

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 22, 2008

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Outcome Statements

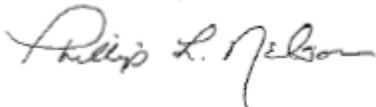
I. Troy has enhanced the health and safety of the community

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

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

September 22, 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: Rev. Jonathan Sams - St. Stephen's Episcopal 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

- A-1 Presentations: 1
- a) On behalf of the City of Troy, Mayor Schilling will present a proclamation to Ann Comiskey of the Troy Community Coalition recognizing September 22, 2008 as *Family Day-A Day to Eat Dinner with Your Children*..... 1
 - b) Presentation of the Achievement of Excellence in Procurement to the City of Troy Purchasing Director Susan Leirstein and her Staff 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney's, 2511 Livernois 1

C-2 Establishment of an Industrial Development District (IDD) – The ProMetal RCT, LLC, 2341 Alger 2

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

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PUBLIC COMMENT: Limited to Items Not on the Agenda **6**

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE:** Rev. Jonathan Sams - St. Stephen's Episcopal**ROLL CALL**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a)** On behalf of the City of Troy, Mayor Schilling will present a proclamation to Ann Comiskey of the Troy Community Coalition recognizing September 22, 2008 as *Family Day-A Day to Eat Dinner with Your Children*
- b)** Presentation of the Achievement of Excellence in Procurement to the City of Troy Purchasing Director Susan Leirstein and her Staff

CARRYOVER ITEMS:

B-1 No Carryover Items**PUBLIC HEARINGS:**

C-1 Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney's, 2511 LivernoisSuggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the request from Joseph Everson, manager of CJ Mahoney's, for outdoor dining for 42 seats in conjunction with the new restaurant located at 2511 Livernois Road, for a period not to exceed 2 years, in accordance with Section 25.30.03 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy; and

BE IT FURTHER RESOLVED, That CJ Mahoney's **MAY APPLY** for a 2-year continuance prior to the expiration of this approval.

Yes:

No:

C-2 Establishment of an Industrial Development District (IDD) – The ProMetal RCT, LLC, 2341 Alger

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for The ProMetal RCT, LLC, for property known as 2341 Alger, Troy, MI. 48083, Parcel # 88-20-26-200-060, in accordance with City Council Policy Resolution #2006-06-238; and

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

Yes:

No:

C-3 Granting of an Industrial Facilities Exemption Certificate (IFEC) to The ProMetal RCT, LLC, 2341 Alger

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008 established an Industrial Development District (IDD) for property known as 2341 Alger, Troy, MI 48083, Parcel # 88-20-26-200-060;

WHEREAS, An Application has been submitted by The ProMetal RCT, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2341 Alger, Troy, MI 48083, for twelve (12) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on September 22, 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 The ProMetal RCT, LLC, at 2341 Alger, Troy, MI 48083 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 The ProMetal RCT, LLC, at 2341 Alger, Troy, MI 48083 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 The ProMetal RCT, LLC, Inc., at 2341 Alger, Troy, MI 48083, Parcel #88-20-26-200-060, 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 The ProMetal RCT, LLC, 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 The ProMetal RCT, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes:
No:

C-4 Establishment of an Industrial Development District (IDD) – Faurecia Automotive Seating, 2350 Meijer

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

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for Faurecia Automotive Seating, Inc., 2350 Meijer, Troy, MI 48084, Parcel # 88-20-32-200-018, in accordance with City Council Policy Resolution #2006-06-238; and

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

Yes:
No:

C-5 Granting of an Industrial Facilities Exemption Certificate (IFEC) to Faurecia Automotive Seating, 2350 Meijer

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

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008, established an Industrial Development District (IDD) for property known as 2350 Meijer, Troy, MI 48084, Parcel # 88-20-32-200-018;

WHEREAS, An Application has been submitted by Faurecia Automotive Seating, Inc., an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2350 Meijer, Troy, MI 48084, for twelve (12) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on September 22, 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 Faurecia Automotive Seating, Inc., at 2350 Meijer, Troy, MI 48084 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 Faurecia Automotive Seating, Inc., at 2350 Meijer, Troy, MI 48084 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 Faurecia Automotive Seating, Inc., at 2350 Meijer, Troy, MI 48084, Parcel #88-20-32-200-018, for personal property for a term of eight (8) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Faurecia Automotive Seating, Inc., 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 Faurecia Automotive Seating, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes:

No:

C-6 Establishment of an Industrial Development District (IDD) – Tepel Brothers Printing, Inc., 1725 John R

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for Tepel Brothers Printing, Inc., for property known as 1725 John R, Troy, MI 48085, Parcel # 88-20-26-479-040, in accordance with City Council Policy Resolution #2006-06-238; and

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

Yes:

No:

C-7 Granting of an Industrial Facilities Exemption Certificate (IFEC) to Tepel Brothers Printing, Inc., 1725 John R

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008, established an Industrial Development District (IDD) for property known as 1725 John R, Troy MI, 48083, Parcel # 88-20-26-479-040;

WHEREAS, An Application has been submitted by Tepel Brothers Printing, Inc., an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1725 John R, Troy, MI. 48083, for twelve (12) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on September 22, 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 Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI. 48083 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 Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI 48083 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 Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI 48083, Parcel #88-20-26-479-040, 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 Tepel Brothers Printing, Inc., 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 Tepel Brothers Printing, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

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

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Animal Control Appeal Board; Ethnic Issues Advisory Board; 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 appointment of new members to all of the listed Board and Committee vacancies will require only one motion and vote by City Council. Council members submit nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

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

Downtown Development Authority

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

Alan M. Kiriluk (in district)

Term Expires 09/30/2012

Louise E. Schilling (@ large)

Term Expires 09/30/2012

G. Thomas York (in district)

Term Expires 09/30/2012

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

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

Animal Control Appeal Board

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

Jayne Saeger

Term Expires 09/30/2011

Ethnic Issues Advisory Board

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

Cathleen M. Francois

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

Michelle Haight

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

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

Janice Zikakis

Term Expires 09/30/2011

Yes:

No:

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; 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

Term Expires 09/30/2012

Yes:

No:

(b) City Council Nominations

Suggested Resolution

Resolution #2008-09-
Moved by
Seconded by

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

Advisory Committee for Persons with Disabilities

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

Term Expires 11/01/2011*

***NOTE: Correction made to term expiration date.**

Ethnic Issues Advisory Board

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

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

Term Expires 09/30/2011; 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

Yes:
No:

E-3 Molnar v. Troy et. al.

Suggested Resolution

Resolution #2008-09-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy and Janice Pokley in the United States Court of Appeals for the Sixth Circuit in the matter of Gerald Molnar v Care House, Amy Allen, Renee Molnar, Janice Pokley, and City of Troy.

Yes:

No:

E-4 Steeg v. Troy et. al.

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy defendants in any and all claims for damages in the matter of *Donald Joseph Steeg v City of Troy, et al*, United States District Court for the Eastern District of Michigan Court case number 2:08-cv-13533; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City of Troy defendants.

Yes:

No:

E-5 Personnel Evaluation – City Attorney Lori Grigg Bluhm

Suggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, On September 8, 2008 the City Attorney received a positive annual performance evaluation from Troy City Council; and

WHEREAS, Troy City Council recognizes the city's current financial constraints;

THEREFORE, BE IT RESOLVED, That the annual compensation of City Council Appointee Lori Grigg Bluhm, City Attorney, is **INCREASED** by _____%, **EFFECTIVE** July 1, 2008.

Yes:

No:

E-6 Resolution on Encouraging the United States Department of the Treasury to Stake a Strong Position on Behalf of Fair TradeSuggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, Certain governments manipulate their currencies to ensure favorable exchange rates against the U.S. dollar, which makes exports to the U.S. unfairly cheap, while making U.S. exports to those same nations unfairly expensive;

WHEREAS, Piracy of intellectual property creates an unfair competitive advantage, as intellectual pirates avoid research and development costs associated with production of critical technologies and designs, often with tacit approval of their governments. The U.S. Chamber of Commerce reports that these thefts cost U.S. businesses over \$250 billion a year and 750,000 jobs;

WHEREAS, The United States trade deficit has been fluctuating between \$60 billion and \$70 billion per month, and surpassed \$780 billion in 2007;

WHEREAS, Between 1989 and 2003, the U.S. trade deficit with China alone displaced production supporting 1.5 million jobs, according to the Economic Policy Institute, 75 percent of which were manufacturing jobs paying above average wages;

WHEREAS, \$136 billion in wages are expected to shift from the U.S. to low-cost nations by 2015; these American jobs go to workers who are paid just pennies per hour in unsafe conditions, and who receive no medical or other benefits;

WHEREAS, Oakland County's manufacturing sector, as well as suppliers and ancillary businesses, has lost over 34,000 jobs since 2001 due to unfair trade practices, which includes currency manipulation and to other unscrupulous measures; and

WHEREAS, Manufacturing employs more than 70,955 people in Oakland County, accounting for 18.2 percent of the jobs in the county;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **ENCOURAGES**, on behalf of Michigan's citizens and business, the United States Department of the Treasury to stake a strong position on behalf of fair trade, and free trade can only succeed if the rule of law is diligently applied; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **URGES** the citizens of Michigan to support strong trade policy and act in a manner that can best help preserve, protect and defend the vital manufacturing jobs of Michigan.

Yes:

No:

E-7 Troy Racquet Club Owner – Request to Delete Lease ProvisionsSuggested Resolution

Resolution #2008-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the fourth addendum to the lease agreement between the City of Troy and Don Pierce/Troy Racquet Club, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-8 Pledge for UnitySuggested Resolution

Resolution #2008-09-

Moved by

Seconded by

WHEREAS, Detroit is a great American city and indeed, for more than 300 years Detroit has reflected the story of America itself: a city of pioneers and dreamers drawn by the promise of opportunity;

WHEREAS, Detroit is home to great industry, great culture, and the great passion of generations of families who have called its neighborhoods home; and

WHEREAS, Detroit has known great success and it has known great challenge, but in the face of every challenge, Detroit's great strength has been the indomitable spirit of its people;

THEREFORE, BE IT RESOLVED, That today, we the undersigned, commit to working together to move the Detroit region forward to a brighter future. Today we promise to work with renewed focus and new purpose on writing a new chapter in the story of this great city, whether we work in government, in business, in labor, the non-profit sector or in the faith community, the work we do is rooted in strengthening Detroit and all of southeast Michigan.

Yes:

No:

CONSENT AGENDA:

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

been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

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

Resolution #2008-09-

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:

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

F-2 Approval of City Council MinutesSuggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of September 8, 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) Proclamation – Family Day, A Day to Eat Dinner with Your Children – September 22, 2008

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance**

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2008/2009 fiscal year to the Troy Youth Assistance to provide diversion programs and

community services to the residents of the City of Troy at a cost of \$33,950.00, paid in quarterly installments, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2008/2009 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$5,820.00, paid in one installment, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – HAVEN

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2008/2009 fiscal year to the HAVEN Program to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of \$4,370.00, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Common Ground

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2008/2009 fiscal year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,040.00, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

e) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2008/2009 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$97,000.00, and **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) Standard Purchasing Resolution 3: Exercise Renewal Option – Emergency Medical Services

Suggested Resolution

Resolution #2008-09-

WHEREAS, On June 2, 2003, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was awarded to the low bidder submitting the best value proposal, Alliance Mobile Health for an estimated cost of \$\$463,623.00 per year at unit prices contained in the tabulation opened January 31, 2003 (Resolution #2003-06-281);

WHEREAS, Two one-year options have been exercised and approved by Troy City Council under the same pricing structure, terms, and conditions as the original contract (Resolution #2006-09-369 & 2007-08-233-E4a); and

WHEREAS, Alliance Mobile Health has agreed to exercise the third option to renew for one year under the same terms and conditions with a rate increase of 3%;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for one additional year with Alliance Mobile Health of Troy, MI, to provide Emergency Medical Services for an estimated total cost of \$463,500.00 per year under the same pricing structure, terms, and conditions as the original contract to expire September 30, 2009, which allows for a 3% rate increase, in accordance with the Consumer Price Index Inflation Calculator; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the contract to include additional services to draw blood from prisoners in the Lock-up facility under the supervision and delegation of a licensed physician at a cost of \$125.00 per draw.

g) Standard Purchasing Resolution 3: Exercise Renewal Option – Outdoor Lighting Maintenance Contract

Suggested Resolution

Resolution #2008-09-

WHEREAS, On September 18, 2006, a contract to furnish all labor, tools, equipment, transportation service, and traffic controls to provide two (2) year requirements of street, parking lot, and athletic field light maintenance and repair with an option to renew for one additional year was awarded to the low bidder, Allied Signs Inc. of Clinton Township, Michigan (Resolution #2006-09-367-E-4a); and

WHEREAS, Allied Signs Inc. 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 Allied Signs Inc. to provide outdoor light maintenance and repair under the same prices, terms, and conditions for one-year at unit prices contained in the bid tabulation opened August 23, 2006, to expire September 18, 2009.

h) Standard Purchasing Resolution 4: Award – Oakland County Purchasing Agreement – Carpet Replacement – 52-4 District Court Probation and Clerical Areas

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to furnish the labor and materials to remove and install new carpeting in the probation, clerical staff areas, court administrative areas, hallways, break room, and back hallways for Judge's chambers to the court rooms at the 52-4 District Court from Interior Dynamics, Troy, MI, through the Oakland County Purchasing Agreement #PS001960 at an estimated total cost of \$59,694.00, in accordance with Appendix I, Detailed Pricing.

F-5 Request to Approve a Temporary Construction Easement Agreement with Troy School District – Niles Elementary School, Sidwell #88-20-09-226-012

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Temporary Construction Easement Agreement between the Troy School District and the City of Troy; and

BE IT FURTHER RESOLVED, That 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-6 Request for Approval of Purchase Agreement, Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #21 – Sidwell #88-20-23-100-069 – Benito T. Tayag and Cristeta R. Tayag

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Benito T. Tayag and Cristeta R. Tayag, owners of property having Sidwell #88-20-23-100-069, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$26,400.00, 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.

F-7 Request for Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R. Road Improvements, Square Lake Road to South Boulevard, Project No. 02.204.5 – Parcel #41 – Sidwell #88-20-02-279-070 – Leonard C. Frederick and Esther M. Frederick

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby APPROVES the Agreement to Purchase Realty for Public Purposes between Leonard D. Frederick and Esther M. Frederick, owners of property having Sidwell #88-20-02-279-070, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$21,300.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$350.00 from Leonard C. Frederick and Esther M. Frederick, owners of property having Sidwell #88-20-02-279-070; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Request for Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project No. 01.508.5 – Sidwell #88-20-09-232-009 – Mark T. Bergin

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from property owner Mark T. Bergin, owner of the property having Sidwell #88-20-09-232-009; and

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

F-9 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #19 – Sidwell #88-20-23-100-082 – Stefano Mularoni

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Stefano Mularoni, a single man, owner of property having Sidwell #88-20-23-100-082, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$34,200.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,700.00 and the Regrading and Temporary Construction Permit in the amount of \$200.00 from Stefano Mularoni, owner of property having Sidwell #88-20-23-100-082; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-10 Request from Congregation Shir Tikvah to Temporarily Waive Parking Restrictions – East Side of Northfield Parkway

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the East side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Monday, September 29, 2008, 7:00 PM – 11:00 PM, Tuesday, September 30, 2008, 9:00 AM – 5:00 PM, Wednesday, October 8, 2008, 7:00 PM – 11:00 PM, and Thursday, October 9, 2008, 9:00 AM – 9:00 PM.

F-11 Request for Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #8 – Sidwell #88-20-14-351-058 – Ioan Buia and Victoria Buia

Suggested Resolution
Resolution #2008-09-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,300.00 and the Regrading and Temporary Construction Permit in the

amount of \$8,500.00 from Ioan Buia and Victoria Buia, owners of property having Sidwell #88-20-14-351-058; and

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

F-12 Approval of MDOT Amendatory Construction Contract No. 08-5357 – Long Lake, Falmouth to Carnaby, Project No. 91.204.5

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the MDOT Amendatory Construction Contract No. 08-5357 between the City of Troy and the Michigan Department of Transportation for the reconstruction of Long Lake Road, from Falmouth to Carnaby, Project No. 91.204.5, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-13 Re-Numbering Massage Facility License

Suggested Resolution

Resolution #2008-09-

RESOLVED, That the Massage Facility License, which was previously adopted by the Troy City Council on September 8, 2008, and is attached and incorporated, be identified as Chapter 98-A.

F-14 Private Agreement for Crestwood Phase II Site Condominiums – Project No. 07.940.3

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 R.T.W. Building L.L.C., for the installation of sanitary sewer, water main, storm sewer, detention, paving, sidewalks, landscaping and soil erosion on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-15 Application for Transfer of Class C License to Pizzapapalis of Troy, LLC**(a) New License**Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Pizzapapalis of Troy, Inc. to transfer ownership of the 2008 Class C licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI, 48083, Oakland County; cancel existing Outdoor Service (1 area) and requests a new Outdoor Service (1 area); and

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

(b) AgreementSuggested Resolution

Resolution #2008-09-

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 Pizzapapalis of Troy, Inc. to transfer ownership of the 2008 Class C licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI, 48083, Oakland County; cancel existing Outdoor Service (1 area) and requests a new Outdoor Service (1 area); and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-16 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #17 – Sidwell #88-20-23-100-091 – Brentwood Land Development, LLCSuggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Brentwood Land Development, LLC, owner of property having Sidwell #88-20-23-100-091 and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$50,000.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$2,600.00 and the Grading and Temporary Construction Permit in the amount of \$100.00 from Brentwood Land Development, LLC, owner of property having Sidwell #88-20-23-100-091; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-17 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #16 – Sidwell #88-20-23-100-079 – Brentwood Land Development, LLC

Suggested Resolution

Resolution #2008-09-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Brentwood Land Development, LLC, owner of property having Sidwell #88-20-23-100-079, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$22,200.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,400.00 from Brentwood Land Development, owner of property having Sidwell #88-20-23-100-079; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning Application – Rescinding of Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development, South Side of Long Lake and West Side of John R, Section 14 – from Current Zoning of PUD-006 back to previous R-1C (File Number PUD-006) – October 6, 2008

G-2 Memorandums: None Submitted

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

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

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

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Final – May 8, 2008
 - b) Advisory Committee for Senior Citizens/Final – June 1, 2008
 - c) Animal Control Appeal Board/Final – June 11, 2008
 - d) Liquor Advisory Committee/Final – July 14, 2008
 - e) Advisory Committee for Persons with Disabilities/Final – August 6, 2008
 - f) Liquor Advisory Committee/Final – August 11, 2008
 - g) Planning Commission/Final – August 12, 2008
 - h) Animal Control Appeal Board/Draft – September 3, 2008
 - i) Building Code Board of Appeals/Draft – September 3, 2008
 - j) Advisory Committee for Senior Citizens/Draft – September 4, 2008
 - k) Liquor Advisory Committee/Draft – September 8, 2008
-

J-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – August, 2008
 - b) Building Department – Permits Issued During the Month of August, 2008
 - c) City of Troy Employees Retirement System Forty-Fourth Annual Actuarial Valuation – December 31, 2007
-

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Troy Police Department from Department of Treasury Warrant Officer Lola Miller Regarding the Assistance of Officers Lenczewski and Barrows
 - b) Letter of Thanks to Mayor Schilling and Troy City Council from Brittany Durant in Appreciation of the Support and Funding of Miss Troy Pageant and for Council Member Beltramini being an Auditor
 - c) Letter to Captain Murphy from the Moore Family Regarding the Compassion and Kindness of Officers Livingston, Rockafellow, Kowalski, Argue, and Skupney
 - d) Letter of Thanks to Chief Nelson from Lt. Neil Gensler Regarding the Presentation at Public Safety Camp by Lt. Perry
 - e) Letter of Thanks to Troy Police Department from J & M Collision
-

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) City of Royal Oak Resolution Supporting the Steppin' Out Detroit Aids Walk
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- J-5** Communication from City Attorney Lori Grigg Bluhm Regarding Kocenda v. Troy et. al.
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- J-6** Communication from Planning Director Mark Miller Regarding Birmingham Planning Board/City of Troy Planning Commission Joint Meeting
-
- J-7** Communication from Planning Director Mark Miller Regarding Master Plan Planning Commission Public Hearing
-
- J-8** Communication from Aquatics International Regarding the Troy Family Aquatic Center being Selected as “Best Aquatics” Winner

STUDY ITEMS:

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- K-1** Budgeting for Outcomes – Output Rankings

PUBLIC COMMENT: Address of “K” Items

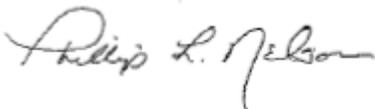
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 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** No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, October 6, 2008

1. Rezoning Application – Rescinding of Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development, South Side of Long Lake and West Side of John R, Section 14 – from Current Zoning of PUD-006 back to previous R-1C (File Number PUD-006)

SCHEDULED CITY COUNCIL MEETINGS:

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
Family Day – A Day to Eat Dinner With Your Children
September 22, 2008

WHEREAS, The use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, Surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, Teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, Teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, The correlation between family dinners and reduced risk for teen substance abuse are well documented. Parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, Given these facts and in recognition that family dinners have long constituted a substantial pillar of family life in America, CASA at Columbia University conceived Family Day – A Day to Eat Dinner with Your Children, now in its eighth year; and

WHEREAS, The following local merchants together with the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse are working together to make Family Day a success in our City: Papa Romano's, Bangkok Bistro, Hollywood Markets, Nino Salvaggio, and Chipotle;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **September 22, 2008 as Family Day – A Day to Eat Dinner with Your Children** in the City of Troy;

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize and participate in the observance of **Family Day**, now in its eighth year, and encourage everyone to eat dinner together with their children.

Presented this 22nd day of September 2008.



July 16, 2008

John M. Lamerato, Assistant City Manager/ Finance & Administration
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Subject: Achievement of Excellence in Procurement Award

Dear John M. Lamerato:

The Achievement of Excellence in Procurement award is designed to recognize organizational excellence in procurement. The award is achieved by those organizations that demonstrate excellence in procurement by obtaining a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Achievement of Excellence in Procurement is sponsored by the National Purchasing Institute (NPI), the California Association of Public Purchasing Officers (CAPPO), Florida Association of Public Purchasing Officers (FAPPO), the Institute of Supply Management (ISM), the National Institute of Governmental Purchasing (NIGP), the National Association of State Procurement Officials (NASPO), the National Association of Educational Procurement (NAEP), and the Texas Public Purchasing Association (TxPPA).

It is my pleasure to notify you that the Procurement Department of the Entity has earned the 13th Annual Achievement of Excellence in Procurement Award for 2008. Moreover, the City of Troy has received the award for six consecutive years and is one of only four government agencies in your state to receive the national award.

A beautiful trophy, which has developed into the AEP icon, will be presented to your entity at either the conference specified or mailed as indicated on your application.

Congratulations on the Achievement of Excellence in Procurement Award.

Sincerely,



Beth Fleming, C.P.M., CPPO
Chairperson
Achievement of Excellence in Procurement Award Committee

cc: Susan A. Leirstein, CPPB, Purchasing Director
Achievement of Excellence in Procurement Award Committee

NATIONAL PURCHASING INSTITUTE, INC.
P.O. Box 370192, Las Vegas, NV 89137
Tel 702.989.8095 * Fax 702.967.0744 * Toll Free 866.877.7641
www.nipconnection.org



CITY COUNCIL ACTION REPORT

September 9, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: 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 (minutes enclosed).
- 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.
- Public hearing notices have been published for a hearing at your meeting of September 22, 2008.
- We have enclosed copies of the responses that have been received to date from the public hearing notices.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- A public hearing on the matter is required per Sections 3.30.00 and 25.30.03.
- City Council has the authority to consider the approval of the outdoor seating after the public hearing per Section 25.30.03.

Policy Considerations:

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues (Outcome II)
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world (Outcome III)

Options:

- City Council can Approve the request
- City Council can deny the request.
- City Council can approve a lesser request or place reasonable restrictions on the approval.

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: [Handwritten Signature]

Date: 8/19/08

RECEIVED
AUG 20 2008
BUILDING DEPT.

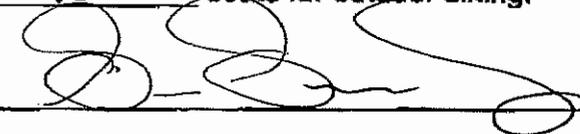
OUTDOOR DINING APPLICATION OWNER AFFIDAVIT

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

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

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

providing 42 seats for outdoor dining.

Signature: 

Date: August 19, 2008


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

Seconded by Allemon

RESOLVED, that the name of the Troy Arts Committee, formerly the Troy Advisory Committee on the Arts, is hereby changed to Troy Committee on the Arts.

Yeas: All-7

Request from Smith Middle School, 5835 Donaldson, for Waiver of Parking Restrictions on Donaldson - On September 24, 1996 from 6:00-10:00 p.m., and on November 25 and 26, 1996 from 1:00-4:00 p.m. and 6:00-9:00 p.m. C-15

Resolution #96-865
Moved by Pallotta
seconded by Allemon

RESOLVED, that the request- from Smith Middle School, 5835 Donaldson, for suspension of street parking restrictions on the non-fire hydrant side of Donaldson, on September 24, 1996 from 6:00 to 10:00 p.m., in conjunction with their open house, and on November 25 and 26, 1996 from 1:00 to 4:00 p.m. and from 6:00 to 9:00 p.m., in conjunction with parent-teacher conferences, is hereby approved.

Yeas: All-7

Request for outdoor Seating Area in Excess of 44 Persons Spectadium C-16

Resolution #96-866
Moved by Pallotta
Seconded by Allemon

RESOLVED, that pursuant to chapter 39, Zoning, Section 25.30.03 A, of the Code of the City of Troy, the request from Spectadium, 2511 Livernois, for outdoor seating for 44 persons, is hereby approved.

Yeas: All-7

Resolution Approving Fee Increases for Troy Museum Education Program C-17

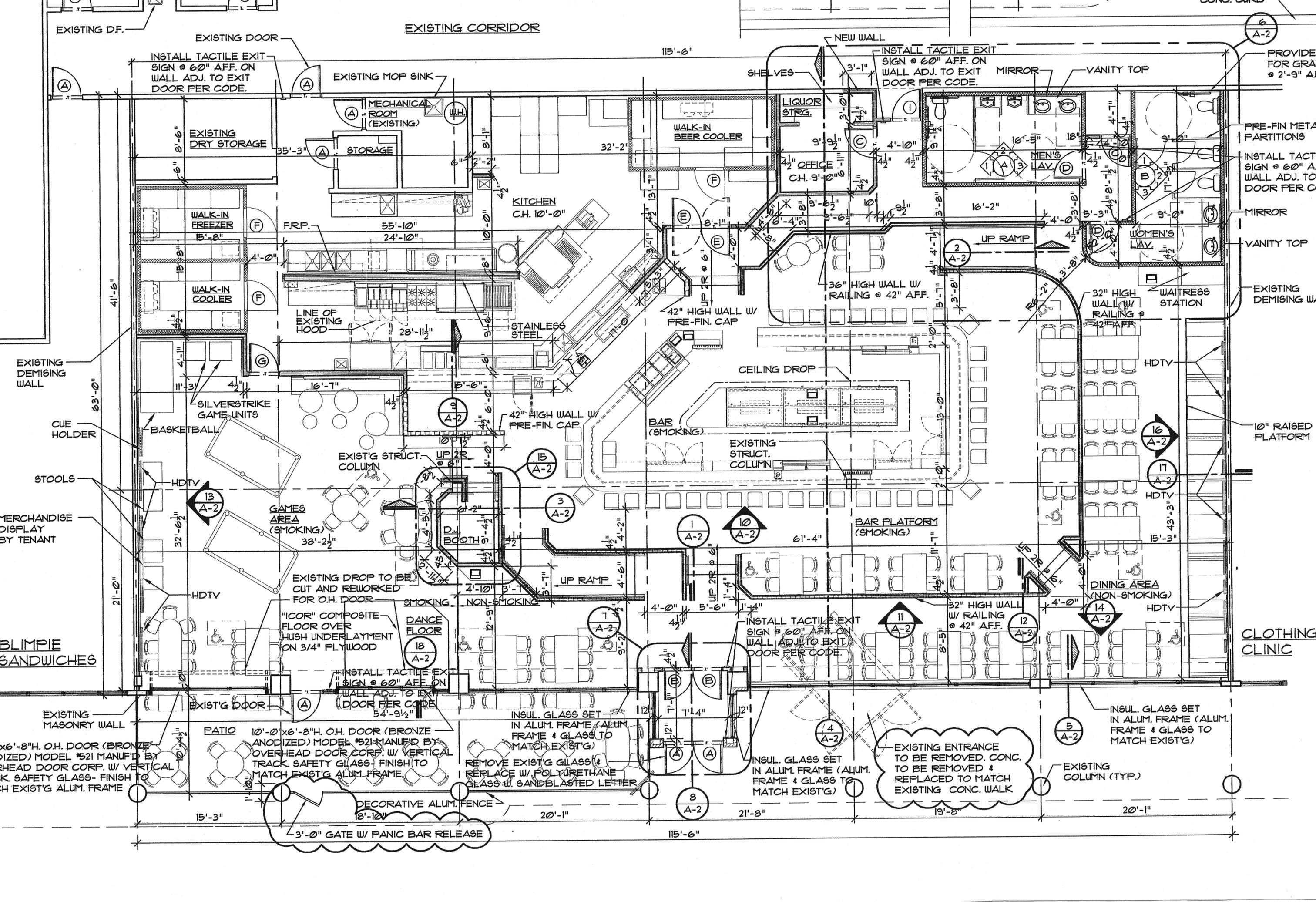
Resolution #96-867
Moved by Pallotta
Seconded by Allemon

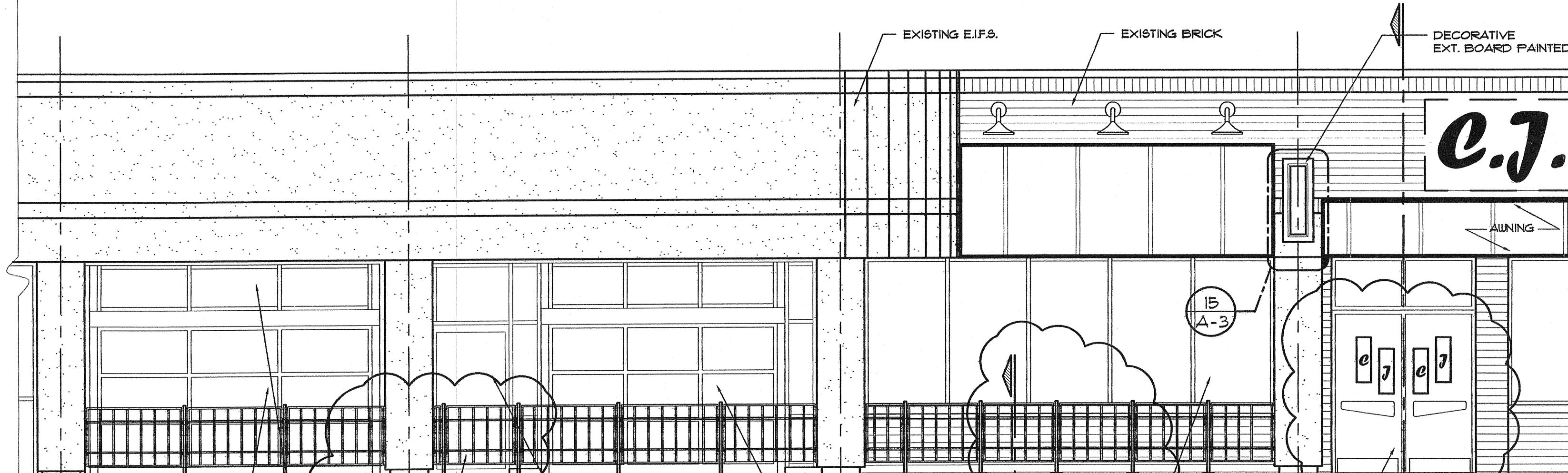
RESOLVED, that increases in fees for the Troy Museum education program are hereby approved as follows:

Troy Student fee be increased from \$1 to \$2.50;
Non-Troy Student fee be increased from \$1.50 to \$4.00;
Scout fee be increased from \$2 to \$4.

Yeas: All-7

Approval of Agreement for Municipal Street Lighting Between Detroit Edison and City of Troy - Installation of Street Light at Back Entrance of Boulan Park C-20





EXISTING EIFS.

EXISTING BRICK

DECORATIVE EXT. BOARD PAINTED

e.j.

AWNING

15
A-3

2
A-2

1
SPD-1

12'-0" x 6'-8" H. O.H. DOOR (BRONZE ANODIZED) MODEL #521 MANUF'D BY OVERHEAD DOOR CORP. W/ VERTICAL TRACK. SAFETY GLASS- FINISH TO MATCH EXIST'G ALUM. FRAME

INSUL. GLASS SET IN ALUM. FRAME (ALUM. FRAME & GLASS TO MATCH EXISTING)

3'-0" GATE W/ PANIC BAR RELEASE

EXISTING DOOR TO REMAIN

10'-0" x 6'-8" H. O.H. DOOR (BRONZE ANODIZED) MODEL #521 MANUF'D BY OVERHEAD DOOR CORP. W/ VERTICAL TRACK. SAFETY GLASS- FINISH TO MATCH EXIST'G ALUM. FRAME

INSUL. GLASS SET IN ALUM. FRAME (ALUM. FRAME & GLASS TO MATCH EXISTING)

EXISTING DOOR (REFINISH & REPAINT)- REMOVE EXISTING GLASS & REPLACE W/ POLYURETHANE GLASS W/ SAND BLASTED LETTER

PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"

RECEIVED

SEP 05 2008

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

We are anxiously awaiting completion of CJ Mahoney's! Having outdoor seating is a lovely option for us poor, confined worker bees. When it's pleasant outside having an outdoor option is very nice.

Thanks for asking our opinions.

NAME: BETHANY W. MOSSTART - STRAIGHT LINE

ADDRESS OR PROPERTY DESCRIPTION 105 KIRBY, STE 600

RECEIVED

SEP 04 2008

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

WE FEEL THIS BE A NICE ASSET FOR
THE AREA AND FACILITY TO
ACCOMMODATE PATRONS WANTING
TO BE OUTDOORS WHILE DINING.

NAME: Edward Walsh

ADDRESS OR PROPERTY DESCRIPTION 165 KIRTS BOWNEWARD, STE 500



CITY COUNCIL ACTION REPORT

August 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing for Establishment of an Industrial Development District (IDD) for The ProMetal RCT, LLC, 2341 Alger, Troy MI. 48083

Background:

- The ProMetal RCT, LLC is requesting the creation of an Industrial Development District (IDD) at 2341 Alger, Troy, MI. 48083, in order to apply for an Industrial Facilities Exemption Certificate (IFEC), for tax abatement at the same location.

The exemption is for new equipment that will be used to manufacture molds and cores for sand casting in 3DP printing machines.

They currently have 3 employees at this location. They plan to add up to 20 new jobs to Troy with this project.

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

Financial Considerations:

- The estimated amount of investment in personal property is \$3,800,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$168,911.65, of which \$53,547.28 would be City taxes.

A 50% abatement amounts to a savings of \$84,455.82 in total taxes, of which \$26,773.64 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, “Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.” Retain and attract investment while encouraging redevelopment” is met with this expansion.

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

Options:

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

Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) The ProMetal RCT, LLC		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3599	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 2341 Alger Street, Troy, MI 48073		▶ 1d. City/Township/Village (indicate which) Troy	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		▶ 3a. School District where facility is located Troy	▶ 3b. School Code 63150
		4. Amount of years requested for exemption (1-12 Years) 3,800,000	

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

The building will be used to manufacture molds and cores for sand casting in 3DP printing machines. We will also warehouse materials to sell to other manufactures who use our equipment.

6a. Cost of land and building improvements (excluding cost of land)	▶ _____
* Attach list of improvements and associated costs.	Real Property Costs
* Also attach a copy of building permit if project has already begun.	▶ \$3,800,000.00
6b. Cost of machinery, equipment, furniture and fixtures	▶ _____
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs	▶ \$3,800,000.00
* Round Costs to Nearest Dollar	Total of Real & Personal Costs

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

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	5/25/08	3/31/10	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

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

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 3 3	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. up to 20 or more depending on sales
---	---

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

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

▶ 12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Doris Pedersen	13b. Telephone Number (248) 506-6142	13c. Fax Number (724) 765-1371	13d. E-mail Address doris.pedersen@exone.com
14a. Name of Contact Person Doris Pedersen	14b. Telephone Number (248) 506-6142	14c. Fax Number (724) 765-1371	14d. E-mail Address doris.pedersen@exone.com
▶ 15a. Name of Company Officer (No Authorized Agents) Doris Pedersen			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (724) 765-1371	15d. Date 7/28/08
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2341 Alger Street Troy, Mi 48073		15f. Telephone Number (248) 506-6142	15g. E-mail Address doris.pedersen@exone.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input checked="" type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input checked="" type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability. N/A	
16c. LUCI Code 3599	16d. School Code 63150
17. Name of Local Government Body CITY OF TROY	▶ 18. Date of Resolution Approving/Denying this Application

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

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

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

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

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

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

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

Category	Item	Price
Production Equipment		
Tran for PA	Downdraft Bench - DB3000, Torit/Donaldson, Au	\$5,000
Leased 6/1/08	S15 SANDCAST MACHINE Unit 04	\$1,000,000
Leased 6/1/08	S15 SANDCAST MACHINE Unit 20	\$1,000,000
to be purchased est price	S18 SANDCAST MACHINE	\$1,000,000
to be purchased est price	Voxeljet Investment Casting Machine	\$700,000
to be purchased est price	New Job Box	\$28,000
to be purchased est price	Large mold manipulator	\$8,000
Software		
to be purchased est price	Off-line Rapix3D FOB	\$13,000
to be purchased est price	Magics	\$13,000
QC & QA		
to be purchased est price	Faro arm	\$20,000
to be purchased est price	Moisture and LOI mass scale and furnace	\$3,000
		\$3,790,000

RECEIVED

MAY 23 2008

CITY OF TROY
ASSESSING DEPT.

May 23, 2008

Leger A. Licari, City Assessor
City Of Troy
500 W. Big Beaver
Troy, MI 48084-5254

Dear Nino:

The purpose of this letter is to inform you of the ProMetal RCT, LLC intent to apply for a tax abatement for the year 2009 property at 2341 Alger Street, Troy Michigan.

If you have any questions, please advise. I can be reached on my direct number 248 506 6142.

Sincerely,



Doris Pedersen CFO
ProMetal RCT, LLC

Applicant Name The ProMetal RCT, LLC
--

Fiscal Statement (to be completed by local unit)

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

Estimated Project Investment (not assessed value):

Real Property \$0.00	Personal Property \$3,800,000.00	Total \$3,800,000.00
-------------------------	-------------------------------------	-------------------------

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

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

LOCAL UNIT CERTIFICATION

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

Signature	Name and Title of Local Governmental Unit Official Leger A. (Nino) Licari, CMAE IV, City Assessor
-----------	---

20-26-200-014

ELDRIDGE

6

20-26-200-060

5

ALGER

4

20-26-200-061

3



20-26-200-014

ELDRIDGE

20-26-200-060

6

5

ALGER

20-26-200-061

4

3



**The ProMetal RCT, LLC
2341 Alger
Troy, MI 4883**

IDD & IFEC

Legal Description

T2N, R11E, SEC 26

JACK ELWELL'S INDUSTRIAL PARK SUBDIVISION

LOTS 5 & 6

5-16-85 FROM 042 & 043

City of Troy - Assessing Department
The ProMetal RTC, LLC
Estimate of Total Taxes and Tax Savings for IFEC Application

Market Value	3,800,000	3,483,460	2,903,116	2,177,627	1,452,042	847,266	423,803	176,683	58,942	14,753	2,464	206	0
50% of Value	1,900,000	1,741,730	1,451,558	1,088,813	726,021	423,633	211,901	88,342	29,471	7,377	1,232	103	0
Year		1	2	3	4	5	6	7	8	9	10	11	12
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169	0.3336	0.2503	0.1670	0.0837	0.0004
Taxable Value		1,741,730	1,451,558	1,088,813	726,021	423,633	211,901	88,342	29,471	7,377	1,232	103	0
Taxes		Taxes											
	100% of Millage												
Trans County	0.59500	\$1,036.33	\$863.68	\$647.84	\$431.98	\$252.06	\$126.08	\$52.56	\$17.54	\$4.39	\$0.73	\$0.06	\$0.00
Int Schools	4.64610	\$8,092.25	\$6,744.08	\$5,058.74	\$3,373.17	\$1,968.24	\$984.51	\$410.44	\$136.92	\$34.27	\$5.72	\$0.48	\$0.00
Comm Coll	3.36900	\$5,867.89	\$4,890.30	\$3,668.21	\$2,445.96	\$1,427.22	\$713.90	\$297.62	\$99.29	\$24.85	\$4.15	\$0.35	\$0.00
State Ed	1.58440	\$2,759.60	\$2,299.85	\$1,725.12	\$1,150.31	\$671.20	\$335.74	\$139.97	\$46.69	\$11.69	\$1.95	\$0.16	\$0.00
School Op	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	5.28560	\$9,206.09	\$7,672.35	\$5,755.03	\$3,837.46	\$2,239.16	\$1,120.03	\$466.94	\$155.77	\$38.99	\$6.51	\$0.54	\$0.00
Admin	4.13000	\$7,193.34	\$5,994.93	\$4,496.80	\$2,998.47	\$1,749.60	\$875.15	\$364.85	\$121.71	\$30.47	\$5.09	\$0.43	\$0.00
City	0.38310	\$667.26	\$556.09	\$417.12	\$278.14	\$162.29	\$81.18	\$33.84	\$11.29	\$2.83	\$0.47	\$0.04	\$0.00
Total	9.28000	\$16,163.25	\$13,470.46	\$10,104.19	\$6,737.47	\$3,931.32	\$1,966.44	\$819.81	\$273.49	\$68.45	\$11.43	\$0.96	\$0.00
Total	29.27320	\$50,986.01	\$42,491.74	\$31,873.06	\$21,252.95	\$12,401.10	\$6,203.03	\$2,586.04	\$862.70	\$215.93	\$36.06	\$3.02	\$0.00
Total 12 Years		\$168,911.65											
Total City 12 Yr		\$53,547.28											

50% Total 12 Yr	\$84,455.82	Net Total Taxes Abated
50% Total City 12	\$26,773.64	Net Total City Taxes Abated

Industrial Facilities Tax Abatement Policy Resolution 06/05/06

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

Resolution #2006-06-238

Moved by Beltramini

Seconded by Fleming

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

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

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

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

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

Yes: Fleming, Lambert, Schilling, Beltramini

No: Howrylak

Absent: Broomfield, Stine

08/15/08

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

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that no payment of any kind has been made or promised in exchange for favorable consideration of an exemption certificate application by the City of Troy, in regards to the application of The ProMetal RCT, LLC, 2341 Alger, Troy, Michigan.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

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

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

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **The ProMetal TCT, LLC**, understands that through its investment of \$3,800,000 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

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

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

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

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

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

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

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

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

Signed: _____ (date) _____

Name:

Title:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, 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

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

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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**



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

April 1, 2008

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
ASSISTANCE CENTER
517 373 9808

WWW.MICHIGAN.ORG

Ms. Doris Pedersen
Treasurer & CFO
ProMetal RCT, LLC
Post Office Box 1111
Irwin, Pennsylvania 15642

Dear Ms. Pedersen:

ProMetal RCT, LLC's proposed project is very important to the State of Michigan and the City of Troy. The Michigan Economic Development Corporation (MEDC) would like to take this opportunity to summarize the support and commitment we are willing to provide to ProMetal RCT, LLC, to support your expansion in Michigan.

PROPERTY TAX ABATEMENT (PA 198): The City of Troy is eligible to grant a property tax abatement of 50 percent of the state and local operating mills for a negotiated period of time. Using the figures you provided of \$3 million of equipment value and \$1.2 million of building value, and assuming a 12-year tax abatement on the personal property is provided by the local community, the property tax abatement is estimated to be worth up to \$110,000. Please note that this amount is based only on the personal property investment, since the City of Troy does not offer tax abatements on real property.

STATE EDUCATION TAX ABATEMENT: Additionally, the State of Michigan offers an abatement of 50 percent of the six-mill state education tax on new real property worth up to \$56,000 over the same term as the local property tax abatement. When applying for your local property tax abatement, a copy of this counter-signed letter must be attached to your "Application for Industrial Facilities Tax Exemption Certificate".

MICHIGAN BUSINESS TAX (MBT): Recent changes to the state's business tax will provide reductions in personal property tax and business operating tax. The Michigan Business Tax (MBT) has replaced the Single Business Tax (SBT) effective January 1, 2008. This new tax will provide considerable reductions to the company's existing property taxes and will also provide qualifying taxpayers with several new tax credits to reduce the combined tax liability under the income and net worth taxes. Some of the credits that may be available are outlined below.

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN
Chair
General Motors Corporation

PHILIP H. POWER
Vice-Chair
The Center for Michigan

JAMES C. EPOLITO
President and CEO

RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber

JOHN W. BROWN
Stryker Corporation

DR. DAVID E. COLE
Center for
Automotive Research

KEITH W. COOLEY
Michigan Department of
Labor & Economic Growth

JOANN CRARY
Saginaw Future Inc.

DR. HAIFA FAKHOURI
Arab American and
Chaldean Council

STEVEN K. HAMP
Hamp Advisors, LLC

HAYDEN H. HARRIS
EDF Ventures

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DTE Energy Company

FREDERICK W. HOFFMAN
Chrysler, LLC

GEORGE W. JACKSON JR.
Detroit Economic
Growth Corporation

MICHAEL J. JANDERNOA
Bridge Street Capital
Partners, LLC.

BIRGIT M. KLOHS
The Right Place, Inc.

F. THOMAS LEWAND
Bodman LLP

DR. IRVIN D. REID
Wayne State University

MICHAEL B. STAEBLER
Pepper Hamilton LLP

DENNIS R. TOFFOLO
Oakland County

PETER S. WALTERS
Guardian Industries Corp.

Doris Pedersen
ProMetal RCT, LLC
Page 2
April 1, 2008

MBT INVESTMENT TAX CREDIT (ITC): The MBT makes available an investment tax credit (ITC) equal to 2.9 percent of the cost of net new capital assets located in Michigan. The ITC applies to purchases of depreciable real and personal property located in the state. Based on the timing of your investment of \$3 million, we estimate that your ITC could be worth up to \$70,000. You should consult with your tax preparer to confirm the actual value of your ITC.

MBT RESEARCH & DEVELOPMENT TAX CREDIT: The MBT includes a 1.9 percent credit on Research & Development (R&D) expenditures in Michigan. This credit is based on the R&D expenses claimed on the federal tax return as defined in federal statute 26 USC 41(b).

Please note that the sum of the Compensation, ITC, and R&D credits may not exceed 75 percent of the MBT liability before credits.

INDUSTRIAL PERSONAL PROPERTY TAX RELIEF: Reforms enacted as part of the new Michigan Business Tax will reduce the personal property tax burden on your existing and new personal property. These changes provide property tax relief by exempting manufacturers from paying the six-mill State Education Tax and the 18-mill local school property tax on industrial personal property. Through these changes, companies may realize a tax reduction of 65 percent of their prior industrial personal property tax expense. You will realize these savings on both your new and existing industrial personal property, but the savings on your new investment alone are estimated at \$167,000 over 12 years.

MBT INDUSTRIAL PERSONAL PROPERTY TAX CREDIT: In addition to the personal property tax savings discussed above, Michigan offers manufacturers a refundable personal property tax credit equal to 35 percent of the taxes paid on new and existing industrial personal property. Based on an estimated investment of \$3 million in new machinery and equipment this additional property tax relief is estimated to be worth up to \$38,008, plus additional savings on existing personal property.

STATE PROPERTY TAX EXEMPTION: It should be noted that inventory, special tools, dies and jigs, certain fixtures, and most pollution abatement equipment are exempt from property tax in Michigan.

Doris Pedersen
ProMetal RCT, LLC
Page 3
April 1, 2008

WORKFORCE RECRUITMENT: The MEDC workforce development consultant will coordinate the recruitment of your new employees through a number of programs, some of which will be available to you through local agencies. These organizations will undertake an assessment of your employment needs and recruit and screen potential employees who will then be referred to your company for a final hiring determination. Coordination with local schools, training organizations and other community contacts can be arranged. Access to an electronic database describing the skills of potential workers is available.

TAX-EXEMPT PROJECT FINANCING: Your company may qualify for tax exempt Private Activity Bond (PAB) financing. Tax-exempt PABs are exempt from local, state, and federal taxes for investors and provide long-term, fixed-rate financing. As a general guideline, companies can secure much longer terms and save up to 25 percent in interest costs through the use of this tax-exempt vehicle.

PABs are only for fixed asset purposes for projects that are 75 percent or more manufacturing, and with a \$10 million per site, \$40 million per corporate entity limit. Application for bonds is made through the MEDC, and it requires that you have a banking relationship, as you must have a letter of credit to secure the bonds. The availability of bonds is based upon your firm's creditworthiness. The state does not back the bonds, but acts in the role to expedite the processing and confer the tax-exempt status, which may allow the company to secure better interest rates on the open bond market.

We want to support your proposed expansion, which requires an investment of \$4.2 million, and will create up to 20 jobs over the next several years. The total value of this economic development package is up to \$441,000 in state and local resources.

Proposed incentives are dependent on availability of funds each year through the legislative budget process. This amount is contingent upon your project: (1) meeting program requirements; (2) being subject to an application review process; and (3) providing five working days notice to the MEDC in advance of any public announcement of your project locating in Michigan. Acceptance of this offer must be received by the MEDC by July 1, 2008, otherwise, the incentives and services in this letter will be subject to renegotiation.

Incentive/Tax Savings Summary

ProMetal RCT, LLC

City of Troy

	Local Tax Savings	State Tax Savings	Total
Property Tax (PA 198)	\$ 110,000		\$ 110,000
State Education Tax		\$ 56,000	\$ 56,000
MBT - Investment Tax Credit		\$ 70,000	\$ 70,000
Personal Property Tax Reform		\$ 167,000	\$ 167,000
MBT - Industrial Personal Property Tax Credit		\$ 38,000	\$ 38,000
EXPECTED SAVINGS	\$ 110,000	\$ 331,000	\$ 441,000
TOTAL SAVINGS*			\$ 441,000

* Cost Savings are estimates based on job creation, investment, and other information provided by the client.

Doris Pedersen
ProMetal RCT, LLC
Page 4
March 27, 2008

We look forward to your company locating in Troy, Michigan. If you have questions or concerns, please contact Mr. Jerome Katz at 517.241.9464. Mr. Katz will coordinate all aspects of your company's expansion process in Michigan.

Sincerely,


James C. Epolito
President and CEO

cc: Brian Murphy
Jerome Katz

The undersigned agrees to accept the above incentives and services of the MEDC subject to the conditions stated in this letter.



Ms. Doris Pedersen
ProMetal RCT, LLC

04 APRIL 08
Date



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

April 1, 2008

Mr. Brian Murphy
Assistant City Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Mr. Murphy:

Thank you for working with Mr. Jerome Katz and the Michigan Economic Development Corporation (MEDC) to facilitate ProMetal RCT, LLC's expansion in the State of Michigan. Enclosed is a copy of our correspondence that commits up to \$441,000 in local and state assistance for this project.

As you review the commitment letter, I want to reiterate the conditions for awarding our state incentives. First, the resulting project must meet program requirements. Second, the offered incentives are subject to an application review process. Third, a copy of the counter-signed MEDC commitment letter must be attached to the "Application for Industrial Facilities Tax Exemption Certificate" form when it is filed with the State Tax Commission. Finally, the company and the local community must give the MEDC five working days advance notice of any public announcement of the project. Acceptance of this offer must be received by July 1, 2008, otherwise, the incentives and services in this letter will be subject to renegotiation.

If you have any questions regarding this project or the state's commitment for this project, please call Mr. Jerome Katz directly at 517.241.9464. Otherwise, please sign where indicated below, and return to the MEDC by the due date.

Sincerely,

Handwritten signature of James C. Epolito
James C. Epolito
President and CEO

Enclosures

cc: Doris Pedersen
Jerome Katz

We concur with the terms and conditions outlined in the MEDC commitment letter dated April 1, 2008.

Signature and Title

Date

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
ASSISTANCE CENTER
517 373-9808

WWW.MICHIGAN.ORG

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Center for
Automotive Research

KEITH W. COOLEY
Michigan Department of
Labor & Economic Growth

JOANN CRARY
Saginaw Future Inc.

DR. HAIFA FAKHOURI
Arab American and
Chaldean Council

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Hamp Advisors, LLC

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Wayne State University

MICHAEL B. STAEBLER
Pepper Hamilton LLP

DENNIS R. TOFFOLO
Oakland County

PETER S. WALTERS
Guardian Industries Corp.



CITY COUNCIL ACTION REPORT

August 16, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing to consider granting an Industrial Facilities Exemption Certificate (IFEC) to The ProMetal RCT, LLC – 2341 Alger

Background:

- The ProMetal RCT, LLC, intends to greatly expand their operations at 2341 Alger, Troy, MI. 48083, with an investment of \$3,800,000 in new equipment.

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

Financial Considerations:

- The estimated amount of investment in personal property is \$3,800,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$168,911.65, of which \$53,547.28 would be City taxes.

A 50% abatement amounts to a savings of \$84,455.82 in total taxes, of which \$26,773.64 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world." Retain and attract investment while encouraging redevelopment" is met with this expansion.

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

Options:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, 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. 48098
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 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.*

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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 OF TROY
PUBLIC HEARING

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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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**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 ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing for Establishment of an Industrial Development District (IDD) for Faurecia Automotive Seating, Inc., 2350 Meijer, Troy MI. 48084

Background:

- Faurecia Automotive Seating, Inc., is requesting the creation of an Industrial Development District (IDD) at 2350 Meijer, Troy, MI. 48084, in order to apply for an Industrial Facilities Exemption Certificate (IFEC), for tax abatement at the same location.

The exemption is for new equipment to handle increased business. They are receiving MEDC incentives, and a tax abatement form Auburn Hills for the expansion there and in Troy.

They currently have 339 employees in Troy. They plan to add up to 47 new jobs to Troy with this project.

The abatement requested is for eight (8) years, to match the abatement received from Auburn Hills.

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

Financial Considerations:

- The estimated amount of investment in personal property is \$1,145,000 for the project. Over an eight (8) year life, the estimated total taxes are \$50,818.91, of which \$16,110.28 would be City taxes.

A 50% abatement amounts to a savings of \$25,409.45 in total taxes, of which \$8,055.14 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world." "Retain and attract investment while encouraging redevelopment" is met with this expansion.

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

Options:

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

Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit 8/18/08
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Faurecia Automotive Seating, Inc.		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3363	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 2350 Meijer Dr., Troy, Michigan 48084		▶ 1d. City/Township/Village (indicate which) Troy	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		▶ 3a. School District where facility is located Troy	▶ 3b. School Code 63150
		4. Amount of years requested for exemption (1-12 Years) 8	

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

See attached.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ _____ Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ \$1,145,000.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ \$1,145,000.00 Total of Real & Personal Costs

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

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>		
Real Property Improvements	▶ _____	▶ _____	▶ <input type="checkbox"/> Owned	<input type="checkbox"/> Leased
Personal Property Improvements	▶ 1/1/09	▶ 12/31/10	▶ <input checked="" type="checkbox"/> Owned	<input type="checkbox"/> Leased

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

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. **339** ▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. **47**

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

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

▶ 12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) ▶ 12c. Is this application for a speculative building (Sec. 3(8))?
 Yes No

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Dave Borysiak	13b. Telephone Number (419) 727-5442	13c. Fax Number (419) 727-5350	13d. E-mail Address dave.borysiak@faurecia.com
14a. Name of Contact Person Mike Kamsickas	14b. Telephone Number (248) 409-3932	14c. Fax Number (248) 409-3519	14d. E-mail Address mike.kamsickas@faurecia.com
▶ 15a. Name of Company Officer (No Authorized Agents) Bill Gleeson			
15b. Signature of Company Officer (No Authorized Agents) <i>William B. Gleeson</i>		15c. Fax Number (248) 409-3519	15d. Date 8/15/08
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2050 Auburn Road, Auburn Hills, MI 48326		15f. Telephone Number (248) 409-3921	15g. E-mail Address william.gleeson@faurecia.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input checked="" type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input checked="" type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code 3363	16d. School Code 63150
17. Name of Local Government Body CITY OF TROY	▶ 18. Date of Resolution Approving/Denying this Application

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

19a. Signature of Clerk <i>TOMMI BARTHOLOMEW</i>	19b. Name of Clerk TOMMI BARTHOLOMEW	19c. E-mail Address T.BARTHOLOMEW@TROYMI.GOV
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 500 W BIG BEAVER TROY MI 48064-5254		
19e. Telephone Number 248 524 3316	19f. Fax Number 248 524 1770	

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

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

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

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

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

FAURECIA AUTOMOTIVE SEATING, INC
APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE
LINE 5, PROJECT DESCRIPTION

Faurecia Automotive Seating, Inc. ("Faurecia") currently has 339 employees located at 2350, 2370, 2380, 2400 and 2500 Meijer Drive in Troy. These employees consist of professional, managerial, engineering, technical and clerical support, who together manage Faurecia's North American Region (US, Canada and Mexico) automotive seating business, and provide technical support to twelve seating plants located across the region. Faurecia's North American customers include GM, Ford, Chrysler, BMW and Honda, and its annual sales of automotive seating systems exceed \$1 billion. Faurecia has three other divisions located in North America: exhaust systems, interior systems and front end modules, so that its combined sales across all divisions is about \$3 billion annually.

During the five year period 2009 - 2013, Faurecia forecasts further expansion of its North American operations. This is based on acquisition of new supplier contracts, additional product validation requirements, transfer of white collar functions from Canada to the US, and design and development of new automotive component platform systems which will be manufactured and sold in North America, Europe and Asia.

This business expansion will entail roughly \$3 million of new capital spending during 2009 - 2013 for computer, CAD, and testing & validation equipment, along with the hiring of 77 new white collar employees representing over \$5 million of additional annual compensation including salary and benefits.

For purposes of defining a two-year project per line 7 of the application, Faurecia expects to hire 47 new employees during the 2009 - 2010 "project period" and the 30 remaining during 2011 - 2013. New capital spending is forecast at \$1.145 million during 2009 - 2010, and \$1.855 million during 2011 - 2013.

Faurecia operates three technical centers in the US: Meijer Drive in Troy; Auburn Hills, Michigan and Toledo, Ohio. Faurecia is currently reviewing the cost feasibility of locating the new employees at each of these three technical center facilities. Because the State of Ohio does not tax personal property used in a business, Faurecia requests partial tax equalization from the City of Troy via 50% IFT treatment for forecasted new capital spending.

FAURECIA AUTOMOTIVE SEATING, INC
APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE
LINE 6b. DETAIL OF FORECASTED NEW CAPITAL SPENDING

I. OFFICE FURNITURE

2009:	\$25,000
2010:	<u>\$25,000</u>
Total	\$50,000

**II. PERSONAL COMPUTER HARDWARE AND SOFTWARE
INCLUDING SPECIALIZED ENGINEERING (CAD) EQUIPMENT**

2009:	\$360,000
2010:	<u>\$370,000</u>
Total	\$730,000

III. ENGINEERING TESTING AND VALIDATION EQUIPMENT

2009:	\$180,000
2010:	<u>\$185,000</u>
Total	\$365,000

Applicant Name Faurecia Automotive Seating Inc

Fiscal Statement (to be completed by local unit)

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

Estimated Project Investment (not assessed value):

Real Property \$0.00	Personal Property \$1,145,000.00	Total \$1,145,000.00
-------------------------	-------------------------------------	-------------------------

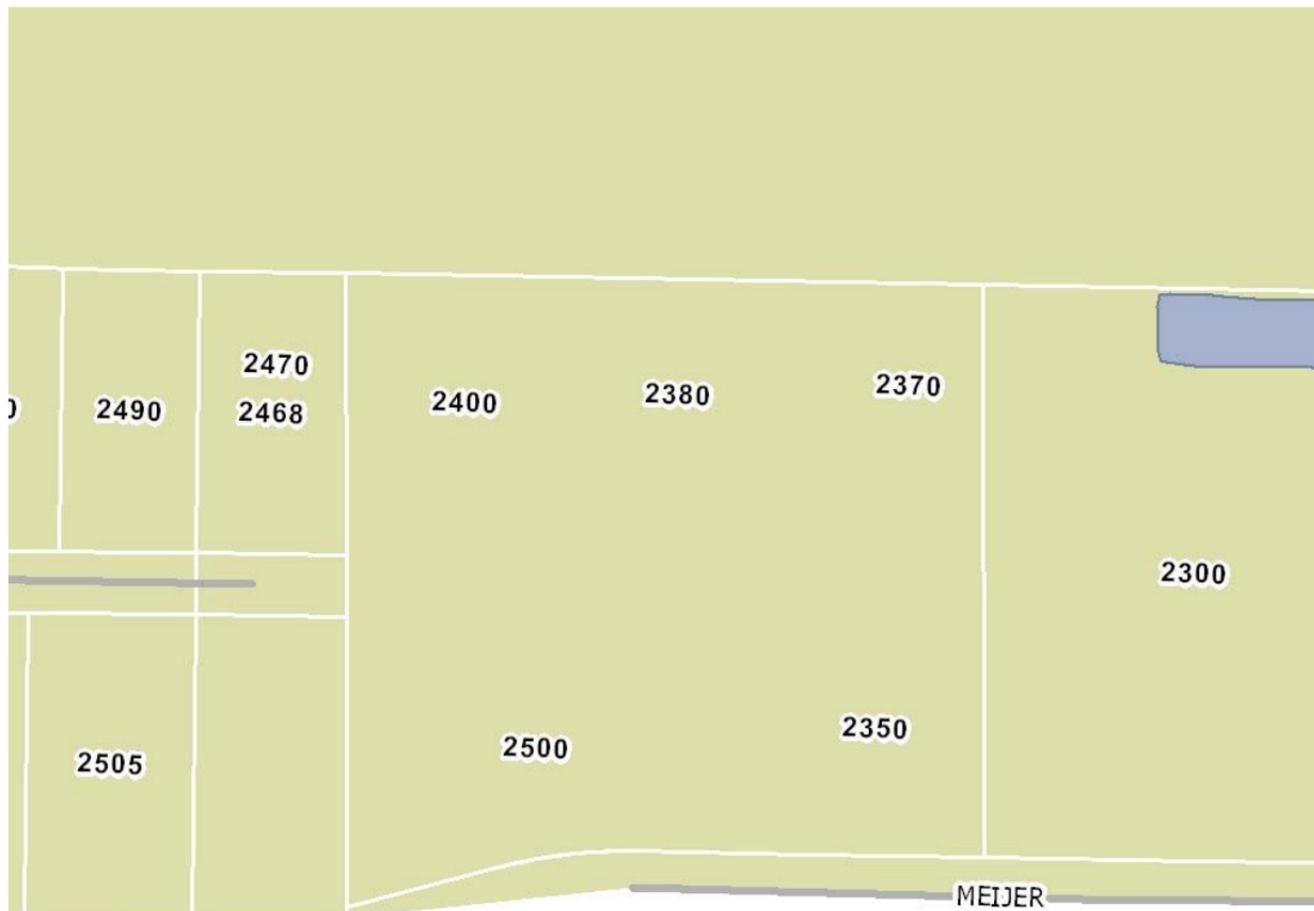
	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
C. Is this a renovation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

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

LOCAL UNIT CERTIFICATION

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

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





2470

2468

2490

2400

2380

2370

2300

2505

2500

2350

MEIJER

Legal Description for IDD & IFEC

**Faurecia
2350 Meijer
Troy MI 48084**

88-20-32-200-018

**T2N, R11E, SEC 32
PART OF SW 1/4 OF NE 1/4
BEG AT PT DIST
S 89-53-40 E 1333.55 FT &
S 00-11-30 W 2274.16 FT &
N 88-10-50 W 714.54 FT
FROM N 1/4 COR,
TH S 00-11-30 W 555.88 FT,
TH N 88-20-19 W 351.36 FT,
TH ALG CURVE TO LEFT,
RAD 500 FT, CHORD BEARS
S 84-09-40 W 130.53 FT,
DIST OF 130.90 FT,
TH S 76-39-41 W 158.10 FT,
TH N 00-32-00 E 615.41 FT,
TH S 88-10-50 E 631.26 FT
TO BEG 8.24 A**

City of Troy - Assessing Department
Faurecia Automotive Seating, Inc.
Estimate of Total Taxes and Tax Savings for IFEC Application

Market Value	1,145,000	1,049,622	874,755	656,153	437,523	255,295	127,698	53,237	17,760	0	0	0	0
50% of Value	572,500	524,811	437,377	328,077	218,762	127,647	63,849	26,619	8,880	0	0	0	0
Year		1	2	3	4	5	6	7	8	9	10	11	12
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169	0.3336	0.2503	0.1670	0.0837	0.0004
Taxable Value		524,811	437,377	328,077	218,762	127,647	63,849	26,619	8,880	0	0	0	0
Taxes		Taxes											
	100% of Millage												
Trans	0.59500	\$312.26	\$260.24	\$195.21	\$130.16	\$75.95	\$37.99	\$15.84	\$5.28	\$0.00	\$0.00	\$0.00	\$0.00
County	4.64610	\$2,438.32	\$2,032.10	\$1,524.28	\$1,016.39	\$593.06	\$296.65	\$123.67	\$41.26	\$0.00	\$0.00	\$0.00	\$0.00
Int Schools	3.36900	\$1,768.09	\$1,473.52	\$1,105.29	\$737.01	\$430.04	\$215.11	\$89.68	\$29.92	\$0.00	\$0.00	\$0.00	\$0.00
Comm Coll	1.58440	\$831.51	\$692.98	\$519.80	\$346.61	\$202.24	\$101.16	\$42.17	\$14.07	\$0.00	\$0.00	\$0.00	\$0.00
State Ed	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Op	5.28560	\$2,773.94	\$2,311.80	\$1,734.08	\$1,156.29	\$674.69	\$337.48	\$140.70	\$46.94	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	4.13000	\$2,167.47	\$1,806.37	\$1,354.96	\$903.49	\$527.18	\$263.70	\$109.94	\$36.67	\$0.00	\$0.00	\$0.00	\$0.00
Admin	0.38310	\$201.05	\$167.56	\$125.69	\$83.81	\$48.90	\$24.46	\$10.20	\$3.40	\$0.00	\$0.00	\$0.00	\$0.00
City	9.28000	\$4,870.24	\$4,058.86	\$3,044.55	\$2,030.11	\$1,184.57	\$592.52	\$247.02	\$82.41	\$0.00	\$0.00	\$0.00	\$0.00
Total	29.27320	\$15,362.89	\$12,803.43	\$9,603.85	\$6,403.85	\$3,736.65	\$1,869.07	\$779.22	\$259.95	\$0.00	\$0.00	\$0.00	\$0.00
Total 8 Years		\$50,818.91											
Total City 8 Yr		\$16,110.28											

50% Total 8 Yr	\$25,409.45	Net Total Taxes Abated
50% Total City 8 Yr	\$8,055.14	Net Total City Taxes Abated

Industrial Facilities Tax Abatement Policy Resolution 06/05/06

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

Resolution #2006-06-238

Moved by Beltramini

Seconded by Fleming

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

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

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

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

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

Yes: Fleming, Lambert, Schilling, Beltramini

No: Howrylak

Absent: Broomfield, Stine

08/18/08

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

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that no payment of any kind has been made or promised in exchange for favorable consideration of an exemption certificate application by the City of Troy, in regards to the application of Faurecia Automotive Seating, Inc., 2350 Meijer, Troy, Michigan.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

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

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

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Faurecia Automotive Seating, Inc**, understands that through its investment of \$1,145,000 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **8** years after either completion of construction of the facilities, or December 31, 2018, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2010, **Faurecia Automotive Seating, Inc** will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Faurecia Automotive Seating, Inc**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

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

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

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

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

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

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

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

Signed: _____ (date) _____

Name:

Title:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, 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

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

C- ## Resolution for Establishment of an Industrial Development District (IDD) for Faurecia Automotive Seating, Inc. – 2350 Meijer

Suggested Resolution

Resolution # 2008-

Moved by:

Seconded by:

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for Faurecia Automotive Seating, Inc., 2350 Meijer, Troy, MI. 48084, Parcel # 88-20-32-200-018, in accordance with City Council Policy Resolution #2006-06-238; and

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

Yes:

No:



CITY COUNCIL ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing to consider granting an Industrial Facilities Exemption Certificate (IFEC) to Faurecia Automotive Seating, Inc., 2350 Meijer

Background:

- Ffaurecia Automotive Seating, Inc., intends to expand their operations at 2350 Meijer, Troy, MI. 48084, with an investment of \$1,145,000 in new equipment.

Financial Considerations:

- The estimated amount of investment in personal property is \$1,145,000 for the project. Over an eight (8) year life, the estimated total taxes are \$50,818.91, of which \$16,110.28 would be City taxes.

A 50% abatement amounts to a savings of \$25,409.45 in total taxes, of which \$8,055.14 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world." Retain and attract investment while encouraging redevelopment" is met with this expansion.

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

Options:

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

Staff recommends that the Exemption be granted for eight (8) years.

NL/nl H:\I.F.T.\Faurecia\CouncilPakIFEC PH

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

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

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

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

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

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

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

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

C-2 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Faurecia Automotive Seating, Inc., - 2350 Meijer, Troy, MI 48084

Suggested Resolution

Resolution # 2008-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008, established an Industrial Development District (IDD) for property known as 2350 Meijer, Troy, MI 48084, Parcel # 88-20-32-200-018; and

WHEREAS, An Application has been submitted by Faurecia Automotive Seating, Inc., an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2350 Meijer, Troy, MI 48084, for twelve (12) years; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on September 22, 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 Faurecia Automotive Seating, Inc., at 2350 Meijer, Troy, MI. 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Faurecia Automotive Seating, Inc., at 2350 Meijer, Troy, MI 48084 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 Faurecia Automotive Seating, Inc., Inc., at 2350 Meijer, Troy, MI. 48084, Parcel #88-20-32-200-018, for personal property for a term of eight (8) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Faurecia Automotive Seating, Inc., in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Faurecia Automotive Seating, Inc., a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

Yes:

No:



CITY COUNCIL ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing for Establishment of an Industrial Development District (IDD) for Tepel Brothers Printing, 1725 John R, Troy MI. 48083

Background:

- Tepel Brothers Printing, Inc., is requesting the creation of an Industrial Development District (IDD) at 1725 John R, Troy, MI. 48083, in order to apply for an Industrial Facilities Exemption Certificate (IFEC), for tax abatement at the same location.

The exemption is for new printing presses and other equipment to improve capacity and productivity.

They currently have 107 employees at this location. They plan to add up to 18 new jobs to Troy with this project.

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

Financial Considerations:

- The estimated amount of investment in personal property is \$5,100,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$215,650.90, of which \$71,866.08 would be City taxes.

A 50% abatement amounts to a savings of \$107,825.45 in total taxes, of which \$35,933.04 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, “Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.” Retain and attract investment while encouraging redevelopment” is met with this expansion.

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

Options:

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

Application for Industrial Facilities Tax Exemption Certificate

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

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

To be completed by Clerk of Local Government Unit	
Signature of Clerk	▶ Date received by Local Unit
STC Use Only	
▶ Application Number	▶ Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Tepel Brothers Printing, Inc.		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 323100	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 1725 John R Road, Troy, MI 48083		▶ 1d. City/Township/Village (indicate which) City of Troy	▶ 1e. County Oakland
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		▶ 3a. School District where facility is located Warren	▶ 3b. School Code 50230
		4. Amount of years requested for exemption (1-12 Years) 12	

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

Purchase and installation of new printing presses and other equipment to improve capacity and productivity.
See attached list of planned equipment purchases.

6a. Cost of land and building improvements (excluding cost of land)	▶ _____
* Attach list of improvements and associated costs.	
* Also attach a copy of building permit if project has already begun.	
6b. Cost of machinery, equipment, furniture and fixtures	▶ \$5,100,000.00
* Attach itemized listing with month, day and year of beginning of installation, plus total	
6c. Total Project Costs	▶ \$5,100,000.00
* Round Costs to Nearest Dollar	
Total of Real & Personal Costs	

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

<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶ _____	_____ ▶	<input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶ <u>7/18/08</u>	<u>12/31/09</u> ▶	<input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

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

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 107	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 18
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

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

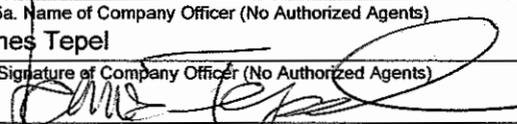
▶ 12a. Check the type of District the facility is located in:
 Industrial Development District Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Robert F. Fuchs	13b. Telephone Number (810) 844-0922	13c. Fax Number (810) 844-0922	13d. E-mail Address bfuchs@paradigmmtax.com
14a. Name of Contact Person James Tepel	14b. Telephone Number (248) 786-0330	14c. Fax Number (248) 743-2907	14d. E-mail Address jtepel@tepelbrothers.com
▶ 15a. Name of Company Officer (No Authorized Agents) James Tepel			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (248) 743-2907	15d. Date 8/15/08
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 1725 John R Road, Troy, MI 48083		15f. Telephone Number (248) 786-0330	15g. E-mail Address jtepel@tepelbrothers.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input checked="" type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) <input checked="" type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code 383100	16d. School Code 50230
17. Name of Local Government Body CITY OF TROY	▶ 18. Date of Resolution Approving/Denying this Application

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

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

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

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

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

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

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

Tepel Brothers Printing, Inc.
Application for Industrial Facilities Exemption Certificate
Equipment List
Troy, Michigan

The equipment, expected installation date and estimated cost are as follows:

<u>Description</u>	<u>Installation Date</u>	<u>Cost</u>
Heidelberg XL 75	October 2008	\$1,600,000
Heidelberg XL 105 6 Color UV	November 2008	\$3,000,000
Other Equipment	Various 2008 & 2009	<u>\$ 500,000</u>
	Total	<u>\$5,100,000</u>

August 15, 2008

Mr. Leger A. Licari
City of Troy
500 West Big Beaver
Troy, Michigan 48084

In re: Form 1012 – Application for Industrial Facilities Exemption Certificate

Dear Mr. Licari:

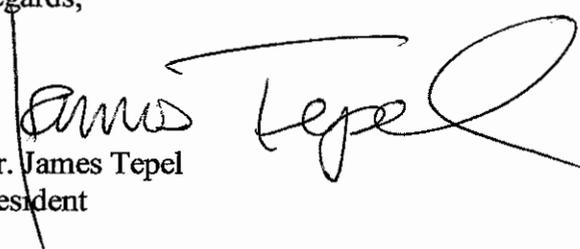
This letter is in regard to the enclosed Application for Industrial Facilities Tax Exemption Certificate. We respectfully request that the Troy City Council approve this request for a period of twelve years.

The enclosed application will allow Tepel Brothers Printing, Inc. to receive a property tax reduction on the new investment in personal property; reducing the annual financial burden of owning equipment necessary to enhance our current product offering which will in turn bring new business and deliver additional products to its customers.

To expedite this request, I am available to answer your questions and will attend the requisite City Council meeting(s).

Once again, thank you for your continued support.

Regards,


Mr. James Tepel
President

Applicant Name Tepel Brothers Printing
--

Fiscal Statement (to be completed by local unit)

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

Estimated Project Investment (not assessed value):

Real Property \$0.00	Personal Property \$5,100,000.00	Total \$5,100,000.00
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	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
C. Is this a renovation or expansion of an existing building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
2. Will this project require improvement of your road service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
3. Will this project require improvement of your sanitary sewer services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
4. Will this project require improvement of your storm sewer services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
5. Will this project require improvement of your water services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
8. Will this project require other costs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____

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

LOCAL UNIT CERTIFICATION

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

Signature	Name and Title of Local Governmental Unit Official Leger A. (Nino) Licari, CMAE IV, City Assessor
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20-26-477-042

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414 20-26-479-038

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359

20-26-477-041

376

413 20-26-479-037

430

377

358

20-26-477-046

412

431

357

378

411

432

WOODSLEE

1930

1904

1938

1775

893

1919

1725

BIRCHWOOD

JOHN R

**Tepel Brothers Printing, Inc.
1725 John R
Troy, MI., 48083**

**IDD & IFEC
Legal Description**

**T2N, R11E, SEC 26
JOHN R GARDEN SUB
N 15 FT OF LOT 25, ALSO
LOTS 26 TO 35 INCL, ALSO
S 12 FT OF LOT 36 EXC
E 27 FT OF ALL SD LOTS
TAKEN FOR JOHN R RD, ALSO
LOTS 422 TO 426 INCL EXC
S 5.00 OF LOTS 422 TO 426 INCL
TAKEN FOR BIRCHWOOD AVE ALSO
ALL OF LOT 417,
W 19 FT OF LOT 418, ALSO
S 1/2 OF VAC VERMONT AVE
ADJ TO SD LOTS 417 & 418, ALSO
S 112 FT OF E 21 FT
OF LOT 418, ALSO
S 112 FT OF LOTS 419 TO 421 INCL, ALSO
ALL OF VAC ALLEY
LYING ADJ TO SD LOTS 421 & 422
12/29/88 FR 477-040**

City of Troy - Assessing Department
Tepel Brothers Printing, Inc.
Estimate of Total Taxes and Tax Savings for IFEC Application

Market Value	5,100,000	4,675,170	3,896,287	2,922,605	1,948,793	1,137,121	568,788	237,128	79,106	19,800	3,307	277	0
50% of Value	2,500,000	2,337,585	1,948,143	1,461,302	974,396	568,560	284,394	118,564	39,553	9,900	1,653	138	0
Year		1	2	3	4	5	6	7	8	9	10	11	12
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169	0.3336	0.2503	0.1670	0.0837	0.0004
Taxable Value		2,337,585	1,948,143	1,461,302	974,396	568,560	284,394	118,564	39,553	9,900	1,653	138	0
Taxes		Taxes											
	100% of Millage												
Trans	0.59500	\$1,390.86	\$1,159.15	\$869.47	\$579.77	\$338.29	\$169.21	\$70.55	\$23.53	\$5.89	\$0.98	\$0.08	\$0.00
County	4.64610	\$10,860.65	\$9,051.27	\$6,789.36	\$4,527.14	\$2,641.59	\$1,321.32	\$550.86	\$183.77	\$46.00	\$7.68	\$0.64	\$0.00
Int Schools	2.94300	\$6,879.51	\$5,733.39	\$4,300.61	\$2,867.65	\$1,673.27	\$836.97	\$348.93	\$116.40	\$29.14	\$4.87	\$0.41	\$0.00
Comm Coll	1.58440	\$3,703.67	\$3,086.64	\$2,315.29	\$1,543.83	\$900.83	\$450.59	\$187.85	\$62.67	\$15.69	\$2.62	\$0.22	\$0.00
State Ed	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Op	5.26880	\$12,316.27	\$10,264.38	\$7,699.31	\$5,133.90	\$2,995.63	\$1,498.41	\$624.69	\$208.40	\$52.16	\$8.71	\$0.73	\$0.00
Sch Debt	3.14640	\$7,354.98	\$6,129.64	\$4,597.84	\$3,065.84	\$1,788.92	\$894.82	\$373.05	\$124.45	\$31.15	\$5.20	\$0.44	\$0.00
Admin	0.38310	\$895.53	\$746.33	\$559.82	\$373.29	\$217.82	\$108.95	\$45.42	\$15.15	\$3.79	\$0.63	\$0.05	\$0.00
City	9.28000	\$21,692.79	\$18,078.77	\$13,560.89	\$9,042.40	\$5,276.24	\$2,639.17	\$1,100.27	\$367.05	\$91.87	\$15.34	\$1.28	\$0.00
Total	27.84680	\$65,094.26	\$54,249.56	\$40,692.59	\$27,133.82	\$15,832.58	\$7,919.46	\$3,301.62	\$1,101.42	\$275.69	\$46.04	\$3.85	\$0.00
Total 12 Years		\$215,650.90											
Total City 12 Yr		\$71,866.08											

50% Total 12 Yr	\$107,825.45	Net Total Taxes Abated
50% Total City 12	\$35,933.04	Net Total City Taxes Abated

Industrial Facilities Tax Abatement Policy Resolution 06/05/06

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

Resolution #2006-06-238

Moved by Beltramini

Seconded by Fleming

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

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

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

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

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

Yes: Fleming, Lambert, Schilling, Beltramini

No: Howrylak

Absent: Broomfield, Stine

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

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

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Tepel Brothers Printing, Inc.**, understands that through its investment of \$5,100,000 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

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

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

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

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

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

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

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

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

Signed: _____ (date) _____

Name:

Title:

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

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

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, 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

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

**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**



CITY COUNCIL ACTION REPORT

August 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing to consider granting an Industrial Facilities Exemption Certificate (IFEC) to Tepel Brothers Printing – 1725 John R

Background:

- Tepel Brothers Printing, Inc., intends to expand their operations at 1725 John R, Troy, MI. 48083, with an investment of \$5,100,000 in new equipment.

Financial Considerations:

- The estimated amount of investment in personal property is \$5,100,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$215,650.90, of which \$71,866.08 would be City taxes.

A 50% abatement amounts to a savings of \$107,825.45 in total taxes, of which \$35,933.04 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

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

Policy Considerations:

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

City Council Outcome III, "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world." Retain and attract investment while encouraging redevelopment" is met with this expansion.

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

Options:

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

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

NL/nl H:\I.F.T.\TepelBros\CouncilPakIFEC PH

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 granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

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

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

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**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**



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: September 11, 2008
SUBJECT: Molnar v. Troy et. al.

Plaintiff Gerald Molnar filed a lawsuit against the City of Troy, Troy Police Officer Janice Pokley, Care House, Care House forensic interviewer Amy Allen and Plaintiff's former spouse Renee Molnar. The lawsuit was filed in Federal District Court – Eastern District of Michigan, and assigned to Judge Gerald Rosen. Plaintiff filed this lawsuit against the City and Troy Officer Janice Pokley, after she investigated Plaintiff for inappropriately touching an eight year old. The Oakland County Prosecutor charged Plaintiff with Criminal Sexual Conduct in the Second Degree. Judge Drury of the 52-4 District Court conducted the preliminary examination in the matter, and determined that there was probable cause for the criminal charges against the Defendant, who was then bound over for trial. The jury for the criminal trial ultimately found Plaintiff not guilty. He then filed this lawsuit against the Defendants. In his complaint, filed under 42 U.S.C. Section 1983, Plaintiff alleged that the various Defendants conspired to violate his constitutionally protected parenting rights, right against unlawful seizure, due process rights, and the right to equal protection under the law. Plaintiff also alleged a state law intentional infliction of emotional distress claim.

We initiated an aggressive joint defense of the City and Officer Pokley, and filed a Motion for Summary Judgment as our first responsive pleading. We argued that Plaintiff's claims were barred, because the claims were previously litigated in his state court criminal proceeding. We alternatively argued that his claims should be dismissed, since he failed to plead a viable claim against the City, and that Officer Pokley was entitled to qualified immunity because her investigation of Plaintiff was fair, reasonable and supported by probable cause.

On August 28, 2008, Judge Rosen stated from the bench that he was granting our Motion for Summary Judgment, and dismissing Plaintiff's complaint from the bench. A written 52 page opinion followed on September 4, 2008, but since the minor is identified in the order, we have not included it in the agenda packet.

By filing the motion for dismissal so early, we were able to avoid the time and costs associated with the discovery phase of litigation, as well the time and costs associated with proceeding to trial. On September 10, 2008, Plaintiff filed a notice of appeal of Judge Rosen's decision. He is now asking the United States Court of Appeals for the Sixth Circuit to reverse the dismissal of the case in the U.S. District Court, Eastern District of Michigan. Absent any objections from Council, we will continue to represent the City and Officer Pokley in the Sixth Circuit Court of Appeals matter.

Please let us know if you have any questions.



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: September 9, 2008
SUBJECT: Steeg v. Troy et. al.

Plaintiff Donald Joseph Steeg filed the attached lawsuit against the City of Troy, Troy Police Chief Charles Craft, and Troy Police Officers Christina Giovannoni, Officer Michael Giordano, and Officer Scott Smith. In his complaint, Steeg alleges Assault and Battery (Count I), Violation of Ministerial Duties (Count II), Negligent Supervision by Chief Craft (Count III), Intentional Infliction of Emotional Distress (Count IV), False Imprisonment (Count V), Gross Negligence (Count VI), Unconstitutional Deprivation by Individual Defendants (Count VII), and Unconstitutional Deprivation by City of Troy (Count VIII). The lawsuit was filed in the United States District Court for the Eastern District of Michigan and is assigned to Judge Bernard A. Friedman.

The alleged damages result from a police encounter in the early morning hours of June 7, 2008. According to his lawsuit, Steeg claims that he was driving home from work, and that he stopped at a gas station at Crooks and Long Lake Road. The police report indicates that Mr. Steeg was stopped at the gas station as a result of a drunk driving investigation, which had been reported by a citizen caller to the Troy dispatch. The individual police officers indicate that minimal force was necessary to obtain Mr. Steeg's cooperation in completing the investigation. Mr. Steeg eventually submitted to a breath test, where the results indicated that he had not consumed alcohol that evening. Mr. Steeg was subsequently released by the officers, who in their discretion did not charge him with any crimes for his resistant behavior.

Plaintiff claims he has suffered a substantial amount of physical and emotional injuries. He does not detail what alleged physical injuries he sustained. Upon information and belief, his injuries are limited to minor bruising and some wrist discomfort as a result of the incident, as well as the alleged emotional injuries. He is seeking over \$75,000 in damages.

Absent any objection from City Council, we will assume the defense of the City and Chief Craft. The individual defendant police officers from Troy will be represented by the insurance company's designated attorney Michael Rosati of Johnson, Rosati.

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD JOSEPH STEEG,

Case No.
Hon.

Plaintiff

v

CITY OF TROY, CITY OF TROY CHIEF OF
POLICE CHARLES T. CRAFT, CITY OF TROY
POLICE OFFICER CHRISTINA GIOVANNONI,
CITY OF TROY POLICE OFFICER
MICHAEL GIORDANO, and CITY OF TROY
POLICE OFFICER, SCOTT SMITH,
jointly and severally

Defendants

LAW OFFICES OF JOHN F. HARRINGTON
BY: JOHN F. HARRINGTON (P40443)
Attorney for Plaintiff
30500 Van Dyke, Suite M-200
Warren, MI 48093
(586) 751-3610

COMPLAINT

There is no other pending or resolved civil action
arising out of the transaction or occurrence alleged
in the Complaint.

John F. Harrington (P40443)

NOW COMES the Plaintiff, Donald Joseph Steeg, by and through his attorneys, the
LAW OFFICES OF JOHN F. HARRINGTON, and by way of Complaint, hereby states as
follows:

1. That Plaintiff, Donald Joseph Steeg, is an individual residing in the City of Roseville,
County of Macomb, State of Michigan.

2. That, Defendant, City of Troy, is a Michigan municipality, conducting business through its Department of Public Safety in the City of Troy, County of Oakland, State of Michigan.

3. That, Defendant, City of Troy Chief of Police Charles T. Craft, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

4. That, Defendant, City of Troy Police Officer, Christina Giovannoni, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

5. That, Defendant, City of Troy Police Officer, Michael Giordano, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

6. That, Defendant, City of Troy Police Officer, Scott Smith, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

7. That, this cause of action concerns personal injuries suffered by the Plaintiff in or about the City of Troy, County of Oakland, State of Michigan.

8. That, Plaintiff has suffered damages in an amount in excess of \$75,000.00, thus jurisdiction is proper before this Honorable Court.

FACTUAL AVERMENTS

9. That, on or about the early morning hours of June 7, 2008, Plaintiff was coming home from work, and went to a gas station at the intersection of Crooks and Long Lake Road, in the City of Troy.

10. That, Plaintiff drove his car to a service pump in order to obtain gasoline for his motor vehicle, and, upon doing so, exited his vehicle.

11. That, upon exiting, Plaintiff noticed that the Defendant Police Officers, in marked squad cars, drove up behind his car.

12. That, Plaintiff was then commanded by Defendant officers to return to his motor

vehicle, with a gun pointed at him by one of the Defendants.

13. That, Plaintiff re-entered his motor vehicle, a pickup truck, and, in doing so, Defendant Police Officers attempted to then pull Plaintiff out of the motor vehicle and, in so doing, caused Plaintiff to suffer substantial injuries.

14. That, ultimately, Defendant Police Officers pulled Plaintiff from his motor vehicle and threw him to the ground, and handcuffed him.

15. That, thereafter, Plaintiff's motor vehicle was subject to unreasonable and otherwise illegal search, as was Plaintiff's body.

16. That, Plaintiff was accused of driving while intoxicated or under the influence of drugs which Plaintiff adamantly denied.

17. That, Defendant officers, throughout this entire affair, were yelling and screaming at Plaintiff and otherwise subjecting him to shame, humiliation and embarrassment.

18. That, ultimately, Plaintiff provided a preliminary breath test, which revealed that he was not intoxicated or under the influence of any drugs.

19. That, Plaintiff was ultimately released, yet, he still suffered a substantial amount of physical and emotional injuries as a result of this incident.

COUNT I

ASSAULT AND BATTERY

20. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 19 as if fully restated herein.

21. That, on or about June 7, 2008, Plaintiff, who at all times was a law abiding citizen, did not commit any crimes, yet he was subject to the assault and battery by the Defendants Giovannoni, Giordano and Smith, while all were in the capacity as law enforcement officers for the Defendant, City of Troy.

22. That, as a direct result of the same, Plaintiff has suffered physical injuries as well as fear of imminent peril in the hands of said Defendants.

23. That, the conduct of said Defendants constitutes assault and battery.

24. That, as such, Plaintiff has suffered injuries and damages, past, present and future, including the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT II

VIOLATION OF MINISTERIAL DUTIES

25. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 24 as if fully restated herein.

26. That, Defendants had the following ministerial duties, notwithstanding the duty of care:

- a. to avoid the use of excessive and/or undue force against the Plaintiff;
- b. to obey all statutes, rules, regulations and applicable laws;
- c. to observe the peace and protect the lawful rights of all citizens including Plaintiff;
- d. to avoid assaulting and battering Plaintiff;
- e. to protect the wellbeing and safety of individuals under their charge and control, in particular, the Plaintiff;

27. That, Defendants breached and/or were negligent, grossly negligent, or willfully and wantonly negligent, by failing to perform their ministerial duties, including but not limited to the following behavior:

- a. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously and/or intentionally using unjustified, excessive and undue force against the Plaintiff;
- b. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally assaulting and battering the Plaintiff;
- c. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally refusing to obey those statutes, rules, regulations and applicable laws pertaining to the apprehension, detention and general treatment of a person in the aforementioned parties position during contact with said Plaintiff;
- d. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally failing to preserve the peace and protect the lawful rights of the Plaintiff;
- e. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally failing to maintain and otherwise preserve the safety and well being of the Plaintiff.

28. That, as a direct and proximate result of the Defendants unlawful conduct, Plaintiff suffered serious and permanent injuries to his mind and body, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing conditions and incurred medical expenses, all past, present and future.

29. That, as the direct result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT III

NEGLIGENCE SUPERVISION BY DEFENDANT CRAFT

30. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 29 as if fully restated herein.

31. That, Defendant Craft, as Chief of Police of the City of Troy Police Department, had supervisory duties and otherwise control over the Defendant Giovannoni, Giordano and Smith.

32. That, as such, Defendant Craft owed a duty to the Plaintiff, and to the public in general, to ensure that Officers Giovannoni, Giordano and Smith were properly trained as to when to use force and personal body contact with members of the general public.

33. That, Defendant Craft breached these duties by failing to properly train or otherwise supervise Defendants Giovannoni, Giordano and Smith resulting in their conduct tantamount to assault and battery against the Plaintiff.

34. That, as a result of Defendant Craft's failure to fulfill his obligations of supervision over Defendants Giovannoni, Giordano and Smith, Plaintiff has suffered damages in an amount in excess of \$75,000.00, including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT IV

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1

through 34 as if fully restated herein.

36. That, at all relevant times herein, all Defendants, notwithstanding statutory duty and care, owed Plaintiff the following duties:

- a. To refrain from inflicting intentional emotional distress upon the Plaintiff;
- b. To refrain from inflicting physical assault and battery upon the Plaintiff;
- c. To refrain from subjecting Plaintiff to verbal abuse;
- d. To refrain from treating Plaintiff in an extremely and outrageously abusive manner;

37. That, all of the aforementioned Defendants intentionally, willfully, wantonly, and/or recklessly breached one or more of the following duties by:

- a. Intentionally inflicting emotional distress upon the Plaintiff by subjecting him to unprovoked and unjustified mistreatment and humiliation;
- b. Intentionally inflicting physical assault and battery upon the Plaintiff;
- c. Intentionally subjecting Plaintiff to verbal abuse;
- d. Intentionally treating Plaintiff in an extremely outrageous and abusive manner;

38. That, at all relevant times the Defendant City of Troy, City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, were acting within the course of their employment for the City of Troy Police Department.

39. That, as the direct and proximate result of said intentional, willful, wanton and/or reckless conduct by all the aforementioned Defendants, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

40. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police

Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT V

FALSE IMPRISONMENT

41. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 40 as if fully restated herein.

42. That, on June 7, 2008, Defendants Giovannoni, Giordano and Smith, wrongfully arrested and detained and/or falsely imprisoned Plaintiff, without proper justification or probable cause.

43. That, Defendants accomplished the imprisonment and restraint by actual physical force, depriving Plaintiff of his liberty and freedom which was intentional, unlawful, privileged and without probable cause.

44. That, Plaintiff did not engage in any criminal activity whatsoever, yet, nevertheless, was still subject to unlawful detention.

45. That, as a direct and proximate result of the Plaintiff's false imprisonment at the hands of the Defendants, Plaintiff has suffered injuries including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer

Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT VI

GROSS NEGLIGENCE

46. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 45 as if fully restated herein.

47. That, on or about June 7, 2008, Plaintiff had not committed any crime, yet, despite this fact, Defendants, Giovannoni, Giordano, and Smith, unlawfully detained, arrested, and/or imprisoned Plaintiff.

48. That, in so doing, said Defendants conduct was grossly negligent as it was so reckless that there was a substantial lack of concern as to whether or not Plaintiff had suffered any damages including but not limited to his loss of liberty.

49. That, neither a magistrate, judge, or other competent judicial authority issued a warrant for the arrest of the Plaintiff.

50. That, as a proximate result of the Defendants gross negligent actions, Plaintiff has suffered both physical as well as mental damages, including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

51. That, Defendants are liable for Plaintiffs injuries and damages under MCL 691.1407(2).

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police

Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT VII

UNCONSTITUTIONAL DEPRAVATION BY INDIVIDUAL DEFENDANTS

52. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 51 as if fully restated herein.

53. That, at all times mentioned herein, the Defendants Giovannoni, Giordano, Smith, and Craft, were acting under the color of statute, ordinance, regulation, and/or customs of the City of Troy Police Department, subjecting Plaintiff to deprivation of his rights and privileges, as secured by the Constitutional laws of the United States of America and the State of Michigan.

54. That, as such, the Plaintiff has a valid cause of action for which jurisdiction is proper before this Honorable Court.

55. That, the Federal Civil Rights Act, 42 USC 1983, provides for civil liability for all deprivation of any right, privilege, or immunity secured by the Constitution of the United States of America, when committed under the color of law.

56. That, all of the aforementioned Defendants are civilly liable to the Plaintiff pursuant to 42 USC 1983, as well as all the above described negligent, grossly negligent, willfully, wantonly, maliciously and/or intentionally committed acts or omissions, as set forth in the aforementioned counts, committed under the color of law, subjecting Plaintiff to the deprivation of his rights, privileges and immunities secured by the United States Constitution, Amendments I, IV, V, VIII and XIV.

57. That, the aforementioned Defendants are liable under the Michigan Constitution for all the aforementioned negligent, grossly negligent, reckless, willful, wanton, malicious, and/or

intentional acts or omissions, practices and policies of the Defendant City of Troy, when committed under the color of law, which resulted in the deprivation of the Plaintiff's liberty and health, without due process of law, infliction of cruel and unusual punishment, all of which were the proximate cause of Plaintiff's injuries.

58. That, as the direct and proximate result of aforementioned wrongful conduct and Constitutional violations, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

59. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT VIII

UNCONSTITUTIONAL DEPRAVATION BY DEFENDANT CITY OF TROY

60. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 59 as if fully restated herein.

61. That, at all relevant times herein, the Defendant, City of Troy, by their custom, policy and/or practice, failed to properly train, evaluate, supervise, investigate, review and/or discipline, its officers, operating under the title of the City of Troy Police Department, under the color of law, to confirm, to assault, battery, verbally abuse, mutilate, and mistreat Plaintiff,

without justification, depriving Plaintiff of the liberty of Freedom without reasonable intrusion of the person without due process of law, in violation of the United States Constitution Amendments I, II, IV, V, VIII, XIV.

62. That, the Defendant, City of Troy, is liable for the intentional, willful, wanton, negligent, grossly negligent, and/or negligent acts or omissions, pursuant to customs, policies and/or practices that resulted in the unlawful assault and battery upon the Plaintiff, impacting his liberty and personal health, without due process of law, all of which is the proximate cause of his injuries.

63. That, as such, Defendant City of Troy, is liable for the acts or omissions resulting in the violation of the constitution of the United States of America and the State of Michigan.

64. That, as a direct and proximate result of the constitutional violations, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

65. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

LAW OFFICES OF JOHN F. HARRINGTON

BY: /s/ John F. Harrington
JOHN F. HARRINGTON (P-40443)
Attorney for Plaintiff

30500 Van Dyke Avenue, Suite M-200
Warren, MI 48093
(586) 751-3610
attvsharrington@comcast.net

Dated: August 14, 2008



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: September 11, 2008
SUBJECT: Annual Evaluation

At my request, City Council completed my annual performance evaluation in closed session on both August 25, 2008 and also September 8, 2008. Following this, I am requesting a salary increase, commencing as July 1, 2008. A resolution, without a specific amount, has been included in the agenda packet for your consideration.

BIOGRAPHICAL INFORMATION

Lori Grigg Bluhm has served as the City Attorney for the City of Troy for the past seven years, and was an Assistant City Attorney for the preceding six years. Prior to her association with the City, she was a general law practitioner with a law firm in Farmington Hills, Michigan. She received her B.A. in English and History from Albion College, and her Juris Doctorate from Wayne State University School of Law. She is one of approximately 50 persons who have received the prestigious designation as a *Local Government Fellow* from the International Municipal Lawyers' Association. For 2007 and 2008, she has been selected as a *Michigan Super Lawyer*, which is limited to the top five percent of lawyers in the State of Michigan. She has been recognized as a *Crain's Detroit Business 40 Under 40* (persons who have achieved business success before turning 40 years of age). She has an AV peer review rating with Martindale-Hubbell, which signifies that she is a lawyer with "very high to preeminent legal ability" who "demonstrate(s) the highest professional and ethical standards.

She is a past chair and current board member of the Public Corporation Section of the State Bar of Michigan, and is a board member of the Michigan Association of Municipal Attorneys, as well as the Michigan Municipal Legal Defense Fund. She is a past chair of the Oakland County Bar Association's Municipal Law Committee and Public Service Committee. She is also actively involved in several other professional organizations, such as the International Municipal Lawyers' Association, American Bar Association State and Local Government Law Section, State Bar of Michigan Real Property Law Section and Insurance and Indemnity Law Section, Women Lawyers' Association of Michigan, and Inforum (A Professional Women's Alliance). She is also a past president of the Troy Kiwanis Club. She has authored several articles, as well as spoken on a number of different occasions on several different municipal law topics and issues.

A RESOLUTION

TO REQUEST THAT THE MICHIGAN GENERAL ASSEMBLY, AND THE MICHIGAN CONGRESSIONAL DELEGATION CONTINUE TO SUPPORT THE FAMILIES OF MICHIGAN, TO SUPPORT STRONG TRADE POLICY CURBING INDUSTRY SUBSIDIZATION AND CURRENCY MANIPULATION BY FOREIGN GOVERNMENTS, AND TO TAKE SWIFT AND RESPONSIVE ACTIONS TO HALT OTHER UNLAWFUL BARRIERS TO FAIR AND FREE TRADE.

Whereas, Certain governments manipulate their currencies to ensure favorable exchange rates against the U.S. dollar, which makes exports to the U.S. unfairly cheap, while making U.S. exports to those same nations unfairly expensive; and

Whereas, Piracy of intellectual property creates an unfair competitive advantage, as intellectual pirates avoid research and development costs associated with production of critical technologies and designs, often with tacit approval of their governments. The U.S. Chamber of Commerce reports that these thefts cost U.S. businesses over \$250 billion a year and 750,000 jobs; and

Whereas, the United States trade deficit has been fluctuating between \$60 billion and \$70 billion per month, and surpassed \$780 billion in 2007; and

Whereas, Between 1989 and 2003, the U.S. trade deficit with China alone displaced production supporting 1.5 million jobs, according to the Economic Policy Institute, 75 percent of which were manufacturing jobs paying above average wages; and

Whereas, \$136 billion in wages are expected to shift from the U.S. to low-cost nations by 2015; these American jobs go to workers who are paid just pennies per hour in unsafe conditions, and who receive no medical or other benefits; and

Whereas, Oakland County's manufacturing sector, as well as suppliers and ancillary businesses, has lost over 34,000 jobs since 2001 due to unfair trade practices, which includes currency manipulation and to other unscrupulous measures; and

Whereas, manufacturing employs more than 70,955 people in Oakland County, accounting for 18.2 percent of the jobs in the county.

Now, Therefore, Be it resolved by the City of Troy Council:

That the City of Troy, on behalf of Michigan's citizens and business, by this resolution, encourage the United States Department of the Treasury to stake a strong position on behalf of fair trade. Free trade can only succeed if the rule of law is diligently applied; and

Be it Further Resolved

That the City of Troy urge citizens of Michigan to support strong trade policy and act in a manner that can best help preserve, protect and defend the vital manufacturing jobs of Michigan.

Louise E. Schilling, Mayor

Date

Date



CITY COUNCIL ACTION REPORT

September 15, 2008

TO: Phillip L. Nelson, City Manager

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

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

Background:

- The City has a Tennis Ground Lease with Troy Racquet Club. This lease was originally approved by the Troy City Council on March 9, 1977, and constructed shortly afterwards. The lease was re-negotiated and approved by the Troy City Council on May 4, 1998, and it does not expire until 2018. An amendment to this lease was most recently approved in March 2007 by the Troy City Council.
- Don Pierce, owner of the Troy Racquet Club, has requested a mid-term amendment to this lease. Specifically, he requests the removal of Section 3 (d) from the lease. This provision provides the City with the option to terminate the lease without cause upon 90 days written notice at the end of any two year term.
- At the August 25, 2008 City Council meeting, staff was directed to draft an amendment eliminating the provisions in the lease with Troy Racquet Club that allow for termination without cause. The amendment is attached.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

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

Policy Considerations:

- The current lease allows for the City to terminate without cause upon 90 days written notice, which can be exercised at each two year period. This provision provides the City with additional flexibility.
- The elimination of this provision allows for termination only if there is a breach of the lease or if the property is “condemned.”

Options:

- City Council can approve the amendment.

Approved as to form and legality: _____
Lori Grigg Bluhm, Troy City Attorney

**FOURTH AMENDMENT TO GROUND LEASE BY AND BETWEEN THE CITY
OF TROY AND TROY RACQUET CLUB**

This Amendment to a certain Tennis Ground Lease dated April, 1998, by and between the City of Troy, as Lessor, and the Troy Racquet Club, as Lessee, is made effective the _____ of September, 2008.

A. Current Lease. There exists between the parties a Tennis Ground Lease ("Lease") executed in April of 1998, with respect to the indoor seasonal operation of a tennis court facility, including a permanent support building, eight (8) asphalt tennis courts and air supported structures to cover the tennis courts in the winter. An Addendum to the Lease to establish a 33 week season was executed in November 1999. A Second Amendment to the Lease was executed in January 2000. A Third Amendment to the Lease was executed in March 2007.

B. Lease Amendment. The parties agree to amend Section 3 of the Lease by eliminating the provisions that allow for termination of the lease without cause, which were set forth in subsections 3 (c) and 3 (d). Therefore, as of the effective date of this Fourth Amendment to Ground Lease, Section 3 of the Lease is amended by eliminating subsections

3 (c) and 3 (d) so that Section 3 shall now read in its entirety as follows:

3. TERMINATION

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

- a. If Lessor declares by resolution the existence of a need for the Leased Premises or a portion of the Leased Premises for

expansion of the civic center or road improvements, termination shall occur 180 day after the resolution is served upon Lessee. Upon termination, Lessor shall resume possession which possession shall be treated as a condemnation as provided in Section 25 of this Lease.

- b. Lessor may elect to terminate this Lease at any time in the event Lessee ceases to use the Leased Premises for a tennis facility. Lessor shall give Lessee written of its election to terminate under this subsection at least 60 days before termination.

The parties agree to the terms of this Fourth Amendment to the Tennis Ground Lease, which are effective on September ____, 2008.

WITNESSED

CITY OF TROY, a municipal corporation,

By: _____
Louise E. Schilling, Mayor

And

By: _____
Tonni L. Bartholomew, City Clerk

TROY RACQUET CLUB, a Michigan limited liability company

By: _____
Donald A. Pierce, Jr., President

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

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

Notary Public,
County of Oakland
State of Michigan
My commission expires: _____

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of September 2008, by Donald A Pierce, Jr., President of Troy Racquet Club, LLC, a Michigan limited liability company, on behalf of the company.

Notary Public
County of Oakland
State of Michigan
My commission expires: _____

Mary F Redden

Subject: FW: Pledge for Unity
Attachments: Pledge.pdf
Importance: High

From: Brown, Melanie (GOV) [mailto:BrownMel@michigan.gov]
Sent: Tue 9/9/2008 2:15 PM
To: Brown, Melanie (GOV)
Subject: Pledge for Unity

Dear Elected Leadership,

As Detroit transitions to new leadership, we think it's important to express our support for the city in a tangible way. To that end, the Detroit Free Press has agreed to run a full-page ad in Sunday's edition that will call for healing and unity in Detroit. The ad, which may also run in other local publications, will feature a pledge (attached) signed by hundreds of metro Detroit leaders, and it won't be complete without your name. If you agree with it, please reply to me with your permission to use your name. Please include your name, title and organization, although title and organization may not be used in the ad. As always, feel free to contact me with any questions you have.

*Melanie Brown, Deputy Director for Southeast Michigan
Executive Office of Governor Jennifer M. Granholm and Lt. Governor John D. Cherry,
Jr.
ph: 586-913-3828 / brownmel@michigan.gov*

Regular Meeting of the Troy City Council was held Monday, September 8, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Mike Wendland of Woodside Bible Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pastor Manisha Dostert, of St. Stephen's Episcopal Church and Co-Chair of the International Day of Peace event recognizing September 21, 2008 as *International Day of Peace*.

CARRYOVER ITEMS:

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)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner, Leo D. Gonzalez of CRS Commercial Real Estate Services and comment from the public as follows:

Audre Zembrzuski - Opposed

Resolution #2008-09-273

Moved by Kerwin

Seconded by Eisenbacher

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: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

The meeting **RECONVENED** at 9:17 PM

REGULAR BUSINESS:

E-3 Scheduling of a Special Meeting to Discuss and Approve the Informational Brochure for the November 2008 General Election

Resolution #2008-09-274

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting for Thursday, September 18, 2008 at 8:00 PM in the Council Boardroom for purposes of developing and approving language for the informational brochure pertaining to Charter Amendment Proposal 08-1: An initiatory petition to amend the Troy City Charter by adding Section 9.16.5 to be placed on the November 4, 2008 General Election ballot.

Yes: All-7

MOTION CARRIED

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

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Animal Control Appeal Board; Ethnic Issues Advisory Board; and Parks & Recreation Board**

a) **Mayoral Nominations**

Resolution #2008-09-275
 Moved by Schilling
 Seconded by Beltramini

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

Alan M. Kiriluk (in district)

Term Expires 09/30/2012

Louise E. Schilling (@ large)

Term Expires 09/30/2012

G. Thomas York (in district)

Term Expires 09/30/2012

Yes: All-7

MOTION CARRIED

b) **City Council Nominations**

Resolution #2008-09-276
 Moved by Howrylak
 Seconded by Kerwin

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:

Animal Control Appeal Board

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

Jayne Saeger

Term Expires 09/30/2011

Ethnic Issues Advisory Board

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

Cathleen M. Francois

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

Michelle Haight

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

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

Janice Zikakis

Term Expires 09/30/2011

Yes: All-7

MOTION CARRIED

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

Resolution #2008-09-277

Moved by Eisenbacher

Seconded by Fleming

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: All-7

MOTION CARRIED

E-5 Massage Facility Licensing Ordinance

a) Resolution to Add Chapter 91 – Massage Facility License

Resolution #2008-09-278

Moved by Kerwin

Seconded by Broomfield

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: All-7

MOTION CARRIED

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

Resolution #2008-09-279

Moved by Beltramini

Seconded by Howrylak

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: All-7

MOTION CARRIED

c) Resolution to Repeal Chapter 98 – Massage Parlors

Resolution #2008-09-280

Moved by Eisenbacher

Seconded by Fleming

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

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2008-09-281
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-9, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-09-281-F-2

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 City of Troy Proclamation(s):

Resolution #2008-09-281-F-3

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 110th 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
-

Resolution #2008-09-281-F-4a

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

Resolution #2008-09-281-F-4b

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.

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

Resolution #2008-09-281-F-5

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.

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

Resolution #2008-09-281-F-6

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.

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

Resolution #2008-09-281-F-7a

RESOLVED, That Traffic Control Order No. 08-05-MR 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

Resolution #2008-09-281-F-7b

RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. 08-06-MR 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. 08-07-MR 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. 08-08-MR 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

Resolution #2008-09-281-F-7c

RESOLVED, That Traffic Control Order No. 08-09-MR be **ISSUED** to install “No U-Turn” signs on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.

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

Resolution #2008-09-281-F-8

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.

F-10 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

Resolution #2008-09-281-F-10

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.

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

Resolution #2008-09-281-F-11

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.

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

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

Resolution #2008-09-282

Moved by Eisenbacher

Seconded by Broomfield

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~~ transpositional 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: Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin, Beltramini

No: Schilling

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

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

Noted and Filed

G-2 Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

Council Member Kerwin reminded the public the annual Troy Daze Festival will begin on Thursday, September 11th through Sunday, September 14th at Boulan Park.

Mayor Schilling commended the hard work and dedication of the Troy Fire Department after they responded to a fire at a neighbor's garage in the middle of the night

REPORTS:

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

Noted and Filed

J-2 Department Reports: None Submitted

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

Noted and Filed

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

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

Noted and Filed

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

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2008-09-283

Moved by Beltramini

Seconded by Kerwin

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: All-7

MOTION CARRIED

The meeting **RECESSED** at 9:43PM.

The meeting **RECONVENED** at 9:55 PM.

The meeting **ADJOURNED** at 11:42 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
Family Day – A Day to Eat Dinner With Your Children
September 22, 2008

WHEREAS, The use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, Surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, Teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, Teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, The correlation between family dinners and reduced risk for teen substance abuse are well documented. Parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, Given these facts and in recognition that family dinners have long constituted a substantial pillar of family life in America, CASA at Columbia University conceived Family Day – A Day to Eat Dinner with Your Children, now in its eighth year; and

WHEREAS, The following local merchants together with the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse are working together to make Family Day a success in our City: Papa Romano's, Bangkok Bistro, Hollywood Markets, Nino Salvaggio, and Chipotle;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **September 22, 2008 as Family Day – A Day to Eat Dinner with Your Children** in the City of Troy;

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize and participate in the observance of **Family Day**, now in its eighth year, and encourage everyone to eat dinner together with their children.

Presented this 22nd day of September 2008.

AGREEMENT BETWEEN THE CITY OF TROY AND TROY YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "CITY"), and the Troy Youth Assistance, 4420 Livernois, Troy, Michigan 48098, a Michigan non-profit organization, (hereinafter referred to as "TYA"),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the TYA program; and

WHEREAS, the general purpose of the TYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

TYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by TYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at TYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. TYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. TYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at TYA, and will be available for inspection by the CITY on request.

3. Location of Facility. TYA shall provide an office or treatment facility within the CITY. Currently, that facility is located at 4420 Livernois, Troy, Michigan 48098. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. TYA shall provide a quarterly report which may be in the form of minutes from monthly TYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding TYA's operation, including but not limited to, the number of persons serviced by TYA programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by TYA.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the TYA clientele.

5. Fiscal Requirements. TYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

TYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the TYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

TYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the TYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

TYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, TYA will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate educational guidance and counseling activities which may be utilized by the youth.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. TYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. TYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of TYA or its officers, directors, employees, agents or volunteers.

10. Insurance. TYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that TYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to TYA an amount not to exceed \$33,950.00 for services performed under this Agreement. Payments are to be made in four quarterly installments of \$8,487.50 each during the months of September and November 2008 and February and May, 2009.

Obligations incurred by TYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that TYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to TYA. If TYA becomes defunct, TYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of TYA. Representatives, employees and volunteers of TYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with TYA.

3. Independent Contractors. TYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. TYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of August 1, 2008 and shall terminate on July 31, 2009 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and TYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES: CITY OF TROY

 Louise Schilling, Mayor

 Tonni Bartholomew, City Clerk

WITNESSES:

TROY YOUTH ASSISTANCE

 Leonette Ciepielowski, Chairperson

AGREEMENT BETWEEN THE CITY OF TROY AND AVONDALE YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and the Avondale Youth Assistance, 260 South Squirrel Road, Auburn Hills, Michigan 48326, , a Michigan non-profit organization, (hereinafter referred to as “AYA”),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the AYA program; and

WHEREAS, the general purpose of the AYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

AYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by AYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at AYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. AYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. AYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at AYA, and will be available for inspection by the CITY on request.
3. Location of Facility. AYA shall provide an office or treatment facility within a reasonable distance from the CITY. The CITY shall be notified immediately of any relocation or planned relocation of the facility.
4. Service Documentation. AYA shall provide a quarterly report which may be in the form of minutes from monthly AYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:
 - A. Data regarding AYA's operation, including but not limited to, the number of persons serviced by AYA programs, attendance records for counseling and programs, duration of programs, etc.
 - B. Types of cases treated and referral source(s).
 - C. All community and special projects undertaken by AYA.
 - D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the AYA clientele.
5. Fiscal Requirements. AYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

AYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the AYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

AYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the AYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

AYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, AYA will review with the CITY staff the programs funded by this Agreement to determine if there are

appropriate educational guidance and counseling activities which may be utilized by the youth.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. AYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. AYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of AYA or its officers, directors, employees, agents or volunteers.

10. Insurance. AYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that AYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to AYA an amount not to exceed \$ 5,820.00 for services performed under this Agreement. Payment is to be made in a lump sum in September of 2008.

Obligations incurred by AYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that AYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to AYA. If AYA becomes defunct, AYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of AYA. Representatives, employees and volunteers of AYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with AYA.
3. Independent Contractors. AYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.
4. Compliance with Laws. AYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.
5. Terms of Agreement. This Agreement shall become effective as of August 1, 2008 and shall terminate on July 31, 2009 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and AYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

AVONDALE YOUTH ASSISTANCE

John Dalton, AYA Chairperson

AGREEMENT BETWEEN THE CITY OF TROY AND HAVEN, INC.

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Haven, Inc., 92 Whittemore, Pontiac, Michigan 48342, a Michigan non-profit corporation, (hereinafter referred to as “HAVEN”),

RECITALS

WHEREAS, the CITY desires to provide crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse; and to further provide for counseling to the perpetrators of domestic violence in an attempt to prevent further violence from occurring; and

WHEREAS, the general purpose of the HAVEN is to provide available shelter to citizens who are forced to escape from the home where violence occurs; and to provide ongoing counseling to help heal the damage caused by these terrible crimes; and

WHEREAS, HAVEN also provides a 24-hour crisis line for immediate assistance for the citizens of the City,

NOW, THEREFORE, in consideration of the above in meeting the needs of the citizens of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

HAVENS RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by HAVEN is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor on staff at HAVEN or available for consultation to HAVEN, shall supervise all activities ongoing under the HAVEN program consisting of, but not limited to, crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse. HAVEN shall also maintain a 24-hour crisis line to provide immediate assistance to the citizens of the City and others who are in need of such assistance.

B. Other project responsibilities include, but are not limited to, counseling for the perpetrators of domestic violence in an attempt to prevent further violence from occurring.

C. HAVEN will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be maintained on file at HAVEN and will be available for inspection by the CITY on request.

3. Location of Facility. HAVEN shall provide an office and/or treatment facility at 92 Whittemore, Pontiac, Michigan 48342. The CITY shall be notified immediately of any relocation or planned relocation of the facility. HAVEN shall maintain “safe houses: in the area for use by its citizens and that the locations of those “safe house” shall remain confidential for the protections of the residents.

4. Service Documentation. HAVEN shall provide a quarterly report which may be in the form of minutes from monthly HAVEN Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding HAVEN’s operation, including but not limited to, the number of persons serviced by HAVEN programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by HAVEN.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the HAVEN clientele.

5. Fiscal Requirements. HAVEN shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

HAVEN shall submit to the CITY a copy of its annual budget for any fiscal year, which falls within the twelve-month period covered by this Agreement. These budgets shall show the HAVEN budget, total expenditures, and expenditures funded and claimed to other funding sources.

HAVEN shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the HAVEN Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

HAVEN agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, HAVEN will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate shelter and counseling activities which may be utilized by citizens.
7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.
8. Subcontracts. HAVEN shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.
9. Indemnify and Hold Harmless. HAVEN shall indemnify, defend, pay on behalf of save and hold harmless the CITY, its elected and appointed officials, employees, volunteers, officers, agents, and affiliated entities against and from any losses, damages, judgments, claims, demands, suits, expenses, costs, and liabilities, personal injury or death and/or property damage, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of HAVEN or its officers, directors, employees, agents or volunteers.
10. Insurance. HAVEN shall present to the CITY documentation that is satisfactory to the CITY that indicates that HAVEN is covered under a policy of insurance or self-insurance which is satisfactory to the CITY and which names the City as an additional insured.
11. Discrimination prohibited. HAVEN shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to the Elliot Larsen Civil Rights Act, 1976, P.A. 453. HAVEN shall comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976, P.A. 220 and the Federal Rehabilitations Act of 1973, P.A. 93-112, 87 Stat. 394, which requires that no employee or client or otherwise, qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation, be denied the benefits of or be subjected to, discrimination under any program or activity receiving Federal assistance. No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, or marital status, be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this contract. HAVEN shall comply with all applicable regulations promulgated pursuant to the Civil Rights Act of 1964, as amended.

12. Prohibition of Political and Religious Activity. There shall be no religious worship, instruction, or proselytization as part of, or in connection with the performance of this Agreement. None of the funds, materials, property or services under this Agreement shall be used in the performance of services under this Agreement for any partisan political activity, including lobbying, as specified in Federal Circular A-122, Cost Principles for Non-profit Organizations – lobbying revisions, or to further the election, defeat, recall, impeachment, appointment or dismissal of any candidate for or from any public office.

CITY'S RESPONSIBILITIES

The CITY hereby agrees to pay to HAVEN an amount not to exceed \$ 4,370.00 for services performed under this Agreement. Payment will be made in one payment in October, 2008.

Obligations incurred by HAVEN prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that HAVEN fails or has failed to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to HAVEN. If HAVEN becomes defunct, HAVEN will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of HAVEN. Representatives, employees and volunteers of HAVEN shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with HAVEN.

3. Independent Contractors. HAVEN is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. HAVEN shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Notices. Whenever under this Agreement provision is made for notice of any kind, unless otherwise herein expressly provided, it shall be in writing and shall be served personally or sent by registered or certified mail with postage prepaid, to the addresses stated below, or such other address as either of the parties may

subsequently designate in writing by notice to the other party in the manner required hereunder:

Notice to City: Tonni Bartholomew
City Clerk, City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Notice to Haven: Beth Morrison, President & CEO
HAVEN, INC.
92 Whittemore Street
Pontiac, Michigan 48342

6. Entire Agreement. This Agreement constitutes the entire Agreement between HAVEN and the CITY with respect to the subject matter hereof; and there are no other further written or oral understandings or agreements with respect hereto.

7. Modification. No variation or modification of this Agreement and no waiver of its provisions shall be valid unless in writing and signed by the parties.

8. Terms of Agreement. This Agreement shall become effective as of July 1, 2008 and shall terminate on June 30, 2009 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and HAVEN have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

HAVEN, INC.

Beth Morrison, President & CEO

**AGREEMENT BETWEEN THE CITY OF TROY AND
COMMON GROUND SANCTUARY**

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Common Ground Sanctuary, 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302, a Michigan non-profit organization, (hereinafter referred to as “Common Ground Sanctuary”),

RECITALS

WHEREAS, the CITY desires to provide for problem-solving for individuals and families in crisis, victims of crime, persons with mental illness, persons trying to cope with critical situations and runaway and homeless youths, especially those who cannot afford private services; and

WHEREAS, the general purpose of Common Ground Sanctuary is to provide opportunities for individuals and families in crisis:

NOW, THEREFORE, in consideration of the above in meeting the needs of the individual, including youth and families of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

COMMON GROUND SANCTUARY RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by Common Ground Sanctuary is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at Common Ground Sanctuary shall oversee programs designed to make crisis assistance available including, but not limited to, a 24-hour crisis telephone line, victim assistance programs, runaway and homeless youth shelters, street outreach programs, legal clinics and in-home counseling programs.

B. Common Ground Sanctuary shall offer these programs to individuals, including youth, and families in crisis, victims of crime, persons with mental illness, individuals trying to cope with critical situations and runaway and homeless youths, including residents of the City of Troy.

C. Common Ground Sanctuary will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at Common Ground Sanctuary, and will be available for inspection by the CITY on request.

3. Location of Facility. Common Ground Sanctuary has administrative offices at 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. Common Ground Sanctuary shall provide a quarterly report which may be in the form of minutes from monthly Common Ground Sanctuary Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding Common Ground Sanctuary's operation, including but not limited to, the number of persons serviced by Common Ground Sanctuary programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by Common Ground Sanctuary.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the Common Ground Sanctuary clientele.

5. Fiscal Requirements. Common Ground Sanctuary shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

Common Ground Sanctuary shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the Common Ground Sanctuary budget, total expenditures, and expenditures funded and claimed to other funding sources.

Common Ground Sanctuary shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the Common Ground Sanctuary Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

Common Ground Sanctuary agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, Common Ground Sanctuary will review with the CITY staff the programs funded by this Agreement to

determine if there are appropriate crisis guidance programs and counseling activities which may be utilized by individuals and families.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. Common Ground Sanctuary shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. Common Ground Sanctuary shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of Common Ground Sanctuary or its officers, directors, employees, agents or volunteers.

10. Insurance. Common Ground Sanctuary shall present to the CITY documentation that is satisfactory to the CITY that indicates that Common Ground Sanctuary is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to Common Ground Sanctuary an amount not to exceed \$ 2,040.00 for services performed under this Agreement. Payment is to be made in one payment in October, 2008.

Obligations incurred by Common Ground Sanctuary prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that Common Ground Sanctuary fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to Common Ground Sanctuary, If Common Ground Sanctuary becomes defunct, Common Ground Sanctuary will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of Common Ground Sanctuary. Representatives, employees and volunteers of Common Ground Sanctuary shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with Common Ground Sanctuary.

3. Independent Contractors. Common Ground Sanctuary is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. Common Ground Sanctuary shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of July 1, 2008 and shall terminate on June 30, 2009 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and Common Ground Sanctuary have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

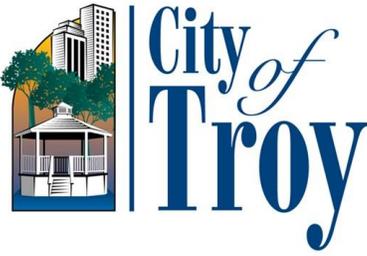
Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

COMMON GROUND SANCTUARY

Tony Rothschild, President and CEO



CITY COUNCIL ACTION REPORT

September 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan Leirstein, Purchasing Director
Charles Craft, Chief of Police

SUBJECT: Agenda Item – Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Background:

- Funding requirements were previously approved by City Council resolution #2007-08-233, resolution #2006-08-342, resolution #2005-09-416, resolution #2004-09-454, resolution #2003-09-474, resolution #2002-07-427, and resolution #2001-09-449.

Financial Considerations:

- The Police Department’s Police Administration Contractual Services – Troy Community Coalition account #305.7802.109 has been designated for the funding of this program.

Legal Considerations:

- Approved as to Form and Legality: _____
Lori Grigg Bluhm, City Attorney Date _____

Policy Considerations:

- The Troy Community Coalition will provide community services to prevent drug and alcohol abuse. The services provided would otherwise be the responsibility of the City of Troy

Options:

- The Police Department requests approval to continue to provide funding the TROY COMMUNITY COALITION in the amount of \$97,000.00 for the 2008/2009 fiscal year.

**AGREEMENT BETWEEN THE CITY OF TROY AND
TROY COMMUNITY COALITION**

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and the Troy Community Coalition, 4420 Livernois, Troy, Michigan 48098, a Michigan non-profit organization, (hereinafter referred to as “TCC”),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for individuals in an effort to prevent drug and alcohol abuse through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the individual to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for individuals, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide individuals with an opportunity to participate in the TCC program; and

WHEREAS, the general purpose of the TCC is to provide opportunities for mental, social and physical growth and development of individuals to prevent drug and alcohol abuse and to cope with their environment; and

NOW, THEREFORE, in consideration of the above in meeting the needs of residents of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

TCC RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by TCC is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at TCC shall be available to the individuals of the community who are having difficulty in their personal and social adjustments. This person will work with individuals, youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the individual, agencies, and family.

B. TCC shall also offer programs to individuals which are designed to further the social and emotional needs of the individuals and to prevent drug and alcohol abuse.

C. TCC will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at TCC, and will be available for inspection by the CITY on request.

3. Location of Facility. TCC shall provide an office or treatment facility within the CITY. Currently, that facility is located at 4420 Livernois, Troy, Michigan 48098. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. TCC shall provide a quarterly report which may be in the form of minutes from monthly TCC Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding TCC's operation, including but not limited to, the number of persons serviced by TCC programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by TCC.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the TCC clientele.

5. Fiscal Requirements. TCC shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

TCC shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the TCC budget, total expenditures, and expenditures funded and claimed to other funding sources.

TCC shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the TCC Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

TCC agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, TCC will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate counseling activities or educational guidance and which may be utilized by the individual.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. TCC shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. TCC shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of TCC or its officers, directors, employees, agents or volunteers.

10. Insurance. TCC shall present to the CITY documentation that is satisfactory to the CITY that indicates that TCC is covered under a policy of insurance or self-insurance.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to TCC an amount not to exceed \$97,000.00 for services performed under this Agreement. Full payment shall be made by September 30, 2008.

Obligations incurred by TCC prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that TCC fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to TCC. If TCC becomes defunct, TCC will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of TCC. Representatives, employees and volunteers of TCC shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with TCC.

3. Independent Contractors. TCC is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. TCC shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of September 1, 2008 and shall terminate on August 31, 2009 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and TCC have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise Schilling, Mayor

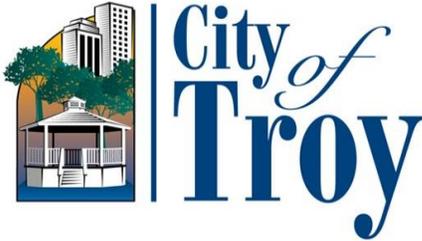
Tonni Bartholomew, City Clerk

WITNESSES:

TROY COMMUNITY COALITION

Ann M. Comiskey,
Executive Director

CITY COUNCIL ACTION REPORT



September 9, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Charles T. Craft, Chief of Police
William S. Nelson, Fire Chief

RE: Standard Purchasing Resolution 3: Exercise Renewal Option –
Emergency Medical Services –

Background

- On June 2, 2003, Troy City Council approved a three-year contract to provide for emergency medical services with an option to renew for three additional one-year periods to the low bidder submitting the best value proposal, Alliance Mobile Health at an estimated cost of \$463,623.00 per year {Resolution #2003-06-281}.
- Two one-year options to renew have been exercised and approved by Troy City Council under the same pricing structure, terms, and conditions as the original contract. {Resolution #2006-09-369 & 2007-08-233-E4a}
- In the past five years, Alliance Mobile Health has done an excellent job handling the emergency medical services for the City of Troy. Not only has Alliance meet or exceeded the response time requirements every month, quarterly surveys are conducted on patient satisfaction. On a scale of 1-4, 4 being the best, Alliance Mobile Health averages 3.82.
- Alliance Mobile Health is the first and only CAAS (Commission on Accreditation of Ambulance Services) credited EMS provider based in Oakland County. CAAS was formed in 1990, as a not-for-profit agency to be a standard bearer for medical transportation systems. CAAS Accreditation signifies that ambulance services have met the "gold standard" determined by the ambulance industry to be essential in a modern emergency medical services provider.
- AMH has purchased a new office and garage space in Troy.
- Due to the best value process used in evaluating the request for proposal, a market survey was not done; since the City utilizes an evaluation process in which bidders are required to meet minimum specified requirements, along with a weighted score for level of services.
- This is the final one-year renewal option of this contract and will go out for RFP next year.

September 9, 2008

To: Phillip L. Nelson, City Manager
Re: Exercise Renewal Option – Emergency Medical Services

Financial Considerations

- Funding for this service is available in the Police Department Uniform Patrol Account – 1st Responder Service # 315.7802.010.

Legal Considerations

- RFQ/RFP 02-56, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was competitively bid and opened on January 31, 2003, in accordance with Chapter 7 of the City Code.

Policy Considerations

- AMH has forged an excellent working relationship with the Troy Police and Fire Departments. AMH has coordinated and conducted many police and fire training sessions, and have been a valued member of the City of Troy Special Response Unit. (Outcome Statement I)

Options

- City management recommends approval of the third one-year option to renew for Emergency Medical Services with Alliance Mobile Health of Troy, MI, for an estimated annual cost of \$463,500.00 under the same pricing structure, terms and conditions as the original contract to expire September 30, 2009, which allows for verifiable rate increases using the consumer price index inflation calculator.
In addition, the City recommends adding an additional service to the contract for blood draws under the supervision and delegation of a licensed physician from prisoners in the Lock-up facility at a cost of \$125.00 per draw.

September 9, 2008



City of Troy
Director of Purchasing
500 W. Big Beaver Road
Troy, MI 48084

Dear Ms. Leirstein:

Alliance Mobile Health agrees to continue providing EMS services to the City of Troy under the current three (1) year extensions. The services are to provide emergency medical paramedic first responder services to the City of Troy. All of the terms and conditions outlined in the contract remain acceptable to our organization.

If you have any questions, please do not hesitate to contact me at 248-495-5634.

Sincerely,

Laurie Thiel, CEO
Alliance Mobile Health
2045 Austin Drive
Troy, MI 48083

Copies to: Chief William Nelson
Sgt. Don Ostrowski



"Our single promise to you is exceptional service"

June 24, 2008

City of Troy
Director of Purchasing
Ms. Susan Leirstein
500 West Big Beaver
Troy, MI 48084

Dear Ms. Leirstein:

Alliance Mobile Health would like to request a price increase of 3%. If this is accepted, this would change our \$22.45 per hour to \$23.12 for Emergency Medical and First Responder Service provided to the City of Troy. Our contract went into effect on October 1, 2003.

This request is based on the following factors:

- CPI for health care 4.1% (US Department of Labor)
- CPI average 4.2% (US Department of Labor)
- Significant increased fuel costs, wages, and medical benefits for employees.

Any questions can be directed to me at 248-457-0344, x225 or lthiel@alliancemobilehealth.org.

Thank you.

Sincerely,


Laurie Thiel, Executive Director
Alliance Mobile Health



To: Sgt. Don Ostrowski, City of Troy Police Department

From: Laurie Thiel, CEO, Alliance Mobile Health

Re: *Cost Recovery for Blood Draws*

Date: January 4, 2008

Don,

In follow-up from our meeting on December 14, 2007, Alliance Mobile Health conducted 166 blood draws in 2007. As I mentioned, there is a unit hour cost for this service that we would like to recoup through the City's cost recovery program, if that is possible. Our charge is \$125 for each blood draw. Last year our expense was \$20,750.

If you could find out if we are able to include our charge for the blood draw in your cost recovery program, I would greatly appreciate it.

Alliance is requesting this from all of its emergency service areas, due to the fact that our organization is experiencing significant financial loss when conducting "free" blood draws.

Thank you for looking into this matter.

Sincerely,

Laurie Thiel, CEO
Alliance Mobile Health
lthiel@alliancemobilehealth.org

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Emergency Medical Services

Resolution #2007-08-233-E-4a

WHEREAS, On June 2, 2003, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was awarded to the low bidder submitting the best value proposal, Alliance Mobile Health for an estimated cost of \$463,623.00 per year at unit prices contained in the tabulation opened January 31, 2003 {Resolution #2003-06-281};

WHEREAS, The first of three one-year options was exercised and approved by Troy City Council on September 18, 2006, under the same pricing structure, terms, and conditions as the original contract {Resolution #2006-09-369}; and

WHEREAS, Alliance Mobile Health has agreed to exercise the second option to renew for one year under the same terms and conditions with a rate increase of 3%;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for one additional year with Alliance Mobile Health of Troy, MI, to provide Emergency Medical Services for an estimated total cost of \$500,000.00 per year under the same pricing structure, terms, and conditions as the original contract to expire September 30, 2008, which allows for a 3% rate increase, in accordance with the Consumer Price Index Inflation Calculator.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Patrol Rifles and Accessories

Resolution #2007-08-233-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase fifty (50) Smith & Wesson M&P 15 Patrol Rifles to the low bidder, Michigan Police Equipment Company of Charlotte, MI, for an estimated total cost of \$43,650.00, at unit prices as contained on the bid tabulation opened June 20, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** Proposals A and B for accessories due to budgetary limitations.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Bare Root Street Trees

Resolution #2007-08-233-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install 2500 bare root residential ROW trees and furnish 200 bare root trees for the golf courses without installation to the low bidder, Marine City Nursery of Marine City, MI, at \$72.00 and \$52.00 per tree respectively, in accordance with the bid tabulation opened May 22, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

CITY COUNCIL ACTION REPORT



July 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Charles T. Craft, Chief of Police
William S. Nelson, Fire Chief

RE: Standard Purchasing Resolution 3: Exercise Renewal Option –
Emergency Medical Services –

Background

- On June 2, 2003, Troy City Council approved a three-year contract to provide for emergency medical services with an option to renew for three additional one-year periods to the low bidder submitting the best value proposal, Alliance Mobile Health at an estimated cost of \$463,623.00 per year {Resolution #2003-06-281}.
- On September 18, 2006, the first of three one-year options was exercised and approved by Troy City Council under the same pricing structure, terms, and conditions as the original contract. {Resolution #2006-09-369}
- In the past four years, Alliance Mobile Health has done an excellent job handling the emergency medical services for the City of Troy. Not only has Alliance meet or exceeded the response time requirements every month, quarterly surveys are conducted on patient satisfaction. On a scale of 1-4, 4 being the best, Alliance Mobile Health averages 3.79.
- Alliance Mobile Health is the first and only CAAS (Commission on Accreditation of Ambulance Services) credited EMS provider based in Oakland County. CAAS was formed in 1990, as a not-for-profit agency to be a standard bearer for medical transportation systems. CAAS Accreditation signifies that ambulance services have met the "gold standard" determined by the ambulance industry to be essential in a modern emergency medical services provider.
- AMH has purchased a new office and garage space in Troy.
- Due to the best value process used in evaluating the request for proposal, a market survey was not done; since the City utilizes an evaluation process in which bidders are required to meet minimum specified requirements, along with a weighted score for level of services.

Financial Considerations

- Funding for this service is available in the Police Department Uniform Patrol Account – 1st Responder Service # 315.7802.010.

July 26, 2007

To: Phillip L. Nelson, City Manager
Re: Exercise Renewal Option – Emergency Medical Services

Legal Considerations

- RFQ/RFP 02-56, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was competitively bid and opened on January 31, 2003, in accordance with Chapter 7 of the City Code.

Policy Considerations

- AMH has forged an excellent working relationship with the Troy Police and Fire Departments. AMH has coordinated and conducted many police and fire training sessions, and have been a valued member of the City of Troy Special Response Unit. (Goal I & IV)

Options

- City management recommends approval of the second one-year option to renew for Emergency Medical Services with Alliance Mobile Health of Troy, MI, for an estimated annual cost of \$500,000.00 under the same pricing structure, terms and conditions as the original contract to expire September 30, 2008, which allows for verifiable rate increases using the consumer price index inflation calculator.

July 26, 2007



City of Troy
Director of Purchasing
500 W. Big Beaver Road
Troy, MI 48084

Dear Ms. Leirstein:

Alliance Mobile Health agrees to continue providing EMS services to the City of Troy under the current three (1) year extensions. The services are to provide emergency medical paramedic first responder services to the City of Troy. All of the terms and conditions outlined in the contract remain acceptable to our organization.

If you have any questions, please do not hesitate to contact me at 248-495-5634.

Sincerely,

Laurie Thiel, CEO
Alliance Mobile Health
2045 Austin Drive
Troy, MI 48083

Copies to: Chief William Nelson
Sgt. Don Ostrowski



"Our single promise to you is exceptional service"

July 2, 2007

City of Troy
Director of Purchasing
Ms. Susan Leirstein
500 West Big Beaver
Troy, MI 48084

Dear Ms. Leirstein:

Alliance Mobile Health would like to request a price increase of 3%. If this is accepted, this would change our \$21.80 per hour to \$22.45 for Emergency Medical and First Responder Service provided to the City of Troy. Our contract went into effect on October 1, 2003.

This request is based on the following factors:

- CPI for health care 4% (US Department of Labor)
- CPI average 2.8% (US Department of Labor)
- Increased fuel costs, wages, and medical benefits for employees.

Any questions can be directed to me at 248-457-0344, x225 or lthiel@alliancemobilehealth.org.

Thank you.

Sincerely,



Laurie Thiel, Executive Director
Alliance Mobile Health

d) Standard Purchasing Resolution 3: Exercise Renewal Option – Emergency Medical Services

Resolution #2006-09-369
Moved by Fleming
Seconded by Beltramini



WHEREAS, On June 2, 2003, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was awarded to the low bidder submitting the best value proposal, Alliance Mobile Health, for an estimated cost of \$463,623.00 per year at unit prices contained in the tabulation opened January 31, 2003 (Resolution #2003-06-281); and

WHEREAS, Alliance Mobile Health has agreed to exercise the option to renew the contract for one year under the same terms and conditions;

THEREFORE, BE IT RESOLVED, That the option to renew the contract for one additional year is hereby **EXERCISED** with Alliance Mobile Health of Rochester Hills to provide Emergency Medical Services for an estimated total cost of \$500,000.00 per year under the same pricing structure, terms, and conditions as the original contract to expire September 30, 2007.

Yes: All-7

E-8 Karagiannakis and Garrett Family Ltd. v. City of Troy et al

Resolution #2006-09-370
Moved by Stine
Seconded by Howrylak

RESOLVED, That the City Attorney's Office is hereby **AUTHORIZED** and **DIRECTED** to **REPRESENT** the City of Troy in any and all claims and damages in the matter of Karagiannakis and Garrett v. City of Troy et al, and to **RETAIN** any necessary expert witnesses and **PAY** any necessary litigation costs to adequately represent the City.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

The meeting **RECESSED** at 9:24 P.M.

The meeting **RECONVENED** at 9:34 P.M.

September 22, 2006

Alliance

Mobile Health

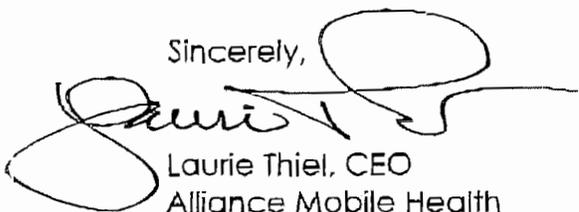
City of Troy
Director of Purchasing
500 W. Big Beaver Road
Troy, MI 48084

Dear Ms. Bennett:

Alliance Mobile Health agrees to continue providing EMS services to the City of Troy under the current three (1) year extensions. The services are to provide emergency medical paramedic first responder services to the City of Troy. All of the terms and conditions outlined in the contract remain acceptable to our organization.

If you have any questions, please do not hesitate to contact me at 248-495-5634.

Sincerely,



Laurie Thiel, CEO
Alliance Mobile Health
1625 Star Batt Drive
Rochester Hills, MI 48309

Copies to: Chief William Nelson
Sgt. Don Ostrowski

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Kenneth Follis – 4101 Cherrywood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford one-ton stake truck in a residential district is hereby **DENIED**.

Vote on Postponement

Resolution #2003-06-280

Moved by Pryor

Seconded by Stine

RESOLVED, That Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 21, 2003.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor

No: None

Absent: Beltramini

D-3 Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract – Known and Possible Ramifications for Award to Other than the Recommended Best Value Company – Emergency Medical and First Responder Services

Resolution #2003-06-281

Moved by Broomfield

Seconded by Stine

RESOLVED, That a three-year contract to provide for Emergency Medical Services with an option to extend for three additional one-year periods is hereby **AWARDED** to the low bidder submitting the best value proposal, Alliance Mobile Health, which the Troy City Council determines to be in the public interest at unit prices contained in the tabulation opened January

31, 2003 for an estimated cost of \$463,623.00 per year, 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 proposal documents, including insurance certificates and all other specified requirements.

Yes: Eisenbacher, Howrylak, Lambert, Stine, Broomfield
No: Pryor
Absent: Beltramini

MOTION CARRIED

RECESS: 9:50 PM – 10:14 PM

D-4 Appointments to Boards and Committees: City Council Appointments: Ethnic Community Issues Advisory Committee

(b) City Council Appointments

Resolution #2003-06-282
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED** by the City Council to serve on the Boards and Committees as indicated:

Ethnic Community Issues Advisory Committee

Appointed by Council (9) – 3 years

Flora M. Tan **Unexpired term expires 09/30/05**

Charles Yuan **Unexpired term expires 09/30/05**

Yes: Howrylak, Lambert, Stine, Pryor, Broomfield, Eisenbacher
No: None
Absent: Beltramini

April 22, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Police Chief Charles Craft
Fire Chief William Nelson

RE: Standard Purchasing Resolution 8: Best Value Award –
Emergency Medical Services Contract

RECOMMENDATION

On January 31, 2003, request for proposals (RFP) were opened for a three-year contract for Emergency Medical Services with an option to extend for three additional one-year periods. It is respectfully recommended that an award be made to the highest scoring, lowest bidder, Alliance Mobile Health at an estimated cost of \$463,623 annually or \$ 1,390,869 for the three years of the contract, at unit prices contained in the attached tabulation dated 1/31/03. If approved by Council, this RFP shall be awarded to the recommended bidder contingent upon submission of proper proposal documents, including insurance certificates and all specified requirements.

Alliance Mobile Health received the highest recommendations from the committee of evaluators from the City of Troy. Not only did this company furnish the most impressive and complete proposal package; they also prepared a proposal with the lowest prices.

SELECTION PROCESS

The selection of the service provider was based upon weighted criteria including the RFP responses and price. Using a 100 point scoring process, prices were equated to the amounts budgeted for Ambulance Services (\$0 = 100 points), and a scoring formula for First Responder Service. The final score calculation was determined as follows:

$$\begin{array}{r} 40\% \times \text{Ambulance Service Price Score} \\ 40\% \times \text{Medical First Responder Price Score} \\ \underline{20\% \times \text{Average of Service Weighted Scores}} \\ 100\% \quad = \text{Final Weighted Score} \end{array}$$

NOTE: The estimated cost of \$1.4 million for the three years is based upon 21,900 hours per year used in the deployment plan acceptable for medical services.

BUDGET

The current contract expires on October 1, 2003, and the new one would commence at that time. The Police Department has budgeted funds for this service in the Uniform Patrol – 1st Responders Account #315.7802.010 for the fiscal year 2003-2004.

25 Proposals Sent
5 Firms attended Pre-bid Meeting
4 Proposal Responses Received
1 No Bid: (1) Company bidding through another ambulance service.

Prepared by: Sgt. Donald Ostrowski

EXECUTIVE SUMMARY- EMERGENCY MEDICAL SERVICES

STATISTICS:

- ◆ 25 Request for Proposal documents sent to prospective bidders
- ◆ 4 responses were received
- ◆ Alliance Mobile Health was the most qualified bidder by receiving the highest score

Final Score Calculation:

40% x Ambulance Service Price Score
 40% x Medical First Responder Price Score
 20% x Other Score

100% Final Weighted Score

* In order to equate the price and the weighted evaluation process scoring, all scores were converted into a score with the base of 100

The following bidders submitted a proposal and received the indicated final scores:

FINAL SCORING

COMPANY	SCORE
Alliance Mobile Health	89
Community EMS Inc.	88
American Medical Response (AMR)	66
Universal - Macomb Ambulance	15

Final Score Calculations: 8 MINUTES

VENDORS:	Alliance Mobile Health	Community EMS Inc.	American Medical Response (AMR)	Universal - Macomb Ambulance
Score				
Ambulance Price Score: (x .40) =	100 x .40 = 40	100 x .40 = 40	100 x .40 = 40	0 x .40 = 0
First Responder Price Score: (x .40) =	75 x .40 = 30	75 x .40 = 30	25 x .40 = 10	0 x .40 = 0
Service Weight Score: (x .20) =	94 x .20 = 19	92 x .20 = 18	79 x .20 = 16	74 x .20 = 15
FINAL SCORE:	89**	88	66	15

** HIGHEST RATED VENDOR - RECOMMENDED AWARD

ADDITIONAL SCORING SUMMARIES:

PRICE SCORE – AMBULANCE SERVICE: 8 MINUTES

Vendors:	SCORE
Alliance Mobile Health	100
Community EMS Inc.	100
American Medical Response (AMR)	100
Universal - Macomb Ambulance	0

PRICE SCORE – FIRST RESPONDERS SERVICE:

Vendors:	Score
Alliance Mobile Health	75
Community EMS Inc.	75
American Medical Response (AMR)	25
Universal - Macomb Ambulance	0

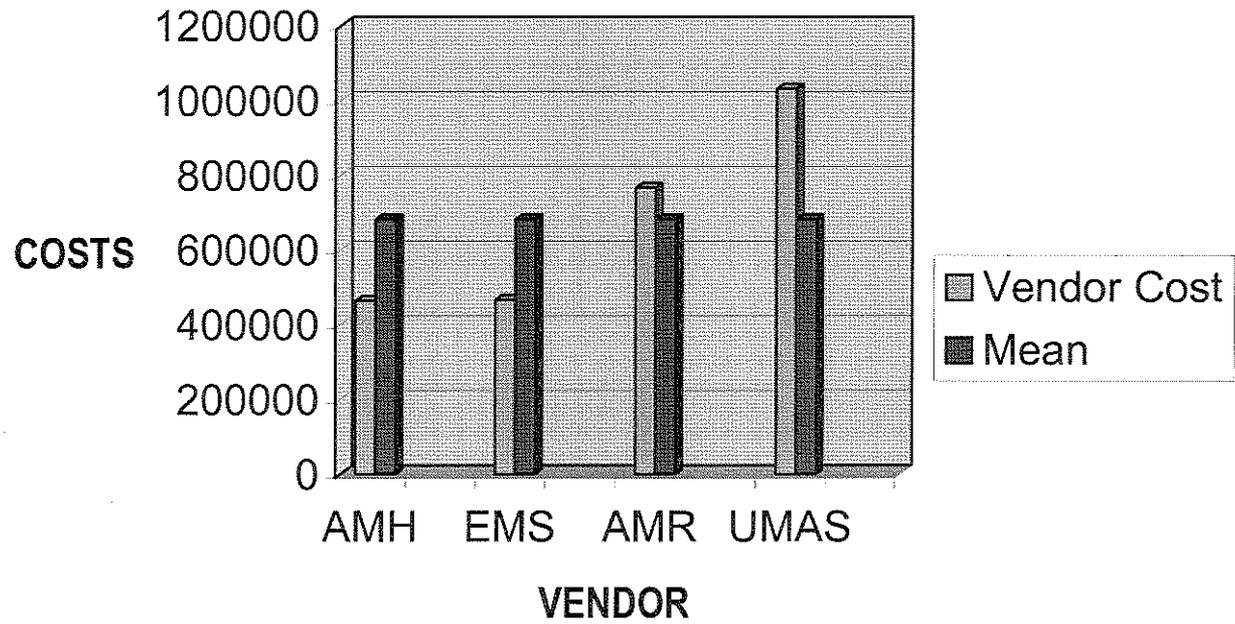
WEIGHTED SCORE:

Raters:	1	2	AVERAGE
Vendors:			
Alliance Mobile Health	96	92	94
Community EMS Inc.	94	89	92
American Medical Response (AMR)	79	79	79
Universal - Macomb Ambulance	76	72	74

**EMERGENCY MEDICAL SERVICES
ANALYSIS**

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
AMH	463623	682,038	218,415	47705112225		1	75
EMS	466470	682,038	215,568	46469562624		1	75
						0 (Mean)	
AMR	766500	682,038	(84,462)	7133829444		-1	25
UMAS	1031560.2	682,038	(349,522)	1.22166E+11		-2	0
	\$2,728,153.2			223,474,132,777	55868533194	236365.2538	

EMERGENCY MEDICAL SERVICES



Opening Date: 01/31/03
 Date Prepared: 3/12/03

BID TABULATION
 CITY OF TROY
 EMERGENCY MEDICAL SERVICES

VENDOR NAME:	COMMUNITY EMS SERVICE	ALLIANCE MOBILE HEALTH	AMERICAN MEDICAL RESPONDERS
PROPOSAL: Emergency Medical Services			
AMBULANCE SERVICES			
COST FOR RESPONSE TIME:	8 Minutes	6 Minutes	8 Minutes
Year 2003--2004	NO COST	NO BID	NO COST
			\$30,089/MO
			\$35,000/MO
FIRST RESPONDER SERVICE			
COST FOR MEDICAL FIRST RESPONDERS:	# of Hrs	Cost	# of Hrs
Year 2003--2004			Cost
Ambulance	0	\$ -	0 \$ 21.17
Other Type - Vehicle	OPTION 1: 20,592	\$ 21.30	* 21900 \$ 21.17
	* OPTION 2: 21,900	\$ 21.30	* 21900 \$ 35.00
ESTIMATED GRAND TOTAL:		\$466,470.00	\$ 463,623.00
			\$766,500.00
EXTENSION OF AWARD: (Tri County Purchasing Members)	Yes or No	YES	YES
INSURANCE:	Can meet	YES	YES
	Cannot meet		XX
INSURANCE LETTER: Yes or No	NO	YES	NO
PAYMENT TERMS:	BLANK	NET 30	NET 30
EXCEPTIONS:	BLANK	NONE	BLANK
HOLD HARMLESS CLAUSE	Filled out	YES	YES
	Not Filled out		YES

NO BIDS:
Medstar Ambulance

* NOTE: 21,900 is the number of hours used in the deployment plan acceptable for MFR Service, and is being used for award purposes.
 (2 units, 24/7; 1 unit 12hrs/7days, 365 days/year)

BOLDFACE TYPE DENOTES BEST VALUE PROPOSAL

ATTEST:
 Cheryl Morrell
 Donald Ostrowski
 Linda Bockstanz


 JEANETTE BENNETT
 PURCHASING DIRECTOR

Opening Date: 01/31/03
 Date Prepared: 3/12/03

BID TABULATION
 CITY OF TROY
 EMERGENCY MEDICAL SERVICES

VENDOR NAME:		UNIVERSAL-MACOMB			
		AMBULANCE SERVICE			
PROPOSAL: Emergency Medical Services					
AMBULANCE SERVICES					
COST FOR RESPONSE TIME:		8 Minutes	6 Minutes	8 Minutes	6 Minutes
Year 2003--2004				\$31,304.60/MO	\$82,466.65/MO
		(2) AMBULANCES		(3) AMBULANCES	
FIRST RESPONDER SERVICE					
COST FOR MEDICAL FIRST RESPONDERS:					
Year 2003--2004		# of Hrs	Cost	# of Hrs	Cost
Ambulance				0	\$ 69.98
Other Type - Vehicle				* 21900	\$ 29.95
TOTAL					\$ 655,905.00
ESTIMATED GRAND TOTAL:					\$1,031,560.20
EXTENSION OF AWARD: (Tri County Purchasing Members)					
Yes or No		YES			
INSURANCE: Can meet					
Cannot meet		XX LISTED IN BID			
INSURANCE LETTER: Yes or No					
		NO			
PAYMENT TERMS:					
		AS AGREED			
EXCEPTIONS:					
		INSURANCE			
		DIFFERENTIAL DISPATCH			
HOLD HARMLESS CLAUSE					
Filled out		YES			
Not Filled out					



CITY COUNCIL ACTION REPORT

September 15, 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

RE: Standard Purchasing Resolution 3: Exercise Renewal Option – Outdoor Lighting Maintenance Contract

Background

- On September 18, 2006, Troy City Council approved a contract to provide two (2) year requirements for street, parking lot and athletic field light maintenance and repair with an option to renew for one additional year. (Resolution #2006-09-367-E4a).
- The awarded vendor, Allied Signs Inc of Clinton Twp has been providing quality service for the City and has offered to renew their contract for 2008/2009 under the same prices, terms, and conditions.

Financial Considerations

- Funds for this contract 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

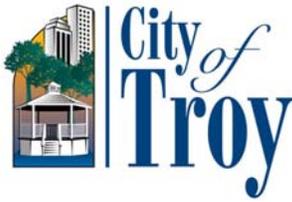
- ITB-COT 06-29 Outdoor Lighting Maintenance Contract was competitively bid and opened with three bidders responding, in accordance with City Charter and Code.
- Allied Signs Inc has agreed to renew the contract under the same prices, terms, and conditions.
- A favorable market survey was conducted by the Purchasing Department.

Policy Considerations

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

Options

- City management and the Public Works department recommend exercising the option to renew for one-year to the low bidder, Allied Signs Inc of Clinton Twp, at unit prices and discounts contained in the bid tabulation, not to exceed budgetary limitations, expiring September 18, 2009.



September 11, 2008

TO: Susan Leirstein
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – STREET LIGHT MAINTENANCE

MOTOR CITY ELECTRIC UTILITIES – Theodore Hicks (313) 921-5300

Mr. Hicks has indicated that prices would be going up 3% to 4% for labor, and material costs will be increasing any where from 10% to 20% due to the fact that they are being hit with fuel surcharges for the delivery of parts. Copper and other metals needed to make the products have increased in cost as well.

HARLAN ELECTRIC CO. – Chris Werner (248) 853-4601

According to Mr. Werner, prices would go up about 5% for their company. The company is a union shop and union wages have gone up 3% to 4% every June – a cost which would be reflected in their bid. Metals making up the products have also increased in price, especially anything with copper. Fuel costs too, have impacted price – with delivery and in the making of the products. (Some examples of these products are: the covering of wire cables and any PCP piping.)

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Street Light Maintenance with the current vendor based on the fact material and labor costs remain volatile and are expected to increase over the next couple years.

CC: File

ATTN:
Patrick Stieber
Allied Signs Inc
33650 Giftos Drive
Clinton Twp, MI 48035

On September 18, 2006, the City of Troy entered into contract 206002500B with Allied Signs Inc. 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 Allied Signs Inc wishes to renew this contract until September 18, 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:

Allied Signs Inc. is interested in renewing the contract under the same prices, terms, and conditions:

Allied Signs Inc. is not interested in renewing the contract:

X Patrick Stieber Allied Signs Inc
Signed: Authorized Company Representative

Date: 8-25-08

Thank you,
Marina Basta Farouk
Project Construction Manager

E-2 Approval of City Council Minutes

Resolution #2006-09-367-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 11, 2006 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidder – Outdoor Lighting Maintenance Contract**

Resolution #2006-09-367-E-4a

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 maintenance and repair with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Allied Signs, Inc., of Clinton Township, at unit prices and discounts contained in the bid tabulation opened August 23, 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.

c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Common Ground

Resolution #2006-09-367-E-4c

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,100.00 is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Seam and Fracture Sealing Program

Resolution #2006-09-367-E-4e

WHEREAS, On October 18, 2004, a contract to provide for a Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods was awarded to the low bidder, Scodeller Construction, Inc., of South Lyon, MI, for an estimated cost of \$657,500.00; and if changes in the quantity of work were required, either additive or deductive,

September 6, 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

Re: **Agenda Item:** Standard Purchasing Resolution 1: Award to Low Bidder – Outdoor Lighting Maintenance Contract

RECOMMENDATION:

On August 23, 2006, bids were received to provide two (2) year requirements of street, parking lot, and athletic field light maintenance with an option to renew for one additional year. City management of the Public Works department recommends awarding the contract to the low total bidder, Allied Signs Inc. of Clinton Township, MI, for an estimated annual cost of \$56,900.00, at unit prices and discounts contained in the bid tabulation.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including insurance certificates and all other specified requirements. Due to the nature of the contract and accountability of the contractor, the program was bid on a low total award basis.

BUDGET:

Funds are available in the Public Works Street Light Maintenance account # 448.7802.150 and Parks account #759.7802.070 for any lighting work done on the ball diamonds.

49 Vendors notified via MITN System
3 Bid Responses Rec'd

Prepared by: Marina Basta-Farouk, Project Construction Manager

Opening Date -- 8/23/06
Date Prepared -- 8/24/06

CITY OF TROY
BID TABULATION
STREET LIGHT MAINTENANCE

ITB-COT 06-29
Pg 1 of 2

VENDOR NAME:

* ALLIED SIGNS INC	HARLAN ELECTRIC	MOTOR CITY
	COMPANY	ELECTRIC UTILITIES
Check # 1090002640	473333284	473329158
Check Amount \$1,000.00	\$1,000.00	\$1,000.00

EST	ITEM #	QTY/YR	DESCRIPTION	Unit Price	Total	Unit Price	Total	Unit Price	Total
	1.	200 ea	Call Out & Determination of cause of outage	\$ 95.00	\$ 19,000.00	\$ 180.00	\$ 36,000.00	\$ 160.00	\$ 32,000.00
	2.	500 ea	Replace Lamp	\$ 25.00	\$ 12,500.00	\$ 22.00	\$ 11,000.00	\$ 80.00	\$ 40,000.00
	3.	80 ea	Replace Ballast	\$ 65.00	\$ 5,200.00	\$ 99.00	\$ 7,920.00	\$ 80.00	\$ 6,400.00
	4.	60 ea	Replace Starter	\$ 35.00	\$ 2,100.00	\$ 50.00	\$ 3,000.00	\$ 80.00	\$ 4,800.00
	5.	100 ea	Replace Fuse	\$ 30.00	\$ 3,000.00	\$ 50.00	\$ 5,000.00	\$ 40.00	\$ 4,000.00
	6.	20 ea	(per pole/per electric box) Replace Lens	\$ 35.00	\$ 700.00	\$ 50.00	\$ 1,000.00	\$ 80.00	\$ 1,600.00
	7.	50 ea	Replace Photo Cell	\$ 30.00	\$ 1,500.00	\$ 28.00	\$ 1,400.00	\$ 80.00	\$ 4,000.00
	8.	20 ea	Replace Breakers	\$ 30.00	\$ 600.00	\$ 50.00	\$ 1,000.00	\$ 40.00	\$ 800.00
	9.	200 ea	Tighten & Lubricate Anchor Bolts						
			Horizontal Refractors, Glass etc	\$ 60.00	\$ 12,000.00	\$ 45.50	\$ 9,100.00	\$ 100.00	\$ 20,000.00
	10.	5 ea	Remove & Replace Fixture	\$ 60.00	\$ 300.00	\$ 100.00	\$ 500.00	\$ 125.00	\$ 625.00
ESTIMATED GRAND TOTAL:				\$ 56,900.00		\$ 75,920.00		\$ 114,225.00	

CONTACT INFORMATION:

Hours of Operation:	8am-5pm	7:30-4pm	7am-3:30pm
24HR Contact Number:	586.557.2919	248.452.0004	313.363.4103

ADDITIONAL ITEMS, IF REQUIRED

	PRICE/HR/CREW	PRICE/HR/CREW	PRICE/HR/CREW
11. Hourly labor rate per crew			
A) Regular Time	\$ 110.00	\$ 150.00	\$ 143.10
B) Overtime	\$ 155.00	\$ 210.00	\$ 194.69
C) Holiday Time	\$ 200.00	\$ 270.00	\$ 246.28
	\$/HR/Electrician	\$/HR/Electrician	\$/HR/Electrician
12. Journeyman Electrician			
A) Regular Time	\$ 68.00	\$ 70.00	\$ 75.00
B) Overtime	\$ 95.00	\$ 100.00	\$ 105.00
C) Holiday Time	\$ 130.00	\$ 130.00	\$ 130.00
	\$/HR/Inc Operator	\$/HR/Inc Operator	\$/HR/Inc Operator
13. Hourly rate for Backhoe/Operator			
A) Regular Time	\$ 115.00	\$ 130.00	\$ 80.00
B) Overtime	\$ 165.00	\$ 160.00	\$ 100.00
C) Holiday Time	\$ 205.00	\$ 195.00	\$ 120.00
	\$/HR/Inc Operator	\$/HR/Inc Operator	\$/HR/Inc Operator
14. Hourly rate for Service Truck w/Crane			
A) Regular Time	\$ 140.00	\$ 105.00	\$ 80.00
B) Overtime	\$ 210.00	\$ 130.00	\$ 100.00
C) Holiday Time	\$ 280.00	\$ 165.00	\$ 120.00

Opening Date -- 8/23/06
 Date Prepared -- 8/24/06

CITY OF TROY
 BID TABULATION
 STREET LIGHT MAINTENANCE

ITB-COT 06-29
 Pg 2 of 2

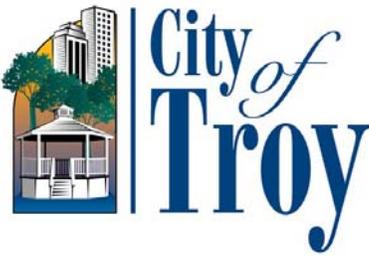
VENDOR NAME:	* ALLIED SIGNS INC	HARLAN ELECTRIC COMPANY	MOTOR CITY ELECTRIC UTILITIES
15. Non-Contract Replacement Parts			
Discount + % or - %	+30% - 25%	+10%	+10%
Parts List Dated	8/10/2006		
or Invoiced Price			
Manufactured by:			Various
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
TERMS:	NET 30 DAYS	NET 30 DAYS	NET 30
WARRANTY:	MANUFACTURER	ONE YR ON LABOR	MFG / LABOR 1 YEAR
RESPONSE TIME:	48 HOURS	48 HOURS	48 HOURS
EXCEPTIONS:	BLANK	Performance bond	BLANK
		excluded in pricing	
ACKNOWLEDGEMENT: Y or N	YES	YES	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 Maintenance with an Option to Renew for One Additional Year

ATTEST:
 Marina Basta-Farouk
 Cheryl Stewart
 Susan Leirstein

* **DENOTES LOW TOTAL BIDDER**

 Jeanette Bennett
 Purchasing Director



CITY COUNCIL ACTION REPORT

September 16, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 4: Award – Oakland County Purchasing Agreement – Carpet Replacement - 52-4 District Court Probation and Clerical Areas

Background

- The Building Operations Department has been cleaning, maintaining, and repairing carpeting for the 52-4 District Court since it was installed in 1998. The carpet within high traffic areas is in very poor condition with tears, rips and bumps. It is creating safety issues within high traffic areas of the 52-4 District Court.
- The Building Operation Department has received email from personnel working in the 52-4 District Court as to how unsafe the carpet is in the Probation area, Clerical Staffing Areas, Court Administration Areas, Hallways, Break Room, and the Judges' back hallways. Building Operations' staff has provided numerous repairs, but the condition of the carpeting is now beyond repair. The District Court has contacted Stephen Cooperrider, Risk Manager with the City of Troy, regarding safety issues of the carpeting.
- Interior Dynamics of Troy, MI was the lowest acceptable bidder in the Oakland County bid process to furnish and install carpet, vinyl sheet goods and accessories.

Financial Considerations

- Funds are available in the 52-4 District Court Capital Account for General Repairs (#401.264.277.7975.145).

Legal Considerations

- Unsafe conditions for all public and personnel using these areas.
- Potential for lawsuit from slip and fall.

Policy Considerations

- Moving this work forward will improve the overall safety, remove the hazard of trip and fall, and reduce liability for the City. (Outcome Statement I)

Options

- City management and the Building Operations Department recommend moving the project forward to provide the labor/materials to remove and install new carpeting in the probation, clerical staff areas, court administrative areas, hallways, break room, and back hallways from Judges' chambers to the court rooms at the 52-4 District Court from Interior Dynamics of Troy, MI, through the Oakland County Purchasing Agreement (PS001960) at an estimated total cost of \$59,694.00 as detailed on Appendix I.

APPENDIX I

Detailed Pricing:

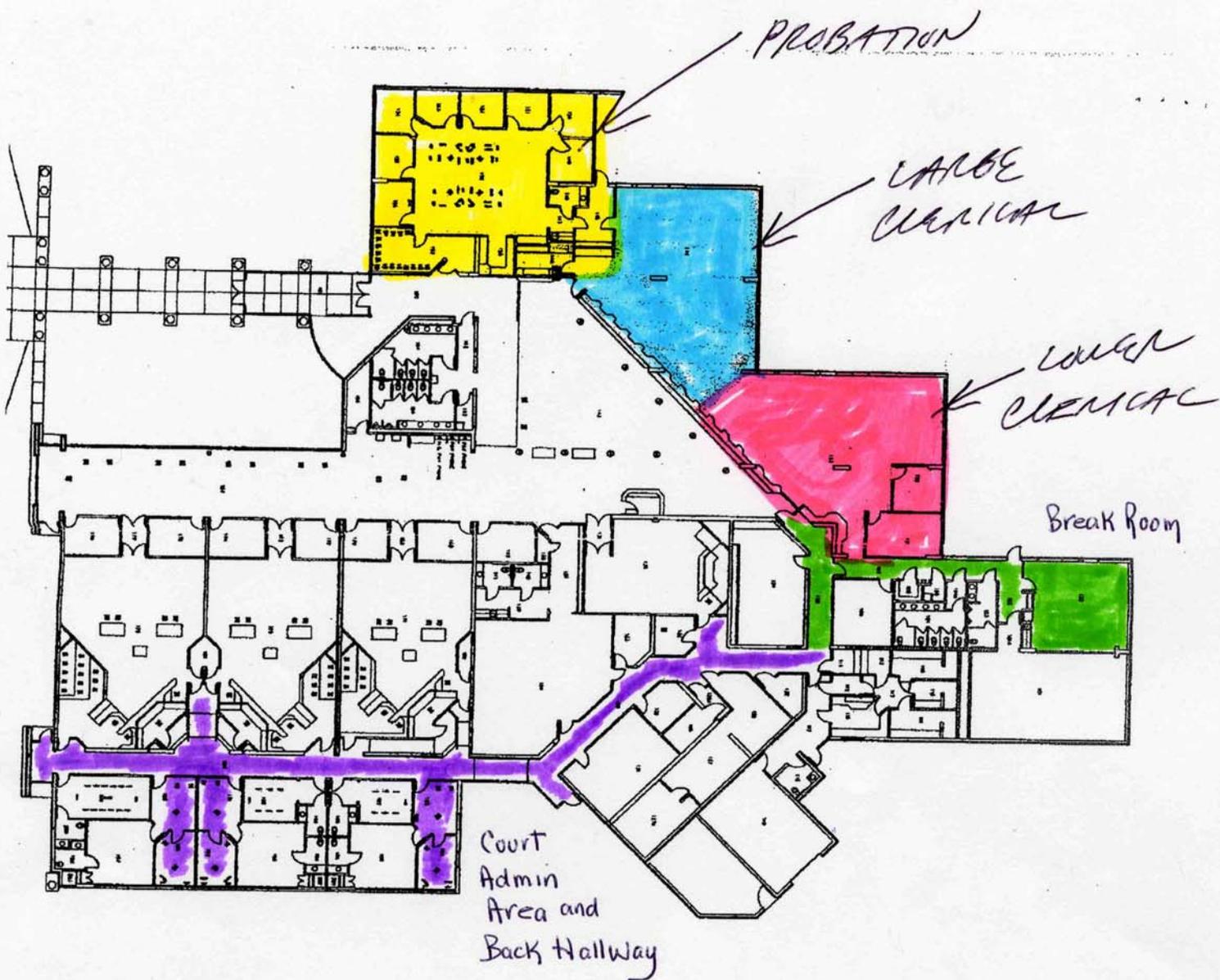
PROBATION, CLERICAL AREA, LARGE OPEN CLERICAL AREA, SIDE HALLWAYS AND BREAK ROOM

847.28	Square yards of Carpeting	\$ 31,561.18
10	Pails of Carpet Adhesive	Included
4	Bags concrete floor patch	76.00
1489	Linear feet of wall cove base	2,190.40
19	Tubes of wall base adhesive	Included
72	Linear feet of metal floor transition strip	111.60
847.28	Demo of existing broadloom carpet and wall base	1,906.38
4	Hours floor preparation	195.00
93	Hours remove existing furniture	4,533.75
50	Hours breakdown (10) private offices and reinstall	<u>2,437.50</u>
	TOTAL OF ABOVE AREAS	\$ 43,011.81

THREE COURT ADMINISTRATION AREAS AND JUDGES BACK HALLWAYS

413.67	Square yards of Carpeting	\$ 11,913.70
14	Pails of Carpet Adhesive	Included
2	Bags concrete floor patch	38.00
920	Linear feet of wall cove base	1,361.60
12	Tubes of wall base adhesive	Included
413.67	Demo of existing broadloom carpet and wall base	930.76
2	Hours floor preparation	97.50
48	Hours breakdown, move-out and reinstall furniture	<u>2,340.00</u>
	TOTAL OF ABOVE AREAS	\$ 16,681.56

ESTIMATED TOTAL COST **\$ 59,693.37**



PROJECT TITLE
 10 - TROY DISTRICT COURT 52-4

PROJECT TITLE
 FIRST FLOOR PLAN

JOB ORDER NUMBER

WORK CENTER OR
 COURT CENTER
 OPERATION NUMBER

REVISION DATE

ISSUED FOR DATE
 PRELIMINARY
 ROOMING
 CONSTRUCTION
 AS BUILT

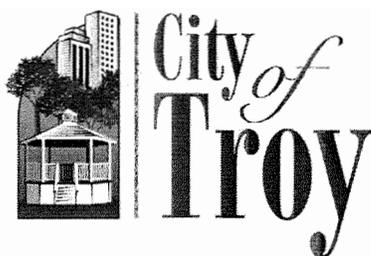
On Public Works Date
 Worksheet Worksheet
 4/22/08
 (408) 888-2142

Oakland County
 Department of
 Facilities
 Management
 Facilities
 Maintenance
 & Operations
 Division
 Facilities
 Engineering
 Division
 Facilities
 Planning
 Group



08/21/2008 13:54 #115 P.008/008

From: OAKLAND DRAIN COMMISSION Q&M 2488581425



CITY COUNCIL ACTION REPORT

September 10, 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 *RF*

SUBJECT: Request to Approve a Temporary Construction Easement Agreement with Troy School District - Niles Elementary School, Sidwell #88-20-09-226-012

Background:

- As part of a water main improvement project located in section 9, the Engineering department has been working with the Troy School District to construct and install a new main in an existing easement on the Niles Elementary School property. To proceed with the project, the Troy School District has agreed to enter into a temporary construction easement agreement with the City of Troy.
- The Troy School District Board approved this Agreement at their September 2, 2008 meeting. The Agreement has been signed by Barbara Fowler, Superintendent of the Troy School District.

Financial Considerations:

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

Legal Considerations:

- The format and content of this document was reviewed by the City Attorney's Office.

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 approve the attached *Temporary Construction Easement Agreement* and allow the City Mayor and City Clerk to execute the attached document on behalf of the City of Troy.

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT made and entered into this ____ day of _____, 2008, but effective as of December 22, 2008 (the "Effective Date"), between TROY SCHOOL DISTRICT, a Michigan municipal corporation, whose address is 4400 Livernois, Troy, Michigan 48098-4799 (hereinafter referred to as "Grantor"), and the CITY OF TROY, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as "Grantee").

RECITALS

A. The Grantor is the owner of certain real property described in **Exhibit A**, which is attached hereto and incorporated by reference (the "Premises"); and

B. The Grantee desires to acquire from the Grantor certain rights to the Premises in order to construct and install a Water Main; and

C. The operation, maintenance, repair and/or replacement of the Water Main shall be at Grantee's sole cost and expense, pursuant to the Water Main Easement by and between Grantor and Grantee dated March 16, 1981, and recorded on March 16, 1981 in Liber 8029, Page 283, Oakland County Records.

IT IS THEREFORE AGREED:

1. Grant of Easement. In consideration of the sum of One and 00/100 (\$1.00) Dollar, and other valuable consideration, Grantor hereby grants to Grantee, as of the Effective Date, a nonexclusive, temporary construction easement as hereinafter described.

2. Character of Easement. The easement granted herein is appurtenant to the Premises.

3. Purpose of Easement. The easement herein shall be used only for the purpose of the construction and installation of the Water Main.

4. Location and Description of Easement. The location and legal description of the temporary easement granted herein is shown on the attached **Exhibit B** under the heading of "60' Water Main Temporary Construction Easement," which is attached hereto and incorporated herein by reference (the "Temporary Easement Area").

5. Construction and Installation. The construction and installation of the Water Main shall be at the sole cost and expense of the Grantee. All construction and installation shall occur between December 22, 2008 and January 2, 2009. All testing of the water main and connecting of water service to the new water main shall occur between April 6, 2009 and April 10, 2009, unless otherwise permitted by Grantor in writing. During all aspects of any work performed on the Premises, Grantee also covenants and agrees to do the following:

- a. Immediately backfill and temporarily restore, on a daily basis, all driveways, parking lots and sidewalk areas located upon the Premises and disturbed by virtue of the construction and installation of the Water Main until such time as final restoration of the affected areas occur pursuant to Paragraph 6 herein;
- b. Immediately backfill or fence during working hours all excavations on the Premises when not supervised to ensure safety;
- c. Secure all equipment and materials during non-working hours so as to prevent access by any licensees, invitees, guests or trespassers;
- d. Provide Grantor with continued access for ingress and egress over, under, through and across the Temporary Easement Area;
- e. Provide Grantor with continued access to the Premises; and
- f. Carry on its work to ensure only minimal interference or disruption of Grantor's school operations on the Premises.

6. Restoration. If upon any construction or installation of the Water Main, the Premises have been affected in any manner by said construction and installation, Grantee shall, at its sole cost and expense, restore the Premises to a condition as good as its condition prior to such work. Such restoration shall include but not be limited to the following:

- a. The restoration of sodded and grassed areas;
- b. Any driveways, parking lots, sidewalks, bike paths, culverts, curbs and headwalls so disturbed shall be restored with like materials and to matching thickness as prior to Grantee's commencement of any such work;
- c. Any and all shrubbery, removed, destroyed or disturbed in any manner shall be replaced upon completion of such work with like shrubs; and
- d. The restoration of disturbed or destroyed chain link fencing, if any, located upon the Premises.

Such restoration shall commence upon completion of the 2008 - '09 school year, unless sooner permitted by Grantor in writing.

7. Grantor's Rights. Grantor also retains, reserves, and shall continue to enjoy the use of the surface of the Temporary Easement Area for any and all purposes which do not interfere with or prevent the use by Grantee. If the Grantor or any of Grantor's successors or assigns shall dedicate all or any part of the property affected by this easement, the Grantee and its successors and assigns shall execute all instruments that may be necessary or appropriate to effectuate such dedications, without, however, extinguishing the easement right granted herein.

8. Nonexclusive Easement. The easement, rights, and privileges granted herein are nonexclusive, and Grantor reserves and retains the right to convey similar easements and rights to such other persons as Grantor may deem proper provided such similar easements do not affect Grantee's easement.

9. Insurance. Grantee shall require each contractor performing work on the Premises to keep in force at its sole cost and expense during and until completion of any construction or installation of the Water Main, in a form acceptable to Grantor, an Owner's and Contractor's Protective Policy naming Grantor as the principal insured and shall also require each contractor to name Grantor as an additional insured on all Contractor Policies of insurance with both policies having minimum limits of \$1,000,000.00 on account of bodily injuries to or death of one person, and minimum limits of \$2,000,000.00 on account of bodily injuries or death of more than one person, or such other amounts as Grantor may, from time to time, reasonably request, as a result of any one accident or occurrence; and property damage insurance with minimum limits of \$1,000,000.00, or such other amounts as Grantor may, from time to time, reasonably request. Prior to commencement of any work, Grantee shall provide Grantor with a certificate of insurance or other written evidence of Grantor's coverage as an additional insured, including an endorsement which states that such insurance may not be cancelled except upon ten (10) days prior written notice to Grantor.

10. Liability of Grantee. The Grantee shall be responsible to the Grantor for liabilities incurred by the Grantor, arising out of the actions of the Grantee during the construction and installation of the Water Main on the easement granted. These liabilities shall include costs, expenses, actual attorney fees and liabilities for personal injury or property damage, including damage to property of the Grantor. However, Grantee shall not be responsible for any claims resulting from the actions of Grantor or that of third parties who are not designees, agents, successors or employees of Grantee. The terms "Grantee" and "Grantor" shall include their designees, agents, successors and employees. Nothing in this clause shall be construed to limit either Grantee's or Grantor's defenses and rights, including the right to assert a claim of governmental immunity.

11. Extinguishment of Temporary Easement. This temporary construction easement shall automatically terminate and be of no further force and effect upon the earlier of: (i) completion of construction and installation of the Water Main and restoration of the Temporary Easement Area; or (ii) September 1, 2009. The operation, maintenance, repair and/or replacement of the Water Main shall be Grantee's responsibility at Grantee's sole cost and expense, pursuant to the Water Main Easement by and between Grantor and Grantee dated March 16, 1981, and recorded on March 16, 1981 in Liber 8029, Page 283, Oakland County Records.

12. No Liens. Grantee shall not permit any construction liens to be filed against its interest under this Temporary Construction Easement or any interest it holds in the Premises. If any such construction liens shall attach, Grantee shall bond it off or otherwise cause it to be discharged within thirty (30) days from the date of its filing.

13. Entire Agreement. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On _____, 2008, before me personally appeared _____,
on behalf of the CITY OF TROY, a Michigan municipal corporation, to me known to be the same person who executed the within instrument on behalf of the CITY OF TROY, and who acknowledges the same to be the free act and deed of the CITY OF TROY.

_____, Notary Public

County, MI
Acting in _____ County, MI
My commission expires:

Sidwell No. 88-20-09-226-012

Recording Fee: \$32.00

Drafted by:

Dana L. Abrahams, Esq.
Clark Hill PLC
255 S. Old Woodward Ave., Third Floor
Birmingham, MI 48009

When recorded return to:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

EXHIBIT A

LEGAL DESCRIPTION

Lot 16 and Lot 17 of "Supervisor's Plat No. 7", as recorded in Liber 45, Pages 21-21A, of Oakland County, Michigan records being part of the Northeast $\frac{1}{4}$ of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

Tax Parcel I.D. #: 88-20-09-226-012

Commonly Known As: 201 W. Square Lake Rd.

EXHIBIT B

**60' WATER MAIN TEMPORARY CONSTRUCTION EASEMENT LEGAL
DESCRIPTION AND SKETCH**

The East 60.00 feet of the West 80.00 feet of Lot 17 and the East 60.00 feet of the West 80.00 feet of the North 32.60 feet of Lot 16 of "Supervisor's Plat No. 7", as recorded in Liber 45, Pages 21-21A, of Oakland County, Michigan records being part of the Northeast ¼ of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Containing 25,800 square feet or 0.592 acres, more or less.



CITY COUNCIL ACTION REPORT

September 11, 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

SUBJECT: Request for Approval of Purchase Agreement
Wattles Road Improvements, Bristol to Worthington
Project No. 01.106.5 – Parcel #21 – Sidwell #88-20-23-100-069
Benito T. Tayag and Cristeta R. Tayag

Background:

- In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Purchase Agreement from Benito T. Tayag and Cristeta R. Tayag. 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 \$26,400, 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 Benito T. Tayag and Cristeta R. Tayag 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 Benito T. Tayag and Cristeta R. Tayag (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 Twenty-Six Thousand, Four Hundred and no/100 Dollars (\$26,400) 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this day of SEPT. 11, 2008.

In presence of:

William J. Hoffman

A. Scott Furl

CITY OF TROY (BUYER)

Patricia A. Pettit

SELLER:

Benito T. Tayag

Cristeta R. Tayag

04-14-08
20010397
20-23-100-069

EXHIBIT 'A'

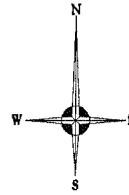
DESCRIPTION OF RIGHT OF WAY ACQUISITION

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 1,221.20 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S00°12'50"W 330.00 feet; thence S89°29'22"E 100.00 feet; thence N00°12'50"E 330.00 feet; thence N89°29'22"W 100.00 feet along the centerline of Wattles Road to the Beginning. Said acquisition contains 2,700 square feet, or 0.062 acres, more or less.

RIGHT OF WAY ACQUISITION

EXHIBIT 'B' PARCEL 21

NOTE: DESCRIPTION TAKEN FROM RECORD.



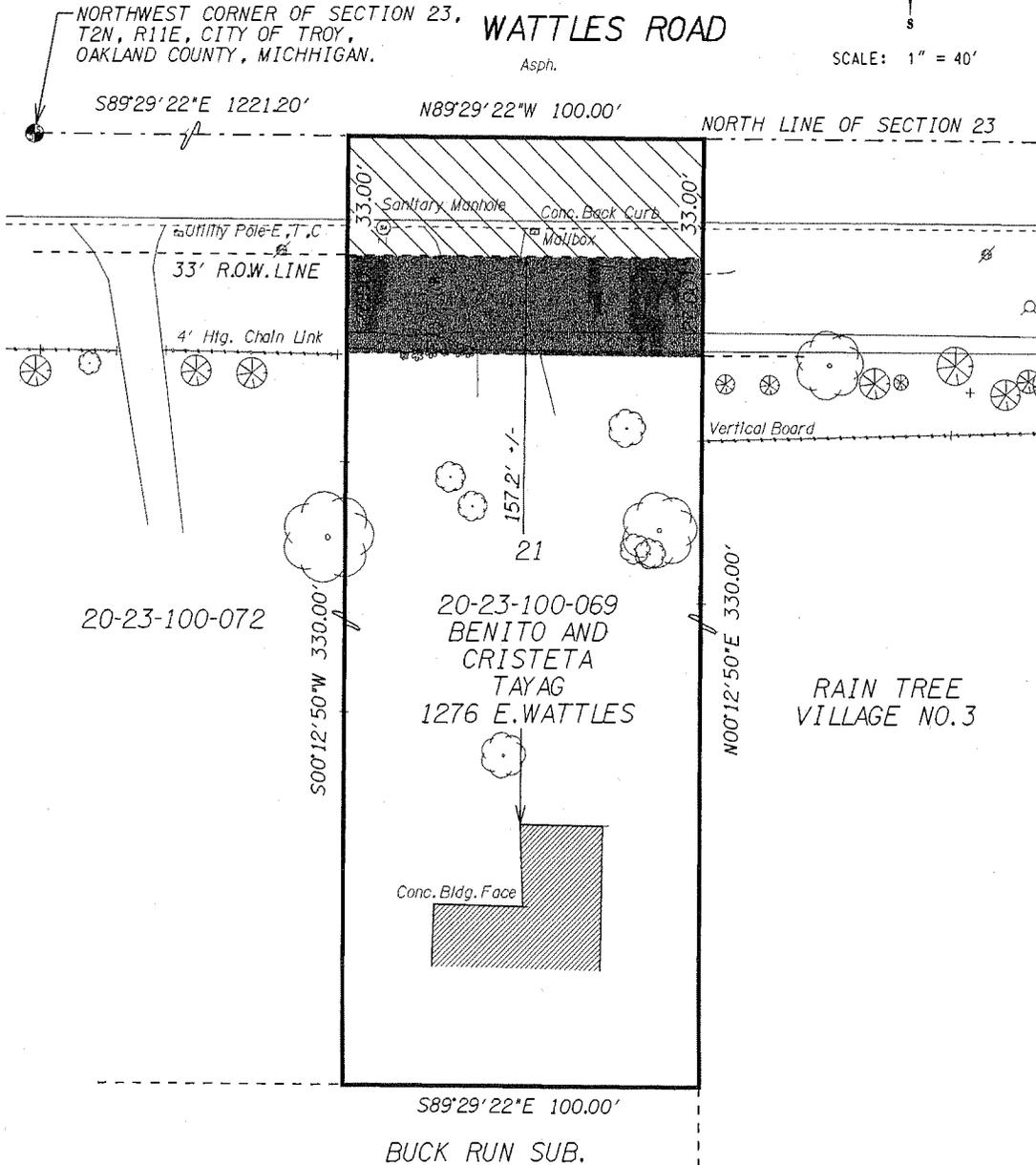
SCALE: 1" = 40'

TIME - 14-APR-2008 08:38

C:\E:\Users\CPRM\TIFFF C:\R_TBL-T:\stator\ds\view\var\04\0002\2\INPEN_TBL-T:\vmm\goffing\wg\black.pb

DESIGN FILE - W:\2001\03\2001\0397\F\010397_r\021.dgn

USER NAME - dthebert

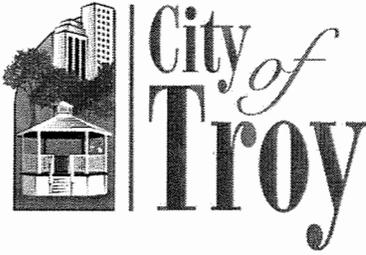


20-23-100-069
TOTAL AREA • 33,000 S.F.
R.O.W. ACQUISITION • 2,700 S.F.
STATUTORY R.O.W. • 3,300 S.F.
REMAINDER • 27,000 S.F.

R.O.W. ACQUISITION • 

STATUTORY RIGHT OF WAY • 

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



CITY COUNCIL ACTION REPORT

September 4, 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

SUBJECT: Request for Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #41 – Sidwell #88-20-02-279-070
Leonard C. Frederick and Esther M. Frederick

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a purchase agreement and Regrading and Temporary Construction Permit from Leonard C. Frederick and Esther M. Frederick. This parcel is located on the west side of John R Road, between Lyster and Chancery in the northeast ¼ of Section 2.

Financial Considerations:

- An appraisal was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$21,300, plus closing costs for the acquisition of the property described in the purchase agreement and \$350 for the Regrading and Temporary Construction Permit are justifiable amounts 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 401479.7989.022045.

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 and accept the attached Regrading and Temporary Construction Permit from Leonard C. Frederick and Esther M. Frederick so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Frederick Purchase Agreement & RTCE

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Leonard C. Frederick and Esther M. Frederick, 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 Twenty-One Thousand, Three Hundred and no/100 Dollars (\$21,300) 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this
3RD day of SEPTEMBER, 2008.

In presence of:

Ross A. Martlew
ROSS A. MARTLEW

Janice L. Daniels
JANICE L. DANIELS

CITY OF TROY (BUYER)

Patricia A. Petitto
PATRICIA A. PETITTO

SELLER:

Esther M. Frederick
ESTHER M. FREDERICK

Leonard C. Frederick
LEONARD C. FREDERICK

Exhibit "A"

Section 2, John R Widening Project

Parcel: 88-20-02-279-070

Parcel #41

PARENT PARCEL #41 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT FROM EAST 1/4 CORNER, THENCE N 89°39'10" W 330 FT, THENCE S 78°32'56" W 70 FT, THENCE N 03°34'47" E 78.83 FT ALONG THE SHORE LINE OF CRYSTAL LAKE, THENCE N 55°17'42" E 78.99 FT, THENCE S 89°39'10" E 330 FT TO POINT ON THE EAST SECTION LINE, THENCE S 00°39'12" W 109.76 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 0.97 ACRES.

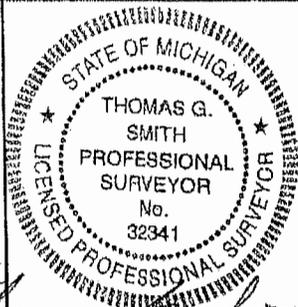
PARCEL #88-20-02-279-070

REAMINDER PARCEL DESCRIPTION:

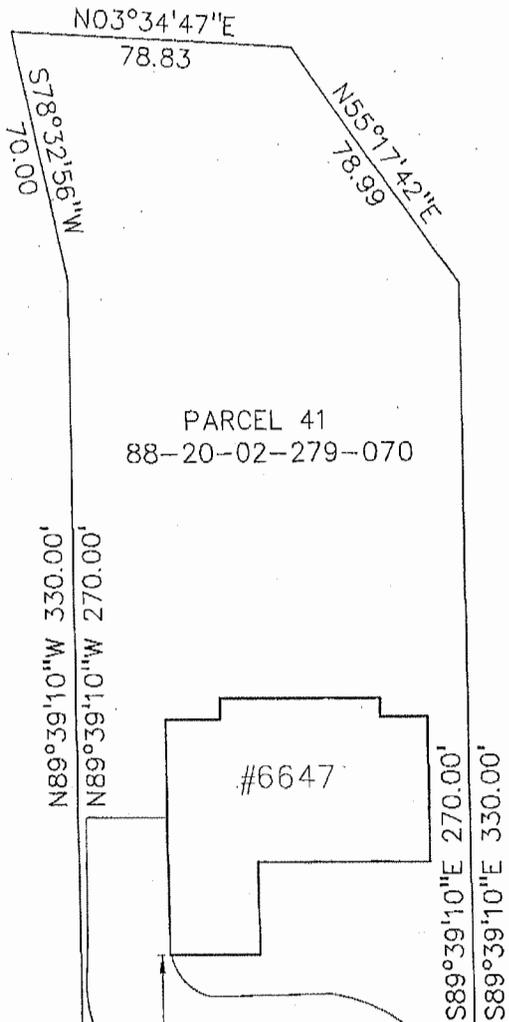
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT & N 89°39'10" W 60 FT FROM THE EAST 1/4 CORNER, THENCE N 89°39'10" W 270 FT, THENCE S 78°32'56" W 70 FT, THENCE N 03°34'47" E 78.83 FT ALONG THE SHORE LINE OF CRYSTAL LAKE, THENCE N 55°17'42" E 78.99 FT, THENCE S 89°39'10" E 270 FT TO POINT ON THE WEST 60' R.O.W. LINE OF JOHN R ROAD, THENCE S 00°39'12" W 109.76 FT TO BEGINNING. CONTAINING 0.82 ACRES.

PROPOSED RIGHT OF WAY ACQUISITION:

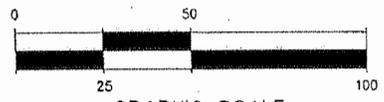
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT FROM EAST 1/4 CORNER, THENCE N 89°39'10" W 60.00 FT, THENCE N 00°39'12" E 109.76 FT, THENCE S 89°39'10" E 60.00 FT, THENCE S 00°39'12" W 109.76 FT TO THE POINT OF BEGINNING, ALSO KNOWN AS R.O.W. PARCEL #41, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 6,585 SQUARE FEET; 0.15 ACRES (GROSS) OR 2,963 SQUARE FEET; 0.07 ACRES (NET).



Thomas G. Smith



Right-of-Way Acquisition
 Gross Area=6,585 sf; 0.15 AC
 Net Area=2,963 sf; 0.07 AC



GRAPHIC SCALE
 1" = 50'

E 1/4 CORNER
 SECTION 2
 T2N-R11E



N00°39'12"E
 1536.36'

POB REMAINDER PARCEL

POB PARENT PARCEL
 POB ACQUISITION PARCEL

JOHN R ROAD (120' WIDE)

ORCHARD, HILTZ & McCLIMENT, INC.
 34000 Plymouth Road
 Livonia, MI, 48150 (734)622-6711



500 W. Big Beaver Rd.
 Troy, Michigan 48064
 (248) 524-3594
 www.ci.troy.mi.us

6647 John R
 Right-of-Way
 Acquisition Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 50'	JRV	GWC	P41-SEC2_ROW
	1-27-06	2-17-06	
		SHEET No.	JOB No.
	STEVEN J. VANDETTE	1 of 2	2002-234
	CITY ENGINEER		



Document Prepared by
 Professional Engineering
 Associates, Inc.

3-06 DATE 1 REV.

CONTRACT No.

REGRAVING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-279-070
Parcel #41

Leonard C. Frederick and Esther M. Frederick, husband and wife, Grantor(s), whose address is 6647 John R., Troy, MI 48085, for and in consideration of \$350 paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

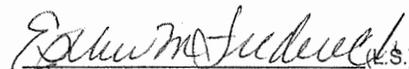
IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 30th day of JUNE, 2008.

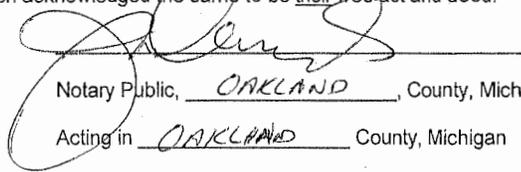

*Leonard C. Frederick


*Esther M. Frederick

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 30th day of JUNE 2008, by Leonard C. Frederick and Esther M. Frederick, husband and wife, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

JANICE L. DANIELS
Notary Public, State of Michigan
County of Oakland
My Commission Expires Aug. 3, 2012
Acting in the County of OAKLAND


Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Exhibit "A"

Section 2, John R Widening Project
Parcel: 88-20-02-279-070
Parcel #41

PARENT PARCEL #41 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT FROM EAST 1/4 CORNER, THENCE N 89°39'10" W 330 FT, THENCE S 78°32'56" W 70 FT, THENCE N 03°34'47" E 78.83 FT ALONG THE SHORE LINE OF CRYSTAL LAKE, THENCE N 55°17'42" E 78.99 FT, THENCE S 89°39'10" E 330 FT TO POINT ON THE EAST SECTION LINE, THENCE S 00°39'12" W 109.76 FT TO BEGINNING. CONTAINING 0.97 ACRES.

PARCEL #88-20-02-279-070

10' GRADING PERMIT #1:

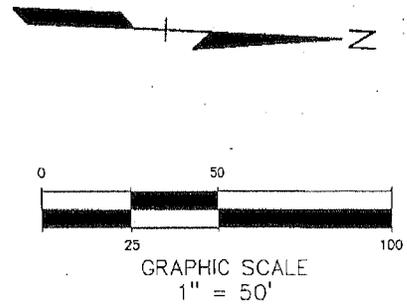
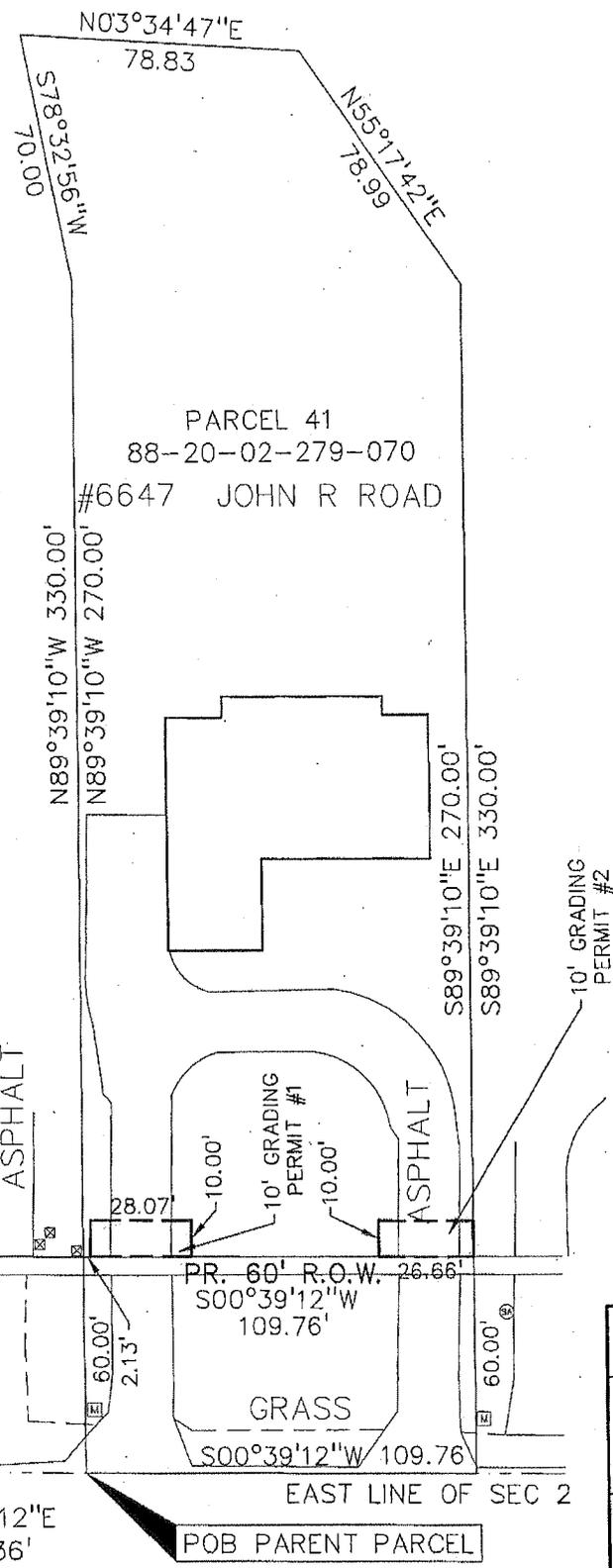
A 10 FOOT GRADING PERMIT IN T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEING THE NORTH 28.07 FEET OF THE SOUTH 30.20 FEET OF THE WEST 10.00 FEET OF THE EAST 70.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT FROM EAST 1/4 CORNER, THENCE N 89°39'10" W 330 FT, THENCE S 78°32'56" W 70 FT, THENCE N 03°34'47" E 78.83 FT ALONG THE SHORE LINE OF CRYSTAL LAKE, THENCE N 55°17'42" E 78.99 FT, THENCE S 89°39'10" E 330 FT TO POINT ON THE EAST SECTION LINE, THENCE S 00°39'12" W 109.76 FT TO BEGINNING.

10' GRADING PERMIT #2:

A 10 FOOT GRADING PERMIT IN T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEING THE NORTH 26.66 FEET OF THE WEST 10.00 FEET OF THE EAST 70.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE NORTHEAST 1/4 BEGINNING AT A POINT DISTANT N 00°39'12" E 1536.36 FT FROM EAST 1/4 CORNER, THENCE N 89°39'10" W 330 FT, THENCE S 78°32'56" W 70 FT, THENCE N 03°34'47" E 78.83 FT ALONG THE SHORE LINE OF CRYSTAL LAKE, THENCE N 55°17'42" E 78.99 FT, THENCE S 89°39'10" E 330 FT TO POINT ON THE EAST SECTION LINE, THENCE S 00°39'12" W 109.76 FT TO BEGINNING.



Thomas G. Smith



E 1/4 CORNER
SECTION 2
T2N-R11E

N00°39'12"E
1536.36'

POB PARENT PARCEL

JOHN R ROAD (120' WIDE)

PARCEL 41

ORCHARD, HILTZ & McCLIMENT, INC.
34000 Plymouth Road
Livonia, MI, 48150 (734)522-6711



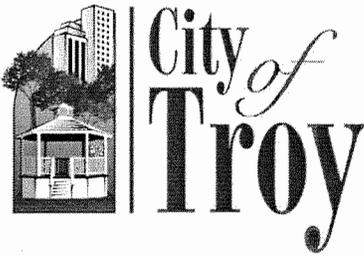
500 W. Big Beaver Rd.
Troy, Michigan 48064
(248) 524-3594
www.ci.troy.mi.us

6647 John R
Grading Permit
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 50'	JRV	GWC	279-070 GRD
	2-10-06	3-17-06	
STEVEN J. VANDETTE CITY ENGINEER		SHEET No.	JOB No.
		1 of 2	2002-234

Document Prepared by
Professional Engineering
Associates, Inc.

DATE REV.
CONTRACT No.



CITY COUNCIL ACTION REPORT

September 12, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-232-009

Background:

- In connection with a Section 9 water main replacement project, the Real Estate Department has received a permanent easement for water main from Mark T. Bergin, owner of the property having Sidwell #88-20-09-232-009. The property is located at the northwest corner of Livernois and Florence.

Financial Considerations:

- An appraisal was prepared by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser and Sr. Right-of-Way Representative. Staff believes that \$1,860 is a justifiable amount for acquisition of this easement.
- Funds for easement compensation are available in the 2008-09 Water Fund, account number 591.537.555.7972.015085.

Legal Considerations:

- The format and content of this document is consistent with easements previously accepted by City Council.

Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Management recommends that City Council accept the attached Permanent Easement for water main, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-09-232-009 (part of)
Resolution #

Mark T. Bergin, a single man, Grantor, whose address is 26 Florence, Troy, MI 48098 for and in consideration of the sum of: One Thousand Eight Hundred and Sixty and no/100 Dollar (\$1,860.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or **watermain**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

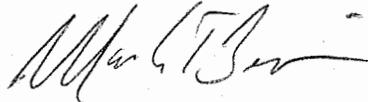
That part of the South 71.00 feet of the East 120.64 feet of Lot 14 of "Supervisor's Plat No. 7", as recorded in Liber 45, Pages 21-21A, of Oakland County, Michigan records, lying east of a line 60.00 feet west of and parallel to the east line of said Section 9, except the South 25.00 feet taken for roadway purposes, being part of the Northeast 1/4 of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Containing 1,328 square feet or 0.003 acres, more or less:

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 11th day of September A.D. 2008.

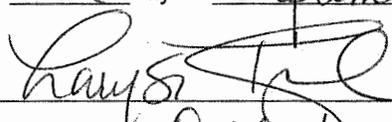
In presence of:
WITNESS



*Mark T. Bergin (L.S.)

STATE OF MICHIGAN)
COUNTY OF Oakland)

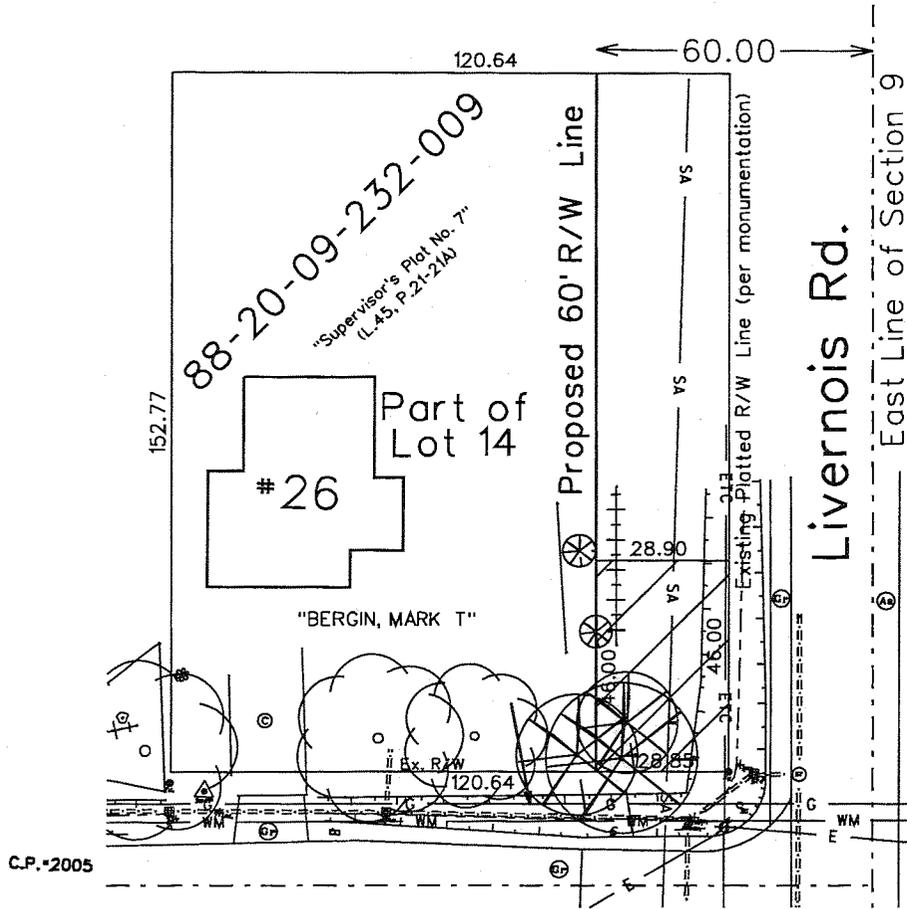
The foregoing instrument was acknowledged before me this 11th day of September, 2008, by Mark T. Bergin, a single man.



LARYSA FIGOL Notary Public, Oakland County, Michigan
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012 My Commission Expires 3-2-2012
Acting in Oakland County, Michigan *

Prepared by and when recorded return to:
Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

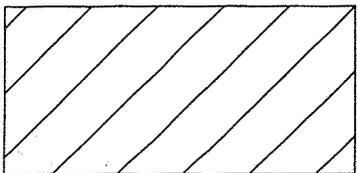


Livernois Rd.

East Line of Section 9

Florence (50' Wide)

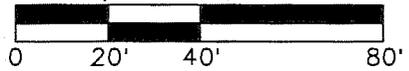
C.P. #1011



Proposed W/M
Easement Area
1,328 Square Feet



Graphic Scale: 1"=40'



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

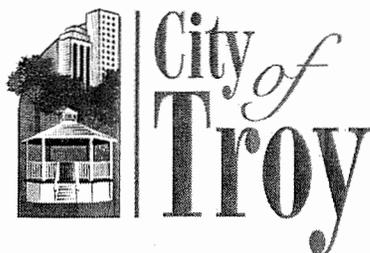
Proposed W/M
Easement Sketch
*88-20-09-232-009

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=40'	NAME GJB III	NAME	See Above
VER.	DATE 6-20-08	DATE	VIEW *1
SHEET No.		JOB No.	
STEVEN J. VANDETTE		10F1	
CITY ENGINEER			

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

DATE REV.



CITY COUNCIL ACTION REPORT

September 8, 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 *PAT*

SUBJECT: Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit
Wattles Road Improvements, Bristol to Worthington
Project No. 01.106.5 – Parcel #19 – Sidwell #88-20-23-100-082
Stefano Mularoni

Background:

- In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Purchase Agreement, Permanent Public Utility Easement and Regrading and Temporary Construction Permit from Stefano Mularoni. 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 \$34,200, plus closing costs for the acquisition of the property described in the purchase agreement; \$1,700 for the Permanent Public Utility Easement and \$200 for the Regrading and Temporary Construction Permit are justifiable amounts 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 and accept the attached Permanent Public Utility Easement and Regrading and Temporary Construction Permit from Stefano Mularoni so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Mularoni Purchase Agreement, PUE & RTCE

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Stefano Mularoni, aka Stefano Mullaroni, a single man (the "Seller"), 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 Thirty-Four Thousand, Two Hundred and no/100 Dollars (\$34,200) 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 8TH day of SEPTEMBER, 2008.

In presence of:

Laurel Nottage
LAUREL NOTTAGE

Tara Russell-Weir
TARA RUSSELL-WEIR

CITY OF TROY (BUYER)

Patricia A. Petitto
PATRICIA A. PETITTO

SELLER:

Stefano Mularoni
Stefano Mularoni, aka Stefano Mullaroni, a single man

04-14-08
20010397
20-23-100-082

EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

The South 27.00 feet of the North 60.00 feet of the following described property, the most Northerly 33.00 feet of which is currently being used for roadway purposes:

Part of the Northwest $\frac{1}{4}$ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, Beginning at a point distant S89°35'18"E 893.00 feet from the Northwest corner of said Section 23; thence S89°35'18"E 126.15 feet; thence S00°06'38"W 367.91 feet; thence N89°56'12"W 126.69 feet; thence N00°11'39"E 368.68 feet to the Point Of Beginning.

Said acquisition contains 3,406 square feet, or 0.078 acres, more or less.

Subject to reservations, restrictions, and easements of record, if any.

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-23-100-082
Parcel #19

Stefano Mularoni, aka Stefano Mullaroni, a single man, Grantor, whose address is: ^{22 WILLIAMS} 18530 Mack Avenue, #548, Grosse Pointe Farms, MI 48236 for and in consideration of the sum of: One Thousand, Seven Hundred and no/100 Dollars (\$1,700) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

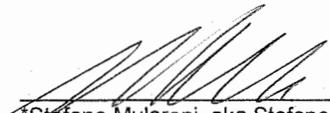
SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 8TH day of SEPTEMBER, 2008.

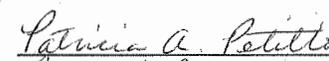


*Stefano Mularoni, aka Stefano Mullaroni,
a single man

(L.S.)
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8TH day of SEPTEMBER, 2008, by Stefano Mularoni, aka Stefano Mullaroni, a single man.



*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

04-14-08
20010397
20-23-100-082

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The South 10.00 feet of the North 70.00 feet of the following described property: Beginning at a point distant S89°35'18"E 893.00 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S89°35'18"E 126.15 feet; thence S00°06'38"W 367.91 feet; thence N89°56'12"W 126.69 feet; thence N00°11'39"E 368.68 feet to the Point Of Beginning.
Said easement contains 1,262 square feet, or 0.029 acres, more or less.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-23-100-082
Project # 01.106.5
Parcel #19

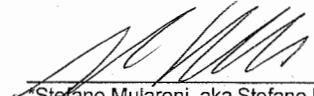
Stefano Mularoni, aka Stefano Mullaroni, a single man, Grantor(s), whose address is ^{22 WILLISON} ~~18530 Mack Avenue #548~~, ^{SHORES} ~~Grosse Pointe Farms, MI 48236~~, for and in consideration of the sum of Two Hundred and no/100 Dollars (\$200.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 8TH day of SEPTEMBER, 2008.

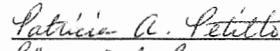


Stefano Mularoni, aka Stefano Mullaroni
a single man (L.S.)

* (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 8TH day of SEPTEMBER 2008, by Stefano Mularoni, aka Stefano Mullaroni, a single man.



PATRICIA A. PETITTO
Notary Public, OAKLAND, County, Michigan
Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

04-14-08
20010397
20-23-100-082

EXHIBIT 'A'

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The South 6.00 feet of the North 76.00 feet of the following described property: Beginning at a point distant S89°35'18"E 893.00 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S89°35'18"E 126.15 feet; thence S00°06'38"W 367.91 feet; thence N89°56'12"W 126.69 feet; thence N00°11'39"E 368.68 feet to the Point Of Beginning.
Said permit contains 758 square feet, or 0.017



CITY COUNCIL ACTION REPORT

September 3, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police
William Nelson, Fire Chief

SUBJECT: Request to Temporarily Waive Parking Restrictions

Background:

- The Congregation Shir Tikvah is requesting that the parking restrictions on the East side of Northfield Parkway from the entrance of Boulan Park to the entrance of the synagogue be waived on the following dates and times:
 - Monday, September 29, 2008, 7:00 PM – 11:00 PM
 - Tuesday, September 30, 2008, 9:00 AM – 5:00 PM
 - Wednesday, October 8, 2008, 7:00 PM – 11:00 PM
 - Thursday, October 9, 2008, 9:00 AM – 9:00 PM
- Congregation Shir Tikvah is conducting events related to the observance of the High Holidays on these dates and times; although they have arranged for additional parking at Stonehaven Church on Wattles Road, they fear they will not have sufficient parking space for all attendees.
- The waiving of the restrictions would allow attendees to park on the dirt shoulder of Northfield Parkway.
- Congregation Shir Tikvah makes such requests and is granted a variance regularly; no problems have ever been reported.

Financial Considerations:

- N/A

Legal Considerations:

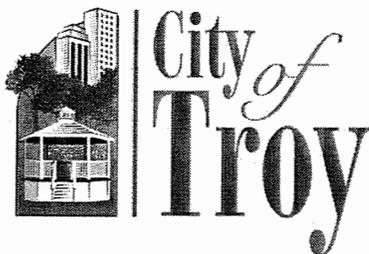
- City Ordinance prohibits parking on Northfield Parkway; therefore, City Council action is required to grant a variance.

Policy Considerations:

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

Options:

- Approve or deny the request.



CITY COUNCIL ACTION REPORT

September 16, 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 *PAI*

SUBJECT: Request for Acceptance of Permanent Public Utility Easement and Regrading
 And Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #8 – Sidwell #88-20-14-351-058
 Ioan Buia and Victoria Buia

Background:

In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Permanent Public Utility Easement and a Regrading and Temporary Construction Permit from Ioan Buia and Victoria Buia. This parcel is located on the north side of Wattles Road, between Rochester and Worthington in the southwest $\frac{1}{4}$ of Section 14.

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 \$1,300 for the Permanent Public Utility Easement and \$8,500 for the Regrading and Temporary Construction Permit are justifiable amounts 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 easement and permit are 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 accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from loan Buia and Victoria Buia so that the City can proceed with this project.

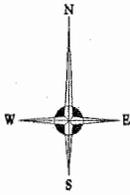
PAP\G\MEMOS TO MAYOR & CC\PUEasement & RTCP

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 8

NOTE: DESCRIPTION TAKEN FROM RECORD.

MAYA' MEADOWS O.C.C.P. NO. 1355
92.59'



SCALE: 1" = 30'

20-14-351-059
LOT 12

367.00'

"SUPERVISOR'S PLAT NO. 22"
L. 13, P. 45, O.C.R.

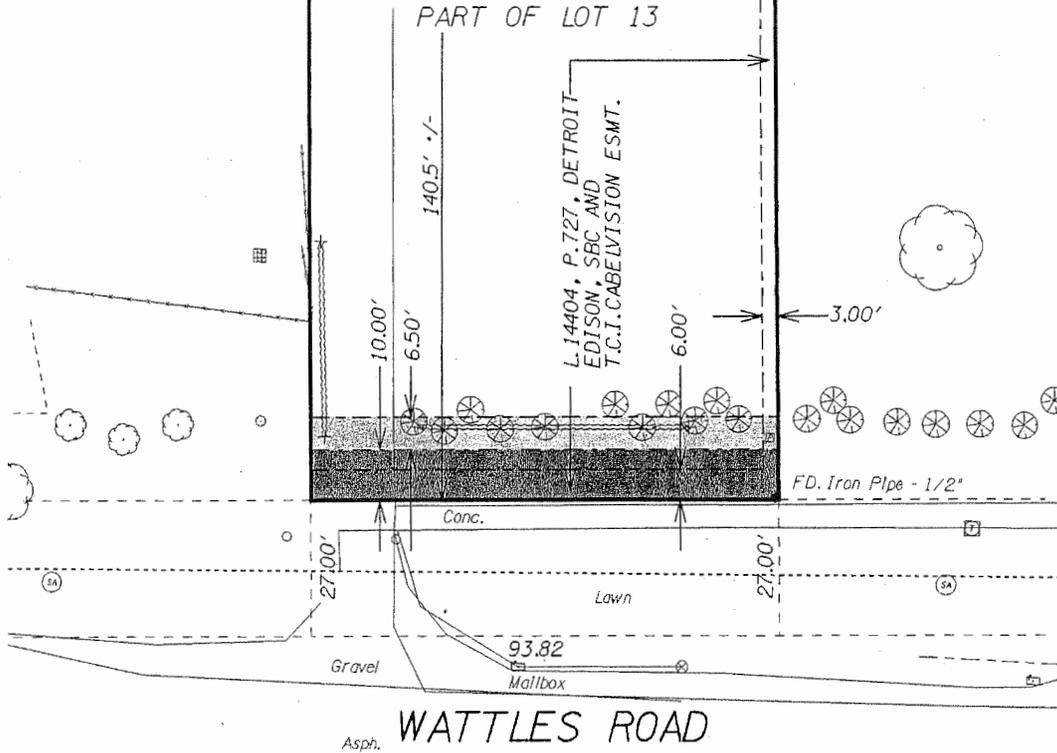
(8)

20-14-351-058
IOAN AND VICTORIA BUIA
1109 E. WATTLES
PART OF LOT 13

367.00'

20-14-351-059
PART OF LOT 13

L. 14404, P. 727, DETROIT
EDISON, SBC AND
T.C.I. CABLEVISION ESMT.



WATTLES ROAD

20-14-351-058
ION AND VICTORIA BUIA
TOTAL AREA = 31,673 S.F.
PUBLIC UTILITY EASEMENT = 937 S.F.
REGRADING AND TEMPORARY = 609 S.F.
CONSTRUCTION PERMIT

PUBLIC UTILITY EASEMENT

REGRADING AND TEMPORARY
CONSTRUCTION PERMIT



REV. 04-24-08

JOB NO. 20010397
DATE 04-17-08

HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.

P.O. BOX 824
48303-0824

SHEET NO.
2
OF 2

TIME - 24-APR-2008 08:29

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DESIGN FILE - \N20010397\FY010397_0408.dgn

USER NAME - gnrbrt

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-14-351-058
Parcel #8

Ioan Buia and Victoria Buia, husband and wife, Grantors, whose address is: 1109 East Wattles, Troy, MI 48085 for and in consideration of the sum of: One Thousand, Three Hundred and no/100 Dollars (\$1,300) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 16TH day of SEPTEMBER, 2008.



(L.S.)

*Ioan Buia

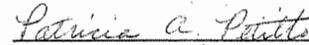


(L.S.)

*Victoria Buia

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16TH day of SEPTEMBER, 2008, by Ioan Buia and Victoria Buia, husband and wife.



*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

04-16-08
20010397
20-14-351-058

EXHIBIT 'A'

DESCRIPTION PUBLIC UTILITY EASEMENT

The South 10.00 feet of the following described property: The West ½ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW ¼ of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said easement contains 937 square feet, or 0.022 acres, more or less.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-14-351-028
Project # 01.106.5
Parcel #8

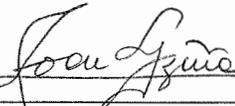
Joan Buia and Victoria Buia, husband and wife, Grantor(s), whose address is 1109 East Wattles Road, Troy, MI 48085, for and in consideration of the sum of Eight Thousand, Five Hundred and no/100 Dollars (\$8,500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

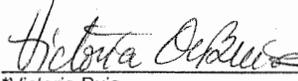
SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 16TH day of SEPTEMBER, 2008.

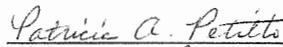


*Joan Buia (L.S.)


*Victoria Buia (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 15TH day of SEPTEMBER 2008, by Joan Buia and Victoria Buia, husband and wife.



PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

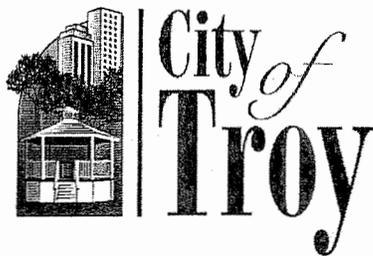
04-16-08
20010397
20-14-351-058

EXHIBIT 'A'

DESCRIPTION REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The North 6.50 feet of the South 16.50 feet of the following described property: The West ½ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW ¼ of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said permit contains 609 square feet, or 0.014 acres, more or less.



CITY COUNCIL ACTION REPORT

September 3, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Asst. City Manager/Finance & Administration
 Brian P. Murphy, Asst. City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item – Approval of MDOT Amendatory Construction Contract
 Contract No. 08-5357
 Long Lake, Falmouth to Carnaby
 Project No. 91.204.5

Background:

- Troy entered into MDOT Contract No. 98-5029 for the reconstruction and widening of Long Lake Road, from Falmouth to Carnaby by Resolution #98-200 (copy attached).
- Contract No. 98-5029 allowed the use of city costs incurred for construction engineering as a “soft match” for the city’s share of the actual construction cost of the project.
- The use of a “soft match” reduced the actual construction amount billed to the city as it was treated as a credit towards the project.
- MDOT and the Federal Highway Administration (FHWA) have advised us that they no longer recognize the use of “soft match” funds.
- The attached Amendatory Contract No. 08-5357 revises the original agreement to change the “soft match” costs incurred for construction engineering, construction materials testing and inspection to federally reimbursable costs with all applicable cost participation percentages.

Financial Considerations:

- “Exhibit I Revised” (included in Amendatory Contract No. 08-5357) details the costs associated with the construction, force account and agreed unit price work, based on the original contract.
- Actual costs and actual project shares are detailed in “Exhibit 2”.
- The net result of the amendatory contract is a reimbursement to the city of \$48,264.58.

Legal Considerations:

- Amendatory Contract No. 08-5357, as submitted, is based on the original estimated costs used in Contract 98-5029, as is standard with all MDOT agreements, since these agreements are prepared when funding for the project is obligated and before actual costs are known.
- The city’s actual cost/reimbursement is based on the actual cost incurred by the contractor’s work within the parameters of the agreement as well as the actual costs paid for construction engineering, construction materials testing and inspection.

Policy Considerations:

- Troy has enhanced the health and safety of the community.
- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.

Options:

- Staff recommends that City Council approve the attached Amendatory Contract No. 08-5357 with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of each agency for the Long Lake Road, Falmouth to Carnaby reconstruction project.
- Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Prepared by: Bill Huotari, Deputy City Engineer

G:\Contracts\Contracts - 1998\98-7 - Long Lake, Falmouth to Carnaby\Amended Agreement 08-5357\To CC re MDOT Agreement_CON_REVISSED 2008_r1.doc

Approval of Contract with M.D.O.T. for the Improvement of Long Lake
Road, Falmouth to Carnaby, Project No. 91.204.5, State Contract No. 98-
5029

C-17

Resolution #98-200
Moved by Stevens
Seconded by Allemon

RESOLVED, that a contract between the City of Troy and the Michigan Department of Transportation for the reconstruction and widening to five (5) lanes of Long Lake Road from Falmouth (east of Livernois) with boulevard through the Rochester Roads intersection to Carnaby (east of Rochester Road) is hereby approved and the Mayor and City Clerk are authorized to execute the contracts, a copy of which shall be attached to the original minutes of this meeting.

Yes: All-7

98-7

RECEIVED BY

APR 27 1998

ENGINEERING

April 3 1998

TO: The Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager *B*
 John Szerlag, Assistant City Manager/Services *P*
 C. Neall Schroeder, City Engineer *NS*

SUBJECT: Contract with M.D.O.T. for the Improvement of
Long Lake Road, Falmouth to Carnaby
 Project No. 91.204.5, State Contract No. 98-5029

Attached is the contract between the Michigan Department of Transportation and the City of Troy for the reconstruction and widening to five (5) lanes of Long Lake from Falmouth (east of Livernois) with boulevard through the Rochester Road intersection to Carnaby (east of Rochester Road).

The preliminary engineering agreement was approved by City Council Resolution No. 93-179. The agreement for right-of-way was approved by City Council on February 8, 1993, Resolution No. 93-141. The project is being funded with Surface Transportation Program funds.

The balance of funding required is estimated to be \$1,622,035. Of this amount, \$520,000 is estimated to cover the costs for construction engineering and inspection.

The City has contracted with Hubbell, Roth and Clark, Inc. (H.R.C.) to fulfill the City's obligation for construction engineering. Exhibit I of the attached contract includes the estimated amount for construction engineering in the total amount. The City will use the costs incurred for construction engineering as a soft match (City pays H.R.C. actual project costs incurred and City is reimbursed by the state at the end of the project) for the project cost. As such, the City is responsible for an estimated share of the total project cost of \$1,102,035.

There is \$1,270,000.00 included in the proposed 1998/99 budget.

cc: Marsha Booser, Municipal Accountant

C-17

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION
COMMISSION
Barton W. LaBelle
Jack L. Gingrass
Robert M. Andrews
John C. Kennedy
Betty Jean Awrey
Ted B. Wahby

TRANSPORTATION BUILDING, 425 WEST OTTAWA POST OFFICE BOX 30050, LANSING, MICHIGAN 48909
PHONE: (517) 373-2090 TDD NO.: (517) 373-0012 FAX NO.: (517) 373-0187

long
CITY OF TROY
MAR 30 1998
CLERK'S OFFICE

James R. DeSana, Director

March 25, 1998

Ms. Tamara A. Renshaw, Clerk
City of Troy
500 W. Big Beaver
Troy, MI 48084-5285

RE: MDOT Contract No.: 98-5029
Control Section STU 63459
Job Number 34662

Dear Ms. Renshaw:

We are enclosing the original and two copies of the above described contract to be executed by the City of Troy, the Road Commission for Oakland County and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract.

If the contract is approved by your council, please secure execution of the original and two copies and forward them to the other agency involved for their review and signature. Please have all copies of the contract returned to the Department's Local Agency Programs Unit, 1st floor, along with the necessary certified RESOLUTIONS, as required. PLEASE DO NOT DATE THE CONTRACTS.

One copy of the fully executed contract will be provided each party as soon as possible after execution by the Department. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Proctor".

Ruth Proctor
Contract Processing Specialist
Design Division

Enclosure

STP

DIR

Project STP 9863(008)
Job Number 34662
Control Section STU 63459
Fed Item #HH1551
Contract No. 98-5029

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; and the ROAD COMMISSION FOR THE COUNTY OF OAKLAND, MICHIGAN, hereinafter referred to as the "BOARD"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Troy, Oakland County, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated February 2, 1998, attached hereto and made a part hereof:

PART A - FEDERAL PARTICIPATION

The reconstruction and widening of Long Lake Road from Falmouth Road to Carnaby Road; the adjustment or construction of drainage structures, curb and gutter and pavement marking as may be required; and all together with necessary related work.

PART B - NO FEDERAL PARTICIPATION

The construction of sanitary sewer in connection with the improvement of Long Lake Road; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT and the costs of utility pole relocation, traffic signal controllers installation and equipment and any other costs incurred by the DEPARTMENT as a result of this contract except for cost of construction engineering incurred by the DEPARTMENT.

The costs incurred by the REQUESTING PARTY for preliminary engineering and right-of-way are excluded from the PROJECT COST as defined by this contract. Costs of construction engineering and inspection incurred by the DEPARTMENT will be paid by the REQUESTING PARTY.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY shall:

A. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

B. At PROJECT COST

Perform or cause to be performed the utility pole relocation, traffic signal controller installation and equipment necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

The method of performing the work will be indicated on the work authorization. The REQUESTING PARTY will comply with PART II, Section IIF, when applicable.

The REQUESTING PARTY has designed or caused to be designed the plans for the PROJECT at no cost to the PROJECT.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio for such funds. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

It is understood that costs of construction engineering (CE Cost) incurred by the REQUESTING PARTY are not eligible for Federal reimbursement, but may be used as soft match for the PROJECT COST.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY and the BOARD will each promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of that portion of the PROJECT within their respective jurisdiction.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors

or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

16. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current standard specifications for construction, and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees, for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owners protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide copies of notices and reports prepared to those insured.

17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY and the BOARD, certified copies of which resolutions shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:

2-6-98

JCF

ROAD COMMISSION FOR THE
COUNTY OF OAKLAND

By _____
Title:

By _____
Title:

PAID
WCS
2-2-98
Amm.

February 2, 1998

EXHIBIT I

Project STP 9863(008)
Job Number 34662
Control Section STU 63459

ESTIMATED COST

CONTRACTED WORK	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$5,730,000	\$54,000	\$5,784,000
FORCE ACCOUNT & AGREED UNIT PRICE WORK(REQUESTING PARTY)			
Utility pole relocation, signal controller installation & equipment	\$ 44,300	\$ -0-	\$ 44,300
CE Cost*	\$ <u>520,000</u>	\$ <u>-0-</u>	\$ <u>520,000</u>
GRAND TOTAL	\$6,294,300	\$54,000	\$6,348,300

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$6,294,300	\$54,000	\$6,348,300
Less Federal Funds	\$ <u>4,726,265</u>	\$ <u>-0-</u>	\$ <u>4,726,265</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$1,568,035	\$54,000	\$1,622,035

*The CE Cost is not eligible for Federal participation, but may be used as soft match.

NO DEPOSIT

AMENDMENT TO CONTRACT 98-5029

DAB

Control Section	STU 63459
Job Number	34662
Project	STP 9863(008)
Federal Item No.	HH 1551
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	08-5357

THIS AMENDATORY CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; and the ROAD COMMISSION FOR THE COUNTY OF OAKLAND, MICHIGAN, hereinafter referred to as the "BOARD"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #98-5029.

WITNESSETH:

WHEREAS, the parties to the Amendment have heretofore, by a Contract dated April 27, 1998, hereinafter referred to as "CONTRACT 98-5029" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

PART A - FEDERAL PARTICIPATION

The reconstruction and widening of Long Lake Road from Falmouth Road to Carnaby Road; the adjustment or construction of drainage structures, curb and gutter and pavement marking as may be required; and all together with necessary related work.

PART B - NO FEDERAL PARTICIPATION

The construction of sanitary sewer in connection with the improvement of Long Lake Road; and all together with necessary related work.

WHEREAS, the DEPARTMENT and the REQUESTING PARTY having appropriate authority desire to amend CONTRACT 98-5029 to provide for the change in costs incurred by the REQUESTING PARTY for construction engineering, construction materials testing, and inspection for the PART A portion of the PROJECT from soft match to federally reimbursable and the associated change in cost participation.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. Section 2 of CONTRACT 98-5029 is revised to read as follows:

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering, construction materials testing, and inspection as may be incurred by the DEPARTMENT and the REQUESTING PARTY, including any other costs incurred by the DEPARTMENT as a result of this contract, will be at PROJECT COST. Costs for construction engineering, construction materials testing, and inspection incurred by the REQUESTING PARTY for the PART A portion of the PROJECT shall be limited to the lesser of: (1) 100 percent of the actual costs for construction engineering, construction materials testing, and inspection for the PART A portion of the PROJECT, or (2) 15 percent of the actual contracted physical construction costs for the PART A portion of the PROJECT.

The costs incurred by the REQUESTING PARTY for construction engineering, construction materials testing, and inspection for the PART B portion of the PROJECT, preliminary engineering, and right-of-way are excluded from the PROJECT COST as defined by this contract.

2. Section 4 of CONTRACT 98-5029 is revised to read as follows:

4. The REQUESTING PARTY, under the terms of this contract, shall:

A. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

B. At PROJECT COST

(1) Perform or cause to be performed the utility pole relocation, traffic signal controller installation and equipment necessary for the completion of the PART A portion of the PROJECT.

(2) Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PART A portion of the PROJECT.

C. At no cost to the PROJECT

- (1) Design or cause to be designed the plans for the PROJECT.
- (2) Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PART B portion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

The method of performing the work will be indicated on the work authorization. The REQUESTING PARTY will comply with PART II, Section IIF, when applicable.

3. Section 5 of CONTRACT 98-5029 is revised to read as follows:

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 81.85 percent. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

4. EXHIBIT I of CONTRACT 00-0000 is superseded by EXHIBIT I REVISED, dated July 24, 2008, attached hereto and made a part hereof. Any references to EXHIBIT I in CONTRACT 98-5029 shall be construed to mean EXHIBIT I REVISED.

5. Except as amended by the provisions herein, all of the provisions, covenants, and obligations of the parties contained in CONTRACT 98-5029 shall remain in full force and effect.

6. The REQUESTING PARTY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 98-5029.

7. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

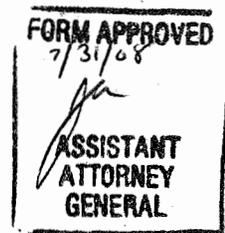
MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:

ROAD COMMISSION FOR THE
COUNTY OF OAKLAND



By _____
Title:

By _____
Title:

July 24, 2008

EXHIBIT I REVISED

CONTROL SECTION STU 63459
JOB NUMBER 34662
PROJECT STP 9863(008)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$5,730,000	\$54,000	\$5,784,000

FORCE ACCOUNT & AGREED UNIT PRICE WORK (REQUESTING PARTY)

Utility Pole Relocation, Signal Controller Installation & Equipment	\$ 44,300	\$ -0-	\$ 44,300
Construction Engineering, Construction Materials Testing, and Inspection	\$ 520,000	\$ -0-	\$ 520,000
TOTAL ESTIMATED COST (FORCE ACCOUNT, ETC.)	\$ 564,300	\$ -0-	\$ 564,300

GRAND TOTAL	\$6,294,300	\$54,000	\$6,348,300
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$6,294,300	\$54,000	\$6,348,300
Less Federal Funds	<u>\$5,151,900</u>	<u>\$ -0-</u>	<u>\$5,151,900</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$1,142,400	\$54,000	\$1,196,400

NO DEPOSIT



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: September 4, 2008
SUBJECT: Re-numbering Massage Facility License

At the September 8, 2008 City Council meeting, the Massage Facility License was approved. At that time, the ordinance was identified as Chapter 91. Due to a numbering irregularity, the Chapter needs to be re-numbered. Since the massage parlor provisions were previously contained in Chapter 98, Council may wish to identify the Massage Facility License as Chapter 98-A, which would be where persons would logically look for the ordinance provisions under the current numbering structure. This can be accomplished by City Council resolution, since the ordinance has not yet been published. The entire City Code organization and numbering structure will be revisited in the codification process, which is now underway.

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

CHAPTER 98 A - MASSAGE FACILITY LICENSE

1. Definitions:

For the purpose of the provisions of this Chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- (a) “Employee” means any person other than a massage therapist, who renders any service in connection with the operation of a Massage Facility and receives compensation from the operator of the business or patrons. This includes a leased employee or subcontractor.
- (b) “Licensee” means the person to whom a license has been issued to own or operate a Massage Facility as defined herein.
- (c) “Manager” means an operator, other than a licensee, who is employed by a Massage Facility to act as a manager or supervisor of employees, independent massage therapists, or independent contractors, or is otherwise responsible for the operation of the business.
- (d) “Massage” means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever. For purposes of this Chapter, the term “bodywork” is included in the definition of massage.
- (e) “Massage facility” means any individual, group of individuals, person or business which engages in the practice of massage as defined in subsection 1(d), and which has a fixed place of business where any person, firm, association, partnership, limited liability company or corporation carries on any of the activities as defined in subsection 1(d). Massage Facility also includes a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation.
- (f) “Massage therapist” means any person who engages in the practice of massage as defined in subsection 1(d). Use of the word “massage therapist” in this Chapter shall include massage therapist, masseurs, masseuses and all others engaged in massage.
- (g) “Massage School” means a school which is licensed by the State of Michigan Board of Education as required by P.A. 148 of 1943 (MCLA 395.101, et. seq.) with a class hour requirement of at least 500 hours and which requires for admission students with a tenth grade education, which has minimum requirements of a

continuous course of study and training consisting of studies in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics, and practical massage, and which employs as instructors one or more massage therapists meeting all of the following criteria:

- (1) Graduate of a state licensed school with a minimum of 500 hours of education.
 - (2) A minimum of five years of experience as an instructor at a recognized school and/or massage therapist, and proof of such experience.
 - (3) For the purpose of this Chapter, a correspondence school or a school outside the United States is not a recognized school or massage school.
- (h) "Patron" means any person who receives a massage under such circumstances that it is reasonably expected that he or she shall pay money or give any other consideration for the massage.
- (i) "Person" means any individual, partnership, firm, association, joint stock company, limited liability company, corporation or combination of individuals or business entities of whatever form or character.

2. Facility License required:

Except as set forth in Section 3, no person shall operate a Massage Facility without obtaining a valid Massage Facility License for each separate office or place of business address. A Massage Facility License shall be renewed on an annual basis and cover the licensing period of January 1st to December 31st of each year.

The requirement to obtain a new Massage Facility License for the remainder of the 2008 calendar year is waived for those massage facilities that are properly licensed under the City's previous licensing requirements. However, commencing January 1, 2009, all massage facilities are required to comply with the provisions of this ordinance.

3. Exemptions for Massage Facility Licensing:

The following facilities are exempt from the requirement of a Massage Facility License:

- (a) Hospitals, medical facilities, medical offices where massage therapists engage in the performance of massage under the supervision of and in conjunction with the professional practices of physicians, surgeons, chiropractors, osteopaths, physical therapists or other recognized medical professionals who are fully licensed to practice their respective professions in the State of Michigan.
- (b) Hospitals, medical facilities, medical offices, or other facilities where nurses who are registered and licensed under the laws of the State of Michigan perform massages.
- (c) A facility which, as its primary function, is a gymnasium, fitness center with weight lifting/ body building/ body strengthening equipment, a sports training facility, or a sports or fitness facility in which massage therapy is an integral part of the

relaxation and/or treatment of muscle groups for sports or fitness conditioning.

- (d) A facility, including a school of cosmetology and/or beauty school that administers massage to the face, head, neck and shoulders only as part of cosmetic or beautifying processes.
- (e) A massage therapist or a group of massage therapists who administer massage for not more than 10 days in any calendar year at the same location and/or address, as long as there is no sale of merchandise at the temporary location other than merchandise directly related to massage. Individual massage therapists shall register with the Clerk, as provided in Section 4.

4. Massage Therapist Registration; Fee.

No individual shall act as a massage therapist in the City of Troy without first registering with the City Clerk and paying the registration fee as set out in Chapter 60. The registration fee shall be paid on an annual basis and cover the registration period from January 1st to December 31st of each year. An individual massage therapist administering massage at a location other than a Massage Facility shall only sell merchandise related to massage.

A massage therapist must complete a registration form, which will be kept in the ordinary course of business by the City Clerk. To satisfy the registration requirement the massage therapist must fully complete the registration form provided by the City Clerk, and must supply the following information under oath:

- A. The full name, home address, telephone number and date of birth of the massage therapist;
- B. A copy of the massage therapist's driver's license with photo identification or other government issued photo identification;
- C. The name and address of the massage school attended by the massage therapist;
- D. Proof that the massage therapist has completed the required course of study from a massage school that meets the requirements of Section 1(g) of this Chapter (certificate of completion).

A massage therapist shall display his/her registration at all locations where massage is administered.

5. Application for Massage Facility License; Fees:

Every applicant for a license to maintain, operate or conduct a Massage Facility shall file an application with the City Clerk's office upon the form provided by the City of Troy and pay the nonrefundable application investigation fee, which is set forth in Chapter 60. The applicant shall provide the following information, which shall be sworn to under oath:

- (a) A description of services to be provided.
- (b) The location, mailing address and all telephone numbers for the massage facility.
- (c) The name and permanent residential address of the applicant(s).

- (1) If the applicant is a corporation, the names and permanent residential addresses of each of the officers, directors and resident agents of said corporation and of each stockholder owning more than ten (10) percent of the stock of the corporation; the address of the corporation itself, if different from the address of the massage facility; and the name and address of a resident agent in Oakland County, Michigan.
 - (2) If the applicant is a partnership, the names and permanent residential addresses of each of the partners and limited partners and of the partnership itself, if different from the address of the massage facility; and the name and address of a resident agent in Oakland County, Michigan.
- (d) The applicant's two (2) immediately preceding addresses.
 - (e) Proof that each individual applicant is at least eighteen (18) years of age.
 - (f) The height, weight, sex and color of eyes and hair of each individual applicant or each partner of a partnership applicant.
 - (g) A copy of identification, such as driver's license, which bears a date of birth for each individual applicant or each partner for a partnership applicant, or each officer, director, stockholder and resident agent for a corporation applicant.
 - (h) One front face current portrait photograph of the individual applicant(s), which is at least two inches by two inches (2" x 2"), and a complete set of the individual applicant(s) fingerprints, which shall be taken by the Chief of Police or his agent.
 - (1) If the applicant is a corporation, one front face current portrait photograph, which is at least two inches by two inches (2" x 2"), of all officers and resident agents of said corporation and a complete set of the same officers', directors' and resident agents' fingerprints, which shall be taken by the Chief of Police or his agent.
 - (2) If the applicant is a partnership, one front-face current portrait photograph, which is at least two inches by two inches (2" x 2") in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints, which shall be taken by the Chief of Police or his agents.
 - (i) The business, occupation, or employment of the applicant(s) for the three (3) years immediately preceding the date of application.
 - (j) The massage or similar business history of the applicant(s);
 - (k) A statement of whether or not the applicant(s) currently operates or previously operated a massage business in this or another municipality or state;
 - (l) A statement of whether or not the applicant(s) had a business license of any kind revoked or suspended and the reason for the suspension or revocation;
 - (m) All of the individual applicant's criminal convictions (other than misdemeanor traffic

violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s) and court or tribunal where the matter was adjudicated.

(1) If the applicant is a corporation, the criminal convictions (other than misdemeanor traffic violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s), and the court or tribunal where the matter was adjudicated for all of the officers and resident agents of the corporation.

(2) If the applicant is a partnership, the criminal convictions (other than misdemeanor traffic violations not involving a controlled substance or alcohol), and the dates of conviction(s), the nature of the crime(s), and the court or tribunal where the matter was adjudicated for each partner, including a limited partner in the partnership.

- (n) The names, addresses, birth dates and driver's license numbers of each massage therapist and each employee or independent contractor who is or will be employed in said facility.
- (o) The name, address, birth dates and driver's license number of each individual who will be a manager, acting manager or in charge of each facility.
- (p) Applicant(s) must furnish a certified copy of a diploma or certificate of graduation from a school licensed pursuant to P.A. 148 of 1943 (MCLA 395.101, et. seq.) by the Michigan Board of Education or an equivalent license from another state for themselves and each massage therapist who may be doing massage at the massage facility, provided, however, that if the applicant(s) will not himself or herself engage in the practice of massage, he or she need not furnish such a diploma or certificate of graduation.
- (q) The name and addresses of any massage businesses facility or other facility owned or operated by any person whose name is required to be given in subsection 5(c).
- (r) A description of any other business(es) to be operated on the same premises or on adjoining premises owned or controlled by the applicant(s).
- (s) An authorization for the City, its agents and employees to seek information and conduct an investigation to verify the veracity of the information contained in the application and the qualifications of the applicant(s), including but not limited to authorization to conduct a LEIN records check of all applicants, employees, officers, directors, resident agents or stockholders.
- (t) The names, current addresses and written statements of at least three (3) bona fide permanent residents of the United States that the applicant is of good moral character. If possible, the statements must first be furnished from residents of the City of Troy. If the applicant cannot provide these statements from residents of the City of Troy, then the statements can be provided by residents of the County of Oakland. If the applicant cannot provide these statements from residents of Oakland County, then the statements can be from residents of the State of

Michigan, and lastly from the rest of the United States. These statements or references must be from persons other than relatives and business associates.

- (u) Evidence of current valid premises liability, workers compensation and general liability insurance for the massage facility, in an amount of two hundred fifty thousand dollars (\$250,000.00) or more.
- (v) All information required by this section shall be provided at the applicant's expense.

If there is any change to the above required information from the information that is provided with the application, the Massage Facility licensee is required to notify the City of Troy of each such change within thirty (30) days after such change occurs. Any such change may result in a revocation of the Massage Facility License for failure to satisfy the City's license requirements.

6. License procedures:

- (a) Any applicant for a license pursuant to this Chapter shall present to the City Clerk's office the application containing the aforementioned and described information. Once a fully completed application has been received by the City Clerk, it shall be referred to the Chief of Police or his/her designee, who shall have thirty (30) days in which to investigate the application and the background of the applicant(s). Based on such investigation, the Chief of Police, or his/her designee shall render a recommendation as to the approval or denial of the license to the City Clerk.

The Chief of Police shall recommend denial or approval of an application for license. In making this determination, the Chief of Police shall consider:

- (1) The criminal or penal history of the applicant(s), including but not limited to actual criminal convictions for all or each of the applicants, massage therapists, employees, managers and independent contractors; civil judgments against all or each of the applicants, massage therapists, employees, managers and independent contractors; the circumstances of those convictions or judgments; and the demeanor of the applicant, massage therapists, employees, managers and independent contractors subsequent to his or her conviction or judgment.
 - (2) The license history of the applicant(s), including but not limited to whether such person(s) has previously operated in this City or State, or in another state under a license, and has had such license or a permit revoked or suspended.
- (b) The facility may be inspected for compliance with the requirements of this Chapter and compliance with all City ordinances and State laws by one of more City representatives, including but not limited to representatives of the Police Department, Fire Department, Building Department and/or Planning Department. Within thirty (30) days of the date of submission of a fully completed application, any inspection reports and recommendations as set out herein shall be forwarded to the City Clerk.

7. Issuance of License for a Massage Facility:

The City Clerk shall issue a license for a Massage Facility if all requirements for a Massage Facility described in this Chapter are met, unless the City Clerk determines:

- (a) The correct license fee has not been tendered to the City and/or, a check, or bank draft, given to the City has not been honored with payment upon presentation.
- (b) The operation, as proposed by the applicant(s), if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and health regulations.
- (c) The applicant(s), if an individual(s), or any of the stockholders holding more than ten (10) percent of the stock of the corporation; or any of the officers, directors or resident agents, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business; or any employees or independent contractors has (have) been convicted of any of the following offenses within or without the State of Michigan:
 - (1) A felony offense involving the use of force or violence upon another person.
 - (2) A misdemeanor or felony sexual misconduct offense, including but not limited to prostitution.
 - (3) A felony offense involving narcotics, dangerous drugs or dangerous weapons.

Exception: If any of the above referenced convictions were at least ten (10) years prior to the date of the application, and there are no subsequent felony convictions or convictions for the offenses listed in 7 (c)(2), the City Clerk may issue a license to the applicant(s).

- (d) The applicant(s) knowingly made any false or fraudulent statement of fact in the license application or in any document required by the City in conjunction therewith.
- (e) The applicant(s) ever had a massage business facility or other similar license denied, revoked, or suspended by the City or a similar business license or permit denied by any other governmental entity within ten (10) years prior to the date of the application and the denial, revocation or suspension was based on criminal activity, fraud or a violation of the healthy, safety and welfare provisions of a municipal ordinance or State law.
- (f) The applicant(s), if individual(s), or any of the officers, directors, and resident agents (if the applicant is a corporation); or any of the partners, including limited partners (if the applicant is a partnership); or any massage therapists or employees that are under the age of eighteen (18) years.

8. Approval or Denial of Application:

The City Clerk shall act to approve or deny an application for a license within a reasonable period of time and in no event this action occur later than sixty (60) days from the date that said application was accepted by the City Clerk's office.

Every license issued pursuant to this Chapter shall be valid for one year and must be renewed as required by this Chapter.

Applicant(s) denied a license, pursuant to these provisions, may appeal the denial to the City Council through a written document that states the reasons why the license should be granted. Such appeal proceedings shall be held in an open meeting before the City Council. The City Council may grant or deny a license after an appeal hearing.

9. Posting of License:

Every Massage Facility Licensed under this Chapter shall be displayed in a prominent place at the Massage Facility.

10. Records of Employees:

(a) The licensee shall maintain a register of all persons employed or engaged as massage therapists for the licensee and/or on the licensed premises. Such registry shall be maintained at the Massage Facility, and available upon request to representatives of the City of Troy during regular business hours.

(b) Each licensee is responsible for providing the information that is required under Section 5 of this ordinance for any new employees or massage therapists that will be employed or engaged by the Massage Facility licensee that were not included on the license application. The investigative fee for each such proposed new employee or massage therapist must also be paid, and the City will then conduct the required investigation. City Clerk approval is required before any new employee or massage therapist can work or do massage at the massage facility.

11. Suspension or Revocation of License; Notice and Hearing:

(a) When any of the provisions of this Chapter are violated by the licensee, an employee, manager, massage therapist, employee or independent contractor of the massage facility; and/or when any licensee, employee, manager, massage therapist, employee or independent contractor of the licensee is engaged in any conduct which violates any State law or City ordinance; or upon notification from the Oakland County Health Department that the Massage Facility is being managed, conducted, or maintained without regard to proper sanitation and hygiene; or for any good cause; the City Council of the City of Troy may suspend or revoke the Massage Facility License after notice and a due process hearing.

(b) For conditions posing a threat to the public health, safety and welfare of the community, patrons, employees or others, a health officer, code enforcement officer, fire marshal or a police officer, with the approval of the City Manager or his designee, is hereby granted the authority to immediately suspend any license granted hereunder, without notice or a hearing; provided, however, that written

notice of the suspension shall be given to the licensee within seventy-two (72) hours of the suspension, and shall contain the effective date and time of such suspension. Notice shall be hand delivered to the manager or person in charge of the facility and also sent by first class mail to the licensee's last known 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 or 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 COUNCIL ACTION REPORT

September 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Crestwood Phase II Site Condominiums
Project No. 07.940.3

Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on 10/09/2007. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include sanitary sewer, water main, storm sewer, detention, paving, sidewalks, landscaping and soil erosion.

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:

- Consistent with Goal III of the City of Troy 2008-2010 Goals & Objectives policy (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

Prepared by: G. Scott Finlay, PE

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **07.940.3**

Project Location: **SW 1/4 Section 15**

Resolution No: _____

Date of Council Approval: _____

This Contract, made and entered into this ____ day of _____, 20__ by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and R.W.T. Building L.L.C. whose address is 4535 Homesite, Orion, MI 48359 and whose telephone number is 248-521-2086 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Sanitary Sewer, Water Main, Storm Sewer, Detention, Road Paving, Sidewalks, Landscaping and Soil Erosion Controls in accordance with plans prepared by Nowak & Fraus whose address is 46777 Woodward Ave., Pontiac, MI 48099 and whose telephone number is 248-332-7931 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 \$ 91,510.00. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ 50,109.00. This amount will be deposited with the City in the form of (check one):

- | | | | |
|------|-------------------------------------|-------|--------------------------|
| Cash | <input checked="" type="checkbox"/> | Check | <input type="checkbox"/> |
|------|-------------------------------------|-------|--------------------------|

Non-refundable cash fees in the amount of \$ 12,494.00. This amount will be paid to the City in the form of (check one):

- | | | | |
|------|-------------------------------------|-------|--------------------------|
| Cash | <input checked="" type="checkbox"/> | Check | <input type="checkbox"/> |
|------|-------------------------------------|-------|--------------------------|

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

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

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

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

City Of Troy

Contract for Installation of Municipal Improvements
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

By: *Murray Deagle*

By:

MURRAY DEAGLE

Please Print or Type

Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 5th day of Sept., A.D. 2008, before me personally appeared Murray Deagle 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.

Laurel Nottage

LAUREL NOTTAGE
NOTARY PUBLIC, Oakland County, Michigan

Acting in Oakland County

My commission expires: 10-12-11

Detailed Summary of Required Deposits & Fees
Crestwood Site Condominium - Phase II, Project No.07.940.3
4 Units - Section 15

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	\$11,390
Water Mains	\$9,120
Rear Yard Drains	\$7,070
Pavement - CONCRETE	\$25,725
Grading	\$25,000
Detention Basin	Existing
Monuments and Lot Corner Irons	\$455
Sidewalks - ON SITE	\$6,750
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$6,000

TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE): \$91,510

(Circle One)

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination (PA2)	\$650
Street Name and Traffic Signs (SUB 4)	\$159
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$2,900
Testing Services (SUB 11)	\$1,373
Engineering Review and Inspection (PA 1)	\$7,412

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$12,494

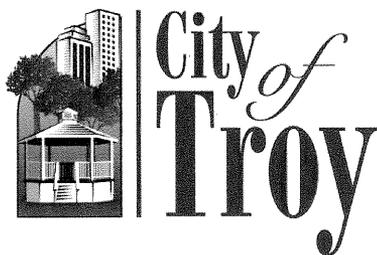
CASH DEPOSITS (REFUNDABLE):

Vegetated Bio-Swale	\$34,800
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,000
Landscape Deposit	\$2,023
Punchlist & Restoration Deposit	\$10,786
Deposit for Repair, Replacement or Maintenance of SESC	\$500

(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$50,109

Stormwater detention for this development will be provided by:
Existing Public Pond Constructed with Phase I

Engineer: Nowak & Fraus
Developer: RWT Bdlg. LLC



CITY COUNCIL ACTION REPORT

September 10, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
 Deputy Chief Gary Mayer *GM*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for transfer of Class C license to Pizzapapalis of Troy, LLC.

Background:

- Pizzapapalis of Troy, LLC requests to transfer ownership of 2008 Class C SDM licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer location (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI 48083, Oakland County; cancel existing Outdoor Service (1 area) and requests a new Outdoor Service (1 area). {MLCC Req #476285}
- On May 12 2008, applicants, George Krecek, Thomas Stegemen and Joseph Sheena of Pizzapapalis of Troy, LLC. answered questions for the Liquor Advisory Committee.
- Mr. Stegeman explained to the Committee that they have owned and operated restaurants with and without liquor licenses continuously for 12 years and will operate this establishment as Pizzapapalis.
- The Committee unanimously approved this request.

Financial Considerations:

- There are no financial considerations for the City.

Legal Considerations:

- The request complies with all applicable Troy City ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- The MLCC requires local government approval for the transfer of Class C licenses.

Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."

Options:

- City Council can approve or deny the request.

A regular meeting of the Liquor Advisory Committee was held on Monday, September 8, 2008 in the Council Board 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
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

Resolution to Approve Minutes of August 11, 2008 Meeting

Resolution #LC2008-09-023

Moved by Payne

Seconded by Allemon

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

Yes: 7
No: 0
Absent: None

Note

At approximately 7:06 p.m., Committee Member Godlewski was called away from the meeting on a fire emergency. He was not present during the voting on the Agenda Items.

Agenda Items

1. **Pizzapapalis of Troy, LLC** requests to transfer ownership of 2008 Class C SDM licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer location (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI 48083, Oakland County; cancel existing Outdoor Service (1 area) and requests a new Outdoor Service (1 area). {MLCC Req #476285}

Present to answer questions from the Committee were George Krcek, Thomas Stegeman, and Joseph Shenna.

The representatives stated they own and operate seven Pizzapapalis restaurants and 25 Rio Wrap restaurants. Two of the restaurants serve from both menus, as is the intent with the 300 John R location. This restaurant will have approximately 112 seats and they anticipate an early October opening. The general manager has been working in their Dearborn location for several years and is familiar with the sale of liquor. TIPS/TAMS training will be required for all employees.

Sergeant Cantlon reported that several inspections by the Building Department are not completed. He also reported that their Dearborn restaurant has no history of liquor license violations. The Greektown restaurant is currently working to resolve administrative licensing issues and they have no history of liquor sales violations.

Resolution #LC2008-09-024

Moved by Payne

Seconded by Ukrainec

RESOLVED, that Pizzapapalis of Troy, LLC be allowed to transfer ownership of 2008 Class C SDM licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer location (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI 48083, Oakland County; cancel existing Outdoor Service (1 area) and be granted a new Outdoor Service (1 area).

Yes: 6
No: 0
Absent: Godlewski

2. **M&M Troy, Inc.;** requests new SDM license to be located at 1634 John R, Troy, MI 48083, Oakland County. {MLCC Req #438202}

Present to answer questions from the Committee was Majid Kesto.

Mr. Kesto owns the Clark gas station at East Maple and John R Roads. He was advised by Sergeant Cantlon and Assistant City Attorney Lancaster of the requirements of the Michigan Liquor Control Act and the City of Troy Liquor License Ordinance for a gas station to maintain a \$250,000 inventory, excluding alcohol and gasoline, in order for a SDM license to be awarded. At the present time, Mr. Kesto has not submitted receipts to show such inventory. Also, the business must pass all inspections by the Building and Fire Departments after this merchandise is in place.

Mr. Kesto made several proposals in an effort to obtain the SDM license prior to making the large inventory purchase. Ms. Lancaster repeated the requirements to him.

Resolution #LC2008-09-025

Moved by Ukraineec

Seconded by Ogg

RESOLVED, that the request of M&M Troy, Inc. for a new SDM license be tabled until the applicant conforms with the requirements of the Michigan Liquor Control Act and the City of Troy Liquor License Ordinance.

Yes: 6
No: 0
Absent: Godlewski

General Discussion

Sergeant Cantlon stated that he had nothing new to report to the Committee.

Mr. Hall requested that City Attorney Bluhm send a memo to the Committee advising how the new city ordinance was presented to City Council. He questioned whether the recommendations of the Committee were presented or ignored. Mr. Payne and Mr. Ukraineec agreed with his request.

Mr. Ukraineec requested that Sergeant Cantlon include additional information on the applicants in the Items for Action on the monthly Agenda.

The meeting adjourned at 8:03 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II



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 # 476285

Business ID # 211997

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:

PIZZAPAPALIS OF TROY, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C-SDM LICENSED BUSINESS, LOCATED IN ESCROW AT 1551 W. WIDE TRACK, PONTIAC, MI 48342, OAKLAND COUNTY, FROM OSCAR JOHNSON; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 300 JOHN R, SUITE A, TROY, MI 48083, OAKLAND COUNTY; CANCEL EXISTING OUTDOOR SERVICE (1 AREA); AND REQUESTS A NEW OUTDOOR SERVICE (1 AREA).

Section 1. APPLICANT INFORMATION

APPLICANT #1:
GEORGE G. KRCEK - MEMBER
1625 LAKEWOOD DRIVE
TROY, MI 48038

APPLICANT #2:
JOSEPH J. SHEENA - MEMBER
750 OAKLEIGH DRIVE
BLOOMFIELD TOWNSHIP, 48302
H(248)723-0164/B(248)322-1300

DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED

DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED

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



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 476285

Business ID # 211997

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:
 PIZZAPAPALIS OF TROY, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C-SDM LICENSED BUSINESS, LOCATED IN ESCROW AT 1551 W. WIDE TRACK, PONTIAC, MI 48342, OAKLAND COUNTY, FROM OSCAR JOHNSON; TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 300 JOHN R, SUITE A, TROY, MI 48083, OAKLAND COUNTY; CANCEL EXISTING OUTDOOR SERVICE (1 AREA); AND REQUESTS A NEW OUTDOOR SERVICE (1 AREA).

APPLICANT INFORMATION

Section 1.

APPLICANT #1:
 MARK A. SHEENA – MEMBER
 1352 STUYVESSANT RAND
 BLOOMFIELD HILLS, MI 48301
 H(248)792-6750/B(248)322-1300

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:

APPLICANT #2:

THOMAS C. STEGEMAN – MEMBER
 6114 GLYNDEBOURNE DRIVE
 TROY, MI 48098
 H(248)879-7906/B(248)322-1300

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:

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)

RECOMMENDATION

Section 4.

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

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 476285

Business ID # 211997

June 30, 2008

TO:

Re: PIZZAPAPALIS OF TROY, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection Not Recommended

TOPLESS ACTIVITY PERMIT

Recommended Recommended, subject to final inspection Not Recommended

OUTDOOR SERVICE

Recommended Recommended, subject to final inspection Not Recommended

PARTICIPATION PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ADDITIONAL BAR PERMIT

Recommended Recommended, subject to final inspection Not Recommended

Recommended Recommended, subject to final inspection Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

sfs

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 27th day of July, 2008, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and PIZZAPAPALIS OF TROY, LLC, whose address is 300 John R Suite A, the Applicant, hereinafter known as APPLICANT.

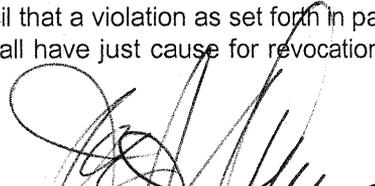
1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Class C licensed business located at 1873 E. Big Beaver.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68, Chapter No. 92 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS,TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



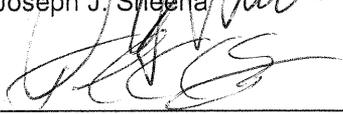
George G. Krcek



Mark A. Sheena



Joseph J. Sheena

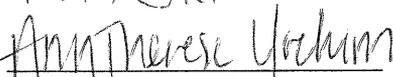


Thomas C. Stegman

Witnesses:



MARY R. CRONANDER



Ann Therese Yochim

Subscribed and sworn to before me
this 25th day of July, 2008

Rebecca H. McKelvey

Notary Public, Oakland

County, Macquinn

My commission expires: March 8, 2015

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland
County, Michigan
My commission expires:

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 2008 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 1551 W. WIDE TRACK, PONTIAC, MI 48342, OAKLAND COUNTY, FROM OSCAR JOHNSON TO PIZZAPAPALIS OF TROY, LLC; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 300 JOHN R, SUITE A, TROY, MI 48083, OAKLAND COUNTY.

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

September 16, 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 *PA*

SUBJECT: Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #17 – Sidwell #88-20-23-100-091
 Brentwood Land Development, LLC

Background:

- In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Purchase Agreement, Permanent Public Utility Easement and Regrading and Temporary Construction Permit from Brentwood Land Development, LLC. 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 \$50,000, plus closing costs for the acquisition of the property described in the purchase agreement; \$2,600 for the Permanent Public Utility Easement and \$100 for the Regrading and Temporary Construction Permit are justifiable amounts 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, easement and permit are 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 and accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from Brentwood Land Development, LLC so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Brentwood Purchase Agreement, PUE & RTCE

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Brentwood Land Development, LLC., a Michigan Limited Liability Company (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 Fifty Thousand and no/100 Dollars (\$50,000) 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 15TH day of SEPTEMBER, 2008.

In presence of:

CITY OF TROY (BUYER)

Laurel Nottage
Randy Egl

Patricia A. Pettit

SELLERS:

Salvatore D. Mercurio

04-14-08
20010397
20-23-100-091

EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

The North 60.00 feet of the following described parcel, the most Northerly 33.00 feet of which is currently being used for roadway purposes:

Part of the Northwest ¼ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, Beginning at a point distant S89°35'18"E 608.53 feet from the Northwest corner of said Section 23; thence S89°35'18"E 188.82 feet; thence S00°11'39"W 369.26 feet; thence S89°56'12"E 222.34 feet; thence S00°06'38"W 357.52 feet; thence S89°43'11"W 595.08 feet; thence N00°12'21"W 267.94 feet; thence S89°51'00"E 0.91 feet; thence N00°16'32"W 93.16 feet; thence S89°56'12"E 185.12 feet; thence N00°11'39"E 370.41 feet to the Point Of Beginning, Except that part which lies Southerly of most Northerly line of O.C.C.P. No. 1681, Wattles Ridge Condominium.

Said acquisition contains 5,098 square feet, or 0.117 acres, more or less.

Subject to reservations, restrictions, and easements of record, if any.

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-23-100-091
Parcel #17

Brentwood Land Development, LLC., a Michigan Limited Liability Company, Grantors, whose address is: 48705 Hayes Road, Utica, MI 48315 for and in consideration of the sum of: Two Thousand, Six Hundred and no/100 Dollars (\$2,600) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

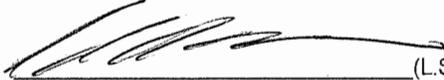
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 15TH day of SEPTEMBER, 2008.

BRENTWOOD LAND DEVELOPMENT, LLC.,
A MICHIGAN LIMITED LIABILITY COMPANY



*Salvatore D. Mercurio (L.S.)

* (L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15TH day of SEPTEMBER, 2008, by SALVATORE D. MERCURIO, MEMBER, of Brentwood Land Development, LLC., a Michigan Limited Liability Company.



*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

04-14-08
20010397
20-23-100-091

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The South 10.00 feet of the North 70.00 feet of the following described property: Beginning at a point distant S89°35'18"E 608.53 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S89°35'18"E 188.82 feet; thence S00°11'39"W 369.26 feet; thence S89°56'12"E 222.34 feet; thence N00°06'38"W 357.52 feet; S89°43'11"W 595.08 feet; thence N00°12'21"W 267.94 feet; thence S89°51'00"E 0.91 feet; thence N00°16'32"W 93.16 feet; thence S89°56'12"E 185.12 feet; thence N00°11'38"E 370.41 feet to the Point Of Beginning, Except that part which lies Southerly of most Northerly line of O.C.C.P. No. 1681, Wattles Ridge Condominium.

Said easement contains 1,888 square feet, or 0.043 acres, more or less.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-23-100-091
Project # 01.106.5
Parcel #17

Brentwood Land Development, LLC., a Michigan Limited Liability Company, Grantor(s), whose address is 48705 Hayes Road, Utica, MI 48315, for and in consideration of the sum of One Hundred and no/100 Dollars (\$100.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

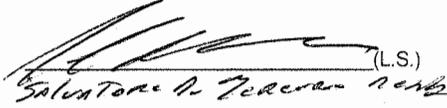
SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 15TH day of SEPTEMBER, 2008.

BRENTWOOD LAND DEVELOPMENT, LLC.,
A MICHIGAN LIMITED LIABILITY COMPANY


(L.S.)
Salvatore D. Mercurio

(L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 15TH day of SEPTEMBER, 2008, by SALVATORE D. MERCURIO, MEMBER of Brentwood Land Development, LLC., a Michigan Limited Liability Company.



PATRICIA A. PETITTO
Notary Public, OAKLAND, County, Michigan
Acting in 12-31-11 County, Michigan

My Commission Expires

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

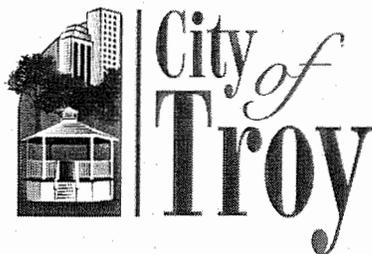
Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

04-14-08
20010397
20-23-100-091

EXHIBIT 'A'

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The South 6.00 feet of the North 76.00 feet of the East 32.00 feet of the following described property: Beginning at a point distant S89°35'18"E 608.53 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence S89°35'18"E 188.82 feet; thence S00°11'39"W 369.26 feet; thence S89°56'12"E 222.34 feet; thence N00°06'38"W 357.52 feet; S89°43'11"W 595.08 feet; thence N00°12'21"W 267.94 feet; thence S89°51'00"E 0.91 feet; thence N00°16'32"W 93.16 feet; thence S89°56'12"E 185.12 feet; thence N00°11'38"E 370.41 feet to the Point Of Beginning, Except that part which lies Southerly of most Northerly line of O.C.C.P. No. 1681, Wattles Ridge Condominium. Said permit contains 192 square feet, or 0.004 acres, more or less.



CITY COUNCIL ACTION REPORT

September 16, 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

SUBJECT: Request for Approval of Purchase Agreement and
Acceptance of Permanent Public Utility Easement
Wattles Road Improvements, Bristol to Worthington
Project No. 01.106.5 – Parcel #16 – Sidwell #88-20-23-100-079
Brentwood Land Development, LLC

Background:

- In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Purchase Agreement and Permanent Public Utility Easement from Brentwood Land Development, LLC. 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 \$22,200, plus closing costs for the acquisition of the property described in the purchase agreement and \$1,400 for the Permanent Public Utility Easement are justifiable amounts 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 and easement are 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:

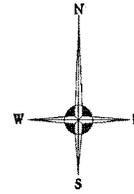
- City Management recommends that City Council approve the attached purchase agreement and accept the attached Permanent Public Utility Easement from Brentwood Land Development, LLC so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Brentwood Purchase Agreement, PUE & RTCE

RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 16

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 40'

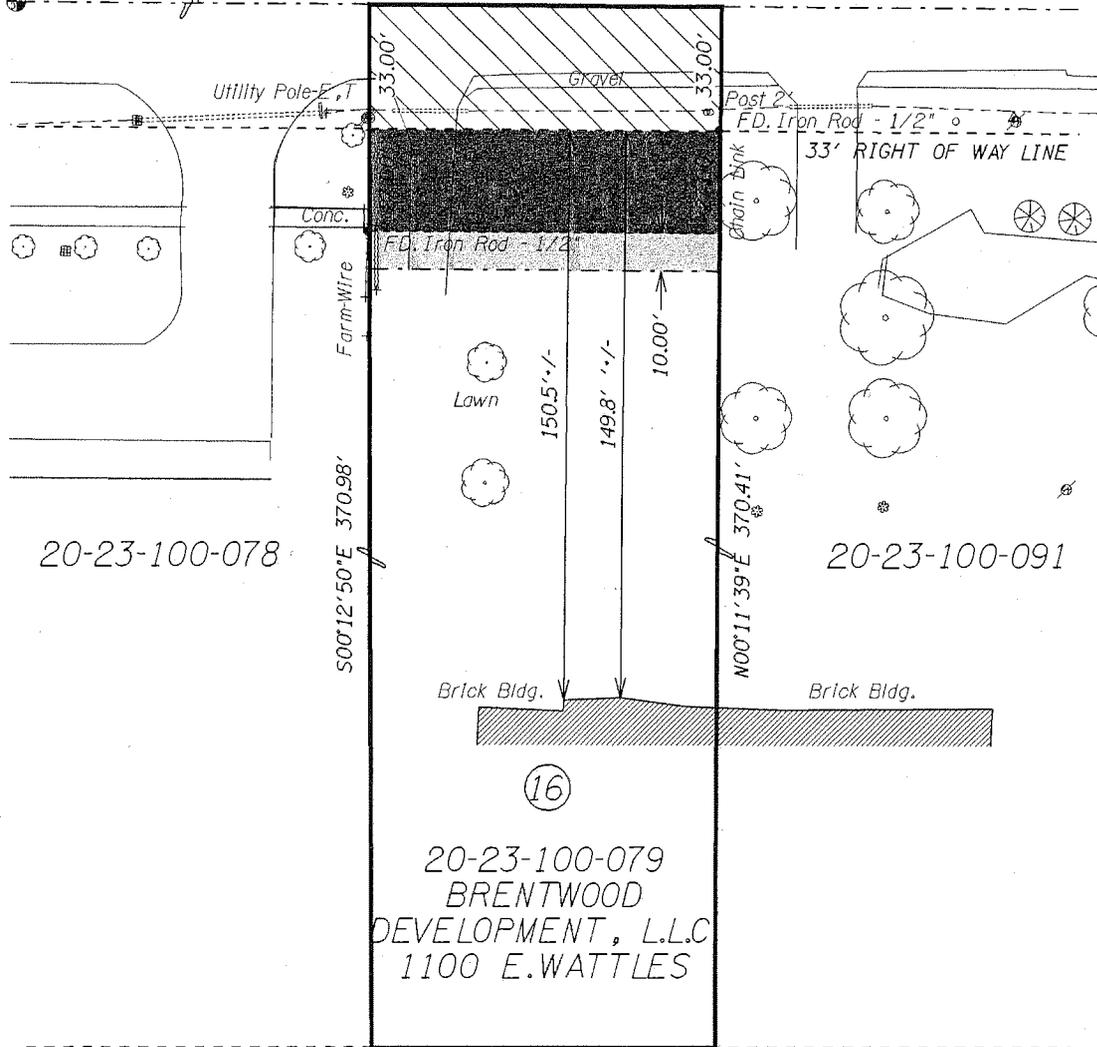
NORTHWEST CORNER OF SECTION 23,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN.

WATTLES ROAD
Asph.

S89°35'18"E 514.70'

S89°35'18"E 93.83'

NORTH LINE OF SECTION 23



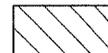
WATTLES RIDGE CONDO. O.C.C.P. NO. 1681

TOTAL AREA = 34,292 S.F.
R.O.W. ACQUISITION = 2,524
STATUTORY R.O.W. = 3,093
REMAINDER = 28,675 S.F.
PUBLIC UTILITY EASEMENT = 934 S.F.

R.O.W. ACQUISITION =

PUBLIC UTILITY EASEMENT =

STATUTORY RIGHT OF WAY =



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

USER NAME • dhrsk1
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 TIME • 14-APR-2008 08:08

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Brentwood Land Development, LLC., a Michigan Limited Liability Company (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 Twenty-Two Thousand, Two Hundred and no/100 Dollars (\$22,200) 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:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 15TH day of SEPTEMBER, 2008.

In presence of:

CITY OF TROY (BUYER)

Laurel Nottage
Kangor

Patricia A. Pettit

SELLERS:

[Signature] - Name
Brentwood Land Development LLC

04-14-08
20010397
20-23-100-079

EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

The North 60.00 feet of the following described parcel, the most Northerly 33.00 feet of which is currently being used for roadway purposes:

Part of the Northwest $\frac{1}{4}$ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, Beginning at a point distant S89°35'18"E 514.70 feet from the Northwest corner of said Section 23; thence S89°35'18"E 93.83 feet; thence S00°11'39"W 370.41 feet; thence N89°56'12"W 91.19 feet; thence N00°12'50"W 370.98 feet to the Point Of Beginning.

Said acquisition contains 2,524 square feet, or 0.058 acres, more or less.

Subject to reservations, restrictions, and easements of record, if any.

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-23-100-079
Parcel #16

Brentwood Land Development, LLC., a Michigan Limited Liability Company, Grantors, whose address is: 48705 Hayes Road, Utica, MI 48315 for and in consideration of the sum of: One Thousand, Four Hundred and no/100 Dollars (\$1,400) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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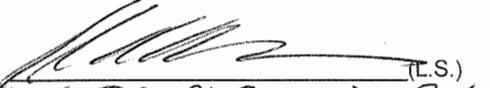
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 15TH day of SEPTEMBER, 2008.

BRENTWOOD LAND DEVELOPMENT, LLC.,
A MICHIGAN LIMITED LIABILITY COMPANY



*Salvatore D. Mercurio, MEMBER (L.S.)

(L.S.)
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15TH day of SEPTEMBER, 2008, by SALVATORE DIMERCURIO, MEMBER, of Brentwood Land Development, LLC., a Michigan Limited Liability Company.



*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31/11

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

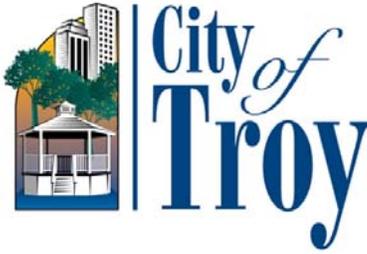
04-14-08
20010397
20-23-100-079

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The South 10.00 feet of the North 70.00 feet of the following described property: Beginning at a point distant S89°35'18"E 514.70 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan thence S89°35'18"E 93.83 feet; thence S00°11'39"W 370.41 feet; thence N89°56'12"W 91.19 feet; thence N00°12'50"W 370.98 feet to the Point Of Beginning.

Said acquisition contains 934 square feet, or 0.021 acres, more or less.



CITY COUNCIL REPORT

DATE: September 12, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Rescinding of Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development, South side of Long Lake and West side of John R, Section 14 – From Current Zoning of PUD #6 back to previous R-1C (File Number PUD 06)

Background:

- A public hearing is scheduled for the October 6, 2008 City Council meeting.
- The Planning Commission recommended approval of the request to rezone the parcel to R-1C at the September 9, 2008 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Low Density Residential. 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 rezoning application.

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 Statement” as established at the July 1 Special Council meeting:
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the rezoning application.
- No City Council action until the October 6, 2008 public hearing.

Attachments:

1. Planning Commission report dated September 4, 2008.
2. Maps.
3. Minutes (draft) from the September 9, 2008 Planning Commission Regular meeting.
4. Letter from Stefano Mularoni.

Prepared by RBS/MFM

cc: Applicant
File /PUD 6

G:\PUD's\PUD 006 Oasis at Centennial Park PUD\Announce CC Public Hearing 09 22 08.doc

DATE: September 4, 2008

TO: Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – REZONING REQUEST – Rescinding of Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development, South side of Long Lake and West side of John R, Section 14 – From Current Zoning of PUD #6 back to previous R-1C

GENERAL INFORMATION

At the August 11, 2008 Regular meeting, City Council declared PUD #6 The Oasis at Centennial Park Planned Unit Development abandoned and rescinded Concept Development Plan Approval. Section 35.60.02 requires that the properties of rescinded PUD's be rezoned to an appropriate classification. The intent of this proposed rezoning is to return the properties to the previous R-1C One Family Residential Zoning District.

Name of Owner / Applicant:

The former PUD site was assembled from a number of smaller contiguous parcels which, at the time of Concept Development Plan application, were under the control of Oasis at Centennial Park, LLC. Oasis at Centennial Park, LLC however did not complete the purchase of all of the smaller properties comprising the PUD site. The current owners of the parcels, based on a search of Assessing records, are:

- 88-20-14-226-014 (1890 Long Lake) – Judith Kubert
- 88-20-14-226-015 (1910 Long Lake) – Sheila Gleason
- 88-20-14-226-016 (1946 Long Lake) –S. Mularoni and D. Borlace
- 88-20-14-226-020 (4927 John R) – Stefano Mularoni and David & Karen Borlace
- 88-20-14-226-021 (4907 John R) – Rosario & Gaudencia Saavedra
- 88-20-14-226-022 (4895 John R) – Cheryl L. Hamann
- 88-20-14-226-035 (4867 John R) – Mark W. & Patricia L. Weir

The applicant for rezoning is the City of Troy.

The principal of the PUD development group submitted a letter requesting consideration of rezoning to O-1, however he has not submitted a rezoning application at this time. Note that prior to considering a rezoning to O-1, the item would need to be advertised to inform the public of the potential to be rezoned to a more intensive zoning district.

Location of Subject Property:

The property is located on south side of Long Lake and west side of John R, in Section 14.

Size of Subject Property:

The former PUD site is comprised of 7 parcels totaling approximately 9.34 acres in size.

Current Use of Subject Property:

Seven (7) one-family residences on their own parcels currently sit on the former PUD site.

Current Zoning Classification:

PUD #6 Oasis at Centennial Park Planned Unit Development

Proposed Zoning of Subject Parcel:

The intent is to return the properties to the previous R-1C One Family Residential Zoning District.

Proposed Uses and Buildings on Subject Parcel:

The intent is to allow the existing single family homes to continue

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential and Consent Judgment.

South: R-1C One Family Residential.

East: B-3 General Business and C-F Community Facilities.

West: R-1C One Family Residential.

Current Use of Adjacent Parcels:

North: Church.

South: Single family residential.

East: CVS Pharmacy, Retail Center and Police Fire Training Center.

West: Single family residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1C One Family Residential Zoning District and Potential Build-out Scenarios:

PRINCIPAL USES PERMITTED:

One-Family dwellings, as defined in Section 04.20.43.

Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres.

Publicly owned and operated libraries, parks, parkways and recreational facilities.

Cemeteries which lawfully occupied land at the time of adoption of Ordinance 23.

Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

Accessory buildings, subject to the controls of Section 40.55.00.

Commercial Kennels as established before January 1, 2000, and set forth in the records of the Building Department.

The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with MCL 125.3506, as amended, subject to the requirements of Section 34.60.00.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Home Occupations, as defined in Section 04.20.71.

Family Day Care Homes, as defined in Section 04.20.60.

Adult Foster Care Facilities as defined by Section 400.703 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 206 of Act 110 of 2006 as amended (the Michigan Zoning Enabling Act).

Temporary placement of a mobile office unit for lot and home sales on the site of a new residential development.

Group Childcare Homes, as defined in Section 04.20.69.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Schools.

Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories).

Churches and other facilities normally incidental thereto.

Golf courses, which may or may not be operated for profit.

Swimming pool clubs when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision or other specified areas within the City of Troy, for the exclusive use of the members and their guests.

Private non-commercial recreational areas; institutional or community recreation centers.

Utility and public service buildings and uses (without storage yards).

Expansion of the buildings or facilities related to Commercial Kennels, as first permitted under Section 10.20.07.

Vehicular and Non-motorized Access:

The parcels front directly onto Long Lake and John R. Each single family home has an existing driveway on either Long Lake or John R.

There are existing 8 foot sidewalks on the south side of Long Lake and the west side of John R.

Potential Storm Water and Utility Issues:

Any potential future redevelopment would be required to provide on-site storm water detention.

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 application is consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards:

The R-1C One Family Residential Zoning District does not have Location Standards to apply to rezoning requests.

CITY MANAGEMENT RECOMMENDATION

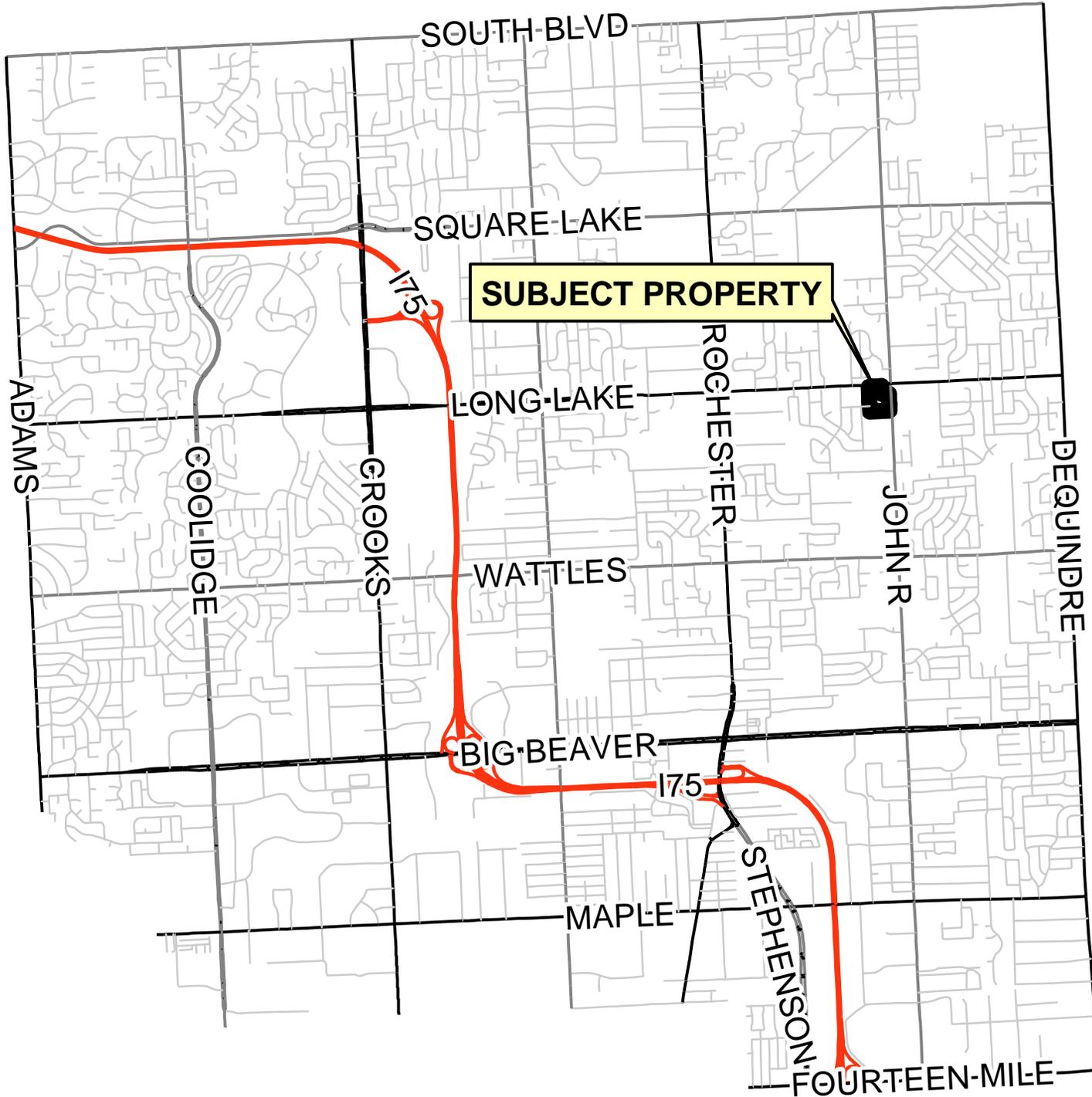
The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and uses. City Management recommends approval of the rezoning request.

Attachments:

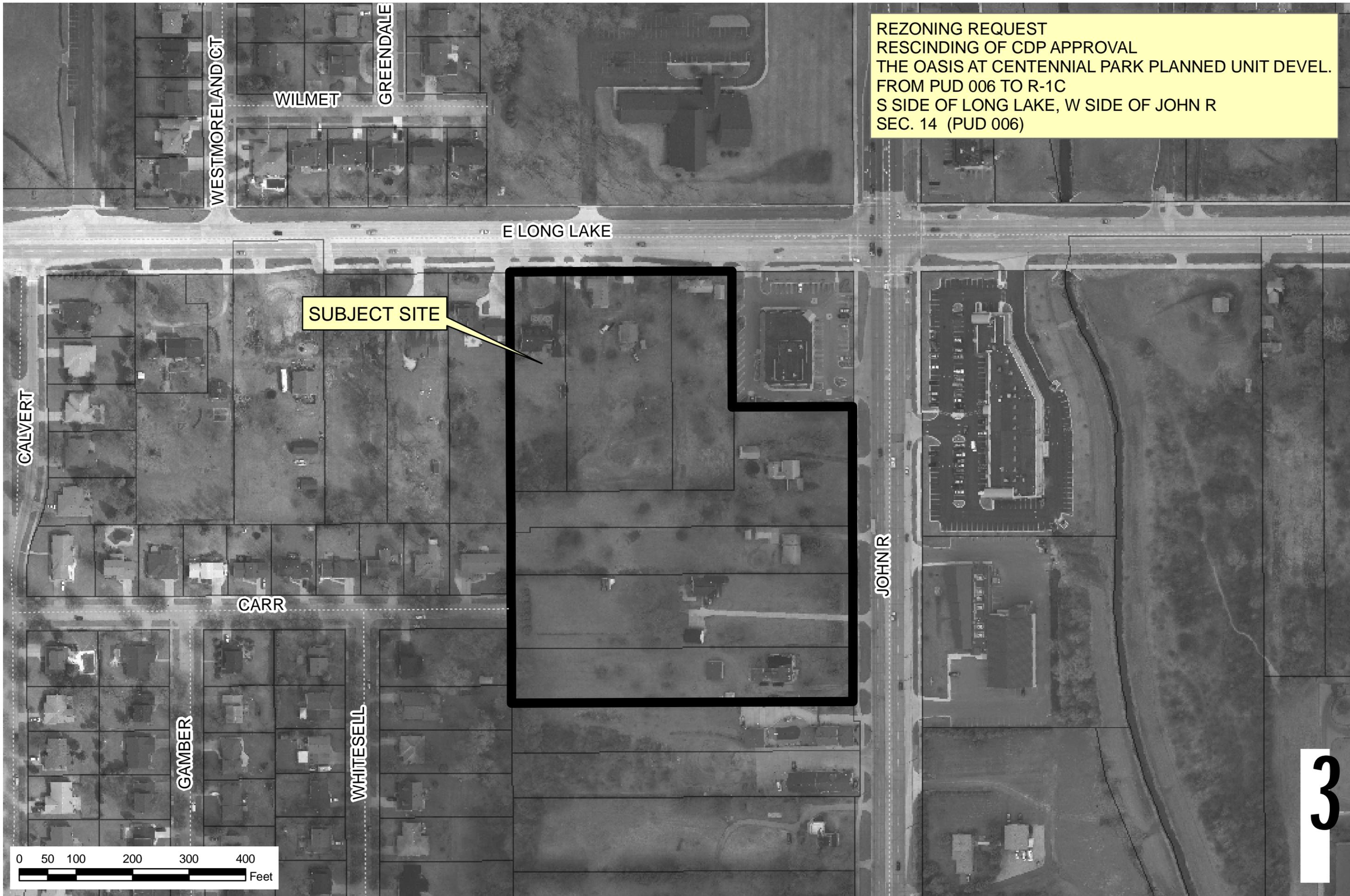
1. Maps.
2. Letter dated September 3, 2008.

cc: Applicant
File / PUD #6

CITY OF TROY



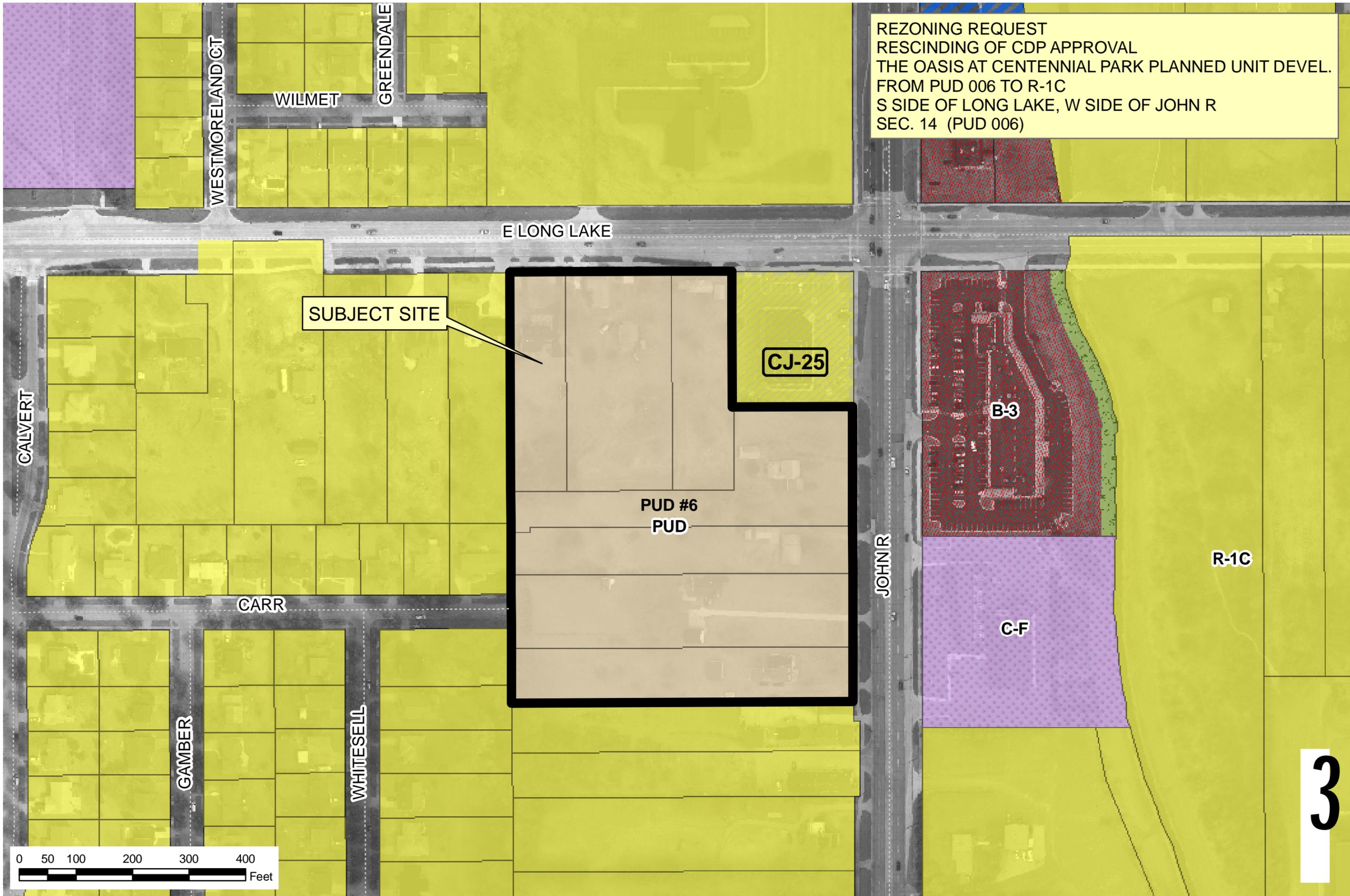
REZONING REQUEST
RESCINDING OF CDP APPROVAL
THE OASIS AT CENTENNIAL PARK PLANNED UNIT DEVEL.
FROM PUD 006 TO R-1C
S SIDE OF LONG LAKE, W SIDE OF JOHN R
SEC. 14 (PUD 006)



SUBJECT SITE



REZONING REQUEST
RESCINDING OF CDP APPROVAL
THE OASIS AT CENTENNIAL PARK PLANNED UNIT DEVEL.
FROM PUD 006 TO R-1C
S SIDE OF LONG LAKE, W SIDE OF JOHN R
SEC. 14 (PUD 006)



SUBJECT SITE

CJ-25

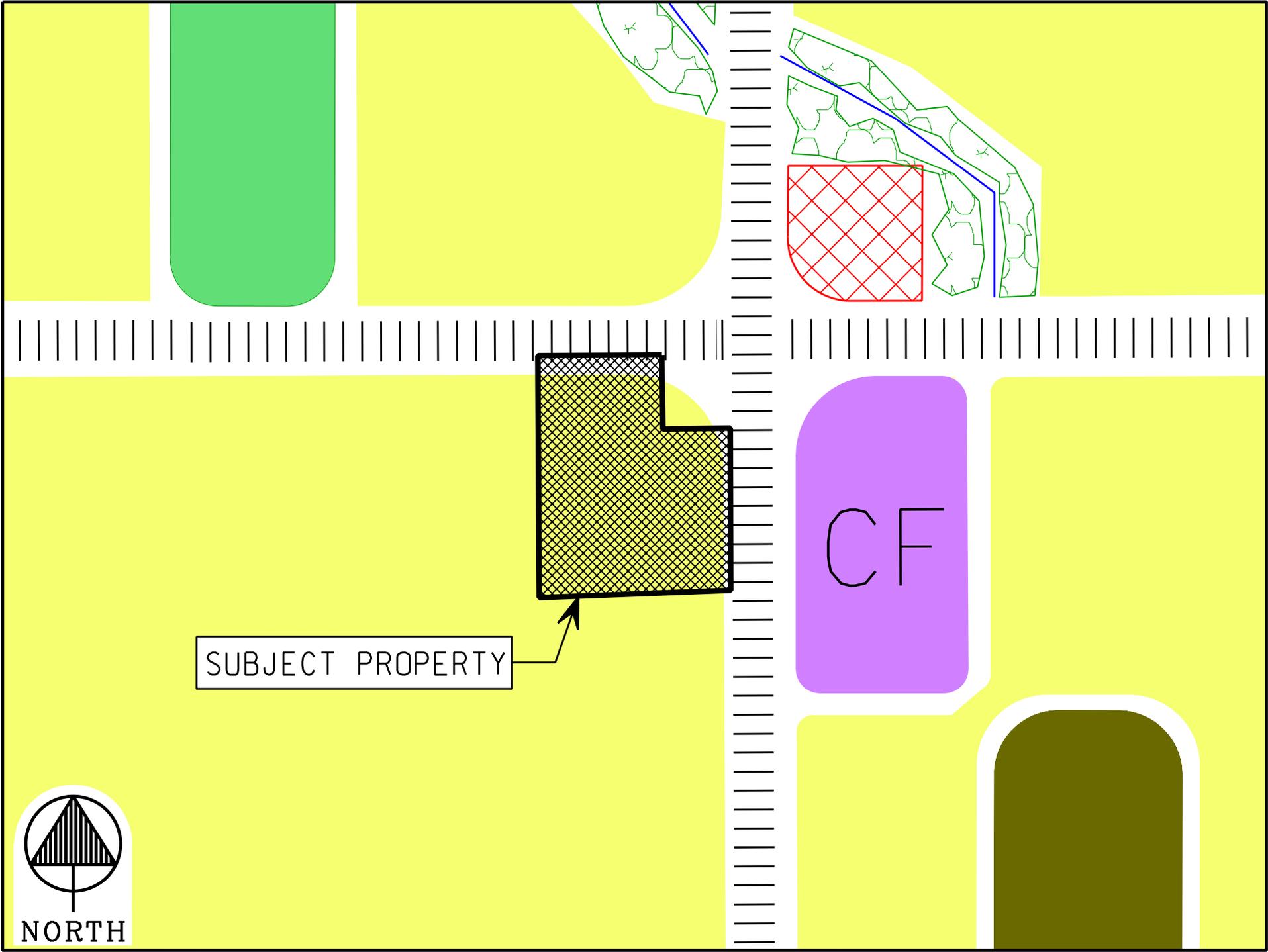
PUD #6
PUD

B-3

R-1C

C-F





SUBJECT PROPERTY

CF



NORTH

REZONING REQUEST

4. **PUBLIC HEARING – REZONING REQUEST (PUD 006)** – Abandonment of The Oasis at Centennial Park Planned Unit Development, South side of Long Lake Road, West side of John R Road, Section 14, From PUD 006 (The Oasis at Centennial Park Planned Unit Development) back to previous R-1C (One Family Residential) Zoning District

Mr. Savidant presented the item.

General discussion followed.

Steve Mularoni addressed the Planning Commission. Mr. Mularoni was a member of the development team that prepared the Concept Development Plan for PUD 6. Mr. Mularoni sent a letter to the Planning Commission indicating he owned two parcels of the former PUD parcel and controlled five parcels. He asked the Planning Commission to consider rezoning the parcel to O-1 so that medical offices could be developed on the site in the future.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-09-104

Moved by: Vleck

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the PUD 006 to R-1C rezoning request, located on the south side of Long Lake, west side of John R Road, within Section 14, being approximately 9.34 acres in size, be granted.

Yes: All present (7)

Absent: Sanzica, Wright

MOTION CARRIED

REC'D

AUG 03 2008

PLANNING DEPT.

September 3, 2008

Honorable City of Troy Council Members &
Mr. Mark Miller, City of Troy Planning Department
500 West Big Beaver
Troy, Michigan 48084

Dear Honorable Council Members & Mr. Miller:

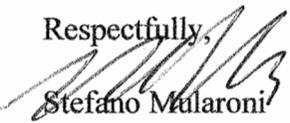
I am the principal of the development group that has, for several years now, worked in earnest to bring to success the PUD proposed for the southwest corner of Long Lake Road and John R Road. This PUD is comprised of seven (7) parcels and is highlighted in the attached location drawing. As you may recall this PUD was composed primarily of retail, restaurant, daycare, a senior facility and some office space.

Due to the economic challenges that our region has faced in the recent past and still faces today, we have been unable to bring this project forward in its present form. In light of the shifting retail environment and the contraction of the capital markets the large retail component of this PUD doesn't fit the commercial markets of today. On the brighter side, we have experienced a recurring interest from independent groups interested in for-purchase medical office space. Recently we have been working toward that end.

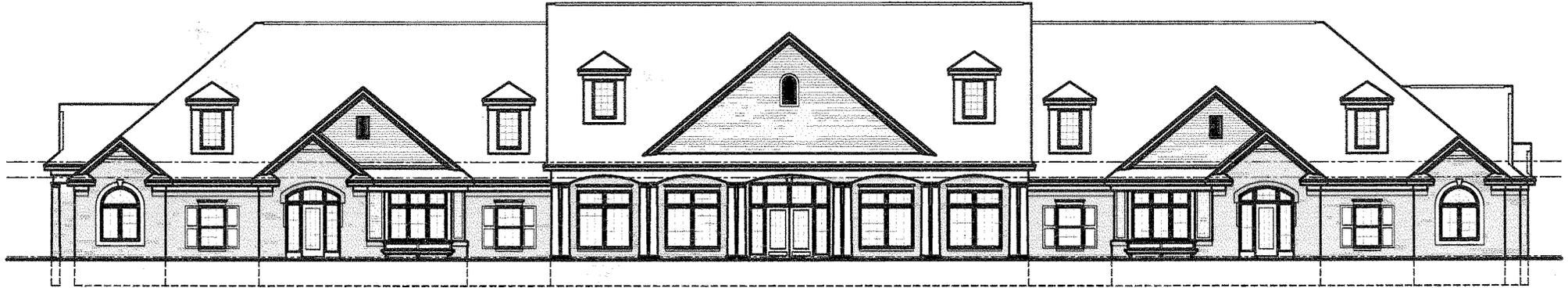
In the near future you will be presented with the termination of the aforementioned PUD and the possibility of revising the zoning for the included parcels to something other than the existing PUD zoning. I would like to encourage you to consider the "down-zoning" of these parcels to an office use that would allow for us to expedite our forthcoming project of single story, medical office condos, thus creating a medical campus in this central part of the city that can benefit from its close proximity to Beaumont Hospital. This proposed medical office project is composed of six (6) of the original seven (7) parcels of the present PUD.

This change in zoning to an office use will assist in expediting the proposed future project while preserving the flavor of the PUD that we together have worked hard on over the past couple of years.

Respectfully,


Stefano Mularoni

Centennial Development Group





LIBRARY ADVISORY BOARD - FINAL

May 8, 2008

A Regular Meeting of the Troy Library Board was held on Thursday, May 8, 2008, at the Office of the Library Director. Kul Gauri, Chairman, called the meeting to order at 7:31 P.M.

ROLL CALL **PRESENT:** Belinda Shelton Duggan
Kul Gauri
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski

Cathleen Russ, Library Director

Guests: Lori Grigg Bluhm, City Attorney; Jennifer Lee; Julie Sigler

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2008-05-01

Moved by Gregory
Seconded by Wheeler

RESOLVED, That Arthi Krishna and Shruthi Subramanian be excused.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

Resolution #LB-2008-05-02

Moved by Gregory
Seconded by Wheeler

RESOLVED, That Minutes of March 13, 2008 be approved.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2008-05-03

Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS

There were no Postponed items.

NEW BUSINESS.

- A. Welcome to New Library Advisory Board Member Belinda Shelton Duggan.

- B. Open Meetings Act information—City Attorney Lori Grigg Bluhm
Three Acts constitute the Sunshine Laws:
 - 1) Freedom of Information Act (the Library Privacy Act is an exception to FOIA)
 - 2) Open Meetings Act
 - 3) Bullard Plawecki Employee Right to Know Act

Specific information about the Open Meetings Act was presented and discussed.

The City Attorney will send C. Russ her presentation, w/additional information, to distribute to LAB members. Let C. Russ know of any questions, and she will ask Ms. Bluhm and pass along answers to the group.

- C. Election of Officers

Resolution #LB-2008-05-04

Moved by Zembrzuski

Seconded by Wheeler

RESOLVED, That the current slate of officers (Gauri, President; Zembrzuski, Vice President; Wheeler, Secretary) be re-elected to their positions for another year.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

OLD BUSINESS.

A. Friends' Survey Results

The Friends of the Library have received the results of the Community survey. The results will be presented and discussed at the Friends' Annual General Meeting on Wednesday, May 14, 2008, at 7 pm.

REPORTS & COMMUNICATIONS

Director's Report—see attached.

Board Members' Comments

Gauri reported about the presentation at the Leadership Troy Community Forum on Wednesday, April 23. The panelists at this forum discussed the proposed new library.

Student Representatives' Comments

None.

Suburban Library Cooperative--Gregory

The State Librarian’s plan for library cooperatives has been withdrawn. No changes expected for at least 3-4 years. In view of this, SLC Interim Director Art Woodford recommends that SLC begin the search for a permanent, full-time director. Efforts are being made to lobby the Michigan House and Senate to restore \$2 million in state aid to libraries. The SLC libraries will offer library service to service people living in Harrison Twp, formerly stationed at Selfridge AFB.

Friends of the Troy Public Library

The Annual Meeting is Wednesday, May 14, at 7 pm. Michele Hodges, Executive Director of the Troy Chamber of Commerce, is the keynote speaker.

Gifts.

The library received 2 donations in April:

- \$50 Glen Rowe, Troy
- \$10 Dorothy and Terry Vaughan, Royal Oak

Informational Items.

May TPL Calendar. The calendar will be presented in a different format next time.

Contacts and Correspondence.

33 written comments from the public were reviewed.

Public Participation.

Jennifer Lee asked the LAB members what they believe is their role. Discussion ensued. Ms. Lee made complimentary statements about TPL and LAB members.

The City Attorney suggested that the Public Participation item of the agenda be moved closer to the beginning of the agenda.

The Library Board meeting adjourned at 9 P.M.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

Library Advisory Board Meeting
Thursday, May 8, 2008
7:30 p.m.

Director's Report—May

Budget

The budget is performing at expected levels. The fiscal year ends June 30, 2008.

Usage Statistics

Circulation and computer usage was slightly lower for this year than at this same time last year. This is attributed to the very nice Spring weather we have been enjoying!

Personnel

The new Circulation Supervisor is expected to begin on Tuesday, May 27, 2008.

Museum Pass program

This program has been renewed through 2009. It has been very successful! Art Woodford is going to write a letter of thanks to the sponsor, Macy's, and I am going to write one on behalf of TPL.

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 5 2008 at the Troy Community Center. Vice chair Pauline Noce called the meeting to order at 1:05 PM.

Present: Jo Rhoads, Member
Frank Shier, Member
Pauline Noce, Member
Carla Vaughan, Staff

James Berar, Member
David Ogg, Member
Merrill Dixon, Member

Excused: Bud Black, Member, JoAnn Thompson, Member, Betty Coven, Member

Visitors: Paula Fleming

Approval of Minutes

Resolution # SC-2008-6-001
Moved by Jim Berar
Seconded by Jo Rhoads

RESOLVED, That the Minutes of May 1, 2008 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS**Projects for 2008:**

Traffic Signs, Etc.: The Committee received a copy of Jim Berar's letter and held a discussion about the issue. The committee then requested that Carla contact the appropriate staff people to attend the September meeting to address this issue.

NEW BUSINESS

Suggestion Box: Carla reported that there was one suggestion that a speed dating event be offered like the one held recently at the Clinton Twp. Senior Center. Carla called Clinton Twp. to get the details. Their event was very successful and we could offer one in Troy.

Commemorative Tree: Merrill Dixon provided information about sponsoring a commemorative tree in a Troy park and asked the committee to think about whether or not they would like to do that.

REPORTS

Park Board: Pauline Noce reported that they discussed upcoming events and park improvements. The solar house will be completed soon.

Senior Program: Carla reported that Martha Watson, a Troy Senior and 2007 Mackinac Island Trip Participant, won two awards in the tenth annual MRPA Grand Hotel Mackinac Island Photo Contest. The senior program has received a \$600 grant from the Troy Community Foundation to start a hearing loss support group. Students in the nine fitness classes we offer for senior citizens returned 155 evaluations recently. 97% of the students are satisfied or highly satisfied with the content of program and with their instructor. The new Zumba Gold class received the highest satisfaction rating with **100% highly satisfied** with the program content and the instructor. The Senior Men’s Club is hosting city Manager Phil Nelson on June 10 at the Community Center

Medi-Go: Jo Rhoads reported that their primary concern right now is the cost of gas

OLHSA: Jo Rhoads reported that OLHSA met in Troy in May and they were very impressed with our building.

Oakland County Senior Advisory Board: Jo Rhoads provided details on the Oakland County Older Michiganian Rally that is tomorrow at the Oakland County Executive Offices in Pontiac.

Comments

None

The meeting was adjourned at 2 p.m.

Respectfully submitted,

Pauline Noce, Vice chair

Carla Vaughan, Secretary

A special meeting of the Animal Control Appeal Board was held on Wednesday, June 11, 2008 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:30 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrusis, Vice-Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
PSA Stephen Vaillancourt
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

Resolution to Approve Minutes of March 5, 2008 Meeting

Resolution #AC2008-06-003

Moved by Melchert

Seconded by Viola

RESOLVED, that the Minutes of the March 5, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 5
No: 0
Absent: None

Agenda Items

1. Carol Schilling and Deb Petersen-Brand, residing at 387 Ottawa, appeal the decision of the animal control officer rejecting the permit for a fourth dog on their property.

Present to answer questions from the Committee were Carol Schilling and Deb Petersen-Brand.

The Chairperson asked PSA Vaillancourt for a report of the situation. He stated that he responded to a complaint regarding too many dogs at 387 Ottawa. He explained the City Ordinance to the residents. He did not issue a citation.

Committee member Melchert questioned if the Americans with Disabilities Act exempted the resident from compliance with this Ordinance. Assistant City Attorney Forsyth stated he could not provide an opinion on this matter without further research.

Assistant City Attorney Forsyth read a portion of Chapter 90 of the City Ordinance:

Duties of Animal Control Appeal Board:

The Animal Control Appeal Board shall:

- (a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
- (b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- (c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
- (d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

Mr. Forsyth further stated that in reviewing the definition of "dangerous animals, domestic animals, or wild animals" dogs are not included in those definitions. Thus, he stated that he is uncertain that this Board has the jurisdiction to hear this appeal. This is not an appeal from a dangerous animal permit, domestic animal permit, wild animal; it does not ask for an interpretation of a provision of this Ordinance. This really involves the City Ordinance stating "three dogs" and they want to keep "four dogs". This issue possibly belongs in the Court.

In response to the Board's question, Mr. Forsyth stated the following as options for action:

- (1) Grant the appeal, approve their request, and allow four dogs on the property
- (2) Deny the appeal based on the fact that the Board lacks jurisdiction to hear the appeal
- (3) Deny the appeal based on the City Ordinance

Lt. Pappas stated that he feels that the Board does not have the authority to supersede the criminal infraction.

The appellants made the following statements. The Great Dane "KD" is in training. Also, they have found a possible home for one of the "non-working" dogs in case the Board denies their appeal.

Neighbors that attended the meeting indicated that they understand the need for service dogs. However, they expressed concerns about the number of dogs in a residence and the safety of children in the area due to the size of a Great Dane.

Resolution #AC2008-06-004

Moved by Carolan

Seconded by Petrusis

RESOLVED, that the appeal of the decision of the animal control officer rejecting the permit for a fourth dog at 387 Ottawa be denied.

Yes: Saeger, Petrusis, Carolan, Viola

Abstain: Melchert

No: None

Absent: None

The next regular meeting is scheduled for September 3, 2008.

The meeting adjourned at 8:14 p.m.

Jayne Saeger, Chairperson

Patricia A. Gladysz, Secretary II

A regular meeting of the Liquor Advisory Committee was held on Monday, July 14, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:04 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: W. Stan Godlewski

Resolution to Excuse Committee Member Godlewski

Resolution #LC2008-07-014
Moved by Ukrainec
Seconded by Allemon

RESOLVED, that the absence of Committee member Godlewski at the Liquor Advisory Committee meeting of July 14, 2008 BE EXCUSED.

Yes: 6
No: 0
Absent: Godlewski

Resolution to Approve Minutes of May 12, 2008 Meeting

Resolution #LC2008-07-015
Moved by Ukrainec
Seconded by Allemon

RESOLVED, that the Minutes of the May 12, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Godlewski

Agenda Items

- 1. Loccino, Inc.** requests to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company). {MLCC Req #441407}

Present to answer questions from the Committee were Frank Shushtari, Farshid Shushtari, and attorney John Carlin.

It was explained to the Committee that the Shushtari brothers are partners in this business. They currently own a restaurant in Farmington Hills and formerly owned restaurants in Rochester Hills and Sterling Heights. They have operated restaurants for more than 20 years. Loccino will be a moderately priced Italian restaurant open for lunch and dinner. They have made extensive interior and exterior modifications and hope to open for business in September. They will transfer staff from their other locations and will also hire additional personnel. All employees will receive TIPS/TAMS training.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-016
Moved by Hall
Seconded by Ogg

RESOLVED, that Loccino, Inc. be allowed to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company).

Yes: 6
No: 0
Absent: Godlewski

- 2. Agrusa International Marketplace, LLC** requests new SDM License to be located at 5047 Rochester, Troy, MI 48085, Oakland County.

Present to answer questions from the Committee were Steven Primavera, Anthony Capizzi, and Salvatore Agrusa.

It was explained to the Committee that they have been operating in this location since June 2007. Their main objective is to offer wine and some imported beer to their customers. The wine will be contained in one area. They are familiar with the required training and will comply. The partners currently operate a market in Sterling Heights and have been involved in retail sales for more than 30 years.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-017

Moved by Hall

Seconded by Payne

RESOLVED, that Agrusa International Marketplace, LLC be granted a new SDM License to be located at 5047 Rochester, Troy, MI 48085, Oakland County.

Yes: 6
No: 0
Absent: Godlewski

-
- 3. Arbor Drugs, Inc.** requests transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County.

Present to answer questions from the Committee was Caren Zedro.

This request is merely a transfer of the license from the Big Beaver/Dequindre store to the newly constructed Big Beaver/John R location. The employees will all transfer and they will also hire new staff. There is a planned opening date of August 10, 2008. The store at the current location has been in operation for 25 years and has not had a liquor violation since 2000.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-018

Moved by Ukrainec

Seconded by Hall

RESOLVED, that Arbor Drugs, Inc. be allowed to transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County.

Yes: 6
No: 0
Absent: Godlewski

Discussion Items

1. Class C Quota Licenses

Sergeant Cantlon advised the Committee that we have a quota Class C license available. After discussion, it was agreed to recommend to City Council that the license not be issued, advertised, or made available subject to the Liquor Advisory Committee revisiting the matter as circumstances require.

Resolution #LC2008-07-019

Moved by Hall

Seconded by Ukrainec

RESOLVED, that the Liquor Advisory Committee recommends that the Class C Quota License not be issued, advertised, or made available subject to the Liquor Advisory Committee revisiting the matter as circumstances require.

Yes: 6
No: 0
Absent: Godlewski

2. Proposed City Ordinance

Assistant City Attorney Susan Lancaster stated that City Council revoked the 1993 Resolution related to liquor licensing. The City Attorney's Office has drafted a proposed City Ordinance. A draft of this Ordinance was forwarded to all members of the Committee in advance of this meeting.

There was lengthy discussion on the language of the Ordinance. Ms. Lancaster took note of the Committee's comments and suggestions, and a revised draft will be forwarded to the members in the very near future.

The meeting adjourned at 9:23 p.m.

Max K. Ehlert

Patricia A. Gladysz, Secretary II

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
AUGUST 6, 2008

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, August 6, 2008, in the lower level Conference Room at City Hall. Done called the meeting to order at 7:04 p.m.

Present: M. Chaffee, member K. Clark, member
 A. Done, member P. Hammond, member
 B. Harrell, member E. Kempen, member
 P. Lin, member A. Vasudevan, student

Present: M. Grusnick, staff

Absent: C. Buchanan, member EA
 D. Chong, student EA
 K. Mayer, alternate UA
 L. Patton, member EA
 J. Stewart, alternate EA
 S. Murphy, alternate UA

ITEM III – APPROVAL OF MINUTES OF MEETING OF JUNE 4, 2008

Done made a motion to approve the minutes of June 4, 2008; supported by Kempen; all voted in favor.

Clark motioned to excuse the absences of Buchanan, Chong, Patton and Stewart; supported by Chaffee. All voted in favor.

ITEM IV – PUBLIC COMMENT

ITEM V - SCHEDULED PRESENTATIONS

ITEM VI – UNFINISHED BUSINESS

Done will contact Catherine Russ from the Troy Public Library to speak at our October meeting regarding accommodating persons with disabilities.

Grusnick will check with Cindy Stewart to see if our brochure will be available at Troy Daze.

Done will contact Leader Dog for the Blind to request representation at Troy Daze.

ITEM VII – NEW BUSINESS

Lin discussed the new Master Plan for Troy and members will review the changes, which are available online or at the Troy Public Library for further discussion at the September meeting.

Clark will contact Mary Redden, City Manager’s office, regarding presenting sensitivity training as an Employee Academy offering.

Commendation letters will be sent to Kroger Company regarding the assistance they give for persons with disabilities, as well as Bonito’s at Long Lake and John R for giving car side service.

It was suggested that a press release be given in October stating the ways local businesses accommodate persons with disabilities.

Done and Vasudevan will meet to plan the National Disability Awareness Month display at the Troy Library for the month of October.

ITEM VIII – REPORTS

ITEM IX – MEMBER COMMENT

ITEM X – ADJOURNMENT

Clark made a motion to adjourn at 8:40 p.m. Supported by Hammond . All voted in favor.

Angela Done
Chairperson

Kathy Jearls, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, August 11, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry Allemon called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukraineec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Timothy P. Payne

Resolution to Excuse Committee Members Ehlert & Payne

Resolution #LC2008-08-020

Moved by Hall

Seconded by Ukraineec

RESOLVED, that the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of August 11, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Payne

Resolution to Approve Minutes of July 14, 2008 Meeting

Resolution #LC2008-08-021

Moved by Ukraineec

Seconded by Hall

RESOLVED, that the Minutes of the July 14, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Payne

Agenda Items

1. Dhammamegha, Inc. requests to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County. {MLCC Req #480928}

Present to answer questions from the Committee were applicant Ravi Mandava and attorney Kelly Allen.

Ms. Allen explained to the Committee that Mr. Mandava is purchasing the business from his uncle. Mr. Mandava worked for 1-1/2 years at this Troy location when it opened in 1996 and since then has managed the Farmington location. There was one liquor violation in Farmington in 2004 and the Troy location has had no violations since 2007. The Troy location had one violation in 2007; this applicant had no involvement with that operation at that time.

Sergeant Cantlon reported that his investigation uncovered no disqualifying factors.

Resolution #LC2008-08-022
Moved by Hall
Seconded by Ukrainec

RESOLVED, that Dhammamegha, Inc. be allowed to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County.

Yes: 5
No: 0
Absent: Ehlert, Payne

Sergeant Cantlon briefly reviewed the “Informational Items” that appeared on the Agenda.

Assistant City Attorney Lancaster stated that the new Ordinance would be presented to City Council this evening. Also, she distributed the first draft of a map showing the distribution of liquor licenses throughout the City of Troy.

The meeting adjourned at 7:18 p.m.

Henry W. Allemon

Patricia A. Gladysz, Secretary II

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 p.m.), 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 ITEMS7. 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:

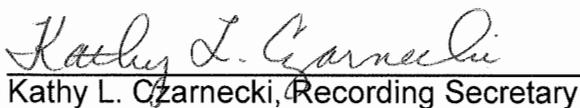
- Site Plan application at Sheffield Building; bank with drive-through.
- Application for PUD #10, Big Beaver and Kilmer.
- Status of Draft Master Plan.
- Update on PUD #9, The Pavilions.
- Rezoning request relating to the rescission of PUD #6, Oasis @ Centennial Park.

The Regular Meeting of the Planning Commission adjourned at 8:16 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

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ANIMAL CONTROL APPEAL BOARD MINUTES – DRAFT SEPTEMBER 3, 2008

A regular meeting of the Animal Control Appeal Board was held on Wednesday, September 3, 2008 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:35 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
ACO Karen Livingston
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

ABSENT: Al Petrulis, Vice-Chairperson

Resolution to Excuse Committee Member Petrulis

Resolution #AC2008-09-005
Moved by Carolyn
Seconded by Viola

RESOLVED, that the absence of Committee member Petrulis at the Animal Control Appeal Board meeting of September 3, 2008 BE EXCUSED.

Yes: 4
No: 0
Absent: Petrulis

Resolution to Approve Minutes of June 11, 2008 Meeting

Resolution #AC2008-09-006
Moved by Melchert
Seconded by Carolan

RESOLVED, that the Minutes of the June 11, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 4
No: 0
Absent: Petrulis

Resolution to Elect Chairperson, Vice-Chairperson, and Secretary

Resolution #AC2008-09-007

Moved by Viola

Seconded by Melchert

RESOLVED, that the Chairperson, Vice-Chairperson, and Secretary that served the Board in the past year continue in those positions for one additional year. Specifically, Jayne Saeger will serve as Chairperson, Al Petrulis will serve as Vice-Chairperson, and Patrick Carolan will serve as Secretary.

Yes: 4
No: 0
Absent: Petrulis

The 2009 regular meetings will be scheduled on March 4, 2009 and September 2, 2009.

The meeting adjourned at 7:45 p.m.

Jayne Saeger, Chairperson

Patricia A. Gladysz, Secretary II

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, September 3, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Keith Lenderman
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES-MEETING OF JULY 2, 2008

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of July 2, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. PAUL DETERS, OF METRO DETROIT SIGNS, 5505 CORPORATE, for relief of Chapter 85 to install two (2) additional ground signs each measuring 50 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install two additional ground signs. This site currently has a 192 square foot ground sign. Chapter 85.02.05 (C) (3) allows one ground sign for each building in accordance with table 85.02.05 and one additional ground sign for each building, not to exceed thirty-six square feet in area. The site plan submitted indicates that the new signs would each be 50 square feet in area.

Paul Deters of Metro Detroit Signs and Bill Wylonis, Property Manager for these properties were present. Mr. Deters explained that Items #2, #3 and #4 were very similar and all applied to properties in Baluster Park. Basically they are asking for signage to identify the entire property. This proposal involves two monument signs which will identify certain areas within the park and also identify the different tenants located in each building. Signage is a critical element for the success of this location.

Mr. Deters went on to say that one of these signs would be located along Corporate Drive and the other sign would be located along New King. The proposed signs are 6'

ITEM #2, #3 & #4 – con't.

tall monument signs and will be illuminated internally. There are no signs on the building at 5505 Corporate; however there is a sign at the corner, which they identify as an entrance sign that reads Baluster Park. The proposed signs will give that property an opportunity to identify tenants located in the facility. The signs are non-obtrusive and will create a significant upgrade of the existing signs.

Mr. Dziurman asked if the Board wished to hear all three items at the same time since they were requests from the same petitioner and somewhat similar in nature.

Mr. Stimac stated that he felt that they could hear the requests at the same time, but the Board would need to take separate action on each item.

Regarding Item #3, 700 Tower, Mr. Deters said that they wish to keep uniformity along the entire campus of Baluster Park. The proposed sign is a low monument sign, which would identify Baluster Park and would also identify location of the tenants within the building.

Mr. Deters stated that Item #4, 5600 New King, would be an entrance sign.

Mr. Dziurman asked if there was an existing entrance sign.

Mr. Deters said that there was but they would be replacing that sign, which is literally right along the sidewalk. The new sign would be smaller and they plan to move it back closer to the existing landscaping. The existing sign is 14' or 15' tall and the proposed sign would be 6' tall.

Mr. Richnak asked if Baluster Park covered different areas.

Mr. Wylonis stated that there are three (3) buildings located on Tower and there are also properties on Corporate and New King.

Mr. Richnak asked if the petitioner would be coming back before the Board for additional variances along Tower.

Mr. Deters stated that there are existing signs at these locations. The signs they are proposing are smaller than what presently exists. This is a large facility and the entrance sign on Tower and Crooks would make it easier for people to get in and out.

Mr. Richnak asked how many other buildings are in this complex.

Mr. Wylonis stated that there are a total of eight buildings in the complex.

Mr. Dziurman asked if each location would have a sign.

ITEM #2 – con't.

Mr. Deters stated that some of the signs have already been approved by the Building Department. Mr. Deters also said that they are requiring a variance for the sign at 5600 New King because they wish to place the sign closer to the road than what is allowed.

Mr. Dziurman asked if the other signs would fall into what is allowed by the Ordinance.

Mr. Deters said that was correct.

Mr. Kessler asked what the difference in square footage was between the proposed signs and the existing signs.

Mr. Deters said that the proposed signs would be 45 square feet compared to 50 square feet.

Mr. Kessler stated that one of the requirements for the Board to grant approval is for the petitioner to demonstrate a hardship that is unique to this site. Without a hardship everyone else would be entitled to the same variance.

Mr. Deters stated that after speaking with Mr. Evans and being informed what was required to obtain a variance, they feel that they do meet these requirements. This variance would not be contrary to public interest, nor would it have an adverse effect to surrounding property. This property owner has made a significant investment and these signs would help identify the location and would also create uniformity for Baluster Park. The signs would also be a significant improvement. This property is unusual in that there are a number of different tenants.

Mr. Richnak stated that the sign at 5600 New King is just a couple of feet from the sidewalk and he understands that the proposed sign cannot meet the setback requirements as it would be located in the middle of the existing trees.

Mr. Deters stated that the proposed sign would be 12' farther back from the existing sign.

Mr. Dziurman asked if this situation falls under the same circumstances as Beaumont Hospital.

Mr. Stimac stated that it did not as the zoning for each location is different and Beaumont is one site, whereas Baluster Park has different locations.

Mr. Dziurman said that he thought there was similar need for signage.

Mr. Stimac stated that they are all different sites.

ITEM #2, ITEM #3 & ITEM #4 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval for Item #3. There are no written objections on file.

Mr. Kessler asked if a permit would be required to change out the sign face.

Mr. Evans stated that a permit would not be required unless they are changing the dimensions of the sign.

Mr. Deters stated that the existing signs were not constructed in a way that would allow them to change the face. The proposed signs are smaller and will create a nicer look.

Mr. Kessler asked if a variance would be required to replace an existing sign with a sign that is the same size or smaller.

Mr. Stimac stated that it would depend on the specific nature of the request.

Mr. Kessler inquired about the variance granted by this Board at 700 Tower.

Mr. Stimac explained that in April 2008 this Board granted a variance for a "For Lease" sign that was 48 square feet in area for a period of two years.

Mr. Kessler stated that when the Board considers a hardship, it must be something that is unique about the particular site and the Board cannot consider financial expenditures a hardship. There have been multiple instances where the speed of traffic near the site or mature landscaping has created a hardship that is unique to a property. In this case people are already in the complex and the buildings have identification on them.

Mr. Deters stated that regarding 700 Tower, the entrance is along Long Lake Road and traffic heading westbound would be traveling at a significant rate of speed. A new sign will make it easier to communicate where the building and tenants are located.

Mr. Kessler asked if Mr. Deters thought the present Sign Ordinance allows enough signage for identification of multi-tenanted buildings.

Mr. Deters said that he did not. Tenants would like some form of identification to let people know where they are located.

Mr. Kessler stated that if this Board were to grant a variance without a hardship, every multi-tenanted building would come before this Board asking for the same consideration. Without a hardship this Board cannot grant a variance.

ITEMS #2, #3 & #4 – con't.

Mr. Deters states that he feels this is a very unique property. The Ordinance allows a 36 square foot sign and they are proposing a 45 square foot sign. The existing sign is 50 square feet, and Mr. Deters said that they are keeping within the spirit of the Ordinance by proposing this sign to be smaller.

Mr. Zuazo said that presently there are six (6) tenants that are identified on the existing sign and asked if the number of tenants was set for each building.

Mr. Wylonis stated that there are not a set number of tenants, however, signage would only be allowed for the six (6) largest tenants. The smaller tenants usually don't ask for signage.

Mr. Zuazo asked what would happen if more than six tenants asked for signage.

Mr. Wylonis stated that they would form a waiting list and if any additional tenants wanted signage they would have to wait until one of the other tenants vacated the building.

Mr. Richnak indicated that he was prepared to make motions and take each item one at a time so that everyone understands what each hardship is.

Mr. Dziurman agreed and said that Item #4 would be a smaller sign and would require a variance for the setback.

Mr. Stimac stated that from the aerial view the petitioner had presented to the Board regarding the location for each sign, it appears that one sign at 700 Tower would be located on Long Lake Road, and the other sign along the driveway to 700 Tower located further in on the property. Mr. Stimac went on to say that this property owner, owns eight of the existing 28 buildings in this area.

Mr. Wylonis stated that they have three (3) buildings on Tower and five (5) buildings on Corporate and New King.

Mr. Dziurman asked which properties on Tower were parts of Baluster Park.

Mr. Wylonis stated that 700, 750 and 800 Tower were Baluster Park.

Mr. Richnak clarified that these buildings are not side by side but are in fact separated.

Mr. Dziurman said that one area is on the east side of Crooks Road and the other is on the west side of Crooks Road.

Mr. Kessler asked what the square footage of the signs along Tower were.

ITEMS #2, #3 & #4 – con't.

Mr. Deters stated that each existing sign is 50 square feet and they plan to replace these signs with two (2) signs that will be 45 square feet.

Mr. Kessler asked what the gross square footage of signage was at 5505 Corporate, Item #2.

Mr. Deters stated that they plan to install two smaller entrance signs, one located on Corporate and the other one on New King that will be “L” shaped. These signs will be the same size as the proposed signs along Crooks Road.

Mr. Richnak stated that the signs for 5505 Corporate, Item #2 were not replacement signs and the new signs would be 50 square feet in area. Mr. Richnak also stated that the sign on Corporate Drive is very close to the driveway.

Mr. Deters stated that there is a sanitary sewer easement in that area.

Mr. Evans said that the sign needs to be moved closer to Corporate due to the easement.

ITEM #2

Motion by Richnak

MOVED, to approve the request of Paul Deters, of Metro Detroit Signs, 5505 Corporate, for relief of Chapter 85 to install two (2) additional ground signs each measuring 50 square feet in area.

Motion dies due to lack of support.

Motion by Kessler
Supported by Zuazo

MOVED, to postpone the request of Paul Deters, of Metro Detroit Signs, 5505 Corporate, for relief of Chapter 85 to install two (2) additional ground signs each measuring 50 square feet in area until the next scheduled meeting of October 1, 2008.

- To allow the petitioner the opportunity to reevaluate their request.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL OCTOBER 1, 2008 CARRIED

ITEM #3 – VARIANCE REQUESTED. PAUL DETERS, OF METRO DETROIT SIGNS, 700 TOWER, for relief of Chapter 85 to install two (2) additional ground signs each measuring 45 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install two (2) additional ground signs each measuring 45 square feet in area. This site currently has a 48 square foot ground sign that was approved by variance in April 2008 for up to two years. Chapter 85.02.05 (C) (3) allows one ground sign for each building in accordance with table 85.02.05 and one additional ground sign for each building not to exceed thirty-six square feet in area.

Mr. Richnak asked if the sign that was approved by variance in April 2008 was going to be removed.

Mr. Stimac stated that there was no indication that the existing sign would be removed.

Mr. Wylonis stated that there has been a lot of activity in this area and they are presently working with a perspective tenant. If that tenant moves into the building there is a strong possibility that the sign would be removed as the building would be 90% occupied.

Motion by Richnak
Supported by Kessler

MOVED, to grant Paul Deters of Metro Detroit Signs, 700 Tower, relief of Chapter 85 to install two (2) additional ground signs each measuring 45 square feet in area.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Variance will allow greater visibility to people entering the complex.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. PAUL DETERS, OF METRO DETROIT SIGNS, 5600 NEW KING, for relief of Chapter 85 to erect a ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a new ground sign. Table 85.02.05 of the Sign Ordinance requires that ground signs over 100 square feet in area be setback more than 30' from the street right of way. The application submitted indicates a ground sign measuring 191 square feet in area setback 14' from the Crooks Road right of way and 22'-7" from the New King right of way.

ITEM #4 – con't.

Mr. Richnak stated that the existing sign on Crooks is at a location that is very close to the sidewalk. The new sign would be moved back, which he believes would be an improvement.

Motion by Richnak
Supported by Kessler

MOVED, to grant Paul Deters, Metro Detroit Signs, 5600 New King, relief of Chapter 85 to erect a ground sign measuring 191 square feet in area setback 14' from the Crooks Road right of way and 22'-7" from the New King right of way.

- New sign will be placed farther back from the corner.
- Variance will not have an adverse effect to surrounding property.
- Existing mature trees prevents placement of the sign at a conforming location.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

Mr. Dziurman advised the petitioner to re-think the number of signs and the size of the signs they are proposing for Item #2, 5505 Corporate

Mr. Kessler advised the petitioner to determine the hardship that is unique to this location when they next appear before this Board.

ITEM #5 – VARIANCE REQUESTED. JOHN KIZY, CONCEPTS IN NEON & SIGNS, 300 JOHN R, SUITE A, for relief of Chapter 85 to erect two (2) wall signs.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85, the Sign Ordinance to erect two (2) wall signs. Chapter 85.02.05 (C) (4) states that the total combined area of all wall signs for each tenant shall not exceed 10% of the front tenant area. The front of this tenant space is 836 square feet in area. The site plan submitted indicates two (2) wall signs with a total combined area of 234 square feet where 83.6 square feet of wall signage is allowed.

Mr. Tom Stegeman, the owner of the proposed restaurant at 300 John R., Suite A was present and stated that after looking at the plans, he thought he could reduce his variance request to signs that would be 167 square feet in area. This building was constructed in a manner which gives it two (2) store fronts. One side of the building faces John R. and the other corner faces north. There is quite a bit of mature landscaping that makes visibility poor for traffic heading southbound on John R. The posted speed limit is 40 MPH and there is a median in this area that also hurts visibility. Mr. Stegeman also stated that they are combining two (2) businesses and they are trying to use signage in the most effective way.

ITEM #5 – con't.

Mr. Kessler asked if Mr. Stegeman knew the restrictions on signage at the time he signed the lease on this building.

Mr. Stegeman said that he thought the previous tenant had signage on both sides of the building and did not realize that he would only be allowed signage on the front of the building.

Mr. Kessler stated that the other businesses in this plaza sit farther back from the road. The landlord can allow additional signage. Mr. Kessler also stated that people going out for lunch usually have a destination in mind and he does not think that the trees in front of this building are that large. Mr. Kessler further stated that he did not see anything that was unique about this location compared to the other businesses in the area. The Ordinance is designed to be equal to all businesses. Mr. Kessler stated that he understands what the owner is saying about mature vegetation but everyone in the complex has the same issue, which would allow all the business owners to seek a variance.

Mr. Stegeman said that there is zero visibility for traffic heading southbound on John R and believes that cutting the potential customers by half creates a hardship. Mr. Stegeman said that he agrees that the other businesses do have the same hardship.

Mr. Kessler stated that the Ordinance allows the petitioner a sign that is 83.6 square feet in area, but the petitioner is asking for approval of 167 square feet.

Mr. Stegeman said that he had adjusted the size of the sign as compared to his original request.

Mr. Stimac asked how the petitioner came up with the new figure and a discussion began regarding the proposed sign.

Mr. Evans asked if Mr. Stegeman had done a recalculation of the signage he is requesting.

Mr. Stegeman stated that after meeting with Mr. Evans he determined how the size of the signs was calculated. Mr. Stegeman said that he would like both signs placed symmetrically placed on both sides of the building.

Mr. Stimac stated that based on the drawing the petitioner had submitted it appeared that if the Board were to grant a variance for 167 square feet, the petitioner may not get the size of sign he thought he was getting.

Mr. Stegeman said that he is trying to get visibility on both sides of this building.

ITEM #5 – con't.

Mr. Richnak suggested the Board give Mr. Stimac the opportunity to determine the size of the sign the owner is requesting.

Mr. Kessler stated that if the Board grants approval based on 74 square feet as depicted in the drawing, the petitioner has to make the sign fit into that measurement. The aggregate sign area would be 148 square feet versus 234 square feet.

Mr. Stimac asked if the “Pizza Papalis” sign lettering was 24” high.

Mr. Stegeman said that was correct.

The Chairman opened the Public Hearing.

Mr. Charles Miller, Property Manager of 412 W. 14 Mile Road was present representing the owners of Oakland Plaza. Mr. Miller stated that they support this request and believes there is a hardship because this is a corner location. Mr. Miller also asked what determines the store front.

Mr. Evans stated that the façade facing the street determines the store front.

Mr. Lenderman asked if Mr. Miller had received complaints from other business owners in this area regarding the trees in this area.

Mr. Miller stated that Vitamin World has asked that the existing trees be trimmed and there are significant calls from the businesses that are set back in the plaza.

Mr. Kessler asked about the empty space between two areas where there are quite a few trees.

Mr. Miller stated that he thought the trees in the middle were removed due to the age of the trees and also to increase visibility to Oakland Plaza.

Mr. Kessler asked if the lease signed by the tenants addresses the sign restrictions in the City.

Mr. Miller stated that his office did not handle that part of the business but was sure that the lease states that the tenants must meet the City Code.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

ITEM #5 – con't.

Mr. Stegeman said that even if they knew the limitations in the Ordinance they still would have moved forward at this location as he feels they have met the requirements for approval of a variance as required by the City of Troy. He has shown the Board a hardship and that is to operate a business on ½ of the traffic that is going along John R. The existing vegetation creates the hardship and will only get worse as it matures. Mr. Stegeman said that in his opinion dinnertime is a destination location, but lunch is an impulse decision and the extra signage will help bring people to this location.

Mr. Kessler stated that if this restaurant was located at the back of the center, Mr. Stegeman would not have the option to ask for additional signage.

Mr. Stegeman indicated that he would not have leased this building if it was at the back of the center.

Mr. Kessler stated that in some cases the landscaping bring people to a location. This center has a lot of tenants that could ask for a variance.

Mr. Stegeman said that he is hoping his store will be an anchor for this plaza.

Mr. Kessler asked if Mr. Stegeman had looked at putting a smaller sign on the north side of the building.

Mr. Stegeman said that there are two (2) restaurants in the same building. “Pizza Papalis” is the main restaurant and will have the lion’s share of trade. If the variance was denied the only sign they would put up would be the “Pizza Papalis” sign.

Mr. Kessler stated that he did not see anything unique about this site that would justify a variance.

Mr. Stimac said that he re-calculated the sign area based upon the drawings the petitioner had brought in today and believes that they are proposing to put up two signs each 98 square feet for a total of 196 square feet.

Mr. Dziurman asked if the petitioner would be willing to reduce the size of the sign.

Mr. Stegeman said that he would as long as he could put signs on both sides of the building.

Mr. Dziurman stated that Mr. Stegeman could have one legal sign and the Board could consider the request for a variance on the second sign.

Mr. Stegeman said that his main concern is signage on the north side of the building. One entire pipeline of traffic would not know about this location because of the existing vegetation.

ITEM #5 – con't.

Mr. Kessler asked how long the main sign was.

Mr. Stimac stated that “Pizza Papalis” is 25’ long.

Mr. Dziurman asked if this Board could act on the petitioner’s request to reduce the size of his variance.

Mr. Stimac said that the calculation he came up with would fall within the parameters of the Public Hearing Notice that went out.

Mr. Richnak stated that he believes the petitioner could stay within the 83.6 square feet allowed by the Ordinance on one side of the building, and could also see the petitioner adding a small sign to the north side of the building. Mr. Richnak also stated that he does not think a larger sign would influence the traffic heading southbound on John R.

Mr. Kessler suggested that the petitioner put up a compliant sign on the store front and postpone his request for the second sign so that he could look at his options and come back with an alternate plan. Mr. Kessler also stated that the petitioner could ask for two (2) signs that would meet the 83.6 square feet.

Mr. Richnak asked what the hardship would be to allow two signs.

Mr. Stimac stated that the petitioner could put up the code compliant sign of 83.6 feet and in the interim he could look at what options are available.

Mr. Stegeman stated that he was at a loss as to what type of hardship the Board was looking for. Mr. Stegeman believes that he has a visibility issue because there is a fully matured tree in the center of their building. Mr. Stegeman appreciates the Board offering to postpone this request but he just trying to get signage on the building that people will see. Traffic heading southbound on John R. cannot see the front of the building.

Mr. Richnak stated that the size of a sign makes a big difference. Mr. Richnak also stated that he believes the petitioner can look at other signs that would comply with the Ordinance. Postponing this request would give the petitioner the opportunity to come back before the Board with an exact rendering of what they want.

Mr. Stegeman said that he would be willing to work with whatever signage they could get.

Motion by Kessler
Supported by Lenderman

ITEM #5 – con't.

MOVED, to grant John Kizy, Concepts in Neon & Signs, 300 John R., Suite A, relief of chapter 85 to erect two wall signs.

- Wall signs cannot exceed 100 square feet total.

Mr. Stegeman stated that due to the fact the “Pizza Papalis” was such a large sign it would take up most of the 100 square feet. Mr. Stegeman also asked if it would be acceptable if the second sign was slightly larger.

Mr. Stimac said that the signs as shown indicate that the lettering on the “Pizza Papalis” sign are 24” high and could be reduced to 18” in height, which would reduce the size of the sign but would still be visible.

Mr. Dziurman stated that the petitioner could put up a sign that was 100 square feet and could come back next month to ask for a second sign.

Motion by Richnak
Supported by Kessler

MOVED, to amend Mr. Kessler’s motion to grant John Kizy, Concepts in Neon & Signs, 300 John R., Suite A relief of Chapter to erect two wall signs.

- Signs will not exceed 120 square feet in size.

Vote on amendment.

Yeas: All – 5

Vote on amended motion.

MOVED, to grant John Kizy, Concepts in Neon & Signs, 300 John R., Suite A relief of Chapter to erect two wall signs.

- Signs will not exceed 120 square feet in size.
- Number of signs will be limited to two.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM # 6 – VARIANCE REQUESTED. RALPH GARABEDIAN, 2644-2648

LOVINGTON, for relief of the dwelling unit separation wall in the attic of a two family dwelling required by Section 317.1 of the Michigan Residential Code. The petitioner is the owner of a two-family dwelling originally constructed in 1969. Recently the home was inspected as part of property maintenance issues at the property. It was discovered that the fire resistance rated wall separating the two dwelling units did not extend through the attic of the units. Section 317.1 of the Michigan Residential Code requires that this wall extend to the underside of the roof sheathing. Upon being cited for this deficiency, the petitioner filed application for appeal of this item.

Mr. Garabedian was present and stated that he is the fifth owner of this property. He had rented this property to a tenant that was not very honest and in retaliation for an eviction notice, called the city complaining of mold in the bathroom. Mr. Don Phillips, Housing & Zoning Inspector came out and stated that due to property maintenance issues a complete inspection of the home would need to be done. City of Troy inspectors came out to the home and informed Mr. Garabedian that sixteen different items needed to be brought up to code. All of these items have been corrected, with the exception of the one-hour fire separation wall in the attic. Mr. Garabedian said that this home was inspected in 1969 and at that time no mention of a fire separation wall was brought up. Mr. Garabedian also stated that there are five (5) other duplexes on Lovington that do not have separation walls in the attic. Mr. Garabedian does not feel it is fair for the City to ask him to correct this problem, and also feels that the other duplexes should be brought up to Code.

Mr. Dziurman asked if Mr. Garabedian was saying there was a possibility that the other duplexes were not in compliance.

Mr. Garabedian said that he was positive that these duplexes did not have separation walls as he went and looked at them.

Mr. Kessler asked if the petitioner could present a letter stating that the other duplexes were also constructed with these separation walls.

Mr. Garabedian stated that the duplex to the west is being completely renovated and fire separation walls have been put in for compliance to the code.

Mr. Dziurman asked if a fire separation wall was required at the time this duplex was constructed.

Mr. Stimac said that the fire separation wall requirements in 1969 are the same as the requirements now. Mr. Stimac also stated that Building Department Staff has been unable to locate the original building plans and was not sure whether or not the separation wall was indicated on those plans.

ITEM #6 – con't.

Mr. Garabedian stated that any home that was constructed in the past probably has code violations. Mr. Garabedian also said that he had a letter from the City indicating that all the violations had been corrected.

Mr. Kessler asked if Mr. Garabedian had looked into correcting this deficiency.

Mr. Garabedian said that he has had a contractor come out and look at this home and a hole would have to be made in order to get the dry wall into the attic. The cost to him would be about \$2,000.00.

Mr. Kessler stated that there would be an open stud that you can piece the drywall through. Mr. Kessler also asked if Mr. Garabedian had looked into the rating the ceiling of each unit. In order for the Board to grant a variance it is up to the petitioner to demonstrate that he has looked into other options to correct the violation.

Mr. Garabedian stated that he does not feel he should be held responsible. This will create an interruption to his tenants.

Mr. Kessler stated that the existing condition is unsafe.

Mr. Garabedian stated that his personal home was constructed in 1978 and at that time was constructed according to the Building Code and yet now it would probably be in violation of the new Building Code.

Mr. Kessler stated that this is a rental property.

Mr. Garabedian questioned whether the previous tenants had the right to call in the City for an inspection of the property.

Mr. Kessler stated that the space was leased to them and they did have the legal right to do that. A fire separation wall will allow them one minute to get out of the room.

Mr. Garabedian stated that he had installed smoke detectors in each bedroom.

Mr. Kessler stated that the right thing to do would be to bring this property up to Code. Mr. Kessler also stated that once a code violation has been brought to the attention of the City, the City will take action to make sure they are corrected. People that have rental properties also have certain responsibilities that they have to follow.

Mr. Garabedian said that he wants to do what is right and asked if the City would be willing to offer some type of monetary relief to help correct this violation. Mr. Garabedian believes that the City should share some of the responsibility for this violation.

ITEM #6 – con't.

Mr. Kessler stated that this Board cannot act on that.

Mr. Dziurman asked if there were modifications that could be made that would be less costly for the petitioner.

Mr. Kessler stated that he was hoping the petitioner would have brought in examples of how he had hoped to bring this home up to Code. Mr. Kessler stated that if the petitioner did not want to put in the fire separation wall, it was up to him to demonstrate an equivalent level of safety.

Mr. Lenderman stated that none of the other options that would address these deficiencies would be as inexpensive as adding the fire separation wall on both sides. Mr. Lenderman also said that he was sorry the deficiency was missed at the time of final inspection but when dealing with lives safety comes first. Mr. Lenderman also stated that when the City becomes aware of a deficiency, the City is obligated under law to make sure that the violations are corrected.

Mr. Stimac stated that a thorough search of Building Records was done and nothing indicates that a variance was ever granted for the omission of this fire separation wall. One of the options available to the petitioner is for the petitioner to provide an equivalent measure of safety for this property. Consideration of variances to the Building Code require that one of the following conditions apply: Code doesn't apply; the Code is applied incorrectly; or an alternative method that will provide the same degree of safety as what is required by the Code. Mr. Stimac went on to say that the City Inspectors have the right to enter any building and make an inspection. The Building Inspector did not have the authority to approve this construction without the fire separation wall. The petitioner can sue civilly. The Building Department will be pursuing the other structures in this area to make sure they are brought up to Code.

Mr. Dziurman said that the Fire Department has indicated that the fire separation wall could be done.

Mr. Stimac said that one possibility that is available is to rate the ceiling to a one-hour fire rating. If there is a fire in the attic there is no separation between the units. A fire suppressions system could provide the equivalent level of safety to the tenants. The installation of smoke detectors in the attic is something else the petitioner could look into it. The roof area of this property has a gable rear and a hip front. They would have to build a wall running perpendicular between the trusses.

Mr. Dziurman asked if they could use other materials besides dry wall.

Mr. Stimac said that it was possible that they could put in some type of wire separation and spray that with a fire retardant material.

ITEM #6 – con't.

Mr. Dziurman said that the petitioner could take that into consideration and look at other options to provide fire safety.

Mr. Lenderman asked what the square footage of the building was.

Mr. Garabedian said that each unit was 1300 square feet.

Mr. Lenderman stated that notification is not equal to separation. Smoke detectors would not protect any fire fighters on the roof. Mr. Lenderman stated that he thought that the petitioner needs to provide a one-hour fire separation.

Suggestions were provided to the petitioner regarding the installation of these walls, and also the use of other materials that would be equivalent to the one-hour fire separation.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Ralph Garabedian, 2644-1648 Lovington, for relief of the dwelling unit separation wall in the attic of a two-family dwelling required by Section 317.1 of the Michigan Residential Code until the meeting of October 1, 2008.

- To give the petitioner the opportunity to explore other options to provide equivalent fire safety.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL OCTOBER 1, 2008 CARRIED

The Building Code Board of Appeals meeting adjourned at 10:40 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Sept. 4 2008 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Jo Rhoads, Member
 Frank Shier, Member
 Bud Black, Member
 Betty Coven, Member
 Merrill Dixon, Member

James Berar, Member
 David Ogg, Member
 JoAnn Thompson, Member,
 Pauline Noce, Member
 Carla Vaughan, Staff

Absent: None

Visitors: Paula Fleming, Charles Craft, William Huotari, Steve Dearing

Approval of Minutes

Resolution # SC-2008-9-001
 Moved by Jo Rhoads
 Seconded by David Ogg

RESOLVED, That the Minutes of June 5, 2008 be approved as submitted.

Yes: 9

No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS

Traffic Issues: The Committee discussed traffic safety issues with Police Chief Charles Craft, Traffic Engineer William Huotari and Traffic Consultant Steve Dearing. They explained what they have done about traffic safety and about the state guidelines that they are required to follow regarding signs, etc. Chief Craft asked that committee members call him if they have a specific problem about a certain intersection.

NEW BUSINESS

Suggestion Box: Carla reported that there was one suggestion that residents be allowed to charge over the phone to save on gas. 70% of our registrations are now taken online, and this has been the only request for phone registrations. Mail-in registration is available. Additional staff is required to handle phone in registration and we do not want to discourage on-line registration. But the situation will be monitored.

Renaming the Senior Program and Lowering the Age to Qualify: Carla led a discussion about lowering the age for senior programs from 55 to 50 and changing the name of the program as baby boomers object to the label “senior.” Committee members felt that there is a big difference between 50 years old and 80 years old and there is a need for two types of programs - one for 50 Plus and one for Seniors. The Senior program should not be geared toward 50 year olds as many of those activities would not be appropriate for 80 year olds. People will sign up for activities that are age appropriate for them and both types of activities need to be offered. They favored leaving the name “Senior Program” as is.

REPORTS

Park Board: No report.

Senior Program: Over 100 people attended the free outdoor Heritage Band concert on August 6 and it has outgrown its location on the Community Center patio. Troy had five teams playing 50 Plus softball this year in two Northwest Parks and Recreation Association leagues. Pickleball is a sport that is gaining popularity with the seniors. All four courts are in use with people waiting on Friday mornings at the Community Center gym. There are now 518 seniors receiving the newsletter via e-mail. Be sure to check out all of the National Senior Center Month activities.

Medi-Go: Jo Rhoads reported that they are talking about a gold sale fundraiser.

OLHSA: Jo Rhoads reported that they had a speaker from Beaumont.

Oakland County Senior Advisory Board: No report.

Comments

JoAnn Thompson pointed out that the lunchroom volunteer is again opening the donation envelopes effecting confidentiality. The sign on the table also refers to “cost” as opposed to “suggested donation.” The Committee requested that Carol Anderson speak to Emerald Food Service about this. Carla will pass this on to Carol.

Frank Shier announced the upcoming Heart of the Hills performance.

Betty Coven announced that the fall session of Cross Train Your Brain starts on Monday.

The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, September 8, 2008 in the Council Board 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
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

Resolution to Approve Minutes of August 11, 2008 Meeting

Resolution #LC2008-09-023

Moved by Payne

Seconded by Allemon

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

Yes: 7
No: 0
Absent: None

Note

At approximately 7:06 p.m., Committee Member Godlewski was called away from the meeting on a fire emergency. He was not present during the voting on the Agenda Items.

Agenda Items

1. **Pizzapapalis of Troy, LLC** requests to transfer ownership of 2008 Class C SDM licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer location (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI 48083, Oakland County; cancel existing Outdoor Service (1 area) and requests a new Outdoor Service (1 area). {MLCC Req #476285}

Present to answer questions from the Committee were George Krcek, Thomas Stegeman, and Joseph Shenna.

The representatives stated they own and operate seven Pizzapapalis restaurants and 25 Rio Wrap restaurants. Two of the restaurants serve from both menus, as is the intent with the 300 John R location. This restaurant will have approximately 112 seats and they anticipate an early October opening. The general manager has been working in their Dearborn location for several years and is familiar with the sale of liquor. TIPS/TAMS training will be required for all employees.

Sergeant Cantlon reported that several inspections by the Building Department are not completed. He also reported that their Dearborn restaurant has no history of liquor license violations. The Greektown restaurant is currently working to resolve administrative licensing issues and they have no history of liquor sales violations.

Resolution #LC2008-09-024
Moved by Payne
Seconded by Ukrainec

RESOLVED, that Pizzapapalis of Troy, LLC be allowed to transfer ownership of 2008 Class C SDM licensed business, located in escrow at 1551 Wide Track, Pontiac, MI 48342, Oakland County, from Oscar Johnson; transfer location (Governmental Unit) (MCL 436.1531(1) to 300 John R Suite A, Troy, MI 48083, Oakland County; cancel existing Outdoor Service (1 area) and be granted a new Outdoor Service (1 area).

Yes: 6
No: 0
Absent: Godlewski

2. **M&M Troy, Inc.;** requests new SDM license to be located at 1634 John R, Troy, MI 48083, Oakland County. {MLCC Req #438202}

Present to answer questions from the Committee was Majid Kesto.

Mr. Kesto owns the Clark gas station at East Maple and John R Roads. He was advised by Sergeant Cantlon and Assistant City Attorney Lancaster of the requirements of the Michigan Liquor Control Act and the City of Troy Liquor License Ordinance for a gas station to maintain a \$250,000 inventory, excluding alcohol and gasoline, in order for a SDM license to be awarded. At the present time, Mr. Kesto has not submitted receipts to show such inventory. Also, the business must pass all inspections by the Building and Fire Departments after this merchandise is in place.

Mr. Kesto made several proposals in an effort to obtain the SDM license prior to making the large inventory purchase. Ms. Lancaster repeated the requirements to him.

Resolution #LC2008-09-025

Moved by Ukraineec

Seconded by Ogg

RESOLVED, that the request of M&M Troy, Inc. for a new SDM license be tabled until the applicant conforms with the requirements of the Michigan Liquor Control Act and the City of Troy Liquor License Ordinance.

Yes: 6
No: 0
Absent: Godlewski

General Discussion

Sergeant Cantlon stated that he had nothing new to report to the Committee.

Mr. Hall requested that City Attorney Bluhm send a memo to the Committee advising how the new city ordinance was presented to City Council. He questioned whether the recommendations of the Committee were presented or ignored. Mr. Payne and Mr. Ukraineec agreed with his request.

Mr. Ukraineec requested that Sergeant Cantlon include additional information on the applicants in the Items for Action on the monthly Agenda.

The meeting adjourned at 8:03 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II



CITY COUNCIL REPORT

September 4, 2008

TO: Phillip L. Nelson, City Manager
FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
SUBJECT: Final Reporting – BidNet On-Line Auction Services – August 2008

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) Sony digital camera, three (3) pocket memos, two (2) Epson printers, one (1) receipt printer, two (2) Dell laptop chargers, one (1) tape chek machine, one (1) lot of Decatur camera overhead units which included - (31 completed units, cables, 29 transmitters & 40 camera heads), one (1) lot of Motorola Syntor Systems 9000 VHF police radios which included - (99 Syntor radio drawer unit, 93, radio heads, 94 microphones, cables, & 39 lighting control panels), and one (1) Polaroid 600 camera with film that were auctioned on-line through BidNet, the City's e-procurement website, on August 8, 2008 and closed on, August 22, 2008.

September 4, 2008

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – August 2008

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Syntor radio equipment, Decatur overhead cameras, Epson printers, Dell laptop chargers, & etc.	\$373.76		
SUB-TOTAL:		\$373.76	
	FEES:		
5% - Syntor radio equipment, Decatur overhead cameras, Epson printers, Dell laptop chargers & etc.	(\$18.70)		
SUB-TOTAL:		(\$18.70)	
Sales Tax +6% (Syntor radio equipment, cameras, & etc):	\$22.43		
SUB-TOTAL:		\$22.43	
			\$ 377.49

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of August 2008 auctions to the City management.
- No action required



[MITN Auctions](#) |
 [National Auctions](#) |
 [Auctions Main Menu](#) |
 [HELP/FAQ](#) |
 [Contact Support](#) |
 [MITN Admin Menu](#)

Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 9/3/2008

From: 8/1/2008 To: 8/31/2008

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
0	8/19/2008	0	0.00	58.50	Payment		Bockstanz
3080	8/22/2008	5.00	0.30	0.25	Sale	Epson Stylus 600 Printer	Bockstanz
3082	8/22/2008	5.00	0.30	0.25	Sale	Epson Stylus Color 740 Printer	Bockstanz
3093	8/22/2008	2.25	0.14	0.11	Sale	Laptop Dell Chargers	Bockstanz
3425	8/22/2008	78.00	4.68	3.90	Sale	Motorola Syntor Systems 9000 VHF Radio Units	Bockstanz
3370	8/22/2008	172.50	10.35	8.63	Sale	Decatur Camera Overheads Units - One Lot	Bockstanz
3377	8/22/2008	10.50	0.63	0.53	Sale	Polaroid 600	Bockstanz
3574	8/22/2008	25.00	1.50	1.25	Sale	Tape Chek	Bockstanz
3575	8/22/2008	45.01	2.70	2.25	Sale	Sony Digital Camera	Bockstanz
3380	8/22/2008	12.00	0.72	0.60	Sale	Norelco Pocket Memos	Bockstanz
3382	8/22/2008	10.00	0.60	0.50	Sale	Sony Microcassette -corder	Bockstanz
3386	8/22/2008	8.50	0.51	0.43	Sale	Receipt Printer	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$373.76	\$22.43	\$18.70	\$58.50	\$18.70	\$18.70

DATE: September 3, 2008
 TO: Phil Nelson, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of August 2008

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	4	\$70,000.00	\$1,000.00
Parking Lot	1	\$65,000.00	\$765.00
Sub Total	5	\$135,000.00	\$1,765.00
<u>COMMERCIAL</u>			
Completion (New)	1	\$121,422.00	\$1,335.00
Tenant Completion	1	\$60,000.00	\$715.00
Add/Alter	18	\$1,672,700.00	\$18,410.00
Parking Lot	1	\$50,000.00	\$615.00
Repair	1	\$5,000.00	\$115.00
Sub Total	22	\$1,909,122.00	\$21,190.00
<u>RESIDENTIAL</u>			
New	2	\$294,900.00	\$3,180.00
Add/Alter	21	\$134,728.00	\$2,645.00
Garage/Acc. Structure	7	\$15,629.00	\$505.00
Pool/Spa/Hot Tub	4	\$53,900.00	\$770.00
Repair	1	\$15,000.00	\$265.00
Fire Repair	2	\$127,500.00	\$1,510.00
Wreck	3	\$0.00	\$0.00
Sub Total	40	\$641,657.00	\$8,875.00
<u>TOWN HOUSE/CONDO</u>			
Repair	1	\$10,000.00	\$30.00
Sub Total	1	\$10,000.00	\$30.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Completion	1	\$9,000,000.00	\$47,145.00
Add/Alter	2	\$4,186,000.00	\$20,665.00
Sub Total	3	\$13,186,000.00	\$67,810.00

RELIGIOUS

Add/Alter	3	\$100,000.00	\$1,345.00
Sub Total	3	\$100,000.00	\$1,345.00

MISCELLANEOUS

Signs	32	\$0.00	\$3,556.00
Fences	16	\$0.00	\$260.00
Sub Total	48	\$0.00	\$3,816.00

TOTAL	122	\$15,981,779.00	\$104,831.00
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PERMITS ISSUED DURING THE MONTH OF AUGUST 2008

	NO.	PERMIT FEE
Mul. Dwel. Insp.	265	\$2,650.00
Cert. of Occupancy	23	\$4,444.25
Plan Review	52	\$7,444.00
Microfilm	33	\$428.00
Building Permits	122	\$104,831.00
Electrical Permits	166	\$9,809.00
Heating Permits	113	\$5,385.00
Air Cond. Permits	49	\$2,125.00
Refrigeration Permits	4	\$345.00
Plumbing Permits	85	\$5,877.00
Storm Sewer Permits	10	\$287.00
Sanitary Sewer Permits	5	\$211.00
Sewer Taps	5	\$2,800.00
TOTAL	932	\$146,636.25

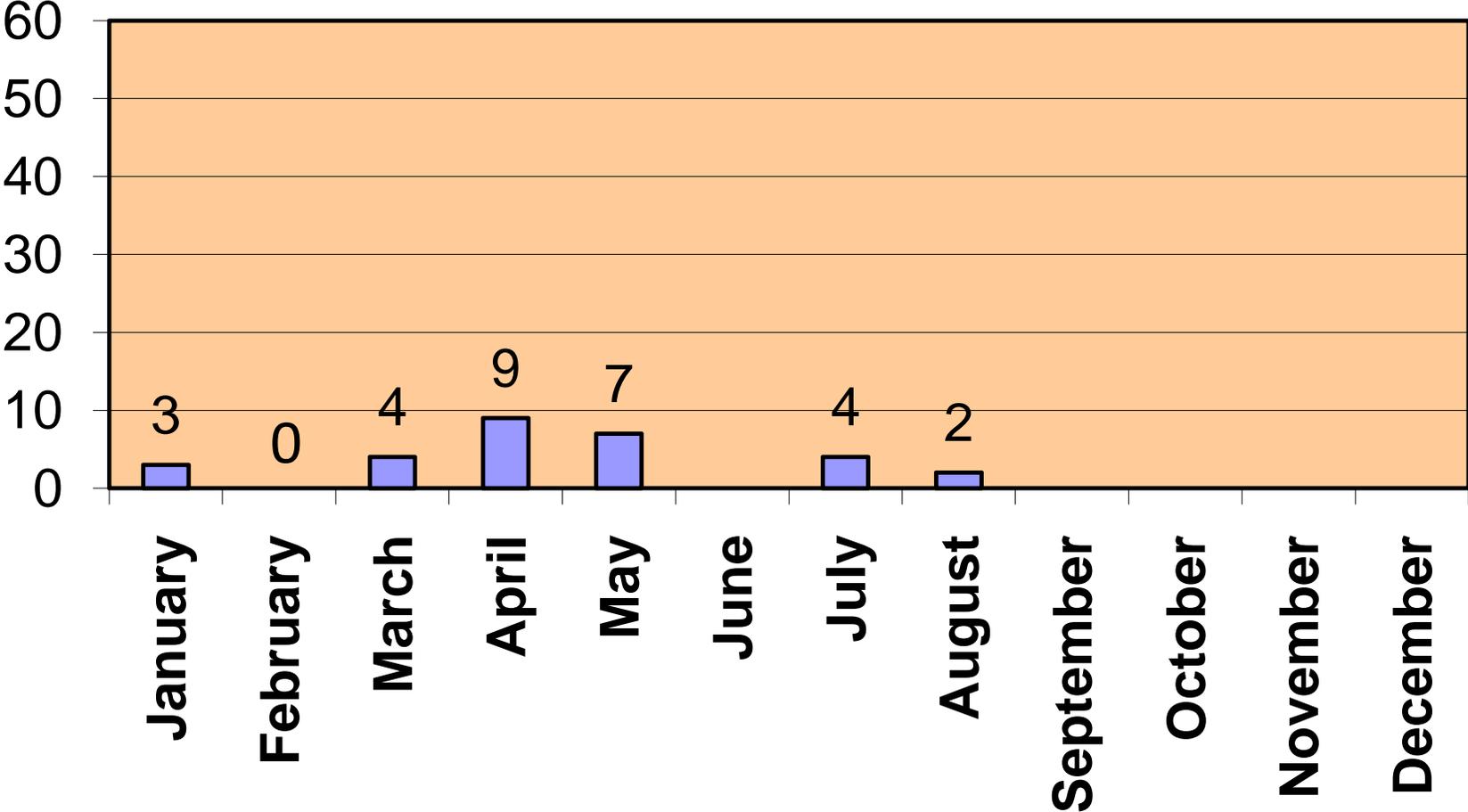
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF AUGUST 2008

	NO.	LICENSE FEE
Mech. Contr.-Reg.	21	\$105.00
Elec. Contr.-Reg.	15	\$225.00
Master Plmb.-Reg.	23	\$115.00
Sign Inst. - Reg.	6	\$60.00
E. Sign Contr-Reg.	3	\$45.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	15	\$150.00
F.Alarm Contr.-Reg.	4	\$60.00
TOTAL	89	\$780.00

BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2007</u>	<u>PERMIT VALUATION 2007</u>	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>
JANUARY	119	\$7,595,008.00	71	\$4,678,432.00
FEBRUARY	101	\$8,056,092.00	81	\$5,464,681.00
MARCH	135	\$9,204,932.00	107	\$3,480,525.00
APRIL	140	\$4,844,929.00	141	\$10,518,298.00
MAY	170	\$11,201,261.00	161	\$4,357,036.00
JUNE	183	\$6,057,272.00	161	\$8,178,329.00
JULY	134	\$5,755,737.00	160	\$10,497,107.00
AUGUST	149	\$10,867,085.00	122	\$15,981,779.00
SEPTEMBER	151	\$15,498,043.00	0	\$0.00
OCTOBER	194	\$13,663,761.00	0	\$0.00
NOVEMBER	136	\$16,386,272.00	0	\$0.00
DECEMBER	102	\$4,572,214.00	0	\$0.00
TOTAL	1714	\$113,702,606.00	1004	\$63,156,187.00

SINGLE FAMILY DWELLING PERMITS 2008



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF AUGUST 2008**

Type of Construction	Builder or Company	Address of Job	Valuation
Inst./Hosp., Add/Alter	BARTON MALOW/SKANSKA	44201 DEQUINDRE	186,000
Inst./Hosp., Add/Alter	CONTRACTING RESOURCES, INC.	44201 DEQUINDRE 2 NORTH	4,000,000
Total Inst./Hosp., Add/Alter			4,186,000
Commercial, Add/Alter	BANCARE, INC.	2699 W BIG BEAVER	260,000
Commercial, Add/Alter	SYNERGY GROUP INC	25 E LONG LAKE	600,000
Commercial, Add/Alter	HARDESTY, MATT & ASSOCIATES, INC.	2800 W BIG BEAVER W-310	250,000
Total Commercial, Add/Alter			1,110,000
Inst./Hosp., Completion	BEAUMONT SERVICES COMPANY LLC	44201 DEQUINDRE ShipRec	9,000,000
Total Inst./Hosp., Completion			9,000,000
Commercial, Add/Alter	DOSHI ASSOCIATES, INC.	1750 E BIG BEAVER 101	152,000
Commercial, Add/Alter	SACHSE CONSTRUCTION	1650 W BIG BEAVER	150,000
Total Commercial, Add/Alter			302,000
Commercial, Completion New	PRODIGY CONSTRUCTION MANAGEMENT	1434 W BIG BEAVER	121,422
Total Commercial, Completion New			121,422
Records 10			Total Valuation: 14,719,422

CITY OF TROY EMPLOYEES RETIREMENT SYSTEM
FORTY-FOURTH ANNUAL ACTUARIAL VALUATION
DECEMBER 31, 2007

OUTLINE OF CONTENTS

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A-2	Computed City contributions - comparative statement
A-3	Comments and conclusion
A-4	Derivation of actuarial gain (loss)
	Summary of Benefit Provisions and Valuation Data Submitted by the Retirement System
B-1	Summary of benefit provisions
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	Financial Principles, Actuarial Valuation Process, Actuarial Cost Methods, Actuarial Assumptions and Definitions of Technical Terms
C-1	Financial principles
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C-15	Definitions of technical terms
	Certain Disclosures Required by Statements No. 25 and No. 27 of the Governmental Accounting Standards Board
D-1	Actuarial accrued liability
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August 15, 2008

The Board of Trustees
City of Troy Employees Retirement System
Troy, Michigan

Submitted in this report are the results of the Forty-Fourth Annual Actuarial Valuation of the assets, actuarial values and contribution requirements associated with benefits provided by the City of Troy Employees Retirement System.

The date of the valuation was December 31, 2007.

Valuation results, comments and conclusions are contained in Section A.

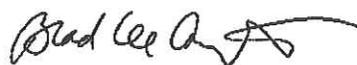
The valuation was based upon information, furnished by your Assistant City Manager-Finance Director, concerning Retirement System benefits, financial transactions, and individual members, terminated members, retirants and beneficiaries. Data was checked for year to year consistency, but was not otherwise audited by us. This information is summarized in Section B.

Descriptions of the actuarial cost method and actuarial assumptions are contained in Section C, along with a glossary of technical terms. Governmental Accounting Standards Board (GASB) Statement No. 25 and No. 27 information is contained in Section D.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge, this report is complete and accurate and was made in accordance with standards of practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The actuarial assumptions used for the valuation produce results which we believe are reasonable.

Both of the undersigned are members of the American Academy of Actuaries and meet the qualification standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Respectfully submitted,



Brad Lee Armstrong,
A.S.A., E.A., M.A.A.A.



Randall J. Dziubek
A.S.A., E.A., M.A.A.A.

BLA:dks:bd

SECTION A

VALUATION RESULTS, COMMENTS AND CONCLUSIONS

**COMPUTED CITY CONTRIBUTIONS
OF THE RETIREMENT SYSTEM
FOR THE FISCAL YEAR BEGINNING JULY 1, 2008**

1. Actuarial Present Value of All Past and Future Benefits:	
- Active	\$ 69,341,060
- Terminated Vested	\$ 1,078,784
- Retired	<u>\$ 68,494,664</u>
- Total	\$ 138,914,508
2. Funding Value of Assets	\$ 132,916,713
3. Actuarial Present Value of Future Employee Contributions	\$ 2,610,757
4. City's Remaining Unfunded Present Value of Benefits After Recognition of Funding Value of Assets and Future Employee Contributions (1) - (2) - (3)	\$ 3,387,038
5. Present Value Future Salary	\$ 85,515,075
6. Projected Payroll 1/1/2008 - 12/31/2008	\$ 10,440,173
7. City's Annual Normal Cost (4) / (5) * (6) Plus Interest at 6.5% for 6 Months	\$ 426,737
8. Projected Payroll 7/1/2008 - 6/30/2009	\$ 10,408,669
9. City's Annual Normal Cost as a % of Projected Payroll 7/1/2008 - 6/30/2009	4.10%

**COMPUTED CITY PENSION CONTRIBUTIONS
COMPARATIVE STATEMENT**

Fiscal Year Beginning July 1	Valuation Date December 31	% of Payroll Contributions		Valuation Payroll
		General	Public Safety	
1983	1982 @	12.37 %	13.65 %	\$ 9,954,722
1984	1983 *	12.37	15.85	10,214,049
1985	1984 *	13.49	19.23	10,518,429
1986	1985	13.29	18.75	11,373,793
1987	1986	11.42	17.59	12,048,592
1987	1986 *	13.67	17.59	12,048,592
1988	1987	12.00	14.76	13,083,451
1988	1987 *	14.91	16.34	13,083,451
1989	1988	14.69	15.98	14,162,413
1990	1989	12.93	13.72	14,774,001
1990	1989 *	13.11	19.39	14,774,001
1991	1990	13.09	19.44	16,105,129
1991	1990 *	13.09	22.99	16,105,129
1992	1991	11.65	21.21	17,323,677
1993	1992	10.02	17.82	17,619,701
1994	1993	7.64	15.07	18,518,880
1994	1993 *	9.24	20.09	18,518,880
1995	1994	8.00	18.62	17,598,618
1996	1995 *	7.23	16.23	19,039,969
1997	1996	3.66	13.40	20,535,959
1998	1997	0.00	9.15	16,133,023
1998	1997 *	0.00	10.99	16,133,023
1999	1998	3.73	0.04	16,201,219
1999	1998 *	4.30	0.04	16,201,219
1999	1999	0.00	0.00	15,056,554
1999	1999 *	0.05	0.00	15,056,554
2000	2000	0.00	0.00	15,441,200
2000	2000 *@	0.00	0.00	15,441,200
2001	2001	0.00	0.00	14,566,460
2001	2001 *	0.00	0.00	14,566,460
2002	2002	1.69	0.00	13,552,549
2003	2003	1.87	0.00	13,052,713
2004	2004	3.64	0.00	12,572,374
2005	2005	4.97	0.00	12,099,631
2006	2006 *	1.79	1.79	11,471,511
2007	2007	5.42	5.42	11,045,745
2007	2007 *	4.10	4.10	11,045,745

* After changes in benefit provisions/cost method/actuarial assumptions.

@ After change in asset valuation method.

COMMENTS AND CONCLUSION

COMMENT A: For the plan year ended December 31, 2007, the System generated a \$444,914 experience gain. The gain was primarily the result of investment performance and lower than expected pay increases (partially offset by more retirements and fewer terminations than expected). Overall, the experience gain was approximately 0.3% of beginning of year liabilities. In addition, there are unrecognized investment gains under the asset valuation method illustrated on page B-4 of this report. In particular, the System is positioned to offset some underperformance in investment returns relative to the assumed rate of return of 6.5%. The Board should expect to recognize investment losses and see a corresponding increase in the City's contribution requirement in next year's report if market returns do not exceed 3.0% for the plan year ending December 31, 2008.

COMMENT B: Certain actuarial assumptions and methods were changed since the previous valuation as a result of an Experience Study performed for the years 2001-2006. For a description of the new assumptions and methods see Section C of this report.

CONCLUSION: It is the actuary's opinion that the required contribution rate determined by the most recent actuarial valuation are sufficient to meet the Retirement System's funding objective, presuming continued timely receipt of required contributions.

DERIVATION OF ACTUARIAL GAIN (LOSS)
YEAR ENDED DECEMBER 31, 2007

The actuarial gains or losses realized in the operation of the Retirement System provide an experience test. Gains and losses are expected to cancel each other over a period of years (in the absence of double-digit inflation) and sizable year to year fluctuations are common. Detail on the derivation of the actuarial gain (loss) is shown below, along with a year by year comparative schedule.

(1) UPVFB* at start of year	\$ 2,433,204
(2) Employer and employee contributions	534,330
(3) Estimated reserve transfers	3,037,000
(4) Interest accrual	239,495
(5) Expected UPVFB before changes:	
(1) - (2) + (3) + (4)	5,175,369
(6) Change from revised benefit provisions	0
(7) Change from revised actuarial assumptions	(1,343,417)
(8) Expected UPVFB after changes:	
(5) + (6) + (7)	3,831,952
(9) Actual UPVFB at end of year	3,387,038
(10) Gain (loss): (8) - (9)	\$ 444,914
(11) Gain (loss) as percent of present value of future benefit at start of year	0.3%

* *Unfunded Present Value of Future Benefits. This is the present value of future benefits less the actuarial value of assets.*

Valuation Date December 31	Actuarial Gain (Loss) As % of Beginning UPVFB*
1998	3.8 %
1999	7.0
2000	4.3
2001	3.3
2002	(3.2)
2003	1.6
2004	(3.7)
2005	(0.7)
2006	(0.6)
2007	0.3

* *Prior to 2007 this exhibit shows Actuarial Gain (Loss) as a % of Beginning Actuarial Accrued Liabilities.*

SECTION B

**SUMMARY OF BENEFIT PROVISIONS AND
VALUATION DATA SUBMITTED BY THE
RETIREMENT SYSTEM**

BENEFIT PROVISIONS EVALUATED AND/OR CONSIDERED

(DECEMBER 31, 2007)

REGULAR RETIREMENT (no reduction factor for age):

Eligibility - T.P.O.A., T.F.S.O.A. and T.C.O.A. members: 25 years of service; or age 60 with 10 years of service. General AFSCME, General Clerical Members, Classified or Exempt: Age 50 with 27 years of service; or age 55 with 25 years of service; or age 60 with 10 years of service.

Mandatory Retirement Age - None.

Annual Amount

<u>Division</u>	<u>Benefit</u>	<u>Supplemental Benefit</u>
T.P.O.A.	2.80% * FAC to 25 years 1.00% * FAC 26-30 years	
T.C.O.A.	2.80% * FAC to 25 years 1.00% * FAC 26-30 years	
T.F.S.O.A.	2.25% * FAC * Service	0.25% * FAC * Service
General AFSCME	2.25% * FAC * Service	0.25% * FAC * Service
General Classified/Exempt	2.25% * FAC * Service	0.25% * FAC * Service
General Clerical	2.25% * FAC * Service	0.25% * FAC * Service

Type of Final Average Compensation - Highest 3 years out of last 10. Some lump sums are included but payment of sick or vacation leave is not included.

EARLY RETIREMENT (AGE REDUCTION FACTOR USED):

Eligibility - Age 55 with 10 years of service.

Annual Amount - Computed as regular retirement benefit but reduced by 1/2% for each month by which retirement precedes age 60.

DEFERRED RETIREMENT (vested benefits):

Eligibility - 10 years of service. Benefit payable at age 60.

Annual Amount - Same as regular retirement but based on credited service and final average compensation at termination.

DUTY DISABILITY RETIREMENT:

Eligibility - No age or service requirement. Worker's compensation must be payable.

Annual Amount - Same as regular retirement. Upon termination of worker's compensation the benefit is recomputed to grant service credit for the period in receipt of worker's compensation. Minimum benefit is based on 10 years of credited service (66 2/3% of final average compensation for non-command/exempt public safety members, while in receipt of worker's compensation).

NON-DUTY DISABILITY RETIREMENT:

Eligibility - 5 years of service (10 years for Exempt and Classified, AFSCME employees hired after 2/96.

Annual Amount - Same as regular retirement, but with a minimum benefit based on 10 years of credited service.

DUTY DEATH BEFORE RETIREMENT:

Eligibility - No age or service requirement.

Annual Amount - Widow's benefit equal to regular retirement benefit actuarially reduced in accordance with a 100% joint and survivor election. Minimum benefit is 25% (50% for T.F.S.O.A., Command Officers and T.P.O.A.) of final average compensation. If no widow, children under 18 share equally in 25% (50% for Command Officers and T.P.O.A.) of final average compensation.

NON-DUTY DEATH BEFORE RETIREMENT:

Eligibility - 10 years service.

Annual Amount - Same as regular retirement but reduced in accordance with a 100% joint and survivor election.

AUTOMATIC DEATH BENEFIT AFTER RETIREMENT: NONE.

POST-RETIREMENT ADJUSTMENTS: One-time increases were granted in 1973, 1977, 1978, 1981, 1983, 1989 and 1999.

HEALTH INSURANCE PREMIUM SUBSIDY: Post-retirement health insurance premiums are subsidized by the City as follows:

- T.C.O.A. - Fully paid after 7/1/94.
- T.P.O.A - 4% per complete year, retired after 2/20/1996.
- T.F.S.O.A- 4% per complete year, retired after 1/1/99.
- AFSCME - 4% per complete year, retired after 1/1/01
- Classified Exempt, Clerical - \$400/month or 4% per complete year, whichever is greater.
- Retirees from prior provisions - \$400/month or 3% per complete year, whichever is greater.

MEMBER CONTRIBUTIONS: Expressed as percentages of compensation are as follows:

- 1.5% for clerical members
- 3.0% for T.F.S.O.A.
- 1.5% for classified and Exempt members
- 1.5% for AFSCME
- 4.0% for T.P.O.A.
- 4.0% for T.C.O.A

REPORTED FUND BALANCE (MARKET VALUE)

Reserves	Reported Fund Balance December 31,	
	2007	2006
Reserve for Employees' Contributions	\$ 2,971,629	\$ 2,753,704
Reserve for Employer Contributions	98,211,782	85,141,685
Reserve for Retired Benefit Payments	35,574,522	45,632,241
Reserve for Undistributed Investment Income	0	0
Reserve for Health Insurance Premiums	43,631,352	38,874,516
Total Fund Balance	\$180,389,285	\$172,402,146

Valuation assets are equal to reported market value of assets (excluding health reserves), except that all realized and unrealized gains and losses are spread over a period of years, with 20% recognition the first year. Such spreading reduces the fluctuation in the City's computed contribution rate which might otherwise be caused by market value fluctuations. The details of the spreading technique are shown on page B-4. The valuation assets as of December 31, 2007 total \$132,916,713.

In financing actuarial accrued liabilities, valuation assets of \$132,916,713 were distributed as follows:

Reserves for	Valuation Assets Applied to Actuarial Accrued Liabilities for			Totals
	Active Members	Retirants & Beneficiaries	Contingency Reserve	
Employees' Contributions	\$ 2,971,629			\$ 2,971,629
Employer Contributions	98,211,782			98,211,782
Retired Benefit Payments		\$ 35,574,522		35,574,522
Valuation Asset Adjustment	(3,841,220)			(3,841,220)
Totals	\$ 97,342,191	\$ 35,574,522		\$132,916,713

Derivation of Valuation Assets
Market Value with 20% Recognition of the Difference Between
The Market Rate of Return and the Projected Rate of Return

	2006	2007	2008	2009	2010	2011
A. Funding Value Beginning of Year	\$ 128,790,235	\$ 132,168,337				
B. Market Value End of Year	133,527,630	136,757,933				
C. Market Value Beginning of Year	127,102,881	133,527,630				
D. Non-Investment Net Cash Flow (EE + ER cont.) - (Ret Ben. + Refunds + Adm.exp + Estimated Reserve Transfer)	(5,063,076)	(8,480,389)				
E. Investment Income:						
E1. Market Total: B-C-D	11,487,825	11,710,692				
E2. Assumed Rate	6.50%	6.50%				
E3. Amount for Immediate Recognition: E2 * (A+D/2)	8,206,815	8,315,329				
E4. Amount for Phased-In Recognition: E1-E3	3,281,010	3,395,363				
F. Phased-In Recognition of Investment Income:						
F1. Current Year: 0.20*E4	656,202	679,073				
F2. First Prior Year	(421,839)	656,202	\$ 679,073			
F3. Second Prior Year	0	(421,839)	656,202	\$ 679,073		
F4. Third Prior Year	0	0	(421,839)	656,202	\$ 679,073	
F5. Fourth Prior Year	0	0	0	(421,837)	656,202	\$ 679,071
F6. Total Recognized Investment Gain	234,363	913,436	913,436	913,438	1,335,275	679,071
G. Funding Value End of Year: A+D+E3+F6	\$ 132,168,337	\$ 132,916,713				
H. Difference between Market & Funding Value	1,359,293	3,841,220	2,927,784	2,014,346	679,071	0
I. Recognized Rate of Return	6.69%	7.21%				
K. Ratio of Funding Value to Market Value	99%	97%				

ASSET INFORMATION REPORTED FOR VALUATION COMPARATIVE STATEMENT

Year Ended December 31	Revenues				Expenses				Assets Year-End *
	Employee Contrib.	Employer Contrib.	Investment Income	Misc. Income	Retirement Benefits	Contrib. Refunds	Health Insurance	Misc. Expenses	
1983	\$ 1,127	\$1,498,799	\$ 2,735,165	\$ 0	\$ 197,421	\$ 168,807	\$ 0	\$ 2,630	\$ 18,556,426
1984	3,973	1,458,176	1,204,339	0	253,174	65,856	7,560	0	20,896,324
1985	1,011	1,483,547	3,952,592	0	349,086	11,087	18,268	3,026	25,952,007
1986	8,126	1,864,968	7,423,057	0	487,308	8,960	22,931	3,445	34,725,514
1987	1,998	1,922,529	1,264,117	0	559,647	893	32,525	4,321	37,316,772
1988	1,296	1,989,070	3,384,845	0	621,836	8,490	55,381	0	42,006,276
1989	1,490	2,259,952	7,158,731	0	712,137	19,967	60,189	9,010	50,625,146
1990	1,558	2,401,060	3,861,487	0	782,167	19,292	68,886	4,984	56,013,922
1991	1,760	3,081,239	11,116,274	0	878,775	1,431	87,281	0	69,245,708
1992	6,177	2,626,564	7,134,901	0	1,040,882	14,188	100,340	5,600	77,852,340
1993	24,939	2,647,753	7,900,961	0	1,115,225	392	119,120	6,000	87,185,256
1994	144,934	2,950,360	(187,532)	0	1,351,290	590	152,637	6,300	88,582,201
1995	198,746	3,156,148	20,889,448	0	1,819,840	14,066	220,291	6,600	110,765,746
1996	335,144	3,311,550	16,325,274	0	2,013,257	3,047	251,138	11,300	128,458,972
1997	371,811	3,167,814	25,544,354	0	2,459,287	11,273	329,312	16,404	154,726,675
1998	340,807	2,819,785	21,825,629	0	2,666,133	19,105,397	449,779	19,846	160,216,807
1999	335,828	1,795,070	12,085,389	0	2,860,935	1,095,796	481,660	28,782	167,220,855
2000	421,161	1,113,993	3,075,759	0	3,156,251	7,349,663	688,138	27,515	160,610,201
2001	398,572	1,303,079	2,162,267	0	3,351,223	6,753,854	693,345	28,998	153,646,699
2002	364,130	1,532,439	(7,992,398)	0	3,496,301	7,249,513	942,054	31,653	135,831,349
2003	343,629	1,543,286	25,064,474	0	3,843,356	10,230	1,102,076	29,334	157,797,742
2004	333,305	1,571,547	12,763,027	0	4,482,783	335,998	1,254,559	29,322	166,362,959
2005	309,731	972,454	2,995,153	0	4,923,401	2,613	1,368,331	53,247	164,292,705
2006	308,887	247,688	14,764,828	0	5,529,394	57,875	1,592,311	32,382	172,402,146
2007	315,677	218,653	15,286,055	0	5,924,256	5,516	1,855,527	47,947	180,389,285

* Includes assets for retiree health benefits.

**SUMMARY OF
CURRENT ASSET INFORMATION *
REPORTED FOR VALUATION**

Market Value of Assets

	<u>12/31/2007</u> <u>Market Value</u>	<u>12/31/2006</u> <u>Market Value</u>
Cash & equivalents	\$ 3,774,767	\$ 6,513,335
Government bonds	16,874,597	10,633,120
Corporate bonds	39,035,717	40,225,025
Stock	114,080,562	119,038,873
Bond mutual funds	6,623,642	0
Other (annuities)	0	0
Total assets	<u>180,389,285</u>	<u>176,410,353</u>
Less accounts payable	0	4,008,207
Net assets available for benefits	<u><u>\$180,389,285</u></u>	<u><u>\$172,402,146</u></u>

Revenues and Expenses

	<u>2007</u>	<u>2006</u>
Balance - January 1	\$172,402,146	\$ 164,292,705
Revenues		
Employees' contributions	315,677	308,887
Employer contributions	218,653	247,688
Investment income	15,286,055	14,764,828
Miscellaneous	0	0
Expenses		
Benefit payments	5,924,256	5,529,394
Refunds of member contributions	5,516	57,875
Administrative expenses	47,947	32,382
Health Insurance Premiums	1,855,527	1,592,311
Miscellaneous	0	0
Balance - December 31	<u><u>\$180,389,285</u></u>	<u><u>\$ 172,402,146</u></u>
Rate of return net of expenses	9.1%	9.2%

* Includes assets for retiree health benefits.

RETIRANTS AND BENEFICIARIES ADDED TO AND REMOVED FROM ROLLS
DEFINED BENEFIT PLAN
COMPARATIVE STATEMENT

Year Ended December 31	Added to Rols		Removed from Rols		Rols End of Year		% Incr. Annual Benefit	Average Annual Benefit	Present Value of Benefits	Expected Removal	
	No.	Annual Benefit	Post-Ret. Increases	No.	Annual Benefit	No.					Annual Benefit
1978	3	\$ 5,047	\$ 3,006	2	\$ 1,402	14	\$ 36,400	14.3%	\$ 2,600	\$ 417,886	*
1979	3	19,301		1	4,039	16	54,299	49.2	3,394	560,168	*
1980	4	18,129		2	2,326	18	68,389	25.9	3,799	736,672	*
1981	9	26,689	5,359	1	8,434	26	98,111	43.5	3,774	1,057,130	*
1982	6	41,119		2		30	130,796	33.3	4,360	1,468,289	0.4
1983	17	90,799	5,849	1	5,288	46	222,156	69.8	4,829	2,418,904	0.6
1984	14	150,796		3	12,163	57	360,789	62.4	6,330	4,037,853	1.0
1985	8	112,614		1	2,435	64	470,968	30.5	7,359	5,351,070	1.2
1986	8	64,758		1	3,820	71	531,906	12.9	7,492	6,006,326	1.3
1987	6	45,628		3	12,295	74	565,239	6.3	7,638	6,307,514	1.6
1988	6	82,290		2	8,825	78	538,704	13.0	8,188	6,997,601	1.7
1989	6	71,518	26,993	1	4,836	83	732,379	14.7	8,824	7,902,521	1.9
1990	5	102,108		2	13,370	86	821,117	12.1	9,548	8,852,756	2.1
1991	10	185,752		6	53,568	90	953,301	16.1	10,592	10,403,174	2.2
1992	10	154,697		4	41,160	96	1,066,838	11.9	11,113	11,711,334	2.4
1993	6	110,685		3	26,135	99	1,151,388	7.9	11,630	12,514,776	2.6
1994	21	648,681			(1,572)	120	1,798,497	56.2	14,987	20,491,084	2.7
1995	6	84,312		4	55,506	122	1,827,303	1.6	14,978	21,287,811	2.9
1996	20	446,833		6	60,831	136	2,213,305	21.1	16,274	25,459,651	2.0
1997	14	420,457		1	10,217	149	2,623,545	18.5	17,608	30,537,712	2.8
1998	8	163,633		4	56,055	153	2,731,123	4.1	17,850	31,402,870	3.6
1999	10	286,293		3	69,193	160	2,948,223	7.9	18,426	33,748,959	4.0
2000	11	340,403		8	59,325	163	3,229,301	9.5	19,812	37,083,835	4.0
2001	9	240,483		3	24,905	169	3,444,879	6.7	20,384	39,424,271	4.4
2002	8	189,284		6	59,479	171	3,574,684	3.8	20,905	40,667,169	4.4
2003	15	521,015		4	17,957	182	4,077,742	14.1	22,405	47,046,673	4.4
2004	21	615,572		7	87,193	196	4,606,121	13.0	23,501	53,030,527	4.8
2005	14	520,152		5	101,352	205	5,024,921	9.1	24,512	57,995,428	4.8
2006	15	609,624		3	29,746	217	5,604,799	11.5	25,829	64,573,648	4.8
2007	18	459,496		3	53,602	232	6,010,693	7.2	25,908	68,494,664	5.5

* Not available.

RETIRED MEMBERS - DECEMBER 31, 2007
TABULATED BY VALUATION DIVISIONS

DEFINED BENEFIT MEMBERS

Valuation Division	No.	Annual Benefits	Age
General	163	\$ 3,287,527	69.2 years
Public Safety	<u>69</u>	<u>2,723,166</u>	60.4 years
Totals	232	\$ 6,010,693	

RETIRANTS AND BENEFICIARIES INCLUDED IN DEFINED BENEFIT VALUATION
TABULATED BY TYPE OF BENEFITS BEING PAID
DECEMBER 31, 2007

Type of Benefits Being Paid	Number	Annual Benefits
Age and Service benefits		
Regular benefit - benefit terminating at death of retiree	68	\$1,349,191
100% joint and survivor benefit		
Option A	47	1,730,043
Option C	44	1,465,903
50% joint and survivor benefits		
Option B	22	579,278
Option D	16	528,952
Survivor Beneficiary	<u>23</u>	<u>230,628</u>
Total age and service benefits	220	5,883,995
Casualty benefits		
Non-Duty Disability - Regular		
- Retiree	1	\$ 12,097
- Beneficiary	4	21,843
Duty- Disability - Option A	1	7,866
Non-Duty Death benefit	3	44,206
Duty Death benefit	<u>3</u>	<u>40,686</u>
Total Casualty benefits	12	126,698
Total Benefits Being Paid	232	\$6,010,693

RETIRANTS AND BENEFICIARIES INCLUDED IN DEFINED BENEFIT VALUATION
BY ATTAINED AGES
DECEMBER 31, 2007

Attained Ages	No.	Annual Pensions
under 40	0	\$ -
40-44	1	7,866
45-49	5	160,924
50-54	19	711,150
55-59	45	1,768,354
60-64	53	1,568,432
65-69	30	810,964
70-74	19	340,495
75-79	27	334,732
80-84	20	215,799
85-89	12	78,153
90-94	1	13,824
95-99	0	0
100 & over	0	0
Totals	232	\$ 6,010,693

VESTED TERMINATED MEMBERS INCLUDED IN DEFINED BENEFIT VALUATION
BY ATTAINED AGES
DECEMBER 31, 2007

Attained Ages	Estimated	
	No.	Annual Benefits
44	1	\$ 5,110
46	1	13,230
48	2	15,012
49	1	8,033
50	1	16,662
52	1	13,419
53	1	3,414
54	1	11,442
55	2	31,580
57	1	8,586
59	2	19,740
Totals	14	\$ 146,228

ACTIVE MEMBERS - DECEMBER 31, 2007
TABULATED BY VALUATION DIVISIONS

DEFINED BENEFIT MEMBERS

Valuation Division	No.	Annual Payroll	Average Age	Average Service	Average Pay
General	77	\$ 4,831,655	51.5 years	19.6 years	\$62,749
Public Safety	<u>70</u>	<u>6,214,090</u>	44.4 years	16.5 years	88,773
Totals	147	\$ 11,045,745			

ACTIVE MEMBERS INCLUDED IN DEFINED BENEFIT VALUATION

Valn. Date Dec. 31	Active Members					Average				
	General		Public Safety			Valuation Payroll	Age	Service	Pay	% Incr.
	Class/ Exempt	Other	Comm/ Other	TPOA	Total					
1972		183		66	249	\$ 2,907,267	36.1 yrs.	4.7 yrs.	\$ 11,676	7.6 %
1973		205		64	269	3,434,997	36.2	4.9	12,770	9.4
1974		222		68	290	4,123,892	36.3	5.3	14,220	11.4
1975		247		81	328	4,996,368	36.2	5.5	15,233	7.1
1976		254	20	62	336	5,615,394	36.8	6.2	16,712	9.7
1977		269	18	63	350	5,970,264	37.7	6.5	17,058	2.1
1978		261	18	69	348	6,628,692	38.0	7.2	19,048	11.7
1979		282	22	72	376	7,700,464	37.9	7.2	20,480	7.5
1980		279	21	86	386	8,947,885	38.0	7.6	23,181	13.2
1981	100	167	25	87	379	9,697,649	38.4	8.3	25,587	10.4
1982	92	163	32	78	365	9,954,722	39.0	9.2	27,273	6.6
1983	94	140	30	78	342	10,214,049	39.2	10.0	29,866	9.5
1984	97	135	32	74	338	10,518,429	39.2	11.3	31,120	4.2
1985	103	139	32	79	353	11,373,793	39.2	11.1	32,220	3.5
1986	108	141	37	79	365	12,048,592	39.5	11.0	33,010	2.5
1987	116	143	41	84	384	13,083,451	40.0	11.3	34,071	3.2
1988	118	142	43	86	389	14,162,413	40.4	11.7	36,407	6.8
1989	122	144	47	86	399	14,774,001	40.5	11.7	37,028	1.7
1990	128	148	46	90	412	16,105,129	41.1	12.0	39,090	5.6
1991	129	150	44	98	421	17,323,677	41.5	12.0	41,149	5.3
1992	132	150	45	96	423	17,619,701	42.0	12.7	41,654	1.2
1993	134	150	47	93	424	18,518,880	42.6	13.1	43,677	4.9
1994	128	147	39	87	401	17,598,618	43.0	13.4	43,887	0.5
1995	127	153	43	95	418	19,039,969	43.4	13.6	45,550	3.8
1996	135 *	160	44	95	434	20,535,959	43.2	13.1	47,318	3.9
1997	55 *	146	37	102	340	16,133,023	42.4	12.1	47,590	0.6
1998	59	116 *	40	99	314	16,201,219	43.0	13.3	51,761	8.8
1999	55	85 #	40	99	279	15,056,554	43.4	14.4	54,553	5.4
2000	55	76	29	97 *	257	15,441,200	44.1	14.8	60,317	10.6
2001	56	73	20	92	241	14,566,460	44.7	14.7	60,442	0.2
2002	59	66	21	71	217	13,552,549	45.7	15.8	62,454	3.3
2003	56	61	19	69	205	13,052,713	46.5	16.3	63,672	1.9
2004	52	54	19	61	186	12,572,374	46.9	16.9	67,593	6.2
2005	48	51	21	54	174	12,099,631	47.7	17.4	69,538	2.9
2006	44	46	20	51	161	11,471,511	48.0	17.6	71,252	2.5
2007	37	40	21	49	147	11,045,745	48.1	18.1	75,141	5.5

* Includes 1 member on leave of absence.

Includes 3 members on leave of absence.

**ADDITIONS TO AND REMOVALS FROM ACTIVE MEMBERSHIP
ACTUAL AND EXPECTED NUMBERS**

Year Ended Dec. 31	Normal Retirement		Disability Retirement		Died-In-Service		Terminations			Active Members End of Year
	A	E	A	E	A	E	Trans. to DC	Other	E	
							A	A		
1988	5	3.7	0	1.1	1	0.9		15	25.5	389
1989	5	3.6	1	1.1	1	1.0		13	24.5	399
1990	4	4.8	0	1.1	0	1.0		10	24.7	412
1991	9	8.7	0	1.1	0	1.0		6	24.8	421
1992	7	6.6	0	1.2	0	1.0		4	23.1	423
1993	6	9.1	0	1.2	0	1.2		11	21.4	424
1994	19	14.6	0	1.2	1	1.1		12	20.5	401
1995	3	8.6	0	1.2	1	1.2		10	17.8	418
1996	15	8.7	0	1.3	0	0.8		9	23.5	434
1997	13	8.7	0	1.3	0	0.8	98	10	23.5	340
1998	4	6.9	0	0.8	0	0.8	28	3	18.6	314
1999	7	8.6	0	0.7	0	0.5	26	7	14.7	279
2000	9	9.3	0	0.6	0	0.4	11	3	10.3	257
2001	4	6.9	0	0.6	1	0.5	10	1	8.2	241
2002	6	5.3	0	0.8	0	0.5	19	0	6.5	217
2003	10	4.4	0	0.7	1	0.4	0	1	5.3	205
2004	15	13.5	0	0.6	0	0.4	0	4	3.5	186
2005	10	13.5	1	0.6	0	0.4	0	1	3.5	174
2006	13	10.6	0	0.6	0	0.4	0	1	3.1	161
2007	13	9.5	0	0.6	0	0.4	0	1	2.6	147
5-Yr. Totals	61	51.5	1	3.1	1	2.0	0	8	18.0	

A represents actual number.

E represents expected number based on assumptions outlined in Section C.

GENERAL (CLERICAL) - DECEMBER 31, 2007
BY ATTAINED AGE AND YEARS OF SERVICE

Age Group	Years of Accrued Service							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
25-29								0	\$ -
30-34		2						2	99,477
35-39			1					1	52,706
40-44			1		1			2	116,810
45-49		1	1			3	1	6	290,909
50-54			1		1			2	91,779
55-59			1	1			1	3	150,517
60								0	0
61								0	0
62			1	1				2	87,027
63			1					1	40,720
64			1					1	45,564
Totals		3	8	2	2	3	2	20	\$ 975,509

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 49.8 years.

Service: 17.4 years.

Annual Pay: \$48,775

GENERAL (CLASSIFIED AND EXEMPT) - DECEMBER 31, 2007
BY ATTAINED AGE AND YEARS OF SERVICE

Age Group	Years of Accrued Service						Totals		
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
25-29								0	\$ -
30-34								0	0
35-39				1				1	89,768
40-44			1		1			2	117,314
45-49			1	3	1		1	6	522,531
50-54			4	1	5	1	2	13	881,802
55-59			3	1	2	2	2	10	786,776
60					1			1	73,031
62						1		1	69,169
65					1			1	51,379
68			1		1			2	112,590
Totals	0	0	10	6	12	4	5	37	\$ 2,704,360

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 53.3 years.

Service: 20.9 years.

Annual Pay: \$73,091

GENERAL (AFSCME) - DECEMBER 31, 2007
BY ATTAINED AGE AND YEARS OF SERVICE

Age Group	Years of Accrued Service							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
25-29									\$ -
20-24									
25-29			1					1	52,683
30-34				1				1	59,861
35-39			2	2		1		5	286,689
40-44			2	2	2	3	1	10	583,725
45-49			1		2			3	168,828
50-54									
55-59									
Totals			6	5	4	4	1	20	\$ 1,151,786

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 49.9 years.

Service: 19.5 years.

Annual Pay: \$57,589

PUBLIC SAFETY – (T.F.S.O.A.) - DECEMBER 31, 2007

BY ATTAINED AGE AND YEARS OF SERVICE

Age Group	Years of Accrued Service							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
55-59			1			2		3	\$ 271,206
Totals			1			2		3	\$ 271,206

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 57.6 years.

Service: 22.3 years.

Annual Pay: \$90,402

PUBLIC SAFETY (T.P.O.A.) - DECEMBER 31, 2007

By Attained Age and Years of Service

Age Group	Years of Accrued Service							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
25-29								0	\$ 0
30-34		2	3					5	439,301
35-39		3	11					14	1,145,541
40-44			5	7				12	991,944
45-49				5	2			7	572,843
50-54			1	4	1	2		8	685,236
55-59			1	1	1			3	227,154
Totals	0	5	21	17	4	2	0	49	\$4,062,019

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 42.8 years.

Service: 15.0 years.

Annual Pay: \$82,898

PUBLIC SAFETY (T.C.O.A.) - DECEMBER 31, 2007

BY ATTAINED AGE AND YEARS OF SERVICE

Age Group	Years of Accrued Service						Totals		
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Salary
25-29									\$ -
30-34			1					1	89,335
35-39			2					2	218,632
40-44			1	1				2	208,899
45-49				1	7	1		9	920,153
50-54					1	1		2	227,615
55-59					1			1	108,900
60				1				1	107,331
Totals			4	3	9	2		18	\$ 1,880,865

While not used in the financial computations, the following group averages are computed and shown because of their general interest:

Age: 46.5 years.

Service: 19.5 years.

Annual Pay: \$104,493

SECTION C

**FINANCIAL PRINCIPLES, ACTUARIAL VALUATION
PROCESS, ACTUARIAL COST METHODS,
ACTUARIAL ASSUMPTIONS AND DEFINITIONS OF
TECHNICAL TERMS**

BASIC FINANCIAL PRINCIPLES AND OPERATION OF THE RETIREMENT SYSTEM

Benefit Promises Made Which Must Be Paid For. A retirement program is an orderly means of handing out, keeping track of, and financing pension promises to a group of employees. As each member of the retirement program acquires a unit of service credit the member is, in effect, handed an "IOU" which reads: "The City of Troy Employees Retirement System promises to pay you one unit of retirement benefits, payments in cash commencing when you retire."

The principal related financial question is: When shall the money required to cover the "IOU" be contributed? This year, when the benefit of the member's service is received? Or, some future year when the "IOU" becomes a cash demand?

The Constitution of the State of Michigan is directed to the question:

"Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities."

This Retirement System meets this requirement by having as its ***financial objective the establishment and receipt of contributions, expressed as percents of active member payroll, which will remain approximately level*** from year to year and will not have to be increased for future generations of taxpayers.

The accumulation of invested assets ***is a by-product of level percent-of-payroll contributions, not the objective.*** Investment income becomes the 3rd major contributor to the retirement program, and the amount is directly related to the amount of contributions and investment performance.

If contributions to the retirement program are less than the preceding amount, the difference, *plus investment earnings not realized thereon*, will have to be contributed at some later time (or benefits will have to be reduced) to satisfy the fundamental fiscal equation under which all retirement programs must operate:

$$B = C + I - E$$

The aggregate amount of **B**enefit payments to any group of members and their beneficiaries cannot exceed the sum of:

The aggregate amount of **C**ontributions received on behalf of the group

... plus ...

Investment earnings on contributions received and not required for immediate cash payments of benefits

... minus ...

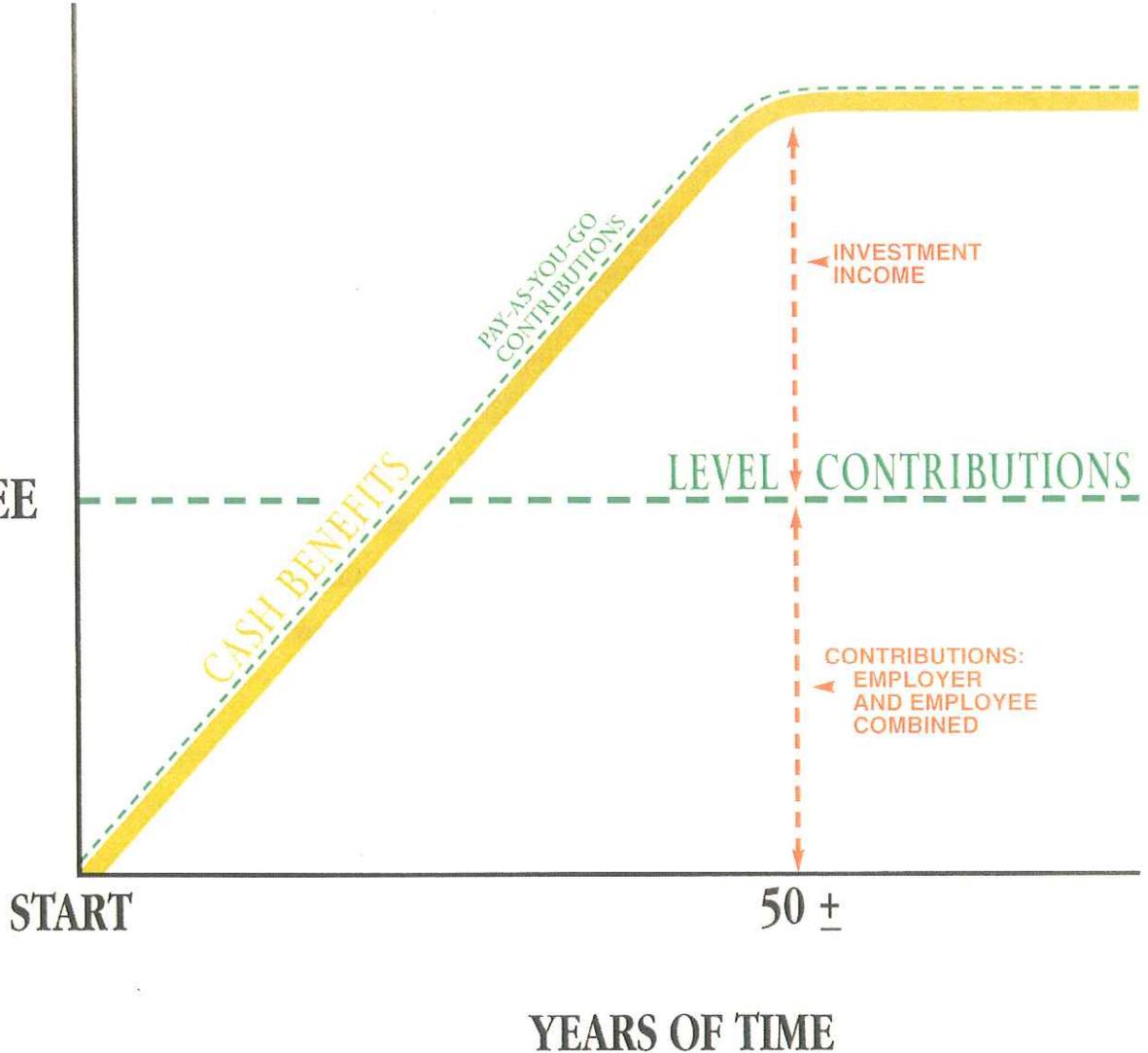
The **E**xpenses of operating the program.

There are retirement programs designed to defer the bulk of contributions far into the future. The present contribution rate for such systems is *artificially low*. The fact that the contribution rate is destined to increase relentlessly to a much higher level is often ignored.

This method of financing is prohibited in Michigan by the state constitution.

Computed Contribution Rate Needed to Finance Benefits. From a given schedule of benefits and from the data furnished, the actuary calculates the contribution rate *by means of an actuarial valuation* - the technique of assigning monetary values to the risks assumed in operating a retirement program.

**% OF
ACTIVE
EMPLOYEE
PAYS**



CASH BENEFITS LINE. This relentlessly increasing line is the fundamental reality of retirement plan financing. It happens each time a new benefit is added for future retirements (and happens regardless of the design for contributing for benefits).

LEVEL CONTRIBUTION LINE. Determining the level contribution line requires detailed assumptions concerning a variety of experiences in future decades, including:

Economic Risk Areas

- Rates of investment return
- Rates of pay increase
- Changes in active member group size

Non-Economic Risk Areas

- Ages at actual retirement
- Rates of mortality
- Rates of withdrawal of active members (turnover)
- Rates of disability

THE ACTUARIAL VALUATION PROCESS

The *financing diagram* on the previous page shows the relationship between the two fundamentally different philosophies of paying for retirement benefits: the method where contributions match cash benefit payments (or barely exceed cash benefit payments, as in the Federal Social Security program) which is an *increasing contribution method*; and the *level contribution method* which equalizes contributions between the generations.

The *actuarial valuation* is the mathematical process by which the level contribution rate is determined, and the flow of activity constituting the valuation may be summarized as follows:

- A. ***Covered Person Data***, furnished by plan administrator.
 - Retired lives now receiving benefits
 - Former employees with vested benefits not yet payable
 - Active employees

- B. + ***Asset data*** (cash & investments), furnished by plan administrator

- C. + ***Assumptions concerning future financial experience in various risk areas***, which assumptions are established by the Board of Trustees after consulting with the actuary

- D. + The ***funding method*** for employer contributions (the long-term, planned pattern for employer contributions)

- E. + ***Mathematically combining the assumptions, the funding method, and the data***

- F. = Determination of:
 - Plan financial position

 - and/or New Employer Contribution Rate

ACTUARIAL COST METHODS USED FOR THE VALUATION

The funding method used in this actuarial valuation is the *Aggregate Cost Method*. Under this method the Actuarial Present Value of Projected Benefits of the group included in the valuation, less the sum of the Funding Value of Assets and the Actuarial Present Value of Future Member Contributions is allocated over a future scheduled period. This allocation is performed for the group as a whole, not as a sum of individual allocations. The portion of this Actuarial Present Value allocated to a specific year is called the City's Annual Normal Cost. Under this method, actuarial gains (losses) reduce (increase) future Normal Costs.

ACTUARIAL ASSUMPTIONS IN THE VALUATION PROCESS

The actuary calculates contribution requirements and actuarial present values of a retirement system by applying actuarial assumptions to the benefit provisions and people information of the system, using the actuarial cost methods described on page C-5.

The principal areas of risk which require assumptions about future experience are:

- (i) Long-term rates of investment return to be generated by the assets of the System.
- (ii) Patterns of pay increases to members.
- (iii) Rates of mortality among members, retirants and beneficiaries.
- (iv) Rates of withdrawal of active members.
- (v) Rates of disability among active members.
- (vi) The age patterns of actual retirements.

In making a valuation, the actuary calculates the monetary effect of each assumption for as long as a present covered person survives - - - a period of time which can be as long as a century.

The employer contribution rate has been computed to remain level from year to year so long as benefits and the basic experience and make-up of members do not change. Examples of favorable experience which would tend to reduce the employer contribution rate are:

- (1) Investment returns in excess of 6.5% per year.
- (2) Member non-vested terminations at a higher rate than outlined on page C-11.
- (3) Mortality among retirants and beneficiaries at a higher rate than indicated by the RP-2000 Combined Healthy Mortality Table.

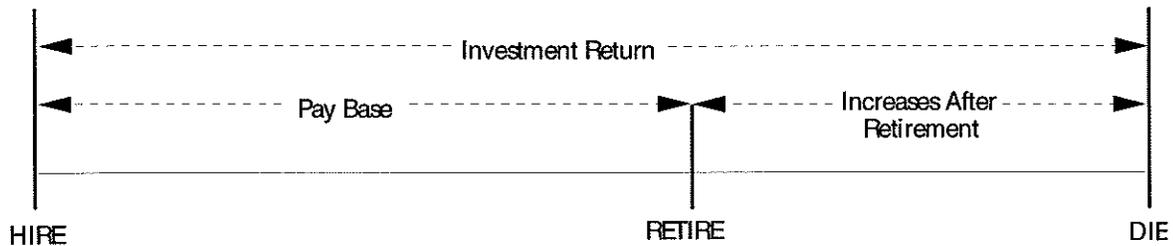
Examples of unfavorable experience which would tend to increase the employer contribution rate are:

- (1) Pay increases in excess of the rates outlined on page C-9.
 - (2) An acceleration in the rate of retirement from the rates outlined on page C-12.
-

Actual experience of the system will not coincide exactly with assumed experience, regardless of the choice of the assumptions, the skill of the actuary or the precision of the calculations. Each valuation provides a complete recalculation of assumed future experience and takes into account all past differences between assumed and actual experience. The result is a continual series of adjustments (usually small) to the computed contribution rate.

From time to time one or more of the assumptions is modified to reflect experience trends (but not random or temporary year to year fluctuations).

RELATIONSHIP OF ECONOMIC ASSUMPTIONS IN COMPUTING CONTRIBUTIONS TO A RETIREMENT SYSTEM



Investment Return

An increase in this assumption reduces computed contributions. The assumption operates over all parts of an employee's lifetime.

Pay Base

An increase in this assumption increases computed contributions. However, a 1% increase in this assumption, coupled with a 1% increase in Investment Return reduces computed contributions. This is because the Pay Base assumption operates only over an employee's working lifetime, while the Investment Return assumption operates over the employee's entire lifetime, and therefore has a greater effect.

Increases After Retirement

An increase in this element increases computed contributions.

If Investment Return, Pay Base, and Increases After Retirement are each increased by equal amounts, computed contributions remain the same (except in plans using Final Average Pay as a factor in computing benefits; the multi-year average used for Final Average Pay causes computed contributions to decrease slightly).

If Investment Return and Pay Base are increased by equal amounts, with no change in Increases After Retirement, computed contributions decrease – sometimes significantly. The decreases represent the projected devaluation of an employee's benefits following retirement.

ACTUARIAL ASSUMPTIONS USED FOR THE VALUATION

Investment Return (net of expenses).

6.5% per year, compounded annually. This rate consists of a real rate of return of 3.0% per year plus a long-term rate of wage inflation of 3.5% per year.

This assumption is used to equate the value of payments due at different points in time and was first used for the December 31, 1995 valuation. The 3.5% wage inflation assumption was first used for the December 31, 2007 valuation. Approximate rates of investment return, for the purpose of comparisons with assumed rates, are shown below:

	Year Ended December 31				
	2007	2006	2005	2004	2003
Recognized Rate of Investment Return	7.2%	6.7%	4.8%	5.0%	9.7%

The nominal rate of return was computed using the approximate formula $i = I$ divided by $1/2 (A + B - I)$, where I is actual investment income (after smoothing gains and losses) net of expenses, A is the beginning of year valuation asset value, and B is the end of year valuation asset value.

These rates of return should not be used for measurement of an investment advisor's performance or for comparisons with other systems -- *to do so will mislead.*

Pay Projections. These assumptions are used to project current pays to those upon which benefits will be based. The assumptions were first used for the December 31, 2007 valuation.

Annual Rate of Pay Increase for Sample Ages			
Sample Ages	Base (Economic)	Merit and Longevity	Total
20	3.5 %	4.0 %	7.5 %
25	3.5	3.2	6.7
30	3.5	2.8	6.3
35	3.5	2.5	6.0
40	3.5	2.2	5.7
45	3.5	1.7	5.2
50	3.5	1.2	4.7
55	3.5	0.7	4.2
60	3.5	0.2	3.7

Changes actually experienced in average pay have been as follows:

Increase in	Year Ended December 31					3-Year Average	5-Year Average
	2007	2006	2005	2004	2003		
Average pay	5.5%	2.5%	2.9%	6.2%	1.9%	3.6%	3.8%

Mortality Table. The RP-2000 Combined Healthy Mortality Table, for males and females. This table was first used for the December 31, 2007 valuation. Sample values follow:

Sample Attained Ages	Single Life Retirement Values			
	Present Value of \$1.00 Monthly for Life		Future Life Expectancy (Years)	
	Men	Women	Men	Women
50	\$156.42	\$161.11	30.80	33.59
55	146.11	152.04	26.18	28.91
60	133.49	140.76	21.74	24.38
65	118.85	127.55	17.61	20.12
70	102.73	112.76	13.88	16.23
75	85.47	96.73	10.57	12.74
80	68.04	79.91	7.75	9.68

This assumption is used to measure the probabilities of members dying before retirement and the probabilities of each benefit payment being made after retirement.

Rates of separation from active membership. The rates do not apply to members eligible to retire and do not include separation on account of death or disability. This assumption measures the probabilities of members remaining in employment.

Sample Ages	Years of Service	Percent Separating Within Next Year	
		General	Public Safety
ALL	0	30.00 %	15.00 %
	1	20.00	10.00
	2	15.00	8.00
	3	10.00	7.00
	4	7.00	6.00
25	5 & Over	6.00	5.00
30		6.00	4.50
35		6.00	3.55
40		6.00	1.45
45		3.50	0.75
50		1.50	0.75
55		1.50	0.75
60		1.50	0.75

The rates were first used for the December 31, 1975 valuation.

Rates of Disability. These assumptions represent the probabilities of active members becoming disabled.

Sample Ages	Percent Becoming Disabled Within Next Year	
	Men	Women
20	0.08 %	0.10 %
25	0.08	0.10
30	0.08	0.10
35	0.08	0.10
40	0.20	0.36
45	0.26	0.41
50	0.49	0.57
55	0.89	0.77
60	1.41	1.02
65	1.66	1.23

These rates were first used for the December 31, 1976 valuation.

Rates of Retirement. These rates are used to measure the probabilities of an eligible member retiring during the next year.

Retirement Ages	Percent of Active Members Retiring Within Next Year			
	General	Public Safety		
		T.F.S.O.A. & Exempt	T.C.O.A.	T.P.O.A.
43			35	40
44			25	40
45			20	40
46			15	40
47			15	40
48			15	40
49			15	35
50	15	35	15	20
51	10	25	25	15
52	5	20	30	15
53	5	15	100	15
54	5	15		15
55	5	15		15
56	5	15		15
57	5	15		25
58	5	25		100
59	5	30		100
60	5	100		
61	5			
62	30			
63	10			
64	10			
65	100			

T.P.O.A, T.F.S.O.A. and T.C.O.A. members were assumed to be eligible for retirement after 25 years of service, or after attaining age 60 with 10 or more years of service. Members were assumed to be eligible for retirement after attaining age 50 with 27 years of service, or after attaining age 60 with 10 or more years of service. General AFSCME, General Clerical, and Classified or Exempt members were assumed to be eligible for retirement after attaining age 50 with 27 years of service, or age 55 with 25 years of service; or age 60 with 10 years of service.

These rates were first used for the December 31, 1973 valuation. The rates for Classified, Exempt and Command Officers were first used for the December 31, 1981 valuation. The rates for Non-Classified/Exempt General members were first used for the December 31, 1986 valuation.

**SUMMARY OF ASSUMPTIONS USED
DECEMBER 31, 2007**

Pensions in an Inflationary Environment

**VALUE OF \$1,000/MONTH RETIREMENT BENEFIT
To an Individual Who Retires at Age 60
In an Environment of 3.50% Inflation**

<u>Age</u>	<u>Value</u>
60	\$1,000
61	966
62	933
63	901
64	871
65	842
70	708
75	596
80	502
85	423

The life expectancy of a 60 year old male retiree is age 82. The life expectancy for a 60 year old female retiree is age 84. Half of the people will outlive their life expectancy. The effects of even moderate amounts of inflation can be significant for those who live to an advanced age.

**SUMMARY OF ASSUMPTIONS USED
MISCELLANEOUS AND TECHNICAL ASSUMPTIONS
DECEMBER 31, 2007**

Marriage Assumption. 90% of males and 90% of females are assumed to be married for purposes of death-in-service benefits.

Pay Increase Timing. Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.

Decrement Timing. Decrements of all types are assumed to occur mid-year.

Eligibility Testing. Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.

Benefit Service. Exact fractional service is used to determine the amount of benefit payable.

Decrement Relativity. Decrement rates are used without adjustment for multiple decrement table effects.

Decrement Operation. Disability and mortality decrements do not operate during the first 5 years of service. Disability and withdrawal do not operate during retirement eligibility.

Normal Form of Benefit. The assumed normal form of benefit is the straight life form.

Incidence of Contributions. Contributions are assumed to be received continuously throughout the year based upon the computed percent of payroll shown in this report, and the actual payroll payable at the time contributions are made.

DEFINITIONS OF TECHNICAL TERMS

Accrued Service. Service credited under the system which was rendered before the date of the actuarial valuation.

Actuarial Accrued Liability. The difference between the actuarial present value of system benefits and the actuarial present value of future normal costs. Also referred to as "past service liability".

Actuarial Assumptions. Estimates of future experience with respect to rates of mortality, disability, turnover, retirement, rate or rates of investment income and salary increases. Decrement assumptions (rates of mortality, disability, turnover and retirement) are generally based on past experience, often modified for projected changes in conditions. Economic assumptions (salary increases and investment income) consist of an underlying rate in an inflation-free environment plus a provision for a long-term average rate of inflation.

Actuarial Cost Method. A mathematical budgeting procedure for allocating the dollar amount of the "actuarial present value of future benefits" between future normal costs and actuarial accrued liability. Sometimes referred to as the "actuarial funding method".

Actuarial Equivalent. One series of payments is said to be actuarially equivalent to another series of payments if the two series have the same actuarial present value.

Actuarial Gain (Loss). The difference between actual unfunded actuarial accrued liabilities and anticipated unfunded actuarial accrued liabilities -- during the period between two valuation dates. It is a measurement of the difference between actual and expected experience.

Actuarial Present Value. The amount of funds currently required to provide a payment or series of payments in the future. It is determined by discounting future payments at predetermined rates of interest, and by probabilities of payments.

Amortization. Paying off an interest-discounted amount with periodic payments of interest and (generally) principal -- as opposed to paying off with a lump sum payment.

Aggregate Cost Method is a method where the Actuarial Present Value of Projected Benefits of the group included in the valuation, less the sum of the Funding Value of Assets and the Actuarial Present Value of Future Member Contributions is allocated over a future scheduled period. This allocation is performed for the group as a whole, not as a sum of individual allocations. The portion of this Actuarial Present Value allocated to a specific year is called the City's Annual Normal Cost. Under this method, actuarial gains (losses) reduce (increase) future Normal Costs.

Credited Projected Benefit. The portion of a member's projected benefit attributable to service before the valuation date - allocated based on the ratio of accrued service to projected total service and based on anticipated future compensation.

Experience Gain (loss). The difference between actual actuarial costs and assumed actuarial costs – during the period between two valuation dates.

Funding Value of Assets. Also referred to as actuarial value of assets, smoothed market value of assets, or valuation assets.

Valuation assets recognize assumed investment return fully each year. Differences between actual and assumed investment return are phased in over a closed 5 year period. During periods when investment performance exceeds the assumed rate, valuation assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, valuation assets will tend to be greater than market value. If assumed rates are exactly realized for 4 consecutive years, valuation assets will become equal to market value.

Normal Cost. The portion of the actuarial present value of future benefits that is assigned to the current year by the actuarial cost method. Sometimes referred to as "current service cost".

Unfunded Actuarial Accrued Liabilities. The difference between actuarial accrued liabilities and valuation assets. Sometimes referred to as "unfunded past service liability" or "unfunded supplemental present value".

Most retirement systems have unfunded actuarial accrued liabilities. They arise each time new benefits are added and each time an actuarial loss occurs.

The existence of unfunded actuarial accrued liabilities is not in itself bad, any more than a mortgage on a house is bad. Unfunded actuarial accrued liabilities do not represent a debt that is payable today. What is important is the ability to amortize the unfunded actuarial accrued liabilities and the trend in their amount (after due allowance for devaluation of the dollar).

SECTION D

CERTAIN DISCLOSURES REQUIRED BY STATEMENTS NO. 25 AND NO. 27 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD

This information is presented in draft form for review by the City's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the City's financial statements.

ACTUARIAL ACCRUED LIABILITY

The actuarial accrued liability is a measure intended to help users assess (i) a pension fund's funded status on a going concern basis, and (ii) progress being made toward accumulating the assets needed to pay benefits as due. The excess of the Actuarial Present Value of Projected Benefits of the group included in an Actuarial Valuation over the Actuarial Value of Assets is allocated **on a level basis over the payroll of the group between the valuation date and assumed exit**. This allocation is performed for the group as a whole, not as a sum of individual allocations. That portion of the Actuarial Present Value allocated to a valuation year is called the Normal Cost. The Actuarial Accrued Liability is equal to the Actuarial Value of Assets. Under this method, the Actuarial Gains (Losses), as they occur, reduce (increase) future Normal Costs.

The preceding methods comply with the financial reporting standards established by the Governmental Accounting Standards Board.

The Present Value of Projected Benefits was determined as part of an actuarial valuation of the plan as of December 31, 2007. Significant actuarial assumptions used in determining the Present Value of Projected Benefits include (a) a rate of return on the investment of present and future assets of 6.5% per year compounded annually, (b) projected salary increases of 3.5% per year compounded annually, (c) additional projected salary increases of 0.0% to 4.0% per year attributable to seniority/merit, and (d) the assumption that benefits will not increase after retirement.

Actuarial Present Value of All Past and Future Benefits	
Active members	\$ 69,341,060
Retired members and beneficiaries currently receiving benefits	68,494,664
Vested terminated members not yet receiving benefits	<u>1,078,784</u>
Total	138,914,508
Actuarial Value of Assets (market value was \$136,757,933)	132,916,713
Present Value of Future Employee Contributions	<u>2,610,757</u>
Unfunded Present Value of Future Benefits	\$ 3,387,038

During the year ended December 31, 2007, the Plan experienced a net change of \$1,469,232 in the actuarial present value of projected benefits. Changes in actuarial assumptions accounted for (\$1,343,417) of this change. There were no changes in benefits during the year.

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF FUNDING PROGRESS
(\$ amounts in thousands)

Actuarial Valuation Date December 31	Actuarial Value of Assets# (a)	Actuarial Accrued Liability* (AAL) (b)	Unfunded AAL (b)-(a)	Funded Ratio (a)/(b)	Active Member Covered Payroll (c)	Unfunded AAL as a Percentage of Active Member Covered Payroll ((b-a)/c)
1995	\$ 94,730	\$ 85,625	\$ (9,105)	110.6	\$19,040	(47.8) %
1996	106,334	92,845	(13,489)	114.5	20,536	(65.7)
1997	120,718	105,689	(15,029)	114.2	16,133	(93.2)
1998	109,474	90,869	(18,605)	120.5	16,201	(114.8)
1999	118,595	94,661	(23,934)	125.3	15,057	(159.0)
2000	123,956	99,740	(24,216)	124.3	15,441	(156.8)
2001	123,669	97,140	(26,529)	127.3	14,566	(182.1)
2002	117,372	95,527	(21,845)	122.9	13,553	(161.2)
2003	126,738	103,558	(23,180)	122.4	13,053	(177.6)
2004	126,802	109,364	(17,438)	115.9	12,572	(138.7)
2005	128,790	113,260	(15,530)	113.7	12,100	(128.4)
2006	132,168	119,299	(12,869)	110.8	11,472	(112.2)
2007	132,917	123,162	(9,755)	107.9	11,046	(88.3)

Smoothed-market value.

* Reflects entry age normal actuarial cost method to comply with GASB No. 50.

**REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER CONTRIBUTIONS**

Fiscal Year Ending June 30	Actuarial Valuation Date December 31	Annual Required Contribution* (In thousands)
1995	1993	\$3,146
1996	1994	3,267
1997	1995	3,367
1998	1996	2,759
1999	1997	2,655
2000	1998	1,087
2001	1999	1,174
2002	2000	1,461
2003	2001	1,605
2004	2002	1,482
2005	2003	117
2006	2004	213
2007	2005	273
2008	2006	N/A

* Since it was stated to the actuary that the City's practice is to contribute the percent of payroll employer contribution rate shown in the actuarial valuation results, the values shown are the actual contributions reported by the City in the fiscal year. Also, for fiscal years ending in 2004 and earlier, annual required contributions include contributions for retiree health benefits.

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
SUMMARY OF ACTUARIAL METHODS AND ASSUMPTIONS**

Valuation Date	12/31/2007
Actuarial Cost Method	Aggregate
Asset Valuation Method	5-year smoothed market
Actuarial Assumptions:	
Investment Rate of Return*	6.5%
Projected Salary Increases*	3.5% - 7.5%
*Includes Inflation	3.5%



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
STERLING HEIGHTS

JENNIFER M. GRANHOLM
GOVERNOR

ROBERT J KLEINE
STATE TREASURER

Date: 9/4/08

City of Troy Police Department
500 West Big Beaver Rd.
Troy, Michigan 48084

Dear Officer Mitchell V. Lenczewski, *Russ Barrows*

I would like to express my sincere appreciation to you and your Supervisor for providing Department of Treasury personnel with your assistance on the execution of our Tax Warrant on September 3, 2008.

We thank you for your generous support, and we value your assistance in helping us perform our job duties. Your courtesy toward our staff and the taxpayer allowed us to efficiently and safely fulfill our responsibilities.

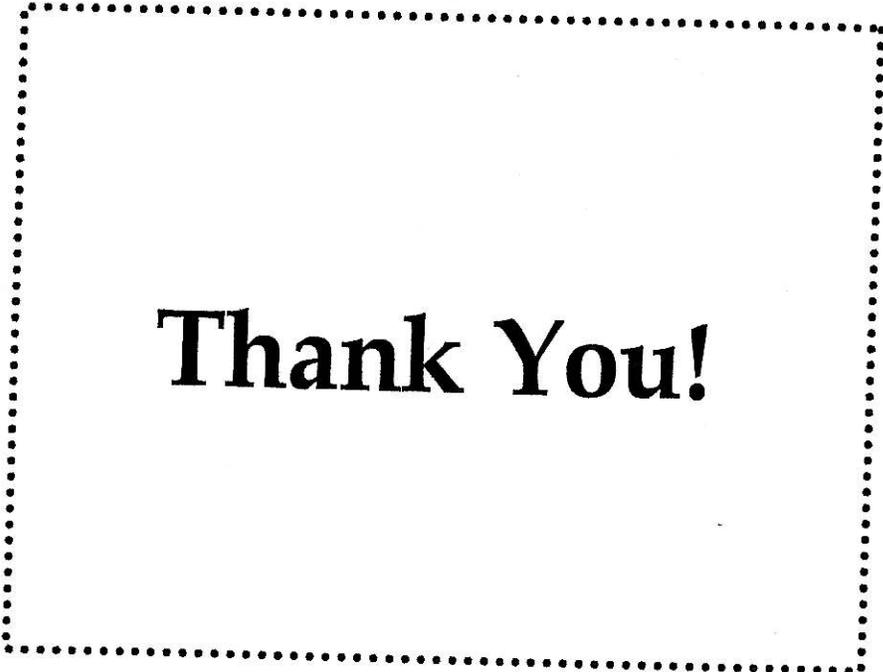
We commend your professionalism and service to the public.

Sincerely,

Lola Miller
Warrant Officer

cc: City Mgr
D/C
CAPT'S
Listed OFFICERS/FILES
BB

RECEIVED
Chief of Police
9/10/08 CR



Thank You!

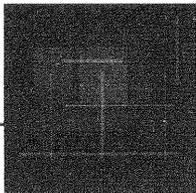
Dear Mayor Schilling & Troy City Council

I wanted to thank you for your continued support and funding of the Miss Troy Pageant. I would also like to thank Councilwoman Robin Beltramini for being an auditor. This year's pageant was a great experience for me. I was able to form new friendships, build my self-esteem, and create wonderful memories that I will always cherish. I sincerely appreciate your help in making this possible. My dreams came true this year when I was crowned Miss Teen Troy 2008. I am deeply honored to represent our great city of Troy and I look forward to the year ahead!

My sincere thanks,

Brittany Durant
Brittany Durant





cc: City MGR
D/C Mayor
CAPTAINS
LISTED OFFICERS
LISTED OFFICERS FILE
BB
ALLIANCE Mobile Health

August 27, 2008

Captain Eddie Murphy
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Captain Murphy,

Gratitude is something of which none of us can give too much!

We wanted to take a moment to let you know how kind and compassionate several of the Troy Police Officers and Ambulance Squad were at a most difficult time for my family. Their thoughtfulness meant a great deal to us on August 8, 2008 and we wanted to express our sincere appreciation for all their help. Officer Mark Livingston and Officer Lisa Rockafellow along with Sgt. Kowalski, Officer Argue and Skupney responded to a medical emergency that resulted in the untimely death of my daughter/sister Jenise Moore. The Officers were extremely professional, caring and understanding. A warm expression of sympathy helped to ease the burden for my family and friends. Officer Rockafellow's soft voice was comforting as she consoled the family and Sgt. Kowalski provided words of encouragement, a hand to hold and assisted with water and cold towels. While these may appear to be little things, under the circumstances these are the things that matter most especially since a police officer duty is to protect the people and serve the community. Our community is better served with police like Officers Livingston, Rockafellow, Argue, Skupney and Sgt. Kowalski. We trust they are not Troy's finest but a representation of the entire Troy Police Department. Their dedication and commitment to helping others will be with our family for a long time.

Thank You! Thank You! Thank You!

Alfreda Moore
Jessica Moore

Troy, MI 48098

RECEIVED
Chief of Police
9/8/08 COT

cc: Officers Livingston, Rockafellow, Kowalski, Argue, Skupney



D E P A R T M E N T O F P U B L I C S A F E T Y

Director of Public Safety Steve Fairman

Chief Wm. Nelson
Troy Fire Department
500 West Big Beaver Rd.
Troy, Mi 48084

Lt. Neil Gensler
Huntington Woods Public Safety Department
12755 W Eleven Mile Rd
Huntington Woods, Mi 48070

Dear Chief Nelson

I wanted to thank you for the great job done by Lt. T. Perry and Explorers Becca Eggert, Brandon Hall, and Amri Alilah.

Again this year I requested for your fire House to be brought to our Public Safety Camp which we teach Public Safety items to young children in our city. Lt Perry along with the explorers arrived and did a great job instructing the children on how to exit a building when it is on fire, and what to do in other related safety items. The parents of the children told me the next day about how they were instructed by their children on items learned

So please pass this thank you on to them.

A handwritten signature in black ink, appearing to read "Neil Gensler", written over a horizontal line.

Lt. Neil Gensler

J+M COLLISION
1063 E. MAPLE RD.

Thank You

RECEIVED
Chief of Police

9/14/08. CT

CC: City Mgr
Dicmama
CSP's
File
BB

The City of Troy Police Dept;

Thank you so much for the extra care and time shown to our business, during the most popular vacation week of the year.

We have chased each year the week of the July 4th Holiday, and always feel secure in the coverage and attention by your department.

Once more please accept our thanks + gratitude

Tom Collision Inc.

Paul / Kevin / Vickie

At a Regular Meeting of the Royal Oak City Commission held on Monday, September 8, 2008, in City Hall, 211 Williams Street, the following Resolution was adopted:

City of Royal Oak

RL

RESOLUTION

SUPPORTING THE STEPPIN' OUT DETROIT AIDS WALK

WHEREAS, HIV AIDS disease has been a serious world-wide epidemic for the past 27 years and has taken the lives of millions of people on every continent; and

WHEREAS, HIV AIDS has been particularly devastating to minority populations and underserved groups without adequate education and resources to combat the health threats involved; and

WHEREAS, While HIV AIDS disease can now be treated fairly successfully with adequate funding, education and access to health care, there are still millions of people dying each year across the globe, including here in the United States; and

WHEREAS, HIV AIDS can be prevented with evidence-based prevention programs that target high risk behavior within populations most at risk yet governmental, fiscal, and religious barriers still impact negatively efforts to implement life-saving programs; and

WHEREAS, more than 50,000 new HIV infections occur each year in the United States including half those new infections being among young people ages 13 to 29; and

WHEREAS, many agencies, organizations and volunteers labor each day in Southeast Michigan to provide care for people living with AIDS and attempt innovative quality prevention programs in our area to stop the spread of further HIV infection.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Commissioners of the City of Royal Oak recognizes the ongoing severity of the HIV AIDS epidemic and applauds the efforts of local organizations and individuals who fight to end this health crisis; and

LET IT BE FURTHER RESOLVED, that we appreciate and support the Steppin' Out Detroit AIDS walk organization and events now being held in our region culminating in the AIDS walk fundraiser to occur here in Royal Oak on Sunday, September 21 and we encourage everyone to join in to the best of their ability to help end the scourge that is HIV AIDS; and request that this resolution be forwarded to all the cities and townships that border Royal Oak as well as our Governor, our representatives and our senators.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on September 8, 2008.

Mary Ellen Graver

City Clerk



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: September 11, 2008
SUBJECT: Kocenda v. Troy et. al.

Plaintiff David Kocenda filed a lawsuit against the City of Troy, Troy Police Chief Charles Craft, Captain Edward Murphy, Captain Colleen Mott, Lieutenant Richard Hay, Lieutenant Charles Pappas, and Lieutenant Robert Rossman. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Fred M. Mester. In his complaint, Kocenda alleged Defamation (Count I) and Intentional Infliction of Emotional Distress (Count II).

According to the original complaint, the Plaintiff, who is a police officer for the City of Troy, was offered a job as a police officer for the City of Palm Beach Gardens, Florida. This offer was subsequently retracted, based on the background investigation. Kocenda claims that the Troy defendants provided false information about him during the background investigation.

On February 13, 2008, Judge Mester granted our Motion for Summary Disposition, and dismissed Kocenda's case against the City and the individual officers. This dismissal was based, in part, on the fact that Kocenda had not timely filed his defamation claims against the City and the individual defendants. Kocenda then filed an untimely Motion for Reconsideration on April 10, 2008. This Motion for Reconsideration was denied on May 19, 2008 by Judge Mester. Thereafter, Kocenda filed a Claim of Appeal with the Michigan Court of Appeals on May 30, 2008.

After unsuccessfully seeking a voluntary dismissal of the claim of appeal from Kocenda's attorney, we filed an immediate motion to dismiss the claim of appeal, since there is no automatic right to appeal when the claim is not timely filed. Kocenda failed to file his Motion for Reconsideration or a claim of appeal within the allocated 21 days. The Court of Appeals agreed with this position, and granted our motion and dismissed the appeal on August 27, 2008. A copy of the order is attached.

The dismissal of the claim of right does not preclude a filing of an application for leave to appeal. However, if Kocenda were to file such an application, the Court of Appeals has the absolute discretion to decide whether the case is worthy of further consideration. This decision is generally based on whether the case presents unique issues or whether there was a clear abuse of discretion in granting of the motion for summary disposition.

In the meantime, as the prevailing party in a motion to dismiss, we can request reimbursement of our costs under the internal rules of the Michigan Court of Appeals. We have requested such reimbursement.

Please let us know if you should have any questions.

Court of Appeals, State of Michigan

ORDER

David Kocenda v City of Troy

Docket No. 285725

LC No. 2007-085524-CZ

Bill Schuette
Presiding Judge

William C. Whitbeck

Donald S. Owens
Judges

The motion to dismiss this appeal for lack of jurisdiction is GRANTED. The claim of appeal was not timely filed because it was not filed within 21 days after entry of the February 14, 2008 final order. MCR 7.204(A)(1)(a). MCR 7.204(A)(1)(b) is inapplicable because the motion for reconsideration in the circuit court was not filed until April 10, 2008, more than 21 days after the entry of the February 14, 2008 final order and the circuit court did not grant appellant extended time to file such a postjudgment motion within that 21-day period.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 27 2008

Date

Sandra Schultz Mengel
Chief Clerk



CITY COUNCIL REPORT

DATE: September 10, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Birmingham Planning Board / City of Troy Planning Commission Joint Meeting

Background:

- A Joint Meeting between the City of Troy Planning Commission and the Birmingham Planning Board is scheduled for September 22, 2008 at 5:30pm at the Birmingham Department of Public Services office at 851 S. Eton, Birmingham, MI, 48009.
- The intent of the meeting is to update both boards on the status of the proposed Transit Center. Furthermore, the boards will discuss potential joint planning efforts for the Transit Center.
- The City of Birmingham will provide a recording of the meeting for broadcast.
- There are no financial or legal considerations at this time. In addition, no action is necessary.

Policy Considerations:

- The meeting is consistent with the following “Outcome Statements” as established at the July 1, 2008 Special Council meeting:
 - 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.

Attachment

Prepared by: MFM & PPB

G:\Planning Commission\City Council memo 09 22 08.docx

**CITY OF TROY
MICHIGAN
PLANNING COMMISSION
PUBLIC NOTICE**

In accordance with the provisions of Michigan State Law, notice is hereby given that the Planning Commission of the City of Troy will hold a Special Meeting on Monday, September 22, 2008, at 5:30 p.m.

The meeting will be held at the Birmingham Department of Public Services office at 851 S. Eton, Birmingham, MI, 48009.

This will be a joint meeting of the City of Troy Planning Commission and the Birmingham Planning Board to update both boards on the status of the proposed Transit Center. Furthermore, the boards will discuss potential joint planning efforts for the Transit Center. The meeting will serve as a Study Session, with no action being taken.

The meeting is open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act (MCLA 15.261 et seq.).

Mark F. Miller, AICP / PCP
Planning Director

Posted: September 11, 2008

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



CITY COUNCIL REPORT

DATE: September 8, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Master Plan Planning Commission Public Hearing

Background:

- A Public Hearing before the Planning Commission is scheduled on Tuesday, October 7, 2008, 7:30 p.m. at City Hall, 500 W. Big Beaver to consider the adoption of the Master Plan.
- The copies of the Draft Master Plan are available for viewing at the City of Troy Planning Department at 500 W. Big Beaver, Troy, MI 48084, the Troy Public Library at 510 W. Big Beaver, Troy, MI 48084, and on the City of Troy website at <http://www.troymi.gov/Planning/MasterPlanProcess/default.asp>.
- There are no financial or legal considerations at this time. In addition, no action is necessary.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 Special Council meeting:
 - 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.

Attachment

Prepared by: MFM & PPB

G:\Master Plan\City Council memo 09 22 08.docx

**CITY OF TROY
PUBLIC HEARING**

A Public Hearing will be held by and before the Planning Commission of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI on Tuesday, October 7, 2008, at 7:30 P.M., or as soon thereafter as the agenda will permit, to consider the adoption of a new Master Plan for the City of Troy.

The Master Plan is a general statement of the City's goals and policies and provides a single, comprehensive view of the community's desire for the future.

A copy of the draft Plan may be viewed on the City of Troy website at:
<http://www.troymi.gov/Planning/MasterPlanProcess/default.asp>

Copies of the draft Plan may be viewed at the following locations:

- City of Troy Planning Department, 500 W. Big Beaver, Troy, MI 48084
- Troy Public Library, 510 W. Big Beaver, Troy, MI 48084

You may express your comments regarding this matter in writing by contacting the Planning Department, City of Troy, 500 W. Big Beaver, Troy, MI, 48084, or by e-mail to planning@troymi.gov no later than 4:30 p.m. on the date of the meeting, or by attending the Public Hearing. If you have questions you may contact the Planning Department by e-mail or by phone at (248) 524-3364.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov 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.*

Ann M Blizzard

From: Aquatics International [hwma@hw-media.com]
Sent: Tuesday, September 02, 2008 5:07 PM
To: Ann M Blizzard
Subject: Congratulations! You have been selected as a Best of Aquatics winner!

Dear Best of Aquatics applicant:

Congratulations! You have been selected as a Best of Aquatics winner!
You'll be featured in our November/December issue along with the rest of our winners.

The Best of Aquatics award shows that a distinguished panel of aquatics professionals chose your facility as the best in class over all other facilities that entered the contest. As such, you represent the industry's finest - a benchmark for all other facilities.

For your promotional purposes, you are welcome to use the Best of Aquatics and Aquatics International logos.

Thank you for taking the time to enter the contest. And congratulations again on being the Best!

Sincerely,

Gary Thill
Editor
Aquatics International
<mailto:gthill@hanleywood.com>

6222 Wilshire Blvd.
Los Angeles, CA 90048
Direct: 503-288-4402
Fax: 503-335-9316

<http://hw-media.com/portal/wts/ccmc4CaF4hagqiE62yojb8F-yye>

STOP RECEIVING EMAIL TO blizzardam@ci.troy.mi.us:
Hanley Wood uses e-mail to send our customers information on various products and services we offer, including our conferences and trade shows, magazines, books, e-mail newsletters, and other offers directly connected to your business interests. To STOP receiving these e-mails, please click here <http://hw-media.com/portal/unsubscribe/?9ORvBxBfbX%2BqG0eNObCKO8euC0CaTnkAA>

Hanley Wood, LLC * One Thomas Circle NW * Washington DC 20005



To: The Mayor & City Council
From: Phil Nelson, City Manager
Subject: Budgeting for Outcomes—Output Rankings
Date: September 16, 2008

Attached for your review and consideration is a copy of the results of the Council's weighting of proposed outputs proposed by staff. Outputs are the means to initiate the requests for results that will be given to the "sellers" so that they can develop work programs that reflect Council outcomes, and the price that the "sellers" feel it will take to implement the programs.

The next step is for the Council to review all of the rankings to determine, for example, if one of the outputs in the second or third outcome has a higher priority than one of the outputs listed under Outcome # 1. Once completed, staff will develop the Request for Results proposals and then present results to the Council for determination of funding appropriations.

The output ranking item is set for a study session at the September 22nd Council meeting. If you could have your overall ranking back to staff before the end of the week, we will have results tabulated for distribution to the Council during the workshop session. If you have any questions or need additional information, please contact me.

<i>Troy enhances the livability and safety of the community</i>											Total Points	Rank	Overall Priority
Continue Police & Fire Department Functions	1	1	1	1	1	1	1	1	1	7	1.2	1	
Continue to provide refuse and recycling service	3	2	7	3	2	3	3	23	3.3	2			
Continue to provide professional planning review of development proposals and plans	6	3	4	7		5	6	31	5.2	3			
Continue inspection services	5	4	2	4	3	14	5	37	5.3	4			
Continue to provide cultural & recreational services	2	6	6	6	5	12	7	44	6.3	6			
Continue Code Enforcement	7	5	3	5	4	13	4	41	5.9	5			
Develop "green" philosophies to reduce demand on natural resources	7	10	5	14		7	9	52	8.7	8			
Enhance potential programs to lessen dependence on vehicles for intercity travel, shopping cultural events, and quality of life, i.e., regional hike and bike trails, intercity connections to transit, etc.	8	12	11	8		6	12	57	9.5	9			
Develop additional "two-way" communication methods to obtain a higher percentage of public partnerships on City issues	12	9	10	11		4	13	59	9.8	10			
Develop & communicate educational & informational programs that help property maintain a sound quality of life	11	11	8	10		9	10	59	9.8	10			
Continue to improve customer service & information programs	9	7	9	9	6	11	8	59	8.4	7			
Develop active partnerships with neighborhood organizations	10	13	13	12		8	14	70	12	13			
Develop technological enhancements to communicate with a wider spectrum of Troy citizens	13	8	12	13		10	11	67	11	12			
Continue Water & Sewer Service (added by Councilmember)							2	2	2				

<i>Troy adds value to properties through maintenance or upgrades or infrastructure and quality of life venues</i>											Total Points	Rank	Overall Priority
Develop & implement a 6-year capital improvements plan based on Council priorities	1	1	2	1	1	1	2	9	1.3	1			
Maintain a high quality multi-modal transportation network	2	4	1	6	2	4	6	25	3.6	2			
Develop and maintain public spaces & park land	7	2	4	2	4	6	3	28	4	3			
Coordinate planning documents to encourage compatible growth and development	4	5	3	3	7	3	5	30	4.3	4			
Develop & maintain cultural facilities	3	3	5	7	5	5	8	36	5.1	6			
Use capital funds, grants and community contributions to construct an interconnected pathway and trail system	5	6	6	4	3	7	4	35	5	5			
Investigate partnerships for coordinated infrastructure or technology enhancement	6	7	8	5	6	2	7	41	5.9	7			
Develop detailed maintenance program for Troy City owned capital assets (added by Councilmember)							1	1					

<i>Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world</i>											Total Points	Rank	Overall Priority
Recruit & retain new businesses that enhance the community & that meet the goals of the City's master plan, as well as the key concepts of the Big Beaver Corridor Study	6	1	1	11	1	1	7	28	4	1			
Research & apply for potential grants to provide infrastructure & quality of life enhancements	10	9	2	3	2	3	6	35	5	3			
Continue review of City programs to ensure that the City is promoting the positive growth of quality businesses	1	3	4	4	10	8	1	31	4.4	2			
Investigate funding options that reduce demand on the City's budget	11	12	3	2	3	2	4	37	5.3	4			
Continue to develop active partnerships with other public agencies	4	14	5	1	5	9	3	41	5.9	5			
Develop & communicate educational/informational programs that effectively communicate Troy's place in working in a global economy	9	6	7	12		6		40	8	10			
Utilize available economic development tools & partnerships in order to compete for quality businesses	7	2	9	14	4	4		40	6.7	6			
Encourage staff to continually develop their skills through professional organizations so they continue to be leaders in their fields	3	4	6	5	11	14	8	51	7.3	7			
Develop more marketing & branding information to enhance economic development potential	8	7	11	13		5	9	53	7.6	8			
Develop marketing, demographic and other statistical programs that assist existing businesses to stay vital	2	8	15	9	6	7		47	7.8	9			
Utilize community intelligence to assist businesses & local government	13	11	10	6		11		51	8.5	11			
Develop active partnerships with Troy business community	5	5	13	10	7	13		53	8.8	12			
Work with the business community & share knowledge in order to function in a global economy	12	10	14	8	8	12		64	11	14			
Utilize policy documents to make a more convenient shopping, living & business community	14	13	12	7	9	10	5	70	10	13			
Simplify permitting and bureaucratic processes to streamline regulations (added by Councilmember)							2						