

From: Tonni L Bartholomew
Sent: Monday, September 08, 2008 4:47 PM
To: Tonni L Bartholomew; '000schilling@ameritech.net'; 'Robin Beltramini (rbeltram@wideopenwest.com)'; 'cristinabroomfield@yahoo.com'; 'mfhowryl@umich.edu'; 'david@eisenbacher.org'; 'Mary Kerwin (marykerwin5@hotmail.com)'; 'wade.fleming@proforma.com'
Cc: Lori G Bluhm; Brian P Murphy; John M Lamerato; Phillip L. Nelson; Barbara A Pallotta; Aileen Bittner; Mary F Redden
Subject: RE: Agenda item E-3
Attachments: 2004.04.05 Election Results.pdf; 04.02.02 Ballot Informational Brochure FINAL.doc; 2002 Questions wetland-NF questions and answers.doc; Pages from 2002.04.01 Election Results.pdf

Martin:

In addition to the first email, there was an electronic question and answers prepared for the voters. A copy of the electronic submittal and the 2002 results for that proposal. Proposal A was the Wetlands and B was the Council Pension question. Additionally, there was an informational brochure for 2004. A copy of the brochure and 2004 results are attached for your convenience. Sorry about the duplicate emails.

Tonni L. Bartholomew, MMC
Troy City Clerk
t.bartholomew@troymi.gov
500 W Big Beaver
Troy, MI 48084
(248) 524-3316 voice
(248) 524-1770 fax

-----Original Message-----

From: Tonni L Bartholomew
Sent: Monday, September 08, 2008 4:13 PM
To: 000schilling@ameritech.net; Robin Beltramini (rbeltram@wideopenwest.com); cristinabroomfield@yahoo.com; mfhowryl@umich.edu; david@eisenbacher.org; Mary Kerwin (marykerwin5@hotmail.com); wade.fleming@proforma.com
Cc: Lori G Bluhm; Brian P Murphy; John M Lamerato; Phillip L. Nelson; Barbara A Pallotta; Aileen Bittner; Mary F Redden
Subject: FW: Agenda item E-3

Martin:

Attached is the information regarding E-3 that you requested. The Informational Brochure was produced for the 2005 Charter Amendment Proposals. All proposals were passed by the voters. A copy of the brochure and the results of the election are attached and will be placed on the table.

See you tonight.

Tonni

-----Original Message-----

From: Mary F Redden
Sent: Monday, September 08, 2008 3:24 PM
To: Tonni L Bartholomew
Subject: FW: Agenda item E-3

Mary Redden
Admin. Assistant to the City Manager
City Manager's Office
(248) 524-3329

-----Original Message-----

From: Phillip L. Nelson
Sent: Monday, September 08, 2008 3:23 PM
To: Mary F Redden
Subject: FW: Agenda item E-3

Mary,
Is this possible?

Thanks,
Phil

-----Original Message-----

From: Martin Frank Howrylak [mailto:mfhowryl@umich.edu]
Sent: Monday, September 08, 2008 3:16 PM
To: Phillip L. Nelson
Cc: Mary F Redden
Subject: Agenda item E-3

Phil,

Could you please email and lay on the table the following information for background information on this item? Thank you!

Informational material sent out by city of Troy for municipal issues since 2000. There are some excellent examples, including a number of successful and failed bond proposal, the civic center proposal, etc.

Martin Howrylak

SUMMARY REPORT

CITY OF TROY
 CITY GENERAL ELECTION
 OAKLAND COUNTY, MICHIGAN

RUN DATE:04/05/04 10:39 PM

VOTES PERCENT

MAYOR

VOTE FOR NOT MORE THAN 1		
RICHARD HUGHES.	1,072	8.66
MATT PRYOR	4,807	38.84
LOUISE E SCHILLING	6,469	52.27
WRITE-IN.	28	.23

COUNCIL

VOTE FOR NOT MORE THAN 2		
ROBIN BELTRAMINI	5,549	25.73
DAVE LAMBERT	8,460	39.22
VICTOR LENIVOV.	3,443	15.96
ALAN MANZON.	4,091	18.97
WRITE-IN.	20	.09
WRITE-IN.	6	.03

PROPOSAL 04-1

YES	8,317	72.13
NO.	3,213	27.87

PROPOSAL 04-2

YES	5,861	50.04
NO.	5,852	49.96

PROPOSAL 04-3

YES	8,494	72.51
NO.	3,220	27.49

PROPOSAL 04-4

YES	7,964	68.03
NO.	3,743	31.97

PROPOSAL 04-5

YES	5,630	48.24
NO.	6,040	51.76

PROPOSAL 04-6

YES	2,514	20.18
NO.	9,941	79.82

SUMMARY REPORT

CITY OF TROY
CITY GENERAL ELECTION
OAKLAND COUNTY, MICHIGAN
STATISTICS

RUN DATE:04/05/04 10:39 PM

	VOTES	PERCENT	VOTES	PERCENT
PRECINCTS COUNTED (OF 32)	32	100.00		
REGISTERED VOTERS - TOTAL	54,122			
BALLOTS CAST - TOTAL	12,589			
VOTER TURNOUT - TOTAL		23.26		

**CITY OF TROY, OAKLAND COUNTY, MICHIGAN
CHARTER REVISION PROPOSALS
CITY GENERAL ELECTION – APRIL 5, 2004**

Charter Amendment Proposal 04-1

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS – TO CHANGE THE FILING DATE OF NOMINATION PETITIONS FOR CANDIDATES FOR REGULAR CITY ELECTION

Shall Section 7.9 of the Troy Charter, which requires “nomination petitions for candidates for regular city elections to be filed with the Clerk on or before 4 o’clock pm of the twenty-eighth (28) day preceding the third Monday of February of each year”, be replaced with “nomination petitions for candidates for regular City elections are to be filed with the Clerk on or before 4 o’clock pm of the one hundredth (100th) day preceding the City election for each election year”?

Should this amendment be approved?

YES ___ NO ___

YES A YES vote means that Troy’s City Council Members nomination petition filing deadline should be changed to 100 days prior to the City General Election Day. This would avoid the potential for an approximate ten-month delay between the nominating petition filing deadline and an election held in November.	NO A NO vote means that Troy’s City Council Members nomination petition filing deadline should remain at a date tied to an April City General Election date. The recently enacted State Election Consolidation Laws have eliminated an April City Election Date. In the case of a November election, the filing deadline would be approximately 10 months prior to election day.
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INITIATORY AND REFERENDARY PETITIONS

Under Troy’s Charter, citizens can suggest new ordinances or revisions to ordinances through the Initiatory process, which are then placed on the ballot. Similarly, the Referendary Process allows citizens to place a propose rescission of an approved ordinance or other City Council action on the ballot. Both of these procedures require the interested citizens to solicit signatures from registered Troy voters on petition forms.

The Troy City Charter currently requires that petitions must be signed by no less than 10% of the Troy Registered Voters and the signatures on the petition must be obtained within 21 days to place the question on a ballot. As of January 5, 2004 there were 54,059 registered electors.

Charter Amendment Proposal 04-2

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 5.11 – INITIATORY AND REFERENDARY PETITIONS – TO REDUCE THE NUMBER OF SIGNATURES REQUIRED ON INITIATORY OR REFERENDARY PETITIONS

Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to reduce the number of signatures from “at least ten percent of the registered electors of the City”, to ”at least 2,000 signatures of the registered electors of the City”?

Should this amendment be approved?

YES ___ NO ___

YES A YES vote means that the signatures required to place Troy initiatory or referendary questions on a ballot should be reduced from 10% of the registered electors to a new number of 2,000 signatures.

NO A NO vote means that the signatures required to place Troy initiatory or referendary questions on a ballot should remain at 10% of the registered electors.

Charter Amendment Proposal 04-3

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 5.11 – INITIATORY AND REFERENDARY PETITIONS – TO INCREASE THE NUMBER OF DAYS TO GATHER SIGNATURES ON INITIATORY OR REFERENDARY PETITIONS

Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to increase the time period to gather signatures from “twenty-one” days prior to the filing of the petition to “ninety days prior to the filing of the petition”?

Should this amendment be approved?

YES ___ NO ___

YES A YES vote means that the time period to gather signatures on Troy initiatory or referendary petitions to place questions on the ballot should be increased from 21 days to 90 days.

NO A NO vote means that the time period to gather signatures on Troy initiatory or referendary petitions should remain at 21 days.

Charter Amendment Proposal 04-4

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 12.1 – PURCHASE AND SALE OF PROPERTY - TO PROVIDE A MECHANISM TO OBTAIN COMPETITIVE BIDS THROUGH THE TRADITIONAL SEALED BID PROCEDURE OR ALTERNATIVE METHODS

Shall Section 12.1 of the Charter, which currently requires sealed bids to be obtained for all sales and purchases in excess of ten thousand dollars, be amended to allow for competitive bids through alternative methods including but not limited to electronic submission or reverse auction methods, by replacing “sealed bids shall be obtained” with “competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods, providing the method used preserves the integrity of the competitive process”?

Should this amendment be approved?

YES ___ NO ___

YES In today’s bid environment there are several methods to obtain bids, including but not limited to electronic submission or reverse auction methods. A YES vote means that the City should be allowed to use those alternative electronic methods to obtain sales and purchases in dollar amounts greater than \$10,000 as long as the method used preserves the integrity of the competitive bid process.	NO A NO vote means that all City sales and purchases in dollar amounts greater than \$10,000 should not be made through alternative electronic methods of obtaining competitive bids.
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Charter Amendment Proposal 04-5

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.8.5 – U.S. CONGRESS TERM LIMITATION PROCLAMATION - TO ELIMINATE THE REQUIREMENT OF THE MAYOR TO SEND A PROCLMATION TO THE U.S. CONGRESS ENCOURAGING CONGRESSIONAL TERM LIMITS

Shall Section 3.8.5 of the Troy Charter be repealed to eliminate the requirement for the Mayor to send an annual proclamation to the U.S. Congress encouraging them to use their best efforts to amend the Constitution to require term limits on the U.S. Congress?

Should this amendment be approved?

YES ___ NO ___

YES A YES vote means that the requirement placed on the Mayor should be eliminated.	NO A NO vote means that the Mayor should be required to send a proclamation to the U.S. Congress to encourage them to try to amend the U.S. Constitution to require Congressional term limits.
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Proposal 04-6

A PROPOSAL TO CONVEY SEVEN ACRES OF CIVIC CENTER PROPERTY FOR THE DEVELOPMENT OF CONFERENCE/HOTEL FACILITIES

Shall the City of Troy, Michigan be authorized to convey seven acres of the Troy Civic Center site for the development of conference/hotel facilities?

Should this proposal be approved?

YES ___ NO ___

YES A YES vote means that the seven acres at the south end of the Civic Center Site (next to the Ford and Earl Building, the Marriott, and the Liberty Center) could be sold, leased, or a combination thereof, to provide for conference center/hotel facilities.	NO A NO vote means that the seven acres at the south end of the Civic Center Site (next to the Ford and Earl Building, the Marriott, and the Liberty Center) shall not be sold, leased, or a combination thereof, to provide for conference center/hotel facilities.
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See attached map for the location of the seven acres in question.

For additional information, visit the Civic Center Ballot Proposal web page at www.troymi.gov/ballot. This web page is updated regularly and contains the Civic Center Site's mission statement and parameters established by City Council, a Frequently Asked Questions document and other supplemental information, including copies of previous studies.

Hard copies of these documents are also available at the Library (510 West Big Beaver Road), the Community Affairs Department (500 West Big Beaver Road), the City Clerks Office (500 West Big Beaver Road), the Real Estate and Development Department (500 West Big Beaver Road), and the Community Center (3179 Livernois Road).

SUMMARY REPORT

CITY OF TROY
CITY GENERAL ELECTION
OAKLAND COUNTY, MICHIGAN

RUN DATE:04/01/02 10:26 PM

VOTES PERCENT

CITY COUNCIL

VOTE FOR NOT MORE THAN 2

CRISTINA BROOMFIELD	4,194	24.14
DAVID EISENBACHER.	5,146	29.62
ANITA ELENBAUM.	997	5.74
THOMAS S KASZUBSKI	3,810	21.93
LOUISE E SCHILLING	3,217	18.51
WRITE-IN.	10	.06
WRITE-IN.	2	.01

CITY PROPOSAL A

YES	2,475	26.67
NO.	6,804	73.33

CITY PROPOSAL B

YES	6,611	71.75
NO.	2,603	28.25

**Answers to Questions Asked at the October 9, 2001
Public Hearings**

1. Are platted parcels exempt from all provisions of Natural Features and Wetland Ordinances?

Under Section 37.07(B) of Wetlands and 38.05(B) of Natural Features, "This ordinance does not apply to lots platted prior to the enactment of this ordinance, when proposed for development as originally platted." The phrase "when proposed for development as originally platted" would mean that if a platted lot is split or combined with another lot, proposed improvements on the new or reconfigured lot would be subject to ordinance requirements if wetlands or natural features exist on the property or the improvement is within the 50-foot natural feature setback. The ordinances, however, were not intended to apply to any improvements on a platted lot unless the result was that the property lines are moved to accommodate the construction of an additional home or business. Additional language and/or revisions to Section 37.07(B) of Wetlands and 38.05(B) of Natural Features should be made to clearly communicate this intent. Additionally, revisions to Section 38.11(F) of Natural Features and Section 37.07(C)18 of Wetlands should be made to more clearly communicate that additions or alterations to existing structures on platted parcels, regardless of any movement of the property line, would be exempt from the ordinances.

2. Will school district properties be regulated by these ordinances?

According to a recent case, the City may not have the right to mandate a school district's compliance with these ordinances.

3. What is the purpose of the setbacks in the Natural Features Ordinance?

Setbacks help protect natural features. These areas slow water runoff, trap sediment, and enhance stormwater infiltration. They also trap fertilizers, pesticides, and heavy metals and help stabilize streams and reduce water temperatures, which are important in protecting fish habitat.

4. Are platted properties abutting Emerald Lakes exempt from the Natural Features Ordinance?

Yes, except in the case of a lot split or combination (see answer to question 2).

5. Are Oakland County drains and other watercourses regulated by Natural Features ordinance?

The ordinance does not apply to maintenance including clean out of open drains by the County or City for drains under their jurisdiction. Land use within a 50-foot setback from the edge of the bank would be restricted to flood control structures, utility right-of-ways, footpaths, road crossings and other similar uses designated in Section 38.06 of the ordinance. All watercourses would have natural features setbacks. Activities prohibited in within the setback, except with the approval of the Planning Commission, include but are not limited to clearing of existing vegetation (except maintenance of previously

established turf grass lawn areas), grading, stripping, filling, dumping and drainage by ditching (see ordinance Section 38.16).

6. Is a larger natural features map available so I can locate my property?

Large wall size maps that show parcels and natural features are available for viewing and/or purchase at City Hall.

7. If there is a woodland near my property, why was I not notified?

Letters were sent to property owners that have natural features on their property, or the natural feature itself is within 50 feet of their property, as shown on the natural features map. If a letter was not sent to you, the map did not depict your property as being within the natural features setback. For the general public, notices were published in the Somerset Gazette, Troy Times, Observer and Eccentric, and the Troy Tribune, in addition to being publicized on the City's Web Site.

8. What criteria will be used to reduce the size of the natural feature setback?

Section 38.15 allows for the averaging of the width of a setback. The Planning Commission may allow the natural feature setback to become narrower at some points, as long as the average width of the natural feature setback is 50 feet. This averaging may be used to allow for the presence of an existing structure within the setback. For new development, credit may be offered for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of 50-foot setback. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.

9. Do the ordinances have provisions for protecting property values?

If a wetlands or natural features use permit is denied, a property owner may appeal at the annual Board of Review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction.

10. Why are utility installations not regulated by these ordinances?

Utility installation and maintenance are deemed essential to preserving public health, safety and welfare and as such are permitted in the natural features setback, subject to the review of the Planning Commission.

11. Does the City have sufficient staff to administer the ordinances?

The City of Troy does not anticipate a need for additional staff to administer these ordinances.

12. Can parcels become wetlands and be regulated in the future?

Yes, if the parcel is unplatted and poorly drained such that water collects at a frequency and duration sufficient to support, and under normal circumstances does support

wetland vegetation or aquatic life, it can become a wetland. Platted parcels are exempt even when wetlands are created on the property at some point in the future.

13. Can unplatted parcels with wetlands be filled?

Yes, if the wetland is less than two acres and is not contiguous to another watercourse (permanent, seasonal or intermittent direct surface water connection) or within 500 feet of the high water mark or Area of Special Flood Hazard of a watercourse. A fill permit would be required under existing ordinances.

14. Can we combine the Wetlands and the Natural Features Ordinances?

Although the proposed ordinances may be combined, it is the opinion of our City Attorney's office that the separation of the Wetland and Natural Features Ordinance clarifies that the natural features set back or buffer requirements will not be imposed for the specific purpose of protecting the wetlands. As stated in Section 38.01 of the proposed Natural Features Ordinance, some of the purposes of set backs from natural features include the restoration and maintenance of the chemical, physical and biological integrity of the natural resources and the removal of pollutants delivered in urban storm water.

15. Are proposed (new) County drains or detention basins exempt from the ordinances?

No.

16. Why are 1/2-acre lots exempt from the Natural Features Ordinance?

The ordinance committee felt that lots containing natural features that are 1/2 acre and smaller would be rendered unbuildable.

17. Will Troy citizens have an opportunity to vote on these ordinances?

The Wetlands and Natural Features regulations are currently proposed as ordinances, and the Troy City Council has final authority to adopt ordinances.

18. Can trails be constructed in woodlands?

Yes, with Planning Commission approval of a Natural Features Use Permit.

19. Who determines endangered species?

Endangered species are designated by the State of Michigan and/or the Federal Endangered Species Act.

20. Are there provisions in the ordinance to increase development density to compensate for loss by protection of natural features?

According to Section 38.15 of the Natural Features Ordinance, "Credit may be offered for additional density elsewhere on the site in compensation for the loss of developable land...This compensation may increase the total number of dwelling units on the site up

to the amount permitted under the base zoning.” This section does not provide for *increasing* density, but does allow for a developer to keep the density originally allowed under the base zoning.

21. What "locally important" plants or animals might currently be identified?

The Heron rookery is generally viewed as locally important, as are the plants and animals associated with the Lake Plain Prairie.

22. Can I remove brush from my woodland?

Under the proposed ordinances, a Natural Features Use Approval would be required from the Planning Commission to remove existing vegetation (including brush) from a woodland. Removal of non-native species would not require a use approval. There are no provisions for dead tree removal.

23. Are there currently any wetland buffers in the state?

Of the 17 communities in Oakland County that have wetland protection ordinances, many require setbacks around wetlands. In our area, these communities include: Rochester Hills, Bloomfield Township, Oakland Township, and West Bloomfield Township.

24. How many additional wetland acres will be regulated by the wetlands ordinance?

According to the current natural features map, there are approximately 70 acres of wetlands between 2 and 5 acres each, including wetlands on city property that would be regulated.

25. Are revisions to site plans submitted prior to adoption of the ordinance subject to the ordinance provisions?

No, as long as they are still considered part of the original site plan application.

26. Can I maintain my existing lawn within the natural features setback?

Yes. Section 38.11(B) allows “maintenance of previously established turf grass lawn areas.”

27. Can we improve existing wetlands?

Under section 38.11(D), the “planting of trees and other vegetation native to the region” is allowed. Any other improvements would require a Natural Features Use Approval from the Planning Commission.

28. Are there any special considerations for churches?

There are no wetlands or natural features exemptions for churches in the proposed ordinances.

29. How long is a site plan valid?

After Preliminary site plan approval has been obtained from the Planning Commission, the applicant has one year to submit an application for a Final Site Plan Approval. Once Final Site Plan Approval is obtained, the applicant has one year to make application for building permits. The applicant can also apply for an extension or renewal of their approvals within these one-year time frames.

30. Has the City considered acquiring development rights?

The concept of buying development rights to properties significantly impacted by natural features ordinance restrictions has been discussed by City Council at a study meeting but no specific proposal has been made.

31. Will the City expedite the platting process before the ordinances are adopted?

Chapter 41, Subdivision Control Ordinance, requires certain approvals within specific time frames. The City will not expedite or delay any plat approval for any reason related to any proposed ordinances.

32. Does the Environmental Protection (EP) zoning protect natural features? Could this (the proposed ordinances) be folded into the environmental protection zoning?

The EP zoning classification could be used to supplement the proposed ordinances; however, there are several considerations in the re-zoning of a property. In addition the EP zoning has a broader application than just protection of natural features.

33. Does the City have a tree protection ordinance that regulates what trees may be removed by builders?

Yes, Chapter 28 of the Troy City Code, "Tree Regulations", and the accompanying standards regulate which trees builders may remove.

34. Does the City have the authority to regulate setbacks on wetlands?

The Natural Resources and Environmental Protection Act does not authorize buffers or set back zones for the specific purpose of protecting the wetland. However, according to the Michigan Attorney General, "local units of government are empowered, under their zoning authority, to regulate wetland buffer or setback areas for other purposes utilizing the same types of criteria as they might generally use for set back or buffer zones in their zoning ordinance." (OAG. No. 6892) Permissible purposes include restoring and maintaining the chemical, physical and biological integrity of the water resources and removing pollutants delivered in urban storm water, as well as other purposes stated in Section 38.01 of the proposed ordinance.

35. How accurate is the natural features map?

The map provides an overview of potential natural features within the city. It is a guide to the presence of natural features, not a precise boundary map. The natural features map does not create any legally enforceable presumptions regarding whether property

contains or does not contain a natural feature. An on site field assessment must be done to determine precise boundaries of natural features.

36. Who is on the wetlands and natural features ordinance committee and what are their qualifications?

- **John Szerlag**, City Manager, B.S. Administration, M.A. Urban Affairs
- **Lori Grigg Bluhm, J.D.**, City Attorney, Juris Doctor
- **John Martin, J.D.**, (Former City Attorney) Juris Doctor
- **Gary Shripka**, Assistant City Mgr./Services
- **Steven Vandette, P.E.** City Engineer, B.S. Civil Engineering
- **Neall Schroeder, P.E.** City Engineer, B.S. Civil Engineering
- **Mark Miller, AICP, PCP** Interim Planning Director, B.S. Urban Planning
- **Larry Keisling, AICP, PCP** Planning Director (Retired), B.S. Civil Engineering, M.S. Urban Planning
- **Tracy Slintak**, Environmental Specialist, B.S. Biology, Graduate student, Environmental Planning
- **Robin Beltramini**, Planning Commission, B.A., City Council member
- **Lon Ullman**, President, Troy Wetlands and Wildlife Coalition, residential builder, undergraduate work in biology
- **Dr. Carl Freeman**, Professor, Wayne State University; B.S. Biology, M.S. Botany, PhD Plant Ecology
- **Libby Harris, J.D.**, Attorney, Eastern Michigan Environmental Action Council, Juris Doctor

37. Can restrictions be imposed on public comments at public hearings?

City Council, as a body, has the right to impose reasonable restrictions to control the manner in which the public participates in meetings. City Council has set forth restrictions on public comments at public hearings in their Rules of Procedure, which can be amended by a majority of City Council to accommodate special situations.

38. Was there a violation of the Open Meetings Act on October 9, 2001, since all interested attendees were not provided with an opportunity to make their comments?

The public hearing was necessarily continued, due to the large number of citizens who wished to address these proposed ordinances, and the facility imposed time limitations on the allocated time available for public comment. Although interested persons may also have to attend the continuation of the public hearing, there is no violation of the Open Meetings Act as long as members of the public are provided with the right to address the public body prior to the conclusion of the public hearing. The continuation of the public hearing will be re-noticed in compliance with the Open Meeting Act requirements.