

# AGENDA

Meeting of the

## CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 8, 2008

CONVENING AT 7:30 P.M.

Submitted By  
The City Manager

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: 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**

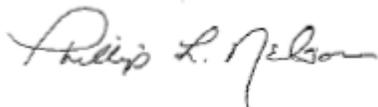
I. Troy has enhanced the health and safety of the community

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**

**September 8, 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 Mike Wendland – Woodside Bible Church** **1**

**ROLL CALL** **1**

**CERTIFICATES OF RECOGNITION:** **1**

- A-1 Presentations: 1
- a) Proclamation – International Day of Peace – September 21, 2008 – Presented to Pastor Manisha Dostert, St. Stephen’s Episcopal Church/ Co-Chair International Day of Peace Event ..... 1

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1. Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney’s, 2511 Livernois .....	15
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**CALL TO ORDER:**

**INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Mike Wendland – Woodside Bible 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)** Proclamation – International Day of Peace – September 21, 2008 – Presented to Pastor Manisha Dostert, St. Stephen’s Episcopal Church/ Co-Chair International Day of Peace Event

**CARRYOVER ITEMS:**

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- B-1 No Carryover Items**

**PUBLIC HEARINGS:**

- 
- C-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)**

Suggested Resolution  
 Resolution #2008-09-  
 Moved by  
 Seconded by

WHEREAS, The City is in receipt of a rezoning request, from B-1 to H-S, File Number Z-731, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certified Survey;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to H-S; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes:

No:

## **POSTPONED ITEMS:**

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**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”.*

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**E-1** Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: None Scheduled

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**E-2** Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Advisory Committee for Persons with Disabilities; Animal Control Appeal Board; Ethnic Issues Advisory Board; Historic District Study Committee; Historical Commission; and Parks & Recreation Board

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**

Suggested Resolution  
Resolution #2008-09-  
Moved by  
Seconded by

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

**Downtown Development Authority**

Appointed by Mayor (13-Regular) 4-Year Term

<hr/>	Term Expires 09/30/2012

Yes:  
No:

**b) City Council Nominations**

Suggested Resolution  
Resolution #2008-09-  
Moved by  
Seconded by

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

**Advisory Committee for Persons with Disabilities**

Appointed by Council (9-Regular; 3-Alternate) 3-Year Term

<hr/>	Term Expires 11/01/2011*
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**\*NOTE: Correction made to term expiration date.**

**Animal Control Appeal Board**

Appointed by Council (5-Regular) 3-Year Term

Term Expires 09/30/2011

**Ethnic Issues Advisory Board**

Appointed by Council (9-Regular) 2 & 3-Year Terms

Term Expires 09/30/2011; 3-Year Term

Term Expires 09/30/2010; 2-Year Term

**Historic District Study Committee**

Appointed by Council (7-Regular) Ad Hoc; (2) Historic District Commission; (1) Local Historic Preservation Organization

Ad Hoc

**Historical Commission**

Appointed by Council (7-Regular) 3-Year Term

Term Expires 07/31/2011

**Parks & Recreation Board**

Appointed by Council (7-Regular) 3-Year Term; Troy School Board (1) 1-Year Term; Troy Daze Committee (1) 1-Year Term; Adv. Committee for Senior Citizens (1) 1-Year Term

Term Expires 09/30/2011

Term Expires 09/30/2011

Yes:

No:

**E-3 Informational Brochure for the November 2008 General Election**

**Suggested Resolution**

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the informational brochure prepared by City Management to be distributed to all households with registered voters in Troy in advance of the November 2008 general election.

Yes:

No:

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**E-4 Proposed Resolution to Designate John R Road, from 14 Mile Road to Big Beaver Road as George W. Suarez Gentleman's Highway**

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, George W. Suarez, the late Oakland County Commissioner from District #24 and our friend was a man who spent his life in the service of his neighbors, community and Oakland County as a whole;

WHEREAS, George W. Suarez served the City of Troy as an Oakland County Board of Commissioner after being elected in 1998;

WHEREAS, George W. Suarez served the Madison Heights area as a member of the Knights of Columbus Father Heary Council; the VFW North end Post 140; was on the Board of Directors of the Boys and Girls Club of South Oakland County; and was deeply involved at his beloved St. Vincent Ferrer Catholic Church, and there he served as a Eucharistic Minister, especially helping out the handicapped to make sure all parishioners could get communion, while also serving with the usher board;

WHEREAS, During his entire time in public service, George W. Suarez was highly regarded as a man who made very good decisions for his constituents, was even-handed in running meetings, and listened to all points of view – even those with which he strongly disagreed;

WHEREAS, Throughout all the ups and downs that surrounded him in his public life, during good times and bad, during calm discussions and heated ones, George W. Suarez always remained a gentleman, a man who had good rapport with colleagues of both political parties, was extremely well liked by all he met, and in the words of Madison Heights Mayor Edward Swanson was “a class act”; and

WHEREAS, One of the legacies of George W. Suarez was his success in improving the roads in District 24 – not just in Madison Heights, but in the portions of Troy and Royal Oak which he also served;

THEREFORE, BE IT RESOLVED, The City of Troy hereby joins the Oakland County Board of Commissioners in **DESIGNATING** John R Road, from 14 Mile Road to Big Beaver Road, as **GEORGE W. SUAREZ GENTLEMAN'S HIGHWAY**, and this new designation will last until December 31, 2008, at which time the street signs with the name “George W. Suarez Gentleman's Highway” will be **PRESENTED** to Mr. Suarez's family.

Yes:

No:

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**E-5 Massage Facility Licensing Ordinance**

**(a) Resolution to Add Chapter 91 – Massage Facility License**

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 91, Massage Facility License, to the Troy City Code, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**(b) Resolution to Amend Chapter 60 – Fees and Bonds Required**

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 60, Fees and Bonds Required, Section 60.03, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**(c) Resolution to Repeal Chapter 98 – Massage Parlors**

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **REPEALS** Chapter 98, Massage Parlors, Sections 98.15.01 through 98.15.06.

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".*

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**F-1a Approval of "F" Items NOT Removed for Discussion**Suggested Resolution

Resolution #2008-09-

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:

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

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**F-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 25, 2008 as submitted.

**F-3 Proposed City of Troy Proclamation(s):**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) International Day of Peace – September 21, 2008
- b) Visiting Nurses Association of Southeast Michigan 110<sup>th</sup> Anniversary – September 8, 2008
- c) National Alcohol and Drug Addiction Recovery Month – September, 2008

**F-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Street Light Installation/Replacement**

Suggested Resolution  
Resolution #2008-09-

WHEREAS, On October 2, 2006, a contract to furnish all labor, tools, equipment, transportation service, and traffic controls to provide two (2) year requirements for street, parking lot, and athletic field light installation and replacement services with an option to renew for one additional year was awarded to the sole bidder, Harlan Electric Company of Rochester Hills, Michigan (Resolution #2006-10-381-E-4b); and

WHEREAS, Harlan Electric Company has agreed to exercise the option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Harlan Electric Company to provide street light installation and replacement services under the same prices, terms, and conditions for one year at unit prices contained in the bid tabulation opened September 13, 2006, to expire September 30, 2009.

**b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Fire Hose Testing**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, labor and materials to provide two (2) year requirements of fire hose testing with an option to renew for one (1) additional year for the City of Troy Fire Department, Independence Township Fire Department and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the sole bidder meeting specifications, Fire Catt, LLC of Troy, MI, at unit prices contained in the bid tabulation opened August 25, 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 proper contract and bid documents, including insurance certificates and all other specified requirements.

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**F-5 Private Agreement for Granite City Food and Brewery – Project No. 08.911.3**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Dunham Capital Management LLC, for the installation of water main and sanitary manhole on the site and in the adjacent right of way, 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.

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**F-6 Application for Transfer of Class C License to Somerset Collection Limited Partnership**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Somerset Collection Limited Partnership, to transfer ownership of 2007 Class C licensed business located in escrow at 2801 W. Big Beaver, Somerset Collection, Suite J-230, Troy, MI 48084, Oakland County, from Sebastian's LTD; with license to be held in escrow; and

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

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**F-7 Traffic Committee Recommendations – August 20, 2008**

**(a) Replacement of old NO OUTLET Sign and Installation of an Additional Sign at Lancer Court and Babcock Drive**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** to replace the old “No Outlet” sign with a new, more visible sign and that a second “No Outlet” sign be installed on the opposite corner, at Lancer Court and Babcock Drive.

**(b) Changes on Maple Road at Fire Station #4**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. \_\_\_\_\_ be **ISSUED** to install two signs on Maple Road at Fire Station

#4, "Do Not Enter" and "Authorized Vehicles Only" on one post on each side of the west driveway; and

BE IT FURTHER RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. \_\_\_\_\_ be **ISSUED** to install "Do Not Block Driveway" sign on Maple Road, with yellow lights (if possible) blinking from 6:00 a.m. to 9:00 a.m., Monday through Friday, on the east side of the west driveway of Fire Station #4; and

BE IT FINALLY RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. \_\_\_\_\_ be **ISSUED** to remove "Fire Department Parking Only" signs at Fire Station #4.

**(c) Installation of NO U-TURN Signs on Northfield Parkway between Durand Drive and the Northerly Driveway to Troy High School**

Suggested Resolution  
Resolution #2008-08-

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** to install "No U-Turn" signs on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.

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**F-8 Request for Acceptance of a Warranty Deed for Right-of-Way – Bryden Land Co., LLC – Sidwell #88-20-15-201-041**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way from property owner Bryden Land Co., LLC, having Sidwell # 88-20-15-201-041; and

BE IT FURTHER 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.

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**F-9 Citizen Petition Initiated Ballot Language Ratification to Correct Typographical Error as Noted by the State of Michigan Attorney General's Office**

Suggested Resolution  
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **RATIFIES** the language for placement on the November 4, 2008 Election ballot, the following ballot question to confirm that the typographical error, as noted by the State of Michigan Attorney General's Office, is correct to mirror the language as presented on the citizen initiated petition submittal as follows:

**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 be first approved by a majority of the City electors voting on the question.”?*

Yes \_\_\_ No \_\_\_

Yes:

No:

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**F-10 Request for Approval of Purchase Agreement – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #20 – Sidwell #88-20-23-100-072 – Russell F. Hadley and Jeanette Hadley**

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Russell F. Hadley and Jeanette Hadley, husband and wife, owners of property having Sidwell #88-20-23-100-072, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$63,000.00, 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.

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**F-11 Agreement between City of Troy and Troy School District for NPDES Permit**

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement allowing the Troy School District to nest under the City of Troy’s NPDES Permit and detailing the responsibilities of the City of Troy and the Troy School District, and **AUTHORIZES** the Mayor and 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:**

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

- a) Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney’s, 2511 Livernois – September 22, 2008
  - b) The ProMetal RCT, LLC, 2341 Alger – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008
  - c) Faurecia Automotive Seating, 2350 Meijer – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008
  - d) Tepel Brothers Printing, Inc., 1725 John R – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008
- 

**G-2 Memorandums: No Memorandums Submitted****COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

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**H-1 No Council Referrals Advanced****COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced****REPORTS:**

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

- a) Traffic Committee/Final – April 16, 2008
  - b) Youth Council/Final – May 28, 2008
  - c) Historic District Commission/Final – June 16, 2008
  - d) Building Code Board of Appeals/Final – July 2, 2008
  - e) Historic District Commission/Final – July 15, 2008
  - f) Traffic Committee/Final – July 16, 2008
  - g) Troy Daze Advisory Committee/Final – July 22, 2008
  - h) Board of Zoning Appeals/Final – July 29, 2008
  - i) Ethnic Issues Advisory Board/Final – August 12, 2008
  - j) Planning Commission/Draft – August 12, 2008
  - k) Board of Zoning Appeals/Draft – August 19, 2008
  - l) Troy Daze Advisory Committee/Draft – August 26, 2008
  - m) Youth Council/Draft – August 27, 2008
- 

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

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**J-3 Letters of Appreciation:**

- a) Letter to Ann Blizzard from Ann O'Neill Commending Junior Lifeguard Course Instructors Kyle Curry and Daina Wolner
- b) Letter to Carol Anderson from Sandy Kush Commending Jake Pilat and Aaron Spokaeski for Assistance with Golf Outing
- c) Memorandum to Chief Craft from Lt. Hay Regarding Phone Call from Diane Jones in Appreciation of the Compassion of Sgt. Kowalski and Officers Livingston and Rockafellow
- d) Letter to Chief Craft from Gregory Harless, President FBI National Academy Associates – Michigan Chapter, Commending the Efforts of Sgt. Bjork, Officers Fitzpatrick and Kaptur and Lynn McDaniels during Recent Seminars
- e) Letter of Thanks to Troy City Council from Mikayla and Karen Anderson Regarding the Sponsorship of the Miss Troy and Little Miss Troy Pageants

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

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**J-5 Communication from the State of Michigan Department of Attorney General Regarding Proposed Charter Amendment by Initiatory Petition**

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**J-6 Communication from the State of Michigan Office of the Governor Regarding Proposed Charter Amendment by Initiatory Petition****STUDY ITEMS:**

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**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:**

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**L-1 Closed Session**

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e)- *Papadelis v. Troy*; MCL 15.268 (h)- *MCL 15.243 (1)*; and MCL 15.268 (a)- *Continuance of Performance Evaluation of City Attorney*.

Yes:

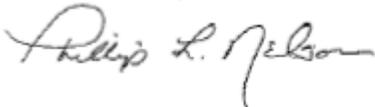
No:

**RECESSED**

**RECONVENED**

**ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, September 22, 2008

1. Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney’s, 2511 Livernois
2. The ProMetal RCT, LLC, 2341 Alger – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC)
3. Faurecia Automotive Seating, 2350 Meijer – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC)
4. Tepel Brothers Printing, Inc., 1725 John R – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC)

**SCHEDULED CITY COUNCIL MEETINGS:**

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

**PROCLAMATION  
INTERNATIONAL DAY OF PEACE  
SEPTEMBER 21, 2008**

**WHEREAS**, The opportunity for peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

**WHEREAS**, In 1981 the United Nations proclaimed the **International Day of Peace** be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples;" and

**WHEREAS**, The United Nations expanded the observance of the **International Day of Peace in 2001** to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

**WHEREAS**, There is growing support within our City for the observance of the **International Day of Peace**, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

**WHEREAS**, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations;

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Troy does hereby proclaim **September 21, 2008 as International Day of Peace** in the City of Troy and urges all citizens to join us in recognizing this day; and

**BE IT FURTHER RESOLVED**, That the City Council urges all government agencies, organizations, schools, places of worship and individuals in our City to commemorate the **International Day of Peace** including joining the Troy Interfaith Group at their celebration on September 21 at 3 pm at Central Woodward Christian Church to discover different faith traditions' teaching of/on Peace or any other education and public awareness activities in order to help establish a global day of peace in our homes, our communities and between nations.

Signed the 8<sup>th</sup> day of September 2008.



## CITY COUNCIL ACTION REPORT

DATE: September 3, 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 – 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:

- 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.

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

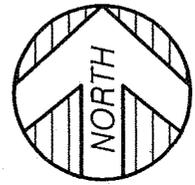
cc: Applicant  
File /Z 731

G:\REZONING REQUESTS\Z-731 Gas Station Tim Hortons Sec 23\CC Public Hearing 09 08 08.doc

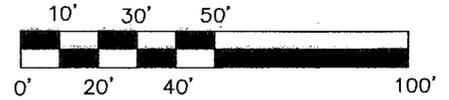
# CERTIFIED SURVEY

**PROPERTY DESCRIPTION:**

PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, COUNTY OF OAKLAND AND STATE OF MICHIGAN, BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE SOUTH 89 DEGREES 15 MINUTES EAST 220.87 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SECTION 23 A DISTANCE OF 233 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 23 A DISTANCE OF 220.87 FEET; THENCE NORTH ALONG WEST LINE OF SAID SECTION 23 A DISTANCE OF 233 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 60 FEET AND THE WEST 43 FEET THEREOF FOR HIGHWAY PURPOSES.



SCALE: 1"=50'



**POINT OF BEGINNING**

NORTHWEST CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST.  
 FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17038, PAGE 728, OAKLAND COUNTY RECORDS

**WATTLES ROAD**

60' RIGHT OF WAY (1/2 WIDTH) ASPHALT

NORTH CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST.  
 FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17038, PAGE 702, OAKLAND COUNTY RECORDS

**BASIS OF BEARINGS**

S89°15'00"E(R&M) 2653.91'(M)  
 220.87'(R) 220.37'(M)

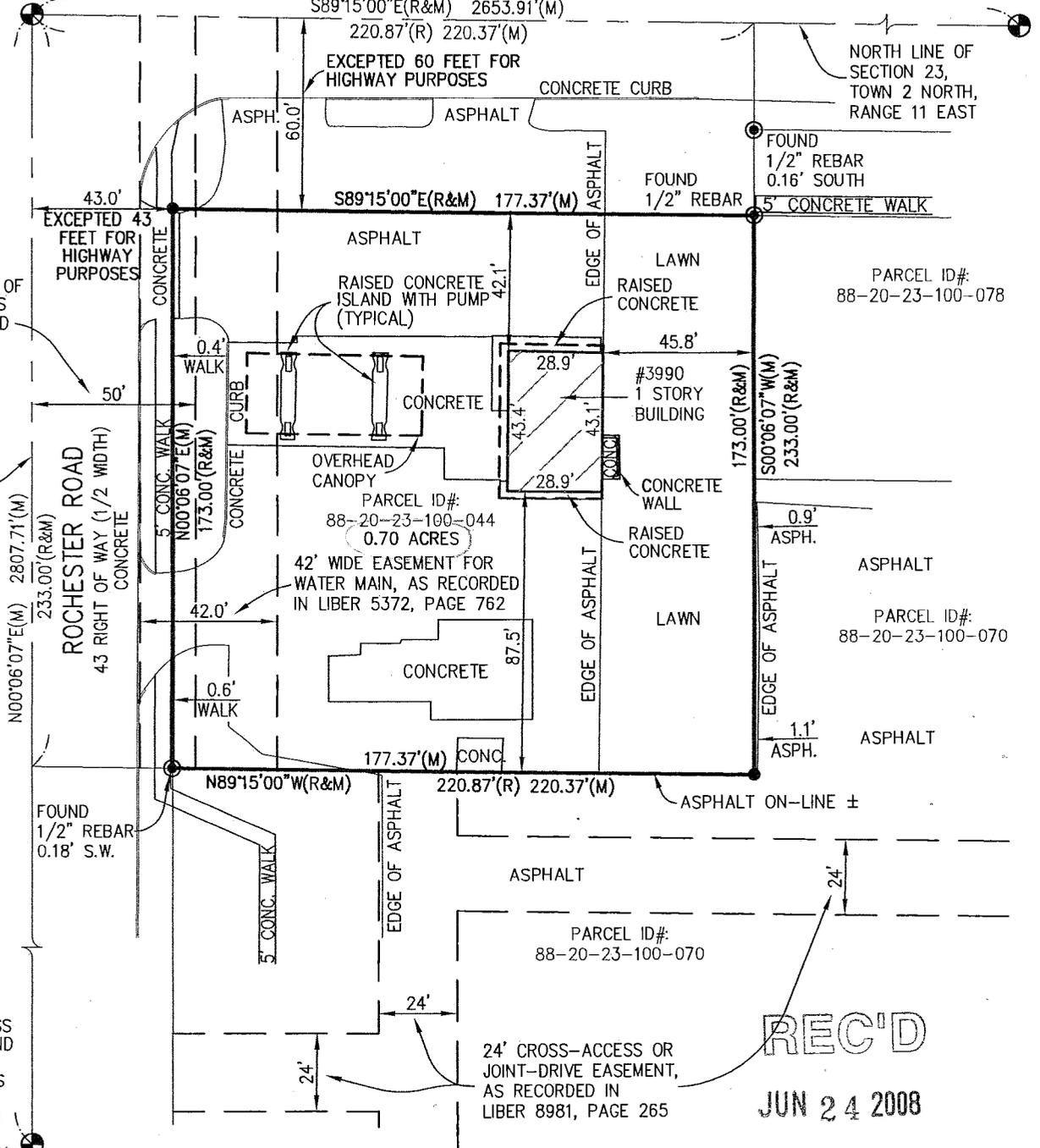
EXCEPTED 60 FEET FOR HIGHWAY PURPOSES

NORTH LINE OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST

50' WIDE GAS RIGHT OF WAY FOR CONSUMERS POWER, AS RECORDED IN LIBER 3851, PAGE 291

WEST LINE OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST

WEST 1/4 CORNER OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST. FOUND 2" BRASS CAP STAMPED OAKLAND COUNTY REMONUMENTATION, PS #17623 IN MONUMENT BOX, AS RECORDED IN LIBER 17156, PAGE 754, OAKLAND COUNTY RECORDS



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE OF UNADJUSTED FIELD OBSERVATIONS IS NOT GREATER THAN 1 PART IN 5000 AND MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

*Anthony T. Sycko, Jr.*  
 ANTHONY T. SYCKO, JR., P.S. NO. 47976

**LEGEND**

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

REC'D

JUN 24 2008

PLANNING DEPT.

<b>KEM-TEC &amp; ASSOCIATES</b> 22556 GRATIOT AVE. EASTPOINTE, MI 48021 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS (586)772-2222 * FAX (586)772-4048	
CERTIFIED TO: SAFEWAY OIL COMPANY	
FIELD SURVEY: KB JO	DATE: MAY 21, 2008
DRAWN BY: JRA	SHEET: 1 OF 1
SCALE: 1" = 50'	JOB NO.: 07-12490

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 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 \_\_\_\_\_ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 05.20.00 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as H-S (Highway Service), the following described property, to wit:

T2N, R11E, NW ¼ of Section 23

Beginning at the northwest corner of said Section 23; thence S 89°15'00" E, 220.87 ft.; thence S 00°06'07" W, 233.00 ft. parallel to the West line of Section 23; thence N 89°15'00" W, 220.87 ft. parallel to the North line of said Section 23; thence N 00°06'07" E, 233.00 ft. along the West line of said Section 23 to the Point of Beginning, except the North 60 ft. and the West 43 ft. thereof for highway purposes. Containing 0.70 ac. more or less and being subject to all encumbrances of record.

The subject property is located on the southwest corner of Rochester Road and Wattles, in Section 23, within the B-1 (Local Business) zoning district, being approximately 0.70 acres in size.

Section 3. Repeal

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

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

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

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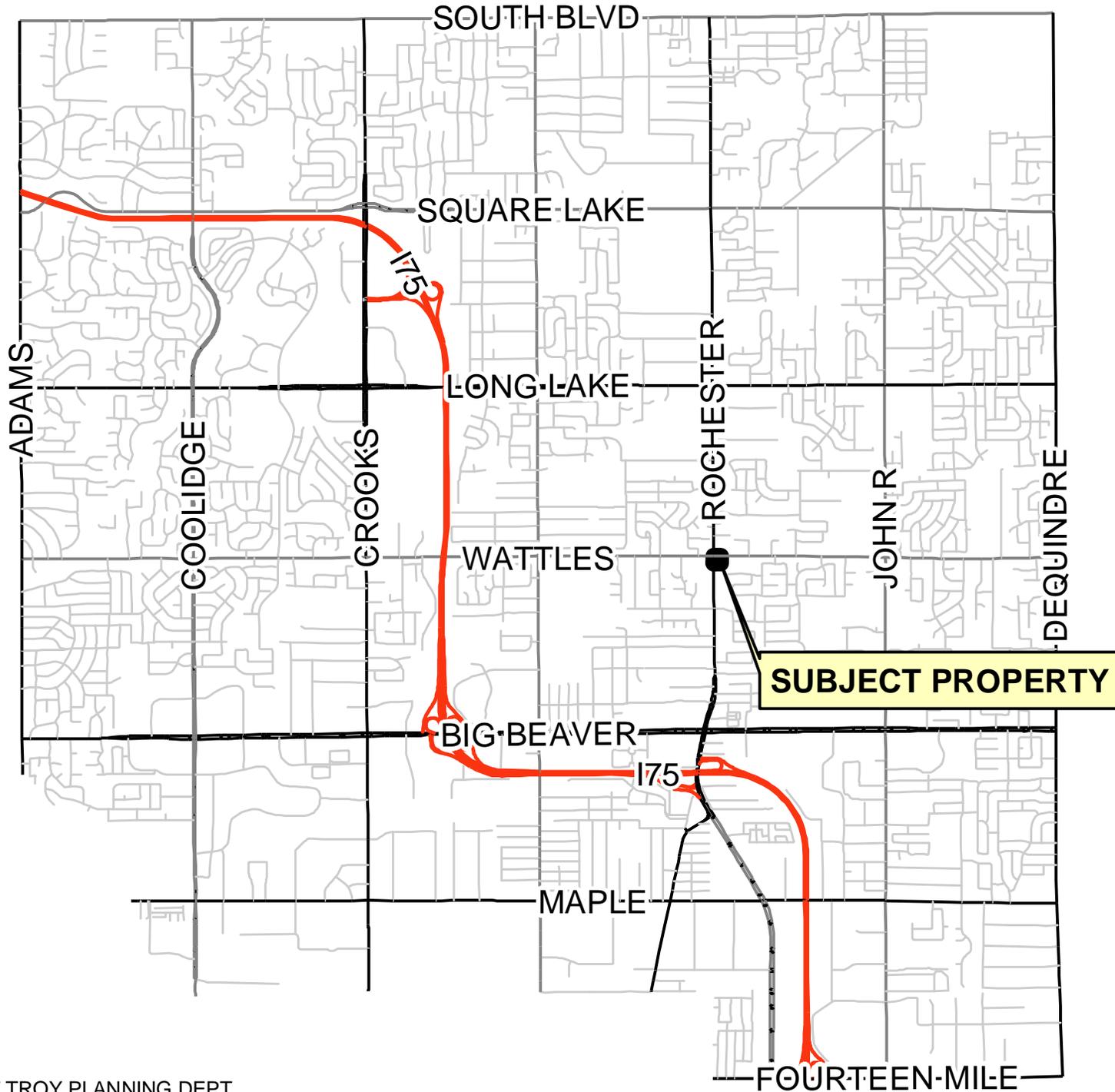
Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

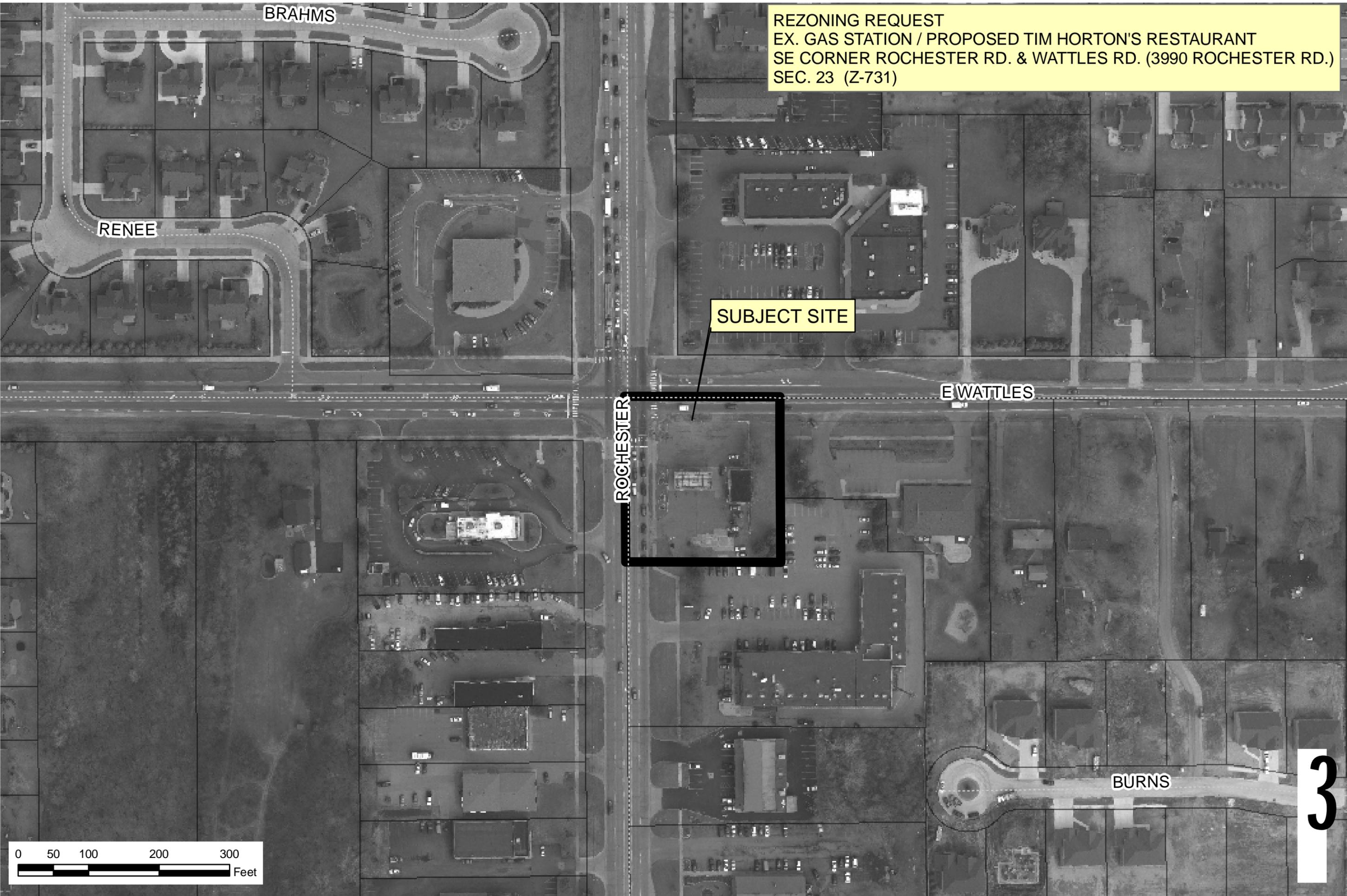
**PUBLISHED:** \_\_\_\_\_

# 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)

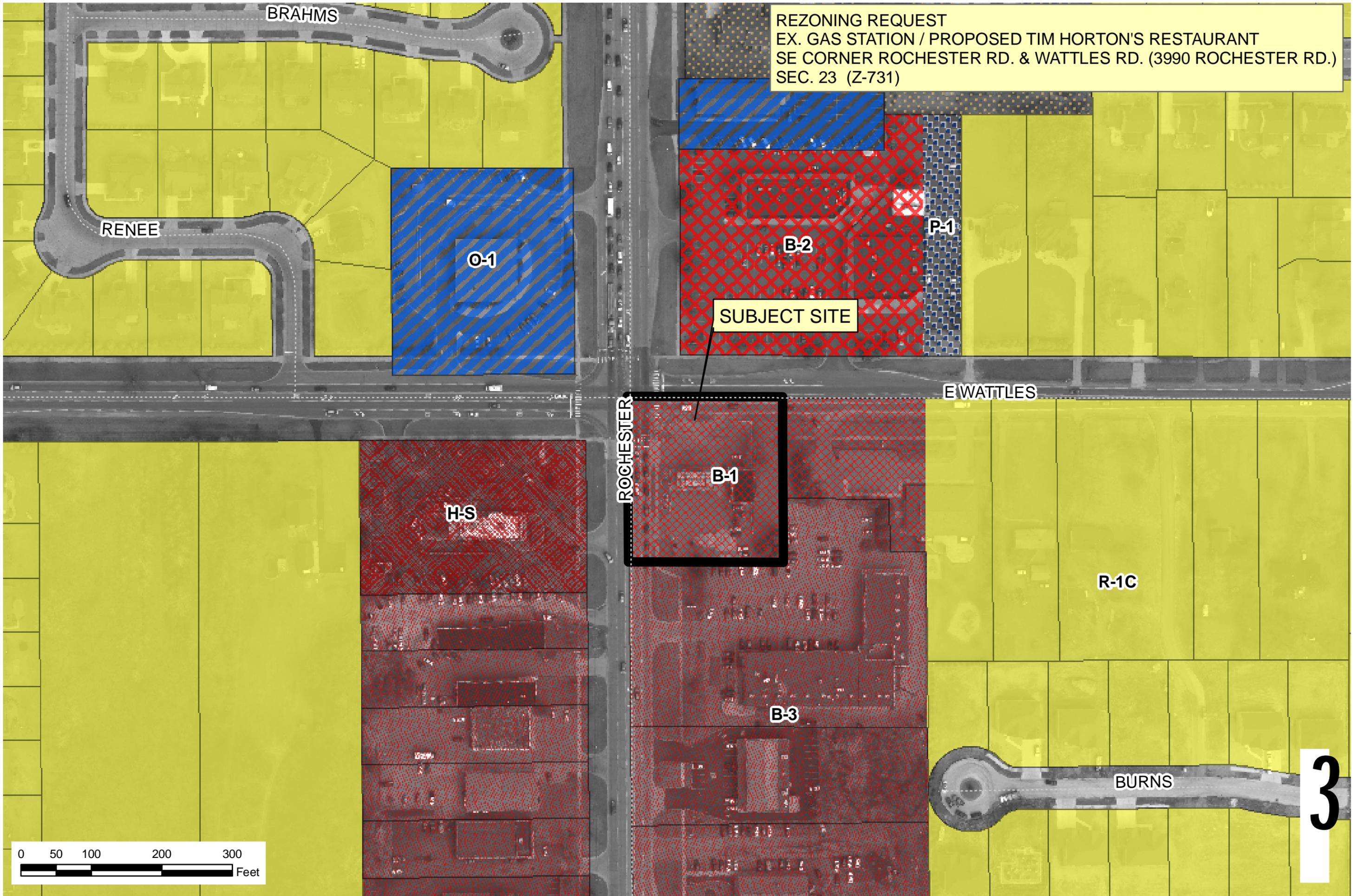
SUBJECT SITE



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

E WATTLES

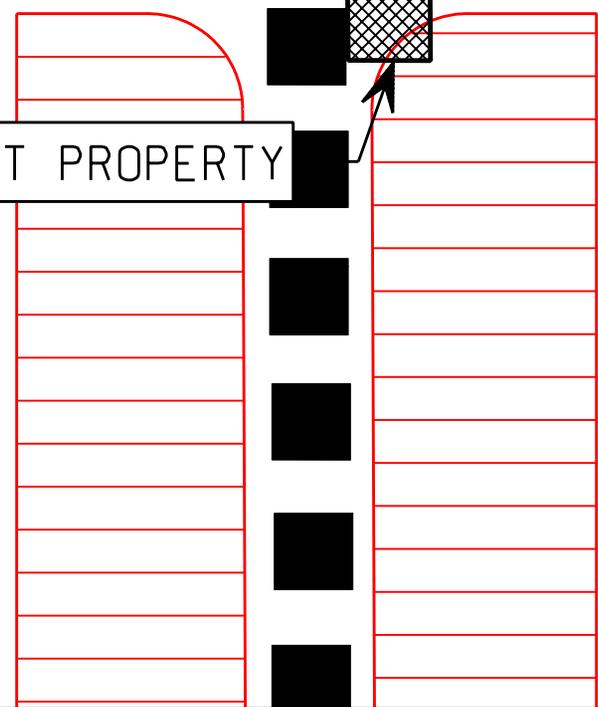
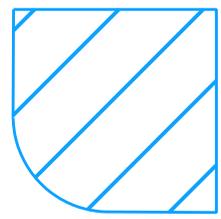
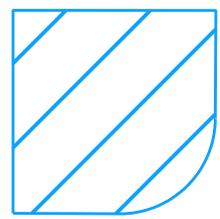
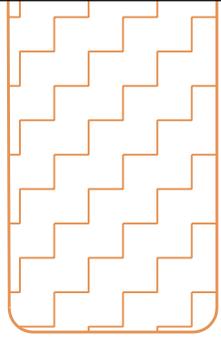
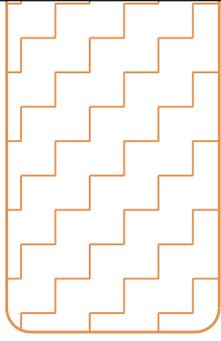
ROCHESTER

3



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

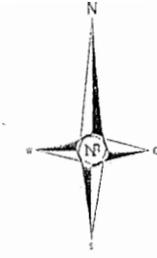
SECTION 27  
T.2N., R.11E.

E. Chopin Ave. (50' Wd.)  
ASPHALT

Livernois Rd. 106' Wd.

Public Alley 18' Wd.  
(VACATED)

E. Maple Rd. (106' Wd.)



NE

**NOWAK & FRAUS**

Consulting Engineers  
Land Surveyors  
Land Planners

1310 N. Stephenson Highway  
Royal Oak, MI 48067-1508  
Tel: (248) 399-0886  
Fax: (248) 399-0805



PROJECT  
Clark Gas Station  
Troy, Michigan

CLIENT  
Bala / Ramana  
1602 Livernois Road  
Troy, Michigan 48063

Tel: (248) 874-8486  
Fax: (248) 669-3313

PROJECT LOCATION  
Part of the West 1/2 of  
Section 27, Town 2  
North, Range 11 East,  
City of Troy, Oakland  
County, Michigan

SHEET  
Final Site Plan

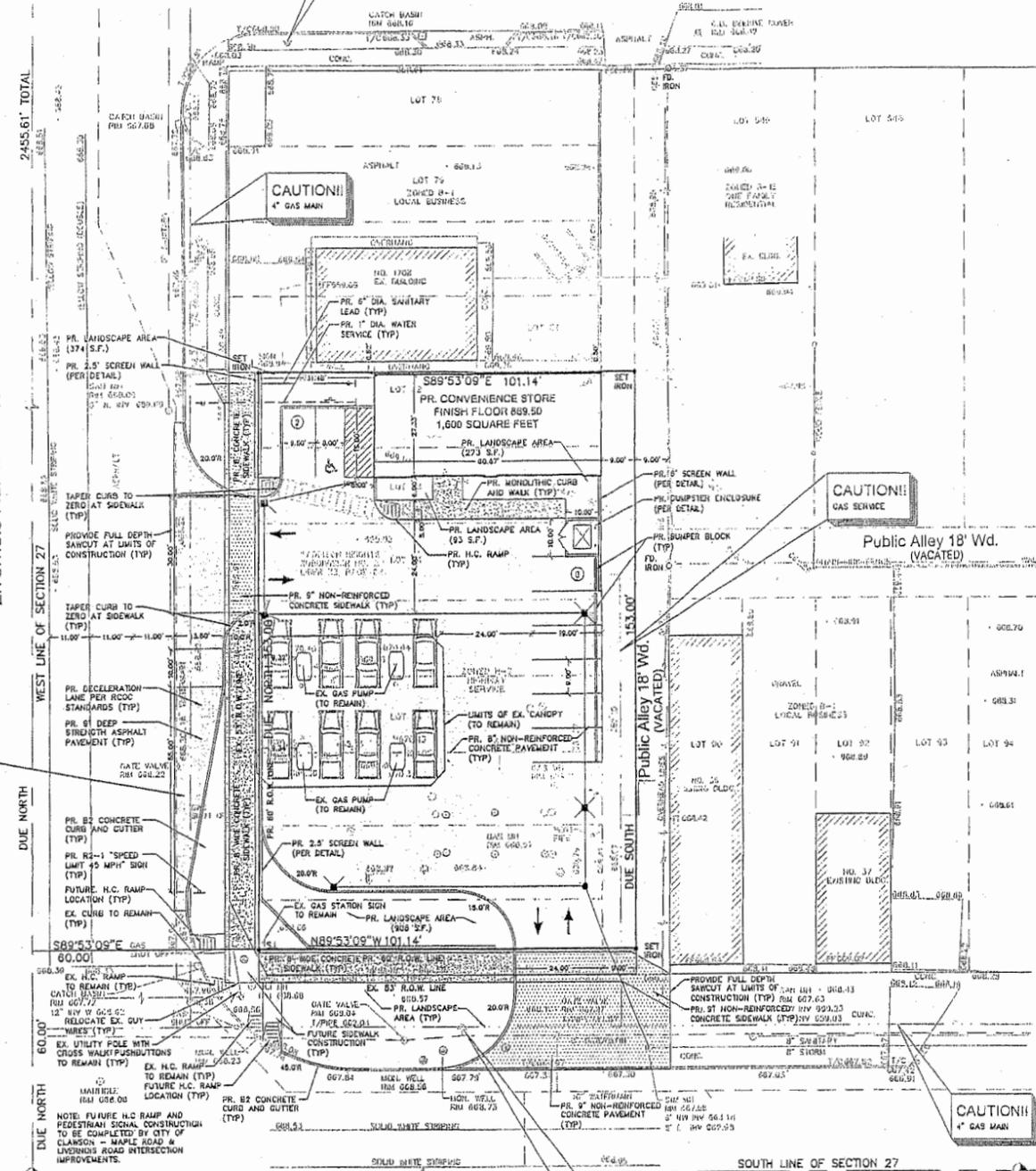


DATE: 05-20-07  
REVISION: 07-10-07

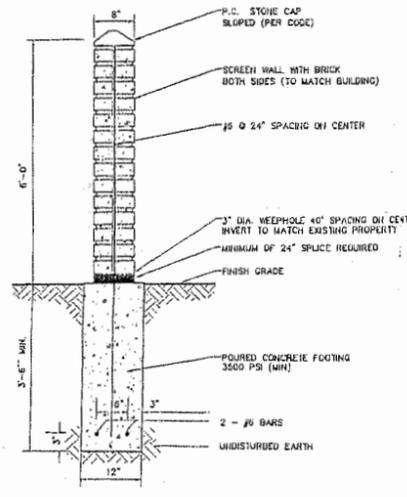
FINAL SITE PLAN APPROVED  
ON: 05-20-07  
PLANNING DEPARTMENT

PLANNING DEPT. COPY

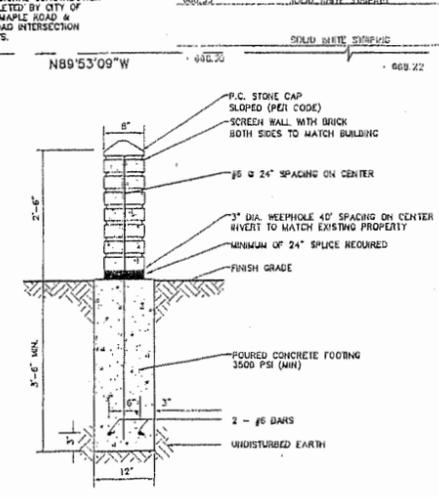
DRAWN BY: J. Longhurst  
DESIGNED BY: J. Longhurst  
APPROVED BY: M. Peterson  
DATE: 05-30-07  
SCALE: 1" = 20'  
SHEET NO. C2



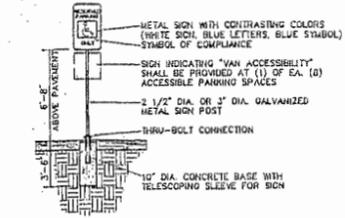
NOTE: 9" DEEP STRENGTH ASPHALT SHALL CONSIST OF 2" MDOT 4C, OVER 2" MDOT 3C, OVER 5" MDOT 11A, OVER A SUITABLE BASE. ASPHALT SHALL BE PLACED IN 4' LIFTS, 2.5", 2.5", 2" AND 2".



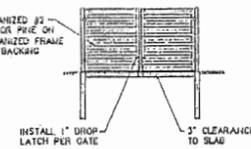
6' SCREEN WALL DETAIL  
NTS



2.5' SCREEN WALL DETAIL  
NTS



BARRIER FREE PARKING SIGN DETAIL  
N.T.S.



DUMPSTER ENCLOSURE DETAIL  
N.T.S.

**SITE DATA**

SITE AREA	15,475 SQUARE FEET OR 0.355 ACRES
GROSS	
BUILDING AREA	
GROSS	1,600 SQUARE FEET
BUILDING HEIGHT	
MAXIMUM PERMITTED	40' HEIGHT
PROPOSED	17.00' HEIGHT
ZONING	
EXISTING	H-5 (HIGHWAY SERVICE DISTRICT)
REQUIREMENTS	
FRONT (WEST)	40'
FRONT (SOUTH)	40'
SIDE (EAST)	20' (2' IF LOTS IN CONJUNCTION WITH OTHER 'D' DISTRICTS)
REAR	30' (75' WHERE ADJUTS RESIDUAL) 900'
LANDSCAPE	
REQUIRED: 10% OF SITE AREA (1547.5 X 0.10 =)	1546 SF.
PROVIDED: (906 + 273 + 374 + 93 =)	1646 SF.
VARIANCES GRANTED 02-20-07	
31' 4" FRONT SETBACK FROM LIVERNOIS, WHERE 40' REQUIRED	
9.00' SETBACK TO RESIDUAL, WHERE 75' REQUIRED	

**PAVING LEGEND**

[Pattern]	PROPOSED 4" CONCRETE SIDEWALK
[Pattern]	PROPOSED 9" CONCRETE PAVEMENT
[Pattern]	PROPOSED 6" CONCRETE PAVEMENT
[Pattern]	PROPOSED 9" DEEP STRENGTH ASPHALT PAVEMENT

**LEGEND**

[Symbol]	MANHOLE	EXISTING SANITARY SEWER
[Symbol]	HYDRANT	SAN. CLEAN OUT
[Symbol]	MANHOLE CATCH BASIN	EXISTING WATERMAIN
[Symbol]	UTILITY POLE	EXISTING STORM SEWER
[Symbol]	OUT POLE	EX. R. T. CATCH BASIN
[Symbol]	CUT WIRE	EXISTING BURIED CABLES
[Symbol]	OVERHEAD LINES	EXISTING OVERHEAD LINES
[Symbol]	LIGHT POLE	EXISTING LIGHT POLES
[Symbol]	EXISTING GAS MAIN	PR. R. T. CATCH BASIN
[Symbol]	PR. SANITARY SEWER	EXISTING GAS MAIN
[Symbol]	PR. WATER MAIN	PR. SANITARY SEWER
[Symbol]	PR. STORM SEWER	PR. WATER MAIN
[Symbol]	PR. R. T. CATCH BASIN	PR. STORM SEWER
[Symbol]	PROPOSED LIGHT POLE	PR. R. T. CATCH BASIN
[Symbol]	PR. TOP OF CURB ELEVATION	PROPOSED LIGHT POLE
[Symbol]	PR. TOP OF GUTTER ELEVATION	PR. TOP OF CURB ELEVATION
[Symbol]	PR. TOP OF WALK ELEVATION	PR. TOP OF GUTTER ELEVATION
[Symbol]	PR. TOP OF FIN. ELEVATION	PR. TOP OF WALK ELEVATION
[Symbol]	FINISH GRADE ELEVATION	PR. TOP OF FIN. ELEVATION

SU 328

**LEGAL DESCRIPTION:**

(PROPERTY DESCRIPTION PER TITLE COMMITMENT)

NORTH 200 FEET OF THE EAST 215 FEET OF THE EAST FRAC. 1/2 OF THE NORTHEAST FRAC. 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, EXCEPT THE NORTH 35 FEET IN THE ROAD, ALSO EXCEPT THAT PART CELEST FOR HIGHWAY DESCRIBED AS THAT PART LYING NORTHEASTERLY OF LINE DESCRIBED AS BEGINNING AT A POINT DISTANT S 87°32'40"W 22.83 FEET AND S 05°34'41"E 125 FEET FROM THE NORTHEAST SECTION CORNER; THENCE NORTHEASTERLY TO A POINT ON THE NORTH SECTION LINE DISTANT S 87°32'49"W 22.83 FEET AND S 88°18'17"W 125 FEET FROM THE NORTHEAST SECTION LINE, ALSO EXCEPT THE EAST 50 FEET TAKEN FROM ROCHESTER ROAD.

**DESCRIPTION OF PROPERTY AS SURVEYED:**

PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF ROCHESTER ROAD, SAID POINT LOCATED S 88°08'50"W ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 75.0 FEET AND S 02°16'35"E 72.83 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 3, THENCE CONTINUING S 02°16'35"E ALONG SAID WEST LINE 127.17 FEET, THENCE S 88°08'50"W 140.00 FEET, THENCE N 02°16'35"W 140.00 FEET, THENCE N 88°08'50"E ALONG THE SOUTH LINE OF SOUTH BLVD. 127.17 FEET; THENCE S 47°03'51"E 10.21 FEET TO THE POINT OF BEGINNING.

SANITARY SEWER EASM'L, L. 5676, P. 548 IN SOUTH BLVD.

MICHIGAN BELL CASM'L, L. 4809, P. 809 IN SOUTH BLVD.

DETROIT EDISON & MICHIGAN BELL EASM'L, L. 0623, P. 656 IN ROCHESTER RD. R.O.W.

WATERMAIN EASM'L, L. 6253, P. 787 & L. 6254, P. 616 IN ROCHESTER RD.

DRIVEWAY CASM'L JUNE 15, 1987 EXPIRES AFTER 20 YRS. SUBJECT TO A 10 YEAR RENEWAL.

**BENCH MARKS**

BM#1  
ARROW ON HYDRANT  
ELEV=718.19

BM#2  
ARROW ON HYDRANT  
ELEV=716.73

**LEGEND**

- SET IRON
- FOUND IRON
- BOUNDARY LINE
- - - EASEMENT LINE
- - - LOT LINE
- ▨ BUILDING LINE
- CURB LINE
- CURB CUT
- FENCE
- UNDERGROUND ELECTRIC LINE
- GAS
- UNDERGROUND PHONE LINE
- OVERHEAD PHONE LINE
- OVERHEAD PHONE & ELECTRIC LINE
- COMBINED SEWER
- WATER LINE
- ELECTRIC METER
- FIRE HYDRANT
- GAS METER
- GATE VALVE & WELL
- GUY WIRE
- AIR CONDITIONER
- COMBINED MANHOLE
- CATCH BASIN
- SANITARY MANHOLE
- STORM MANHOLE
- UTILITY POLE
- METAL LIGHT POLE
- TELEPHONE RISER
- MONITORING WELL
- ELECTRIC TRANSFORMER PAD
- CLEAN OUT
- BEEHIVE CATCH BASIN
- TELEPHONE MANHOLE
- GUARD POST
- TRAFFIC SIGNAL POLE
- ELECTRIC SIGNAL POLE
- GAS VENT
- LIGHT POLE BASE
- VENTILATION PIPE
- WATER VALVE
- TREE - STEM-DIAMETER-DIAPHRAGM
- OPEN PORCH
- ASPH. ASPHALT
- CONC. CONCRETE
- F.F. FINISHED FLOOR
- 99.98T TOP OF CURB ELEVATION
- 99.99C OUTLET ELEVATION
- 99.99 SPOT ELEVATION

**VARIANCES GRANTED:**

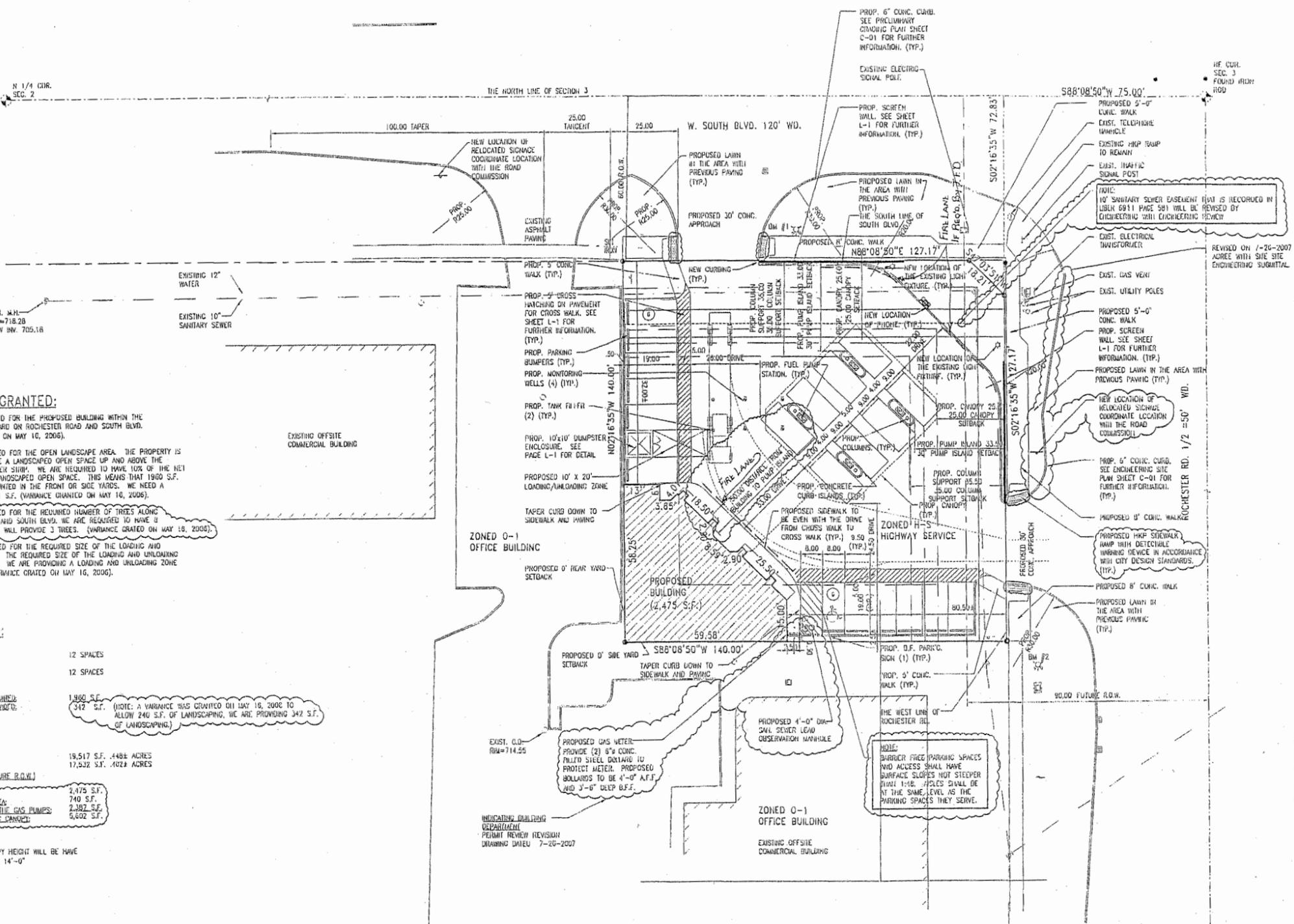
- VARIANCE REQUESTED FOR THE PROPOSED BUILDING WITHIN THE REQUIRED REAR YARD ON ROCHESTER ROAD AND SOUTH BLVD. (VARIANCE GRANTED ON MAY 10, 2006).
- VARIANCE REQUESTED FOR THE OPEN LANDSCAPE AREA. THE PROPERTY IS REQUIRED TO HAVE A LANDSCAPED OPEN SPACE UP AND ABOVE THE LANDSCAPED BUFFER STRIP. WE ARE REQUIRED TO HAVE 10% OF THE NET SITE AREA AS A LANDSCAPED OPEN SPACE. THIS MEANS THAT 1900 S.F. NEEDS TO BE COUNTED IN THE FRONT OR SIDE YARDS. WE NEED A VARIANCE OF 1751 S.F. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REQUIRED NUMBER OF TREES ALONG ROCHESTER ROAD AND SOUTH BLVD. WE ARE REQUIRED TO HAVE 3 TREES TOTAL. WE WILL PROVIDE 3 TREES. (VARIANCE GRANTED ON MAY 16, 2006).
- VARIANCE REQUESTED FOR THE REQUIRED SIZE OF THE LOADING AND UNLOADING ZONE. THE REQUIRED SIZE OF THE LOADING AND UNLOADING ZONE IS 500 S.F. WE ARE PROVIDING A LOADING AND UNLOADING ZONE OF 200 S.F. (VARIANCE GRANTED ON MAY 16, 2006).

**TABULATION:**

SITE DATA	12 SPACES
LANDSCAPING DATA	1,480 S.F.
LANDSCAPING AREA REQUIRED	342 S.F. (NOTE: A VARIANCE WAS GRANTED ON MAY 16, 2006 TO ALLOW 240 S.F. OF LANDSCAPING. WE ARE PROVIDING 342 S.F. OF LANDSCAPING.)
SITE AREA	19,517 S.F. 448 ACRES
GROSS AREA	17,532 S.F. 402 ACRES
NET AREA (AFTER FUTURE R.O.W.)	
BUILDING AREA	2,475 S.F.
ATTACHED CANOPY AREA	740 S.F.
CANOPY AREA ABOVE THE GAS PUMPS	2,382 S.F.
TOTAL AREA INCLUDING CANOPY	5,602 S.F.

NOTE: THE PROPOSED CANOPY HEIGHT WILL BE HAVE A MINIMUM HEIGHT OF 14'-0"

NOTE: ROCHESTER HILLS LOCATED TO THE NORTH OF THE PROPERTY



PLANNING DEPT Copy  
FINAL SITE PLAN APPROVED  
ON Nov 14, 2007  
PLANNING DEPARTMENT

REC'D  
NOV 2 - 2007  
PLANNING DEPT



**PROPOSED SITE PLAN**  
SCALE: 1" = 20'

SU 337

SU-337

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) 588-2600, FAX # (248) 588-3117, E-MAIL: METCOLAND@AOL.COM THE SURVEY JOB # IS L5-04032

**REVISIONS:**

FEBRUARY 14, 2006	OWNERS REVIEW
FEBRUARY 21, 2006	OWNERS REVIEW
MARCH 15, 2006	OWNERS REVIEW
MARCH 23, 2006	PRELIMINARY CITY REVIEW
MAY 19, 2006	SPECIAL USE SUBMITTAL
JULY 19, 2006	SITE PLAN SUBMITTAL
JULY 25, 2006	PRELIMINARY PLAN
AUGUST 23, 2006	OWNERS REVIEW
AUG. 28, 2006	SPECIAL USE SUBMITTAL
NOV 10, 2006	PERMIT RESUBMITTAL
OCTOBER 20, 2006	OWNERS REVIEW
OCTOBER 31, 2006	OWNERS REVIEW
NOVEMBER 1, 2006	OWNERS REVIEW
NOV. 02, 2006	SPECIAL USE SUBMITTAL
NOV. 02, 2006	SPECIAL USE SUBMITTAL
DEC. 05, 2006	SPECIAL USE SUBMITTAL
FEB. 14, 2007	BLDG. PERMIT RESUBMITTAL
APRIL 30, 2007	BLDG. PERMIT RESUBMITTAL
JULY 26, 2007	BLDG. PERMIT RESUBMITTAL
AUGUST 21, 2007	BLDG. PERMIT RESUBMITTAL

5010  
CORPORATE ASSOCIATES  
3125 HURON  
ST. CLAIR SHORES, MI 48062  
(800) 354-6500  
FAX: (588) 241-9776  
ARCHITECTS AND ENGINEERS

PROPOSED GAS STATION AND C-STORE  
FOR BRIAN SHARRAK  
6969 ROCHESTER ROAD  
TROY, MI.

DRAWN BY:  
CHECKED BY:  
W.D.  
DATE:  
FEBRUARY 9, 2006  
SCALE:  
AS NOTED  
JOB NO.  
0605  
SHEET NO.  
C-3  
OF SHEETS

REVISIONS:

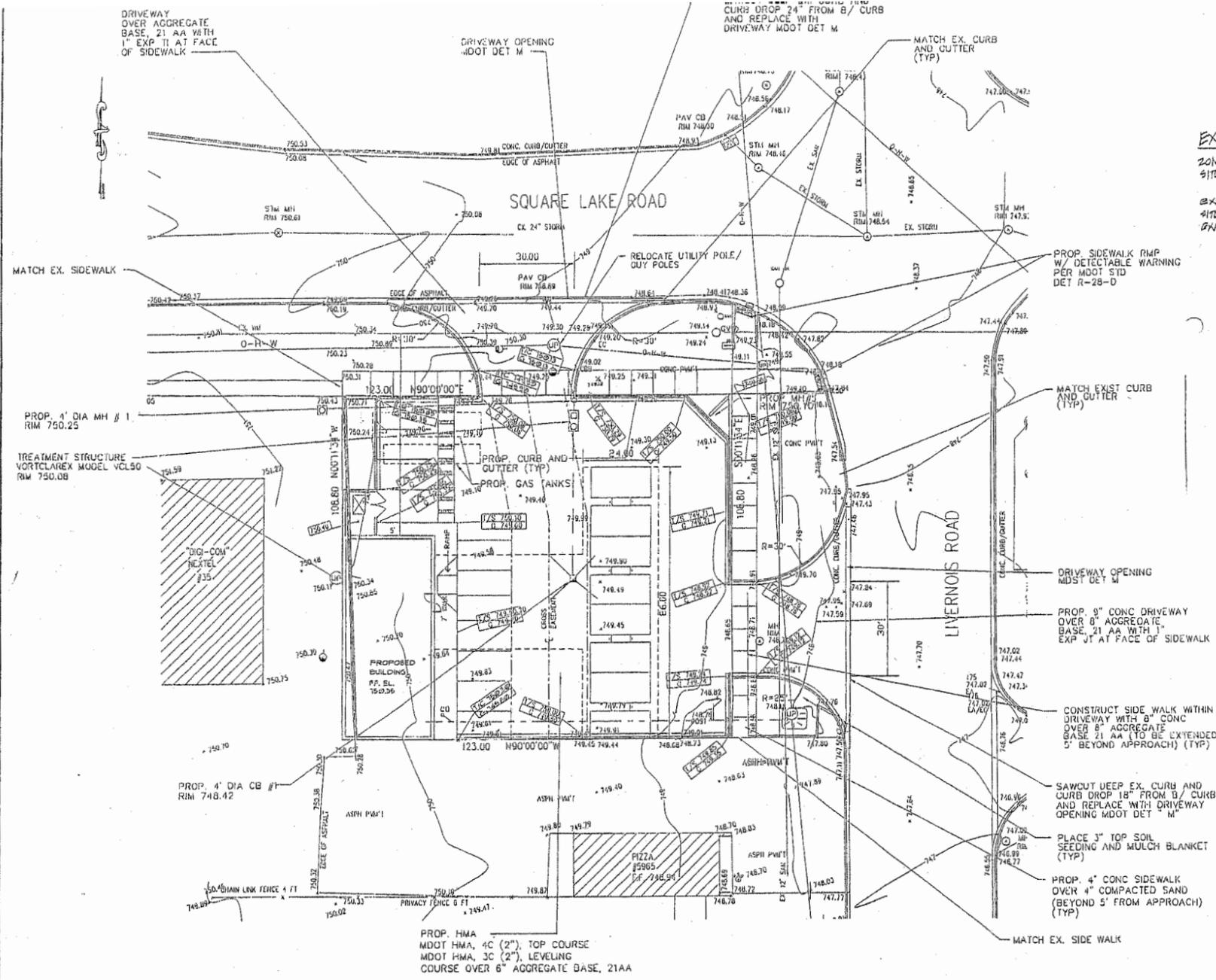
1-	Final Site	09/25/05
2-	Plan	
3-		
4-		
5-		
6-		
7-		

SQUARE LAKE - LIVERNOIS  
 MARATHON GAS STATION  
 5981 LIVERNOIS  
 TROY, MI 48066

SCALE / SIGNATURE  


DATE  
 PROJECT NO.: 0608TroyMarathon FILE NAME: C01  
 DRAWING TITLE:  
**FINAL SITE PLAN**

ISSUED BY: HAN PETERSON  
 CHECKED BY: DANIEL ANDERSON  
 DATE: 09/21/05  
 SHEET NO.  
**C01**



**SITE PLAN**  
 SCALE: 1" = 20'

**EXISTING**

ZONING: H-5 HIGHWAY SERVICE  
 SITE AREA: 150' x 125' 80" = 20,370 SQ. FT. = 4676 A.  
 NET: 123' x 106' 80" = 13,282.4 SQ. FT. = 2972 A.  
 EXIST. BLDG.: 28' x 59' = 1652 SQ. FT. APPROX.  
 SITE COVERAGE: 145% = 13,382.4 = 12.34 %  
 EXIST. PARKING: PUMP 6  
 STORAGE 10  
 14 CARS TOTAL

**PROPOSED**

ZONING: H-5 HIGHWAY SERVICE  
 SITE AREA: 150' x 125' 80" = 20,370 SQ. FT. = 4676 A.  
 NET: 123' x 106' 80" = 13,282.4 SQ. FT. = 2972 A.  
 BUILDING: 24' x 44' = 1056 SQ. FT. APPROX.  
 SITE COVERAGE: 188% = 13,282.4 = 14.11 %  
 PARKING: PROVIDED 10 CARS SHORT  
 TREES: 123' x 106' 80" = 2131.8 / 80 = 7.72 = 8 TREES  
 MIN. LOT AREA = 15,400 SQ. FT. = 13,382.4 + 2117.6 = 15,499.8 SQ. FT. SHORT  
 APPROX. BELT = 123' x 106' 80" = 13,282.4 SQ. FT. = 13.282.4 + 20 FT.  
 (NOT TO INCLUDE GREENBELT)  
 11 x 28.5 = 313.5 WEST. 12  
 1388.4  
 313.5  
 1024.715 SQ. FT. SHORT

- POTENTIAL UNDERMINING IN ROAD AREA FROM UNDERMINING CONDITIONS
  - TO APPLY FOR SOIL EROSION PERMIT FROM CITY OF TROY BUILDING DEPT.
  - SEPARATE APPROVAL FROM PUD, DEPT. FOR SIGN & LOCATION
- PERMITS GRANTED FROM E. Z.A.  
 1. SIDE SETBACK FOR CANOPY SUPPORT, PUMP ISLAND & CANOPY BRG.  
 2. ROAD SETBACK FOR BLDG. SETBACK.  
 3. LANDSCAPING.  
 4. POSSIBILITY FOR WHEEL WIDTH.

**GENERAL NOTES:**

ALL MATERIAL AND CONSTRUCTION FOR CONCRETE DRIVEWAY, CONCRETE SIDEWALK, DRAINAGE STRUCTURES, STORM SEWER, AND TRENCHING DETAILS SHALL BE IN ACCORDANCE WITH CITY OF TROY STANDARDS AND SPECIFICATIONS AND MICHIGAN DEPARTMENT OF TRANSPORTATION 2003 STANDARD SPECIFICATIONS FOR CONSTRUCTION.

THE CONTRACTOR SHALL NOTIFY CITY OF TROY A MINIMUM OF 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

THE CONTRACTOR SHALL OBTAIN ALL THE NECESSARY PERMITS FROM CITY OF TROY, OAKLAND COUNTY ROAD COMMISSION, OAKLAND COUNTY DRAIN COMMISSION PRIOR TO ANY WORK BEING DONE ON STORM SEWER OR ALONG MAPLE ROAD.

SEE ATTACHED MICHIGAN 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 SO THE DESIGN ENGINEER MAY 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 REPLACE, OR RELOCATE THEIR FACILITIES. ALL COST FOR THIS SHALL BE INCLUSIVE TO THIS 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 REPAIRED SAME TO THE SATISFACTION OF THE AUTHORITY HAVING JURISDICTION OF THE UTILITY, AT HIS OWN EXPENSE.

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 MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. CALL MISS DIG (800) 487-1111 A MINIMUM OF 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

**LEGEND**

-  PROP. CATCHBASIN
- PROP. 8" MANHOLE
- PROP. 6" MANHOLE
-  EXISTING MANHOLE
- PROPOSED 8" SEWER
-  PROPOSED SPOT ELEVATION
-  PROPOSED CURB AND GUTTER ELEVATION
-  PROPOSED TOP OF SIDEWALK AND PAVEMENT ELEVATION
- PROP. 4" CONC. ISLE AND PAVT. ELEVATION
-  EXISTING ELEVATION
-  REMOVE

PLANNING DEPT COPY  
 FINAL SITE PLAN APPROVED  
 ON Oct 5, 2005  
 R. J. Johnson  
 PLANNING DEPARTMENT

SU 326

REC'D  
 OCT -4 2005  
 PLANNING DEPT.





September 3, 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



## CITY COUNCIL ACTION REPORT

September 4, 2008

TO: The Honorable Mayor and City Council Members

FROM: Phillip L. Nelson, City Manager  
John M. Lamerato, Assistant City Manager/Finance & Administration  
Brian P. Murphy, Assistant City Manager/Economic Development Services  
Tonni L. Bartholomew, City Clerk

SUBJECT: Informational Brochure for the November 2008 General Election

Attached is an informational brochure prepared by City management to distribute to all households with registered voters in Troy in advance of the General Election in November.

As directed by Council, staff is submitting the informational brochure to Council for approval of the content in advance of distributing to the voters of Troy.

For reference, absentee ballots are anticipated to be mailed September 29, 2008. In the past the City has endeavored to send out and provide informational brochures in advance of the absentee ballots mailing in an effort to avoid late distribution to absentee voters.

 <span data-bbox="256 109 511 357">City of Troy</span>	<p data-bbox="667 130 967 310">City Clerk's Office 500 W. Big Beaver Troy, MI 48084 (248) 524-3316 <a href="mailto:elections@troymi.gov">elections@troymi.gov</a></p>	<p data-bbox="1117 170 1471 275"><b>INFORMATIONAL BROCHURE</b></p>
--	---	--

**• GENERAL ELECTION DATES TO REMEMBER**

Election Day

**Tuesday, November 4, 2008**  
Polls are open from 7:00 AM until 8:00 PM

Last Day to Register to Vote

**Monday, October 6, 2008**  
The City Clerk's Office will be open on Saturday, November 1, 2008 from 10:00 AM until 2:00 PM for absentee balloting

**• THE BALLOT QUESTION**

Charter Amendment Proposal 08-1: 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 \_\_\_ or No \_\_\_?

**YES** A YES vote means that the 2009 City of Troy maximum allowable Operating and Capital Millage Rate will be reduced from the Headlee limited 8.5076 mills to a rate that shall not be higher than 8.1000 mills. Based on a letter from the Attorney General's office, the 2010 and beyond millage rates are unknown at this time.

**NO** A NO vote means that the City Council may by Charter authorization levy up to a Headlee reduced maximum of 8.5076 mills. (Currently the City Council has approved a levy of 8.1000 mills.)



City Clerk's Office  
500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3316  
[elections@troymi.gov](mailto:elections@troymi.gov)

## INFORMATIONAL BROCHURE

### • ABOUT THE INITIATORY PETITION

A citizen- initiated petition proposing that the City Charter be amended was circulated in Troy and received the required 2,751 signatures to place a proposed amendment to the Troy City Charter on the November 4, 2008 General Election ballot.

As required by Michigan Law, the submittal was forwarded to the Governor for her approval of the ballot language. The proposed language was also submitted to the Attorney General's Office for review.

Communications from both offices have noted an inconsistency with Public Act 279 of 1909, MCL 117.1 to MCL 117.38 (Michigan Compiled Laws). The Attorney General's Office concluded that the proposal is not consistent with this Public Act. However, Section 22 of the Home Rule City Act provides that all amendments submitted by initiatory petition are required to be submitted to the voters.

The Governor did not approve the ballot language.

### • QUESTIONS AND ANSWERS

Does this ballot proposal limit all of the millage levied by the City of Troy?

The City of Troy currently levies 8.1000 mills for Operating and Capital; 0.6800 mills for Refuse collection; and 0.5000 mills for Debt Service, for a total of 9.2800 mills. This ballot proposal only affects the 8.1000 mills levied for Operating and Capital.

Will this charter amendment have an effect on the City's AAA bond rating?

The City has been advised by our financial advisors that our AAA bond rating would be in jeopardy if this amendment passes which would result in higher interest rates on future borrowings and limit our savings on any potential refunding issues.

How can the millage rate be increased in future years?

If this proposal passes, the millage rate could be increased by a City Council initiated ballot question that is approved by a majority of registered City of Troy voters. The millage rate could be increased in future years if the City Charter is amended by the voters.

How would this proposal affect the budget process?

The millage rate is determined by dividing the revenue necessary for Operations/Capital by the total taxable value of the City. One effect of the proposed amendment on budget preparation would be receipt of the City levy information and timing of election dates.

As part of the millage rate determination, the City Assessor provides the amount of total taxable value for the fiscal year. The Assessor certifies the total taxable value at the end of March. The total taxable value is a crucial number in the development of the City's budget. Once the total taxable value is known the millage rate can be determined and thus the City budget is presented for a vote by the City Council by the third Monday in May, as required by the City Charter.

Should the millage rate require a confirmation or increase, passage would be required by the voters. There is insufficient time to place the question to the voters prior to the City Charter mandated budget adoption date. Michigan Election Law provides 4 dates annually on which a Special Election may be called. Those dates are the 3rd Tuesday in February and the 1st Tuesday after the 1st Monday in May, August and November. The estimated cost of a Special Election is \$75,000 (with consolidated precincts) which would be born entirely by the City of Troy.



City Clerk's Office  
 500 W. Big Beaver  
 Troy, MI 48084  
 (248) 524-3316  
[elections@troymi.gov](mailto:elections@troymi.gov)

## INFORMATIONAL BROCHURE

### • QUESTIONS AND ANSWERS, CONTINUED

What millages make up my total millage rate?

The total property tax bill is divided into 8 different taxing entities. Those entities are:

City of Troy	9.2800 mills
Troy School District;	9.4156 mills
State Education Tax	6.0000 mills
Oakland County Government	4.6461 mills
Oakland County Transportation Authority (SMART)	0.5900 mills
Oakland Intermediate Schools	3.3690 mills
Oakland County Community College	1.5844 mills
Oakland County Zoo Tax	0.1000 mills



### • ABOUT THE VOTING EQUIPMENT

The City of Troy will be utilizing the M100 optical scan voting devices shown below in all precincts and for Absent Voters, effective with the November 4, 2008 City Regular General Election. To vote, fill in the oval as shown below.



**TO VOTE:**  
 Darken the oval(s)   
 to the right of your  
 choice(s), as shown   
 IMPORTANT: DO NOT USE RED INK!

Please contact the City Clerk's Office if you have any questions or if you would like a demonstration of the equipment.



City of  
**Troy**

City Clerk's Office  
500 W. Big Beaver  
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# INFORMATIONAL BROCHURE



**MISCELLANEOUS RESOLUTION #08172**

BY: Commissioner Robert Gosselin, District #13

IN RE: **DESIGNATING JOHN R ROAD IN HONOR OF GEORGE W. SUAREZ** *RW*

To the Oakland County Board of Commissioners  
Chairperson, Ladies and Gentlemen;

**WHEREAS** George W. Suarez, the late Oakland County Commissioner from District #24 and our colleague and friend was a man who spent his life in the service of his neighbors, community and Oakland County as a whole; and

**WHEREAS** George W. Suarez served his beloved Madison Heights for almost half the time the city has been in existence – first as a Council Member and later as Madison Heights Mayor for more than twenty years; and

**WHEREAS** George W. Suarez served his community so admirably that former Madison Heights City Council member Margene Scott is quoted as saying of George, "He's probably the one person who shaped our history more than any other person. He brought us through a very crucial time in our history"; and

**WHEREAS** after George W. Suarez was elected to the Oakland County Board of Commissioners in 1998, he continued to serve the Madison Heights area as a member of the Knights of Columbus Father Heary Council; the VFW North End Post 140; was on the Board of Directors of the Boys and Girls Club of South Oakland County; and was deeply involved at his beloved St. Vincent Ferrer Catholic Church. There he served as a Eucharistic Minister, especially helping out the handicapped to make sure all parishioners could get communion, while also serving with the usher board; and

**WHEREAS** during his entire time in public service, George W. Suarez was highly regarded as a man who made very good decisions for his constituents, was even-handed in running meetings, and listened to all points of view – even those with which he strongly disagreed; and

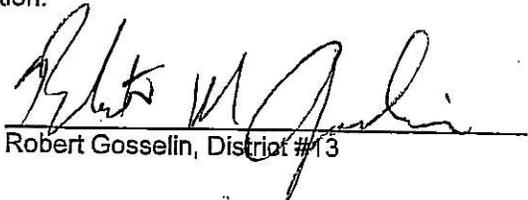
**WHEREAS** throughout all the ups and downs that surrounded him in his public life, during good times and bad, during calm discussions and heated ones, George W. Suarez always remained a gentleman, a man who had good rapport with colleagues of both political parties, was extremely well liked by all he met, and in the words of Madison Heights Mayor Edward Swanson was "a class act"; and

**WHEREAS** one of the legacies of George W. Suarez was his success in improving the roads in District 24 – not just in Madison Heights, but in the portions of Troy and Royal Oak which he also served.

**NOW THEREFORE BE IT RESOLVED** that the Oakland County Board of Commissioners hereby designates John R Road, from Ten Mile Road to Big Beaver Road, as GEORGE W. SUAREZ GENTLEMAN'S HIGHWAY. This new designation will last until December 31, 2008, at which time the street signs with the name "George W. Suarez Gentleman's Highway" will be presented to Mr. Suarez' family.

**BE IT FURTHER RESOLVED** that the Oakland County Board of Commissioners urges the City of Madison Heights and the City of Troy to join with us in designating John R. Road in honor of Mr. Suarez.

Chairperson, I move the adoption of the foregoing resolution.

  
Robert Gosselin, District #13

Eileen Kowal  
Commissioner  
District # 6

Hugh D. Crawford  
Commissioner  
District # 9

Robert W. Plevin  
Commissioner  
District # 13

Blaine  
Commissioner  
District # 1

Paul  
Commissioner  
District # 5

Thomas J. Middle  
Commissioner  
District # 4

Michael D. Hall  
Commissioner  
District # 3

Paul  
Commissioner  
District # 20

Christie A. Long  
Commissioner  
District # 7

Sue Ann Douglas  
Commissioner  
District # 12

Paul P. D.  
Commissioner  
District # 8

Vincent Beggs  
Commissioner  
District #

Eric Palma  
Commissioner  
District # 23

Tim Burr  
Commissioner  
District # 19

Arthur  
Commissioner  
District # 18

Delaine Zach  
Commissioner  
District # 22

David Cuthbert  
Commissioner  
District # 25

James  
Commissioner  
District # 15

Kevin  
Commissioner  
District # 16

Maree Gusherson  
Commissioner  
District # 17

Mattie M. Mitchell  
Commissioner  
District # 10

Tom Granel  
Commissioner  
District # 11

Mike Rong  
Commissioner  
District # 14

Bill Bullard Jr  
Commissioner  
District # 2

Resolution #08172

August 21, 2008

Moved by Gosselin supported by Nash to suspend the rules and vote on MISCELLANEOUS RESOLUTION #08172 – DESIGNATING JOHN R ROAD IN HONOR OF GEORGE W. SUAREZ.

Vote on motion to suspend the rules:

AYES: Coleman, Coulter, Crawford, Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Jacobsen, Kowall, Long, Middleton, Nash, Potter, Potts, Rogers, Scott, Spector, Woodward, Zack, Bullard, Burns. (24)

NAYS: None. (0)

A sufficient majority having voted in favor, the motion to suspend the rules and vote on MISCELLANEOUS RESOLUTION #08172 – DESIGNATING JOHN R ROAD IN HONOR OF GEORGE W. SUAREZ carried.

Moved by Gosselin supported by Nash the resolution be adopted.

AYES: Coulter, Crawford, Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Jacobsen, Kowall, Long, Middleton, Nash, Potter, Potts, Rogers, Scott, Spector, Woodward, Zack, Bullard, Burns, Coleman. (24)

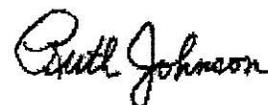
NAYS: None. (0)

A sufficient majority having voted in favor, the resolution was adopted.

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 August 21, 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 21st day of August, 2008.



Ruth Johnson, County Clerk



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** September 3, 2008  
**SUBJECT:** Massage Facility Licensing Ordinance

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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 attached, as well as proposed amendments to Chapter 60, (fees for the Massage Facility Licenses). If Council adopts the proposed Massage Facility License ordinance, then Chapter 98, Sections 98.15.01 through 98.15.06 would need to be repealed.

Although there was some discussion at the August 25, 2008 City Council meeting, this proposed ordinance is the same as the draft that was presented as an informational item at that time. Although there are no Michigan cases directly on point, there are cases in other jurisdictions that held that the automatic and permanent preclusion of a business license, based on a conviction, is a deprivation of due process rights. It is for this reason

that the proposed ordinance allows for some administrative discretion in the denial of a massage license for those individuals who have a conviction that is at least 10 years old. The grant of a license in these cases would be based on the results of the police department's background investigation and recommendation. By having an administrative review, the business license applicant avoids the public disclosure that would otherwise be required by a City Council hearing at a public meeting. It is our recommendation that the proposed ordinance be approved by City Council.

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 1<sup>st</sup> to December 31<sup>st</sup> 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 1<sup>st</sup> to December 31<sup>st</sup> 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

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~~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.~~

Regular Meeting of the Troy City Council was held Monday, August 25, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Steve Husava of Northfield Hills Baptist 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

**b) Resolution to Excuse Mayor Pro Tem Martin Howrylak**

Resolution #2008-08-259  
 Moved by Eisenbacher  
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Martin Howrylak at the Regular City Council and Closed Session meetings of August 25, 2008 due to being out of the County.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin  
 No: None  
 Absent: Howrylak

**MOTION CARRIED**

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:**

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (July), Carol Anderson, Parks & Recreation Director presented a check in the amount of \$450.88 to Ann Comiskey, Executive Director; Renee Michalek, President and Tim Burns, Vice President of the *Troy Community Coalition*.

**CARRYOVER ITEMS:**

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- B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving comment from the Petitioner and Audre Zembrzuski.

Resolution #2008-08-260

Moved by Beltramini

Seconded by Fleming

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: Beltramini, Broomfield, Fleming, Kerwin, Schilling

No: Eisenbacher

Absent: Howrylak

**MOTION CARRIED**

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

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving no comment from the Public.

Resolution #2008-08-261

Moved by Kerwin

Seconded by Fleming

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: Broomfield, Fleming, Kerwin, Schilling, Beltramini

No: Eisenbacher

Absent: Howrylak

## **MOTION CARRIED**

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### **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**

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving comment from the Petitioner.

Resolution #2008-08-262

Moved by Broomfield

Seconded by Kerwin

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: Eisenbacher, Fleming, Kerwin, Schilling, Broomfield

No: Beltramini

Absent: Howrylak

**MOTION CARRIED**

The meeting **RECESSED** at 8:50 PM.

The meeting **RECONVENED** at 9:02 PM.

**POSTPONED ITEMS:**

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**D-1 No Postponed Items**

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

**REGULAR BUSINESS:**

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**E-5 Library Café Space Recommendation**

Resolution #2008-08-263  
Moved by Eisenbacher  
Seconded by Beltramini

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.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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

**(b) City Council Appointments**

Resolution #2008-08-264  
Moved by Kerwin  
Seconded by Eisenbacher

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: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher, Fleming  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: No nominations forwarded (b) City Council Nominations: No nominations forwarded**

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

Resolution #2008-08-265  
Moved by Schilling  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Mary Kerwin as Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** Council Member Robin Beltramini 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 Mackinac Island, Michigan.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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

Resolution #2008-08-266  
Moved by Kerwin  
Seconded by Beltramini

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

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin, Schilling  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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

Resolution #2008-08-267  
Moved by Beltramini  
Seconded by Kerwin

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: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling, Beltramini  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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**E-7 Library Fee Schedule Amendment**

Resolution #2008-08-268  
Moved by Kerwin  
Seconded by Fleming

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 October 1, 2008.

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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**E-8 Amendment to Troy City Code Chapter 93 – Fire Prevention**

Resolution #2008-08-269  
Moved by Eisenbacher  
Seconded by Beltramini

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: Fleming, Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher  
No: None  
Absent: Howrylak

**MOTION CARRIED****CONSENT AGENDA:**

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

Resolution #2008-08-270-F-1a

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) F-7, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher, Fleming

No: None

Absent: Howrylak

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

Resolution #2008-08-270-F-2

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**

Resolution #2008-08-270-F-4a

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**

Resolution #2008-08-270-F-5

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;

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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.

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

**a) Transfer of Resort Class C License**

Resolution #2008-08-270-F-6a

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**

Resolution #2008-08-270-F-6b

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.

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**F-8 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**

Resolution #2008-08-270-F-8

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.

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**F-9 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**

Resolution #2008-08-270-F-9

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.

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**F-10 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**

Resolution #2008-08-270-F-10

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.

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**F-11 Troy Daze Festival Parking Services**

Resolution #2008-08-270-F-11

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.

---

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

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**F-7 Fireworks Permit – Troy Daze Festival**

Resolution #2008-08-271  
Moved by Eisenbacher  
Seconded by Beltramini

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.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin  
No: None  
Absent: Howrylak

**MOTION CARRIED**

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**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  
Noted and Filed

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**G-2 Memorandums:**

- a) Massage Facility Licensing Ordinance  
Noted and Filed

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

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

Resolution #2008-08-272  
Moved by Beltramini  
Seconded by Kerwin

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: Beltramini, Kerwin, Schilling  
No: Broomfield, Eisenbacher, Fleming  
Absent: Howrylak

**MOTION FAILED**

**COUNCIL COMMENTS:**

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**I-1 Council Comments:**

Council Members Eisenbacher and Fleming inquired of Staff as to the status of Mr. Ross's request for screening of his view of Raintree Park.

**REPORTS:**

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**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
- Noted and Filed

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**J-2 Department Reports:**

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

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**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
- Noted and Filed

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

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

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

Noted and Filed

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

Noted and Filed

**STUDY ITEMS:**

- 
- K-1 No Study Items Submitted

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

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

The meeting **RECESSED** at 10:28 PM.

The meeting **RECONVENED** at 10:34 PM.

The meeting **ADJOURNED** at 11:55 PM.

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Louise E. Schilling, Mayor

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Barbara A. Pallotta, CMC  
Deputy City Clerk

**PROCLAMATION  
INTERNATIONAL DAY OF PEACE  
SEPTEMBER 21, 2008**

**WHEREAS**, The opportunity for peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

**WHEREAS**, In 1981 the United Nations proclaimed the **International Day of Peace** be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples;" and

**WHEREAS**, The United Nations expanded the observance of the **International Day of Peace in 2001** to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

**WHEREAS**, There is growing support within our City for the observance of the **International Day of Peace**, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

**WHEREAS**, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations;

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Troy does hereby proclaim **September 21, 2008 as International Day of Peace** in the City of Troy and urges all citizens to join us in recognizing this day; and

**BE IT FURTHER RESOLVED**, That the City Council urges all government agencies, organizations, schools, places of worship and individuals in our City to commemorate the **International Day of Peace** including joining the Troy Interfaith Group at their celebration on September 21 at 3 pm at Central Woodward Christian Church to discover different faith traditions' teaching of/on Peace or any other education and public awareness activities in order to help establish a global day of peace in our homes, our communities and between nations.

Signed the 8<sup>th</sup> day of September 2008.

**PROCLAMATION  
VISITING NURSES ASSOCIATION OF SOUTHEAST MICHIGAN  
110<sup>TH</sup> ANNIVERSARY  
SEPTEMBER 8, 2008**

**WHEREAS**, The **Visiting Nurses Association of Southeast Michigan** began in 1898 by a nurse, Alice M. Bowen, an Ohio farm girl who attended the Ferrand School of Nursing which was the precursor to Wayne State University's College of Nursing; and

**WHEREAS**, After graduating Bowen worked as a visiting nurse in Philadelphia. When she returned to Detroit, she was determined to start a visiting nurse service in our community. Today, Bowen's dream has grown into the largest independent home health care and hospice organization to serve residents of Wayne, Oakland, Macomb, Livingston and Washtenaw counties; and

**WHEREAS**, Every year, the **Visiting Nurses Association of Southeast Michigan's** staff of nurses, physical, occupational and speech therapists, home health aids and social workers provide care to more than 8,500 people; and

**WHEREAS**, The **Visiting Nurses Association of Southeast Michigan** has remained true to its century old mission to provide care to all members of the community, regardless of their ability to pay. Annually, it provides more than \$1 million in uncompensated care; and

**WHEREAS**, The **Visiting Nurses Association of Southeast Michigan** is Medicare-certified and accredited by The Joint Commission, demonstrating its commitment to exacting standards in the delivery of its quality care;

**NOW, THEREFORE BE IT RESOLVED**, That the Troy City Council does hereby congratulate the **Visiting Nurses Association of Southeast Michigan** on their **110<sup>th</sup> Anniversary** and recognizes its impact upon our community as they serve as a steadfast and dedicated organization; and

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of the **Visiting Nurses Association of Southeast Michigan** on this important milestone.

Signed the 8<sup>th</sup> day of September 2008.

**PROCLAMATION  
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH  
SEPTEMBER 2008**

**WHEREAS**, As many as 22.6 million people aged 12 or older in the United States are currently facing a substance use disorder; and

**WHEREAS**, Four million of those with a substance use disorder have made the courageous choice to seek out the treatment they need and embark on a path of recovery; and

**WHEREAS**, Treatment and long-term recovery from substance use disorders can offer people a renewed outlook on life. These disorders also take a toll on the families of these individuals, as well as the communities in which they live; and

**WHEREAS**, It is critical to offer people and their families the treatment and recovery support they need for substance use disorders so they may lead more productive and fulfilling lives, personally and professionally; and

**WHEREAS**, Studies have consistently found that individualized treatment is essential for people to be successful in their path of recovery; and

**WHEREAS**, By educating our community members that substance use disorders are a treatable, yet serious health care problem, and by treating them like other chronic diseases, we can improve the quality of life of the entire community; and

**WHEREAS**, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse invite all residents of Troy to participate in ***National Alcohol and Drug Addiction Recovery Month***.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Troy hereby proclaims the Month of September 2008 as ***National Alcohol and Drug Addiction Recovery Month***;

**BE IT FURTHER RESOLVED**, That we invite **all Troy residents** to recognize and participate in its observance with appropriate programs, activities, and ceremonies supporting this year's theme, ***"Join the Voices for Recovery: Real People, Real Recovery."***

Signed this 8<sup>th</sup> day of September 2008.



## CITY COUNCIL ACTION REPORT

August 26, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager//Economic Development Services  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Street Light Installation/Replacement

### **Background**

- On October 2, 2006, Troy City Council approved a contract to provide two (2) year requirements for street light installation and replacement services with an option to renew for one additional year (Resolution # 2006-10-381-E-4b).
- Harlan Electric Company has been providing quality service for the City and has offered to renew their contract one-year under the same prices, terms, and conditions.
- Harlan Electric Company of Rochester Hills, MI was the sole bidder.

### **Financial Considerations**

- Funds for this project are available in the 2008/09 Street Light Maintenance Accounts and the Parks Maintenance Account for lighting work done on the ball diamonds.
- Acct # 448.7802.150 Street Lighting - Contractual Services Contractor – Equipment Maintenance
- Acct # 401.448.7978.010 Street Lighting - General Equipment
- Acct # 759.7802.070 Athletic Field Maintenance - Contractual Services

### **Legal Considerations**

- ITB-COT 06-30 Street Light Installation and Replacement Services was competitively bid and opened with one bidder responding, in accordance with City Charter and Code.
- Harlan Electric Company has agreed to renew the contract under the same prices, terms, and conditions

### **Policy Considerations**

- Moving this work forward would improve public safety and reduce the liability for the City. (Goal I)

### **Options**

- City management and the Public Works department recommend exercising the option to renew for one-year to the sole bidder, Harlan Electric Company of Rochester Hills, MI, to provide street light installation and replacement services at the same unit prices contained in the bid tabulation opened September 13, 2006, not to exceed budgetary limitations, expiring September 30, 2009.

ATTN:  
Harlan Electric Co.  
2695 Crooks rd  
Rochester hills, MI 48309

On September 13, 2006, the City of Troy entered into contract 20600291OB with Harlan Electric Co. to provide two (2) year requirements of the Street Light Installation/Maintenance program. This contract contained an option to renew for one (1) additional year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Harlan Electric Co. wishes to renew this contract until September 30, 2009. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

**CHECK ONE:**

Harlan Electric Co. is interested in renewing the contract under the same prices, terms, and conditions:



Harlan Electric Co. is not interested in renewing the contract: ( )

x Chamberlain

Signed: Authorized Company Representative

Date: July 22, 2008

Thank you,  
Marina Basta Farouk  
Project Construction Manager

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

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

Resolution #2006-10-381-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 25, 2006 be **APPROVED** as submitted.

---

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

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**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Rental Equipment Including Operators**

Resolution #2006-10-381-E-4a

WHEREAS, On September 19, 2005, a contract to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season was awarded to the sole bidder, Sterling Topsoil & Grading, Inc. of Sterling Heights, MI, at hourly rates contained in the bid tabulation opened July 25, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2005-09-447-E4); and

WHEREAS, Sterling Topsoil & Grading, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions as the 2005 season;

THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Sterling Topsoil & Grading, Inc. to provide snow removal rental equipment including operators; and Florence Cement Company of Shelby Township and DiPonio Contracting LLC of Utica are hereby **AWARDED** contracts at prices established as a result of an informal quote process dated August 8, 2005, and detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

THEREFORE, BE IT FINALLY RESOLVED, That City staff is **AUTHORIZED TO EXTEND** the hourly contract prices to other contractors, after the successful vendors have been employed, to speed the snow removal process during times of snow emergencies with contracts expiring April 14, 2007, and are **CONTINGENT** upon contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Street Light Installation/Replacement**

Resolution #2006-10-381-E-4b

RESOLVED, That a contract to furnish all labor, tools, equipment, transportation services, and traffic controls to provide two-year requirements of street, parking lot, and athletic field light installation and replacement with an option to renew for one (1) additional year is hereby

**AWARDED** to the sole bidder, Harlan Electric Company of Rochester Hills, MI, at unit prices and discounts contained in the bid tabulation opened September 13, 2006, 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 contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

---

**E-5 Acceptance of a Permanent Easement for Watermain and Abandonment of Part of Original Watermain Easement, Woodland Elementary School – Sidwell #88-20-04-276-046, Project No. 04.905.3**

Resolution #2006-10-381-E-5

RESOLVED, That the Permanent Easement for Watermain from Avondale School District, owner of property having Sidwell #88-20-04-276-046, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** a Quit Claim Deed to complete the abandonment of that part of the original watermain easement that is no longer needed; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said easement and deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-6 Subcontract No. 06-5417/S1 with Greenstar & Associates, LLC for Right-of-Way Services for the Reconstruction and Widening of Wattles Road, 1,000 Feet East and West of Rochester Road – Project No. 01.106.5**

Resolution #2006-10-381-E-6

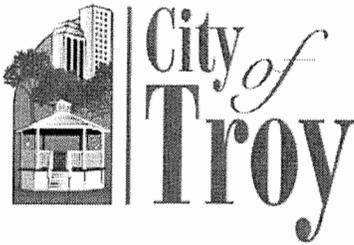
RESOLVED, That Subcontract No. 06-5417/S1, between the City of Troy and Greenstar & Associates, LLC for right-of-way services for the reconstruction of Wattles Road, east and west of Rochester Road, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$50,000.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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**E-7 Subcontract No. 06-5418/S1 with Greenstar & Associates, LLC for Right-of-Way Services for the Reconstruction and Widening of Rochester Road, Torpey to Barclay – Project No. 99.203.5**

Resolution #2006-10-381-E-7

RESOLVED, That Subcontract No. 06-5418/S1, between the City of Troy and Greenstar & Associates, LLC for right-of-way services for the reconstruction of Rochester Road, between Torpey and Barclay is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$75,000.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.



# CITY COUNCIL ACTION REPORT

Date September 25, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Street Light Installation/Replacement

## **Background:**

- On September 13, 2006, bids were received to provide two (2) year requirements for street light installation/replacement with an option to renew for one additional year.
- Harlan Electric Co. of Rochester Hills, MI was the sole bidder.
- 55 Vendors were notified via the MITN system with one bidder responding, and one late bid received.

## **Financial Considerations:**

- Funds are available in the Public Works Street Light capital account # 401448.7978.010.

## **Legal Considerations:**

- ITB-COT 06-30, Street Light Installation/Maintenance was competitively bid and opened with one bidder responding.
- All bidders were given the opportunity to respond with their level of interest in supplying street light installation/replacement services for the City of Troy.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

## **Policy Considerations:**

- Street Light Installation/Replacement often requires an electrical contractor to assist in the removal and installation of the City's lighting system. (Goal IV)
- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal VI)

## **Options:**

- City management of the Public Works department recommends awarding the contract to the sole bidder, Harlan Electric Co. of Rochester Hills, MI for an estimated total cost of \$14,035.00 to replace one pole, at unit prices and discounts contained in the bid tabulation.

Opening Date -- 9-13-06  
 Date Prepared -- 9/15/06

CITY OF TROY  
 BID TABULATION  
 STREET LIGHT INSTALLATION/REPLACEMENT

VENDOR NAME:

\*\* Harlan Electric  
 Company

CHECK # --  
 CHECK AMOUNT --

473333370  
 \$500.00

EST ITEM #	QTY/YR	DESCRIPTION	Lump Sum Total Price for One		
1A.	1 ea	Remove Street Light Pole - (Ornamental Pole)	\$ 415.00		
1.B.	1 ea	Remove Street Light Pole - Wood	\$ 420.00		
2.	1 ea	Remove Concrete Foundations	\$ 915.00		
3.	1 ea	Installation of Concrete Foundations	\$ 1,635.00		
4.A.	1 ea	Install 40' Light Ornamental Pole with mast arms - one fixture	\$ 900.00		
4.B.	1 ea	Install 40' Light Ornamental Pole with mast arms - two fixtures	\$ 1,170.00		
5.A.	1 ea	Install 40' Light Wood Pole with mast arms - one fixture	\$ 1,060.00		
5.B.	1 ea	Install 40' Light Wood Pole with mast arms - two fixtures	\$ 1,330.00		
6.	1 ea	Install Pole w/Control Box/Service connections	\$ 3,650.00		
7.	1 ea	New installation of 40' Street Light Pole with concrete foundation	\$ 2,540.00		
<b>ESTIMATED TOTAL</b>			<b>** \$ 14,035.00</b>		

**ADDITIONAL ITEMS, IF REQUIRED**

- 8. 1 ea Cut & Weld Street Light Base H Base
- 9. 120 L.F. 1 1/2" Rigid Plastic Conduit Sch. 40
- 10. 160 L.F. No. 8 AWG Cable Red
- 11. 160 L.F. No. 8 AWG Cable Black
- 12. 40 L.F. No.10 AWG Cable Bare
- 13. 2 ea Photo Cell
- 14. 1 ea 40' Wood Light Pole

UNIT PRICE		
\$ 325.00		
\$ 12.75		
\$ 2.75		
\$ 2.75		
\$ 2.60		
\$ 34.00		
\$ 730.00		

14. **Hourly labor rate per Crew**

- A) Regular Time
- B) Overtime Time
- C) Holiday Time

HOURLY RATE		
\$ 150.00		
\$ 210.00		
\$ 270.00		

15. **Hourly rate for Journeyman Electrician**

- A) Regular Time
- B) Overtime Time
- C) Holiday Time

HOURLY RATE		
\$ 70.00		
\$ 100.00		
\$ 130.00		

16. **Hourly rate for Backhoe/Operator**

- A) Regular Time
- B) Overtime Time
- C) Holiday Time

HOURLY RATE		
\$ 130.00		
\$ 160.00		
\$ 195.00		

Opening Date -- 9-13-06  
 Date Prepared -- 9/15/06

CITY OF TROY  
 BID TABULATION  
 STREET LIGHT INSTALLATION/REPLACEMENT

VENDOR NAME:		** Harlan Electric		
		Company		
17.	<b>Hourly rate for Service Truck with Crane</b>	HOURLY RATE		
	A) Regular Time	\$ 105.00		
	B) Overtime Time	\$ 130.00		
	C) Holiday Time	\$ 165.00		
18.	<b>Non-Contract Replacement Parts:</b> Discount + or -	+ 10%		
	Parts List:	Blank		
	Dated:	Blank		
<b>CONTACT INFORMATION:</b>	Hrs of Operation	7:30 AM to 4 PM		
	24-Hr Phone #	248-452-0004		
<b>INSURANCE:</b>	Can Meet	XX		
	Cannot Meet			
<b>TERMS:</b>		Net 30 Days		
<b>WARRANTY:</b>		1 Year - Labor		
<b>RESPONSE TIME:</b>		48 Hours		
<b>EXCEPTIONS:</b>		Performance Bond		
		Excluded in pricing		
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes		

PROPOSAL: FURNISH ALL LABOR, TOOLS, EQUIPMENT, TRANSPORTATION SERVICES AND TRAFFIC CONTROLS TO PROVIDE TWO-YEAR REQUIREMENTS OF STREET, PARKING LOT, AND ATHLETIC FIELD LIGHT INSTALLATION/REPLACEMENT WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR

\*\* DENOTES SOLE BIDDER

ATTEST:  
 Vicki Richardson  
 Jenetta L. Simmons  
 Linda Bockstanz

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

August 29, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director  
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting  
Specifications - Fire Hose Testing

### **Background**

- The National Fire Protection Association and the Insurance Services Office standards require that fire hose be tested annually.
- On August 25, 2008, bid proposals were received to provide two-year requirements with an option to renew for one additional year for Fire Hose Testing for the Troy and Independence Township fire departments.
- Fifteen (15) vendors were notified via the Michigan Intergovernmental Trade Network (MITN) website. One vendor, Fire Catt, LLC, 3250 W. Big Beaver, Troy, Michigan, submitted a bid.

### **Financial Considerations**

- Funds are budgeted annually in the Fire Halls contractual services account for equipment maintenance, A/C # 344.7802.150.

### **Legal Considerations**

- Award is contingent upon contractor submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

### **Policy Considerations**

- Maintenance of emergency equipment is consistent with Troy City Council's ongoing objective to enhance the health and safety of the community. (Outcome Statement I)

### **Options**

- City management recommends awarding a two-year contract, with an option to renew for one additional year, for the testing of fire hose to the sole bidder, Fire Catt, LLC of Troy, MI, who complies with the specifications, for an estimated total cost of \$12,540.00 for 2008/2009 and \$13,680.00 for 2009/2010, at unit prices contained in the bid tabulation opened August 25, 2008.

Opening Date: 8/25/08  
 Date Prepared: 8/29/08

CITY OF TROY  
 BID TABULATION  
 FIRE HOSE TESTING

VENDOR NAME:

**Fire Catt, LLC**

EST QTY (FT)	LOCATION	YEAR 2008-2009 Unit Price (Per Ft)	YEAR 2009-2010 Unit Price (Per Ft)				
<b>PROPOSAL I: On-Site Fire Hose Testing</b>							
57,000	City of Troy	\$ 0.22	\$ 0.24				
	<b>Est. Total Cost</b>	<b>\$ 12,540.00</b>	<b>\$ 13,680.00</b>				
Minimum amount of hose:		<b>50,000</b>	<b>FT</b>				
<b>PROPOSAL II: On-Site Fire Hose Testing w/Twp staff removing and repacking the hose</b>							
19,500	Independence Twp.	\$ 0.15	\$ 0.165				
	<b>Est. Total Cost</b>	<b>\$ 2,925.00</b>	<b>\$ 3,217.50</b>				
Minimum amount of hose:		<b>19,000</b>	<b>FT</b>				
CONTACT INFO:		Hrs of Operation		8 AM to 5 PM			
		Phone #		248-224-9729			
				or 248-643-7200			
COMPLETION SCHEDULE:		City of Troy - within		8 Days			
		Independence - within		3 Days			
TECHNICIANS TRAINING & CERTIFICATION		Attached Marked As:		SERVICE TECH			
		Not Attached:					
INSURANCE:		Can Meet		XX			
		Cannot Meet					
EXTENSION TO MTN COOPERATIVE:		Y or N		YES			
TERMS				Net 30			
EXCEPTIONS				NONE			
ACKNOWLEDGEMENT:		Y or N		Yes			

PROPOSAL: Furnish All Equipment, Labor and Materials to Provide Two-Year Requirements of Fire Hose Testing for the City of Troy Fire Department, Independence Township and Participating MITN Purchasing Cooperative Members with an Option to Renew for One Additional Year

ATTEST:  
Diane Fisher  
Keith Lenderman  
Linda Bockstanz

**BOLDFACE TYPE DENOTES SOLE BIDDER**

\_\_\_\_\_  
 Susan Leirstein CPPB  
 Purchasing Director



## CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
Steven J. Vandette, City Engineer

SUBJECT: Private Agreement for Granite City Food and Brewery  
Project No. 08.911.3

### Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on June 10, 2008. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include water main and sanitary manhole.

### Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

### Legal Considerations:

- There are no legal considerations associated with this item.

### Policy Considerations:

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

### Options:

- Council can approve or deny the recommendation.

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

00.711.3

# City Of Troy

Contract for Installation of Municipal Improvements  
(Private Agreement)

Project No.: 08.911.3

Project Location: NW 1/4 Section 28

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this 11<sup>th</sup> day of August, 2008 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Dunham Capital Management LLC whose address is 230 South Phillips Avenue, Suite 202, Sioux Falls, South Dakota 57104 and whose telephone number is (605) 339-2423 hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of Water Main and Sanitary Manhole in accordance with plans prepared by Professional Engineering Associates whose address is 2430 Rochester Court, Suite 100, Troy, MI 48083-1872 and whose telephone number is (248) 689-9090 and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$45,630.00. This amount will be deposited with the City in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% of Cash

Refundable cash deposit in the amount of \$2,500.00. This amount will be deposited with the City in the form of (check one):

- Cash
- Check

Non-refundable cash fees in the amount of \$10,431.00. This amount will be paid to the City in the form of (check one):

- Cash
- Check

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

## City Of Troy

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

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

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

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

**City Of Troy**

Contract for Installation of Municipal Improvements  
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 11<sup>th</sup> day of August, 2008.

OWNERS

CITY OF TROY

By: Dunham Capital Management, LLC

By:



\_\_\_\_\_

Donald A. Dunham, Jr.  
Please Print or Type His Sole Managing  
Member

Louise E. Schilling, Mayor

\_\_\_\_\_  
Please Print or Type

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me personally appeared \_\_\_\_\_ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

\_\_\_\_\_

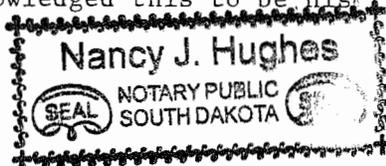
NOTARY PUBLIC, Oakland County, Michigan

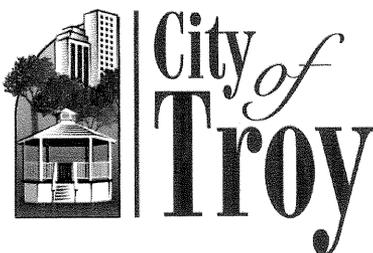
My commission expires: \_\_\_\_\_

STATE OF SOUTH DAKOTA, COUNTY OF MINNEHAHA

On this the 11th day of August, AD, 2008, before me, Nancy J. Hughes, personally appeared Donald A. Dunham, Jr., sole and managing member of Dunham Capital Management, LLC, a South Dakota limited liability company, known by me to be the same person who executed this instrument and who acknowledged this to be his free act and deed.

  
\_\_\_\_\_  
Notary Public, Minnehaha County, SD  
My Commission Expires September 30, 2009





# CITY COUNCIL ACTION REPORT

RECEIVED

SEP 02 2008

CITY OF TROY  
CITY MANAGER'S OFFICE

August 28, 2008

TO: Phillip L. Nelson, City Manager *PN*

FROM: Charles T. Craft, Chief of Police *CC*  
 Captain Colleen Mott, Support Services Division *CCM*  
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for transfer of Class C license to Somerset Collection Limited Partnership.

## Background:

- Request to transfer ownership of 2007 Class C licensed business, located in escrow at 2801 W. Big Beaver, Somerset Collection, Suite J-230, Troy, MI 48084, Oakland County, from Sebastian's LTD. To Somerset Collection Limited Partnership; with license to be held in escrow.
- On March 10, 2008, applicant's attorney, Patrick Howe answered questions for the Liquor Advisory Committee.
- Mr. Howe explained to the Committee that the Somerset Collection Limited Partnership is attempting to gain control of this license pursuant to a lease agreement with the previous licensee. The license has been surrendered to the Partnership
- Somerset Collection Limited Partnership will control the license for record purposes to hold it in escrow until a suitable, approved applicant is located.
- The Committee unanimously approved this request.
- Certificate of Trust for the Samuel Frankel Trust Agreement has been received.

## 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. On April 10, 2008, the Commission waived the enforcement investigation
- The Police Department did not find any disqualifying factors for this request.
- The MLCC requires local government approval for the transfer of a Class C license.

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.



<b>FOR MLCC USE ONLY</b>
Request ID # <u>416257</u>
Business ID # <u>194021</u>

**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:**

SOMERSET COLLECTION LIMITED PARTNERSHIP REQUESTS TO TRANSFER OWNERSHIP OF 2007 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 2801 W. BIG BEAVER, SOMERSET COLLECTION, SUITE J-230, TROY, MI 48084, OAKLAND COUNTY, FROM SEBASTIAN'S LTD.; WITH LICENSE TO HELD IN ESCROW.

**Section 1. APPLICANT INFORMATION**

**APPLICANT #1:**  
 SAMUEL FRANKEL – STOCKHOLDER IN SOMERSET COLLECTION GP, INC. – GENERAL PARTNER  
 3875 LAKELAND LANE  
 BLOOMFIELD HILLS, MI 48302  
 H(248)626-8294/B(248)649-2600

**APPLICANT #2:**  
 NATHAN FORBES – STOCKHOLDER IN SOMERSET COLLECTION GP, INC. – GENERAL PARTNER  
 31625 NOTTINGHAM  
 FRANKLIN, MI 48025  
 H(248)626-8001/B(248)827-4600

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:     Yes     No\*

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:     Yes     No\*

\*Does the applicant have permanent Resident Alien status?  
 Yes     No\*

\*Does the applicant have permanent Resident Alien status?  
 Yes     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:**     Felony     Misdemeanor

**ARREST RECORD:**     Felony     Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

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:
1. Is this applicant qualified to conduct this business if licensed?                     Yes     No
  2. Is the proposed location satisfactory for this business?                                 Yes     No
  3. Should the Commission grant this request?     Yes     No
  4. 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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 416257

Business ID # 194021

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:

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Section 1. APPLICANT INFORMATION

APPLICANT #1:
SIDNEY FORBES - STOCKHOLDER IN SOMERSET COLLECTION GP, INC. - GENERAL PARTNER
1350 KIRKWAY
BLOOMFIELD HILLS, MI 48302
H(248)626-8690/B(248)827-4600

APPLICANT #2:
MAURICE COHEN ESTATE; BRANDON COHEN, CO-PERSONAL REPRESENTATIVE - STOCKHOLDER IN SOMERSET COLLECTION GP, INC. - GENERAL PARTNER
11258 HIGHWAY 133
CARBONDALE, CO 51623
H(970)763-8118/B(970)618-0039

DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED

DATE FINGERPRINTED:

DATE OF BIRTH:
Is the applicant a U.S. Citizen: [ ] Yes [ ] No\*

DATE OF BIRTH:
Is the applicant a U.S. Citizen: [ ] Yes [ ] No\*

\*Does the applicant have permanent Resident Alien status?
[ ] Yes [ ] No\*

\*Does the applicant have permanent Resident Alien status?
[ ] Yes [ ] 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: [ ] Felony [ ] Misdemeanor

ARREST RECORD: [ ] Felony [ ] Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

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:
1. Is this applicant qualified to conduct this business if licensed? [ ] Yes [ ] No
2. Is the proposed location satisfactory for this business? [ ] Yes [ ] No
3. Should the Commission grant this request? [ ] Yes [ ] No
4. 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



<b>FOR MLCC USE ONLY</b>
Request ID # <u>416257</u>
Business ID # <u>194021</u>

## POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

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**Section 1. APPLICANT INFORMATION**

<b>APPLICANT #1:</b> MAURICE COHEN ESTATE; JEFFREY COHEN, CO-PERSONAL REPRESENTATIVE – STOCKHOLDER IN SOMERSET COLLECTION GP, INC. – GENERAL PARTNER 405 BONNIE BRIER, (MAILING- PO BOX 8382) BLOOMFIELD, MI 48302 CELL(248)672-1724	<b>APPLICANT #2:</b> MAURICE COHEN ESTATE; LESLI COHEN, CO-PERSONAL REPRESENTATIVE – STOCKHOLDER IN SOMERSET COLLECTION GP, INC. – GENERAL PARTNER 405 BONNIE BRIER BIRMINGHAM, MI 48009 H(248)723-6630
--	---

DATE FINGERPRINTED:	DATE FINGERPRINTED:
---------------------	---------------------

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 a Visa? Enter status:	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 a Visa? Enter status:
--	--

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor 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:

1. Is this applicant qualified to conduct this business if licensed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the proposed location satisfactory for this business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Should the Commission grant this request?	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. 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



**FOR MLCC USE ONLY**  
 Request ID # 416257  
 Business ID # 194021

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

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**Section 1. APPLICANT INFORMATION**

**APPLICANT #1:**  
 MAURICE COHEN ESTATE; MARGO COHEN, CO-PERSONAL REPRESENTATIVE – STOCKHOLDER IN SOMERSET COLLECTION GP, INC. – GENERAL PARTNER  
 633 PICACHO LANE  
 MONTECITO, CA 93105  
 H(805)969-9217

**APPLICANT #2:**

**DATE FINGERPRINTED:**

**DATE FINGERPRINTED:**

**DATE OF BIRTH:**  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  No\*  
 \*Does the applicant have a Visa? Enter status:

**DATE OF BIRTH:**  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  No\*  
 \*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:**  Felony  Misdemeanor  
 Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

**ARREST RECORD:**  Felony  Misdemeanor  
 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:

1. Is this applicant qualified to conduct this business if licensed?  Yes  No
2. Is the proposed location satisfactory for this business?  Yes  No
3. Should the Commission grant this request?  Yes  No
4. 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

# Carlin, Edwards, Brown & Howe, PLLC

Attorneys & Counselors at Law

John B. Carlin, Jr.  
Scott D. Edwards  
Michael J. Brown  
J. Patrick Howe

2855 Coolidge Hwy., Suite 203  
Troy, Michigan 48084  
P. (248) 816-5000  
F. (248) 816-5115  
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June 11, 2008

Lansing, Michigan  
6017 West St. Joe Hwy., Suite 202  
Lansing, Michigan 48917  
P. (517) 321-4616  
F. (517) 321-4642  
Northern Michigan  
213 East Main St., 2nd Floor  
Gaylord, Michigan 49735  
P. (989) 688-5946  
F. (989) 688-5901

VIA EMAIL [cantlonrf@troymi.gov](mailto:cantlonrf@troymi.gov)  
Sgt. Robert Cantlon  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

VIA EMAIL [lancasteSM@ci.troy.mi.us](mailto:lancasteSM@ci.troy.mi.us)  
Ms. Sue Lancaster, Deputy Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Re: Somerset Collection Limited Partnership  
Sebastian's, Ltd.  
Liquor License Transfer

Dear Sgt. Cantlon and Deputy Clerk Lancaster:

Pursuant to my telephone conversation of Tuesday, June 10, 2008, enclosed please find a letter signed by Somerset Collection, Limited Partnership which specifically states that they will not activate the liquor license. It is my understanding that this letter will be attached to your report and that the Resolution to be approved by the Michigan Liquor Control Commission would be in the form provided by the Michigan Liquor Control Commission without the condition that would not be acceptable to them.

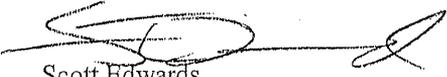
I am also forwarding a copy of this to Sue Lancaster so that she can review the letter and verify our conversation.

If either you or Sue have any questions or require revisions to the letter, please let me know. I am arranging to have an original signed letter sent by overnight mail, so that I can have it to the Clerk prior to the meeting on Monday.

Again, I thank both you and Sue for your assistance and patience in this matter. Should you have any questions, please let me know.

Very truly yours,

CARLIN, EDWARDS, BROWN & HOWE, PLLC

  
Scott Edwards

Direct Dial: (248) 816-3205

E-Mail: [sedwards@cebhlaw.com](mailto:sedwards@cebhlaw.com)

Enclosure

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Member: Academy of Hospitality Industry Attorneys - Alcohol Beverage & Hospitality Law Practice Committee of the State Bar of Michigan  
Business Law Section - Alliance of Alcohol Industry Attorneys & Consultants - Michigan Association of Planning - Michigan Hotel, Motel and Resort  
Association - Michigan Licensed Beverage Association - Michigan Restaurant Association - National Association of Alcohol Beverage Licensing  
Attorneys - Beverage Alcohol Practice Committee of the American Bar Association Administrative & Regulatory Practice Section -  
National Restaurant Association - Urban Land Institute

THE FORBES COMPANY



June 10, 2008

Sgt. Robert Cantlon  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

Re: Somerset Collection Limited Partnership  
2801 West Big Beaver, Somerset Collection  
Suite J-230, Troy, Michigan 48084  
Transferor: Sebastian's, Ltd.  
MLCC REQ ID #416257

Dear Sgt. Cantlon:

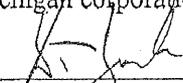
This letter is provided pursuant to conversations that you and Sue Lancaster have had with our attorney, Scott Edwards, regarding the transfer of the above-referenced liquor license. This letter will confirm that Somerset Collection, Limited Partnership will not use the liquor license for a restaurant in its own name or activate the liquor license in its own name. This request is a transfer for record purposes only to enable Somerset Collection, Limited Partnership to transfer the license to a third party at a later date. Again, Somerset Collection, Limited Partnership will not activate this liquor license for its own use.

If you have any questions, please direct them to our attorney, Scott Edwards, at (248) 816-3205.

Very truly yours,

SOMERSET COLLECTION LIMITED PARTNERSHIP  
a Michigan limited partnership

By: Somerset Collection GP, Inc.  
a Michigan corporation

By:   
\_\_\_\_\_

Its:   
\_\_\_\_\_

# Carlin, Edwards, Brown & Howe, PLLC

Attorneys & Counselors at Law

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May 23, 2008

Lansing, Michigan  
6017 West St. Joe Hwy., Suite 202  
Lansing, Michigan 48917  
P. (517) 321-4616  
F. (517) 321-4642  
Northern Michigan  
213 East Main St., 2nd Floor  
Gaylord, Michigan 49735  
P. (989) 688-5946  
F. (989) 688-5901

Sgt. Robert Cantlon  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

Re: Somerset Collection Limited Partnership  
2801 West Big Beaver, Somerset Collection  
Suite J-230, Troy, Michigan 48084  
MLCC REQ ID #416257

Dear Sgt. Cantlon:

This letter will confirm our telephone conversation of May 23, 2008 regarding the above-referenced application.

As you are aware, the transfer of the Sebastian's, Ltd. liquor license to Somerset Collection Limited Partnership is for record purposes only and the license will not be activated or removed from escrow until approval by the Michigan Liquor Control Commission and receipt by the Michigan Liquor Control Commission of the required reports.

Further, I have confirmed that on April 10, 2008, an Order from the Michigan Liquor Control Commission was issued which waived the enforcement investigation. Therefore, the only two items required for the approval of the transfer are the resolution from the Troy City Council and your LC-1800 report.

We have already attended the Liquor Advisory Board and if you could arrange for the application to be set for the Troy City Council that would be very much appreciated.

If you have any questions or require modification to this letter to meet your needs, please let me know. Thank you for your assistance.

Very truly yours,

CARLIN, EDWARDS, BROWN & HOWE, PLLC

*/s/ Scott Edwards*

Scott Edwards  
Direct Dial: (248) 816-3205  
E-Mail: [sedwards@cebhlaw.com](mailto:sedwards@cebhlaw.com)

cc: John B. Carlin, Jr.

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# Carlin, Edwards, Brown & Howe, PLLC

Attorneys & Counselors at Law

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Michael J. Brown  
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2855 Coolidge Hwy., Suite 203  
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March 4, 2008

Lansing, Michigan  
6017 West St. Joe Hwy., Suite 202  
Lansing, Michigan 48917  
P. (517) 321-4616  
F. (517) 321-4642

Northern Michigan  
213 East Main St., 2nd Floor  
Gaylord, Michigan 49735  
P. (989) 688-5946  
F. (989) 688-5901

Sgt. Robert Cantlon  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

Re: Somerset Collection Limited Partnership  
2801 West Big Beaver, Somerset Collection  
Suite J-230, Troy, Michigan 48084

Dear Sgt. Cantlon:

You will find enclosed herewith a copy of correspondence dated February 26, 2008 which we sent to Sharon Martin, Assistant Director of the Licensing Division of the Michigan Liquor Control Commission in Lansing, regarding our above-captioned client. This letter specifically indicates that our request to the Commission for transfer of ownership of the license formerly held by Sebastian's Limited is "for record purposes only" and that Somerset Collection, Limited Partnership does not intend to own and operate a licensed business at that location. We further indicated to the Commission that we had no problem with the Commission placing a statement in the Order of Approval that Somerset Collection, Limited Partnership will not activate the license in the future and in the event that any entity wishes to activate this license in the future, then that entity, whether it be Somerset Collection, Limited Partnership or any other entity, will comply with all the Rules and Regulations of the Michigan Liquor Control Commission for transfer of ownership of the license and activating same as well as the City of Troy's requirements, including providing the City of Troy Liquor License Agreement and fingerprinting, as required by the Liquor Commission.

Should you need anything further, please do not hesitate to call.

Very truly yours,

CARLIN, EDWARDS, BROWN & HOWE, PLLC

John B. Carlin, Jr.  
Direct Dial: (248) 816-3210  
E-Mail: [jcarlin@cebhlaw.com](mailto:jcarlin@cebhlaw.com)

Enclosure

cc: Susan M. Lancaster, Esq. (w/encl. via fax 248-524-3259)

Ms. Lee Hunrath (w/o encl.)

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# *Carlin, Edwards, Brown & Howe, PLLC*

Attorneys & Counselors at Law

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Scott D. Edwards  
Michael J. Brown  
J. Patrick Howe

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Northern Michigan  
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Gaylord, Michigan 49735  
P. (989) 688-5946  
F. (989) 688-5901

February 26, 2008

Ms. Sharon Martin  
Assistant Director, Licensing  
Michigan Liquor Control Commission  
7150 Harris Drive  
P.O. Box 30005  
Lansing, MI 48909

**Re: Somerset Collection Limited Partnership  
2801 West Big Beaver, Somerset Collection  
Suite J-230, Troy, Michigan 48084  
Request ID No. 416257**

Dear Ms. Martin:

Please enter our Appearance on behalf Somerset Collection Limited Partnership in conjunction with the transfer of ownership of the Class C license located at the above address. The transfer is of the Class C liquor license and permits from Sebastian's Ltd. to Somerset Collection Limited Partnership. On behalf of that entity, we hereby advise the Commission that the transfer of ownership of the license is for **record purposes only** and Somerset Collection Limited Partnership is not intending to own and operate the licensed business at this location. Instead, Somerset Collection Limited Partnership will hold the license in escrow for transfer, at a later date, to a restaurant in the Somerset Mall.

We respectfully request that you waive any investigation on Somerset Collection Limited Partnership for the simple reason that it is never going to become an operating licensee and along with that we request that any and all fingerprinting requirements be likewise waived.

Further, we have no problem should the Liquor Commission wish to place a statement in the order of approval that Somerset Collection Limited Partnership not activate the license in the future and the transfer is for record purposes only.

Ms. Sharon Martin  
February 26, 2008  
Page 2

Please advise accordingly and we await your response.

Very truly yours,

CARLIN, EDWARDS, BROWN & HOWE, PLLC



John B. Carlin, Jr.  
Direct Dial: (248) 816-3210  
E-Mail: [jcarlin@cebhlaw.com](mailto:jcarlin@cebhlaw.com)

cc: Ms. Lee Hunrath  
Maurice Binkow, Esq.  
Ms. Susan Williams

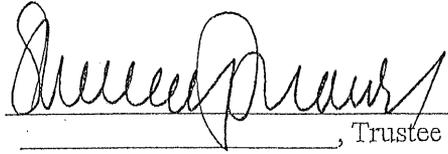
CERTIFICATE OF TRUST

The undersigned, as Trustee of the Samuel Frankel Trust Agreement, dated July 9, 1991, hereby certifies to the Michigan Liquor Control Commission as follows:

1. That on July 9, 1991, Samuel Frankel, as Grantor, established a Revocable Trust.
2. That the Grantor properly executed the Trust, manifested his intent to create the Trust, set forth the names of the grantor, trustees and beneficiaries of the Trust, and designated Stanley Frankel Successor Trustee. The beneficiaries of the Trust are Samuel and Jean Frankel Foundation.
3. That the Trust is effective as of July 9, 1991.
4. That among the assets held by the Trust is an ownership interest in Somerset Collection, Limited Partnership, which will have an interest in the Class C liquor license currently held in escrow in the name of Sebastian's, Ltd.
5. That the Trust was established for the duration of the Grantor's lifetime, and that the Trust property devolves to the designated beneficiaries upon dissolution of the Trust as set forth therein.
6. That the Trustee hereby acknowledges that the Michigan Liquor Control Commission reserves the right to review the entire Revocable Trust at any time in the future upon request to the Trustee.
7. That the Trustee agrees that if the Trust is revoked or a change in the Trustee, Successor Trustee, any co-trustee or beneficiaries to the Trust occurs so long as the Trust

property consists of an interest in a liquor licensed establishment, then the Trustee will inform the Michigan Liquor Control Commission of such change or revocation.

Dated this 20<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_, Trustee

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A regular meeting of the Liquor Advisory Committee was held on Monday, March 10, 2008 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Henry W. Allemon  
W. Stan Godlewski  
Patrick C. Hall  
Timothy P. Payne  
Clark Yuan, Student Representative  
Susan Lancaster, Assistant City Attorney  
Sergeant Robert Cantlon  
Pat Gladysz

**ABSENT:** David S. Ogg  
Bohdan L. Ukrainec

**Resolution to Excuse Committee Members Ogg and Ukrainec**

Resolution #LC2008-03-007  
Moved by Allemon  
Seconded by Payne

RESOLVED, that the absence of Committee members Ogg and Ukrainec at the Liquor Advisory Committee meeting of March 10, 2008 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

---

**Resolution to Approve Minutes of February 11, 2008 Meeting**

Resolution #LC2008-03-008  
Moved by Allemon  
Seconded by Payne

RESOLVED, that the Minutes of the February 11, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

**Agenda Items**

1. **AMC Troy, Inc.** requesting to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; requesting a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction. {MLCC Req #434767}

Present to answer questions from the Committee was Michael Ansley, franchisee of Buffalo Wild Wings of the metropolitan Detroit and Florida markets.

Buffalo Wild Wings opened its first location in Columbus, Ohio in 1982. Mr. Ansley has been a franchisee for 12 years. He currently owns several restaurants, including Sterling Heights, Warren, Ferndale, Novi, Fenton, Grand Blanc, and Petoskey. Management for the Troy location will be transferred from his other restaurants. Training will be done by both corporate and internal teams. They require that all servers be 21 years of age and attend the "Serve Safe" alcohol training. In his 12 years of business, Mr. Ansley has received only one liquor violation. The parking was questioned by a committee member and Mr. Ansley replied that the landlord has obtained a parking variance for the site.

Assistant City Attorney Lancaster informed the Committee of a 1993 City Council Resolution stating that there cannot be two facilities with Class C licenses and entertainment permits within 3,000 feet of each other. The City Attorney's office is of the opinion that it is timely for City Council to review this Resolution in light of the high density trend in Troy. Also, the City now has an adult business use ordinance which we did not have when this Resolution went into effect.

Sergeant Cantlon reported that his investigation found only one liquor violation and that occurred in 2002 in Novi.

Resolution #LC2008-03-009

Moved by Hall

Seconded by Payne

RESOLVED, that AMC Troy, Inc. be allowed to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; be granted a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

---

2. **Somerset Collection Limited Partnership** requests to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow. {MLCC Req #416257}

Present to answer questions from the Committee was Patrick Howe of Carlin, Edwards, Brown & Howe.

This request is for a license transfer to the owners of the Somerset Collection. They have no intention of activating the license. Several years ago, Sebastian’s Restaurant closed and there is a lease provision which states that the liquor license would revert back to the landlord if the tenant vacated. The license has been surrendered to the landlord, and the landlord would like to hold on to the license for “record purposes” to hold it in escrow until they find a tenant within the mall. The MLCC regulations state that the license can be held in escrow for five years.

Assistant City Attorney Lancaster suggested that the Committee make their recommendation to City Council with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Resolution #LC2008-03-010  
Moved by Allemon  
Seconded by Hall

RESOLVED, that Somerset Collection Limited Partnership be allowed to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow, with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

---

The meeting adjourned at 7:24 p.m.

---

Max K. Ehlert, Chairman

---

Patricia A. Gladysz, Secretary II

### 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 OF 2007 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 2801 W. BIG BEAVER, SOMERSET COLLECTION, SUITE J-230, TROY, MI 48084, OAKLAND COUNTY, FROM SEBASTIAN'S LTD. TO SOMERSET COLLECTION LIMITED PARTNERSHIP; WITH LICENSE TO HELD IN ESCROW.**

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

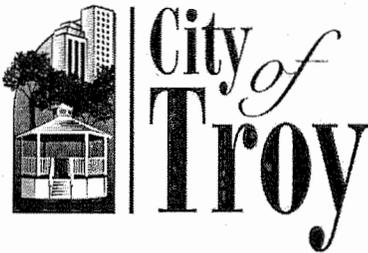
adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

SEAL

\_\_\_\_\_  
(Mailing address of Township, City or Village)



# CITY COUNCIL ACTION REPORT

August 26, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer *SV*  
 William J. Huotari, Deputy City Engineer *WJH*

SUBJECT: Traffic Committee Recommendations  
 August 20, 2008

## Background:

The Traffic Committee considered these items at the August 20, 2008 meeting and made the following recommendations (minutes attached):

- Recommend that the old "No Outlet" sign be replaced with a new, more visible sign and that a second "No Outlet" sign be installed on the opposite corner, at Lancer Court and Babcock Drive.
- Recommend that, with the approval of the Road Commission for Oakland County, the following changes be made on Maple Road at Fire Station #4:
  - a. Install two signs, "Do Not Enter" and "Authorized Vehicles Only" on one post on each side of the west driveway,
  - b. Install "Do Not Block Driveway" sign, with yellow lights (if possible) blinking from 6:00 a.m. to 9:00 a.m., Monday through Friday, on the east side of the west driveway,
  - c. Remove "Fire Department Parking Only" signs.
- Recommend installing "No U-Turn" signs on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.

## Financial Considerations:

- Signs cost approximately \$115.

## Policy Considerations:

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

## Options:

- Council can approve or deny the recommendations.

A regular meeting of the Troy Traffic Committee was held Wednesday, August 20, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sara Binkowski  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Pete Ziegenfelder  
Sam Jiang

ABSENT: John Diefenbaker  
Gordon Schepke

Also present: Bill Huotari, Deputy City Engineer  
Lt. David Livingston, Troy Police Dept.  
Lt. Eric Caloia, Troy Fire Dept.  
Joyce Mann, 1206 Torpey  
Mark Dziatczak, 1197 Kinlock Dr.  
Colleen Hill, Hubbell, Roth and Clark - Consultant

**RESOLUTION #2008-08-29**

Moved by Kilmer  
Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Schepke.

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

**2. Minutes – April 16, 2008****RESOLUTION #2008-08-30**

Moved by Hubbell  
Seconded by Halsey

To approve the July 16, 2008 minutes.

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

## REGULAR BUSINESS

### 3. Request for Directional Sign at Lancer Court and Babcock Drive

#### RESOLUTION #2008-08-31

Moved by Binkowski  
Seconded by Hubbell

To replace the old “No Outlet” sign with a new, more visible sign and add a second No Outlet sign on the opposite corner.

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

### 4. Request for Stop Sign on Torpey Drive at Baker Middle School

#### RESOLUTION #2008-08-32

Moved by Hubbell  
Seconded by Binkowski

To table this item until the September meeting. Mr. Huotari will be meeting with school officials on August 21 for further discussion and possible resolution.

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

### 5. Traffic Issues at Fire Station #4

#### RESOLUTION #2008-08-33

Moved by Halsey  
Seconded by Kilmer

To

- (a) Install two signs on Maple Road at Fire Station #4, Do Not Enter and Authorized Vehicles Only on one post on each side of the west driveway
- (b) Install Do Not Block Driveway sign on Maple Road, with yellow lights (if possible) blinking from 6:00 a.m. to 9:00 a.m., Monday through Friday, on the east side of the west driveway of Fire Station #4
- (c) Remove Fire Department Parking Only signs at Fire Station #4, with approval from the Road Commission for Oakland County (RCOC).

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

**6. Install No U-Turn Signs on Northfield Parkway at Troy High School****RESOLUTION #2008-08-34**

Moved by Hubbell

Seconded by Halsey

To install No U-Turn Signs on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

**7. Signage on 14 Mile at Panera Bread Driveway**

Presented as information only.

**8. Public Comment**

No one else wished to address the committee.

**9. Other Business**

There was discussion about signage at Troy Marketplace, on Big Beaver east of Rochester. Lt. Livingston is waiting for results of a traffic study before recommending times for additional turn prohibitions.

Joyce Mann, 1206 Torpey, spoke about Item 4, Torpey Drive, which had been tabled. She has lived on Torpey for over twenty years, and reported that traffic is horrible. Since the International Academy opened, it is even worse, and it is dangerous for her to pick up her mail and newspaper. Motorists drive too fast, and yell at the mail carrier to get out of the way. She doesn't think the stop sign will have any effect.

Lt. Livingston will have the radar trailer placed on Torpey to register traffic speeds and warn motorists to slow down.

**10. Adjourn**

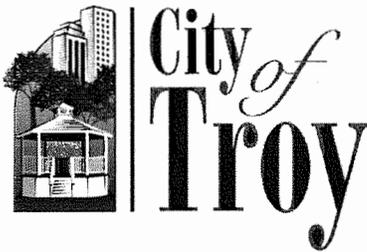
The meeting adjourned at 8:28 p.m.

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Pete Ziegenfelder, Chair

---

Laurel Nottage, Recording Secretary



## TRAFFIC COMMITTEE REPORT

July 23, 2008

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer

SUBJECT: Lancer Court at Babcock Drive  
Directional Sign Request

### Background:

- Julie Daniels, of 2043 Lancer, requests that directional signs to Coolidge Road be placed at the intersection of Lancer Court with Lancer Drive and Babcock Drive.
- Ms. Daniels stated that vehicles traveling on Lancer Drive, from the Schroeder School, continue on Lancer Court assuming that they can access Coolidge Highway even though there is a "NO OUTLET" sign posted at the intersection.
- When these vehicles get to the cul-de-sac and realize that they cannot access Coolidge Highway, they travel at high speeds to exit the cul-de-sac and drive back on Lancer Court to find their way out.
- Ms. Daniels stated that she has seen at least one vehicle drive over the sidewalk and greenbelt area to access Coolidge Road rather than drive back around.
- The city requested that our traffic engineering consultant review the request and provide a report of their findings and recommendations.
- A copy of this report is attached.

### Recommendations:

- Staff recommends that landscaping be installed in the greenbelt area between Lancer Court and Coolidge Highway to provide a visual obstruction of Coolidge Highway for vehicles on Lancer Court.
- Additional signage is not recommended as the "NO OUTLET" sign is prominently posted and visible.

### Suggested Resolutions:

- a. Recommend installation of landscaping in the greenbelt area between Lancer Court and Coolidge Highway.
- b. Recommend a directional sign be placed at the intersection of Lancer Court and Babcock Drive to direct traffic to Coolidge Highway.
- c. Recommend no changes on Lancer Court at Babcock Drive.



**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

**Seni**  
 Fredel  
 Gary J. Iresset  
 Lawrence R. Ancypa  
 Kenneth A. Melchior  
 Dennis M. Monsere  
 Randal L. Ford  
 David P. Wilcox  
 Timothy H. Sullivan

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July 14, 2008

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

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

Re: Lancer Court and Babcock Drive Intersection Review HRC Job No. 20080464.02

Dear Mr. Huotari:

At your request, we have reviewed the intersection of Lancer Court and Babcock Drive in the City of Troy (Figure 1). This intersection is located between Big Beaver Road and Wattles Road, west of Coolidge Highway. There is no outlet on Lancer Court to Coolidge Highway; however, motorists coming from Schroeder School and the Swim Club on Jack Drive continue on Lancer Drive to Lancer Court to access Coolidge Highway instead on turning north on Babcock Drive to exit to Coolidge Highway. This intersection review was completed to determine what can be done to stop motorists from trying to exit to Coolidge Highway from Lancer Court.



**Figure 1: Aerial Photograph of Study Area in the City of Troy [Source: Google Earth Pro]**

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## Existing Conditions

Motorists that attempt to use Lancer Court to exit to Coolidge Highway realize that it is a dead end and are forced to turn around in the court and use Babcock Drive. At least one motorist that did not want to turn around chose to exit to Coolidge Highway by driving over the grass median that separates Lancer Court from Coolidge Highway. The grass median is relatively flat and does not have any landscaping so a large vehicle, such as a pick-up truck, could drive over it.

Currently there is a “NO OUTLET” sign on Lancer Court to warn motorists that they are unable to access another road from Lancer Court. The “NO OUTLET” sign can be clearly seen by motorists traveling east on Lancer Drive approaching Babcock Drive as shown in Photograph 1.



**Photograph 1: Yield Sign on Lancer Court at Intersection with Babcock Drive**

Vehicles on Coolidge Highway are visible to motorists traveling east on Lancer Drive as they approach the intersection with Babcock Drive (see Photograph 1). Being able to see vehicles on Coolidge Highway gives motorists the impression that they can access Coolidge Highway by traveling straight down Lancer Court.

## Traffic Crash Analysis

Traffic crash data was obtained from the Traffic Improvement Association Traffic Crash Analysis Tool (TCAT) website for the intersection of Lancer Drive and Babcock Drive for the past five years. There was one reported traffic crash. A vehicle traveling westbound on Lancer Drive hit a parked vehicle west of the intersection with Babcock Drive. There were no crashes that resulted from motorists attempting to use Lancer Court to exit to Coolidge Highway.

## Conclusions and Recommendations

Since the “NO OUTLET” sign is clearly visible, HRC does not recommend adding another sign to direct motorists to Babcock Drive to exit to Coolidge Highway. If motorists do not acknowledge the existing “NO OUTLET” sign, they are unlikely to see another sign that is added.

Since motorists can see the vehicles on Coolidge Highway, HRC recommends that landscaping be added to the grass median between Lancer Court and Coolidge Highway. Properly designed landscaping could

Mr. William Huotari  
July 14, 2008  
HRC Job Number 20080464.02  
Page 3 of 3



ITEM 3

prevent motorists on Lancer Drive from seeing the vehicles on Coolidge Highway. This could also restrict the movement of vehicles traveling over the grass median at Lancer Court attempting to reach Coolidge Highway.

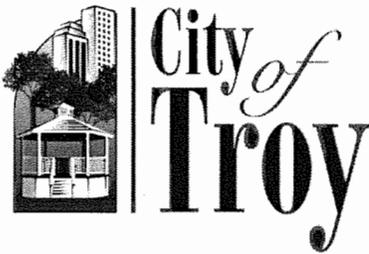
Very truly yours,

HUBBELL, ROTH & CLARK, INC.

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

LFG/

pc: HRC; W. Alix, File



## TRAFFIC COMMITTEE REPORT

July 23, 2008

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer

SUBJECT: Torpey Drive at Baker Middle School  
Stop Sign Request

### Background:

- The Troy Police Department requests that a “STOP” sign be placed at the end of Torpey Drive at the entrance to Baker Middle School.
- Baker Middle School and the new International Academy are located at the end of Torpey Drive, east of Rochester Road.
- There is an existing “STOP” sign at the approach from the International Academy to Torpey Drive.
- There are no signs or physical obstructions limiting the vehicular movement out of the existing Baker Middle School parking lot or cul-de-sac.
- The Police Department has worked with the school district to facilitate flow of traffic from the school site to Torpey Drive, but the school district is not currently willing to construct physical improvements on their site.
- Staff requested that our traffic engineering consultant review the request and provide a report of their findings and recommendations.
- A copy of this report is attached.

### Recommendations:

- Staff recommends that a “STOP” sign be placed at the intersection of eastbound Torpey Drive and the school property.
- Staff further recommends that additional studies be conducted once school is in session in cooperation with the school district.

### Suggested Resolutions:

- a. Recommend installation of a “STOP” sign at eastbound Torpey Drive and Baker Middle School and further study of the area to be completed after school is in session.
- b. Recommend no changes at Torpey Drive and Baker Middle School.



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July 14, 2008

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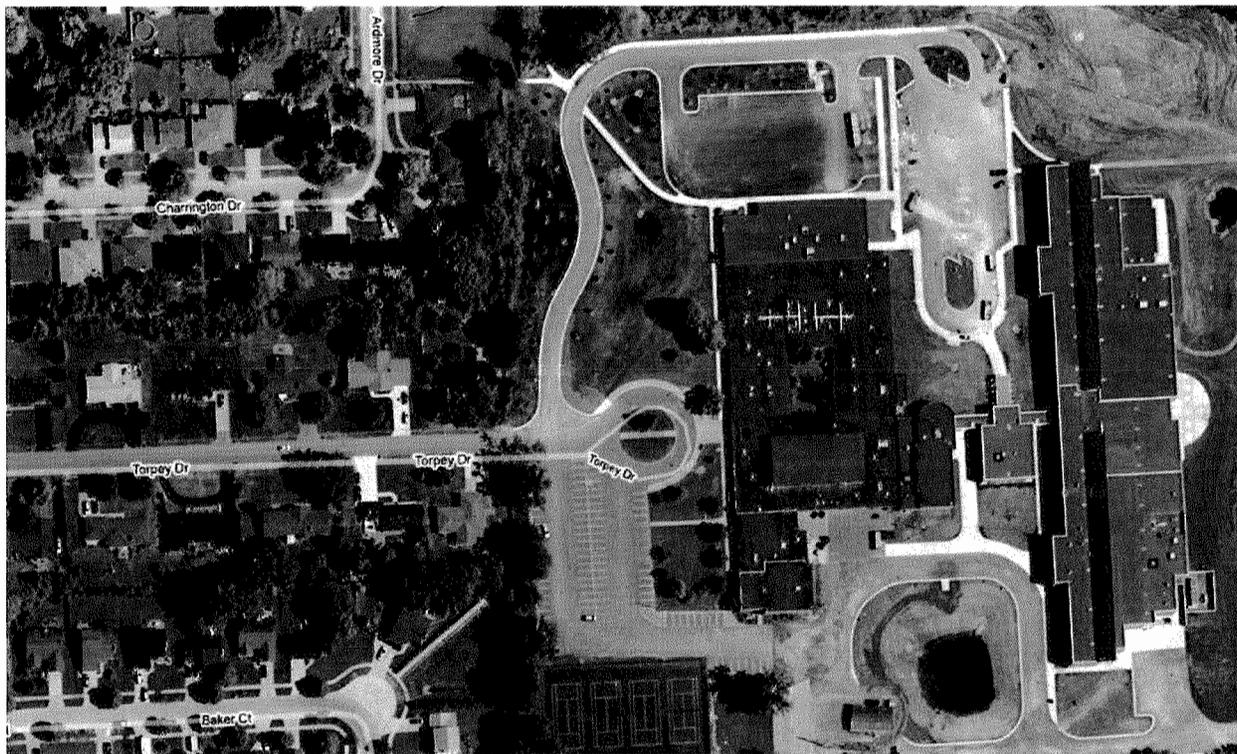
Attn: Mr. William Huotari, P.E., Deputy City Engineer

Re: Baker School Stop Sign Request

HRC Job No. 20080463.02

Dear Mr. Huotari:

At your request, we have reviewed the Baker School entrance from Torpey Drive and the parking lot to determine if a stop sign should be installed on Torpey Drive. Baker School is located at 1291 Torpey Drive in the City of Troy (See Figure 1). The school is located north of Big Beaver Road and east of Rochester Road.



**Figure 1: Aerial Photograph of Baker School [Source: Google Earth Pro]**

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555 Hulet Drive, PO Box 824  
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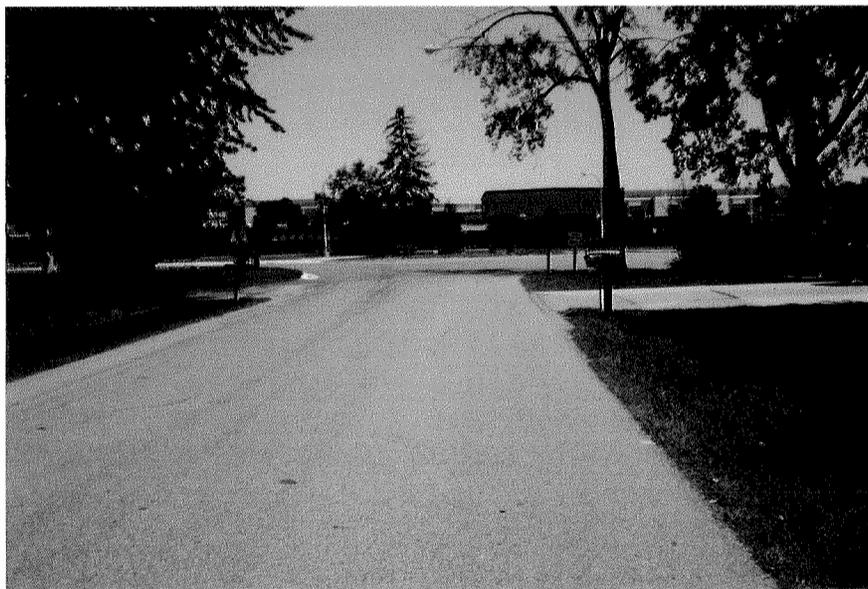
This review was completed to determine if traffic control devices are required to ensure safe and efficient travel based on the criteria prescribed in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD). Since school is out for the summer, HRC was unable to collect traffic volume data to use in this review. Traffic crash data and sight distance information were analyzed to determine if traffic control devices are needed.

### **Traffic Crash Experience**

Traffic crash data was obtained from the Traffic Improvement Association Traffic Crash Analysis Tool (TCAT) website for the Baker School Parking Lot and the intersection with Torpey Drive for the past three years. There were no reported traffic crashes at this location during that time.

### **Sight Distance**

Our field review of Torpey Drive as it approaches Baker School's parking lot showed that there are some trees limiting the visibility of motorists approaching the intersection to see conflicting traffic as shown in Photograph 1. However, a vehicle can still approach the intersection at a speed of 25 miles per hour and still stop in time to avoid a collision with a vehicle in the parking lot. A traffic control device is not recommended based on sight distance.



**Photograph 1: Eastbound Torpey Drive at Baker School Parking Lot**

### **Conclusions**

Our review of the traffic crash experience and sight distance information indicates that the approach does not meet the criteria for a stop or yield sign. Therefore, HRC does not recommend installing a traffic control device for Torpey Drive at Baker School's parking lot.

Instead of installing a traffic control device at this location, HRC recommends reviewing and reconfiguring Baker School's parking lot for on-site circulation issues when school is in session. Vehicle paths from several directions meet at this location. The vehicles traveling through the parking lot are not



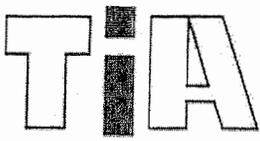
directed through the parking lot. The parking lot for Baker School could possibly be reconfigured to provide more efficient site circulation; thus, improving potential congestion problems.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

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

LFG/  
pc: HRC; W. Alix, File



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August 19, 2008

Michael Adamczyk  
 Assistant Superintendent  
 Troy School District  
 4400 Livernois Road  
 Troy, Michigan 48098

Dear Mr. Adamczyk:

TIA was asked to review the traffic control signing at the old Baker Middle School in regard to the school being changed to an International Baccalaureate Program and Adult Special Education program. I reviewed the location on Wednesday, July 30, 2008 and have the following suggestions:

1. In the parking lot on the south side of Torpey in the middle aisle of parking spaces close/crosshatch the end parking spot on the west side of the aisle. Install a Stop sign at this location. This stop sign will control traffic going north from the parking lot to the drive to the new Baker Middle School. There is an existing Stop sign for southbound traffic on the drive from the new Baker Middle School.
2. Relocate the Stop sign and Stop Bar on drive from the new Baker Middle School at Torpey southerly a few feet so when the drivers are stopped at the Stop sign and Stop Bar they have a good view of traffic on Torpey—there is a bush in the way now. Another option is to remove the bush(es).
3. Close the northerly most parking spot on the parking space aisle that is along the old Baker Middle School and install a Stop sign. This will control traffic coming from the parking lot and allow parents dropping of their children in the circular drive to not have conflicts with traffic from the parking lot.
4. To improve sight distance for drivers using the parking aisle closest to the old Baker Middle School building close/crosshatch the last full parking spot on the east side of the north end of the middle parking stalls.
5. Install a symbolic Do Not Enter sign in the island of the circular drive near where vehicles exit so that vehicles do not enter in the wrong direction.
6. Consider installing No Parking Fire Lane signs on the circular drive in front of old Baker Middle School. These signs would be similar to what are installed at the new Baker Middle School and on the north end of the old Baker Middle School. The signs should be installed perpendicular to the drive.

7. At the westerly exit drive from the north parking lot at the old Baker Middle School remove the first and third trees (close to curb) east of the drive to improve sight distance. Also, remove the first tree to the west of the drive to improve sight distance.
8. At the easterly exit drive from the north parking lot at the old Baker Middle School remove the first three trees to the west of the drive to improve sight distance.
9. At the crosswalk in the northwest corner of the school property that goes to the subdivision to the west remove the first two trees on the east side of the drive north of the crosswalk and the first tree on the east side of the drive south of the crosswalk to improve sight distance.
10. Replace the missing School sign on the westbound drive from the new Baker Middle School at the crosswalk in the northwest corner of the school property. An "Arrow Panel" needs to be installed under this sign. Consider replacing the existing School sign and install new Fluorescent Yellow-Green School and Arrow Panel signs for better conspicuity, if all crossing signs are replaced—see item 11.
11. At the two crosswalk locations on the drive to the new Baker Middle School install "Arrow Panels" under the school signs with the arrows pointing down and toward the road. This is the standard sign for school crosswalks. Consider replacing the existing School signs and install new Fluorescent Yellow-Green School and Arrow Panel signs for better conspicuity.
12. Turn No Parking Fire Lane Buses Only signs on the north side of the old Baker Middle School so they are perpendicular to the drive, which will make them more visible to the drivers.
13. Contact the City of Troy about replacing the missing School sign on Torpey just east of Rochester Road by the school pavement marking legend.
14. In regard to your new sign indicating which way to Baker Middle School, International Academy and Buses/Deliveries the sign should have at least a 5 foot bottom sign height and a 7 foot bottom sign height if there will be pedestrians walking near it. When determining the location of this sign make sure that it will not be blocking the sight distance for drivers coming from the parking lot, drive to the new Baker Middle School, etc.
15. Where Boyd St. enters the school property at the south, trim shrubs and bushes, especially on the east side of Boyd St. so there is better sight distance for the driveway on the south side of the school property. Also, if this east-west school drive is a two-way drive, consider installing a Stop sign in the northeast corner of the drive at Boyd St. for westbound drivers on the driveway.

The following are other comments I have on signing at the new Baker Middle School:

1. Replace Do Not Enter One Way signs with standard symbolic Do Not Enter signs.
2. Turn No Parking Fire Lane signs 90 degrees so they are perpendicular to the driveway and more easily visible to the drivers. This is for the north loop in front of the building and also the big loop at the south end of the building.

Page 3  
Adamczyk  
August 19, 2008

If you have any questions or would like to meet concerning the above, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "David F. Allyn". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

David F. Allyn, P.E.  
Engineering and Data Services



## TRAFFIC COMMITTEE REPORT

July 24, 2008

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer

SUBJECT: Troy Fire Station #4 – Maple Road, East of John R  
Traffic Issues

### Background:

- The Troy Fire Department requests that traffic operations in and around Fire Station #4 be reviewed due to a high number of vehicles making U-turns in the driveways as well as frequent backups on westbound Maple Road that block the westerly driveway to the fire station.
- The single biggest problem is the stacking of traffic west bound that blocks the west drive so firefighters can't get in to the station and the truck have problems getting out. This is most prevalent between the hours of 0600 and 0900 Mon-Fri.
- The other problem that the firefighters have noticed is a relatively high number of vehicles that make a U-Turn in the station to go west on Maple.
- It appears that many of them are doing this to avoid the left turn signal (NB John R to WB Maple). They make a right turn on Maple, pull a U turn in the fire station and are WB on Maple.
- It appears that the traffic signal timing at John R and Maple should be retimed to improve operations of the intersection.
- The traffic signal is under the jurisdiction of the Road Commission for Oakland County (RCOC) and as such any changes or request for changes must be discussed further with their staff.
- There are existing signs as follows at the fire station driveways
  1. "Do not Block Driveway" on Maple at the east side of the west driveway
  2. "Fire Dept Parking Only" on the west side of the west driveway
  3. "Do Not Enter Authorized Vehicles Only" on the east side of the east drive
  4. "Fire Dept Parking Only" on the east side of the east drive
- The no parking signs can be removed as the nearby business has relocated and unauthorized parking has not been an issue since that time.
- John R is under the jurisdiction of the RCOC and as such, they are the responsible party to revise, replace or add signage within the road right-of-way for roads under their control.
- Staff requested that our traffic engineering consultant review the request and provide a report of their findings and recommendations.
- A copy of this report is attached.

### Recommendations:

- Staff recommends the following:
  - Removal of both "FIRE DEPARTMENT PARKING ONLY" signs.
  - Addition of "DO NOT ENTER" signs and "AUTHORIZED VEHICLES ONLY" signs on both sides of the west driveway.

Suggested Resolutions:

- a. Recommend that "DO NOT ENTER" and "AUTHORIZED VEHICLES ONLY" signs be installed on both sides of the westerly driveway to Fire Station #4 and further that staff meet with the RCOC to review traffic signal timing at the intersection of John R and Maple.
- b. Recommend no changes to signage at Fire Station #4.



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July 14, 2008

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

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

Re: Troy Fire Station No. 4 Traffic Control Review

HRC Job No. 20080461.02

Dear Mr. Huotari:

At your request, we have reviewed the traffic control for Fire Station No. 4 located at 2103 E. Maple Road in the City of Troy. This Fire Station is located on the north side of Maple Road just east of John R Road (See Figure 1).



**Figure 1: Aerial Photograph of Troy Fire Station No.4 on Maple Road [Source: Google Earth Pro]**

According to the station chief, there are two problems that exist with Fire Station No. 4's driveway. The first problem is that there are a significant number of vehicles making a U-Turn into the driveway in order to travel west on Maple Road. These vehicles turn right on Maple Road from Northbound John R Road, make a U-Turn in the driveway, and travel west on Maple Road instead of using the left-turn signal on

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Northbound John R Road to travel west on Maple Road. The second problem is vehicles traveling westbound on Maple Road blocking the driveway so fire trucks have difficulty entering and exiting the driveway. The vehicles are backed up on westbound Maple Road from the traffic signal at John R Road. This occurs mostly during the AM peak hours of 6:00 AM to 9:00 AM Monday through Friday. A study of this driveway was conducted to develop recommendations to mitigate these problems.

### Traffic Crash Experience

Traffic crash data was obtained from the Traffic Improvement Association Traffic Crash Analysis Tool (TCAT) website for crashes near Fire Stations No. 4's driveway for the past three years. There were a total of 45 crashes on Maple Road between John R Road and Leaf Green Drive. None of the crashes were a result of Fire Stations No. 4's driveway or fire trucks from this driveway. Table 1 provides a summary of crash severity by year and Table 2 provides a summary of crash type by year for the crashes on Maple Road near Fire Station No. 4 from John R Road and Leaf Green Drive.

**Table 1: Traffic Crash Severity by Year (2005-2007) on Maple Road near Fire Station No. 4**

Crash	2005	2006	2007	Total Crashes	Percentage of Total
Property Damage Only	11	11	15	37	82%
Personal Injury	3	2	3	8	18%
Fatal	-	-	-	0	0%
<b>Total Crashes</b>	<b>14</b>	<b>13</b>	<b>18</b>	<b>45</b>	<b>100%</b>

**Table 2: Traffic Crash Type by Year (2005-2007) on Maple Road near Fire Station No. 4**

Crash Type	2005	2006	2007	Total Crashes
Head-On	-	1	-	1
Angle	-	5	8	13
Rear-End	13	6	7	26
Sideswipe-Same	-	1	2	3
Single Motor Vehicle	-	-	1	1
Other	1	-	-	1
<b>Total Crashes</b>	<b>14</b>	<b>13</b>	<b>18</b>	<b>45</b>

As shown in the above tables, the majority of the crashes were property damage only (82%) and there were no fatal crashes for the three year period from 2005 to 2007. The most common type of crash was rear-end crashes and was often a result of vehicles braking due to the traffic signal at Maple Road and John R Road or traffic congestion on Maple Road. The second most common type of crash was angle crashes and the majority of these were caused by vehicles turning into or out of private driveways.

### Existing Signage

Currently there are traffic signs to warn motorists to not block the driveway, watch for emergency vehicles, authorized vehicles only are allowed, and parking is for the fire department only (see Figure 2). The fire fighters mentioned that they no longer have a problem with unauthorized vehicles parking in their lot since a nearby business relocated and therefore, some of those signs may be removed to make room for the new signs.



Figure 2: Existing Signage at Fire Station No. 4 [Google Earth Pro]

### Conclusions

Since the fire department no longer has an issue with unauthorized vehicles parking in their lot, HRC recommends removing both "Fire Department Parking Only" signs.

HRC recommends adding "DO NOT ENTER" signs (R5-1) and "AUTHORIZED VEHICLES ONLY" signs (R5-15) to both sides of the Fire Station's driveway on the west. These signs should be installed parallel to Maple Road. This would prohibit the use of the west driveway to all entering vehicles except fire trucks.

HRC recommends retiming the signal to improve the operation of the intersection of John R Road and Maple Road especially the westbound Maple Road through movement and northbound John R Road left-turn movement. Motorists are blocking Fire Station No. 4's driveway because they are stopped by the traffic signal at John R Road. By shortening the queue on the westbound approach, vehicles will stop backing up to the driveway. Also, by improving the northbound John R left-turn phase, vehicles may no longer need to use Fire Station No. 4's driveway to conduct a U-Turn to travel westbound on Maple Road.

Very truly yours,

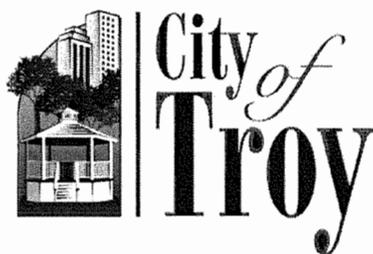
HUBBELL, ROTH & CLARK, INC.

A handwritten signature in black ink that reads "Colleen L. Hill". The signature is written in a cursive, flowing style.

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

LFG/

pc: HRC; W. Alix, File



## TRAFFIC COMMITTEE REPORT

July 24, 2008

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer

SUBJECT: Northfield Parkway at Troy High School  
No U-Turn Sign Request

Background:

- The Troy Police Department requests that "NO U-TURN" signs be placed on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.
- This area was reviewed recently by the Traffic Committee and two (2) Traffic Control Orders were approved:
  - TCO #07-03-P – installation of "NO PARKING/STOPPING/STANDING" signs along Northfield Parkway between Durand and Long Lake
  - TCO #07-12-MR – pavement markings on Northfield Parkway between Durand and Long Lake to create two through lanes and one center two-way left turn lane in the vicinity of Troy High School.
- Both TCO's were approved by City Council on December 17, 2007. Work orders for both TCO's were sent to the Department of Public Works on January 10, 2008. The work order for the "NO PARKING/STOPPING/STANDING" signs was completed with an installation date of February 2008.
- The pavement markings will be completed later this summer after the Department of Public Works completes concrete slab replacements on Northfield Parkway.
- The current request deals with congestion and backups due to the use of the student drop off area on the south end of the site.
- The student drop off area near Perrin Drive causes long backups on Northfield Parkway.
- Parents picking up and dropping off their children are making illegal U-turns on Northfield Parkway to access the drop off area.
- The Police Department has been patrolling this area on a regular basis during the school year as well as during the summer for the summer school students.
- The Police Department has talked with the school in the past, but the school district has not been willing to make physical changes to their site to facilitate the flow of traffic.
- Mark Dziatczak, the Principal for Troy High School, was contacted and he is willing to meet with staff to discuss the flow of traffic in and around the high school after school starts in September.
- Staff requested that our traffic engineering consultant review the request and provide a report of their findings and recommendations.
- A copy of this report is attached.

Recommendations:

- Staff recommends that “NO U-TURN” signs be placed on Northfield Parkway, between Durand Drive and the northerly entrance to Troy High School.
- Staff further recommends that additional studies be conducted once school is in session in cooperation with the school district.

Suggested Resolutions:

- a. Recommend that “NO U-TURN” signs be installed on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School and further study of the area be completed after school is in session.
- b. Recommend no changes on Northfield Parkway at Troy High School.



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July 14, 2008

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

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

Re: Troy High School Traffic Control Review

HRC Job No. 20080475.02

Dear Mr. Huotari:

At your request, we have reviewed Troy High School traffic operations. Troy High School is located at 4777 Northfield Parkway in the City of Troy (see Figure 1). It is south of Long Lake Road and east of Coolidge Highway.



**Figure 1: Aerial Photograph of Study Area in the City of Troy [Source: Google Earth Pro]**

Y:\200804\20080475\Design\Corrs\01Ltr-TroyHS.doc

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.



In February of 2008, “NO PARKING STOPPING STANDING” signs were installed along Northfield Parkway from Durand Drive to Long Lake Road. Pavement markings on Northfield Parkway were also approved to provide a three lane cross-section (one through lane in each direction and one center left-turn lane) from Durand Drive to Long Lake Road. The pavement markings will be installed in coordination with other road work scheduled this summer for this road segment.

Currently, there are two problems present at Toy High School. The first problem is that there are long back ups from the parent drop off area causing congestion in the drop off area and on Northfield Parkway. The second problem is that many parents are making illegal U-Turns on Northfield Parkway to enter the High School drop off area. This review was conducted to determine ways of improving the congestion problem and determine if “NO U-Turn” signs should be installed on Northfield Parkway.

### Traffic Crash Analysis

Traffic crash data was obtained from the Traffic Improvement Association Traffic Crash Analysis Tool (TCAT) website for Northfield Parkway near Troy High School for the past three years. There were a total of seven crashes near Troy High School that were a result of Troy High School. Table 1 shows the seven crashes by type and year.

**Table 1: Crash Types on Northfield Parkway near Troy High School (2005-2007)**

Crash Type	2005 Crashes	2006 Crashes	2007 Crashes	Total Crashes
Angle	0	1	1	2
Rear-End	1	1	1	3
Sideswipe-Same	1	1	0	2
<b>Total</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>7</b>

Of the seven crashes shown above, two were injury crashes and none were fatal crashes. One of the rear-end crashes occurred because a parent stopped in the middle of Northfield Parkway to drop off their child. The two sideswipe-same crashes occurred because motorists were turning into Troy High School’s driveway and another motorist attempted to pass them on the wrong side of the road. The two angle crashes were caused by motorists exiting Troy High School’s driveway and hitting the motorists traveling southbound on Northfield Parkway. Some of the abovementioned crashes may be mitigated by the installation of the center left-turn lane (pavement markings).

### Conclusions and Recommendations

HRC does not recommend installing “NO U-TURN” signs on Northfield Parkway as a permanent solution. Enforcement of the “NO U-TURN” signs would penalize the parents who are making these U-Turns to drop off their children; however, this does not solve the problem. The U-Turns on Northfield Parkway appear to be the result of parents entering the drop off area which is over capacity.

HRC recommends reviewing the site circulation when school is in session to determine how to mitigate the congestion issues. HRC recommends meeting with the school administration to review drop-off /

pick-up procedures and determine what changes can be made to improve school traffic operations. The school administration will help educate the parents and students on the proper way of entering and exiting Troy High School's driveways and parking lots.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

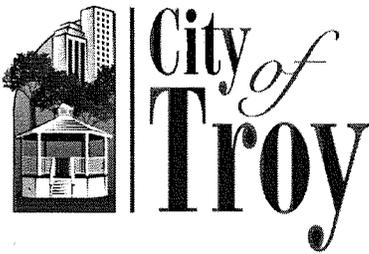
HUBBELL, ROTH & CLARK, INC.



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

LFG/

pc: HRC; W. Alix, File



## TRAFFIC COMMITTEE REPORT

July 24, 2008

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer

SUBJECT: 14 Mile at Panera Bread Driveway  
Request for Additional Signs

### Background:

- The Troy Police Department requests that additional signs be added to the median area on 14 Mile west of John R in the vicinity of Panera Bread.
- This area of 14 Mile is at the end of the boulevard section and therefore has no physical restrictions to prohibit vehicular travel, only pavement markings and limited signage.
- In reviewing the area as well as construction plans from the Road Commission for Oakland County (RCOC) improvements completed on 14 Mile in 2004, there are several signs that were either not installed or have been hit/removed since that time.
- There is an issue with drivers exiting the Panera Bread driveway as well as the adjoining driveway to the east at 977 John R and traveling across 14 Mile to access eastbound 14 Mile.
- There are "ONE WAY" signs present but no additional signs in place restricting this movement.
- 14 Mile is under the jurisdiction of the RCOC and as such, they are the responsible party to revise, replace or add signage within the road right-of-way for roads under their control.
- Staff has reviewed the area and provided recommendations to the RCOC (copy of email attached).
- The RCOC has agreed that additional signage is needed and will install the following signs:
  - At the westerly driveway (at Panera Bread – Driveway #2) – install a "TURN RIGHT ONLY" sign in the median under the existing "ONE WAY RIGHT" sign
  - At the easterly driveway (at 977 John R – Driveway #3) – install a "DO NOT ENTER" sign on the back side of the existing "STOP" and "ONE WAY LEFT" sign installation and at the location of the existing "ONE WAY LEFT" sign.

### Recommendations:

- There are no recommendations with this item. It is presented as information only.

## William J Huotari

---

**From:** Chuck Keller [ckeller@rcoc.org]  
**Sent:** Thursday, July 17, 2008 9:41 AM  
**To:** William J Huotari  
**Cc:** Lee Liston; Les Saunders; Michael Bachman; Danny R Daniel  
**Subject:** Re: 14 Mile Westbound, East of John R

Bill:

I've looked into your request. The RCOC will do the following to address the situation.

At driveway location No. 1 - No additional signing is required.

At driveway location No. 2 - Install a "Turn Right Only" sign in the median under the existing "One Way Right" sign.

At driveway location No. 3 - Install a "Do Not Enter" sign on the back side of the existing "Stop & One Way Left" sign installation and at the location of the existing "One Way left" sign.

The stop signs located on the private driveways are not installed or maintained by the RCOC. Any signs installed at these locations need to be done by the private property owners (developers) or the city.

Chuck

Charles T. Keller, P.E.  
Traffic Engineer  
Traffic-Safety Department  
Road Commission for Oakland County  
2420 Pontiac Lake Road  
Waterford, MI 48328  
Phone (248) 858-4830  
Fax (248) 858-4814  
E-mail: [ckeller@rcoc.org](mailto:ckeller@rcoc.org)

>>> "William J Huotari" <[HuotariWJ@troymi.gov](mailto:HuotariWJ@troymi.gov)> 7/11/2008 11:07 AM >>>

Chuck, I talked with Danielle the other day and she said she forwarded my original question to you. I called this morning and found out you were on vacation until next week so I thought I would forward you an email so that you can look at the same information that I have.

I received a request from our Police Department for some additional signage on 14 Mile, east of John R at the westerly driveway from the shopping plaza on the site. There are two (2) driveways from the site and then another driveway to 977 John R. Motorists exiting the westerly driveway from the site are driving straight across to get to eastbound 14 Mile (this area is the taper area from the existing median so there is no physical barrier to prevent the vehicles just double solid yellow lines). This is causing problems in the area and there needs to be additional signs added to enforce the area (aerial of the area is attached).

I took a look at the plans for 14 Mile, Stephenson to John R (RCOC Project # 47011) when 14 Mile was resurfaced (attached). The permanent signing and striping sheet shows the proposed

signs for this section and there are two (2) "TURN RIGHT ONLY" signs and two (2) "DO NOT ENTER"

signs that are shown on the plan but do not exist in the field. These are signs that should be installed ASAP.

<<14 Mile\_Panera Bread.pdf>>

I went out and took pictures today and attached the pictures looking at 14 Mile from each of the three driveways. The easterly driveway (1) does have the "TURN RIGHT ONLY" sign posted but it is not obeyed as I witnessed two vehicles exiting the driveway and going straight across 14 Mile to the cross over.

<<Driveway 1\_Main Plaza.JPG>> <<Driveway 2\_Panera Bread.JPG>> <<Driveway 3\_977 John R.JPG>>

As the signs in the vicinity of the westerly driveway were shown on the proposed plan sheet, I would assume that the RCOC would install them or do I need to go through our Traffic Committee/City Council sign request process and then forward that to you?

A general question as well:

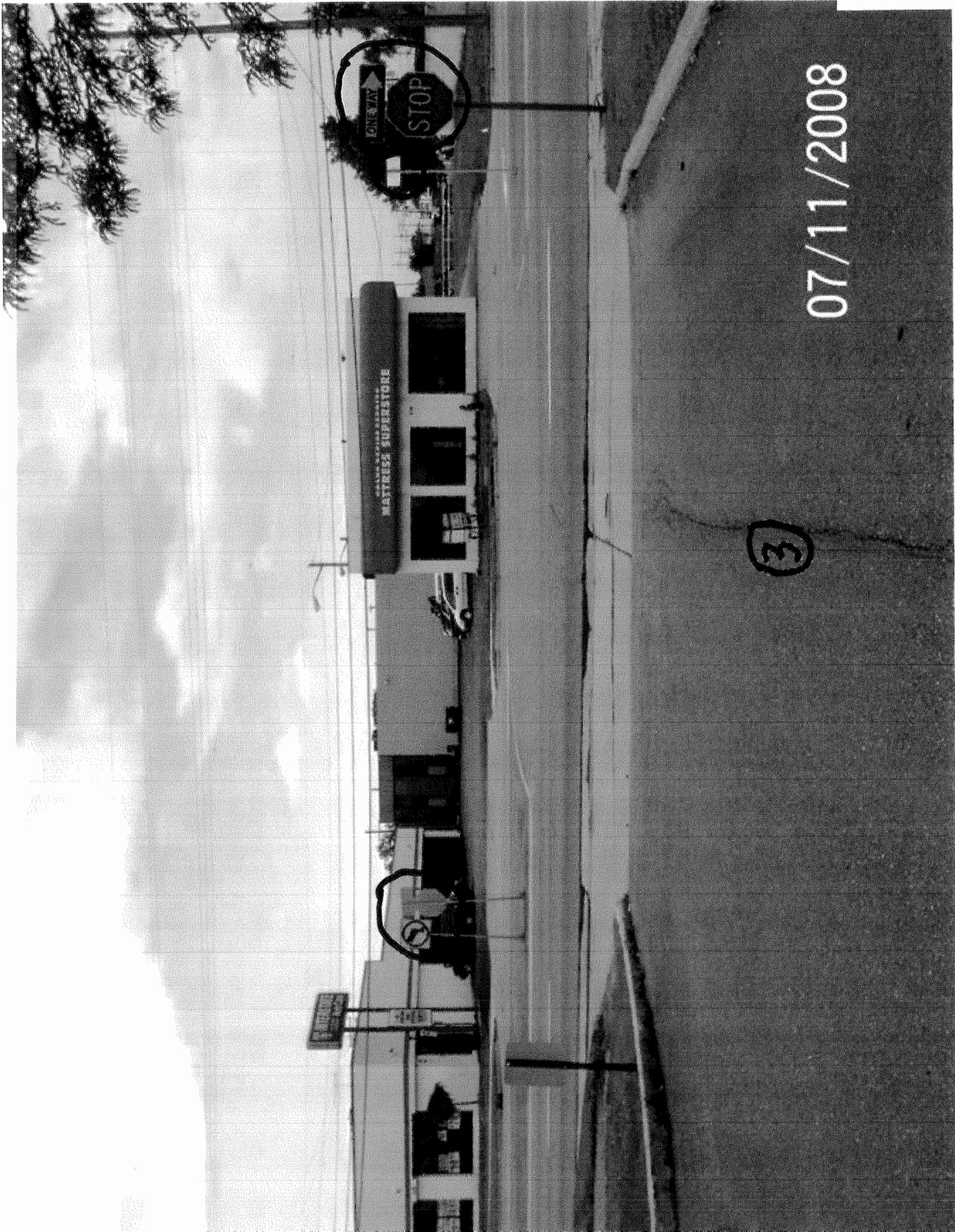
If I were to get a sign request for signage on a County Road, how should this be handled?

Thanks and let me know how you want to proceed.

Bill

<<Picture (Device Independent Bitmap)>>

<<William J Huotari P E .vcf>>



07/11/2008

3

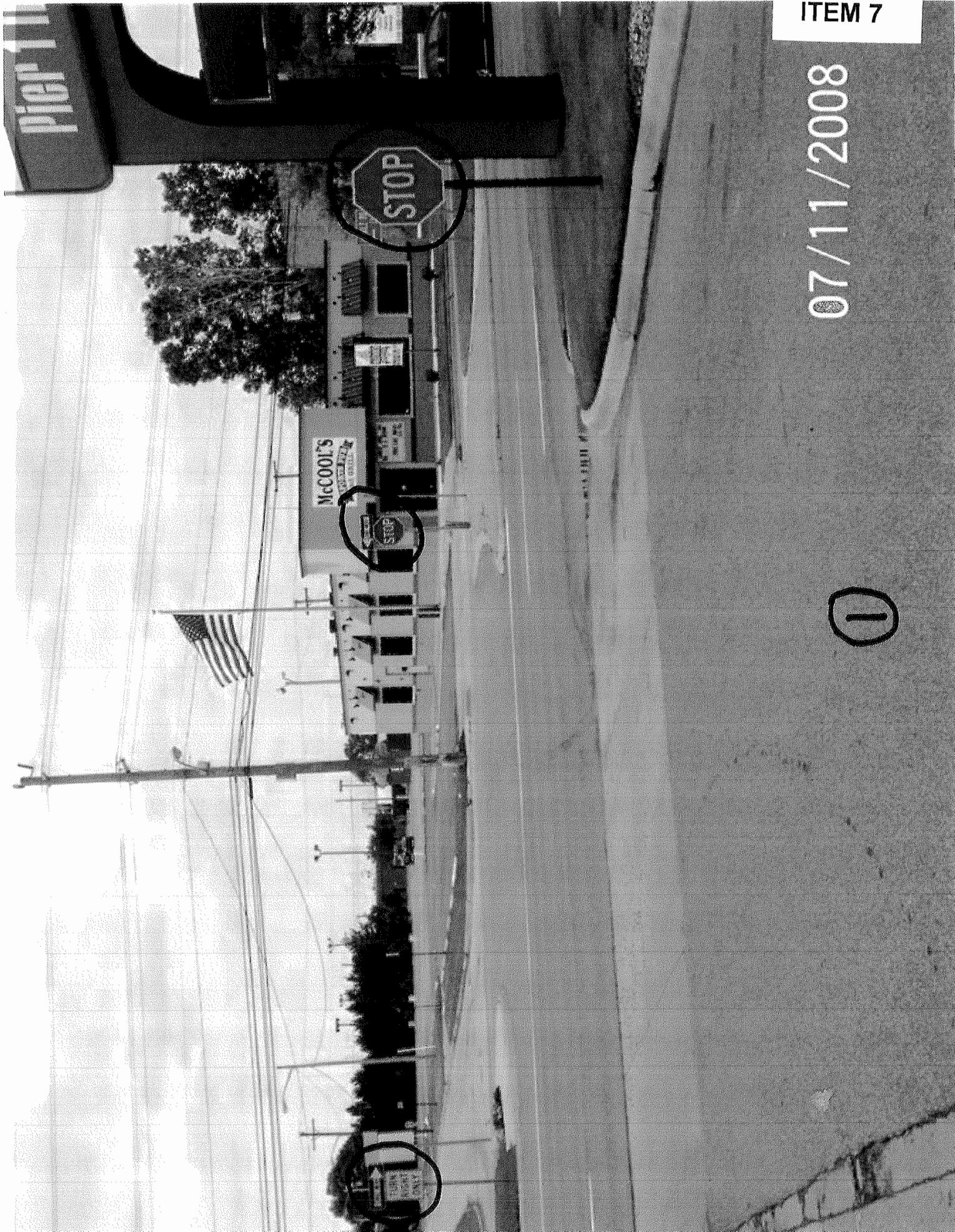


07/11/2008

2

07/11/2008

①





# Geographical Information Systems Online



E FOURTEEN MILE

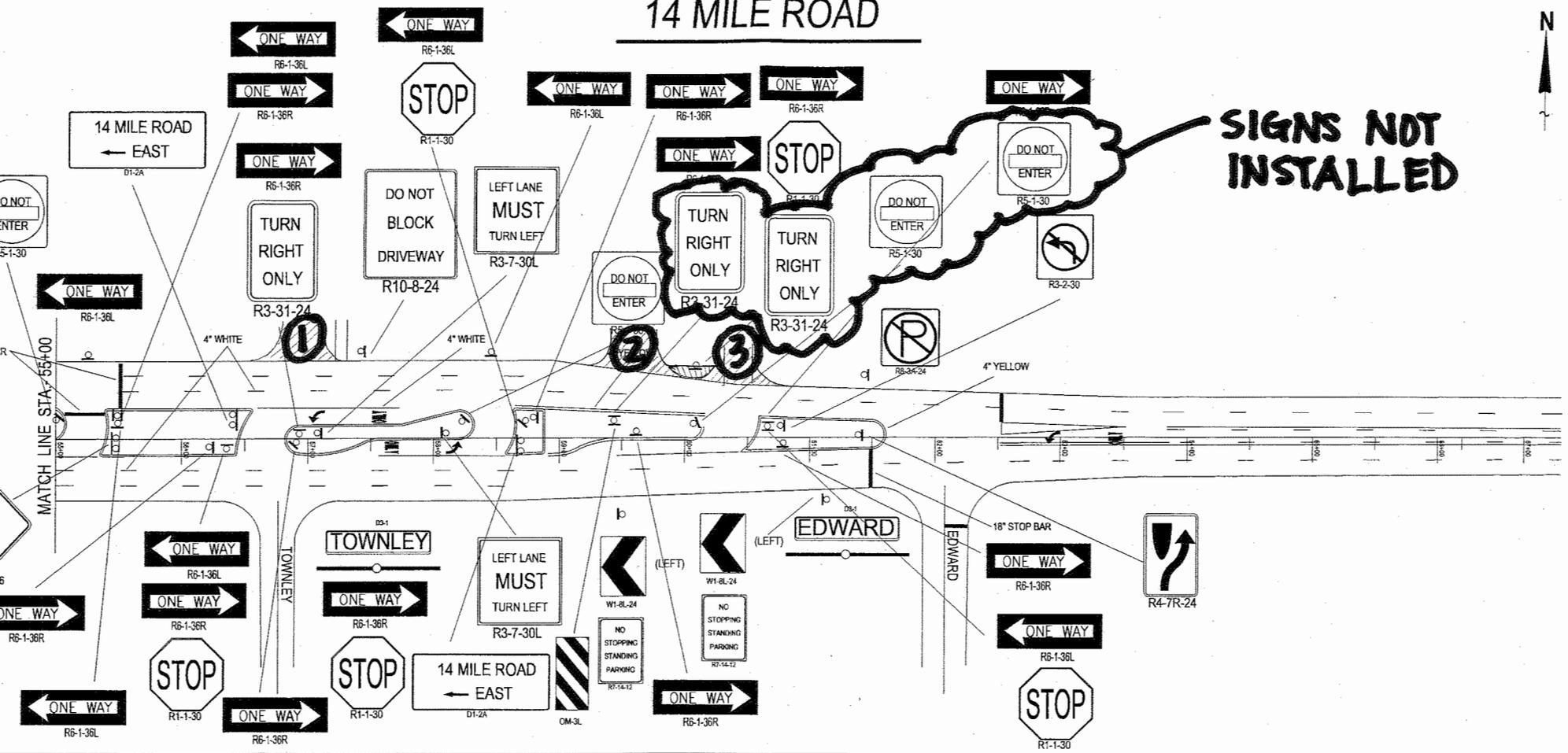
E FOURTEEN MILE



City of Troy - Michigan - Copyright (C) - 2008

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

# 14 MILE ROAD



**SIGNS NOT INSTALLED**

### MATERIAL REQUIRED

(BY R.C.O.C.)

- |               |                       |
|---------------|-----------------------|
| 5-R1-1-30     | STOP                  |
| 4-R5-1-30     | DO NOT ENTER          |
| 2-R3-7-30(L)  | L.T. LN. MUST TR. LT. |
| 3-R3-31-24    | TURN RIGHT ONLY       |
| 1-R3-2-30     | NO LEFT TURN          |
| 1-R10-8-24    | DO NOT BLOCK DRIVEWAY |
| 2-R7-14-12    | N.S.S.P.              |
| 1-R6-34-12    | NO PARKING            |
| 1-OM-3-24     | OBJECT MARKER         |
| 1-W1-8-24     | CHEVRON               |
| 12-R6-1-36(R) | ONE WAY               |
| 6-R6-1-36(L)  | ONE WAY               |
| 1-R4-7-24     | KEEP RIGHT            |
| 2-D1-2A-60    | GUIDE                 |
| 1-W4-2-36(R)  | TRANSITION            |

### PAVEMENT MARKING

(BY CONTRACTOR)

#### SPRAYABLE THERMOPLASTIC

- |           |              |
|-----------|--------------|
| 4" WHITE  | 1100 LN. FT. |
| 4" YELLOW | 1200 LN. FT. |

#### COLD PLASTIC

- |                      |             |
|----------------------|-------------|
| 18" STOP BAR         | 110 LN. FT. |
| LEFT TURN ARROW ONLY | 2 EA.       |
|                      | 2EA.        |

PERMANENT SIGNING DIAGRAM  
AND  
PAINTING DIAGRAM

SHT. OF

**RCOC PROJECT No. 47011  
14 MILE, STEPHENSON TO  
JOHN R.**



## CITY COUNCIL ACTION REPORT

August 28, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer *SV*  
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Warranty Deed for Right-of-Way – Bryden Land Co., LLC  
 Sidwell #88-20-15-201-041

### Background:

- In connection with the future development of Covington Estates Site Condominium located on the south side of Long Lake in Section 15, the Real Estate Department has received a Warranty Deed for right-of-way from property owner Bryden Land Co., LLC.

### Financial Considerations:

- The consideration amount on this document is \$1.00.

### Legal Considerations:

- The format and content of this easement 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 Warranty Deed for right-of-way, consistent with our policy of accepting right-of-way for property development and improvements.

**WARRANTY DEED**

Sidwell #88-20-15-201-041  
Project #04.936.3

The Grantor(s), Bryden Land Co., L.L.C., a Michigan limited liability company, Grantor, whose address is 1155 Waycroft Lane, Rochester, MI 48307, conveys and warrants to the City of Troy, a Michigan municipal corporation, Grantee, whose address is 500 West Beaver, Troy, Michigan 48084 the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar (\$1.00)

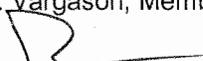
subject to easements and building and use restrictions of record and further subject to

Dated this 11th day of August, 2008.

Bryden Land Co., L.L.C.,  
a Michigan limited liability company



\*Brian S. Vargason, Member

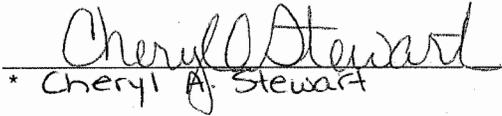


\*Dennis W. Siavrakas, Member

STATE OF MICHIGAN)  
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 11th day of August, 2008, by Brian S. Vargason, Member and Dennis W. Siavrakas, Member, of the Bryden Land Co., LLC, a Michigan limited liability company, on behalf of said company.

**CHERYL A. STEWART**  
Notary Public, Oakland County, MI  
My Commission Expires **May 3, 2012**  
Acting in Oakland County



Notary Public, Oakland County, Michigan  
My commission expires: May 3, 2012  
Acting in Oakland, County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel # \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

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

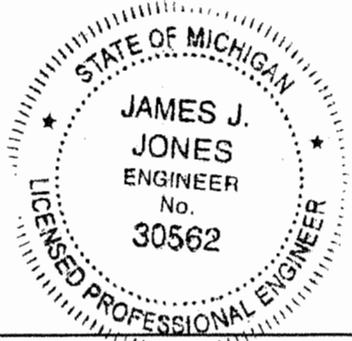
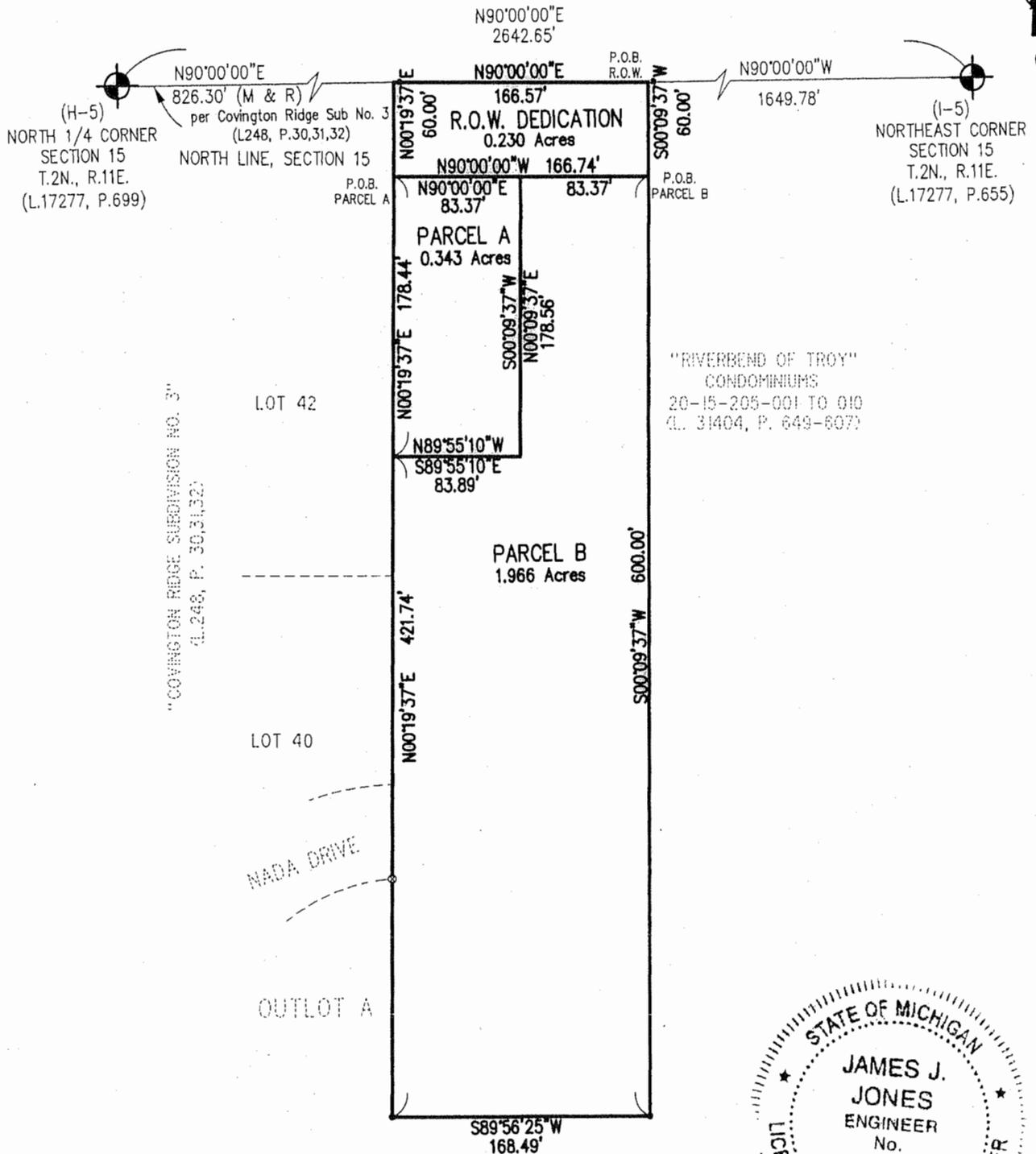
## EXHIBIT "A"

Right-of-Way Dedication  
Sidwell #88-20-15-201-041

Part of the Northeast  $\frac{1}{4}$  Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows:  
Beginning at a point which is N90°00'00"W 1649.78 feet along the North line of Section 15, being also the centerline of Long Lake Road (60 ft. wd. R.O.W. South  $\frac{1}{2}$ ) from the Northeast Corner of Section 15; thence S00°09'37"W 60.00 feet; thence N90°00'00"W 166.74 feet; thence N90°19'37"E 60.00 feet to the North line of Section 15, being also the centerline of Long Lake Road (60 ft. wd. R.O.W. South  $\frac{1}{2}$ ); thence N90°00'00"E 166.57 feet along said North line of Section 15, being also the centerline of Long Lake Road (60 ft. wd. R.O.W. South  $\frac{1}{2}$ ) to the point of beginning. Containing 9,999 square feet --- 0.230 acres.

# EXHIBIT 'A'

LONG LAKE ROAD (60 FT. WD. R.O.W. SOUTH 1/2)



JJ-08-449  
 SHEET 4 OF 5

20-15-201-043



44444 Mound Road  
 Suite 100  
 Sterling Heights, MI 48314  
 Telephone (586) 726-9111  
 Fax (586) 726-9112  
 Website: www.jjassociates.net

CLIENT: BRYDEN HOMES  
 DATE: 06-11-2008 cls

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## CITY COUNCIL ACTION REPORT

TO: Members of the Troy City Council

FROM: Phillip L. Nelson, City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Citizen Petition Initiated Ballot Language Ratification to Correct Typographical Error as Noted by the State of Michigan Attorney General's Office

### Background:

- Proposed citizen petition initiated charter amendment as submitted was forwarded to the State of Michigan Attorney General's Office for review. According to the Attorney General's Office review letter, initiatory petition charter amendment ballot questions must be true to the language circulated on the petitions. The AG's Office review noted a transposition of two words within the submittal. The language has been redrafted with the correction red-lined to more accurately represent the petition submittal in the motion as provided below.

### **F- Ratification of the Proposed Ballot Language to Correct the Typographical Error on the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5 as Noted by the State of Michigan Attorney General's Office**

Resolution #2008-09-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **RATIFIES** the language for placement on the November 4, 2008 Election ballot, the following ballot question to confirm that the typographical error, as noted by the State of Michigan Attorney General's Office, is correct to mirror the language as presented on the citizen initiated petition submittal as follows:

#### **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 be first ~~be~~ approved by a majority of the City electors  
voting on the question.”?  
Yes \_\_\_ No \_\_\_

Yes:  
No:

- A copy of the Attorney General’s Office Review letter is attached for your convenience.

Financial Considerations:

- There are no Financial Considerations associated with this item.

Legal Considerations:

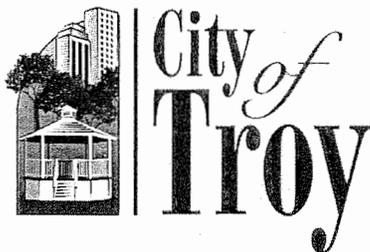
- Proposed initiatory charter amendments submitted in compliance with State Law Shall be submitted to the voters. (MCL 117.21(1))

Policy Considerations:

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

Options:

- City Council can resolve the typographical error by ratifying the ballot language to more accurately represent the language provided in the citizen initiated petition charter amendment ballot question (majority vote).



# CITY COUNCIL ACTION REPORT

September 2, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer  
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *paf*

SUBJECT: Request for Approval of Purchase Agreement  
 Wattles Road Improvements, Bristol to Worthington  
 Project No. 01.106.5 – Parcel #20 – Sidwell #88-20-23-100-072  
 Russell F. Hadley and Jeanette Hadley

## Background:

- In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a purchase agreement from Russell F. Hadley and Jeanette Hadley. This parcel is located on the south side of Wattles Road, between Rochester and Keats in the northwest ¼ of Section 23.

## Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, and David J. Abraham, SRA, both State Certified Appraisers and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$63,000, plus closing costs for the acquisition of the property described in the purchase agreement is a justifiable amount for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.011065.

## Legal Considerations:

- The format and content of the purchase agreement is consistent with documents previously accepted by City Council.

## Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Outcome Statements I, II and III)

## Options:

- City Management recommends that City Council approve the attached purchase agreement from Russell F. Hadley and Jeanette Hadley so that the City can proceed with the acquisition of this right-of-way.

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Russell F. Hadley and Jeanette Hadley, husband and wife (the "Sellers"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Sixty-Three Thousand and no/100 Dollars (\$63,000) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

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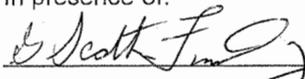


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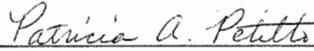
SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 2ND day of SEPTEMBER, 2008.

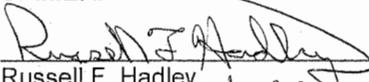
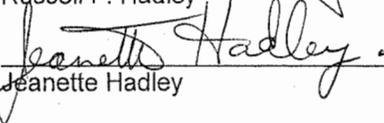
In presence of:


CITY OF TROY (BUYER)

  
\_\_\_\_\_

SELLER:

  
Russell F. Hadley  
  
Jeanette Hadley  
\_\_\_\_\_  
\_\_\_\_\_

04-14-08  
20010397  
20-23-100-072

EXHIBIT 'A'

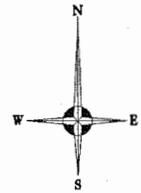
**DESCRIPTION OF RIGHT OF WAY ACQUISITION**

The South 27.00 feet of the North 60.00 feet of the following described property: Beginning at a point distant S89°29'22"E 1,019.15 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S89°29'22"E 202.05 feet along the centerline of Wattles Road; thence S00°12'50"W 330.00 feet; thence S89°29'22"E 100.00 feet; thence S00°12'50"W 389.90 feet; thence S89°44'08"W 302.00 feet; thence N00°12'34"E 724.00 feet to Beginning, Except that part platted into "Buck Run". Said acquisition contains 5,454 square feet, or 0.125 acres, more or less.

# RIGHT OF WAY ACQUISITION

EXHIBIT 'B'  
PARCEL 20

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 60'

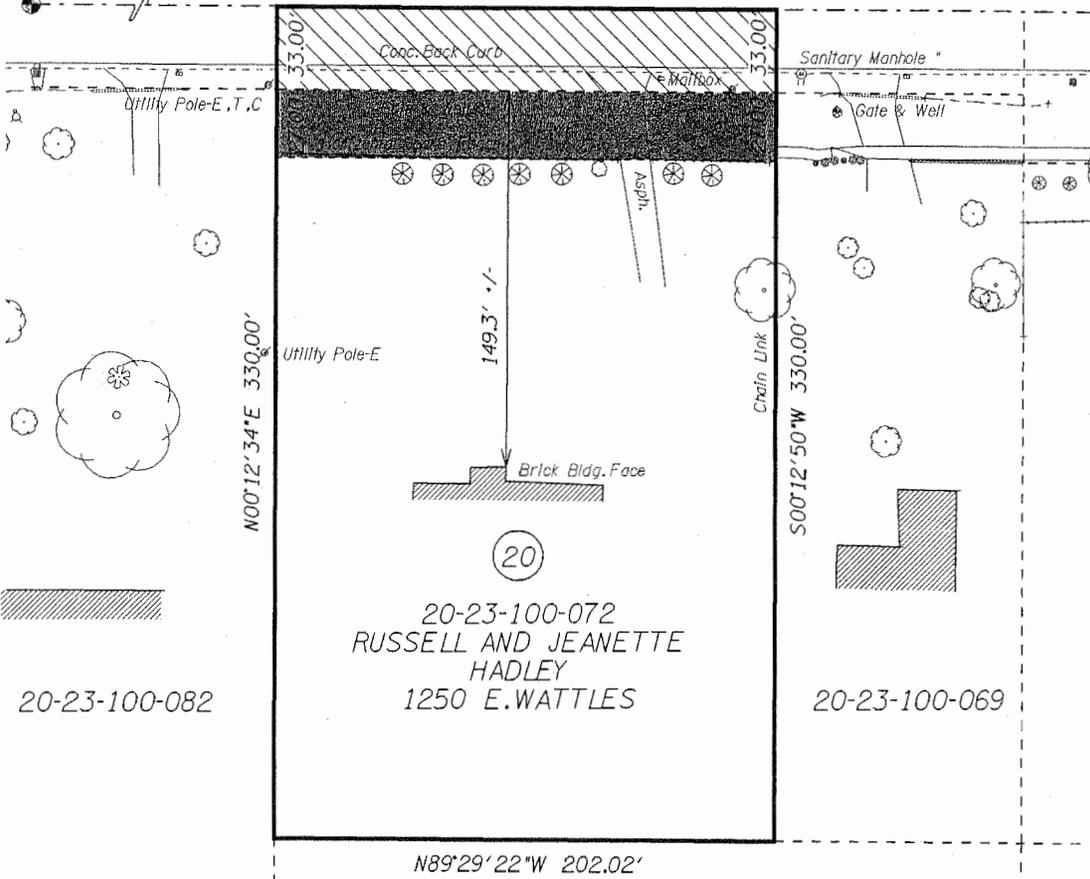
## WATTLES ROAD

NORTHWEST CORNER OF SECTION 23,  
T2N, R11E, CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN.

S89°29'22"E  
1019.15'

S89°29'22"E 202.05'

Asph.



20-23-100-082

20-23-100-072  
RUSSELL AND JEANETTE  
HADLEY  
1250 E. WATTLES

20-23-100-069

N89°29'22"W 202.02'

BUCK RUN SUB.

20-23-100-072  
RUSSELL AND JEANETTE HADLEY  
TOTAL AREA • 66,671 S.F.  
R.O.W. ACQUISITION • 5,454 S.F.  
STATUTORY R.O.W. • 6,668 S.F.  
REMAINDER • 54,549 S.F.

R.O.W. ACQUISITION •

STATUTORY RIGHT OF WAY •



TIME - 14-APR-2008 08:33

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USER NAME - dhubert

JOB NO. 20010397	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
DATE 04-14-08	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	2
	P.O. BOX 824 48303-0824	OF 2



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** September 4, 2008  
**SUBJECT:** Agreement between City of Troy and Troy School District for NPDES Permit

---

The Michigan Department of Environmental Quality has declared that school districts, including the Troy School District, are also subject to the requirements of the National Pollutant Discharge Elimination System Wastewater Discharge Permit for Storm Water Discharges (NPDES Permit). The City of Troy has voluntarily worked with the Troy School District in past years, but with the issuance of a new permit, an agreement formalizing this “nesting” relationship under Troy’s permit is now required.

Pursuant to the terms of this Agreement, Troy retains the primary responsibility for compliance with the NPDES Permit. However, since the exact requirements of the new NPDES Permit are subject to our administrative challenge, and therefore unknown, the Nesting Agreement is vague, but does require the Troy School District to reimburse its share of any out of pocket costs incurred by Troy for compliance with the NPDES Permit. The Agreement is before you at this time, prior to the completion of the administrative proceeding, since the Troy School District needs to either apply for its own permit at this time or demonstrate that it will work cooperatively under the City’s NPDES permit. There may be other entities that desire to nest under the City’s NPDES permit as well, especially since there are now additional entities that are required to comply with the NPDES permit requirements.

The Troy School Board has approved this attached Agreement. It is our recommendation that the Agreement be approved by the Troy City Council.

If you have any questions concerning the above, please let me know.

## EXHIBIT A

### AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, between the CITY OF TROY, Michigan, a Michigan municipal corporation, hereinafter referred to as the "City", and TROY SCHOOL DISTRICT, a Michigan general powers school district organized and operating under the provisions of the Revised School Code, MCLA 380.1, *et seq.*, as amended, whose address is Livernois Road, Troy, Michigan 48098-4799, hereinafter referred to as the "School."

#### Recitals

1. The City and School may be subject to the requirements of the Phase II Storm Water Regulations (the "Phase II Regulations"), 33 USC 1251, *et seq.*, published by the United States Environmental Protection Agency ("EPA") in the Federal Register on December 8, 1999.
2. The City is applying for a Michigan Department of Environmental Quality National Pollutant Discharge Elimination System Wastewater Discharge General Permit for Storm Water Discharges ("NPDES Permit" or "Permit") from Municipal Separate Storm Sewer Systems Subject to Watershed Plan Requirements (MIG619000).
3. At the request of the School, the City is also applying to cover the School which lies within the jurisdictional limits of the City.
4. The Phase II Regulations and the NPDES Permit may impose certain requirements on the City and School that must be satisfied.
5. The School and the City Council have approved the City to provide coverage for the School under the NPDES Permit to enable the City and the School to comply with the requirements of the Phase II Regulations, the NPDES Permit, and to engage in other storm water management activities related thereto.
6. The City and the School agree to cooperate and actively participate in the activities necessary to enable the City and the School to comply with the Phase II Regulations and the NPDES Permit.
7. The City and the School are authorized to enter into an Agreement for a term up to but not beyond the expiration date of the City's Certificate of Coverage under the NPDES Permit.
8. In order to provide permit coverage, it is necessary that the City and the School enter into this Agreement.

THEREFORE, in consideration of the premises and the covenants of each other and fully incorporating the above Recitals into the Agreement by reference, the parties hereto agree as follows:

I. GENERAL PERMIT COMPLIANCE

A. City

The City agrees to:

- (1) Prepare and submit the permit application and required attachments.
- (2) Be responsible for the general administration of the permit related compliance program including maintenance of records, permit compliance tracking and submittal of required plans, reports, and related correspondence.
- (3) Provide access to all correspondence and records related to the permit to the School.
- (4) Advise the School of any permit compliance issues or actions.
- (5) Hold meetings with the School to provide updates on compliance and storm water management related issues.
- (6) Be responsible for the primary implementation of minimum measures, Storm Water Management Plan, Watershed Management Plan, etc., with the City and School.
- (7) Attend and actively participate in watershed planning efforts.
- (8) Represent the School in watershed planning efforts.
- (9) Engage such consultants, assistants, attorneys, employees, and resources as may be necessary to provide the services necessary to maintain compliance with the permit.

B. School

The School agrees to:

- (1) Provide needed information to the City as may be requested including drawings, plans, reviews, reports, and notices of problems/spills/violations necessary to apply for and maintain compliance with the Permit.-
- (2) Name a storm water management contact person.

- (3) Approve and agree that the City shall provide such services hereunder as are necessary to assist in complying with the permit application requirements, the NPDES Permit, the Certificate of Coverage ("COC"), and in all other related storm water management activities.
- (4) Participate in subwatershed and watershed planning and implementation activities as requested.
- (5) Provide cooperation, information and assistance to the City as reasonably necessary to complete the School's specific requirements as related to complying with and implementing all aspects of the NPDES Permit and Phase II Stormwater Regulations, including but not limited to Illicit Discharge Elimination Plans, Public Education and Participation Plans, and Construction of Storm Water Controls.
- (6) Fully comply with all requirements of and activities resulting from the NPDES Permit.
- (7) Provide to the City full and complete access, upon reasonable notice, to the School's storm water facilities for inspections and maintenance required by the Permit.
- (8) Take all other action as may be reasonably requested by the City to meet compliance of the NPDES Permit.

## II. COST SHARE

### A. City

The City agrees to:

- (1) Provide NPDES Permit coverage to the School at no cost to the School except as provided in Section II.B. below; further, however, if the School fails to timely implement improvements required by the NPDES Permit, the City will provide the School with notice of the improvements that are required and permit the School to complete the improvements or upon written consent of the School the City will make those corrections in order to maintain compliance with the NPDES Permit and will charge the School for those improvements by submitting an invoice to the School, which shall represent the actual cost incurred by the City. If the School does not make the connections, then the City may terminate this Agreement in accordance with Section III.C., below.

- (2) Accept responsibility for costs of addressing permit non-compliance issues that are unrelated to the actions of the School.

B. School

The School agrees to:

- (1) Implement and promptly pay all actual out-of-pocket costs associated with changes required to their storm water facilities that are required to comply with the NPDES Permit and permit reasonable inspections by the City. Failure to make these corrections by the School shall trigger the City's rights as stated above in Section II.A.(1) to make the corrections and charge the School, which charge the School shall pay promptly to the City upon receipt of an invoice.
- (2) Provide reasonable assistance, including manpower and resources, to comply with the NPDES Permit and implement storm water management.
- (3) Reimburse the City for all other actual out-of-pocket costs that are incurred in addressing permit non-compliance issues that are solely the result of actions by the School.
- (4) Pay all actual out-of-pocket costs associated with testing and inspection of the School's storm water and related facilities, as requested by the School.

III. GENERAL AGREEMENT TERMS AND CONDITIONS

- A. In the event that any one or more of the provisions of this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof; but this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- B. The Agreement shall become effective after approval by the governing bodies of the City and the School and execution by the authorized officials of the parties. This Agreement shall terminate on the expiration date of the General Permit Certificate of Coverage unless extended by the parties in writing; may be executed in several counterparts; and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- C. If the City or the School is unable or unwilling to comply with the Agreement, then upon written notice from either party to the other, the parties shall engage in good faith informal negotiations for a period of thirty (30) days in an attempt to resolve their differences. In the event of a

dispute concerning the District's payment of costs, the District may terminate this Agreement after this thirty (30) day period. Otherwise, if the informal negotiations do not resolve the differences, then the Agreement can be terminated by any party with a ninety (90) day written notice.

If the Agreement is terminated, the City will notify the School in writing that they will have to apply for a permit, and the MDEQ of the termination of the Agreement. In the event that either the City or the School should terminate this Agreement for any reason, the City shall provide to the School, at no cost or expense, any and all studies, reports, tests, evaluations, or surveys as well as any other data compiled by the City pursuant to this Agreement.

- D. Modifications, amendments or waivers of any provisions of this Agreement may be made only by the written mutual consent of the parties.
- E. The parties, as required by law, shall not discriminate against a person to be served, an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges or employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, political affiliation or beliefs.
- F. The term of this Agreement shall commence on the date set forth above and shall remain in effect until the expiration date of the General Permit Certificate of Coverage, that is \_\_\_\_\_, 200\_\_, unless extended by the parties in writing. Termination for cause shall be in accordance with the provisions of Section III.C.

The parties shall adhere to all applicable Federal, State, and local laws, ordinances, rules and regulations prohibiting discrimination, including, but not limited to, the following:

- (1) The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.
  - (2) The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
  - (3) Section 504 of the Federal Rehabilitation Act of 1973, P.C. 93-112, 87 Stat 394, as amended, and promulgated thereunder.
  - (4) The Americans with Disabilities Act of 1990, P.C. 101-336, 104 Stat 328 (42 USCA S12101, *et seq.*), as amended, and regulations promulgated thereunder.
- G. Nothing in this Agreement shall in any way grant rights to any third party that is not a party to this Agreement.

H. Nothing contained in this Agreement shall constitute a waiver by the parties of any defenses, including without limitation the defense of governmental immunity.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered by their respective duty authorized officers, all as of the day and year first above written.

Witness:

CITY OF TROY

\_\_\_\_\_

By: \_\_\_\_\_  
Louise Schilling

Its: Mayor

\_\_\_\_\_

\_\_\_\_\_  
Tonni Bartholomew

TROY SCHOOL DISTRICT, a Michigan  
general powers school district

*Patricia R. Ouzykowski*

By: *Michael M. Adamczyk*  
Michael M. Adamczyk

Its: Assistant Superintendent,  
Business Services

Approved:

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Asst. City Manager/Economic Dev. Services

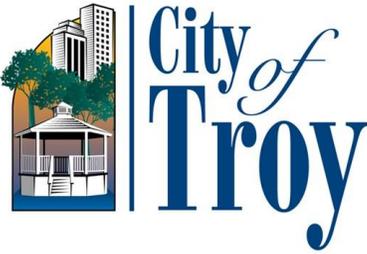
Approved as to form:

\_\_\_\_\_  
Department of Law

Pursuant to Resolution # \_\_\_\_\_

Adopted by City Council on \_\_\_\_\_

00057320.DOC



## CITY COUNCIL REPORT

August 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing, Outdoor Seating Request in Excess of 20 Seats  
CJ Mahoney's, 2511 Livernois

### Background:

- We have received an application from Joseph Everson, manager of CJ Mahoney's located at 2511 Livernois Road, for outdoor dining for 42 seats in conjunction with the new restaurant.
- The use of property in question is controlled by the terms of a consent judgment which allows uses in accordance with the O-M (Office Mid-rise) Zoning District.
- Section 25.30.03 of the Troy Zoning Ordinance allows outside seating areas in excess of 20 seats as a use permitted subject to Special Use Approval by City Council (in lieu of the Planning Commission) in the O-M Zoning District.
- The previous tenant at this location, Spectadium, obtained approval from City Council for up to 44 seats in 1996.
- In accordance with the provisions of Paragraph A of Section 25.30.03, any change in management terminates that approval.
- The procedure for Special Use Approval requires that a public hearing be held on the matter.
- A public hearing is scheduled for your meeting of September 22, 2008.

### Financial Considerations:

- There are no financial considerations.

### Legal Considerations:

- A public hearing on the matter is required per Sections 3.30.00 and 251.30.03.

### Policy Considerations:

- Effectively and professionally communicate internally and externally. (Goal IV)

### Options:

- There are no options at this time.

AUG 20 2008

BUILDING DEPT.

# OUTDOOR DINING APPLICATION

Applications shall be accompanied by fully dimensioned plans indicating the location of the proposed seating area within the subject site, the layout of the proposed outside seating, and information as to any proposed building or site alterations, seating area enclosure elements, etc.

Setbacks for outside seating area involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within the applicable zoning district.

Outside seating areas shall not occupy required sidewalk areas or required landscape areas.

In their consideration for outside seating, the City Council, when involved, may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

NAME OF BUSINESS: C.I. Mahoney's Troy L.L.C.

ADDRESS OF BUSINESS: 2511 Livernois, Troy, MI. 48063

NAME OF APPLICANT: Thomas Everson

ADDRESS: 1850 Bromley Ln. Rochester Hills, MI. 48306

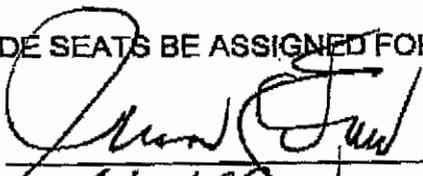
PHONE: 248 425 8531

NUMBER OF SEATS: Existing Inside 241

Proposed Outside: 42

NUMBER OF AVILABLE PARKING SPACES: 810

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes  No

Signature: 

Date: 8/19/08

RECEIVED  
AUG 20 2008  
BUILDING DEPT.

### OUTDOOR DINING APPLICATION OWNER AFFIDAVIT

I Stanley Stachowicz as owner/representative  
As Agent for FirstLyn (name) Associates LLC

of the property located at 2511 Liveryois Troy, MI. 48083

do approve of C.J. Mahoney's Troy L.L.C.  
(business)

providing 42 seats for outdoor dining.

Signature: [Handwritten Signature]

Date: August 19, 2008

Lynn M. Miller-Penegor  
LYNN M. MILLER-PENEGOR  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Jun 25, 2012  
ACTING IN COUNTY OF Oakland

\*\*\*\*\*

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

### OUTDOOR DINING CERTIFICATE OF APPROVAL

NAME OF BUSINESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER/MANAGER: \_\_\_\_\_

NUMBER OF SEATS \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

BY: \_\_\_\_\_  
City of Troy, Building Department



## CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING

August 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration  
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for The ProMetal RCT, LLC 2341 Alger

### Background:

- The ProMetal RCT, LLC, has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their business at 2341 Alger, Troy, MI., 48083.

### Financial Considerations:

- The financial considerations cannot be determined at this time.

### Legal Considerations:

- The legal considerations cannot be determined at this time.

### Policy Considerations:

- Policy considerations will occur at the Public Hearings.

### Options:

- The public hearings will be on September 22, 2008 to conform to State law.

**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, September 22, 2008 at 7:30 P.M. to consider the request from The ProMetal RCT, LLC, for the establishment of an Industrial Development District (IDD) at the following location:

88-20-26-200-060 2341 Alger, Troy, MI. 48083

T2N, R11E, Section 26

Jack Elwell's Industrial Park Subdivision

Lots 5 & 6

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](mailto: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.

**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, September 22, 2008 at 7:30 P.M. to consider the request from The ProMetal RCT, LLC, for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-26-200-060 2341 Alger, Troy, MI. 48083  
T2N, R11E, Section 26  
Jack Elwell's Industrial Park Subdivision  
Lots 5 & 6

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

---

Tonni Bartholomew, MMC  
City Clerk

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**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**

**DORIS PEDERSEN  
2341 ALGER  
TROY MI 48083**



## **CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING**

August 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration  
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for Faurecia, 2350 Meijer

### **Background:**

- Faurecia Automotive Seating, Inc., has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their business at 2350 Meijer, Troy, MI., 48084.

### **Financial Considerations:**

- The financial considerations cannot be determined at this time.

### **Legal Considerations:**

- The legal considerations cannot be determined at this time.

### **Policy Considerations:**

- Policy considerations will occur at the Public Hearings.

### **Options:**

- The public hearings will be on September 22, 2008 to conform to State law.

**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, September 22, 2008 at 7:30 P.M. to consider the request from Faurecia Automotive Seating, Inc., for the establishment of an Industrial Development District (IDD) at the following location:

88-20-32-200-018 2350 Meijer, Troy, MI. 48084  
T2N, R11E, Section 32

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

---

Tonni Bartholomew, MMC  
City Clerk

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**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, September 22, 2008 at 7:30 P.M. to consider the request from Faurecia Automotive Seating, Inc., for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-32-200-018, 2350 Meijer, Troy, MI. 48084  
T2N, R11E, Section 26

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

---

Tonni Bartholomew, MMC  
City Clerk

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**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**

**FAURECIA AUTOMOTIVE SEATING  
MIKE KAMSICKAS  
2050 AUBURN Rd  
AUBURN HILLS MI 48326**



## **CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING**

August 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration  
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for Tepel Bros, 1725 John R

### **Background:**

- Tepel Brothers Printing, Inc., has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their business at 1725 John R, Troy, MI., 48083.

### **Financial Considerations:**

- The financial considerations cannot be determined at this time.

### **Legal Considerations:**

- The legal considerations cannot be determined at this time.

### **Policy Considerations:**

- Policy considerations will occur at the Public Hearings.

### **Options:**

- The public hearings will be on September 22, 2008 to conform to State law.

**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, September 22, 2008 at 7:30 P.M. to consider the request from Tepel Brothers Printing Inc., for the establishment of an Industrial Development District (IDD) at the following location:

88-20-26-479-040 1725 John R, Troy, MI. 48083  
T2N, R11E, Section 26

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

---

Tonni Bartholomew, MMC  
City Clerk

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

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88-20-26-479-040 1725 John R, Troy, MI. 48098  
T2N, R11E, Section 26

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

---

Tonni Bartholomew, MMC  
City Clerk

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**WARREN CONSOLIDATED  
SCHOOLS  
31300 ANITA  
WARREN MI 48093-1697**

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

**MACOMB INTERMEDIATE SCHOOLS  
44001 GARFIELD  
CLINTON TWSHP MI 48038-1100**

**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**

**JAMES TEPEL  
c/o TEPEL BROTHERS PRINTING  
1725 JOHN R  
TROY MI 48083**

**ROBERT F FUCHS  
c/o PARADIGM TAX GROUP  
3092 PARK DR  
BRIGHTON MI 48114**

A regular meeting of the Troy Traffic Committee was held Wednesday, April 16, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sara Binkowski  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Gordon Schepke  
Pete Ziegenfelder

ABSENT: John Diefenbaker

Also present: Ravi Vora, 6843 Fieldstone  
Anthony Naiman, 6938 Fieldstone  
Joe Donelko, 6826 Fieldstone  
Steve Vandette, City Engineer  
Bill Huotari, Deputy City Engineer  
John Abraham, Traffic Engineer  
Lt. David Livingston, Troy Police Dept.  
Lt. Eric Caloia, Troy Fire Dept.

**RESOLUTION #2008-04-18**

Moved by Kilmer  
Seconded by Binkowski

To excuse Mr. Diefenbaker

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**2. Minutes – March 19, 2008****RESOLUTION #2008-04-19**

Moved by Hubbell  
Seconded by Schepke

To approve the March 19, 2008 minutes.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

### 3. Approval of Updated By Laws

Mr. Ziegenfelder had presented additional suggestions for revision of the by-laws via email to the Traffic Engineering office. The matter will be tabled pending review by the City Attorney.

#### RESOLUTION #2008-04-20

Moved by Hubbell

Seconded by Halsey

To table consideration of revision of the By-Laws until the additional suggestions by the chairman are reviewed by the City Attorney.

YES: All-6

NO: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

### REGULAR BUSINESS

#### 4. Install NO PARKING Signs on Fieldstone Drive

Robert G. Naiman, of 6938 Fieldstone Drive, requests NO PARKING signs on both sides of Fieldstone, in the Meadowland Estates Subdivision. Mr. Naiman reports that the neighboring Heartland Healthcare facility at 925 South Boulevard does not have adequate parking, and vehicles park on Fieldstone on a daily basis. He says that the cars park very close to South Boulevard, creating a hazard to residents entering Fieldstone from South Blvd. and from their driveways. The Naimans have contacted several City departments and since it is legal to park on the west side of Fieldstone, the situation has not changed.

Field observations indicate that during three field visits there were up to 20 vehicles at a time parked on Fieldstone on any one day. Some vehicles were parked very close to the South Blvd. intersection/crosswalk, and the Police Department was informed.

Our Building Inspections Department has been in contact with Heartland Healthcare, and is aware that the facility has inadequate parking. Originally the facility was approved for a nursing home-type and rehabilitation facility that wouldn't require a large number of parking stalls. However, the facility now has changed to a higher percentage of rehabilitation patients, necessitating much more parking. The facility is actively looking at reconfiguring their site to add more parking spaces.

Anthony Naiman addressed the committee and presented a petition signed by 24 neighbors requesting that parking be restricted on Fieldstone.

RESOLUTION #2008-04-21

Moved by Halsey  
 Seconded by Hubbell

Recommend installing “NO PARKING Mon.-Fri. 7 a.m.- 5p.m.” signs on the west side of Fieldstone from South Boulevard to White Tail Drive.

YES: All-6  
 NO: None  
 ABSENT: 1 (Diefenbaker)  
 MOTION CARRIED

**5. Study Item – Review of Traffic Crashes on Crooks between Big Beaver and Wilshire**

At the last Traffic Committee meeting, Richard Kilmer requested a review of traffic crashes on Crooks Road between Big Beaver and Wilshire. This item was considered by the committee a few years ago to determine the need for left turn restrictions to and from the businesses on Crooks Road in this area.

Traffic crash reports were examined for 2005, 2006, and 2007, and attached are the summaries and collision diagrams for the three years. With more businesses added north of Einstein’s Bagels and Osborne Square developments, there seem to be more crashes, spread over all driveways on Crooks Road between Big Beaver and Wilshire.

Year	Total	Rear End	Right Angle	Head-On	Sideswipe	Out of Control
2005	20	6	13	0	1	0
2006	10	0	4	0	3	3
2007	20	12	7	0	1	0

The right-angle crashes in most cases involve vehicles making left turns.

This is presented to the Traffic Committee as a study item to determine if we need to make any recommendations to City Council on traffic control in the future.

One of the major concerns is that the driveway at Osborne Square is wider than usual, at times resulting in a conflict between two vehicles trying to exit the parking lot at the same time, while other vehicles are trying to turn into the driveway. The driveway is on private property, which precludes the City from taking direct action to correct it. The Traffic Engineer has tried to gain cooperation from the property owners in the past, but the situation has not changed. The Traffic Engineer suggested that the DDA might be able to work with the property owners to encourage them to make physical changes to the property.

Mr. Halsey suggested that the City might be able to narrow the approach in the City’s right of way.

Another suggestion is to build a median on Crooks to force traffic to Wilshire.

Ms. Binkowski suggested prohibiting left turns into the property from northbound Crooks.

The committee agreed that to improve traffic safety it will be necessary to prohibit left turns from northbound Crooks, since cooperation of the property owners has not been forthcoming.

This item will be placed on the June 2008 Traffic Committee agenda for consideration.

**6. Public Comment**

No one else wished to address the committee.

**7. Other Business**

RESOLUTION #2008-04-22

Moved by Hubbell

Seconded by Kilmer

To cancel the May 21, 2008 meeting.

YES: All-6

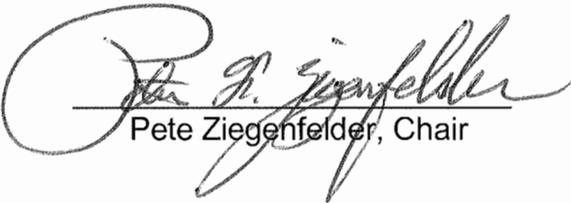
NO: None

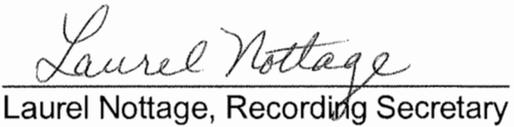
ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**8. Adjourn**

The meeting adjourned at 8:50 p.m.

  
\_\_\_\_\_  
Pete Ziegenfelder, Chair

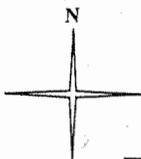
  
\_\_\_\_\_  
Laurel Nottage, Recording Secretary



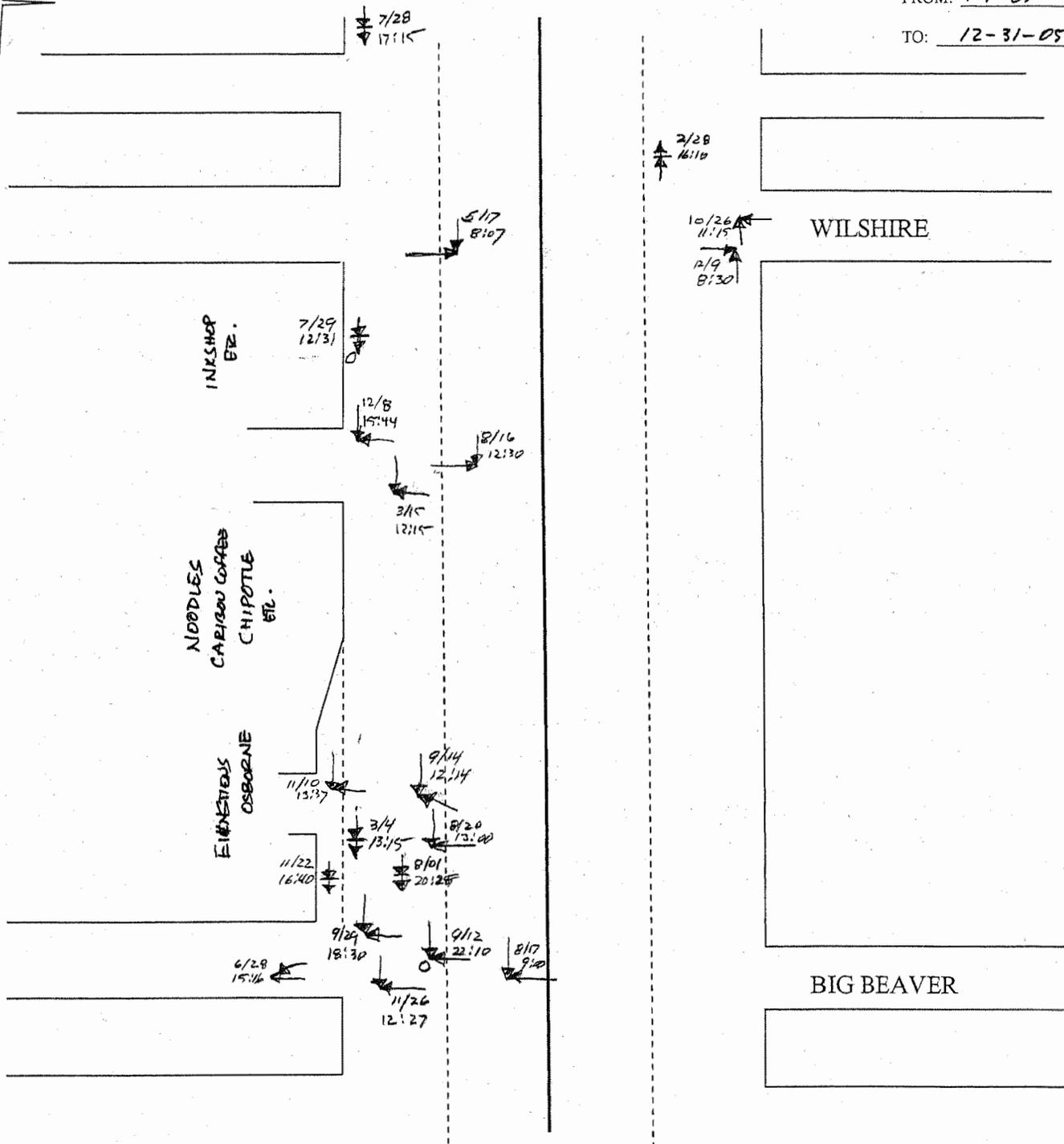
City of Troy		CRASH DATA					Date: 4/1/08			
Type of Study: <u>Special - Segment</u>		Period: 3 year's from			1/01/05 thru 12/31/07					
Streets		Crooks		between		Big Beaver & Wilshire				
Type of Collision	05/06/07	05/06/07	05/06/07	05/06/07	05/06/07	05/06/07	Total	Year	Year	Year
	Rear End	Right Angle	Head On	Side Swipe	Left Turn Head On	Out of Control		2005	2006	2007
Total	6/1/12	13/4/7		1/3/1		0/3/0	51	20	11	20
%										
Injuries	1/0/1	1/1/1				0/1/0	6	2	2	2
<b>Time</b>							<b>Total</b>			
6:00										
7:00		0/0/1					1			1
8:00	0/0/2	2/0/0		0/1/1			6	2	1	3
9:00		1/0/0					1	1		
10:00		0/1/0					1		1	
11:00	0/0/2	1/0/1					4	1		3
12:00	1/0/1	4/0/1				0/1/0	8	5	1	2
13:00	1/0/2	2/0/1		0/1/0			7	3	1	3
14:00										
15:00		1/0/1		1/0/0		0/1/0	4	2	1	1
16:00	2/1/1	0/0/2					6	2	1	3
17:00	1/0/4	0/2/0		0/1/0			8	1	3	4
18:00		1/0/0					1	1		
19:00										
20:00	1/0/0						1	1		
21:00										
22:00		1/0/0				0/1/0	2	1	1	
23:00										
24:00:00										
1:00 to 5:00		0/1/0					1		1	
<b>Total</b>							<b>51</b>			
<b>Year</b>										
2005	6	13		1				20		
2006	0	4		3		3			11	
2007	12	7		1						20

# COLLISION DIAGRAM

PERIOD: 1 yr  
 FROM: 1-1-05  
 TO: 12-31-05



CROOKS



City of Troy

CRASH DATA

Date: 4/1/08

Type of Study: Segment Period 1 year from 1/01/05 thru 12/31/05

Streets: Crooks between Big Beaver and Wilshire

Type of Collision	Rear End	Right Angle	Head On	Side Swipe	Left Turn Head On	Out of Control	Total
Total	6	13		1			20
%							
Injuries	1	1					2

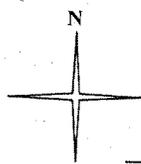
Time						Total
6:00						
7:00						
8:00		2				2
9:00		1				1
10:00						
11:00		1				1
12:00	1	4				5
13:00	1	2				3
14:00						
15:00		1		1		2
16:00	2					2
17:00	1					1
18:00		1				1
19:00						
20:00	1					1
21:00						
22:00		1				1
23:00						
24:00						
1:00 to 5:00						
<b>Total</b>	<b>6</b>	<b>13</b>		<b>1</b>		<b>20</b>

Remarks:

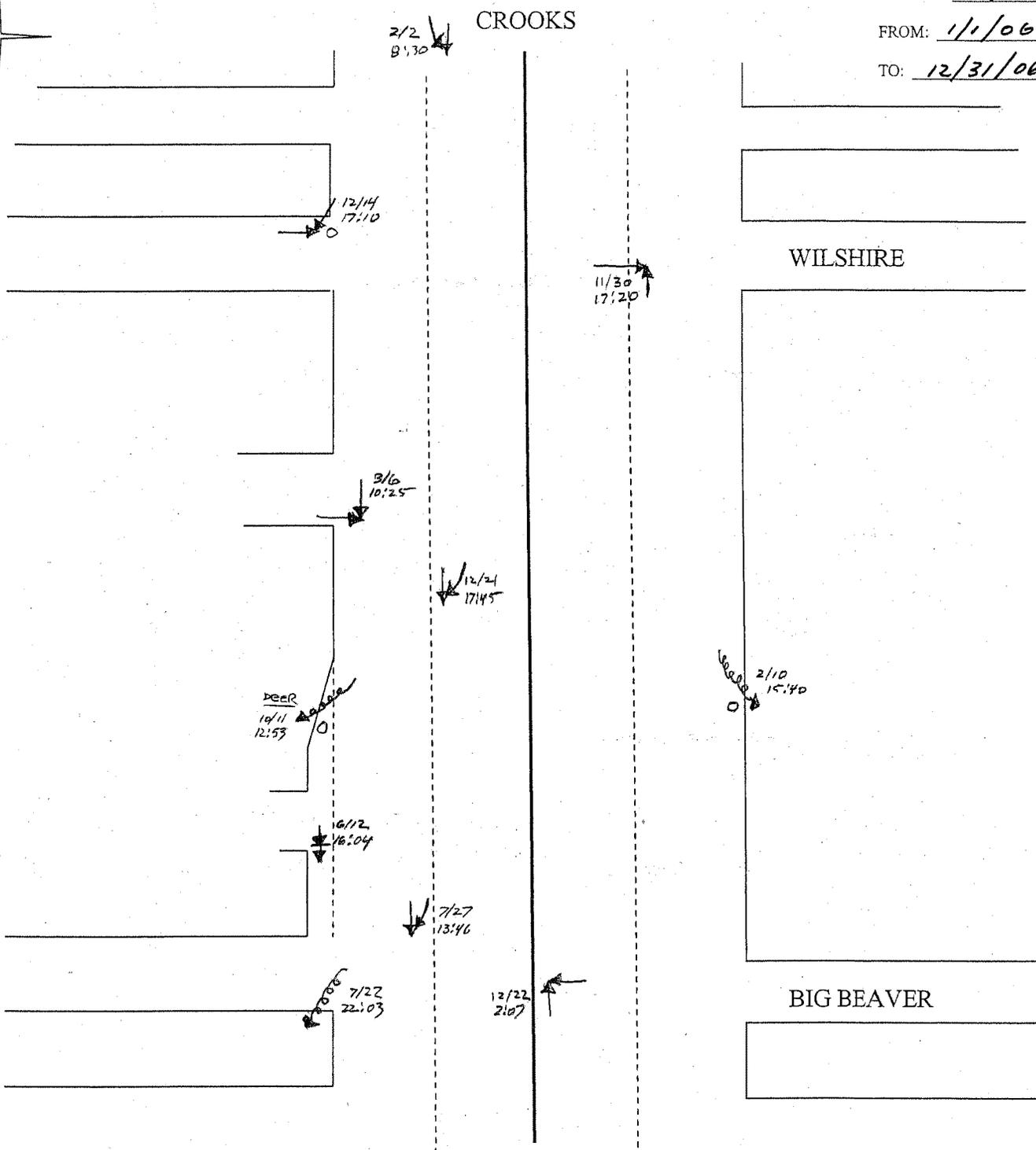
Driver Age Analysis : 30 yr's or < : 65 yr's or > :

Hit & Run Driver Count :

# COLLISION DIAGRAM



PERIOD: 1yr  
 FROM: 1/1/06  
 TO: 12/31/06



### SYMBOLS / TYPES OF COLLISION

- |       |                 |   |                   |
|-------|-----------------|---|-------------------|
| ←     | MOVING VEHICLE  | ← | REAR END          |
| ↔     | BACKING VEHICLE | ↔ | HEAD-ON           |
| - - - | PEDESTRIAN      | ↙ | SIDE SWIPE        |
| ▨     | PARKED VEHICLE  | ⊥ | RIGHT ANGLE       |
| □     | FIXED OBJECT    | ↘ | LEFT TURN HEAD-ON |
| ⊕     | INJURY ACCIDENT | ← | OUT-OF-CONTROL    |

### LOCATION:

CROOKS RD BETWEEN BIG BEAVER AND WILSHIRE

Date: 4/1/08 BY: JH

City of Troy

**CRASH DATA**

Date: 4/1/08

Type of Study: Segment Period 1 year from 1/01/06 thru 12/31/06

Streets: Crooks between Big Beaver & Wilshire

Type of Collision	Rear End	Right Angle	Head On	Side Swipe	Left Turn Head On	Out of Control	Total
Total	1	4		3		3	11
%							
Injuries		1				1	2

Time							Total
6:00							
7:00							
8:00				1			1
9:00							
10:00		1					1
11:00							
12:00						1	1
13:00				1			1
14:00							
15:00						1	1
16:00	1						1
17:00		2		1			3
18:00							
19:00							
20:00							
21:00							
22:00						1	1
23:00							
24:00							
1:00 to 5:00		1					1
Total	1	4		3		3	11

**Remarks:**

Driver Age Analysis : 30 yr's or < : 65 yr's or > :

Hit & Run Driver Count :

City of Troy

CRASH DATA

Date: 4/1/08

Type of Study: Segment Period 1 year from 1/01/07 thru 12/31/07

Streets: Crooks between Big Beaver & Wilshire

Type of Collision	Rear End	Right Angle	Head On	Side Swipe	Left Turn Head On	Out of Control	Total
<b>Total</b>	12	7		1			<b>20</b>
<b>%</b>							
<b>Injuries</b>	1	1					<b>2</b>

Time							Total
6:00							
7:00		1					1
8:00	2			1			3
9:00							
10:00							
11:00	2	1					3
12:00	1	1					2
13:00	2	1					3
14:00							
15:00		1					1
16:00	1	2					3
17:00	4						4
18:00							
19:00							
20:00							
21:00							
22:00							
23:00							
24:00							
1:00 to 5:00							
<b>Total</b>	<b>12</b>	<b>7</b>		<b>1</b>			<b>20</b>

Remarks:

Driver Age Analysis : 30 yr's or < : = 9 | 65 yr's or > :

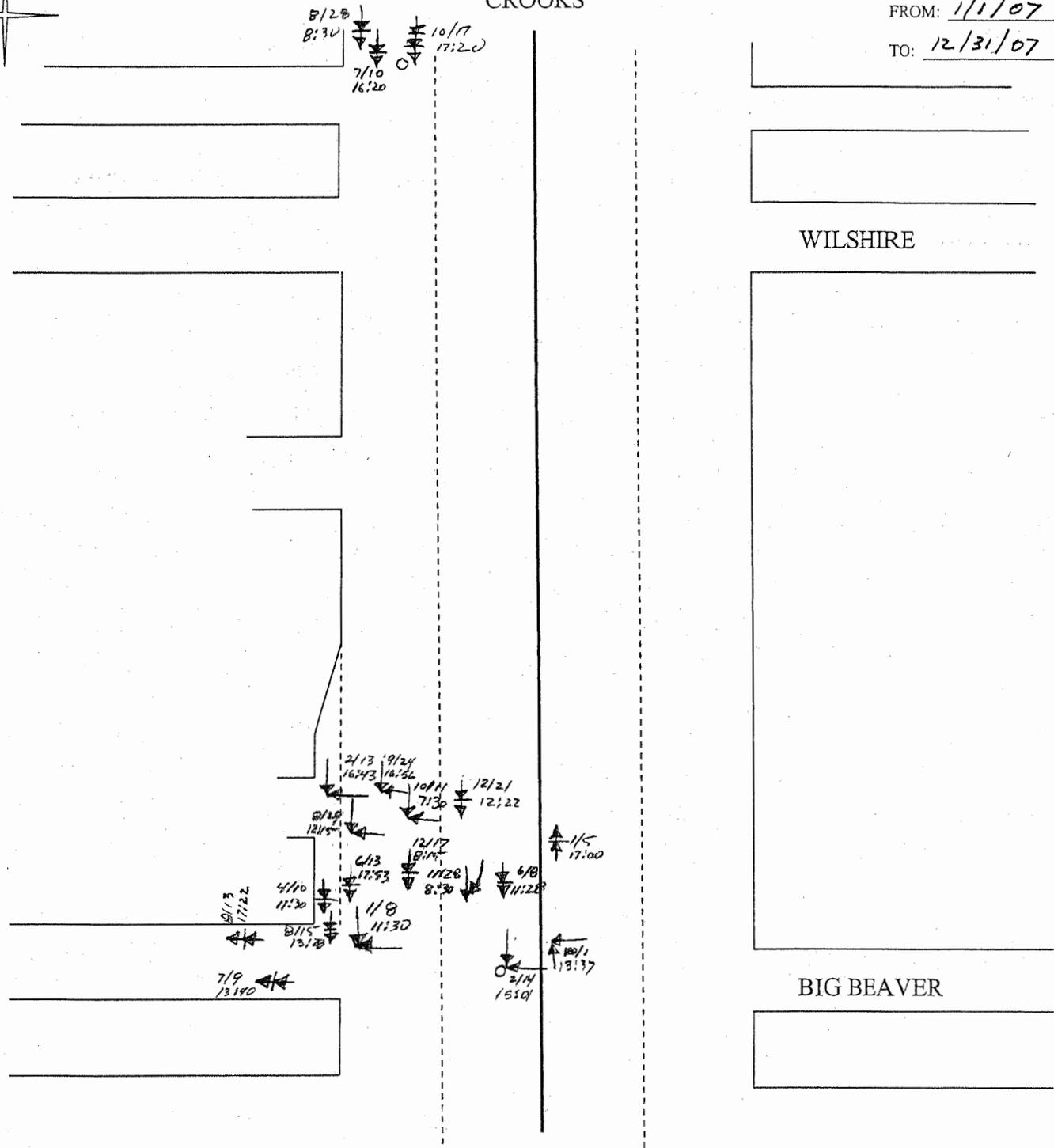
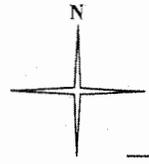
Hit & Run Driver Count :

# COLLISION DIAGRAM

ITEM 5

PERIOD: 1 yr  
 FROM: 1/1/07  
 TO: 12/31/07

CROOKS



**SYMBOLS / TYPES OF COLLISION**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>← MOVING VEHICLE</li> <li>↔ BACKING VEHICLE</li> <li>- - - PEDESTRIAN</li> <li>▨ PARKED VEHICLE</li> <li>□ FIXED OBJECT</li> <li>⊕ INJURY ACCIDENT</li> </ul> | <ul style="list-style-type: none"> <li>←← REAR END</li> <li>→→ HEAD-ON</li> <li>←↘ SIDE SWIPE</li> <li>⊥ RIGHT ANGLE</li> <li>↙ LEFT TURN HEAD-ON</li> <li>←..... OUT-OF-CONTROL</li> </ul> |
|--|---|

**LOCATION:**

CROOKS RD BETWEEN BIG BEAVER AND WILSHIRE

Date: 4/1/08 BY: [Signature]

A meeting of the **Troy Youth Council (TYC)** was held on May 28, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. David Wylie and Geon Woo Kim called the meeting to order at 7:01 p.m.

MEMBERS PRESENT: Disha Bora  
 Maxine D'Amico  
 Rishi Joshi  
 Geon Woo Kim (Co chair)  
 Joseph Niemiec  
 Anupama Prasad  
 Kristin Randall  
 Shaina Sekhri (Secretary)  
 Neil Shaw  
 Katie Thoenes  
 Nicole Vitale  
 David Wylie (Co-chair)

MEMBERS ABSENT: Jessica Kraft,

VISITORS: None

STAFF PRESENT: Scott Mercer, Recreation Supervisor

### 1. Roll Call

### 2. Approval of Minutes

Resolution # TY-2008-5-9

Moved by Thoenes  
 Seconded by Sekhri

RESOLVED, That the minutes of April 23, 2008 be approved.

Yes: All – 10

No: 0

Absent: 3 – D'Amico, Kraft, Shaw

### 3. Attendance Report:

Report reviewed by council members, no comments.

### 4. Visitors

Welcome to the new members of Youth Council.

### 5. Teens Taking Action

No Update

### 6. Troy Daze

Volunteer sign up sheets were distributed to Youth Council members and requested that they volunteer if possible.

**7. Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2008-5-10

Moved by Vitale  
Seconded by Thoenes

**RESOLVED** that Kraft is excused.

Yes: 12  
No: 0  
Absent: 1 - Kraft

**8. Youth Council Comments**

**Motion to recommend to City Council to limit the video taping of Youth Council meetings to meetings requested in advance by Youth Council.**

Resolution #TY-2008-5-11

Moved by Vitale  
Seconded by Bora

Discussion-

- Meetings not taped may encourage more open discussion amongst members regarding current events and topics.
- Limited taping of meetings would prevent video staff from working every meeting and in turn would save the City money.
- Youth Council would have the authority to request that a meeting be taped if items on agenda were of importance to general teen population.
- New council members present were in support of motion.

**Resolved** that Youth Council recommends to City Council to limit the video taping of Youth Council meetings to meetings requested in advance by Youth Council.

Yes: 12  
No: 0  
Absent: 1 - Kraft

Joseph Niemiec – Welcomed new members and goodbye to leaving members and wished them good luck.

**9. Public Comments – None**

**10. Adjournment – 7:23 p.m.**

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David Wylie, Co-chair

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Scott Mercer, Recreation Supervisor

Reminder Next Meeting: August 27, at 7:00 P.M.

**TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL****June 16, 2008**

A regular meeting of the Troy Historic District Commission was held Tuesday, June 16, 2008 at the Troy Museum. Barbara Chambers called the meeting to order at 7:05 P.M.

<b>ROLL CALL</b>	<b>PRESENT</b>	Barbara Chambers Paul Lin Muriel Rounds Ann Partlan Kent Voigt Loraine Campbell, Museum Manager
	<b>ABSENT</b>	Sabah Jihad Gary Castile
	<b>GUESTS</b>	Anna King (WSU student) 6488 Reid Road Swartz Creek, MI 48473

**Resolution #HDC-2008-06-001****Moved by Rounds****Seconded by Voigt****RESOLVED, That the absence of Jihad and Castile be approved.**

Yes: 5— Chambers, Lin, Rounds, Partlan, and Voigt

No: 0

**MOTION CARRIED****Resolution #HDC-2008-06-002****Moved by Partlan****Seconded by Rounds****RESOLVED, That the minutes of the May 20, 2008 meeting be approved.**

Yes: 5— Chambers, Lin, Rounds, Partlan, and Voigt

No: 0

**MOTION CARRIED****OLD BUSINESS**

**A. Signage and packets for designated resources**

Ann Partlan reminded the group that the Historical Society has funds designated for signage for the buildings. The Study Committee has completed most of the updated surveys of the existing resources.

**B. Resource Files at the museum**

The commission reviewed information on various products that are designed for or that adapt well those doing historic restorations. They will be placed in a file at the museum for use by home and business owners.

**New Business**

**A. Annual tour of Museum**

Loraine invited the commission to attend the annual building tour and to stay for the commission meeting where they will discuss the preliminary site plan for the museum expansion.

The Troy Historic District Commission Meeting was adjourned at 8:10 p.m. The next meeting will be held Tuesday, July 15, 2008 at 7:00 p.m. at The Troy Museum.

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Ken Voigt  
Acting Chairperson

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Loraine Campbell  
Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 2, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Pam Pasternak, Recording Secretary

### **ITEM #1 – APPROVAL OF MINUTES – JUNE 4, 2008**

Motion by Kessler  
Supported by Richnak

MOVED, to approve the minutes of the meeting of June 4, 2008 as written.

Yeas: All

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUEST. MR. & MRS. BENJAMIN PALMER, 3024 NEWPORT CT.**, for relief of Chapter 83 to install a 6' high wood privacy fence at the property line along W. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a 6' high wood privacy fence. This property is a double front thru-lot. It has front yard setback requirements along both Newport and W. Big Beaver. Chapter 83 limits the maximum height of fences in front setbacks to 30". The site plan submitted indicates a 6' high wood privacy fence along the property line along W. Big Beaver.

Mr. Benjamin Palmer was present and stated that he and his wife have four (4) children and would like this fence to keep them in the yard and away from Big Beaver. This privacy fence will also help to alleviate the lights and noise from traffic along Big Beaver.

Mr. Dziurman asked what type of fence Mr. Palmer is proposing.

Mr. Palmer said that it is the typical 6' wood privacy fence. Mr. Palmer also said that they are planning to put a more decorative type of fence along Newport Ct., which will include a design at the top of the fence. The fence along Newport Ct. will only be 4' high.

Mr. Richnak asked about the location of the fence along Big Beaver.

**ITEM #2 – con't.**

Mr. Palmer stated that his plan was to put the fence at the top of the berm along Big Beaver.

Mr. Richnak asked where the location of the fence would fall in relation to the existing trees in the area.

Mr. Palmer said that the fence would be behind the first row of trees. Mr. Palmer also stated that they had purchased this home approximately one year ago and it needs a lot of work. There are two rows of existing trees and the fence would be placed in between these trees.

Mr. Richnak asked why Mr. Palmer wanted a 6' high fence at the top of the berm rather than a 4' high fence.

Mr. Palmer stated that there is a pathway along this area and they would prefer to have the higher fence.

Mr. Richnak stated that he understands what Mr. Palmer is saying and asked what is located on the northeast corner of the property.

Mr. Palmer said that this is a utility easement and the fence will go around it.

Mr. Richnak stated that Mr. Palmer will be responsible to maintain this area as well as the area behind the fence along Big Beaver.

Mr. Kessler asked if the petitioner planned to replace the existing split rail fence along the property.

Mr. Palmer stated that this fence is on City property and the City maintains that part of the property. Mr. Palmer further stated that his property line is approximately 6' to 8' off the sidewalk, and currently there is a lot of ground cover in the area.

Mr. Kessler asked which side of the fence would be facing out.

Mr. Palmer said that along Big Beaver the post side would be facing his home and the blank side of the fencing would be facing Big Beaver.

Mr. Kessler said that wood fences can become unsightly over time and when the trees lose their leaves the fence would be very visible. Mr. Kessler also asked who had placed the stakes out on the berm.

Mr. Palmer stated that he had done that in order to outline where the fence would be.

Mr. Kessler asked how much vegetation would be outside the fence.

**ITEM #2 – con't.**

Mr. Palmer said that there are trees half way up, and due to the nature of the berm there is no vegetation at the top of the berm. There is quite a bit of vegetation on the side of the berm that slopes into the yard. Mr. Palmer also said that if this Board wanted him to add additional vegetation he would be willing to do that.

Mr. Dziurman asked if a 30" high fence could be placed around the entire yard without a variance.

Mr. Stimac confirmed that was correct.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Richnak asked who would be installing the fence.

Mr. Palmer indicated that he planned on doing the installation himself.

Mr. Richnak stated that he has found through personal experience that it is very difficult to put 6' high panels at the top of a berm and stated that in his opinion a fence that was 4' in height would serve the same purpose.

Mr. Kessler stated that he can understand Mr. Palmer's concerns as there is a lot of vegetation and the area is quite secluded due to the growth around the property. Mr. Kessler further stated that he would like to see a 4' fence and more landscaping added such as evergreens.

Mr. Dziurman stated that a 4' high fence will definitely increase the height of the berm and Mr. Richnak said that he though the berm was probably 6' in height.

Mr. Dziurman asked the petitioner if he would be willing to make a compromise.

Mr. Palmer stated that a lot of the vegetation is over growth and not very attractive. He plans to clean up the area and remove a lot of the over growth. Mr. Palmer said that they are trying to improve the look of the property. Mr. Palmer also stated that he did not believe the 4' height would give them the privacy they want and would not help with the sound or the lights from cars using Big Beaver. Mr. Palmer said that they would prefer the 6' height, but would put up the 4' fence if that is all the Board would approve.

Mr. Palmer also said that he has spoken to the neighbors to the west and the three neighbors to the right of his property and they have all indicated that they approve this request.

**ITEM #2 – con't.**

Mr. Zuazo asked if they had considered using any other material for this fence.

Mr. Palmer indicated that they had, but it is cost prohibitive.

Motion by Kessler

Supported by Nelson

MOVED, to grant Mr. & Mrs. Benjamin Palmer, 3024 Newport CT. relief of Chapter 83 to install a 6' high wood privacy fence at the property line along W. Big Beaver.

- Additional landscaping to be provided along Big Beaver.
- Fence posts to face inside petitioner's property.
- Area around utility boxes and area between fence and Big Beaver to be maintained by petitioner.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 8:54 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary

**TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL**

**July 15, 2008**

A Regular Meeting of the Troy Historic District Commission was not held Tuesday, July 15, 2008 at the Troy Museum because there was no business.

The next regular meeting will be held Tuesday, August 19, 2008 at 7:00 p.m. at the Troy Museum.

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Ken Voigt  
Acting Chairman

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Loraine Campbell  
Recording Secretary

A regular meeting of the Troy Traffic Committee was held Wednesday, July 16, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sara Binkowski  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Pete Ziegenfelder

ABSENT: John Diefenbaker  
Gordon Schepke  
(Sam) Yanting Jiang  
Lt. Eric Caloia, Troy Fire Dept.

Also present: Bill Huotari, Deputy City Engineer  
Lt. David Livingston, Troy Police Dept.  
Mike Johnson, 450 E. Square Lake Rd.

**RESOLUTION #2008-07-23**

Moved by Kilmer  
Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Schepke

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

**2. Minutes – April 16, 2008****RESOLUTION #2008-07-24**

Moved by Kilmer  
Seconded by Binkowski

To approve the April 16, 2008 minutes.

YES: All-5  
NO: None  
ABSENT: 2 (Diefenbaker, Schepke)  
MOTION CARRIED

**PUBLIC HEARING****3. Request for Sidewalk Waiver – 674 Vanderpool**

Mike Johnson requests a waiver for the sidewalk at 674 Vanderpool. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing. There are utility poles and a ditch which would make sidewalk installation difficult (photos attached).

**RESOLUTION #2008-07-25**

Moved by Kilmer

Seconded by Hubbell

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and there are physical conditions which would make sidewalk installation difficult; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a waiver of the sidewalk requirement for the property at 674 Vanderpool, which is owned by Mike Johnson, until such time as physical conditions change.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

**REGULAR BUSINESS****4. Establish Fire Lanes at 1607 E. Big Beaver Road**

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

**RESOLUTION #2008-07-26**

Moved by Hubbell

Seconded by Kilmer

Recommend establishing fire lanes/tow away zones at 1607 E. Big Beaver, as shown on the attached sketch.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

**5. Establish Fire Lanes at 6475 Rochester Road**

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

**RESOLUTION #2008-07-27**

Moved by Hubbell

Seconded by Kilmer

Recommend establishing fire lanes/tow away zones at 6475 Rochester Road, as shown on the attached sketch.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

**6. Discussion of Sidewalk Waiver Process**

Mr. Huotari has been working with the City Attorney's Office (CAO), and the Building and Public Works Departments, to organize the sidewalk waiver procedures. He summarized the research he has done on all sidewalk waivers previously approved or denied. All information from three databases has been merged into one, and all sites have been inspected and photographed by the traffic technicians. Of the 178 waivers applied for, 39

locations had sidewalks constructed, 32 were approved for an indefinite period of time, 59 were approved for a set time (many of which have expired), 32 were never required per Chapter 34, 14 were denied (six because the petitioner was not present at the hearing), and two are unknown and require further research. Those six may need to be reconsidered by the committee.

The City Attorney's Office will handle contacting the property owners whose waivers have expired, and will negotiate with any new owners of the properties in question. These will not have to be reconsidered by the committee.

Ms. Bluhm has drafted a new "Irrevocable Agreement Concerning Sidewalk Installation" to be executed by each petitioner, notarized and recorded with the Oakland County Clerk.

## **7. Discussion of Traffic Committee By-Law Revisions**

City Attorney Lori Bluhm presented revised by-laws including a few minor changes and some additions requested by Mr. Ziegenfelder. She had these incorporated into a reference book distributed to committee members, also covering the subjects of: Freedom of Information Act, Open Meetings Act, Chapters 35, 34, 41 and 106 of the City Code.

### **RESOLUTION 2008-07-28**

Motion by Halsey

Seconded by Kilmer

To approve the revised by-laws as presented by the City Attorney.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Schepke)

MOTION CARRIED

## **8. Public Comment**

No one else wished to address the committee.

## **9. Other Business**

There was extended discussion of procedural issues relating to the Traffic Committee. In the future, new members will be given copies of documents governing their role and responsibilities on the Committee, including, but not limited to, a city map, the Michigan Manual of Uniform Traffic Control Devices and a copy of the new sidewalk waiver procedures, when completed. Ms. Binkowski will forward some material she put together for the Dearborn Traffic Commission for the committee's possible use.

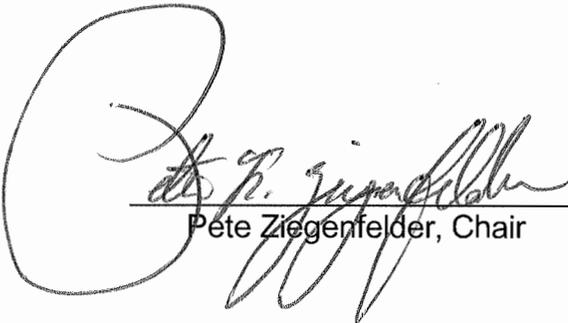
It was recommended by Ms. Bluhm that if a petitioner for a sidewalk waiver fails to attend the meeting, the issue should be postponed for a month, with a certified letter being sent to the petitioner as a reminder to attend. Additional mailings and legal ad are not required.

Mr. Kilmer asked Lt. Livingston to check Cherry Street between Plum and Hartshorn. He reports that there are cars parking there that impede school bus traffic.

Since Mr. Huotari is already preparing several items for action by the Committee, the members decided to meet in August. One item to be placed on the August 20 agenda will cover new signage at the Marketplace of Troy, at Big Beaver and Rochester.

10. **Adjourn**

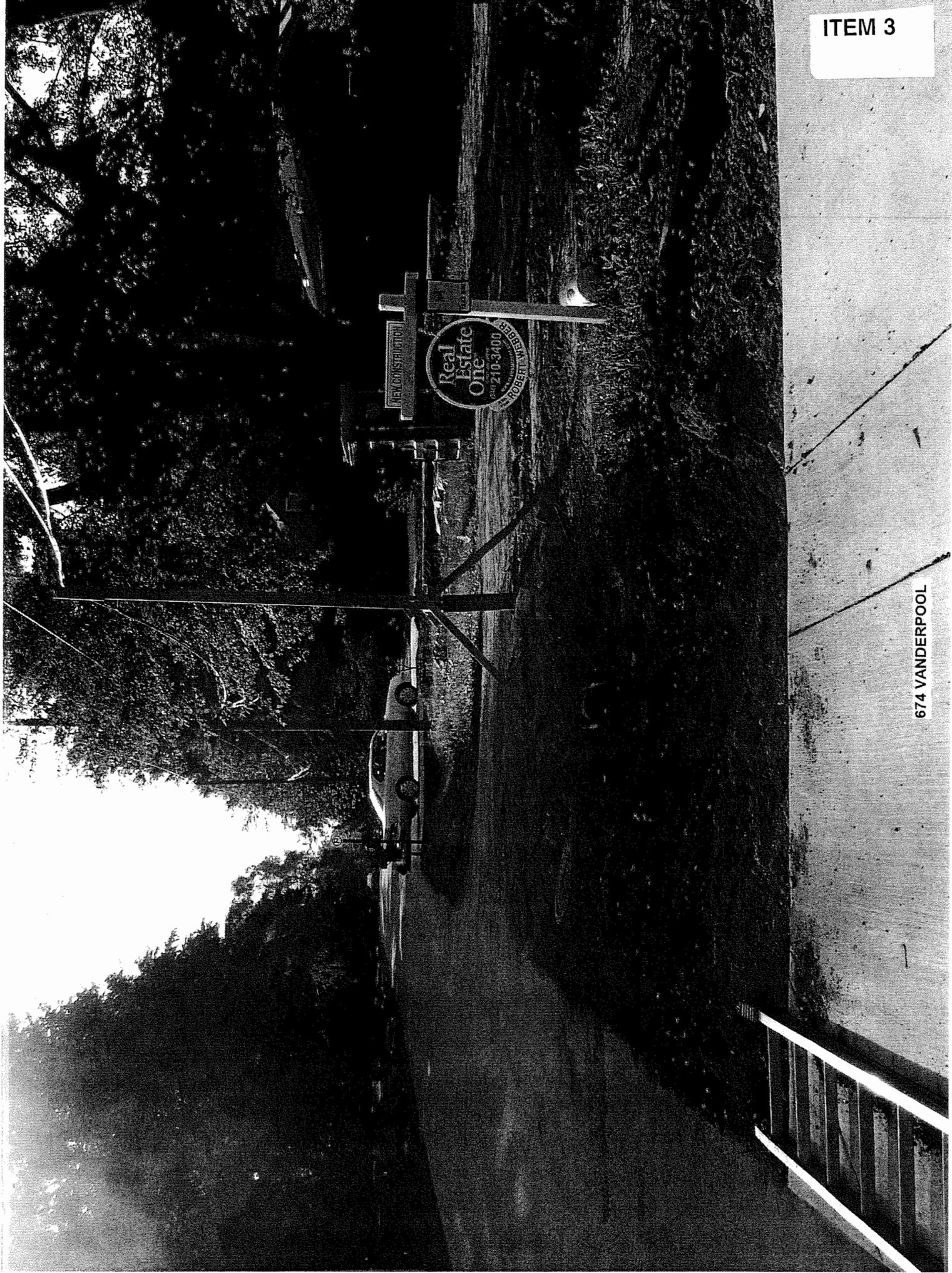
The meeting adjourned at 8:58 p.m.



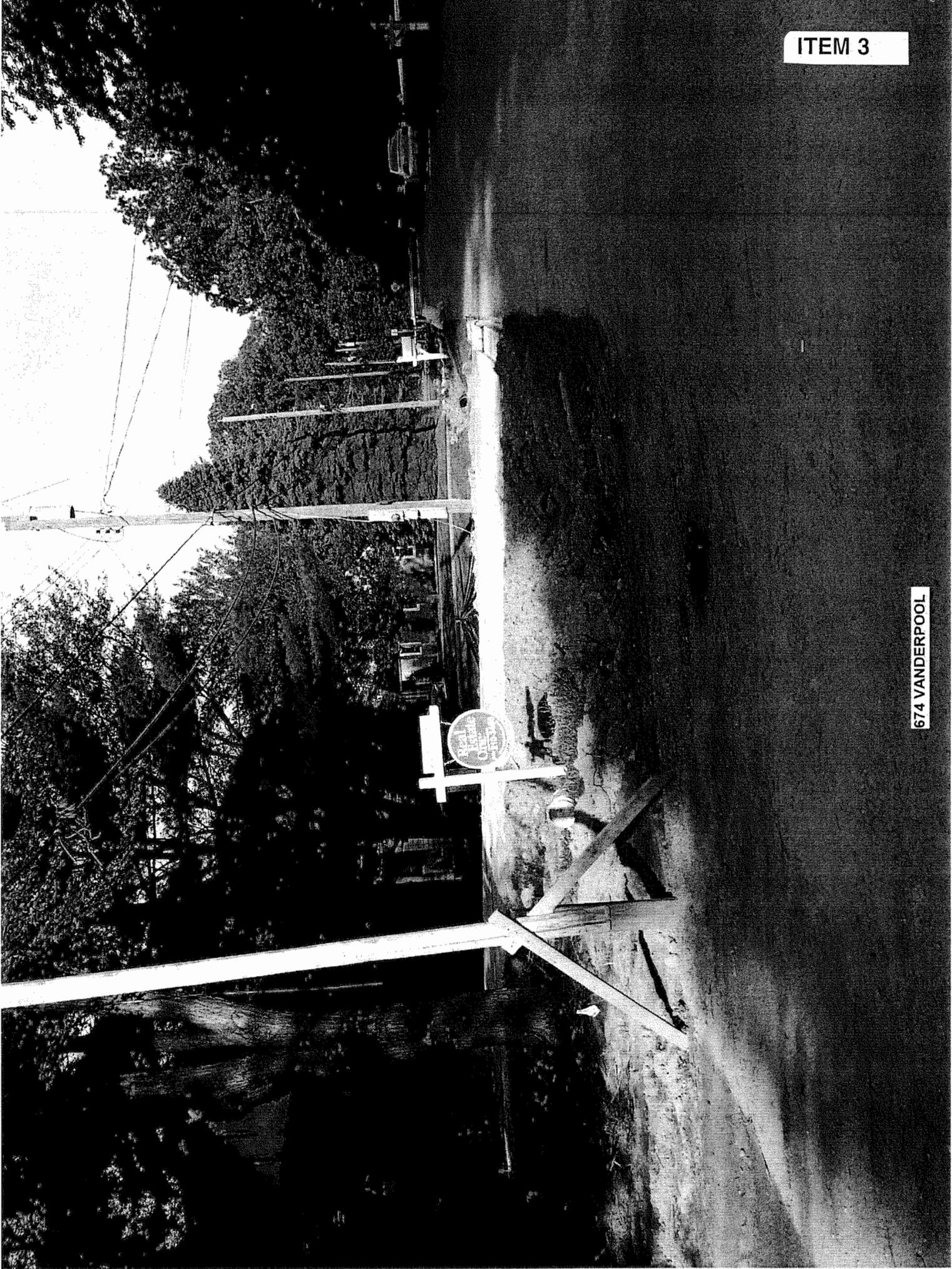
Pete Ziegenfelder  
Pete Ziegenfelder, Chair



Laurel Nottage  
Laurel Nottage, Recording Secretary



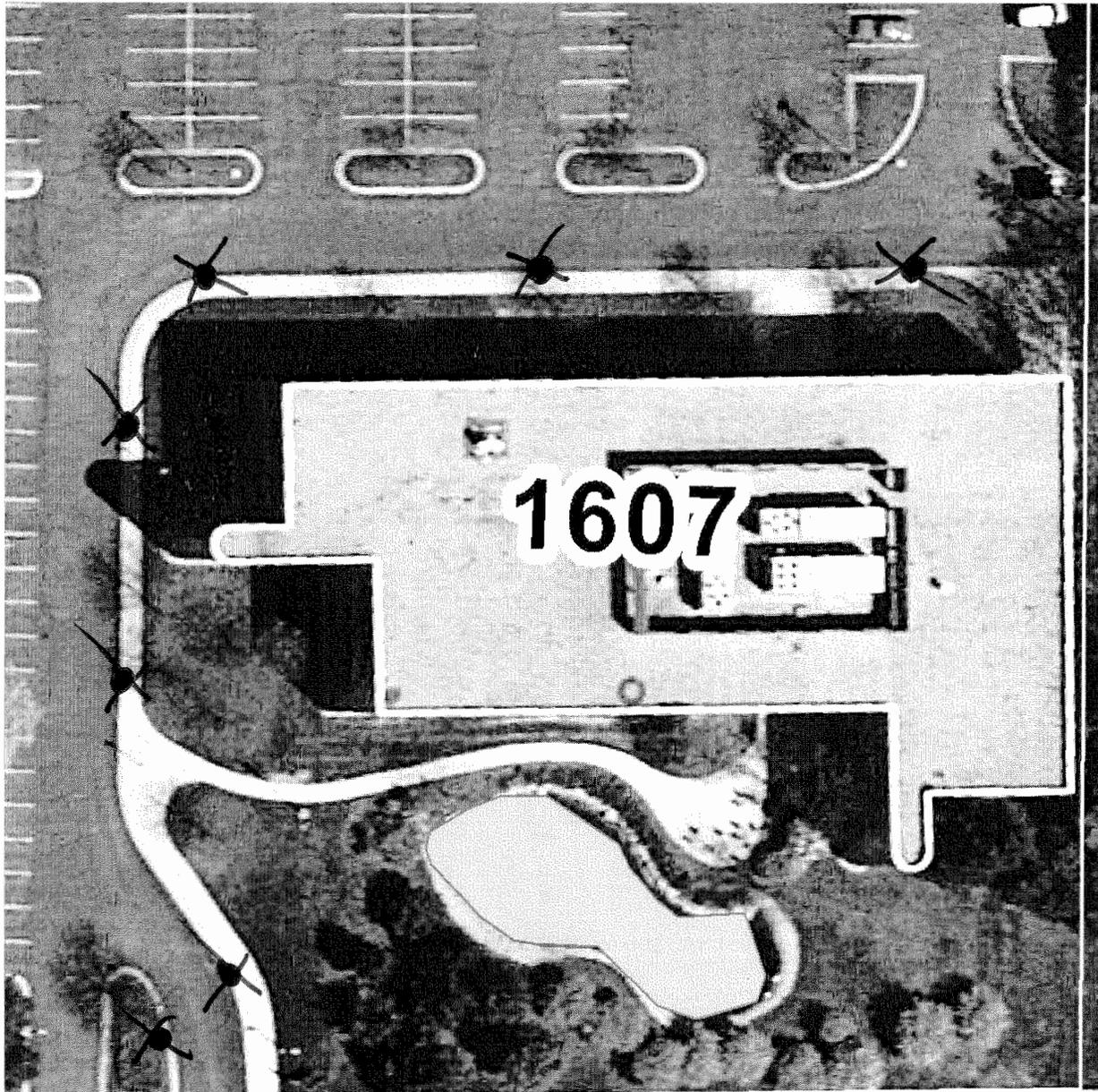
674 VANDERPOOL



2008-09-09 09:40:17  
10:43:51 3:22  
Troy MI 48062



# Geographical Information Systems Online



*FIRE LANE SIGN - APPROXIMATE LOCATION  
REFER TO SPECIFICATION SHEET*



E BIG BEAVER



0 43 Feet

City of Troy - Michigan - Copyright (C) - 2008

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



**CALL TO ORDER**

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, July 22, 2008 at the Troy Community Center at 7:05 pm.

**ROLL CALL**

Members Present:           Mike Gonda  
                                  Bob Berk  
                                  Sandy Macknis  
                                  Jeff Stewart  
                                  Dan O'Brien  
                                  Allison Miller  
                                  Jim Hattan  
                                  Jeff Super  
                                  Sarah Wunderlich, student

City Staff Present:       Cindy Stewart  
                                  Bob Kowalski  
                                  Jeff Biegler  
                                  Tonya Perry

Others:                     Karen Hattan  
                                  Doris Schuchter  
                                  Mimi Ashawalh  
                                  Diana McKay  
                                  Jeff Winiarski  
                                  Lisa Neal  
                                  Margaret Julian

Absent:                     Bob Preston

**Excuse Absent Members**

RESOLUTION #TD-2008-07-19

Moved by: Sandy Macknis

Seconded by: Jeff Stewart

RESOLVED, that the Troy Daze Advisory Committee excuses Bob Preston from the July 22, 2008 meeting.

Yes: All

No: None

MOTION CARRIED

**Additions/Deletions to Agenda**

None

**Approval of Minutes from June 24, 2008**

RESOLUTION #TD-2008-07-20

Motion by: Jeff Super

Seconded by: Jim Hattan

RESOLVED, that the minutes of June 24, 2008 are approved as submitted

MOTION CARRIED

**New Business**

a. Contract Updates:- Things are moving along; slowed down due to new financial system. But all new purchase orders will be entered July 7 and later.

b. 2008 Event Updates:

PARADE: Troy High football team will carry the flags. Clowns and Ronald McDonald are confirmed. Sandy will help get the cheerleaders.

Wattles and south bound Northfield Parkway will stay open until parade starts moving.

So the guests at a Shir Tikvah occurring at 10 a.m. can arrive. People at Shir Tikvah are happy with our time change.

SPECIAL NEEDS EVENTS: Information went out to families of special needs children. We should have 500 children plus chaperones.

Mimi Ashawalh will help Alison and Karen with Kids Corner.

Jim Hattan: Fences were delivered to Jeff Super's house to be painted. Almost completed.

Volunteers: 60 students already signed up. Sandy will get the rest at high school orientations (August 18, 19, 20, 21). She will give shirt quantities needed to Jeff Biegler. Color is kiwi for student volunteers.

TALENT SHOW: Lots of applications coming in. Information has been in all local papers.

CUTEST TODDLER BOARD: needed at Library first then moves to Community Center then to the festival site.

PARKING PASSES: On sale at Community Center August 1.

Senior Sensation -

RESOLUTION # TD-2008-07-21

Motion by: Sandy Macknis

Seconded by: Mike Gonda

RESOLVED, that we charge \$3.00 for the Senior Sensation lunch (chicken parmesan, mostoccoli, salad and bread sticks).

MOTION CARRIED

T-SHIRTS (Bob Berk): No need for 20 t-shirts for Senior Sensation. Shuttle volunteers: 96 t-shirts ordered last year. Polo shirt list- If have changes in sizes, see Bob.

BOOTHS: Sold out for outdoor booths. Indoor Booths: 10 left. Food Booths: 3 open. Rib City, Wolverine Concessions, B&S Concessions are supposed to be sending in applications. Lynn Clark is helping Bob with booths. They are trying to rearrange exit procedure for Sunday evening.

ETHNICITY: Approximately 8 booths sold to date.

OPERATIONS: Signs- Jeff Super will laminate signs like last year. Mike and Cindy will go over list and send to Jeff Super.

OPERATIONS SUPPLY NEEDS:

- 2 cases orange spray paint
- 200 flags
- 12 rolls caution tape
- Lots of zip ties (18" black thin)
- Double the drape on entertainment stage
- \$500 petty cash check
- Donuts check

Try Walmart or Sam's Club for water donations.

Need 70 cases pop (30 cases) and water (40 cases).

Dan re: Coke contact.

New pavilion on SW side of park will help with layout of outdoor stage and Kids Corner.

Set-Up- Friday, September 5 at 8 am and Sunday, September 7 at 8 am.

Booth meeting- Wednesday, September 3 at 7 pm. We will have lawn signs and posters for this meeting.

**Adjourn**

RESOLUTION # TD-2008-07-22

Moved by: Alison Miller

Seconded by: Jeff Super

RESOLVED, that the Troy Daze Advisory Committee Meeting is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 8:05 pm.

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Bob Berk, Co-Chairperson

---

Cindy Stewart, Community Affairs Director

The Chairman, Matthew Kovacs, called the special meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, July 29, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Kenneth Courtney  
Glenn Clark  
Marcia Gies  
Matthew Kovacs  
David Lambert

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

ABSENT: Wayne Wright

#### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 17, 2008**

Motion by Gies  
Supported by Clark

MOVED, to approve the minutes of the meeting of July 17, 2008 as written.

Yeas: 6 – Courtney, Clark, Gies, Kovacs, Lambert, Bartnik  
Absent: 1 – Wright

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 - VARIANCE REQUESTED. DENNIS SIAVRAKAS OF BRYDEN HOMES, 660 E. LONG LAKE,** for relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of Section 30.10.04 of the Zoning Ordinance to split an existing vacant parcel of land to create two home sites. This parcel is located in the R-1C Zoning District and Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85'. The site plan submitted indicates that this split will result in one lot that is 83.51' wide and the other lot 83.37' wide at the front setback line.

This item was originally scheduled for the meeting of July 17, 2008; however, due to an error in publishing it was postponed to allow for the correct publication to go out. Notices of the new date were sent out to property owners within 300' of this parcel and the proper notice has now been published in the newspaper.

**ITEM #2 –con't.**

Mr. Lambert stated that Parcel B is a much larger piece of property and asked if this was a buildable lot for a single-family residence.

Mr. Stimac stated that as it stands right now you can only have one home on it. The street Nada dead ends into it and there is the possibility that this street will be extended farther in and the petitioner can potentially develop other lots at that time. It would only be possible with the extension of the existing street.

Mr. Courtney asked how many splits of this parcel would be allowed without going through the Subdivision Control Act.

Mr. Stimac stated that the Land Division Act, previously referred to as the Subdivision Control Act, would allow this property to be split into four parcels without doing a plat. This action would be included and it would allow them to divide two additional lots before they would have to go through subdivision platting or site plan condominium to get additional divisions of the property.

Mr. Courtney asked if Mr. Stimac had any idea how many lots would be allowed on this property.

Mr. Stimac said that he was not sure, but if they used lot averaging, he thought that it would be possible to create six sites on this parcel. This would be dependent on them extending the street to the eastern edge.

Mr. Courtney asked if he was correct in assuming that if the variance was granted now, Parcel B could still be used as a condominium site.

Mr. Stimac said that option would be available to the petitioner.

Mr. Dennis Siavrakas and Mr. Brian Vargason of Bryden Homes were present. Mr. Siavrakas stated that Houghten Drain is on the east side of the property and runs through the rear portion of the property. If they were to go through and request a Subdivision Plat or Site Condominium this drain would probably take up two lots. A total of five lots would be able to be built on this parcel.

Mr. Courtney asked if that was their plan.

Mr. Siavrakas said that if things go well that is what they would like to do in the future. Mr. Siavrakas also said that they would like to build two (2) new homes and the parcels to the west have just about the same exact frontage. This request is minor and the proposed development makes sense as it almost identical to the lots to the west of this site. They cannot look to the east for any additional property as it is owned by Oakland County and they did approach the neighbors to the west; however, they are not interested in selling any of their property. This variance is only about 2% and the lot to

**ITEM #2 – con't.**

the east is a little wider at the back of the property. These homes would increase property values and would not have an adverse effect to surrounding property. All other requirements including setbacks would be met.

Mr. Courtney asked if it would be possible for the petitioner to pick up extra property from the parcel to the east.

Mr. Siavrakas stated that Oakland County has the rights to the drain and the easement there. Riverbend Condominiums developed this property and they had to distinguish a line that was given to Oakland County as an easement line. If they developed the property to the south the same thing would apply, they would have to distinguish an easement line, which would be recorded against the property and it would be given to the Oakland County Drain Commission. Mr. Siavrakas said that there are wetlands on the property that are approximately 10' to 15' from the rear of the property. The drain runs through the side and rear of the property.

Mr. Courtney said that they could own the property they would just not be able to build on it.

Mr. Kovacs asked if they would be opposed to stipulations on the property that would state that the property could only be developed into single-family residential property.

Mr. Siavrakas said that they would definitely agree, and feels that this is how it should be.

Mr. Kovacs stated that is one of the concerns raised by surrounding property owners and he believes this is a valid concern. Mr. Kovacs also asked if they were planning to extend Nada.

Mr. Siavrakas said that they would like to and stated that this area will be kept to single-family residential. Nada is also zoned as R-1C and development as single-family residential would make the most sense. They have no intentions to develop the property any other way.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing closed.

There are two (2) written objections on file. There is one written approval on file.

Mr. Bartnik stated that one of the letters approving this request was from the property owner immediately to the west, 646 E. Long Lake, and the property, 632 E. Long Lake that is located two parcels to the west objected to this request. Mr. Bartnik stated that Mr. Siavrakas indicated that these lots were the same size as the proposed lots.

**ITEM #2 – con't.**

Mr. Stimac said that 632 and 646 E. Long Lake, as well as the properties on Nada were done as a Subdivision Plat and were done with the lot averaging option. This allows a variation in lot width as long as the minimum lot area is maintained.

Mr. Kovacs asked if the petitioner would need a variance to build a home on Parcel B if this variance was granted.

Mr. Stimac said that the petitioner is asking that the Board approve both lot widths, and make them buildable lots. Technically, both lots have the same width on the frontage along Long Lake Road, but since the Ordinance measures the lot width at the front setback, Lot A is slightly larger than Parcel B.

Mr. Kovacs asked if they could add Parcels C and D if they wanted to.

Mr. Stimac said that they couldn't do that until they found some other usable frontage to create Parcel C. Once Nada was extended, they would have the option to do that.

Mr. Courtney asked if they could put in homes that were substantially smaller than other homes in the area.

Mr. Stimac said that the minimum size of homes in R-1C Zoning is either 1,200 or 1,400 square feet. Mr. Stimac said that he thought that the homes to the west were substantially larger than that requirement. Due to the cost of land and the desire of builders to have a certain ratio of house cost to land cost, you rarely see homes that are constructed at the minimum square footage allowed.

Mr. Courtney asked what size homes the petitioners are planning to construct.

Mr. Siavrakas said that the intention is to build the same size homes that are currently in the area. Going back to land costs it does not pay to put in smaller homes. Mr. Siavrakas said that if they do develop the other half of the parcel, they would put in some type of subdivision control and make sure that those homes are consistent with the other homes in the area. Mr. Siavrakas also stated that he had a site plan of the area and the lots to the west are identical in width to this request.

Motion by Bartnik  
Supported by Gies

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.

**ITEM #2 – con't.**

- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Absent a variance, conformance is unnecessarily burdensome.

Mr. Kovacs stated that he would like to stipulate that Parcel B has to be developed as a single-family residential development.

Motion by Clark  
Supported by Lambert

MOVED, to amend the original motion to include the stipulation that Parcel B must be developed as single-family residential.

Mr. Lambert asked if the developer would have to come back to this Board if they decided they wanted to develop this property in another way.

Mr. Motzny said that if they wished to do anything other than single-family residential, they would have to have the property re-zoned. The record would indicate that this Board granted the variance with the stipulation that the property be developed as single-family residential.

Mr. Stimac clarified with the Board that the motion would not preclude the petitioner from developing site condominiums as long as they were detached single-family residential units.

Mr. Kovacs said that was his intention.

Vote to amend original motion.

Yeas: 6 – Courtney, Kovacs, Lambert, Bartnik, Clark, Gies  
Absent: 1 – Wright

**MOTION TO AMEND MOTION CARRIED**

MOVED, to grant Dennis Siavrakas of Bryden Homes, 660 E. Long Lake, relief of the Ordinance to split an existing parcel of land that will result in one lot that is 83.51' wide and the other lot 83.37' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum lot width of 85' in the R-1C Zoning District.

- Variance is consistent with the existing development in this area.
- Variance request is minor.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

**ITEM #2 – con't.**

- Absent a variance, conformance is unnecessarily burdensome.
- Property to be developed as Single-Family Residential.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Kovacs, Lambert  
Absent: 1 – Wright

**MOTION TO GRANT VARIANCE CARRIED**

Motion by Gies  
Supported by Clark

MOVED, to excuse Mr. Wright from tonight's meeting for personal reasons.

Yeas: 6 – Lambert, Bartnik, Clark, Courtney, Gies, Kovacs

**MOTION TO EXCUSE MR. WRIGHT CARRIED**

Mrs. Gies informed the Board that she would be out of town for the meeting of August 19, 2008.

The Board of Zoning Appeals meeting adjourned at 8:00 P.M.

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Matthew Kovacs, Chairman

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Pamela Pasternak, Recording Secretary

**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 11<sup>th</sup> 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 5<sup>th</sup> there was an activity – bowling at Troy Lanes, 80 parents and children attended.

Next meeting is September 8<sup>th</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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. Faris Alami: Visit, [xology.com](http://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**

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Kelly Jones, EIAB Chair

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Cindy Stewart, EIAB Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 12, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
 Philip Sanzica  
 Robert Schultz  
 Thomas Strat  
 Lon M. Ullmann  
 Mark J. Vleck (arrived 7:33 p.m.)

Absent:

Mark Maxwell  
 John J. Tagle  
 Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
 R. Brent Savidant, Principal Planner  
 Christopher Forsyth, Assistant City Attorney  
 Kathy Czarnecki, Recording Secretary

**Resolution # PC-2008-08-094**

Moved by: Sanzica  
 Seconded by: Strat

**RESOLVED**, That Members Maxwell, Tagle and Wright are excused from attendance at this meeting for personal reasons.

Yes: Hutson, Sanzica, Schultz, Strat, Ullmann  
 Absent: Maxwell, Tagle, Vleck (arrived 7:33 pm), Wright

**MOTION CARRIED**

Chair Schultz announced that five (5) affirmative votes are required for approval and recommending actions. He said the petitioner has the option to request postponement of an item prior to deliberation by the Planning Commission.

[Mr. Vleck arrived at 7:33 p.m.]

2. APPROVAL OF AGENDA

**Resolution # PC-2008-08-095**

Moved by: Strat  
 Seconded by: Hutson

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

Yes: All present (6)  
Absent: Maxwell, Tagle, Wright

**MOTION CARRIED**

3. MINUTES – July 22, 2008 Special/Study Meeting

**Resolution # PC-2008-08-096**

Moved by: Vleck  
Seconded by: Sanzica

**RESOLVED**, To approve the minutes of the July 22, 2008 Special/Study meeting as submitted.

Yes: All present (6)  
Absent: Maxwell, Tagle, Wright

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**SPECIAL USE REQUEST**

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 359) – Link School of the Arts, North side of Rankin, East of Rochester Road, Section 34, M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request and parking reduction, and reported it is the recommendation of City Management to approve the application as submitted.

Terence Bilovus of Mandall Bilovus Lenderman & Associates, P.C., 4082 John R, Troy, was present to represent the petitioner. Mr. Bilovus indicated the petitioner would like to move forward with the request this evening.

Mr. Strat disclosed his association with Mr. Bilovus but indicated he has no financial interest in the project.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

A brief discussion followed as relates to:

- Designation of two-way drive on site plan.
- Number of parking spaces for recreation use.
- Storm water management.

**Resolution # PC-2008-08-097**

Moved by: Sanzica  
Seconded by: Strat

**WHEREAS**, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the indoor commercial recreation facility and industrial building to 36, when a total of 84 spaces are required on the site based on the off-street parking space requirements for industrial and indoor commercial recreation uses, as per Article XL. This 48-space reduction meets the standards of Article 40.20.12.

**THEREFORE BE IT RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.09 of the Zoning Ordinance, as requested for the proposed Link School of the Arts, located on the north side of Rankin, east of Rochester in Section 34, within the M-1 zoning district, is hereby granted.

Yes: All present (6)  
Absent: Maxwell, Tagle, Wright

**MOTION CARRIED**

**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.

**OTHER ITEMS**7. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

8. **PLANNING COMMISSION COMMENTS**

Mr. Forsyth asked for further input from members on items of interest to include in the Planning Commission reference booklet prepared by the City Attorney. [There was none.]

Mr. Miller addressed:

- Site Plan application at Sheffield Building; bank with drive-through.
- Application for PUD #10, Big Beaver and Kilmer.
- Status of Draft Master Plan.
- Update on PUD #9, The Pavilions.
- Rezoning request relating to the rescission of PUD #6, Oasis @ Centennial Park.

The Regular Meeting of the Planning Commission adjourned at 8:16 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary

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The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30, on Tuesday, August 19, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Kenneth Courtney  
Glenn Clark  
Matthew Kovacs  
David Lambert  
Thomas Strat

ABSENT: Marcia Gies

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Allan Motzny, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

Motion by Lambert  
Supported by Clark

MOVED, to excuse Ms. Gies from this meeting as she is out of town.

Yeas: 6 – Clark, Courtney, Kovacs, Lambert, Strat, Bartnik  
Absent: 1 - Gies

MOTION TO EXCUSE MS. GIES CARRIED

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 29, 2008**

Motion by Courtney  
Supported by Clark

MOVED, to approve the minutes of the meeting of July 29, 2008 as written.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #6**

Mr. Bartnik asked that Item #6 be pulled for discussion.

Motion by Courtney  
Supported by Lambert

**RESOLVED**, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

**Item #2 – con't.**

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

**ITEM #3 – RENEWAL REQUESTED. PSI HOLDINGS, 2525 CROOKS**, for relief of the 6' high masonry-screening wall required along the west and south property lines where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. MG ACQUISITIONS, 2555 CROOKS**, for relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry screening-wall required along the west property line of their site that abuts residential property. This relief was originally granted in 1984 based on the fact that a wood fence from the Somerset Apartment complex currently screens the property. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of MG Acquisitions, 2555 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west property line.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. CROOKS OFFICE LLC, 2585 CROOKS,** for relief to maintain a 6’ high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of this site where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6’ high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property. This relief was originally granted in 1981 based on the fact that the stockade fence existed and was originally constructed by the Somerset Apartment complex and is in the residential zoning to the west. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6’ high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6’ high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #6 – RENEWAL REQUESTED. GOOD DEVELOPMENT HOLDINGS, 4755 ROCHESTER,** for relief of the 6’ high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in regard to a 6’ high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6’ high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8’ high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in August 2005 and was granted a three-year renewal. The property to the north is now zoned R1-T (One Family Attached) but remains vacant. Other than that, conditions remain the same and we have no complaints or objections on file.

The petitioner was not present.

Mr. Bartnik explained that he was concerned about the condition of the fence along the residential property. Right now the property is vacant and Mr. Bartnik is concerned about granting a three-year renewal at this time.

Motion by Bartnik  
Supported by Courtney

**ITEM #6 – con't.**

MOVED, to grant Good Development Holdings, 4755 Rochester Road, an eighteen (18) month renewal of relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

- Eighteen months (18) will allow the Board a chance to re-examine this item in case building is started on the surrounding property.
- Eighteen months (18) will allow the Board the opportunity to look at the condition of the fence.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO GRANT RENEWAL FOR EIGHTEEN (18) MONTHS CARRIED

**ITEM #7 – VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO**, for relief of the Ordinance to split an existing parcel of land into two home sites, which will result in each having a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the Building Department was in receipt of a letter from Mr. Abitheira asking that this request be withdrawn.

Motion by Courtney  
Supported by Bartnik

MOVED, to note and file the request of Mr. Abitheira to withdraw this item.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

**ITEM #8 – APPROVAL REQUESTED. MELISSA & BRIAN VANTONGEREN, 5361 LIVERNOIS**, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are requesting approval under Section 43.764.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F350 Cube Van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

Mr. Stimac further explained that this item had appeared before City Council in 2003 and received approval for two-years. In 2006 they applied for a renewal but later withdrew their request as they had sold the vehicle.

Mr. Vantongerren stated that they had approached their closest neighbor and also the church across the street and no one objects to this vehicle parked on the property.

**ITEM #8 – con't.**

Mr. Kovacs informed the petitioner that the rules for granting approval have been changed and asked the petitioner how they feel they have met the criteria.

Ms. Vantongeren said that the location of the truck is in between two homes and is not visible to anyone.

Mr. Vantongeren said that the truck is not visible from Livernois as it is parked on the side of the house and is screened by the existing evergreens and garage.

Mr. Courtney asked the petitioner why they did not request approval before they bought this vehicle since they were familiar with the restrictions regarding commercial vehicles.

Mrs. Vantongeren said that it was because of the job situation.

Mr. Vantongeren said that it was a job situation and originally they had parked the vehicle at another location, but had to move the truck as problems had developed. Mr. Vantongeren went on to say that it is more convenient to have the truck in this location as he leaves for work at approximately 3 A.M. and is gone approximately 16 hours a day.

Mr. Courtney asked if they had read the requirements in order to meet approval for this vehicle.

Mr. Vantongeren said that he believes there is one rental location, which is quite far from his home and would make it difficult for him to get to the vehicle.

Mr. Kovacs asked Mr. Vantongeren to explain the problems with the previous parking location.

Mr. Vantongeren said that he had parked the vehicle at a friend's house in Sterling Heights, but the City of Sterling Heights had a problem with that so he had to move the vehicle. Mr. Vantongeren stated that it is very difficult to find another location for this truck. Mr. Vantongeren also said that they have spent a lot of money on landscaping and felt that this request would be approved as they have made attempt to conceal it from passing traffic.

Mr. Kovacs said that he agrees that the truck is concealed, however, the petitioner has to meet Criteria A or B. The petitioner has not indicated that they have tried to find another site to park the vehicle nor has the petitioner demonstrated the practical difficulty with adding to their garage.

Mr. Vantongeren stated that they do not have the money to alter the existing garage as a lot of his money goes into keeping the truck running. The option is present but they cannot afford it.

**ITEM #8 – con't.**

Mr. Kovacs asked if they had looked into an alternative location to park this vehicle.

Mrs. Vantongeren stated that there are none available in the immediate area.

Mr. Vantongeren said that he believes the closest one is in Clawson at 15 Mile Road and his business takes him north, therefore, this location would not work for him.

Mrs. Vantongeren said that they are using \$500.00 in gas a week and her husband is on the road approximately 15 hours a day.

Mr. Vantongeren said that he is home in the evening and works Tuesday through Saturday. He leaves at approximately 3 A.M. and gets home at 4:30 P.M. or later.

Mr. Strat informed the petitioner that the Planning Commission had approved another location in Troy for the storage of commercial vehicles, and the petitioners could contact the Planning Department for the location and number of that facility.

Mrs. Vantongeren said that they do not have the money to pay for outside storage as they have just filed for bankruptcy.

Mr. Strat said that his concern is that the vehicle is very visible to the neighbors driving along the street and is worried about the quality of the neighborhood. Mr. Strat also said that he understands the hardship the petitioners are under.

Mr. Courtney said that he did not think the location of the truck was that bad, however, the petitioners have the burden of meeting the criteria described in the application and Mr. Courtney does not believe that the petitioners have met either of the criteria described in A or B.

Mr. Lambert said that he would like to postpone this request to give the applicant the opportunity to determine which criteria they meet and perhaps they could look into the possibility of adding more landscaping.

Mr. Kovacs said that he believes the petitioner meets the criteria "C", but needs more evidence as to how they meet the criteria described as "A" or "B". Mr. Kovacs also said that he believes the problem with the landscaping is that the shrubs are young however will fill in as they mature. Mr. Kovacs further stated that there is a telephone pole right near the area that the truck is parked.

Mrs. Vantongeren stated that they do not have the money to add on to their garage and they cannot widen the area because of the telephone pole. They cannot add to the other side of the property as it would be too close to the property line.

Mr. Kovacs asked if they could enlarge the door on the garage.

**ITEM #8 – con't.**

Mrs. Vantongerren said that the garage was built in 1955 and they are not even sure that it is structurally sound. Mrs. Vantongerren said that recreational vehicles are allowed to be parked on residential property and they are three times larger than this truck. Mrs. Vantongerren said that this truck is like a “Dualy” with a cap on it. They keep up their property and do not see why this truck should be a problem.

Mr. Kovacs said that he understands what the petitioner is saying, but this Board does not make up the rules in the City. It is the job of this Board to enforce the Ordinance. The City Code says that people can park recreational vehicles on residential property as long as they follow the rules that have been set up by the Code.

Mrs. Vantongerren stated that they cannot afford criteria “A”.

Mr. Kovacs said that the petitioners needed to look at alternative locations to park this vehicle.

Mr. Vantongerren asked where this parking was allowed in Troy.

Mr. Strat suggested that the petitioners contact the Planning Director regarding the outside storage of this vehicle. Mr. Strat also suggested that the petitioners come back before the Board after they had examined the criteria required and present the Board with evidence that they meet either criteria “A” or “B”.

Mrs. Vantongerren said that they will never be able to meet the criteria described in “A”. They filed Chapter 7 bankruptcy two months ago and will not be able to meet “A”.

Mr. Stimac asked how much it costs for outdoor storage.

Mrs. Vantongerren said that it is anywhere between \$10.00 and \$20.00 a week and they are going broke with the cost of gas.

Mr. Stimac asked if they had confirmed these prices.

Mrs. Vantongerren said that this Board is asking them to spend more money and they do not have the money to spend.

Mr. Vantongerren said that he is spending approximately \$550.00 a week in gas.

Mr. Strat asked if Mr. Vantongerren was self-employed.

Mr. Vantongerren said that he was.

Mrs. Vantongerren said that he drives to Milford every day.

**ITEM #8 – con't.**

Mr. Stimac asked if they had looked into storage facilities between their home and Milford.

Mrs. Vantongerren said that she would have to drive him and go back and pick him up and once again costs would go up and they don't have the money to do this. They only have two vehicles and their other car already has problems.

Mr. Clark asked about the brick wall between their property and the property to the west.

Mrs. Vantongerren said that basically it is a brick wall with shrubs on top of the wall. There are no windows on that side of the house and the truck is not visible to them.

Mr. Clark also asked about the written approval that had been received and also asked if the Church was directly across the street.

Mr. Vantongerren said that he was not aware of who signed the approval and the Church is directly across the street from their home.

Mr. Stimac explained that the approval was in answer to the Public Hearing notices that had been sent out and appears that the signatures were from members of the Church Board.

Mr. Courtney said that in his opinion the Board is not getting anywhere but would like to see this item postponed so that the petitioner could submit something in writing to the Board indicating how they meet the criteria described in "A" or "B".

Mr. Kovacs said that he agreed with Mr. Courtney and rather than just saying they can't afford to add to the garage, they should submit something in writing that would indicate what the cost would be. Mr. Kovacs said that he felt the petitioner needed to demonstrate that an effort had been made to meet the criteria described in the application. Mr. Kovacs further stated that this request by the Board is not unreasonable and the petitioner needs to make a real effort to demonstrate to the Board what avenues they have explored.

Mr. Strat also suggested that the petitioner show this Board the real costs of meeting the criteria.

Mrs. Vantongerren said that the Church is right across the street and they are looking at a parking lot and there are cars that go in and out all the time. This is a residential area and the cars park in front on their home. Mrs. Vantongerren said that she cannot understand the concern over their truck.

**ITEM #8 – con't.**

Mr. Kovacs said that this Board is not here to vote on that, however, there are strict guidelines that have to be applied to this approval and the petitioner needs to explain to the Board how they meet the criteria for approval.

Mrs. Vantongerren said that she can give the Board a copy of a letter from the Court indicating that they do not have the money to meet the criteria required in “A”. Mrs. Vantongerren said that they explained why they cannot do “A” or “B”.

Mr. Kovacs informed the petitioner that lack of money is not a condition of approval.

Mr. Strat stated that the Board is trying to help the petitioner and the petitioner needs to take the time and give the Board an indication of how they have made an effort to meet criteria “A” or “B”.

Mrs. Vantongerren said that even if they found a place to store the vehicle they do not have the transportation or money to get to that place.

Mr. Kovacs said that it is up to the petitioner to show this Board that they have made an effort to find an alternative location for this vehicle. Mr. Kovacs said that the petitioner has to tell the Board why they cannot move the vehicle to an alternate location. This Board has the power to determine if the alternate parking spot is feasible.

Mr. Strat asked how long the plants have been in place.

Mrs. Vantongerren said that the landscaping has been in place since 2003 and at that time everyone said it was fine. Mrs. Vantongerren said that this State is going down the drain and they are lucky that her husband has a job. Mrs. Vantongerren also stated that this property looks ten times better since they have owned it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Courtney asked the petitioner if they would like the Board to postpone this request.

Mrs. Vantongerren said that they would, but she does not know how much information will be required for them to give to the Board members.

Mr. Kovacs suggested that they speak with Mr. Stimac, as he would be more than willing to help them work through this process.

Mr. Lambert asked Mr. Motzny if it would be more appropriate to table action on this item or to postpone this request.

**ITEM #8 – con't.**

Mr. Motzny said that technically the motion to postpone would be the acceptable way to go. A motion to table is usually brought up if there is some urgent matter that comes up that needs to be addressed.

Motion by Courtney  
Supported by Lambert

MOVED, to postpone the request of Melissa and Brian Vantongerren, 5361 Livernois, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property until the meeting of September 16, 2008.

- To allow the petitioner the time to present the Board with evidence that they have made an effort to meet the criteria described in “A” or “B”.

Mr. Clark asked if the petitioner would be able to present the Board with a plan to add more landscaping to the property.

Mr. Bartnik stated that he believes the petitioners meet the criteria described in “C” however is definitely concerned about evidence regarding “A” or “B”. Mr. Bartnik also stated that the petitioners have done a great job with the property.

Yeas: 6 – Strat, Bartnik, Clark, Courtney, Kovacs, Lambert

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED

**ITEM #9 – VARIANCE REQUESTED. CHINNA MIDDELA, 4000 LIVERNOIS**, for relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces, where Section 40.21.70 of the Troy Zoning Ordinance requires 43 parking spaces.

In addition, Petitioner is also asking for relief of the 6’ high masonry screen wall along the east side of the property as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter a tenant space within an existing office building as a medical office. Based upon 2,000 square feet of this building being used for medical offices and the remaining 6,512 square feet being used for general office, a minimum of 43 parking spaces would be required by Section 40.21.70 of the Troy Zoning Ordinance. The plans indicate that only 36 parking spaces are available on the site.

In addition, Section 39.10.01 requires a 6’ high masonry screen wall along the east property line where this site abuts Single Family Residential Zoning. The petitioners are asking for a variance to continue to eliminate this required screen wall.

**ITEM #9 – con't.**

Mr. Stimac also stated that even though this is one address, there are actually two (2) petitioners. Mr. Middela is requesting the variance regarding the parking and Wattles Investment Company is requesting relief of requirement regarding the 6' high masonry screen wall along the east side of the property.

Mr. Kovacs asked what the property to the north is zoned.

Mr. Stimac explained that is in O-1 Zoning.

Mr. Kovacs then asked if they could purchase that property in order to add additional parking.

Mr. Stimac said that definitely was a possibility.

Mr. Strat asked if the tenant was requesting the parking variance.

Mr. Stimac said that the tenant is seeking a variance for the parking in order to move his medical office into the building. The owner of the building is asking for the variance regarding the wall. Mr. Stimac also stated that these requests have been combined into one Public Hearing however; the Board should address each item separately.

Mr. Strat stated that he was surprised that the owner of the property was not requesting the parking variance as the variance runs with the land.

Mr. Stimac said that it is his understanding that the owner of the property has authorized this tenant to ask for the parking variance. Mr. Stimac said that in the Board's determination of whether the 36 parking spaces would be sufficient, there may be questions on how the tenant plans to use the business, in which case the owner may not have the answers.

Mr. Courtney asked if this property was in the process of changing ownership.

Mr. Stimac said that he believes that this tenant may have a purchase agreement in place to purchase the property if approval of the parking is granted.

Mr. Middela was present and he stated he was planning on putting in a dental office.

Mr. Kovacs was surprised that such a large number of parking spaces would be required.

Mr. Stimac explained that 2,000 square feet of the existing building would be used as a medical office and the Ordinance requires that medical offices have twice as much parking as regular office buildings.

**ITEM #9 – con't.**

Mr. Courtney asked if the petitioner had considered purchasing the property to the north.

Mr. Middela said that he had not.

Mr. Lambert said that when he was on the property, there is a huge area of weeds on the northeast corner that is approximately 20' – 30' tall high and is very unkempt. Mr. Lambert said that this is an eyesore to the adjoining residential property.

Mr. Michael Larco, of Wattles Investment was present. Mr. Larco indicated that he would go out and look at the property and have the matter taken care of.

Mr. Bartnik addressed a letter from the petitioner dated July 22, 2008 regarding the parking spaces.

Mr. Middela was not sure of which letter he was referring to.

Mr. Bartnik said that it was written by Information Data Systems and appears to outline current parking spaces and also shows proposed parking. This letter also indicates that the petitioner uses fourteen parking spaces at this time.

Mr. Middela said that he had written the letter and this was the current use of the property.

Mr. Bartnik said that according to that letter the Smile Center would provide parking for three parking spaces for the doctors, three employees and seven patients, and Information Data Systems required an additional four parking spaces. Mr. Bartnik asked how many dentists were on staff.

Mr. Middela indicated that there was only one dentist at the present time, but he was hoping to add more dentists as business increased. There is a problem that comes and goes.

Mr. Bartnik said that regarding usage of the Dentist Office, right now there is only the need for one parking space for the dentist.

Mr. Brad Hitch, Real Estate Broker, who is helping with the real estate portion of this property was present and stated that the letter presented was the worst case scenario of how much parking would be required. Right now they do not need that much parking themselves however; the petitioner is hoping to bring in an additional two (2) doctors in the future.

Mr. Bartnik asked how many examination rooms would be used.

**ITEM #9 – con't.**

Mr. Middela said that right now they plan to use four and hopefully will increase it to six rooms in the future.

Mr. Bartnik asked if these offices were in the existing 2,000 square feet.

Mr. Middela said that was correct.

Mr. Clark said that according to the letter submitted, it has been indicated that only one space is required by the Transportation Club and questioned whether there were ever customers or delivery trucks that came to this location.

Mr. Hitch said that the office is run by one lady and she only uses this space part time. Mr. Hitch went on to say that he has gone by this location several times and the parking lot is virtually empty most of the time.

Mr. Clark also asked if Mr. Middela had two legal names. Mr. Middela said that he goes by Sunny Reddy.

Mr. Courtney asked Mr. Hitch if he had any idea if the property on the north side of this location was available.

Mr. Hitch said that he believes this vacant land is owned by the office supply company that is located on the north side of the vacant property.

Mr. Courtney said that it is easier to get a variance on parking that is needed, rather than on parking that is proposed.

Mr. Hitch said that there is an additional 25' that goes with this property where the parking lot ends, which would allow them to add more parking and they would not have to buy any vacant land to the north. Mr. Hitch also said that he believes this additional property was deeded to them.

Mr. Kovacs said that they want the variance because they feel they only need 36 parking spaces and not the 43 that are required.

Mr. Courtney stated that if additional parking was required in the future, they would be able to add these parking spaces with the additional land.

Mr. Bartnik addressed the issue of the fence. Right now there is a walkway that is bordered on each side by a split rail fence.

Mr. Larco passed out pictures showing the sidewalk and existing fence. Mr. Larco said that this is a public walk, and basically looks very attractive. They have added some

**ITEM #9 – con't.**

additional stones and shrubs. Mr. Larco also said that he believes the wall would be less attractive than what exists now.

Mr. Courtney asked where the wall would be.

Mr. Larco said it would be placed on the west side of the sidewalk.

Mr. Kovacs opened the Public Hearing.

Mr. Rajeev Bhalerao, 30 Crestfield was present. Mr. Bhalerao stated that he wished to address the request regarding the screening wall. Mr. Bhalerao stated that he would rather have the wall. The existing fence needs to be repaired and he would like some relief as his home is the first one east of the existing fence. There are existing arborvitae on the side of the fence closest to his home. Mr. Bhalerao said that he would like some relief from the parking lot next door.

Mr. Courtney clarified that Mr. Bhalerao would rather have a screening wall than the existing fence.

Mr. Bhalerao said that his concern was that there would be a higher amount of traffic at this site and would like more screening. There is a nice wall at Rochester and Wattles and believes that something of that nature would be acceptable.

Mr. Kovacs asked if Mr. Bhalerao would accept the petitioner adding more arborvitae.

Mr. Bhalerao said that would also be acceptable and they had been approached by Mr. Thomas Cavanaugh, who said that as the owner of the building, they would put additional landscaping in at their side of the property and Mr. Bhalerao would be able to do the same on this side of the property. Mr. Bhalerao said that never happened.

Mr. Kovacs said that he thought this would be a very small space to put something other than a wall. Mr. Kovacs asked where the wall would go.

Mr. Stimac said that it appears that there is approximately 18' between the edge of the sidewalk and the parking lot. He was not sure where the property line was but felt that the wall would go right at the edge of the existing parking lot pavement.

Mr. Kovacs asked if that really was what the speaker wanted.

Mr. Bhalerao said that he thought a wall would look very nice in this area and felt that there was enough room for it to be constructed.

Mr. Strat asked if this was a condominium site or if it was privately owned.

**ITEM #9 – con't.**

Mr. Stimac said that the properties at 29 and 30 Crestfield are private single-family owned lots. There is an easement at the edge of 30 Crestfield to allow for a sidewalk.

Mr. Strat asked if a pre-cast fence could be put in that area. It is masonry, but would be pre-cast and is supported by steel poles.

Mr. Stimac said that that type of structure would be allowed by the Ordinance and would meet the requirements of Section 39.10.01.

Mr. Strat said that he does respect the opinion of Mr. Bhalerao and would not like to look out at a parking lot either.

Ms. Barbara Scofield, 84 Leetonia was present. Ms. Scofield asked what O-1 Zoning was and confirmed that it was not parking.

Mr. Stimac explained that O-1 Zoning is office use and parking comes with that designation.

Ms. Scofield stated that she could see where more parking would be required and the whole green space that is there now would be used for parking. Ms. Scofield stated that she wants a 6' high masonry wall if not higher and is tired of looking at a parking lot.

Mr. Kovacs asked Ms. Scofield if she was in favor of the request for additional parking and against the variance for relief of the screening wall.

Ms. Scofield said that she is in favor of the parking variance, but not in favor of granting the variance for the 6' high wall.

Mr. Courtney asked how the addition of the wall would affect her property.

Ms. Scofield said that she is within 300' of this site and can see the parking lot from her home.

Mr. Kovacs stated that her approval and disapproval have been noted.

Ms. Scofield asked if they would have to come back to the Board if they wanted to add more parking.

Mr. Kovacs said that if they had the additional property, they would not need to come before the Board for a variance. Mr. Kovacs also pointed out that the 6' high wall would only run the length of the property described in this application.

Ms. Scofield asked what would happen if the other property was developed.

**ITEM #9 – con't.**

Mr. Stimac stated that the vacant piece of property does not require a screen wall at this time. If the property was developed as O-1 Zoning, a screen wall would be required where the property abuts residential property. The other scenario is that if the property were developed the owner could come before this Board and request a variance to eliminate the screen wall.

Ms. Scofield asked who owns the property at 29 Crestfield.

Mr. Bhalerao said that the home had been foreclosed on and no one is living there at this time.

No one else wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked if the Board could request that the petitioner add additional arborvitae.

Mr. Motzny said that as a condition of the variance, the Board can request that the petitioner add additional arborvitae on his side of the property, but the Board cannot ask them to add additional screening on property that does not belong to them.

Mr. Larco said that he was not sure if this area was dedicated as a personal walkway. Mr. Larco said that it would be there preference to add additional arborvitae and would be more aesthetically pleasing.

Motion by Courtney  
Supported by Strat

MOVED, to postpone the request of Wattles Investment Company, 4000 Livernois for relief of the 6' high masonry screen wall required by Section 39.10.01, along the east side of the property where it abuts residentially zoned property until the meeting of September 16, 2008.

- To give the petitioner the opportunity to discuss other alternatives with the adjacent neighbor.
- To give the petitioner the opportunity to bring in a plan showing additional landscaping.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

MOVED TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED

**ITEM #9 – con't.**

Mr. Kovacs said that he drives by this parking lot every day and has never seen it full and would rather see a variance than require more parking.

Mr. Strat informed the Board that the Planning Commission is in the process of reviewing the Master Plan as well as the Zoning Ordinance and has determined that they are antiquated, and there are other types of uses that require more parking. The Planning Commission is looking into changes that they will be able to make. There are many other sites that have more parking space than what is needed. Mr. Strat stated that he feels this request would be reasonable.

Motion by Strat  
Supported by Bartnik

MOVED, to grant Chinna Middela/Wattles Investment Co., 4000 Livernois, relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces where Section 40.21.70 of the Troy Zoning requires 43 parking spaces.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to public interest.
- Variance applies only to the property described in this application.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Motzny informed the Board that the booklets he passed out earlier in the evening contained material that applies to this Board and said it will be a quick reference for the Board members. When revisions are made, additions will be provided to the Board. Mr. Bartnik asked if this booklet also addressed items brought forward by the Planning Commission.

Mr. Motzny said that the literature in these books apply only to the Board of Zoning Appeals and believes that a book is being compiled that will apply to the Planning Commission.

The Board of Zoning Appeals meeting adjourned at 8:50 P.M.

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Matthew Kovacs, Chairman

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Pamela Pasternak, Recording Secretary

**CALL TO ORDER**

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, August 26, 2008 at the Troy Community Center at 7:05 pm.

**ROLL CALL**

Members Present:           Mike Gonda  
                                  Bob Berk  
                                  Sandy Macknis  
                                  Jeff Stewart  
                                  Dan O'Brien  
                                  Alison Miller  
                                  Jim Hattan  
                                  Jeff Super  
                                  Bob Preston  
                                  Sarah Wunderlich, student

City Staff Present:       Cindy Stewart  
                                  Bob Kowalski  
                                  Jeff Biegler  
                                  Tonya Perry

Others:                     Karen Hattan  
                                  Doris Schuchter  
                                  Poncho Massaini  
                                  Kat Davis  
                                  Diana McKay  
                                  Jeff Winiarski  
                                  Lynne Clark  
                                  Steve Wassef

**Additions/Deletions to Agenda**

None

**Approval of Minutes from July 22, 2008**

RESOLUTION #TD-2008-08-23

Motion by: Sandy Macknis

Seconded by: Jeff Stewart

RESOLVED, that the minutes of July 22, 2008 are approved as submitted  
MOTION CARRIED

### **New Business**

#### **a. Contract Updates –**

All information has been entered, purchase orders sent out. Need to order straw bales. City Council approved the fireworks and Police Explorer's contracts on August 25, 2008. The City of Madison Heights called and asked us to be aware that Mad Bomber shorted them shells this year. Tonya Perry said the Fire Department would try to count shells. They discovered a problem with other companies selling shells taken off current jobs.

#### **b. 2008 Event Updates –**

Car Dealers are coming in; will need orange fences.

Cutest Toddler/Infant: there are only 30 entries to date.

Mike Conners, Boy Scout project was rejected (games for Kids Corner).

Sandy reported she has 245 student volunteers from the high schools; she will go to Troy Youth Council to recruit a few more.

Pickle Ball: There is a request to have an event at Troy Daze, but they felt it was too soon to pull off the event. Maybe next year.

Balloons and brochure have been ordered.

The EthniCity Tent is full. All Talent Shows are full.

Parade: Do we need a parade meeting regarding traffic? It's the same route/similar groups, but the time has changed to 10 am. The Grand Marshal has not been chosen yet. Troy and Athens Marching Bands are all set. The Troy High Football Team will carry the international flags. There is a need for 5-6 more adult volunteers to help the day of the parade. Need to check with Danielle Cover to see if the Miss Troy winners will be on the float. Need a six-seater for school board members. Mayor and Council will ride on golf carts.

Senior Sensation: Lunch reservations are coming in. It's \$3 per person this year. The Beaumont Hospital Wellness Fair is set. Margaret Julian and Diana Duluck are working on getting prizes for Bingo. Coffee will be prepared by Gail Moran of the Troy School District.

Sara Wunderlich, Student Rep, will be an assistant to Jeff Super for shuttles.

Mike will pick up 15-20 fire extinguishers.

Generator: Mad Power is all set. Jeff Winiarski is all set for electrical. We are using the same diesel fuel provider as last year.

Booths are full. The Booth meeting will be held Wed, September 3 at 7 pm. Need overhead projector for his laptop presentation. Bob and Lynn will be putting layout and packets together this week. Called Health Department; Kathy Fraser will attend the Booth Meeting, if possible. There is room also on the agenda for the Fire and Police Dept. They will be strict on rules. One parking pass per booth is provided; additional ones on sale. Wear black shirts to Booth Meeting.

Layout: almost identical to 2007 except outdoor stage moved back (west) almost where old pavilion was. Kids Corner Tents will form a "U" shape. Entertainment Tent was 80x100 E-W, now 80x100 N-S.

Drop Off Area for students is at the garbage dumpster off Northfield Pkwy. There will be a student drop-off sign. Mike will call Boulan Principal regarding turning on the school parking lot lights.

Parking stickers are on sale now. Cindy will sent note to Tim McAvoy to include with school e-mail blast. Fire Dept. will deliver lawn signs to all Fire Stations & the Fire-Police Training Center.

Bob Matlick and Stu Redpath are new Operations Volunteers. Operations working Friday, September 5, 8 am at Boulan Park. Tents, storage trailers to arrive.

Nino Salvaggio is donating fruit, cheese, veggie trays for volunteers on Friday. We'll also have donuts, coffee and chips. Water and pop are needed for volunteers. 50 cases of water; 25 cases of pop (10 regular, 10 diet and 5 clear pop). Needs to be \$5-6 a case. Mike and Dan O'Brien will work on this

Sunday, September 7 at 8 am, need volunteers for more setup/signs.  
Monday, September 8, setup/operations starts at 8 am. Jeff Super fixed and painted all the fences. Tuesday, September 9, setup again at 8 am.

RESOLUTION #TD-2008-08-24

Motion by: Mike Gonda

Seconded by: Alison Miller

RESOLVED, that all Troy Daze Advisory Committee members and their immediate family members (spouses/children) as well as Troy Daze Committee

Chairs and their immediate family members are not eligible to win any monetary awards for Troy Daze related events or competitions.

Yes: All

No: None

MOTION CARRIED

Photo Contest: Steve Wassef introduced himself as assistant to Tom & Tammy Duszynski. Entries are coming in.

Northfield Pkwy will be closed on Saturday between 9:30-11:30 am for the Parade.

Waffle Breakfast: Jonathan Campion is all set. Saturday and Sunday from 9 am - 1 pm. \$5 waffle meal for adults/\$4 kids meal.

Diana McKay has a coin sorter for Alison to use for cutest infant/toddler contest.

Opening Ceremony/New Citizen Naturalization combined will begin at 6 pm.

### **Old Business**

Police and Fire Explorer contract was approved on August 25, 2008 by the City Council.

### **Adjourn**

RESOLUTION # TD-2008-08-25

Moved by: Alison Miller

Seconded by: Mike Gonda

RESOLVED, that the Troy Daze Advisory Committee Meeting is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 8:25 pm.

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Bob Berk, Co-Chairperson

---

Cindy Stewart, Community Affairs Director

A meeting of the **Troy Youth Council (TYC)** was held on August 27, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. Disha Bora and Joseph Niemiec called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Willa Adamo  
Disha Bora (Co chair)  
Geon Woo Kim (Secretary)  
Jason Lee  
Jennifer Liang  
Joseph Niemiec (Co-chair)  
Vikram Prasad  
Sevita Rama  
Shaina Sekhri  
Rachita Singh

MEMBERS ABSENT: Neil Shaw, Emily Wang, David Wylie  
VISITORS: Sandy Macknis and Jeff Stewart – Troy Daze Committee  
STAFF PRESENT: Scott Mercer, Recreation Supervisor

### 1. Roll Call

### 2. Approval of Minutes

Resolution # TY-2008-8-12

Moved by Prasad  
Seconded by Sekhri

RESOLVED, That the minutes of May 28, 2008 be approved.

Yes: All – 10

No: 0

Absent: 3 – Shaw, Wang, Wylie

### 3. Attendance Report:

Report reviewed by council members, no comments.

### 4. Visitors

Sandy Macknis and Jeff Stewart – Troy Daze Committee

Presented the history of Troy Daze of the event.

Highlighted events for 2008 that include:

Volunteer opportunities

Entertainment

Special needs events

Rides and games

Reduced parking fees at Comm. Center

Parade

Fireworks

### 5. Teens Taking Action

No Update

**6. Troy Daze**

No update.

**7. Motion to Excuse Absent Members Who Have Provided Advance Notification**

Resolution # TY-2008-8-13

Moved by Kim  
Seconded by Rama

**RESOLVED** that Wang and Wylie are excused.

Yes: 10  
No: 0  
Absent: 3 – Shaw, Wang, Wylie

**8. Youth Council Comments – None**

**9. Public Comments – None**

**10. Adjournment – 7:47 p.m.**

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Joseph Niemiec, Co-chair

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Scott Mercer, Recreation Supervisor

Reminder Next Meeting: September 24, at 7:00 P.M.

**From:** cyberoneill [mailto:cyberoneill@sbcglobal.net]  
**Sent:** Thursday, August 21, 2008 7:32 PM  
**To:** Parks and Rec Online  
**Subject:** Attn: Ann Blizzard Junior Lifeguard Class

Dear Ms. Blizzard:

My daughter, Grace, was enrolled in the junior lifeguard course from August 5 through August 21.

Her instructors, Deena and Kyle, were outstanding. They were knowledgeable and professional; their lessons were intelligently crafted and wonderfully executed. Their teaching abilities belie their ages.

Grace was able to identify a "distressed swimmer" after the first week and help him to safety while vacationing on Lake Michigan. Grace also had a great time. Deena and Kyle were able to impart their curriculum while making class fun.

This class and its instructors add respectability to the Parks and Recreation Department. We can only hope that Deena and Kyle are around to teach the lifeguard certification course because Grace can't wait to sign up.

Thanks for a successful course and great instructors.

Sincerely,

Ann O'Neill

P.S. My nine year old thinks the course should be available to nine year olds. He can't wait until he can take the course.

**Carol K Anderson**

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**From:** Sandra Kush [sandykush@sbcglobal.net]  
**Sent:** Wednesday, August 27, 2008 10:59 AM  
**To:** Carol K Anderson  
**Subject:** Rally for the Cure golf outing

Dear Carol,

On August 18, I sponsored a Rally for the Cure golf outing to raise awareness and money for breast cancer research. Jake and Aaron assisted me in planning and carrying out the outing and they did an outstanding job!!! They were friendly, eager to help wherever necessary, and fun to work with. Our group of 36 had a shotgun start and all the women (and two men) loved the course and thoroughly enjoyed the whole day. When we arrived at 7:15 am, the carts were ready, names on the carts . . . and Jake unloaded all the clubs and placed them on the carts for us. We plan another outing next year and will use Sanctuary Lakes again. Our smaller group of retired school teachers play there every Wednesday. Please let Jake and Aaron know that we truly appreciated their help and concern. They are to be commended. Sandy Kush



City of  
Troy

**STAFF INSPECTIONS  
MEMORANDUM**

J-03c

500 W. BIG BEAVER TROY, MICHIGAN 48084 (248) 524-3443

August 25, 2008

TO: Chief Charles T. Craft  
FROM: Lt. Richard E. Hay, Staff Inspections  
SUBJECT: Citizen's Compliment - 08-27798

I received a phone call on Thursday August 20, 2008 from a Diane Jones who wanted to praise our officers for the compassion and kindness they showed during their investigation of her sister's death on August 8, 2008.

Ms. Jones had called 911 to report she had found [REDACTED] unresponsive on her bed at [REDACTED]. Ms. Jones said that the officers and emergency medical crew determined that Ms. [REDACTED] had died. She said Sgt. Kowalski spent a lot of time talking to her, and letting her vent her emotions, and she said he exhibited the kind of attitude all police officers should have. She couldn't say enough about how much she appreciated the way he treated her and her family members.

Ms. Jones also praised Officers Mark Livingston and Lisa Rockafellow. She said they too exhibited compassion, and said the way they handled the situation helped her and the rest of the family deal with Ms. [REDACTED] unexpected death.

Ms. Jones said the family is going to send a card expressing their appreciation of the way the Troy Police Department responded to this situation.

cc: City Mgr  
DIC [REDACTED]  
CAPTAINS  
Sgt Kowalski / Dept File  
OFF. Livingston / Dept File  
OFF. Rockafellow / Dept File



## FBI NATIONAL ACADEMY ASSOCIATES MICHIGAN CHAPTER

August 13, 2008

Chief Charles T. Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084



Re: Sergeant Michael Bjork  
Officer Craig Fitzpatrick  
Officer Nicolette Kaptur  
Administrative Aide Lynn McDaniel

Dear Chief Craft:

This letter is written to commend the exemplary performance of Sergeant Michael Bjork, Officer Craig Fitzpatrick, Officer Nicolette Kaptur, and Lynn McDaniel who were each an integral part of the recent "Incident Response to Terrorist Bombing" and "Prevention and Response to Suicide Bombing Incidents" seminars held at the ArvinMeritor facility in Troy on July 24, 2008. These seminars were sponsored by the Federal Bureau of Investigations National Academy Associates, Michigan Chapter and the Troy Police Department.

The Michigan Chapter of the FBINAA is a non-profit organization of senior law enforcement professionals dedicated to providing our communities and profession with the highest degree of law enforcement expertise, training, education, and information. Our association with ArvinMeritor and the Troy Police Department has allowed us to attain that goal.

As we have seen in the past, Sergeant Bjork, Officer Fitzpatrick, Officer Kaptur, and Lynn McDaniel represented the Troy Police Department with a professional and courteous image. Their assistance in all facets of this training resulted in a successful event.

Thank you for allowing these employees to assist the FBINAA in this training.

Sincerely,

Gregory Harless  
President  
FBINAA – Michigan Chapter

cc: City Mgr  
D/C Mayor  
CAPTAINS  
LISTEN Personnel  
LISTEN Personnel/Dept. Etc

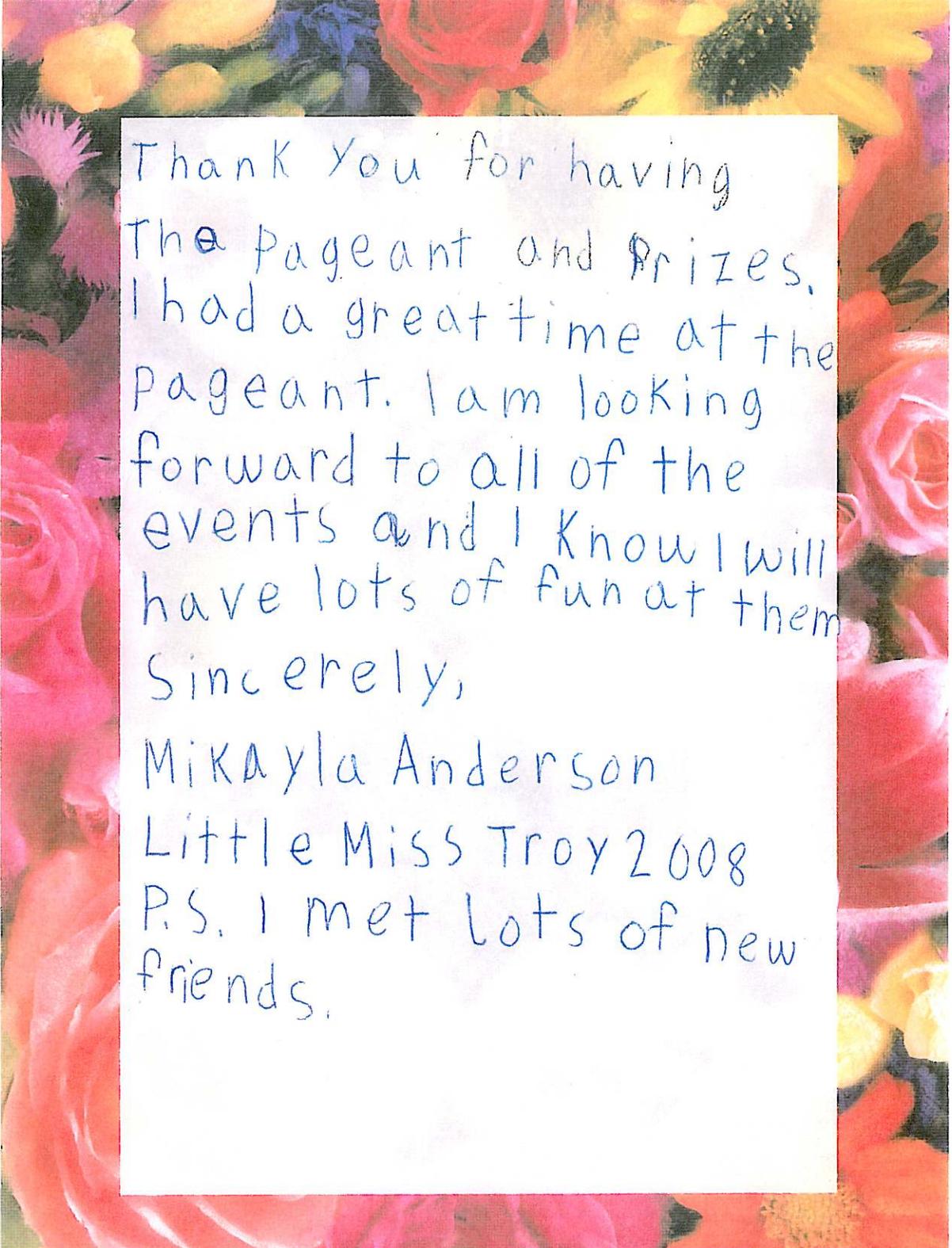
GH/pg

Dear,  
Mayor Schilling, Troy City  
Council, & Robin Beltrami

Thank you for sponsoring The Miss  
Troy Pageant. My daughter Mikayla  
had so much fun & is excited  
about attending as many events  
as she can. I explained she is  
now a role model for other children  
& adults too which she thought was  
really neat. ~~She~~ Mikayla to our  
delight is Little Miss Troy.

The pageant is a great outlet for  
the girls to have fun & learn about  
Community Service. This is something  
I am trying to teach my boys about  
too.

Thank You so much! Sincerely Karen  
Anderson



Thank You for having  
The pageant and Prizes.  
I had a great time at the  
Pageant. I am looking  
forward to all of the  
events and I know I will  
have lots of fun at them

Sincerely,

Mikayla Anderson

Little Miss Troy 2008

P.S. I met lots of new  
friends.

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX  
ATTORNEY GENERAL

P.O. Box 30754  
LANSING, MICHIGAN 48909

August 21, 2008

Honorable Jennifer M. Granholm  
Governor, State of Michigan  
The George Romney Building  
Lansing, MI 48909

Attention: Kelly G. Keenan  
Legal Counsel to the Governor

Dear Governor Granholm:

Re: **City of Troy – proposed charter amendment by initiative petition**

**Section 9.16.5** – adds a section imposing a millage rate levy limitation that “[t]he 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 be first approved by a majority of the City electors voting on the question”

You have referred to this office for examination this proposed charter amendment proposed by initiative petition filed with and verified by the Troy City Clerk.

We have examined the proposed amendment in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 et seq, and conclude that the proposed amendment is not consistent with the HRCA because the proposed amendment does not specify, or otherwise set forth how to determine, the “current rate” above which no city property taxes may be levied without a vote of the city electors. Without the specification in the charter amendment of the “current rate” or the method of determining the “current rate” imposed by the amendment at present and for the future, the proposed amendment does not meet the requirement set forth in Section 3(g) of the HRCA for a mandatory charter provision specifying a “tax rate limitation” for the annual levy of property taxes which may be in the range from 0% to 2% of the taxable value of the real and personal property in the city.

It should be noted, nevertheless, that Section 22 of the HRCA provides that all proposed amendments submitted by initiative petition are required to be submitted to the voters of a city for their approval – even if the Governor has declined to approve the charter amendment.

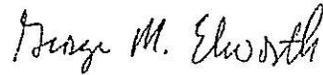
Under Section 21 of the HRCA, the ballot language for a proposed charter amendment is subject to the review of the Attorney General for compliance with the requirements of that section, including impartiality and accuracy. We have reviewed the ballot language as set forth

RECEIVED  
CITY OF TROY  
2008 AUG 25 AM 8:03

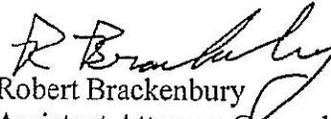
Hon. Jennifer M. Granholm  
Page 2

in the resolution, dated August 11, 2008, of the City Council and approve the ballot language as being in conformity with the requirements of Section 21 of the HRCA provided that the ballot language quote the proposed amendment in full, thereby using the phrase "shall be first approved" as stated in the initiative petition, rather than "shall first be approved" which appears to be a typographical error. However, this approval of the ballot language should not be construed as an indication that the proposed amendment itself is consistent with the requirements of the HRCA.

Very truly yours,



George Elworth  
Assistant Attorney General  
Finance Division



Robert Brackenbury  
Assistant Attorney General  
Finance Division

GME: te

Encs.

c w/o enc: Tommi L. Bartholomew, City Clerk  
Lori Grigg Bluhm, City Attorney

LF/Troy Charter Amendment/2008-3015504-A/Keenan 8-18-08  
0000749721S045



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

JOHN D. CHERRY, JR.  
LT. GOVERNOR

August 25, 2008

Tonni L. Bartholomew, Clerk  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Dear Ms. Bartholomew:

Re: Proposed City Charter Amendment

I am writing regarding your request for approval of a proposed amendment to the Troy City Charter. The amendment was proposed by initiative petition. The Department of Attorney General reviewed the proposed amendment in light of The Home Rule City Act, 1909 PA 279, MCL 117.1 to MCL 117.38, and concluded that the proposal is not consistent with the act. Based on that conclusion, I hereby notify you that I am unable to recommend to the Governor that she approve the proposed amendment.

Nevertheless, Section 22 of The Home Rule City Act provides that all amendments submitted by initiative petition are required to be submitted to the voters for approval. This is the case even if the Governor has declined to approve the charter amendment. I am enclosing a copy of the Department of Attorney General's letter dated August 21, 2008 for your review.

Sincerely yours,

A handwritten signature in cursive script that reads "Kelly Keenan".

Kelly Keenan  
Legal Counsel to the Governor

c: George M. Elworth, Assistant Attorney General