) hours of the suspension, and shall contain the effective date and time of such suspension. Notice shall be hand delivered to the manager or person in charge of the facility and also sent by first class mail to the licensee's last know address. A copy of the notice shall also be posted on the front door of the facility.

- (c) If the Massage Facility License is suspended pursuant to Section 11 (b), or if the City Manager or his/ her designee determines that the Massage Facility License should be suspended or revoked under the provisions of Section 11 (a), the City Clerk shall set a date and time for a due process hearing before City Council. The hearing shall be set for the next available regular Council meeting, taking into account the notice requirements of City Charter, City ordinance and State law. The City Clerk shall send a notice of the hearing to the licensee at the Massage Facility, as well as sent by first class mail to the licensee's last known address, if different than the Massage Facility. Additionally, a copy of the notice of the hearing shall also be posted on the front door of the Massage Facility.
- (d) The notice of hearing shall indicate that the City of Troy has initiated suspension and/or revocation proceedings, and shall state the reason for the suspension or requested revocation. The notice shall state the location of the hearing and the date and time that the licensee may appear before City Council to give testimony and show cause why the Massage Facility License should not be suspended or revoked.
- (e) At the due process hearing, City staff and/or other concerned individuals will have the opportunity to present evidence and testimony supporting the suspension ore requested revocation. The licensee shall be allowed to present evidence and testimony at the hearing as to why the license should not be suspended or revoked. After the hearing, the City Council may revoke the Massage Facility License, suspend the Massage Facility License, or deny the suspension or revocation of the license. If City Council suspends the Massage Facility License, then Council shall clearly specify the length of the suspension, as well as any conditions that must be satisfied or corrective action that must be taken prior to restoration of the Massage Facility License.
- (f) If the licensee fails to satisfy Council's articulated conditions for restoration of a suspended Massage Facility License within the time allocated to the licensee, then Council can revoke the Massage Facility License. The licensee may appeal the City Council decision with the Oakland County Circuit Court. Any such appeal must be filed within 21 days of the final decision and shall be governed by the Michigan Court Rules applicable to an appeal from an administrative agency under MCLA 660.631.

12. Renewal of Massage Facility License:

An application to renew a license to operate a Massage Facility shall be filed at least fifteen (15) days prior to the date of license expiration. Such renewal shall be annual and shall be accompanied by the application fee.

- (a) The applicant(s) shall present the following information to the City Clerk's office for the renewal application:

- (1) A sworn affidavit by the applicant(s) stating that the information contained in the original application has not changed, or if it has changed, specifically identifying the changes that have occurred.
 - (2) The names, addresses, birth dates and driver's license numbers of each massage therapist and each employee or independent contractor who is or will be employed or located in the Massage Facility.
 - (3) The names, addresses, birth dates and driver's license numbers of each individual who will be a manager, acting manager or in charge of each Massage Facility.
- (b) The application shall be referred to the Chief of Police who shall investigate the criminal history of the applicant(s) and any massage therapists, employees, managers and independent contractors listed as set out above.

13. Massage Facility Requirements:

No Massage Facility License shall be issued unless the appropriate inspectors from the Police Department, Fire Department or any other appropriate department of the City of Troy confirm that the Massage Facility complies with each of the following minimum requirements:

- (a) All provisions of the City codes and State law have been complied with, including but not limited to building, mechanical, plumbing, electrical and fire codes.
- (b) Adequate and appropriate bathing, dressing, locker, and toilet facilities are provided for patrons. If clothing and personal property is not kept with the patron, there shall be a separate locker for each patron to be served, which shall be capable of being locked.
- (c) Rooms used for steam baths and showers shall be waterproof, and shall be constructed of approved waterproof materials and shall be installed in accordance with the City of Troy codes, including but not limited to the following:
 - (1) Floors, walls and ceilings of steam rooms and shower compartments shall be waterproofed with a smooth, readily cleanable, nonabsorbent material.
 - (2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sanitary sewer.
 - (3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
- (d) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- (e) Closed cabinets shall be provided and used for the storage of clean linen, towels

and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens is permitted.

- (f) A minimum of one separate washbasin shall be provided in each Massage Facility for the use of employees of any such Facility. The basin shall provide soap or detergent and hot and cold water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary single-use towels placed in permanently installed dispensers.

14. Operating Requirements:

- (a) Every portion of the Massage Facility, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) The price rates for all services at the Massage Facility shall be prominently posted in the reception area in a location available to all prospective customers.
- (c) The Massage Facility shall not be made available as a sleeping quarters accommodation for any person. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.
- (d) All massage therapists and independent contractors massaging and/or attending patrons shall be clean and wear clean uniforms covering the torso. Such uniforms shall be non-transparent and of washable or disposable material and shall be kept in a clean condition. Such clothing shall cover the person's pubic area, perineum, buttocks, natal cleft and the entire chest up to a height of four (4) inches below the collarbone. All employees and independent contractors giving massages shall wear slacks and a blouse or shirt, or a one-piece pants suit or coverall. Skirts or dresses shall not be permitted.
- (e) All massage facilities shall be supplied with and provide clean laundered sheets and towels in sufficient quantity. Sheets and towels shall be laundered after each use thereof and stored in a sanitary manner.
- (f) Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation.
- (g) Massage Facility Licensees shall not place, publish, distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known to be false, deceptive, or misleading or through the exercise of reasonable care should be known to be false, deceptive or misleading, in order to induce any person to purchase or utilize any professional massage services.

15. Persons under Age Eighteen Prohibited on Premises:

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any Massage Facility as a massage therapist, employee, or independent contractor. A patron under the age of eighteen (18) years shall be

accompanied by a parent or legal guardian, or have in his or her possession a signed parental or legal guardian consent form, consenting to his or her presence at the Massage Facility premises for the purpose of receiving a massage.

16. Hours:

Massage Facilities shall not be operated or kept open for any purposes between the hours of 10:00 p.m. and 6:00 a.m.

17. Inspection Required:

The Chief of Police, Fire Chief, police officers, fire department personnel, code enforcement officers, or other authorized inspectors from the City of Troy shall have the right from time to time to inspect each Massage Facility for the purposes of determining that the Massage Facility is in full compliance with the provisions of this Chapter. It shall be unlawful for any Massage Facility Licensee to refuse or fail to allow such inspection or to hinder such officer or inspector in any manner.

18. Unlawful Acts:

- (a) It shall be unlawful for any person in a Massage Facility to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
- (b) It shall be unlawful for any person in a Massage Facility to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a Massage Facility to expose the sexual or genital parts, or any portions thereof, of any other person.
- (c) It shall be unlawful for any person, while in the presence of any other person in a Massage Facility, to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.
- (d) It shall be unlawful for any person owning, operating or managing a Massage Facility, or any agent, employee, or any other person under his or her control or supervision to perform such acts or allow the performance of such acts that are prohibited in subsections 19 (a), (b) or (c).

19. Sale, Transfer or Change of Location:

The Massage Facility License shall not be sold or transferred to another. Any sale, transfer, or relocation of a Massage Facility requires compliance with the application process under the provisions of this Chapter, and the Massage Facility License is null and void upon the transfer, sale, or relocation. All licensees having knowledge of the sale, transfer or relocation of a Massage Facility are required to immediately report such sale, transfer or relocation to the City Clerk's office. Failure to do so within thirty (30) days of the sale, transfer or relocation shall result in an immediate suspension of all business.

20. Name and Place:

No person granted a license pursuant to this Chapter shall operate a Massage Facility under a name that is not specified in their Massage Facility License, nor shall they conduct business under any designation or location that is not specified in their Massage Facility License.

21. Violation and Penalty:

Any individual who violates Section 4 of this Chapter shall be responsible for a municipal civil infraction, as set out in Chapter 100 of the Code of Ordinances.

Any person, whether acting as an individual, owner, manager, employee of the owner, or whether acting as an agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who operates a Massage Facility without first obtaining a license from the City of Troy and paying the established fee, or who violates any provisions of this Chapter except the provisions in Section 4, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for a period not to exceed ninety (90) days and/or a fine not to exceed five hundred dollars (\$500.00), plus costs, at the discretion of the Court. Each day that a violation is permitted to exist constitutes a separate offense.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE OF ORDINANCES
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This ordinance shall be known and may be cited as an amendment to Chapter 60 of the Code of the City of Troy.

Section 2. Amendment to Section 60.03 – Fee Schedule of Chapter 60.

Section 60.03 - Fee Schedule is hereby amended to provide a license fee and renewal fee for Massage Facility Licenses.

Section 60.03 - Fee Schedule. Is amended by the addition of the following new fees:

ITEM/SERVICE:

FEE:

Massage Facility License

Application Fee

\$500.00

Investigation Fee

\$500.00 for each listed applicant and an additional \$50.00 for each massage therapist, employee, and/or independent contractor.

Annual License Renewal Fee

\$500.00

Massage Therapist Registration:

Registration Fee

\$ 10.00

Annual Renewal Fee

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect are hereby saved. Such

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver Road, Troy, MI, on the _____ day of _____, 2008.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

CHAPTER 98 – CRIMINAL CODE

MESSAGE PARLORS

98.15.01 ~~Definition.~~

~~For purposes of this Chapter, a “massage parlor” is defined as any building or part thereof, place or establishment where non surgical and non medical manipulative exercises are practiced upon the human body, with or without the use of mechanical or bathing devices, where the revenue from the massage activities comprises more than five per centum (5.0%) of the gross receipts of the business location, other than; a regularly licensed hospital or dispensary, a place where massage of the face is for cosmetic or beautifying purposes, a place providing massage in the course of prescribed medical treatment by a physician, surgeon similarly qualified and registered status.~~

98.15.02 ~~License Required.~~ It shall be unlawful for any person, firm, or corporation to maintain or operate a Massage Parlor without first having obtained a Massage Parlor license.

a. ~~The annual licensing fee for a Massage Parlor shall be \$5,000.00.~~

b. ~~The annual licensing fee for persons engaged in the practice of massage as defined in this Chapter shall be \$25.00.~~

98.15.03 ~~Application Requirements.~~ The applicant for a license under the provisions of this Chapter shall file with the Chief of Police a written application therefore, under oath, on a form prescribed and supplied by the City Clerk, and shall submit satisfactory proof of good moral character, and, if qualified, shall receive a certificate of approval from the Chief of Police, a copy of which certificate shall be delivered to the City Clerk with the application for license and the license fee therefore. A record of conviction for an offense involving gambling, narcotics, prostitution, pandering, or any other offense involving moral turpitude, or a violation of any provision of this Chapter, within the preceding two (2) years shall constitute grounds for denial of the application. The owners or conductors of any massage parlor shall be of good moral character, or, if a corporation, its officers of good moral character. The premises on which such establishment is located shall be sanitary and suitable for the conduct of such business.

98.15.04 ~~Display Of License and Regulations.~~ License certificates issued under this Chapter shall be displayed by the licensee at or near the place where

Chapter 98 – Criminal Code

~~such licensee is engaging in the practice or occupation for which he has obtained a license. The City Clerk shall cause copies of the regulations provided for by this Chapter to be printed and be furnished the licensees under this Chapter. Every licensee shall cause such regulations to be placed in a prominent place in each establishment or shop regulated by this Chapter.~~

~~98.15.05 Inspection. Every massage parlor shall, at reasonable business hours, be held open for inspection by duly authorized representatives of the Police Department, the Building Department, and the Oakland County Health Department.~~

~~98.15.06 Regulations. Licensees under this Chapter shall be subject to the following regulations:~~

~~a. Service in massage parlors licensed under this Chapter shall be limited to exercise, baths and massage. Medical treatment of any kind shall not be given to any patron without a prescription from a registered physician. The use of heat lamps and sun-ray lamps only will be permitted.~~

~~b. No person who has any visible symptoms of a communicable disease, such as a rash, discharge, or fever, or who is complaining of a sore throat may be attended by a licensee under this Chapter or any person engaged in the practice or massage.~~

~~c. Serving or attending in a massage parlor of patrons of the opposite sex is prohibited; provided, that this provision shall not apply in cases in which such serving or attending is under the immediate, direct supervision of a licensed physician or osteopath.~~

~~d. Each applicant for a license under this Chapter shall present a certificate from a licensed physician, certifying that he is free from communicable disease.~~

~~e. Advertising that there is a nurse in attendance is prohibited unless there is a registered graduate nurse constantly in attendance during the business hours of the massage parlor.~~

~~f. Advertising that there is a doctor in attendance is prohibited unless there is a licensed physician or osteopath constantly in attendance during the business hours of the massage parlor.~~

~~g. Licensees shall exercise every precaution for the safety of patrons. They shall watch for early signs of fatigue or weakness~~

~~and immediately discontinue whatever form of service is being given upon the appearance of such signs.~~

- ~~h. No massage parlor shall be conducted in direct connection with living quarters.~~
- ~~i. The premises used for a massage parlor shall be well lighted and ventilated. They shall be kept clean, and the furniture and equipment shall be maintained in a safe and sanitary condition. There shall be an adequate supply of running hot and cold water during business hours. Bathing devices shall be thoroughly cleaned before the use of each patron.~~
- ~~j. All robes, towels, blankets, and linens furnished for the use of one patron shall be thoroughly laundered before offered to another.~~
- ~~k. Uniforms or garments worn by employees while attending patrons shall be of washable material and shall be kept in clean condition. The sleeves shall not reach below the elbow.~~
- ~~l. The skin of the hands of those attending patrons shall be clean and in healthy condition, and the nails shall be kept short. The hands shall be washed thoroughly before giving the patron any attention.~~
- ~~m. Licensees shall be restricted in the exercise of their license to the places set forth in their application.~~
- ~~n. Every person employed in the practices defined in this Chapter shall be eighteen (18) years of age or older, and shall be of good moral character, and approved by the Police Department. Such persons shall present a certificate from a licensed physician certifying that he is free from communicable disease.~~

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
JUNE 4, 2008

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, June 4, 2008, in the second floor Conference Room C at City Hall. Done called the meeting to order at 7:00 p.m.

Present: A. Done, member P. Hammond, member
 B. Harrell, member E. Kempen, member
 P. Lin, member J. Stewart, alternate
 D. Chong, student A. Vasudevan, student

Present: M. Grusnick, staff

Absent: C. Buchanan, member
 M. Chaffee, member
 K. Clark, member
 K Mayer, alternate
 L. Patton, member
 S. Murphy, alternate UA

ITEM III – APPROVAL OF MINUTES OF MEETING OF APRIL 2, 2008

Hammond made a motion to approve the minutes of April 2, 2008; supported by Kempen; all voted in favor.

Harrell motioned to excuse the absences of Buchanan, Chaffee, Clark, Mayer and Patton; supported by Hammond. All voted in favor.

ITEM IV – PUBLIC COMMENT

ITEM V - SCHEDULED PRESENTATIONS

ITEM VI – UNFINISHED BUSINESS

Hammond reported that Costco and the Speedway at John R and E. Big Beaver will pump gas for persons requiring assistance. Hammond will forward the information on to Cindy Stewart for inclusion on the ACPD page of the City website and also on the resource list. Hammond will contact Cindy also regarding appreciation letters to be sent.

Cindy Stewart extended her deadline for additions to the resource list to 6/5/08.

Done will continue to monitor the Library expansion project.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
JUNE 4, 2008

Done encouraged Chong and Vasudevan to encourage inclusion of students with cognitive disabilities in the schools.

ITEM VII – NEW BUSINESS

The Committee has a new student member, Anita Vasudevan. Anita is a freshman at the International Academy.

Lin recommended that a map of Troy with gas stations that offer assistance to persons with disabilities be made available on the City website.

Troy Daze will be held 9/11 through 9/14/08. Stewart reported that portable sidewalks could not be used everywhere due to prohibitive cost. However, the layout has been changed so that cords will not be such a problem.

October is Disabilities Month and Done and Vasudevan will do the display at the Troy Public Library.

There will be no meeting in July.

ITEM VIII – REPORTS

Chong reported that his school installed a sign indicating that a pass is necessary in order to use the elevator.

ITEM IX – MEMBER COMMENT

Kempen will research progress on the Pathways and Trails Project and will attend the Parks and Rec meeting on 9/18/08.

Harrell suggested having ACPD brochures available at the City booth at Troy Daze.

Done reported that sensitivity training was given by this Committee to the Troy Museum and Nature Center staff. This training should be offered to other departments as well as City Council. Done will follow up with Kelly Clark who scheduled the presentation.

ITEM X – ADJOURNMENT

Lin made a motion to adjourn at 8:25 p.m. Supported by Kempen . All voted in favor.

Angela Done
Chairperson

Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
JUNE 4, 2008

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Present: A. Done, member P. Hammond, member
 B. Harrell, member E. Kempen, member
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Present: M. Grusnick, staff

Absent: C. Buchanan, member
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Angela Done
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EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – (Amended) Final June 11, 2008

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 11, 2008, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084. The meeting was called to order at 12:18 p.m.

TRUSTEES PRESENT: Nancy Bowren
Mark Calice
Michael Geise
Thomas J. Gordon, II
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

ALSO PRESENT: Michael Kerr

MINUTES**Resolution # ER – 2008-6-25**

Moved by Nelson
Seconded by Geise

RESOLVED, That the minutes of the May 14, 2008 meeting be approved.

Yeas: All - 7

INVESTMENTS**Resolution # ER – 2008-6-26**

Moved by Lamerato
Seconded by Bowren

RESOLVED, That the board purchase and sell the following investments:

Purchase: 1,000,000 Black Rock All-Cap Global Resources Fund;
500,000 Dow Chemical, 5.10% due 6/15/13

Sell: Putnam Voyager Fund and Putnam Vista Fund transferred to 550,000
Putnam Convertible Income Growth Fund
17,500 shares Pfizer
Liberty Media Capital
Metavante

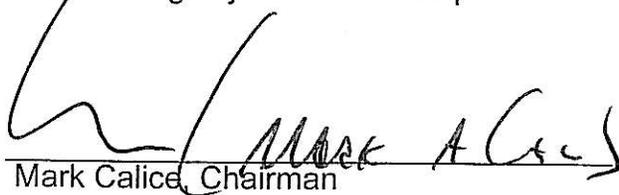
Yeas: All - 7

PUBLIC COMMENT

Michael Kerr, retiree, addressed the board regarding the great job the board is doing.

The next meeting is July 9, 2008 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:05 p.m.


Mark Calice, Chairman


John M. Lamerato, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 9, 2008, 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: Nancy Bowren
Mark Calice
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

Trustees Absent: Michael Geise
Thomas J. Gordon, II

Excuse Absent Members

Resolution # ER – 2008-7-27
Moved by Bowren
Seconded by Nelson

RESOLVED, That Michael Geise and Thomas J. Gordon, II be excused.

Yeas: All – 5
Absent: Geise, Gordon

Minutes

Resolution # ER – 2008-7-28
Moved by Bowren
Seconded by Howrylak

RESOLVED, That the Minutes of the June 11, 2008 meeting be approved as amended.

Yeas: All – 5
Absent: Geise, Gordon

Investments

Resolution # ER – 2008-7-29
Moved by Bowren
Seconded by Nelson

RESOLVED, That the board purchase and sell the following investments:

Purchase: 5,000 shares Freeport McMoran
5,000 shares Chesapeake Energy

5,000 shares Fording
5,000 shares Peabody Energy
\$500,000 Verizon, 5.875% due 1/17/12
\$500,000 Anheuser Busch, 4.70% due 4/15/12
\$500,000 Kraft, 6.25% due 6/1/12

Sell: Jack Henry & Associates
Philadelphia Consolidated Holdings
10,000 shares Wells Fargo
10,000 calls Wells Fargo
Bank America

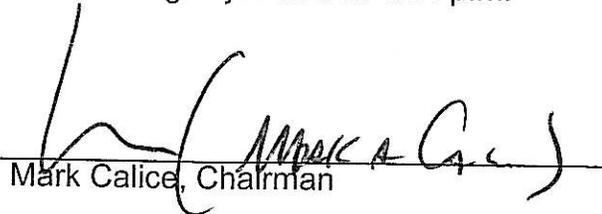
Yeas: All – 5
Absent: Geise, Gordon

Public Comment

None.

The next meeting is August 13, 2008 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:34 p.m.


Mark Calice, Chairman


John M. Lamerato, Secretary

**TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, July 15, 2008**

I. Call to Order 7:05 pm

II. Roll Call

Present Karen Yelder
 Kelly Jones
 William Lawrence
 Cathy Francois
 Mayada Fakhouri
 Grigore Buia
 Reuben Ellis (7:20 pm)
 Lily Huang, Student
 Cindy Stewart

Absent Michelle Haight
 Tony Haddad

III. Approval of Minutes – June 3, 2008

Motion to approve June 3, 2008 minutes by Cathy Francois, seconded by Kelly Jones. Approved unanimously

IV. Correspondence/ Articles – None

V. New Business – None

VI. Old Business

a. Troy Daze- Ethnicity

Booths confirmed for the EthniCity Tent
CAPA
National Federation of Filipino American Association
Peru
Troy High Chinese Club
Bharatiya Temple
Filipino American Community Council

Coming: African American Parent Support Group (Nadeen Brown)

No responses: Poland, Finland, Budda Light Intl., All Nations Lutheran is going to the Big Tent.

Kelly has calls to many organizations. Contact Kelly if any ideas on groups that would like to be involved.

EIAB Volunteers for tent looks good. Cindy will order 1,000 small flags to pass out to visitors.

Kelly will talk to Michelle. Re: passports. What information was on the one they did at Barnard. Mayada will bring her sample to Cindy's office.

Willie Dechavez has a fashion show planned. "Asian Cultural Couture Fashion Show" – possible to put on the outdoor stage? Need to talk to Willie- no cooking under the tent!

Committee needs to bring artifacts for EIA Booth- be sure they are not breakable items or heirlooms.

b. Troy School District Update

Elementary Schools: Kelly putting together a presentation for PTO's. with demographics, resources and information. Hopefully she will go to the PTO President meeting in September and perhaps a Principal's meeting. Karen offered to go with Kelly to get information for high schools.

High Schools: Karen looking to find out when she could talk to the high school principals and teachers. Athens High held an Ethnic Fair (May) very successful. Each ethnic group had a sponsor. They had a talent show, booths with information and food, fashion show.

African American Parent Support Group: Kelly was in attendance, along with Dr. Fowler, Kathy Davisson, Tim McAvoy, and some school board members. Students shared their feelings. Parents broke into groups on separate topics to brainstorm ideas and share resources.

Karen spoke on last night's planning committee meeting. They established a mission statement and goals, plan to come out with a brochure. Future plans include Saturday retreat to go along with their goals of academic excellence. Focus now to get parents involved. The group will have a booth at Troy Daze Ethnicity Tent.

Parents' workshop is scheduled by the African American Parent Support Group for Monday, August 11, 2008 6 – 9 pm at either Baker or Boulan (TBD). Invitation to EIAB to have a table to share information on EIAB. Reuben, Karen, and Cathy would be willing to be there.

VII. Adjournment 7:55 pm

Motion by Mayada Fakhouri, seconded by William Lawrence. Meeting adjourned.

Next Meeting Tuesday, August 12, 2008 at 7 pm

Kelly Jones, EIAB Chair

Cindy Stewart, EIAB Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 22, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert M. Schultz
 Thomas Strat
 John J. Tagle
 Lon M. Ullmann
 Mark J. Vleck

Absent:

Wayne Wright

Also Present:

R. Brent Savidant, Principal Planner
 Christopher Forsyth, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary

Resolution # PC-2008-07-090

Moved by: Sanzica
 Seconded by: Strat

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-07-091

Moved by: Vleck
 Seconded by: Maxwell

RESOLVED, To approve the Agenda as submitted.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-07-092

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the July 8, 2008 Regular meeting as presented.

Yes: Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck
Abstain: Strat
Absent: Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat reported on action taken at the June 17, 2008 Board of Zoning Appeals relating to tonight's agenda item #8, Preliminary Site Plan Approval for the proposed parking lot expansion at 1800 W. Big Beaver (SP 345-B). The BZA granted a setback variance with the conditions to provide a screen wall and additional landscaping.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant said a report on the June 18, 2008 DDA meeting was given previously.

Mr. Savidant reminded members that a joint meeting of the DDA and Planning Commission is scheduled tomorrow, July 22, at 7:30 a.m. By a show of hands, a quorum of Planning Commission members is expected to attend.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following:

- Mobile Windshield Repair.
- Draft 2008 Master Plan Distribution.
- P.U.D. #6, Oasis at Centennial Park.

The statuses of several Planned Unit Development projects were discussed.

There was a short discussion on the conditions placed on preliminary site plan approval for Grace Christian Learning Center Addition, located on the north side of Big Beaver Road and east side of John R.

Chair Schultz announced that Oakland County received its copy of the City's Draft 2008 Master Plan on July 14.

POSTPONED ITEM

8. PRELIMINARY SITE PLAN REVIEW (SP 345-B) – Proposed Parking Lot Expansion, Existing Office Building, Northeast Corner of Big Beaver and McClure, (1800 W. Big Beaver), Section 20, Zoned O-1 (Low Rise Office) and P-1 (Vehicular Parking) Districts

Mr. Savidant presented a review of the proposed preliminary site plan. He reported the petitioner received a setback variance from the Board of Zoning Appeals that would allow parking closer to McClure. Mr. Savidant addressed the calculations used to determine the parking requirement. The total number of required spaces based on the calculated usable floor area is 103 spaces. The applicant proposes a total of 98 spaces and requests a reduction of five spaces. Mr. Savidant said the petitioner provided a statement of explanation relating to the parking calculations and parking requirement, as well as letters from three tenants addressing their parking demands. Mr. Savidant addressed the parking variance granted by City Council in 2004. The Building Department determined that the variance is expired because of a change in site conditions. Mr. Savidant said the petitioner has provided correspondence from the property owner on McClure, just north of the subject property, confirming that he and the petitioner are negotiating the potential sale of the eastern portion of his lot that would be used for additional parking.

Mr. Savidant reported it is the recommendation of City Management to approve the site plan as submitted with two conditions: (1) The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant proposes to occupy the building and potentially increase parking demand; and (2) If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Mr. Hutson asked if there is any use more intensive in this zoning district than medical.

Mr. Savidant replied that medical is the most intensive use.

David Hunter of Professional Engineering Associates (PEA), 24300 Rochester Court, Troy, was present to represent the petitioner. Mr. Hunter had floor plans and additional email correspondence relating to a shared parking agreement available for members to review. He indicated that the petitioner is diligently working toward acquiring additional space for parking.

Mr. Vleck apologized that the petitioner had to return to tonight's meeting for consideration of the item, and thanked him for the additional information. The item was postponed so that the Planning Commission could make a fair, informed decision. He said he is satisfied with the site plan as presented this evening.

Chair Schultz opened the floor for public comment.

Dr. Daniel Schnaar of Child Health Associates, 36700 Woodward Avenue, Bloomfield Hills, was present. Dr. Schnaar addressed traffic flow as relates to patient care. He said they are anxious to bring their business to Troy.

Chair Schultz closed the floor for public comment.

Mr. Hutson said he is satisfied with the proposed parking spaces as presented this evening. He addressed condition #2 of the proposed Resolution as relates to the potential of a second medical use tenant in the building. Mr. Hutson encouraged the petitioner to continue his discussions on the acquisition of property for future parking.

Mr. Vleck said the proposed Resolution as written is straightforward and covers any future changes in the tenant mix in the building.

Chair Schultz suggested to incorporate the words "for the current building tenant mix" in the Resolution.

Mr. Strat indicated his support of the site plan. He said parking requirements and related concerns as discussed in this site plan application should be addressed when the Zoning Ordinance is updated.

Chair Schultz agreed.

Resolution # PC-2008-07-093

Moved by: Vleck

Seconded by: Maxwell

WHEREAS, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the office building to 98, when a total of 103 spaces are required for the current proposed building tenant mix on the site based on the off-street parking space requirements for general office and medical office uses, as per Article XL. This 5-space reduction meets the standards of Article 40.20.12.

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed parking lot expansion, located on the northeast corner of Big Beaver and McClure, in Section 20, within the O-1 zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant is proposed to occupy the building and potentially increase parking demand.
2. If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Yes: All present (8)
Absent: Wright

MOTION CARRIED

Chair Schultz briefly explained the Commission's charge to insure appropriate parking needs for the safety and welfare of those entering and exiting a building.

STUDY ITEM

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Savidant briefly reviewed the report relating to the definition of commercial vehicles, and asked members for a consensus of a specific definition, or a direction to that respect.

Mr. Strat asked if the Planning Department or administration had a recommendation on the definition of commercial vehicles.

Mr. Savidant reviewed the charge by City Council to the Planning Commission as relates to the proposed zoning ordinance text amendment.

Mr. Vleck shared his findings from discussions he had with residents in his neighborhood. His stance on a definition of commercial vehicles is to have three classes of vehicles, as follows:

- Vehicles 10,000 pounds or less – No regulations.
- Vehicles between 10,000 pounds and 24,999 pounds that do not require a commercial driver's license but require a chauffeur's driver's license – Regulated vehicles must be stored indoors or screened from neighbors.
- Commercial vehicles (i.e., semi trucks, garbage trucks) that require a commercial driver's license – Regulated vehicles must be stored off-site and are not permissible in residential neighborhoods.

A brief discussion followed.

Consensus was reached (by a straw vote) to go forward with the definition as written in the Planning Department memorandum to the Planning Commission, dated July 16, 2008, and reads as follows:

COMMERCIAL VEHICLE:

- (1) Any vehicle defined herein as a commercial trailer, cube truck, cut-away truck, dump truck, flatbed truck, panel truck, semi-tractor, stake truck, step van, or wrecker, or any vehicle requiring a Michigan Commercial Driver License to operate;

or,
- (2) Any vehicle which meets at least two (2) of the following thresholds:
 - A. The vehicle has a Gross Vehicle Weight Rating (GVWR) of ten thousand (10,000) pounds or more.
 - B. The vehicle has an overall height of seven (7) feet or more, measured from grade.
 - C. The vehicle has an overall length of twenty (20) feet or more, measured from bumper to bumper.
 - D. The vehicle displays or is required by law to display a company name, company logo, company telephone number or company website.
 - E. The vehicle has outside brackets or holders for ladders, tools, pipes, racks or other equipment used for commercial purposes.

Chair Schultz suggested that (2)(D) be expanded to include vehicles registered with the Department of Transportation (DOT).

Mr. Ullmann noted that a pickup truck might be required to register with the DOT.

Mr. Hutson suggested that an identifying factor of a commercial vehicle might be one that has commercial plates.

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

Mr. Forsythe announced that the City Attorney is preparing reference booklets for all Boards, Commissions and Committees. He asked members if there are specific reference materials they would like to see in the booklets.

The following suggestions were given:

- Code Chapters; i.e., Chapter 80.
- Parliamentary procedure.
- Common Roberts Rules of Order.
- Role in approval process of developments that are not in the best interest of the City but meet all Zoning Ordinance requirements.
- Ex parte communications.
- Excellent resource – Zucker Report.

Chair Schultz encouraged members to give more thought to the reference material and come back with suggestions at the next meeting.

Items briefly discussed by members:

- Zucker Report.
- Relationship between the BZA and Planning Commission.
- Sign ordinance under the Planning Department charge.
- Zoning Ordinance overhaul.

Mr. Vleck addressed the following:

- AT&T illuminated sign at Caswell Town Center PUD. He was directed to ask the complainant to contact Paul Evans of the Building Department.
- Newspaper article on the Draft 2008 Master Plan in relation to White Chapel Cemetery. He said the article offended him.

Chair Schultz agreed with Mr. Vleck's comments on the newspaper article. He said the article was extremely slanted and a misrepresentation on behalf of the newspaper.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 22, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert M. Schultz
 Thomas Strat
 John J. Tagle
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 Mark J. Vleck

Absent:

Wayne Wright

Also Present:

R. Brent Savidant, Principal Planner
 Christopher Forsyth, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary

Resolution # PC-2008-07-090

Moved by: Sanzica
 Seconded by: Strat

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-07-091

Moved by: Vleck
 Seconded by: Maxwell

RESOLVED, To approve the Agenda as submitted.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-07-092

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the July 8, 2008 Regular meeting as presented.

Yes: Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck
Abstain: Strat
Absent: Wright

MOTION CARRIED

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Dr. Daniel Schnaar of Child Health Associates, 36700 Woodward Avenue, Bloomfield Hills, was present. Dr. Schnaar addressed traffic flow as relates to patient care. He said they are anxious to bring their business to Troy.

Chair Schultz closed the floor for public comment.

Mr. Hutson said he is satisfied with the proposed parking spaces as presented this evening. He addressed condition #2 of the proposed Resolution as relates to the potential of a second medical use tenant in the building. Mr. Hutson encouraged the petitioner to continue his discussions on the acquisition of property for future parking.

Mr. Vleck said the proposed Resolution as written is straightforward and covers any future changes in the tenant mix in the building.

Chair Schultz suggested to incorporate the words "for the current building tenant mix" in the Resolution.

Mr. Strat indicated his support of the site plan. He said parking requirements and related concerns as discussed in this site plan application should be addressed when the Zoning Ordinance is updated.

Chair Schultz agreed.

Resolution # PC-2008-07-093

Moved by: Vleck

Seconded by: Maxwell

WHEREAS, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the office building to 98, when a total of 103 spaces are required for the current proposed building tenant mix on the site based on the off-street parking space requirements for general office and medical office uses, as per Article XL. This 5-space reduction meets the standards of Article 40.20.12.

THEREFORE BE IT RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed parking lot expansion, located on the northeast corner of Big Beaver and McClure, in Section 20, within the O-1 zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall come back to the Planning Commission for preliminary site plan approval when a new tenant is proposed to occupy the building and potentially increase parking demand.
2. If it is determined that there is a shortage of parking spaces on the property, the applicant shall alleviate the problem in an appropriate manner.

Yes: All present (8)
Absent: Wright

MOTION CARRIED

Chair Schultz briefly explained the Commission's charge to insure appropriate parking needs for the safety and welfare of those entering and exiting a building.

STUDY ITEM

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Savidant briefly reviewed the report relating to the definition of commercial vehicles, and asked members for a consensus of a specific definition, or a direction to that respect.

Mr. Strat asked if the Planning Department or administration had a recommendation on the definition of commercial vehicles.

Mr. Savidant reviewed the charge by City Council to the Planning Commission as relates to the proposed zoning ordinance text amendment.

Mr. Vleck shared his findings from discussions he had with residents in his neighborhood. His stance on a definition of commercial vehicles is to have three classes of vehicles, as follows:

- Vehicles 10,000 pounds or less – No regulations.
- Vehicles between 10,000 pounds and 24,999 pounds that do not require a commercial driver's license but require a chauffeur's driver's license – Regulated vehicles must be stored indoors or screened from neighbors.
- Commercial vehicles (i.e., semi trucks, garbage trucks) that require a commercial driver's license – Regulated vehicles must be stored off-site and are not permissible in residential neighborhoods.

A brief discussion followed.

Consensus was reached (by a straw vote) to go forward with the definition as written in the Planning Department memorandum to the Planning Commission, dated July 16, 2008, and reads as follows:

COMMERCIAL VEHICLE:

- (1) Any vehicle defined herein as a commercial trailer, cube truck, cut-away truck, dump truck, flatbed truck, panel truck, semi-tractor, stake truck, step van, or wrecker, or any vehicle requiring a Michigan Commercial Driver License to operate;

or,
- (2) Any vehicle which meets at least two (2) of the following thresholds:
 - A. The vehicle has a Gross Vehicle Weight Rating (GVWR) of ten thousand (10,000) pounds or more.
 - B. The vehicle has an overall height of seven (7) feet or more, measured from grade.
 - C. The vehicle has an overall length of twenty (20) feet or more, measured from bumper to bumper.
 - D. The vehicle displays or is required by law to display a company name, company logo, company telephone number or company website.
 - E. The vehicle has outside brackets or holders for ladders, tools, pipes, racks or other equipment used for commercial purposes.

Chair Schultz suggested that (2)(D) be expanded to include vehicles registered with the Department of Transportation (DOT).

Mr. Ullmann noted that a pickup truck might be required to register with the DOT.

Mr. Hutson suggested that an identifying factor of a commercial vehicle might be one that has commercial plates.

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

Mr. Forsythe announced that the City Attorney is preparing reference booklets for all Boards, Commissions and Committees. He asked members if there are specific reference materials they would like to see in the booklets.

The following suggestions were given:

- Code Chapters; i.e., Chapter 80.
- Parliamentary procedure.
- Common Roberts Rules of Order.
- Role in approval process of developments that are not in the best interest of the City but meet all Zoning Ordinance requirements.
- Ex parte communications.
- Excellent resource – Zucker Report.

Chair Schultz encouraged members to give more thought to the reference material and come back with suggestions at the next meeting.

Items briefly discussed by members:

- Zucker Report.
- Relationship between the BZA and Planning Commission.
- Sign ordinance under the Planning Department charge.
- Zoning Ordinance overhaul.

Mr. Vleck addressed the following:

- AT&T illuminated sign at Caswell Town Center PUD. He was directed to ask the complainant to contact Paul Evans of the Building Department.
- Newspaper article on the Draft 2008 Master Plan in relation to White Chapel Cemetery. He said the article offended him.

Chair Schultz agreed with Mr. Vleck's comments on the newspaper article. He said the article was extremely slanted and a misrepresentation on behalf of the newspaper.

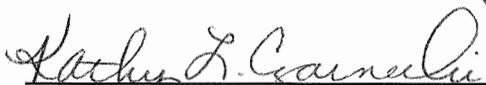
ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, August 11, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry Allemon called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukraineec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Timothy P. Payne

Resolution to Excuse Committee Members Ehlert & Payne

Resolution #LC2008-08-020
Moved by Hall
Seconded by Ukraineec

RESOLVED, that the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of August 11, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Payne

Resolution to Approve Minutes of July 14, 2008 Meeting

Resolution #LC2008-08-021
Moved by Ukraineec
Seconded by Hall

RESOLVED, that the Minutes of the July 14, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Payne

Agenda Items

1. Dhammamegha, Inc. requests to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County. {MLCC Req #480928}

Present to answer questions from the Committee were applicant Ravi Mandava and attorney Kelly Allen.

Ms. Allen explained to the Committee that Mr. Mandava is purchasing the business from his uncle. Mr. Mandava worked for 1-1/2 years at this Troy location when it opened in 1996 and since then has managed the Farmington location. There was one liquor violation in Farmington in 2004 and the Troy location has had no violations since 2007. The Troy location had one violation in 2007; this applicant had no involvement with that operation at that time.

Sergeant Cantlon reported that his investigation uncovered no disqualifying factors.

Resolution #LC2008-08-022
Moved by Hall
Seconded by Ukrainec

RESOLVED, that Dhammamegha, Inc. be allowed to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County.

Yes: 5
No: 0
Absent: Ehlert, Payne

Sergeant Cantlon briefly reviewed the “Informational Items” that appeared on the Agenda.

Assistant City Attorney Lancaster stated that the new Ordinance would be presented to City Council this evening. Also, she distributed the first draft of a map showing the distribution of liquor licenses throughout the City of Troy.

The meeting adjourned at 7:18 p.m.

Henry W. Allemon

Patricia A. Gladysz, Secretary II

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, August 12, 2008

I. Call to Order 7:10 pm

II. Roll Call

Present Michelle Haight
 Karen Yelder
 Kelly Jones
 William Lawrence
 Grigore Buia
 Reuben Ellis
 Lily Huang, Student rep
 Cindy Stewart, city liaison

Absent Cathy Francois
 Mayada Fakhouri
 Tony Haddad

Visitors: Faris Alami

III. Approval of Minutes – July 15, 2008

Motion to approve July 15, 2008 minutes by Karen Yelder, seconded by Kelly Jones. Approved unanimously.

IV. Correspondence/ Articles

a. Updated Resource Listing handed out.

b. Michelle has article from Congressman Knollenberg's blog re: his derogatory remarks towards Asians. "Protecting Our Families from Asian Invaders" changed to "Protecting our Families from Harmful Products." Intent was not to be derogatory – poor choice of words. Hopefully his office has made amends with the groups he upset.

V. Old Business

a. Troy Daze Ethnicity

Ethnicity Booths Confirmed:

EIAB, Peru, Germany, Troy High Chinese Club, Bharatiya Temple, CAPA, NAFFAA, African American Parent Support Group, Filipino American Community Council. Total 12 tables.

Possibilities: Arab Chaldean Council, Japanese Club. No Finland, Poland, Buddha, Spanish Club, Can't reach Taiwan, China.

Ideas to fill tent: floor games, entertainment, Mehendi.

Student volunteers needed:

Friday 3-7 pm, 10 volunteers

Saturday 10am-2pm, 6 volunteers; 2pm-6pm, 6 volunteers;

6pm-10pm, 6 volunteers

Sunday 12pm-4pm, 4 volunteers; 4pm-8pm, 6 volunteers

Passports:

Mayada said the Arab Chaldean Council will donate passports. Michelle will give Cindy the contact for a company that sells stamps from countries. Also, get fact sheets from each county to hand out. Flags have been delivered. Maps to display. Display board? Instruments – Michelle.

Kelly stressed the importance for EIAB to play an active role at Troy Daze Ethnicity.

Poster contest: Michelle is lining up judges for the Poster Contest. No child of EIAB is allowed to win.

b. African American Support Group

Seminar, Monday August 11th at Baker – 60 people in attendance, broke into support groups – example, SAT Prep class, Math help, Tutoring Assistance.

Teachers from Troy Schools as speakers – great motivational speakers and awesome information.

August 5th there was an activity – bowling at Troy Lanes, 80 parents and children attended.

Next meeting is September 8th at Troy School District Service Center Building, 7:30-9 pm.

c. Troy School District Updates

Elementary school – Kelly is finalizing her presentation for PTOs/PTAs. Date is unconfirmed. Information includes statistics, EIAB Mission & Goals. Kelly will share this info for the High School presentations.

High Schools – Michelle will help Karen with high school presentations to PTOs. Monday, August 18th is the new teacher orientation. Michelle will be out of town so Mayada will work with Padma to present. New Director of Curriculum will give cultural cohesiveness presentation after Padma and Mayada. Michelle will include her new cultural connection calendar to her teachers, as well as Teaching Tolerance materials. Cindy has handouts ready for Mayada.

Michelle (EIAB) and Padma (TIG) are coordinating training for School Administrators. Working on Professional Development for 52 of District's Administrators. Dates are: October 22, December 10, March 18, April 22 (locations to be announced). They will break into groups, 6 voices – Arab, Jewish, Muslim, African, Indian, and Chinese.

There will be two presenters at each workshop. Hopefully next year they can include teachers. Possible to include City Administrators/Employees in a similar workshop in the future?

VI. New Business

a. Sterling Heights Diversity Dinner September 18th at Ike's Family Dining on Van Dyke, Sterling Heights. \$30/ticket.

b. Cultural Brochures –

Michelle wants us to put together a brochure, "Faces of Troy," to highlight some cultural groups and provide information, customs, religions, stores/restaurants, cultural holidays, and history.

Use photos of actual city residents. Example, Arab, Chinese, and Indian. Project done by the end of 2008.

VII. Public Comment

a. Francis Alami: visit, xology.com, he has an article "Bridging Cultural Differences." Also wrote an article for the Oakland Press, "Understanding the Changing needs of the Me Generation."

VIII. Motion to adjourn 8:05 pm, by Michelle Haight and seconded by Reuben Ellis.

Next Meeting Tuesday, September 2, 2008 at 7 pm

Kelly Jones, EIAB Chair

Cindy Stewart, EIAB Recording Secretary



CITY COUNCIL REPORT

August 15, 2008

TO: Phillip L. Nelson, City Manager
FROM: Beth Tashnick, Customer Solutions Director
SUBJECT: July, 2008 – Customer Solutions Monthly Report

Background:

- The Customer Solutions Department was officially established in February of 2008, for the purpose of enhancing service provided by the City of Troy. Customer Solutions is designed to be the first point of contact for residents, businesses and visitors to obtain information and assistance from the City of Troy.

Our mission is to exceed customer expectations by providing accurate information that is communicated in an efficient and effective manner through the integration of people and technology.

This report generated on a monthly basis will provide you with service request statistics, trends and general Customer Solutions Department updates and information.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

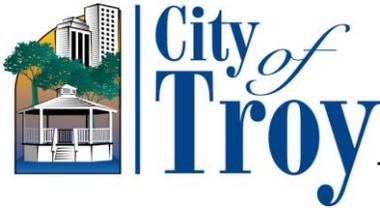
- There are no legal considerations associated with this item.

Policy Considerations:

- The Customer Solutions Department provides information and assistance to residents, businesses and visitors to the City of Troy. (I – Troy has enhanced the health and safety of the community)
- The Customer Solutions Department provides assistance and support to City of Troy staff. (II – Troy adds value to properties through maintenance or upgrades of infrastructure and quality of live venues)

Options:

- There is no council action requested for this item.



Customer Solutions

500 W. Big Beaver Rd * Troy, MI 48084 * 248-524-3337 * CustomerSolutions@troymi.gov

Customer Solutions - Monthly Report

July, 2008

****Please note:** The following figures include only service requests/inquiries that were received by the Customer Solutions department. Service requests received by other departments directly that were not routed through Customer Solutions are not included in this report.

Total Service Requests/Inquiries:	108
Requests Resolved:	106
Requests Unresolved:	2

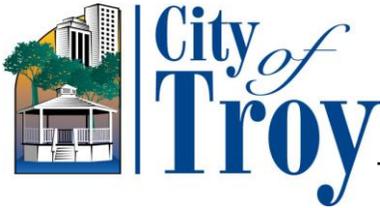
Unresolved Detail:

SR 33841 Engineering and DPW are investigating this claim re water damage
SR 34180 Building Inspection is addressing property maintenance issue

Service Requests/Inquiries Pertaining to Departments:

Assessing	1
Building Inspection	10
City Clerk	27
Community Affairs	7
Customer Solutions	16
Department of Public Works	18
Engineering	2
Finance	1
Fire Department	1
Human Resources	0
Parks and Recreation	9
Police Department	4
Real Estate & Development	0
SOCRRA	0
Treasurer	12
Total	108

Note: One goal of the Customer Solutions department is to assist other departments by resolving caller requests without having to transfer the caller. For the Month of July, 2008 we were able to accomplish that goal by 92%. Of the 108 calls that were received by the Customer Solutions department, 100 were resolved without the need to be transferred to another department.



Customer Solutions

500 W. Big Beaver Rd * Troy, MI 48084 * 248-524-3337 * CustomerSolutions@troymi.gov

Customer Solutions Department Updates:

We have received several email requests from residents taking advantage of our web page contact link. Go to [www.troymi.gov/Customer Solutions](http://www.troymi.gov/Customer%20Solutions) and take a look.

The number of calls and email to the Customer Solutions department is gradually increasing as more residents and visitors find out about our department. Attached please find an update published in the fall edition of Troy Today and we are looking at other vehicles to get the word out.

Customer Solutions, along with a few other departments throughout the city, is using the Hansen Service Request System to document interactions with customers. In order to track our contact with customers throughout all departments, Janice Hynes (DPW) and I will be conducting training sessions using Hansen to record and track complaints/service request issues. We have completed the procedure and training outline, and planned to begin training sessions in July, 2008. Due to summer vacation schedules we have delayed training classes until September, 2008.

City News

Customer Solutions is "At Your Service"

An update regarding the progress of the City of Troy Customer Solutions Department

The Customer Solutions Department is coordinated by Beth Tashnick, functioning in the City Manager's office and has been developed to enhance service provided by the City of Troy. The new department is designed to be the first point of contact for residents, businesses, and visitors to obtain information and assistance from the City of Troy.

We are committed, as always, to achieving the highest level of customer satisfaction and will continually strive to create a positive and enjoyable experience for our customers as they interact with the City of Troy.

Since the official launch of the Customer Solutions department on February 19, 2008 we have received over 500 requests for service, information or assistance.

Our web page is ready for your visit at:

www.troymi.gov/CustomerSolutions

This page has been designed as a virtual service center. The easy-to-navigate page provides links to City news and events, frequently asked questions, service directories, maps, and more. One of the highlights is the forms and applications tab. You can access forms and applications from all departments in one convenient location.

From the new page, you can contact the Customer Solutions department with a single mouse click and e-mail us with your questions or concerns. You will also find a City of Troy customer service survey; we would love to hear your comments and suggestions. We look forward to hearing from you!

Phone: 248.524.3337 e-mail: CustomerSolutions@troymi.gov

Visit our office at: 500 W. Big Beaver Rd., City Manager's Suite

A Customer Solutions Representative is available:

Monday-Friday, 8 am-4:30 pm

White-tailed deer management for the Nature Center

Development in southeastern Michigan has displaced many forms of wildlife contributing to higher populations of wildlife in pockets of green space throughout suburban and metropolitan areas.

The white-tailed deer population at the Nature Center has increased significantly over time causing a negative impact on other forms of wildlife and plant life inhabiting the same area. It is important that the land be balanced for use by the public and to provide a healthy community for all forms of life.

According to statistics from the Troy Police Department for deer/car related crashes in Troy in 2005-2006, 25% of the collisions were within one mile of the Nature Center. Aerial surveys were performed of 450 acres of land, including the Nature Center's 100 acres.

- In 2005, 42 deer were counted & in 2007, 50 deer were counted.
- In 2008, 47 were counted equating to 66.84 deer per sq. mile.

The Michigan Department of Natural Resource biologists recommend 15-20 deer per square mile to promote the ecological health of natural communities.

In the late 1970s when the Nature Center property was acquired, large-flowered trillium, a native wildflower, covered the hillsides. In 1997 deer and plant enclosure cages were installed to save the remaining wildflowers on the property and to document the devastating effects of the overpopulation of deer on vegetation. The Nature Center has experienced a tremendous growth of invasive plant species, such as garlic mustard, the result of over browsing and alteration of forest soil by an overpopulation of deer. These changes in plant vegetation have a direct result in the decline of ground nesting birds as well.

Over the past few years, nearby residents have expressed concerns about the increased deer population and the effect on their properties including loss of landscaping and a feeling of diminished safety with the deer in their yards.

Nature Center users have expressed concerns about the health and overpopulation of deer and questioning why a management plan hasn't been instituted. Some users have expressed a loss of wildflowers and birds, others have expressed apprehension with the number and proximity of deer to the trails.

If no action is taken, the herd will likely increase resulting in inhumane starvation. City staff has explored various alternatives for managing the deer population including:

- Culling the herd by a volunteer bow hunt, or professional sharp shooters. Deer birth control is impractical due to high cost and administering boosters.
- Mechanical barriers – (such as fences).
- Relocation of deer – Not allowed by the DNR due to high mortality rates, chronic wasting disease, and deer homing instinct.

The number of white-tailed deer at the Nature Center is likely to continue increasing. Currently the only control method that exists for the deer population at the Nature Center is natural death or deer/car collisions. Deer management is a tool that can be an effective population control to help restore the natural community back into balance, and make the Nature Center and its surrounding homes and roads a safe environment for the citizens of Troy.

If you support a deer management plan or have concerns on this subject, e-mail ParksandRecOnline@troymi.gov.

Details on displaying temporary signs

The Troy Sign Ordinance allows all types of temporary signs on private property. These include signs for homes for sale or rent, land for sale, garage sales, estate sales, buildings under construction, political, holiday, and other seasonal signs.

1. Size of Temporary Signs: The maximum size of an individual temporary sign must not exceed 6 sq. ft. in area (measured on one side). The total aggregate area of all temporary signs on any one site must not exceed 14 sq. ft. Temporary signs must not be higher than 42 inches above the ground.
2. The signs must be placed on private property, with the property owner's permission.
3. Placement is never allowed in the public street right-of-way (City property). In most cases this means that the signs must be located behind the sidewalk.

In areas where there is no sidewalk, signs cannot be located closer than 20 feet from the edge of the traveled portion of the roadway.

4. Signs can never be attached to a streetlight, street sign, fire hydrant or telephone pole.
5. Signs that are placed in the public right-of-way (City property) will be removed by the City, and stored for a 48-hour period. If you wish to retrieve a sign that has been removed, you must first pay the \$50 administrative fee for each sign. Signs not retrieved within 48 hours will be destroyed.
6. The entire text of the Troy Sign Ordinance can be obtained at www.troymi.gov/CodeAndCharter/Code/CH085.pdf. Call the Building Department at 248.524.3344 with questions.



CITY COUNCIL REPORT

August 8, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services – July 2008

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) GemTrac cassette storage unit, one (1) Fuji camera with case, one (1) Hon desk, one (1) Philips pocket memo, one (1) Sony digital camera, one (1) Casio calculator, one (1) Nikon FM2 camera, one (1) wooden toboggan, one (1) HP deskjet 3820 printer, one (1) HP deskjet 420 printer, one (1) table, one (1) Palm keyboard, one (1) HP designjet plotter, three (3) monitor stands, one (1) Nikon EF camera, four (4) Quantum batteries, and one (1) lot of handheld radio equipment with accessories that were auctioned on-line through BidNet, the City's e-procurement website, on July 3, 2008 and closed on, July 21, 2008.

August 8, 2008

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – July 2008

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Radio equipment, cameras, toboggan, desk, & etc.	\$1,169.58		
SUB-TOTAL:		\$1,169.58	
	FEES:		
5% - Radio equipment, cameras, toboggan, & etc.	(58.50)		
SUB-TOTAL:		(\$58.50)	
Sales Tax +6% (Radio equipment, cameras, & etc):	70.17		
SUB-TOTAL:		\$70.17	
			\$ 1,181.25

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of July 2008 auctions to the City management.
- No action required



MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu
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Report for the City of Troy, MI
Detailed Report for Seller: ALL
Reported on 8/1/2008

From: 7/1/2008 To: 7/31/2008

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
3369	7/21/2008	10.00	0.60	0.50	Sale	Table	Bockstanz
3094	7/21/2008	1.00	0.06	0.05	Sale	Monitor or laptop stands	Bockstanz
3075	7/21/2008	55.00	3.30	2.75	Sale	GemTrac Cassette Storage Unit	Bockstanz
3085	7/21/2008	5.00	0.30	0.25	Sale	HP Deskjet 420 Printer	Bockstanz
3086	7/21/2008	5.00	0.30	0.25	Sale	HP Deskjet 3820 Printer	Bockstanz
3421	7/21/2008	15.50	0.93	0.78	Sale	Fuji Camera with Case	Bockstanz
3384	7/21/2008	25.00	1.50	1.25	Sale	DESK - HON	Bockstanz
3381	7/21/2008	13.00	0.78	0.65	Sale	Philips Pocket Memo	Bockstanz
3372	7/21/2008	62.58	3.75	3.13	Sale	HP DesignJet Plotter	Bockstanz
3379	7/21/2008	10.50	0.63	0.53	Sale	Palm Keyboard	Bockstanz
3391	7/21/2008	31.00	1.86	1.55	Sale	Sony Digital Manica Camera	Bockstanz
3373	7/21/2008	207.50	12.45	10.38	Sale	Nikon FM2 Camera	Bockstanz
3371	7/21/2008	61.00	3.66	3.05	Sale	Wooden Toboggan	Bockstanz
3374	7/21/2008	105.50	6.33	5.28	Sale	Nikon EF Camera	Bockstanz
3383	7/21/2008	5.00	0.30	0.25	Sale	Casio Calculator	Bockstanz
3368	7/21/2008	515.00	30.90	25.75	Sale	Radio Equipment - One Lot	Bockstanz
3376	7/21/2008	42.00	2.52	2.10	Sale	Quantom Batteries	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$1,169.58	\$70.17	\$58.50		\$1,298.25	\$58.50

To Whom it May Concern,

Your lifeguards are
fantastic! They watch the
children very carefully & are
helpful and polite. It is a
pleasure to swim here in
such a safe environment,

Pat Anlesher
248 524-1488

J-3a

With Special

Thanks

Dear Detective Pokley,
We wanted to say a special thank you for the time and effort you took to solve our case. It is comforting to know resolution was done with what was a disturbing situation.

Thank You Again,
Dale & Debbie Bise

RECEIVED
Chief of Police
2/13/08 07

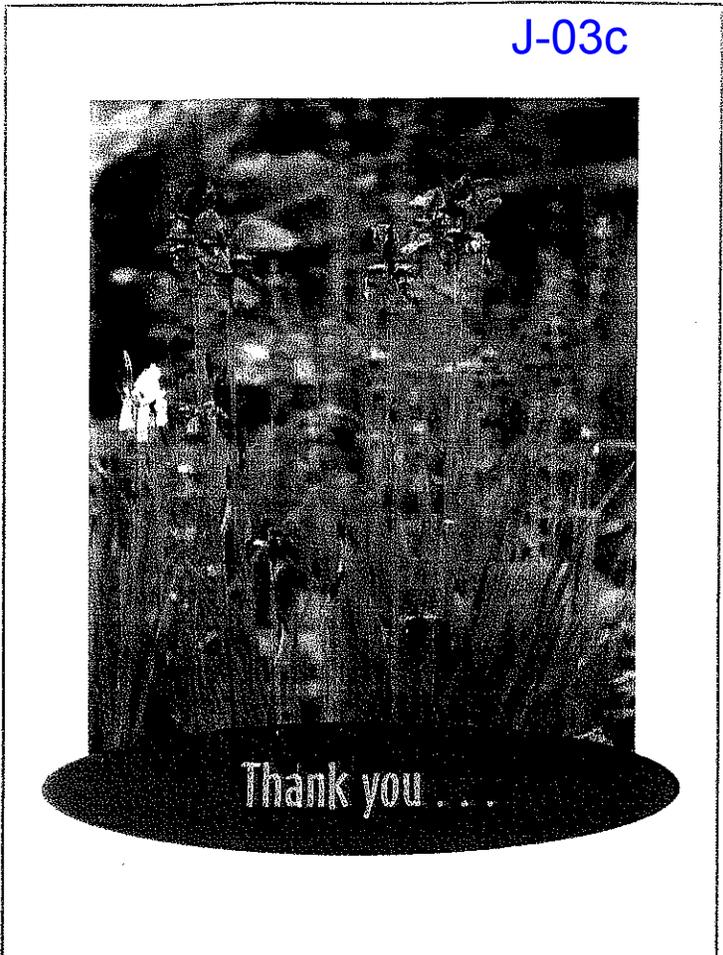
cc: City Mgr.
D/C Maya
Cop's
File

J-3b

CC: City Mgr
D/C May of
Division Capt's
Off. Beaudrick/File

J-03c

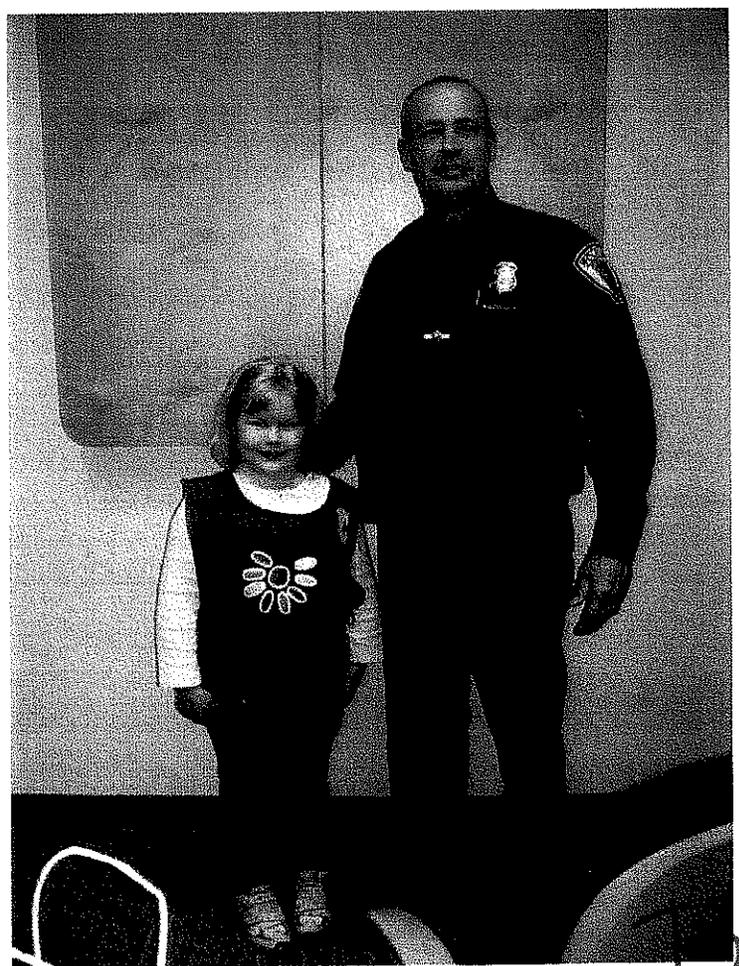
Especially made for you from
Hannah Mae Russ



Officer Andy,

I just wanted to thank you for taking the time with me and my family to help me earn my petal for Daisy scouts. I greatly appreciate the tour and the time you took to talk with me and my family and answer any and all of our questions. It was very interesting and we learned a lot. It was great to meet you and you were the first police officer I have ever met! and the nicest too! Thank you again and thank you for all the special and brave work you do for all the kids and moms and dads out there! We appreciate it!

Love, Hannah Mae Russ
and family - Goodrich, Michigan and
Troy, Michigan



JJC



Ruth Johnson
Oakland County Clerk/Register of Deeds *REN*
www.oakgov.com/clerkrod

Elections Division

August 8, 2008

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #08125 – BOARD OF COMMISSIONERS – MICHIGAN'S STRUCTURAL DEFICIT which was adopted by the Oakland County Board of Commissioners on July 31, 2008.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #08125 to the appropriate persons. Thank you for your cooperation.

Sincerely,

Ruth Johnson
Clerk/Register of Deeds
County of Oakland

Enclosure (1)

REPORT (MISC. #08125)

July 31, 2008

BY: General Government Committee, Christine Long, Chairperson

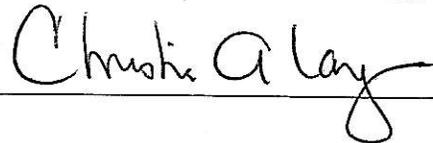
IN RE: **MR #08125 – BOARD OF COMMISSIONERS – MICHIGAN'S STRUCTURAL DEFICIT**

To: The Oakland County Board of Commissioners
Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed the above-referenced resolution on July 21, 2008, reports with the recommendation that the resolution be adopted.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

A handwritten signature in cursive script, reading "Christine Long", is written over a horizontal line.

GENERAL GOVERNMENT COMMITTEE VOTE:

Motion carried unanimously on a roll call vote with Hatchett, Suarez and Greimel absent.

Miscellaneous Resolution #08125

BY: Commissioner Sue Ann Douglas, District #12

RE: Board of Commissioners – Michigan’s Structural Deficit

TO: Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS the Citizens Research Council (CRC) of Michigan projects that the State of Michigan is facing a budget challenge that is projected to grow at an inexorable rate through Fiscal Year 2017; and

WHEREAS structural deficits are created when the costs of maintaining programs and policies increase faster than revenues. The cause for the increase is identified as being the fact that “virtually every area of the State budget faces spending pressure increases that outpace projected revenue growth”; and

WHEREAS the CRC points out that Michigan’s fiscal future is dismal unless the State’s leaders make substantial policy changes and address projected structural deficits of \$6 billion in Michigan’s General Fund, \$3.6 billion in K-12 School Aid Fund; and \$417 million in the Highway Transportation Fund; and

WHEREAS the growing “gaps” between the State’s projected revenues and spending are in conflict with the provisions in the Michigan Constitution that require the Governor and Legislature to take annual actions to keep spending in line with current revenues; and

WHEREAS although the State of Michigan has technically met the legal requirement of adopting a balanced budget each year since Fiscal Year 2001, this has been accomplished by depleting reserves and using non-recurring resources; and

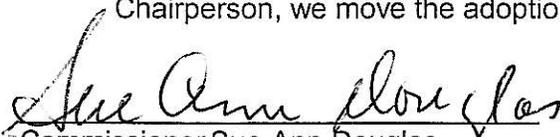
WHEREAS the larger budgetary issue of addressing the structural deficits has remained largely unaddressed; and

WHEREAS the State of Michigan’s escalating budget deficits will have a negative effect on the state’s and local municipalities’ credit rating and will have a devastating impact on Oakland County and other units of government which receive or are scheduled to receive revenue sharing and grants from the state.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby urges Governor Granholm and Michigan’s legislators to make the policy changes necessary to address the State’s structural budget deficits, in order to restore long-term balance to the State of Michigan’s budget and economy.

BE IT FURTHER RESOLVED that the Oakland County Clerk is requested to forward copies of this adopted resolution to Governor Granholm, Oakland County’s cities, villages and townships, Oakland County’s delegation to the Michigan House and Senate, and the leaders of the Michigan House and Senate.

Chairperson, we move the adoption of the foregoing Resolution.



Commissioner Sue Ann Douglas
District #12



Commissioner
District # 13



Commissioner
District # 1



Commissioner
District #

Mike Key
Commissioner
District # 14

Bill Bullard Jr
Commissioner
District # 2

Hugh D. Rapp
Commissioner
District # 9

[Signature]
Commissioner
District # 20

Michael A. Angell
Commissioner
District # 3

Died Conth
Commissioner
District # 25

Commissioner
District #

Thomas F. Melitt
Commissioner
District #

[Signature]
Commissioner
District # 5

[Signature]
Commissioner
District #

Christie A. Long
Commissioner
District # 7

Tom Gravel
Commissioner
District # 11

[Signature]
Commissioner
District # 18

Commissioner
District #

Resolution #08125

June 12, 2008

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Resolution #08125

July 31, 2008

Moved by Rogers supported by Nash the resolutions (with fiscal notes attached) on the Consent Agenda be adopted (with accompanying reports being accepted).

AYES: Burns, Coleman, Coulter, Crawford, Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Jacobsen, Kowall, Long, Middleton, Nash, Potter, Potts, Rogers, Scott, Spector, Woodward, Zack, Bullard. (24)

NAYS: None. (0)

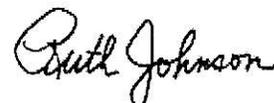
A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the Consent Agenda were adopted (with accompanying reports being accepted).

DOES NOT REQUIRE COUNTY EXECUTIVE ACTION

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on July 31, 2008, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 31st day of July, 2008.



Ruth Johnson, County Clerk



To: Members of the Troy City Council
From: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
Date: August 19, 2008
Subject: Amber Creek East Apartments v. City of Troy

Attached is Judge Kumar's ruling in favor of the City in the *Amber Creek East Apartments v. City of Troy* lawsuit. As you may recall, this lawsuit was filed on behalf of five tenants in the Amber Creek East Apartment complex, who sought to invalidate the administrative search warrants issued by 52-4 Judicial District Court Judge Michael Martone and affirmed by 52-4 Judicial District Court Judge William E. Bolle. These administrative search warrants were obtained so that the City could comply with the state mandate to conduct inspections of all apartment rental units in the City of Troy every two to three years. The City of Troy has also codified this state mandate in Chapter 82-A of the City of Troy ordinances. These inspections are to occur every two to three years, and are extremely limited in scope to verify that the apartments meet the minimum health, safety, and welfare standards. Administrative search warrants were sought only after several notifications and requests for consent were provided to both the landlord and also the individual tenants.

The attorney representing the tenants argued that the state statute and also Troy's rental housing inspection ordinance were unconstitutional. On behalf of the City, we responded to these allegations in both the written and also the oral argument. However, Judge Kumar did not rule on that substantive issue, and instead ruled in favor of the City because the inspections had already been completed. The attorney representing the tenants filed a Motion for Reconsideration on August 18, 2008. If Judge Kumar denies the request for Reconsideration, then an appeal may be filed by the tenants and/or the landlord for Amber Creek East Apartments. We will keep you apprised of any new developments in this case.

If you have any questions, please do not hesitate to call us.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

IN RE: ADMINISTRATIVE SEARCH WARRANTS ISSUED
FOR VARIOUS DWELLINGS IN AMBER CREEK
APARTMENTS

AMBER CREEK APARTMENTS, NICOLE HIGH,
MICHAEL JONES, CAROLINE JONES,
JACQULYNN FLACK, ROBERT ABROGAST,
CHARLES BARTZ and ROBERT PLATTER,

Petitioners-Appellants,

Case No. 08-DA 8750-AV
Hon. Shalina A. Kumar

v

CITY OF TROY,

Respondent-Appellee.

MICHAEL HUTSON (P15310)
Attorney for Appellants
292 Town Center Dr
Troy, MI 48084
(248) 689-5700

LORI GRIGG BLUHM (P46908)
SUSAN M. LANCASTER (P33168)
Attorneys for Appellee
500 W Big Beaver Rd
Troy, MI 48084
(248) 524-3320

BRUCE T. LEITMAN (P16541)
Attorney for Appellants
32710 Franklin Rd
Franklin, MI 48025
(248) 855-5200

OPINION AND ORDER

At a session of said Court held in the
Courthouse, City of Pontiac, Oakland County,
Michigan on AUG 05 2008

PRESENT: THE HONORABLE SHALINA D. KUMAR, Circuit Judge

This matter is before the Court on Petitioners' appeal from an order of the 52-4 District
Court denying their ex parte motion to quash administrative inspection warrants. This Court

considered the parties' respective briefs and heard oral argument before taking the matter under advisement.

Petitioners acknowledge that the issues presented on appeal are moot because the subject inspections have already been conducted. This Court does not address moot questions or declare rules of law lacking practical legal effect. *Federated Publications, Inc v City of Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002), clarified in *Herald Co, Inc v Eastern Michigan Univ Bd of Regents*, 475 Mich 463, 471-472; 719 NW2d 19 (2006). However, an appellate court may decide cases that technically qualify as moot if they present issues of public significance that likely will recur in the future, yet evade judicial review. *Socialist Workers Party v Sec'y of State*, 412 Mich 571, 582 n 11; 317 NW2d 1 (1982). Although the issues presented here are publicly significant, this Court is not persuaded that they likely will recur with any regularity but evade judicial review.

First, the statute in question does not allow warrantless searches, has never before been challenged on its face and, based on the current state of the law, is not likely to be subjected to constitutional scrutiny in the future. Second, as a practical matter, the city represented that, in the nearly forty years that inspections have been conducted pursuant to the statute, these Petitioners were the only tenants that refused to consent to inspection of their units. This Court declines to decide the case.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Petitioners' appeal is dismissed.

Dated: AUG 05 2008


SHALINA D. KUMAR, Circuit Judge



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: August 20, 2008
SUBJECT: Proposed consolidation and redraft of Municipal Solid Waste and Littering Ordinances.

Enclosed for your review is a proposed rewrite of Chapter 16 of the City Code. The proposed revisions consolidate provisions that are currently found in Chapter 16 (Municipal Solid Waste), Chapter 48 (Litter), and Chapter 88 (Billposting/Littering Section of Nuisance Ordinance). These provisions have been consolidated into one area and reorganized, and redundant provisions have been eliminated. Recent revisions to the state statute, the Solid Waste Management Act (MCL 324.11502 et. seq.) have also been incorporated into the proposed draft ordinance. These state statutory provisions address the management of yard waste.

The proposed revision, in addition to corresponding necessary amendments to Chapters 3, 16, 48 and 88 are attached for your review. Although City Council could take action on these proposed revisions as early as the next City Council meeting, it is the recommendation of City Administration that these revisions be incorporated into the comprehensive revision of the Property Maintenance Code, which is being actively undertaken at this time, and should be presented to City Council in the immediate future. The consolidation of these revised ordinance provisions into the Property Maintenance Code would further the City's goal of streamlining and reorganizing the Code of Ordinances.

Absent further direction from City Council, these ordinance provisions will be included into the Property Maintenance Code re-write, rather than presented as a stand alone item. The consolidation of these revised provisions into the Property Maintenance Code would further the City's goal of streamlining, reorganizing, and codifying the City's ordinances.

If you have any questions concerning the above, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 16 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as a consolidation of Chapter 48 (Litter), Chapter 88, Sections 9.13-9.16, and Chapter 16 (Municipal Solid Waste and Recycling), and shall completely replace the current provisions of Chapter 16 of the Code of the City of Troy.

Section 2. Replacement Ordinance

1. Definitions. The following definitions shall apply in this Chapter:
 - a. **Construction Refuse** – means rejected, discarded or abandoned materials resulting from the alteration, repair, construction, and/or demolition of buildings.
 - b. **Garbage** – means putrescible waste resulting from the handling, preparation, cooking or spoiling of food. The term shall not include discarded food from food processing plants, large quantities of condemned food products or large quantities of wind fallen fruit subject to rapid decomposition.
 - c. **Hazardous Waste** – means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.
 - d. **Litter** – means refuse, recyclables, rubbish, garbage and all other

waste material, except yard waste.

- e. **Nuisance** – means whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property.
- f. **Private premises** – means any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building, or other structure erected thereon.
- g. **Public place** – means any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- h. **Recyclables** – shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.
- i. **Refuse** – means all solid waste including garbage and rubbish but excluding recyclables and yard waste.
- j. **Rubbish** – means non putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, household plastic, empty tin cans and glass containers, wood, other than tree trimmings, limbs or branches, wood products or lumber, paper products, books, magazines, glass, crockery, stone, concrete and similar materials.
- k. **Yard Waste** – means biodegradable materials such as leaves, grass clippings, vegetable, fruit or other garden debris, shrubbery, brush and tree trimmings, tree limbs and branches less than four feet in length and two inches in diameter, old potting soil, shredded bark, weeds, old flowers, and any other similar items. The term does not include agricultural waste, animal waste, roots, stumps, treated wood, sludge, or sewage.

REFUSE AND RECYCLING

2. Refuse – In General.
 - a. Every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse shall provide sufficient size containers to hold the accumulated refuse between weekly scheduled refuse collections.
 - b. Containers for refuse must be portable, watertight, vermin-proof, of substantial construction, and have handles and a tight-fitting cover.
 - c. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons. Mechanically lifted carts which exceed 35 gallons may be used with prior permission of the Public Works Department.
 - d. Strong, securely closed plastic bags holding up to thirty-two (32) gallons of refuse are also acceptable.
 - e. Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other similar containers are considered unapproved containers and the City may not collect refuse when placed in these unapproved containers.
 - f. For regularly scheduled pick-up, items of refuse, including containers filled with refuse, shall weigh less than sixty (60) pounds. In addition, items of refuse shall not exceed three (3) feet in length or three (3) feet in girth.
 - g. Large residential refuse items shall be broken down or disassembled and placed in approved containers or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.
 - h. Bulky residential refuse items, such as large appliances or furniture, which cannot be broken down or disassembled, shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. For safety reasons, refrigerator or freezer doors shall be removed before placing items at the curb. No item shall exceed 250 pounds.

- i. All persons who own, lease or occupy property zoned commercial, office, industrial or research may place at the curb up to 4 bags, 1 container, or 1 cart of refuse per week for collection. A container shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. A cart shall not exceed a ninety gallon limit nor weigh more than 250 pounds, and may only be used with prior permission of the Public Works Director.
- j. No person shall leave any materials that could ignite waste in a container or waste collection vehicle.

3. Private Collection and Disposal

- a. Hazardous waste shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous waste shall not be stored or transported within the City without the written approval of the City Manager or Public Works Director. Written approval will not be granted unless the City Manager designates a supervisor who has knowledge of the safety measures required to protect the public health and safety during the storage, transport, or disposal of hazardous waste.
- b. Construction refuse shall be the responsibility of the owner, contractor, occupant or other person responsible for construction, and the responsible person shall arrange, at their own expense, the removal of such construction refuse from the premises within a reasonable time after the completion of such construction work.
- c. In every case where the owner, occupant or user of any residential premises accumulates more than two (2) cubic yards of refuse within any one-week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.
- d. If the owner or occupant of property zoned commercial, office, industrial or research accumulates more than the allowable limit of 4 bags or 1 container, or 1 cart per week, as provided in Section 2, Subsection h, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.

4. Rejection of Refuse; Tagging of Containers

- a. If any refuse is rejected by the City's waste collector because it does not conform to the requirements of this Chapter, the City's waste collector shall give notice to the owner or occupant of the premises by placing a tag on the rejected refuse. The tag shall

advise the owner or occupant of the non-conformity and shall include a telephone number to call for additional information and possible alternatives.

- b. If the Public Works Director determines the owner or occupant has failed to correct the tagged violation, a special collection of the rejected refuse may be completed by the Public Works Director or his/ her designee. The property owner shall be liable for any expenses the City incurs to make the special collection.
5. Disturbing Containers. No person, other than the owner of refuse or recycling containers or his or her agents, and/or employees or licensees of the City shall disturb, remove, or attempt to remove refuse or recycling containers or their covers or disturb or remove or attempt to remove the contents of such containers or disturb, remove or attempt to remove any refuse or recycling not in containers, whether same is on public or private property. This section does not apply to police officers or law enforcement officials who are lawfully engaged in their duties.
6. Preparation of Recyclables. Recyclables shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse so that it is clearly distinguished from the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.
7. Placing at Curb.
 - a. Refuse and recyclables will be collected Monday through Thursday beginning at 7:00 a.m., with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Thursday, collection shall be made on Friday.
 - b. No refuse or recyclables shall be placed at the curb or street for collection prior to 5:00 p.m. on the day preceding the day scheduled for collection.
 - c. After the collection of container contents has been made, the empty containers shall be removed from the curb or street as soon as possible, but in no case later than twenty-four (24) hours after collection of refuse or recyclables has been made.

8. Collection Vehicles.

- a. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.
- b. The contractor for the City of Troy shall dispose of all refuse collected from within the City at the facilities of the Southeastern Oakland County Resource Recovery Authority or in a manner agreed upon between the contractor and Southeastern Oakland County Resource Recovery Authority.
- c. The Public Works Director shall designate the route to be taken by trucks of haulers of refuse through the City and to the facilities of the Southeastern Oakland County Resource Recovery Authority.

9. Burning or Burying Refuse; Prohibited

- a. No person shall burn refuse within the City of Troy.
- b. No person shall bury refuse within the City of Troy. This prohibition does not apply to a person lawfully operating a landfill ,as provided in the Solid Waste Management Section of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, MCL 324.11502, et seq.

YARD WASTE

10. Disposal. Yard waste shall be disposed of in the following manner:

- a. By composting, as further defined in section 11.
- b. By participating in City operated yard waste collection program, provided all the following requirements are met:
 - i. Yard waste shall be placed in a container not exceeding thirty-five (35) gallons that has a yard waste sticker affixed to the can, or thirty gallon yard waste paper bag. Plastic bags shall not be used to dispose of yard waste.
 - ii. A yard waste container or paper bag shall not exceed 60 pounds in weight.
 - iii. The yard recyclable container shall be placed at the curb so that the yard waste sticker faces the street.

- iv. The yard recyclable container or paper bag shall be placed at the curb on the opposite side of the driveway from the regular refuse by 7:00 a.m. on the normally scheduled collection day.
 - v. Container(s) marked as yard waste shall not be used to collect regular refuse.
 - vi. The Public Works Director, or his/her designee shall promulgate additional rules and regulations for the implementation of this section, including the announcement of yard waste collection dates each year.
- c. By temporarily accumulating the yard waste, provided all the following requirements are met:
- i. The accumulation shall only occur at property that is zoned single family residential, and is a person's residence or other property that the person owns or leases that is contiguous to the person's residence.
 - ii. The accumulation does not create a nuisance or otherwise results in a violation of this ordinance or state law.
 - iii. The yard waste is not mixed with other types of waste, as defined in this ordinance.
 - iv. No more than three cubic yards are placed on the property unless a greater volume has been approved by the Michigan Department of Environmental Quality.
 - v. Yard waste placed on property on or after April 1 but before December 1 is disposed of as provided in subsections a. (composting) or b. (yard waste program) within 30 days after being placed on the property.
 - vi. Yard waste placed on property on or after December 1 but before the next April 1 is disposed of as provided in subsections a. (composting) or b. (yard waste program) by the next April 10 after the yard waste is placed on the property.
 - vii. Except as provided in subsection (d), the restrictions of Section 12 of this Chapter shall not be deemed to prohibit the disposal of yard waste on private premises.

- d. No person shall throw or deposit yard waste on private premises owned by another person or on any public place.
- e. No person shall burn yard waste within the corporate limits of the City.
- f. All persons who own, lease or occupy property zoned commercial, office, industrial, or research shall be responsible to arrange for private pickup or delivery for yard waste and cannot dispose of yard waste as described in this section.

11. Composting

- a. The restrictions of Chapter 39, Section 39.90.03; Chapter 88, and Section 12 of this Chapter shall not be deemed to prohibit composting on private property.
- b. The construction and maintenance of yard waste composting bins/piles shall be permitted, subject to the following conditions:
 - i. The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Environmental Quality or Southeastern Oakland County Resource Recovery Authority.
 - ii. The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.
 - iii. Compost bins/piles are not permitted in drainage or utility easements.
 - iv. Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.
 - v. Composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Each parcel is limited to a maximum of three (3) bins/piles.
 - vi. Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction /refuge for

rodents. In addition, there must be adequate screening to shield any compost bins/piles from the view of adjoining residential properties.

LITTER

12. Prohibition Against Litter

- a. No person shall throw, deposit or sweep litter in or upon any public place within the City except in public receptacles or in authorized private receptacles for collection.
- b. No person shall throw or deposit litter on any private premises within the City, whether owned by such person or not, except the owner or person in control of a private premises may maintain authorized private receptacles in accordance with the provisions of this chapter.
- c. The owner or person in control of any private premises shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

13. Use of Waste Receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any public place or private property.

14. Enforcement - Notice to Abate.

- a. The Public Works Director and Director of Building and Zoning are jointly charged with the enforcement of the Litter Section of this Ordinance. When any litter accumulates on any private premises, the enforcing officer shall notify the owner, person in control, or occupant of such private premises to remove the litter within a time that is specified in the notice. The time to remove the litter shall not to be less than two (2) days nor more than ten (10) days from the time the notice is served. Such notice shall be served as provided in section 1.11 of this Code.
- b. If the owner, person in charge or occupant of any premises fails to remove the litter and abate the nuisance within the time limit stated in the notice, the enforcing officer is authorized to enter the premises and abate the nuisance by removing the litter and clearing the premises. The cost of abating such a nuisance, plus an additional fifteen (15%) percent for overhead and other expenses shall be charged to the occupant of the premises, unless the home is vacant, which shall result in the expenses being

charged to the owner of the premises. The failure to pay the City within 60 days of the billing for the cost of the abatement of the nuisance, including the 15% overhead charges, shall result in the imposition of a lien for that amount against the private premises, and/or the City's pursuit of any other authorized method of collecting debts owed to the City.

15. Municipal Civil Infractions.

- a. A violation of any section of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy.
- b. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall,

Chapter 16 Refuse, Recycling, Yard Waste and Litter

500 W. Big Beaver, Troy, MI, on _____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

~~TITLE II – UTILITIES AND SERVICES
CHAPTER 16 MUNICIPAL SOLID WASTE AND RECYCLING~~

~~2.1 Necessity. Regulations governing the storage, collection, transportation, and disposal of refuse, recyclables, yard recyclables, and other rejected, unwanted or discarded waste materials within the limits of the City of Troy are necessary to protect the public health and safety.~~

~~(Rev. 10/15/01)~~

~~2.2 Definitions. The following definitions shall apply:~~

~~(1) Refuse – “Refuse” shall be understood to refer to municipal solid waste excluding recyclables and yard recyclables.~~

~~_____~~

~~_____ (Rev. 10/15/01)~~

~~_____~~

~~(2) Construction Refuse – “Construction refuse” shall mean all unwanted, rejected, discarded or abandoned material(s) resulting from the alteration, repair, construction, and/or demolition of buildings.~~

~~_____~~

~~_____ (Rev. 10/15/01)~~

~~_____~~

~~(3) Commercial/Industrial Refuse – “Commercial/Industrial refuse” shall mean the rejected, unwanted, discarded or abandoned materials resulting from operations that are generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals, and clinics, and other producers of quantities of refuse in excess amounts.~~

~~_____~~

~~_____ (Rev. 10/15/01)~~

~~_____~~

~~(4) Hazardous Waste – “Hazardous Waste” shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.~~

~~_____~~

~~_____ (Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

~~(5) — Nuisance — Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of Chapter 88 and the common and statute law of this state.~~

~~(Rev. 10/15/01)~~

~~(6) — Yard Recyclables — “Yard Recyclables” shall mean grass clippings, leaves, wood chips, chipped Christmas trees, small pencil-thin twigs, garden vegetables and fruit, old potting soil, Halloween pumpkins, shredded bark, sod, weeds, old flowers, prunings, straw, straw bales, play sand, top soil, old mulch, corn husks, and any other similar items.~~

~~(Rev. 10/15/01)~~

~~(7) — Recyclables — “Recyclables” shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.~~

~~(Rev. 10/15/01)~~

2.3 — Duties of Owners, Occupants.

~~(1) — Every owner, tenant or occupant of any building, or any person responsible for organizing a gathering place for people for any purpose, shall provide adequate and sufficient size clean containers to hold the accumulated refuse between weekly scheduled refuse collections.~~

~~(Rev. 10/15/01)~~

~~(2) — It shall be unlawful for any person to burn refuse within the corporate limits of the City.~~

~~(Rev. 10/15/01)~~

~~(3) — It shall be unlawful for any person to bury refuse within the corporate limits of the City.~~

~~(Rev. 10/15/01)~~

2.4 — Containers - General.

~~(1) — Every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse shall provide sufficient size containers to hold the accumulated refuse between weekly scheduled refuse collections.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

- ~~(2) — Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other similar containers are considered unapproved containers and the City may not collect refuse when placed in these unapproved containers.~~

~~(Rev. 10/15/01)~~

- ~~(3) — The City may also refuse to collect refuse placed in containers that exceed the size and weight limitation or otherwise do not conform to the provisions of this article.~~

~~(Rev. 10/15/01)~~

2.5 — Approved Container Size and Weight.

- ~~(1) — Containers for refuse must be portable, watertight, vermin-proof, of substantial construction, and have handles and a tight-fitting cover. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons. Mechanically lifted carts which exceed 35-gallons may be used with prior permission of the City Public Works Department.~~

~~(Rev. 10/15/01)~~

- ~~(2) — Strong, securely closed plastic bags holding up to 32 gallons of refuse are also acceptable.~~

~~(Rev. 10/15/01)~~

- ~~(3) — For regular, scheduled pick-up, item(s) of refuse, including containers filled with refuse, shall weigh less than sixty (60) pounds. In addition, items of refuse shall not exceed three (3) feet in length or three (3) feet in girth.~~

~~(Rev. 10/15/01)~~

2.6 — Rejection of refuse, tagging of containers

- ~~(1) — If any refuse is rejected by the city waste collector because it does not conform to the requirements of this chapter, the city waste collector shall give notice to the owner or occupant of the premises by placing a tag on the rejected refuse. The tag shall advise the owner or occupant of the non-conformity and shall include a telephone number to call for additional information and possible alternatives.~~

~~(Rev. 10/15/01)~~

- ~~(2) — If the City of Troy Department of Public Works determines the owner or occupant has failed to correct the tagged violation, the Department of Public Works may make a special collection of the rejected refuse. The property owner shall be liable for any expense(s) the city incurs to make the special collection.~~

~~(Rev. 10/15/01)~~

~~2.7 Disturbing Containers. No person other than the owner of refuse containers or his agents, or employees of licensees of the City shall disturb, remove, or attempt to remove refuse containers or their covers or disturb or remove or attempt to remove the contents of such containers or~~

Chapter 16 – Municipal Solid Waste and Recycling

~~disturb, remove or attempt to remove any refuse not in containers whether same is on public or private property.~~

~~(Rev. 10/15/01)~~

~~2.8 — Container Maintenance. The refuse containers and contents shall be stored in suitable places between collection periods. The containers shall be inaccessible to vermin, domestic animals, and insects, so as to prevent a nuisance.~~

~~(Rev. 10/15/01)~~

~~2.9 — Quantity of refuse collected.~~

~~(1) — In every case where the owner, occupant, or user of any residential premises accumulates more than two (2) cubic yards of refuse within any one week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.~~

~~(Rev. 10/15/01)~~

~~(2) — Commercial/industrial buildings may place at the curb up to 4 bags or cans per week for collection. These cans shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. If the owner or occupant accumulates more than 4 bags or cans per week, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.~~

~~(Rev. 10/15/01)~~

~~2.10 — Preparation of Refuse.~~

~~(1) — Hazardous waste shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous waste shall not be stored or transported within the City without the written approval of the City Manager or Public Works Director. Written approval will not be granted unless the City Manager designates a supervisor who has knowledge of the safety measures required to protect the public health and safety during the storage, transport, or disposal of hazardous waste.~~

~~(Rev. 10/15/01)~~

~~(2) — Large residential refuse items shall be broken down or disassembled and placed in approved containers or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.~~

~~(Rev. 10/15/01)~~

~~(3) Bulky residential refuse items, such as large appliances or furniture, which cannot be broken down or disassembled, shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. For safety reasons refrigerator doors shall be removed before placing item(s) at the curb. No item shall exceed 250 pounds.~~

Chapter 16 – Municipal Solid Waste and Recycling

~~(Rev. 10/15/01)~~

~~(4) No person shall leave any materials that could ignite waste in a container or waste collection vehicle.~~

~~(Rev. 10/15/01)~~

~~2.11 – Preparation of Yard Recyclables:~~

~~(1) Yard recyclable collection typically runs for 35 weeks, from mid-April through the first week in December. The Public Works Director or his designated representative will announce the yard recyclable collection dates each year.~~

~~(Rev. 10/15/01)~~

~~(2) Yard recyclables shall be placed in container(s) not exceeding thirty-five (35) gallons that have yard waste sticker(s) affixed to the can. The yard recyclable container(s) shall be placed so that the yard waste sticker faces the street. The container shall be placed at the curb on the opposite side of the driveway from the regular refuse by 7:00 a.m. on the normally scheduled collection day. Thirty (30) gallon yard waste paper bags may also be used.~~

~~(Rev. 10/15/01)~~

~~(3) At no time will the City collect yard waste packaged in any other manner, including yard waste that is placed in plastic bags.~~

~~(Rev. 10/15/01)~~

~~(4) Container(s) marked as yard recyclables shall not be used to collect regular refuse.~~

~~(Rev. 10/15/01)~~

~~(5) No yard recyclables container shall exceed 60 pounds in weight.~~

~~(Rev. 10/15/01)~~

~~2.12 – Preparation of recyclables:~~

~~(1) Recyclables shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.~~

~~(Rev. 10/15/01)~~

~~(2) Recyclables may also be placed in an approved container with a recyclables sticker placed on it. The container must conform to all provisions of section 2.4 and 2.5. The container shall be placed so that the sticker faces the street and the container is clearly distinguished from regular refuse. The container shall be placed on the opposite side of the driveway as the refuse.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

~~2.13.1 Disposal of construction refuse — It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to arrange, at their own expense, the removal of such construction refuse from the premises within a reasonable time after the completion of such construction work.~~

~~(Rev. 10/15/01)~~

~~2.14 Placing at Curb.~~

~~(1) — Refuse, recyclables, and recyclable yard waste will be collected Monday through Friday, beginning at 7:00 a.m., with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Friday, collection shall be made on Saturday.~~

~~(Rev. 10/15/01)~~

~~(2) — No refuse shall be placed at the curb or street for collection prior to 5:00 p.m. on the day preceding the day scheduled for collection.~~

~~(Rev. 10/15/01)~~

~~(3) — After the collection of container contents has been made, the empty containers shall be removed from the curb or street as soon as possible, but in no case later than twenty-four (24) hours after collection of refuse has been made.~~

~~(Rev. 10/15/01)~~

~~2.15 Collection of Refuse.~~

~~(1) — Nothing in this Chapter shall be interpreted to prohibit or deny the owner or producer of refuse the right to dispose of their refuse, so long as no provisions of the Code are violated.~~

~~(Rev. 10/15/01)~~

~~2.16 Collection Vehicles. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.~~

~~(Rev. 10/15/01)~~

~~2.17 Disposal of Refuse. The contractor for the City of Troy shall dispose of all refuse collected from within the corporate limits of the City at the facilities of the Southeastern Oakland County Resource Recovery Authority.~~

~~(Rev. 10/15/01)~~

~~2.18 Routes to be Designated. The City shall designate the route to be taken by trucks of haulers of refuse through the City and to the facilities of the Southeastern Oakland County Resource Recovery Authority.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

2.19 — Composting

(Rev. 10/15/01)

~~The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5), and Section 6.107 shall not be deemed to prohibit composting on private property.~~

~~The construction and maintenance of yard waste composting bins/piles shall be permitted subject to the following conditions:~~

- ~~(1) — The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Natural Resources or Southeastern Oakland County Resource Recovery Authority.~~
- ~~(2) — The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.~~
- ~~(3) — Compost bins/piles are not permitted in drainage or utility easements.~~
- ~~(4) — Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.~~
- ~~(5) — Composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Each parcel is limited to a maximum of three (3) bins/piles.~~

(Rev. 12/17/01)

- ~~(6) — Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction /refuge for rodents. In addition, there must be adequate screening to shield any compost bins/piles from the view of adjoining residential properties.~~

(Rev. 12/17/01)

CITY OF TROY
AN ORDINANCE TO DELETE
CHAPTER 48 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as a deletion of Chapter 48 of the Code of the City of Troy.

Section 2. Amendment

~~CHAPTER 48 LITTER~~

~~6.101 Definitions.~~

~~— In the interpretation of this Chapter, the following definitions shall apply, except where the context clearly indicates that another meaning is intended:~~

- ~~— (1) "Private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building, or other structure erected thereon.~~
- ~~— (2) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.~~
- ~~— (3) "Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~
- ~~— (4) "Refuse" shall mean all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.~~
- ~~— (5) "Rubbish" shall mean nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.~~
- ~~— (6) "Litter" shall mean garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~

~~6.102 Litter in Public Places.~~

~~No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the~~

Chapter 48 - Litter

~~City except in public receptacles, or in authorized private receptacles for collection.~~

~~6.103 Use of Waste Receptacles:~~

~~Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.~~

Chapter 48 - Litter

~~6.104 - Sweeping Litter Into Gutters.~~

~~No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.~~

~~6.105 - Merchants' Duty to Keep Sidewalks Clean.~~

~~No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.~~

~~6.106 - Litter on Occupied Private Property.~~

~~No person shall throw or deposit litter on any private premises within the City, whether owned by such person or not, except the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.~~

~~6.107 - Owner to Maintain Premises Free of Litter.~~

~~The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 - Enforcement - Notice to Abate.~~

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

AN ORDINANCE TO AMEND
CHAPTER 88 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88 of the Code of the City of Troy.

Section 2. Amendment

BILLPOSTING-LITTERING

~~9.13 — Deposit of Unwholesome Substances. No person shall, within the limits of the City, by himself or by another, throw, place, deposit or leave in the street, lane, alley, public place or private lands, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.~~

~~9.134 — Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~

~~—————(Rev. 03-26-79)~~

~~9.15 — Paper, Rubbish. No person shall throw or place, or through insecure fastening, or otherwise, cause or suffer to be placed or thrown or to fall in or upon any public street, alley, sidewalk, or other public thoroughfare or any public park or private property of the City, any loose paper or other rubbish of any nature.~~

~~—————(Rev. 03-26-79)~~

~~9.16 — Injurious Substances. No person shall by himself or by another, throw, place, deposit or leave in any street, highway, lane, alley, public place or square, or in any private place or premises, any glass, broken or unbroken, or any metal, stone, earthenware, tacks, cinders or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any horse or other~~

Chapter 88 - Nuisances

~~animal or which might injure, cut or puncture any pneumatic tire.~~

24. Municipal Civil Infractions

A violation of sections 9.1, 9.2, 9.3, 9.5, 9.9, ~~9.13, 9.14, 9.15,~~ 9.17, 9.18, 9.20, and 15 of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-06)

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3, Administrative Service, of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Section 1.141(1), shall be amended as follows:

1.141(1) A City of Troy Police Service Aide assigned to Road Patrol Duty shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

~~Chapter 16: Garbage and Rubbish~~

Chapter 16: Refuse, Recycling, Yard Waste, and Litter

Chapter 26: Parks - General Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to the parking of vehicles)

Chapter 47: House Trailers and Trailer Courts

~~Chapter 48: Litter~~

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98-07.02 Trapping

Chapter 106: Traffic (Provisions related to the parking of vehicles)

Chapter 3 - Administrative Service

Chapter 3, Section 1.141(6) shall be amended as follows:

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

~~Chapter 16: Garbage and Rubbish~~

Chapter 16: Refuse, Recycling, Yard Waste and Litter

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning

Chapter 47: House Trailers and Trailer Courts

~~Chapter 48: Litter~~

Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

Chapter 70: Self Service Laundries and Dry Cleaners

Chapter 71: Auto Wash

Chapter 73: Drive-In Restaurant

Chapter 76: Adult Use Businesses Licenses

Chapter 77: Smoking Lounges

Chapter 79: General Building Regulations

Chapter 82: Property Maintenance Regulations

Chapter 82-A: Rental and Dwelling Inspection and Enforcement

Chapter 3 - Administrative Service

Chapter 82-B: Dangerous Buildings

Chapter 83: Fences

Chapter 85: Signs

Chapter 88: Nuisances

Chapter 93: Fire Prevention (provisions related to building codes)

Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective ten (10) days after adoption or publication, whichever occurs later.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2008.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk