

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 6, 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

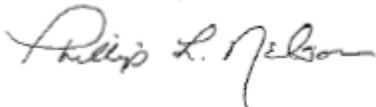
I. Troy enhances the health and safety of the community

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

October 6, 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: Father Ron Jozwiak – St. Elizabeth Ann Seton Catholic Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

- A-1 Presentations: 1
- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (August), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$556.00 to Leonette Ciepielowski for *Troy Youth Assistance* 1
 - b) On behalf of the City of Troy, Mayor Schilling will present a proclamation to the Advisory Committee for Persons with Disabilities recognizing October, 2008 as *National Disability Employment Awareness Month*..... 1
 - c) On behalf of the City of Troy, Mayor Schilling will present a proclamation to Beaumont Hospital recognizing October, 2008 as *Domestic Violence Awareness Month*..... 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Father Ron Jozwiak – St. Elizabeth Ann Seton Catholic Church

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a)** On behalf of the City of Troy Employees' *Casual for a Cause* Program (August), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$556.00 to Leonette Ciepielowski for *Troy Youth Assistance*
- b)** On behalf of the City of Troy, Mayor Schilling will present a proclamation to the Advisory Committee for Persons with Disabilities recognizing October, 2008 as *National Disability Employment Awareness Month*
- c)** On behalf of the City of Troy, Mayor Schilling will present a proclamation to Beaumont Hospital recognizing October, 2008 as *Domestic Violence Awareness Month*

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Ethnic Issues Advisory Board; 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 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 – None Scheduled**

(b) **City Council Appointments**

Suggested Resolution

Resolution #2008-10-

Moved by

Seconded by

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

Ethnic Issues Advisory Board

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

Nominated Applicants:

Grigore Buia

***Cynthia Khan**

Veena Rao

John Witt

***Not an elector in the City of Troy**

To be determined

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

To be determined

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

To be determined

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

Historical Commission

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

Padma Kuppa

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

Meaghan Kovacs

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; and Historic District Study Committee

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

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

(a) Mayoral Nominations

Suggested Resolution

Resolution #2008-10-

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 #2008-10-

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.**

Term Expires 11/01/2011

Term Expires 11/01/2011

Historic District Study Committee

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

Ad Hoc

Yes:

No:

E-3 Bid Waiver – Troy Farm – Large Barn Repair and StabilizationSuggested Resolution

Resolution #2008-10-

Moved by

Seconded by

WHEREAS, The large historic barn at the Troy Farm is in poor structural condition and a safety issue for visitors to the site;

WHEREAS, A barn repair specialist has developed specifications to repair and stabilize the large barn;

WHEREAS, Akins Construction, Inc. of Sterling Heights is the sole known barn restoration specialist in the area and completed repairs in 2006 on the small barn (Resolution #2006-06-246-F9); and

WHEREAS, Akins Construction, Inc. has offered to repair and stabilize the large historic barn in accordance with their basic outline dated September 23, 2008;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to stabilize the large historic barn with Akins Construction, Inc. of Sterling Heights, MI for an estimated total cost of \$59,689.00, as detailed in their basic outline dated September 23, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon contractor submission of properly executed contract documents including bonds, insurance certificates and all other mandated requirements; and if additional work is required that could not be foreseen, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost or \$5,969.00.

Yes:

No:

E-4 Final Site Condominium Approval – Crestwood Site Condominium, Phase 2, 4 Units/Lots Proposed on 2.3512 Acres, North Side of Wattles, East of Livernois, Section 15, Zoned R-1CSuggested Resolution

Resolution #2008-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Crestwood Site

Condominium Phase 2, located on the north side of Wattles, east of Livernois, in Section 15, including 4 home sites, within the R-1C zoning district, being 2.3512 acres in size.

Yes:

No:

E-5 Proposed Amendment to Troy City Code Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program

Suggested Resolution

Resolution #2008-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009 and to continue the City of Troy's participation in the National Flood Insurance Program, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-6 Designation of Voting Delegates at the Annual Meeting of the National League of Cities

Suggested Resolution

Resolution #2008-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **DESIGNATES** _____ as the Voting Delegate and hereby **DESIGNATES** _____ as the Alternate Voting Delegate to cast the votes of the City of Troy at the Annual Business Meeting of the National League of Cities to be held November 15, 2008 in Orlando, FL.

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 #2008-10-

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 #2008-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 8:00 PM Special City Council Meeting of September 18, 2008 and the 7:30 PM Regular City Council Meeting of September 22, 2008 as submitted.

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

Resolution #2008-10-

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

- a) National Disability Employment Awareness Month – October, 2008
- b) Domestic Violence Awareness Month – October, 2008

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – VHF Voice Pagers (Alert Receiver) Purchase – Fire Department**

Suggested Resolution

Resolution #2008-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase the standard package for the 180 Nova VHF alert receivers, plus the five-year extended warranty and trade-in allowance to the low bidder, OSI International, LLC, of Boca Raton, Florida for an estimated net total cost of \$51,120.00, which includes trade-ins at unit prices contained in the bid tabulation opened September 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-2 – Section 9 Water Main Replacement – Project 01.508.5

Suggested Resolution
Resolution #2008-10-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-2, Section 9 Water Main Replacement to T.R. Pieprzak Co., Inc., of China Township, MI for an estimated total cost of \$2,369,317.19; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

c) Standard Purchasing Resolution 9: Membership Renewal – Macomb Criminal Justice Training Consortium

Suggested Resolution
Resolution #2008-10-

WHEREAS, The Troy Police Department has been a member agency of the Macomb Criminal Justice Training Consortium for six years;

WHEREAS, The Consortium provides a comprehensive and cost effective training protocol to the Police Department at a cost of \$165.00 per Officer, per year; and

WHEREAS, Membership allows the Police Department to send employees to many training classes at no additional cost or reduced rates, including the Macomb Criminal Justice Training Center's Basic Police Academy, and access to their firearms range and Firearms Training Simulator;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a one-year membership renewal for fiscal year 2008 – 2009 with Macomb Community College for continued participation in the Criminal Justice Training Center Consortium at an estimated annual fee of \$22,110.00, and **GRANTS** approval to use all other training services provided through the Consortium membership on a reduced cost basis.

F-5 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester, Torpey to Barclay, Project No. 99.203.5 Parcel #14 – Sidwell #88-20-23-100-016 – Soo-Il Lee

Suggested Resolution

Resolution #2008-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Soo-Il Lee, owner of property having Sidwell #88-20-23-100-016, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$35,300.00, 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 Permanent Public Utility Easement in the amount of \$3,000.00 from Soo-Il Lee, owner of property having Sidwell #88-20-23-100-016 is hereby **ACCEPTED**; 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-6 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 #9 – Sidwell #88-20-14-351-059 Delance D. Farrell and Kelly D. Farrell

Suggested Resolution

Resolution #2008-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$15,700.00 and the Regrading and Temporary Construction Permit in the amount of \$200.00 from Delance D. Farrell and Kelly D. Farrell, owners of property having Sidwell #88-20-14-351-059; 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-7 Request for Bonfire – 1825 E. Square Lake Road, Kensington Community Church

Suggested Resolution
Resolution #2008-10-

RESOLVED, That Troy City Council hereby **APPROVES** the request for a bonfire from Kensington Community Church located at 1825 E. Square Lake Road scheduled to take place on Wednesday, October 8th, 2008.

F-8 Macy's Fireworks Permit Application

Suggested Resolution
Resolution #2008-10-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Zambelli Fireworks, Inc., of New Castle, PA, for the display of fireworks at Macy's at the Oakland Mall on November 7, 2008.

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 (File Number PUD-006) – October 20, 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) Parks and Recreation Advisory Board/Final – March 27, 2008
b) Election Commission/Final – June 30, 2008
c) Employees' Retirement System Board of Trustees/Final – August 13, 2008
d) Board of Zoning Appeals/Final – August 19, 2008
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- e) Planning Commission Special/Study/Draft – August 26, 2008
- f) Planning Commission Special/Study/Final – August 26, 2008
- g) Youth Council/Final – August 27, 2008
- h) Ethnic Issues Advisory Board/Draft – September 2, 2008
- i) Troy Daze Advisory Committee/Draft – September 3, 2008
- j) Planning Commission/Draft – September 9, 2008
- k) Planning Commission/Final – September 9, 2008
- l) Board of Zoning Appeals/Draft – September 16, 2008
- m) Youth Council/Draft – September 24, 2008
- n) Election Commission/Draft – September 26, 2008

J-2 Department Reports:

- a) City of Troy Retirement System – Summary Annual Report to Members – December 31, 2007
- b) Mayor Pro Tem Howrylak’s Travel Expense Report – MAPERS Fall Conference on September 14-16, 2008

J-3 Letters of Appreciation:

- a) Letter of Thanks to Carol Anderson from PKD Walk Coordinator Henry Allemon Commending Parks and Recreation Staff
- b) Letter of Appreciation from Season Pass Holder Commending the Lifeguards and Atmosphere at the Aquatic Center
- c) Letter from Pat Anlishir Commending the Lifeguard Staff

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Oakland County Board of Commissioners Resolution #08126 – Transit Commuter Benefit Program for Oakland County Employees

J-5 Rehmann Robson Engagement Letter – Fiscal Year Ending June 30, 2008**J-6 Communication from Planning Director Mark Miller Regarding Rescheduled Master Plan Planning Commission Public Hearing****J-7 Transit Center Update****STUDY ITEMS:****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

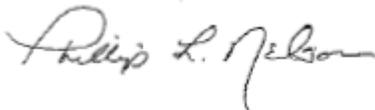
or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the 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:

L-1 No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, October 20, 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 (File Number PUD-006)

SCHEDULED CITY COUNCIL MEETINGS:

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
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH
OCTOBER 2008**

WHEREAS, To recognize the contributions of Americans with disabilities and to encourage all citizens to ensure equal opportunity in the workforce, the Congress, by joint resolution approved August 11, 1945, has designated October of each year as “**National Disability Employment Awareness Month;**” and

WHEREAS, Each year in October, the City of Troy joins with the entire country in celebrating National Disabilities Employment Month, and we take this opportunity to recognize the capabilities of individuals with disabilities as we continuously seek to protect their rights; and

WHEREAS, Americans with disabilities are active and contributing members of our society, and they must have the opportunity to develop the skills they need to compete for and obtain jobs; and

WHEREAS, By reducing physical barriers and false perceptions, our country meets our commitment to millions of Americans with disabilities and benefits from their talents, creativity, and hard work; and

WHEREAS, It is fitting that our City participate in this month-long observance, whose national theme is – ***America’s People ... America’s Talent ... America’s Strength!*** – with recognition that we are strengthened as a City by the skills, talents and capabilities brought to our community; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Troy does hereby proclaim **October 2008 to be National Disability Employment Awareness Month** in the City of Troy and encourages all citizens to honor the commitment to ensure equal opportunity in the workforce.

Signed this 6th day of October 2008.

PROCLAMATION
Domestic Violence Awareness Month - October 2008

WHEREAS, The family is the foundation of a safe and healthy community. **The Silent Witness Program** began in 1990, by a group of women from Minneapolis who were tired of seeing their friends and families being devastated by domestic violence. The group felt an urgency to do something that would speak out against the escalating domestic violence in their state and to commemorate the lives of the 26 women whose lives were lost in 1990 as a result of domestic violence; and

WHEREAS, The problem of domestic violence affects all citizens of this state and city, crossing all racial, social, religious, ethnic, geographic, and economic groups. Although both men and women can be abused, most victims are women; and

WHEREAS, In recent years, Oakland County has reported upwards of 5,000 victims of domestic violence each year. Michigan State Police records have shown that a woman is killed by a partner or former partner about once every five days in Michigan. In 2007, 53 women and one child lost their lives to domestic violence; and

WHEREAS, The effects of domestic violence extend beyond those experienced by the perpetrator and victim. Children in homes where there is domestic violence are more likely to be abused and/or neglected. Even when not physically harmed, these children may have emotional and behavioral problems; and

WHEREAS, Given this sad reality, we recognize Beaumont Hospitals as a sponsor and partner of the **Silent Witness Program** which strives to promote peace, healing and responsibility in adult relationships in order to eliminate domestic murders in the United States by the year 2010. They do so through the placement of free-standing, life-sized red wooden silhouettes, each bearing the name and story of a victim of domestic violence; and

WHEREAS, The Troy City Council supports the actions of Beaumont Hospitals and the Oakland County Coordinating Council Against Domestic Violence and their development of a universal plan within the hospital for the assessment, identification and implementation of domestic violence intervention strategies by increasing employee, physician and community awareness and implementing education programs at Beaumont Hospitals, including their sponsorship of the **Silent Witness Program**; and

WHEREAS, **The Silent Witness Program** is now in all 50 states and 20 other countries. Their efforts are significant as the domestic violence homicide rate in the United States has decreased more than 25 percent in the last several years;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **October 2008 as Domestic Violence Awareness Month** in the City of Troy;

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize the drastic effects that domestic violence has on our society and encourage everyone to become more aware of preventative measures and resources within our community in order to eliminate domestic violence and its negative impact on our children, women, their families and our communities.

Presented this 6th day of October 2008.



CITY COUNCIL ACTION REPORT

September 28, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Bid Waiver: Troy Farm – Large Barn Repair and Stabilization

Background

- In 2004, specifications to repair and stabilize the small barn were developed by a barn repair specialist.
- In 2006, the contract to complete the repairs on the small barn was approved and the work completed by the sole known barn restoration specialist in the area, Akins Construction, Inc. Resolution # 2006-06-246-F9
- In 2007, specifications to repair and stabilize the large barn were developed by a barn repair specialist.
- City management is requesting a waiver of the formal bid process for the repair and stabilization of the large historic barn located at the Troy Farm to include interior and exterior repairs, and roof bracing to the same vendor who performed work on the small barn in 2006, Akins Construction, Sterling Heights, MI. The estimated total repair price is \$59,689.00, plus a 10% contingency.

Reasons to repair/stabilize the large barn

- The barn is in poor structural condition and is a safety issue for visitors at the site.
- The barn dates back to the earliest history of Troy Township settlement and remains an excellent example of barn construction from that era.
- The barn belonged to the son of one of the earliest settlers in Troy, Elizur Goodrich (the original land owner).
- The large barn is currently used for some Parks and Recreation programming.
- The large barn has potential for several additional uses if the farm is developed as a public facility. Previous farm plans have identified it as a potential interpretive site for the land and early agriculture.

September 28, 2008

To: Phillip L. Nelson, City Manager
Re: Troy Farm – Large Barn Stabilization

Reasons to repair/stabilize the large barn – Continued

- The barn could be used to house some interpretive panels to interpret the wildflower meadow or a prairie restoration project on site; as well as serving as an educational tool for the community.
- It contributes to the rural atmosphere and aesthetics of the Troy Farm. This rural feel in a City Park would be a rare asset and having a recreation facility with this feature is a real asset.
- If repairs are not made to the large barn, it may be deemed unsafe and not usable for programming/public use.

Financial Considerations

- Funding for the barn stabilization is available in the Capital Account for Land Improvements at the OEC #401.751.770.7974.080.

Legal Considerations

- Akins Construction will meet all City bonding and insurance requirements.

Policy Considerations

- Troy continues to enhance the health and safety of the community (Outcome Statement I)
- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues (Outcome Statement II)

Options

- City management and the Parks and Recreation department recommend approving this project with Akins Construction to provide stabilization to the large historic barn at the Troy Farm for an estimated cost of \$59,689.00.
- Do not proceed with this preservation project, which may result in further deterioration of the large barn thus reducing its historic standing/value; safety will be compromised; and the barn unusable in the future.

Akins Construction Inc.

42315 Yearego, Sterling Heights, MI 48314

(586) 254 0992 * Fax (586) 254 2989

Building Restoration Specialists

September 23, 2008

City of Troy
3179 Livernois
Troy Mi. 48083
Atten: Stuart Alderman CPRP
Superintendent of Recreation

.Mr. Alderman this is a basic outline of the work items and cost.

Barn Interior Lower Level

1. Tuck point masonry as necessary	\$7,274.00
2. West Column restoration with new footing.	\$4,881.00
3. Joist Repair at center to South wall	\$1,340.00
4. North drive area, new footings columns and header.	\$5,430.00
Upper Interior Barn Structure straighten and brace.	\$16,200.00

Exterior Repairs

East Wall

1. Nail as necessary	
2. Replace missing Bats	
3. Repair siding as necessary.	\$2,460.00
4. Tuck point masonry.	\$2,250.00
5. East Gable end wood rake trim fascia.	\$1,392.00

West Wall

1. Tuck point as necessary.	\$1,625.00
2. Repair or replace missing siding and renaill.....	\$1,610.00
3. West gable end wood rake and trim fascia.	\$1,392.00

South Wall

1. Shore and rebuild masonry at southeast corner.	\$3,125.00
2. Tuck point foundation masonry.	\$1,625.00
3. Nail siding as necessary.	\$1,350.00
4. Remove and replace shingles at southeast corner. 20x12	\$1,748.00
5. Replace damaged gutters with new.	\$782.00
6. New soffit at Gable end at southwest corner.	\$680.00

North Ramp

Tuck pointy masonry as necessary. \$2,250.00

Replace downspout with pop up bubbler drains. \$2,275.00

Total cost if all items in the above listed proposal are provided. \$ 59,689.00

Thank you for the opportunity to bid this project. If you have any questions about this quote please call me.

Randy Dale Akins
President



CITY COUNCIL ACTION REPORT

September 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Final Site Condominium Approval – Crestwood Site Condominium, Phase 2, 4 Units/Lots proposed on 2.3512 acres, North side of Wattles, East of Livernois, Section 15, Zoned R-1C

Background:

- The Planning Commission recommended Preliminary Site Condominium Approval of the development at the October 9, 2007 Regular meeting.
- The applicant proposes a 4-unit site condominium developed under the provisions of Section 34.30.00 Unplatted One-Family Residential Development.
- The petitioner is proposing to develop Phase 2 of the 23-unit Crestwood Site Condominium, by extending Tanner Drive and adding 4 units. Phase 1 received Final Approval in 2004.
- The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements.
- City Management recommends approval of the Final Plan for Crestwood Site Condominium, Phase 2.

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, 2008 Special City Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.

Options:

- City Council can approve or deny the Final Site Condominium application.

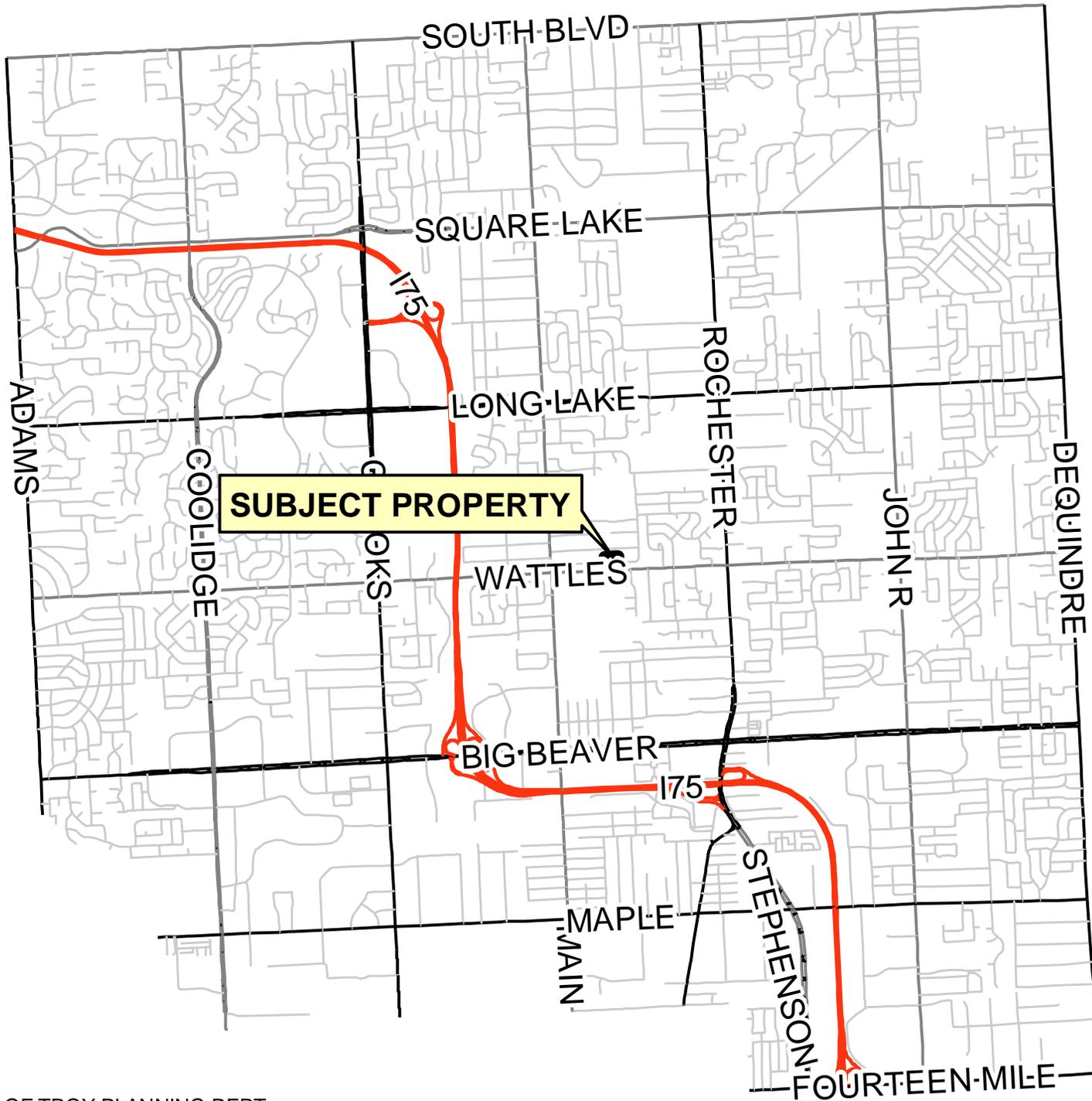
Attachments:

1. Maps.
2. Minutes from the November 19, 2007 City Council Regular meeting.
3. Minutes from the September 22, 2008 City Council Regular meeting (draft).
4. Contract for Installation of Municipal Services.
5. Unplatted Residential Development Levels of Approval.
6. Comparison between Site Condominiums and Plats.

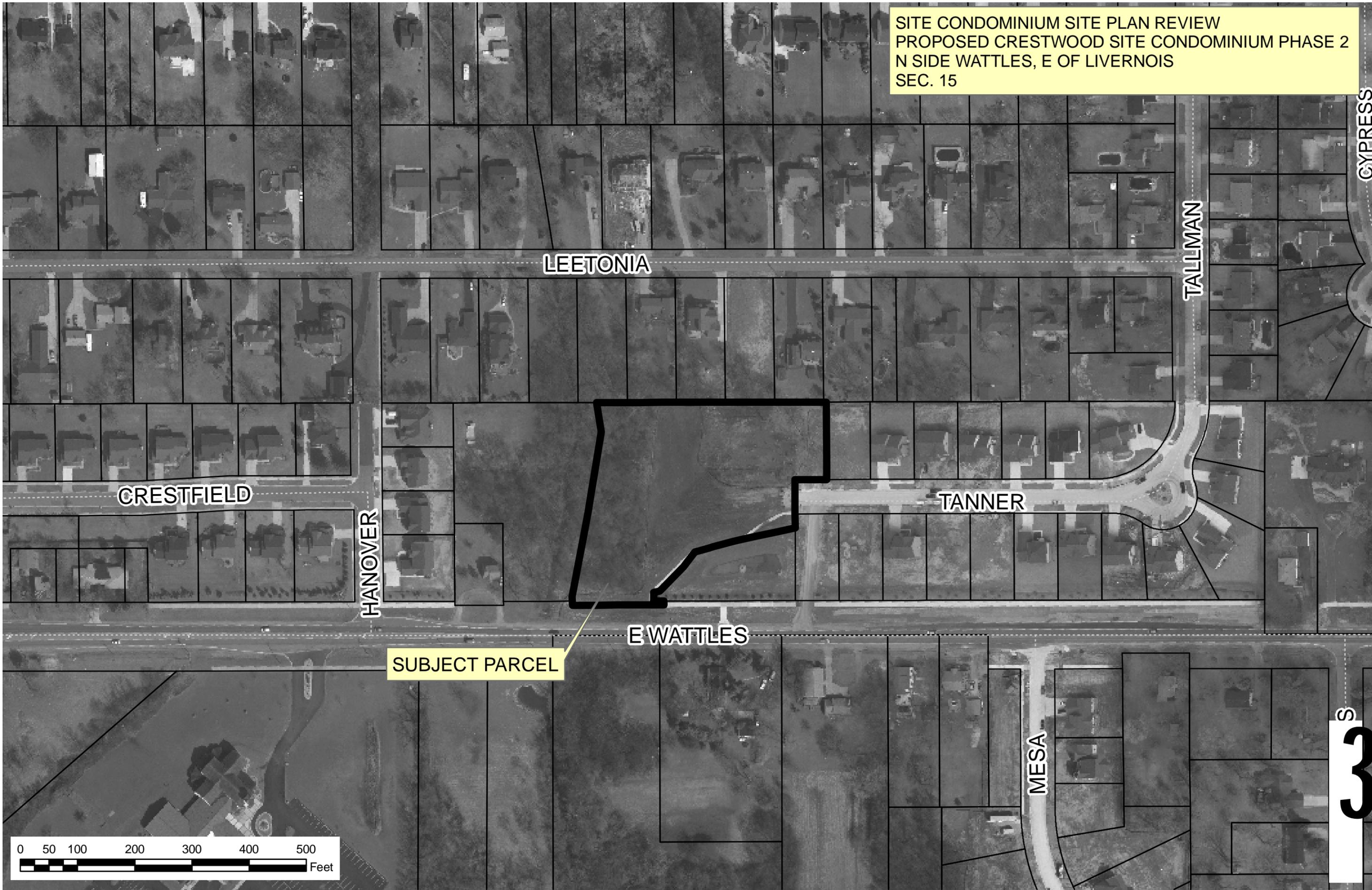
Prepared by RBS/MFM

cc: Applicant
File /Crestwood Site Condo

CITY OF TROY



SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED CRESTWOOD SITE CONDOMINIUM PHASE 2
N SIDE WATTLES, E OF LIVERNOIS
SEC. 15



LEETONIA

CRESTFIELD

HANOVER

TANNER

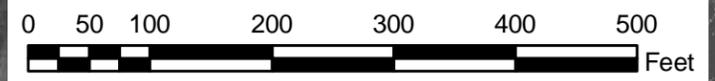
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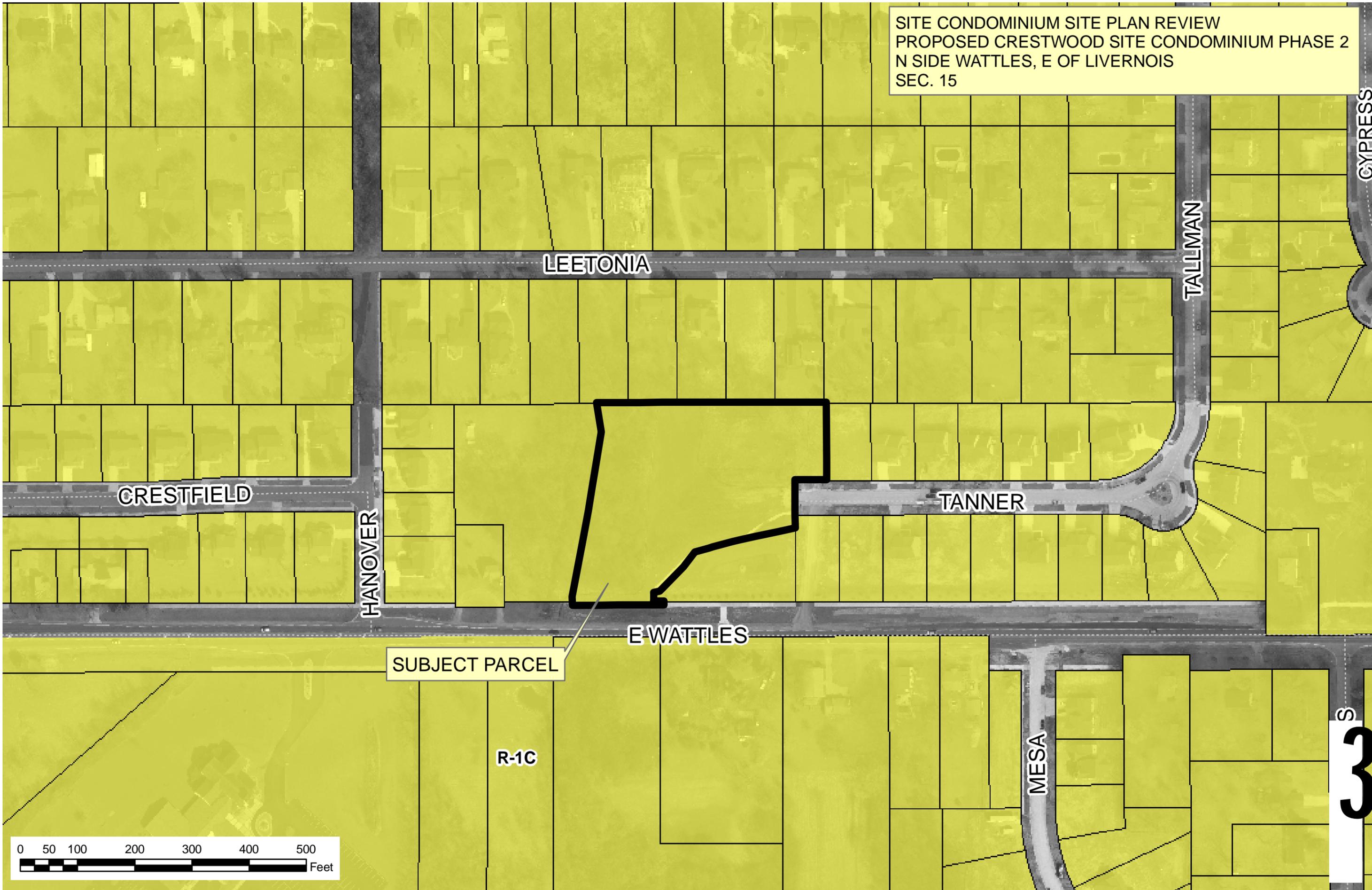
SUBJECT PARCEL

MESA

CYPRESS



SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED CRESTWOOD SITE CONDOMINIUM PHASE 2
N SIDE WATTLES, E OF LIVERNOIS
SEC. 15



LEETONIA

CRESTFIELD

HANOVER

TANNER

TALLMAN

E WATTLES

SUBJECT PARCEL

R-1C

MESA

CYPRESS

3



As bond counsel: Dickinson Wright PLLC
Bloomfield Hills, Michigan

22. CONFLICTING RESOLUTIONS.

All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** this resolution **AUTHORIZING** the issuance of not to exceed \$4,000,000 in general obligation unlimited tax refunding bonds, Series 2007.

Yes: All-6
No: None
Absent: Fleming

E-4 Preliminary Site Condominium Approval – Crestwood Site Condominium, Phase 2, 4 Units/Lots Proposed on 2.3512 Acres, North Side of Wattles, East of Livernois, Section 15, Zoned R-1C

Resolution #2007-11-328
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Crestwood Site Condominium Phase 2, located on the north side of Wattles, east of Livernois, in Section 15, including 4 home sites, within the R-1C zoning district, being 2.3512 acres in size.

Yes: All-6
No: None
Absent: Fleming

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: No action taken. b) City Council Appointments: No action taken.

E-3 Appointment of Master of Ceremonies and Official Host – Annual Appreciation Banquets

Resolution #2007-11-329
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That Council Member Howrylak **WILL ACT** as Master of Ceremonies and Official Host for the Annual 2008 Boards & Committees Appreciation Banquet (March 1, 2008) and work with the Community Affairs Department; and

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

Resolution #2008-09-305-F-14

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and R.W.T. 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

Resolution #2008-09-305-F-15a

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) Agreement

Resolution #2008-09-305-F-15b

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.

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

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
- Check

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
- Check

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

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

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

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

By:

By:

Please Print or Type

Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

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

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

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

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**
 - a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
 - b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
 - c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
 - d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

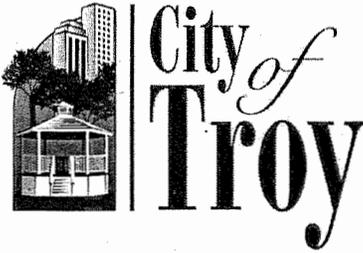
2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

Crestwood Site Condominium
Phase 2 Site and Paving Plan
is included with Council's agenda packets
and available for viewing at the
City Clerk's Office and the Troy Public Library



CITY COUNCIL ACTION REPORT RECEIVED

September 25, 2008

SEP 30 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Amendments to Chapter 42 – Flood Plain Management
Required by FEMA for Participation in National Flood Insurance Program

CITY OF TROY
CITY MANAGER'S OFFICE

Background:

- The City of Troy has participated in the National Flood Insurance Program (NFIP) since 1983.
- Participation in the program makes federally backed flood insurance available to property owners in the community.
- More than 19,000 communities in the United States participate in the NFIP by adopting and enforcing a floodplain management ordinance to reduce property losses.
- In 2003 the Federal Emergency Management Agency announced its goal for creating countywide Digital Flood Insurance Rate Maps (DFIRMs). This effort involved incorporating data for the existing flood insurance studies of all communities in Oakland County and creating a single updated map.
- City Council approved previous revisions to our DFIRMs by Resolution #2006-09-372 and #2006-10-394 in 2006 (copy attached).
- City staff requested that FEMA re-evaluate five (5) locations in Troy, as noted below, due to conflicts with the proposed maps and actual field conditions.

Stream	From	To	Length (Miles)
Hawthorn Drain	Dequindre Rd	750' upstream of Minnesota Rd	0.64
Houghton Drain East	Confluence w/Shanahan Drain, east of Henry Graham Drain	Wattles Rd	0.27
Shanahan Drain East	Dequindre Rd	700' upstream of Fernleigh	0.80
Shanahan Drain West	Henry Graham enclosure	John R Rd	0.48
Spencer-Barnard Drain	Dequindre Rd	3150' upstream of Maple Rd	2.92

- This work has been completed and FEMA has notified the city that the final flood elevation determination for the city is complete (copy attached).
- FEMA has updated the FIRMs (Flood Insurance Rate Maps) for the City of Troy to become effective January 16, 2009.

Financial Considerations:

- Adoption of the suggested amendments allows federal disaster assistance and federally backed loans should a natural disaster impact Troy in the future.

Legal Considerations:

- There are no legal considerations.

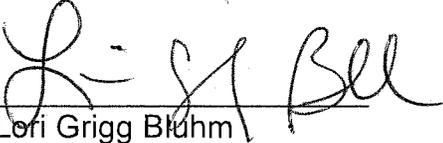
Policy Considerations:

- Troy has enhanced the health and safety of the community (Goal I)

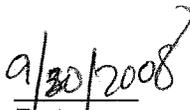
Options:

- It is recommended that City Council approve the resolution to amend Chapter 42, Flood Plain Management, in order to incorporate the updated Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009.

Reviewed and approved as to Legality:



Lori Grigg Bluhm
City Attorney


Date

Prepared by: Steve Vandette, City Engineer

G:\Council Reports and Communications\NFIP FEMA2008\To CC re Revised DFIRM Maps_2008.doc

RESOLVED, That the Troy Council **Amends** Sections 2.1, 6.1a, 6.1b(i), 12, 13 and 5 of Chapter 42, Flood Plain Management, of the Troy City Code, as follows:

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 42, Flood Plain Management, of the Code of the City of Troy.

Section 2. Amendments

Section 2. Definitions

- (1) Area of Special Flood Hazard is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A or ~~Zones A1-A30~~ Zone A, AE, AH, AO, AR, A99, V, or VE on the Flood Insurance Rate Map.

Section 6. Specific Base Flood Elevation Standards

- (1) (a) all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to a minimum of one (1) foot or above the base flood level.

Section 6. Specific Base Flood Elevation Standards

- (1) (b) (i) the lowest floor, including basement, elevated to a minimum of one (1) foot or above the base flood elevation; or

12. Designation of Regulated Flood Prone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Oakland County Michigan and Incorporated Areas and dated ~~September 29 2006~~ January 16th 2009 and the Flood Insurance Rate Maps(s) (FIRMS) panel numbers of 26125C0527F, 0529F, 0531F, 0532F, 0533F, 0534F, 0537F, 0541F, 0542F, 0551F, 0552F, 0553F, 0554F, 0561F, 0562F, dated September 29, 2006 and 0542G, 0553G, 0554G, 0561G, 0562G, dated January 16th 2009 are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

13. Penalties; Each Day a Separate Offense

(1) Except as otherwise provided in specific sections of this Chapter, a violation of any section of Chapter 42 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Sanctions for each violation of Chapter 42 shall include a fine of not more than \$500.00, costs, damages and injunctive orders as authorized by Chapter 100.

(2) A default in the payment of a civil fine or costs ordered under this ordinance or an installment of the fine or cost may be remedied by any means authorized under the Revised Judicature Act of 1961, being Section 600.10 to 600.9947 of the Michigan Compiled Laws, as amended.

(3) The owner of any land, premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate offense and upon a finding or admission of responsibility for such offense thereof shall be responsible for payment of fines, costs and damages and subject to each applicable injunctive order.

(4) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(5) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective ~~ten (10) days from the date hereof~~ on January 16, 2009 or upon publication, whichever shall later occur.

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

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

Amendments to Chapter 42 – Flood Plain Management, Required by FEMA for Participation in National Flood Insurance Program

RESOLVED, That City Council approves the attached ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009 and to continue the City of Troy's participation in the National Flood Insurance Program.

SEPT 18, 2006

**F-2 Amendments to Chapter 42 – Flood Plain Management as Required by
FEMA for Participation in National Flood Insurance Program**

Resolution #2006-09-372

Moved by Beltramini

Seconded by Stine

RESOLVED, That City Council **APPROVES** the **ATTACHED** ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective September 29, 2006 and to continue the City of Troy's participation in the National Flood Insurance Program.

Yes: All-7

OCT 16, 2006

F-4 Second Amendment to Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program

Resolution #2006-10-394

Moved by Stine

Seconded by Broomfield

RESOLVED, That City Council **APPROVES** the attached ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of identifying flood map panel numbers 26125C0527F, 0529F, 0531F, 0532F, 0533F, 0534F, 0537F, 0541F, 0542F, 0551F, 0552F, 0553F, 0554F, 0561F, and 0562F in Section 12 of the ordinance; and

BE IT FURTHER RESOLVED, That City Council **APPROVES** the attached resolution to Manage Floodplain Development for the National Flood Insurance Program.

Yes: All-7



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

July 16, 2008

The Honorable Louise Schilling
Mayor, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Community: City of Troy, MI
Community No.: 260180
Map Panels Affected: 26125C0IND1B, 01IND2B,
0542G, 0553G, 0554G, 0561G, and 0562G

Dear Mayor Schilling:

This is to formally notify you of the final flood elevation determination for the City of Troy, Oakland County, Michigan, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 29, 2006, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 7, 2007, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Troy-Somerset Gazette* on January 7, 2008 and January 14, 2008, and in the *Federal Register*, at Part 67, Volume 72, Page 68770, on December 6, 2007.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on January 16, 2009. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to January 16, 2009, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

RECEIVED

JUL 18 2008

ENGINEERING

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Oakland County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois at (312) 408-5543 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

List of Enclosures:

National Flood Insurance Program Elevation Certificate and Instructions
Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures
Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction
Use of Flood Insurance Study (FIS) Data as Available Data
National Flood Insurance Program Regulations
Final Summary of Map Actions

cc: Community Map Repository

Steven Vandette
City of Troy

To strengthen
and promote
cities as centers
of opportunity,
leadership, and
governance.



**National League
of Cities**

1301 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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Executive Director
Donald J. Borut

September 23, 2008

MEMORANDUM

TO: Direct Member Cities
FROM: Donald J. Borut, Executive Director
SUBJECT: Congress of Cities Voting Delegates

The National League of Cities Annual Business Meeting will be held on Saturday, November 15, 2008, at the conclusion of the Congress of Cities and Exposition in Orlando. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of this memorandum.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. Alternates should also visit the credentials booth before the meeting to pick up their stickers which identify them as alternate voting delegates. The Credentials Booth will be open throughout the Congress of Cities.

Please return the completed form to NLC by fax at 202-626-3043 on or before October 31, 2008, and keep the original for your own files. If you have any questions or concerns, contact Ken Rosenfeld, NLC policy manager, at rosenfeld@nlc.org or 202-626-3027.

Thank you.

Past Presidents: Clarence E. Anthony, Mayor, South Bay, Florida • John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania *Directors:* John S. Brenner, Mayor, York, Pennsylvania • Carl Brewer, Mayor, Wichita, Kansas • Susan Burgess, Mayor Pro Tem, Charlotte, North Carolina • Susan J. Cave, Executive Director, Ohio Municipal League • Malcom Chapman, Alderman, Rapid City, South Dakota • Miguel M. Chavez, Councilor/Mayor Pro Tem, Santa Fe, New Mexico • Marshand K. Crisler, Councilmember, Jackson, Mississippi • Joseph A. Curtatone, Mayor, Somerville, Massachusetts • Deborah Denard Delgado, Councilwoman, Hattiesburg, Mississippi • Doug Echols, Mayor, Rock Hill, South Carolina • Pat Eklund, Mayor Pro Tem, Novato, California • James J. Finley, Jr., Executive Director and CEO, Connecticut Conference of Municipalities • John P. Franklin, Councilmember, Chattanooga, Tennessee • J. David Fraser, Executive Director, Nevada League of Cities and Municipalities • Donald A. Groesser, Mayor, Ralston, Nebraska • Jeanne Harris, Councilmember, Vancouver, Washington • Daun S. Hester, Councilwoman, Norfolk, Virginia • Deborah A. Hill, Council Member, Warrensville Heights, Ohio • Michael E. Johnson, Councilmember, Phoenix, Arizona • Bobby G. Kilgore, Mayor, Monroe, North Carolina • Jennifer L. Kim, Councilmember, Austin, Texas • Sylvia L. Lovely, Executive Director, Kentucky League of Cities, Inc. • Robin Lowe, Council Member, Hemet, California • Dalsy W. Lynum, Commissioner, Orlando, Florida • Margaret H. Mahery, Executive Director, Tennessee Municipal League • Sam Mamel, Executive Director, Colorado Municipal League • Henry F. Marraffa, Jr., Councilmember, Gaithersburg, Maryland • Tom Ed McHugh, Executive Director, Louisiana Municipal Association • Frank C. Ortis, Mayor, Pembroke Pines, Florida • Tzeitel Paras-Caracci, Council Member, Duarte, California • Elizabeth C. Paterson, Mayor, Mansfield, Connecticut • Daniel S. Pocek, Mayor, Bedford, Ohio • Debbie W. Quinn, Councilmember, Fairhope, Alabama • Sonja Reece, Mayor Pro Tem, Normal, Illinois • L. Lynn Rex, Executive Director, League of Nebraska Municipalities • Sergio Rodriguez, Alderman, New Haven, Connecticut • Steve Salazar, Councilmember, Dallas, Texas • Audwin M. Samuel, Councilmember/Mayor Pro Tem, Beaumont, Texas • James Taylor, Councilman, Littleton, Colorado • Dennis P. Zine, Councilman, Los Angeles, California

NATIONAL LEAGUE OF CITIES

2008 CONGRESS OF CITIES
ORLANDO, FLORIDA

Number of Votes – Annual Business Meeting

Direct Member Cities

Article IV, Section 2 of the National League of Cities bylaws specifies the number of votes that each NLC direct member city is entitled to cast at the Annual Business Meeting at the Congress of Cities. Member cities are required by the bylaws to cast unanimous votes.

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes

Special Meeting of the Troy City Council was held Thursday, September 18, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 8:04 PM.

ROLL CALL

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

DISCUSSION ITEM:

1. Options for an Informational Brochure for the November 2008 General Election

The meeting **RECESSED** at 9:20 PM.

The meeting **RECONVENED** at 9:42 PM.

PUBLIC COMMENT:

William Cowger
Ann Cominsky
Tom Krent
Randy Husk

Vote on Resolution to Approve an Informational Brochure for the November 2008 General Election

Resolution #2008-09-284
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Informational Brochure prepared by City Management to be distributed to all households with registered voters in the City of Troy in advance of the November 4, 2008 General Election as reviewed and agreed upon on at the Special Meeting held on Thursday, September 18, 2008.

Yes: All-7

MOTION CARRIED

ADJOURNMENT

The meeting **ADJOURNED** at 11:25 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

Regular Meeting of the Troy City Council was held Monday, September 22, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Mayor Pro Tem Howrylak 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 Ann Comiskey and Tim Burns of the Troy Community Coalition recognizing September 22, 2008 as *Family Day-A Day to Eat Dinner with Your Children*.
- b. Mayor Schilling presented *The Achievement of Excellence in Procurement* award 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 Livernois

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner. There was no public comment.

Resolution #2008-09-285
Moved by Fleming
Seconded by Howrylak

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: All-7

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner, Doris Pedersen. There was no public comment.

Resolution #2008-09-286

Moved by Beltramini

Seconded by Kerwin

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: Beltramini, Broomfield, Fleming, Kerwin, Schilling

No: Eisenbacher, Howrylak

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the public as follows:
Marvin Reinhardt - Opposed

Resolution #2008-09-287

Moved by Kerwin

Seconded by Fleming

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: Broomfield, Fleming, Kerwin, Schilling, Beltramini

No: Eisenbacher, Howrylak

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner, Mike Kamsickas. There was no public comment.

Vote on Resolution to Excuse Council Member Eisenbacher from Participating in the Vote

Resolution #2008-09-288

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** Council Member Eisenbacher from participating in the vote for the *Establishment of an Industrial Development District (IDD)* –

Faurecia Automotive Seating, 2350 Meijer in accordance with Section 4.7 – Organization and Rules of the Council (c) of the Troy City Charter.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Establish an Industrial Development District (IDD) for Faurecia Automotive Seating

Resolution #2008-09-289

Moved by Beltramini

Seconded by Kerwin

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: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Howrylak

Abstain: Eisenbacher

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.

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

Vote on Resolution to Excuse Council Member Eisenbacher from Participating in the Vote

Resolution #2008-09-290

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** Council Member Eisenbacher from participating in the vote for the *Granting of an Industrial Facilities Exemption Certificate (IFEC) – Faurecia Automotive Seating, 2350 Meijer* in accordance with Section 4.7 – Organization and Rules of the Council (c) of the Troy City Charter.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Excuse Council Member Fleming from Participating in the Vote

Resolution #2008-09-291
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** Council Member Fleming from participating in the vote for the *Granting of an Industrial Facilities Exemption Certificate (IFEC) – Faurecia Automotive Seating, 2350 Meijer* in accordance with Section 4.7 – Organization and Rules of the Council (c) of the Troy City Charter.

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

MOTION CARRIED**Vote on Resolution to Grant an Industrial Facilities Exemption Certificate (IFEC) for Faurecia Automotive Seating**

Resolution #2008-09-292
Moved by Kerwin
Seconded by Broomfield

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 eight (8) 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: Schilling, Beltramini, Broomfield, Kerwin
 No: Howrylak
 Abstain: Eisenbacher, Fleming

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.
 The Mayor closed the Public Hearing after receiving comment from the petitioners. Robert F. Fuchs and James Tepel. There was no public comment.

Vote on Resolution to Excuse Council Member Fleming from Participating in the Vote

Resolution #2008-09-293
 Moved by Eisenbacher
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **EXCUSES** Council Member Fleming from participating in the vote for the *Establishment of an Industrial Development District (IDD)* and the *Granting of an Industrial Facilities Exemption Certificate (IFEC) – Tepel Brothers Printing, Inc., 1725 John R* in accordance with Section 4.7 – Organization and Rules of the Council (c) of the Troy City Charter.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Establish an Industrial Development District (IDD) for Tepel Brothers Printing, Inc.

Resolution #2008-09-294
 Moved by Kerwin
 Seconded by Beltramini

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

MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no comment from the petitioner or the public.

Resolution #2008-09-295
Moved by Broomfield
Seconded by Beltramini

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

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

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

(a) Mayoral Appointments

Resolution #2008-09-296
 Moved by Schilling
 Seconded by Kerwin

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: All-7

MOTION CARRIED

(b) City Council Appointments

Resolution #2008-09-297

Moved by Howrylak

Seconded by Kerwin

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: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Ethnic Issues Advisory Board; Historical Commission; and Parks & Recreation Board

(a) Mayoral Nominations – None

(b) City Council Nominations

Resolution #2008-09-298
 Moved by Howrylak
 Seconded by Eisenbacher

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:

Nominated Applicants:

Grigore Buia

Cynthia Khan

Veena Rao

John Witt

Ethnic Issues Advisory Board

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

To be determined

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

To be determined

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

To be determined

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

Historical Commission

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

Padma Kuppa

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

Meaghan Kovacs

Term Expires 09/30/2011

Yes: All-7

MOTION CARRIED**E-3 Molnar v. Troy et. al.**

Resolution #2008-09-299
 Moved by Howrylak
 Seconded by Kerwin

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: All-7

MOTION CARRIED

E-4 Steeg v. Troy et. al.

Resolution #2008-09-300
Moved by Eisenbacher
Seconded by Beltramini

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: All-7

MOTION CARRIED

E-5 Personnel Evaluation – City Attorney Lori Grigg Bluhm

Resolution #2008-09-301
Moved by Beltramini
Seconded by Eisenbacher

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 1.5%, **EFFECTIVE** July 1, 2008.

Yes: All-7

MOTION CARRIED

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

Resolution #2008-09-302
Moved by Schilling
Seconded by Kerwin

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

No: Howrylak

MOTION CARRIED

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

Resolution #2008-09-303

Moved by Kerwin

Seconded by Eisenbacher

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: All-7

MOTION CARRIED

E-8 Pledge for Unity

Resolution #2008-09-304

Moved by Beltramini

Seconded by Fleming

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: All-7

MOTION CARRIED

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

The meeting **RECONVENED** at 9:12 PM.

CONSENT AGENDA:

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

Resolution #2008-09-305

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-4a and F-7 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-09-305-F-2

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 City of Troy Proclamation:

Resolution #2008-09-305-F-3a

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

- a) Proclamation – Family Day, A Day to Eat Dinner with Your Children – September 22, 2008

F-4 Standard Purchasing Resolutions

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

Resolution #2008-09-305-F-4b

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**

Resolution #2008-09-305-F-4c

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

Resolution #2008-09-305-F-4d

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

Resolution #2008-09-305-F-4e

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

Resolution #2008-09-305-F-4d

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**

Resolution #2008-09-305-F-4g

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**

Resolution #2008-09-305-F-4h

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 Approval of a Temporary Construction Easement Agreement with Troy School District – Niles Elementary School, Sidwell #88-20-09-226-012

Resolution #2008-09-305-F-5

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 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

Resolution #2008-09-305-F-6

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-8 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

Resolution #2008-09-305-F-8

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 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

Resolution #2008-09-305-F-9

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 Grading 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 Temporary Waiver of Parking Restrictions at Congregation Shir Tikvah – East Side of Northfield Parkway

Resolution #2008-09-305-F-10

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 Acceptance of Permanent Public Utility Easement and Grading 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

Resolution #2008-09-305-F-11

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

Resolution #2008-09-305-F-12

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

Resolution #2008-09-305-F-13

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

Resolution #2008-09-305-F-14

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and R.W.T. 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**

Resolution #2008-09-305-F-15a

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) Agreement

Resolution #2008-09-305-F-15b

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 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

Resolution #2008-09-305-F-16

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 Regrading 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 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

Resolution #2008-09-305-F-17

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.

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

F-4 Standard Purchasing Resolutions

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

Resolution #2008-09-306

Moved by Eisenbacher

Seconded by Howrylak

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.

Yes: All-7

MOTION CARRIED

F-7 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

Resolution #2008-09-307

Moved by Kerwin

Seconded by Beltramini

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.

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

No: Howrylak

MOTION CARRIED

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

Noted and Filed

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals:

COUNCIL COMMENTS:

I-1 Council Comments Advanced

Council Member Fleming believes the proposed landscape plan for the Raintree Park pathway meets the intent of what City Council has requested. Furthermore, Council Member Fleming reported that weather permitting; the construction of the berm is scheduled to begin within the next two weeks with the completion targeted for late October.

Council Member Kerwin reported that the *PKD Walk* was held on Saturday in Boulan Park. She continued by stating that the Kiwanis Club, who was one of the walk sponsors, had high praises for City Staff.

Council Member Kerwin announced that the annual *Janet H. Jopke Walk* which supports the *Troy Foundation for Educational Excellence* is scheduled for this Saturday at 9:30 AM at Troy High School. She added that additional information is available on the Troy School District's website.

In addition, Council Member Kerwin reported that Troy Historical Museum's annual *Fall Farm Festival-Pumpkin and Ponies* is also scheduled from 1:00 PM until 4:00 PM on Saturday.

Council Member Kerwin mentioned that the insert entitled *Live and Learn in Troy* included in the weekend issue of the Oakland Press discusses the collaboration between the City of Troy and Troy School District. She added that the *Live and Learn* program will take place this weekend between the hours 1:00 PM – 5:00 PM.

Mayor Pro Tem Howrylak thanked City Staff for their hard work involved in regard to resolving the Raintree Park pathway issue.

Council Member Eisenbacher raised concerns about the sight line for plantings that obstruct the sight of drivers on boulevards such as Big Beaver and asked that an internal or ordinance standard be developed.

Council Member Beltramini reported that she recently was informed that another community was saving money by selling things on the internet and reminded everyone that the City of Troy's award winning Purchasing Department has been following this same practice for years.

Council Member Beltramini reported that there is a series of workshops scheduled at the Community Center beginning this Wednesday evening to assist citizens to learn ways to cope with today's economic uncertainties. Council Member Beltramini advised that additional information can be obtained by contacting Parks and Recreation.

Council Member Beltramini reported that information regarding SEMCOG's personalized ride-share programs can be obtained at www.SEMCOG.org.

Council Member Beltramini reported that Oakland County's Youth Assistance is sponsoring a program entitled *Real Boys – Rescuing Our Sons from the Myths of Boyhood* on Monday, November 3rd in the Oakland Schools building. She advised that reservations can be made through Oakland County Youth Assistance.

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) City of Royal Oak Resolution Supporting the Steppin' Out Detroit Aids Walk

Noted and Filed

J-5 Communication from City Attorney Lori Grigg Bluhm Regarding Kocenda v. Troy et. al.

Noted and Filed

J-6 Communication from Planning Director Mark Miller Regarding Birmingham Planning Board/City of Troy Planning Commission Joint Meeting

Noted and Filed

J-7 Communication from Planning Director Mark Miller Regarding Master Plan Planning Commission Public Hearing

Noted and Filed

J-8 Communication from Aquatics International Regarding the Troy Family Aquatic Center being Selected as "Best Aquatics" Winner

Noted and Filed

STUDY ITEMS:

K-1 Budgeting for Outcomes – Output Rankings – Removed at the Request of City Administration – To be rescheduled for the October 6, 2008 Regular City Council

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 9:33 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH
OCTOBER 2008**

WHEREAS, To recognize the contributions of Americans with disabilities and to encourage all citizens to ensure equal opportunity in the workforce, the Congress, by joint resolution approved August 11, 1945, has designated October of each year as “**National Disability Employment Awareness Month;**” and

WHEREAS, Each year in October, the City of Troy joins with the entire country in celebrating National Disabilities Employment Month, and we take this opportunity to recognize the capabilities of individuals with disabilities as we continuously seek to protect their rights; and

WHEREAS, Americans with disabilities are active and contributing members of our society, and they must have the opportunity to develop the skills they need to compete for and obtain jobs; and

WHEREAS, By reducing physical barriers and false perceptions, our country meets our commitment to millions of Americans with disabilities and benefits from their talents, creativity, and hard work; and

WHEREAS, It is fitting that our City participate in this month-long observance, whose national theme is – ***America’s People ... America’s Talent ... America’s Strength!*** – with recognition that we are strengthened as a City by the skills, talents and capabilities brought to our community; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Troy does hereby proclaim **October 2008 to be National Disability Employment Awareness Month** in the City of Troy and encourages all citizens to honor the commitment to ensure equal opportunity in the workforce.

Signed this 6th day of October 2008.

PROCLAMATION
Domestic Violence Awareness Month - October 2008

WHEREAS, The family is the foundation of a safe and healthy community. **The Silent Witness Program** began in 1990, by a group of women from Minneapolis who were tired of seeing their friends and families being devastated by domestic violence. The group felt an urgency to do something that would speak out against the escalating domestic violence in their state and to commemorate the lives of the 26 women whose lives were lost in 1990 as a result of domestic violence; and

WHEREAS, The problem of domestic violence affects all citizens of this state and city, crossing all racial, social, religious, ethnic, geographic, and economic groups. Although both men and women can be abused, most victims are women; and

WHEREAS, In recent years, Oakland County has reported upwards of 5,000 victims of domestic violence each year. Michigan State Police records have shown that a woman is killed by a partner or former partner about once every five days in Michigan. In 2007, 53 women and one child lost their lives to domestic violence; and

WHEREAS, The effects of domestic violence extend beyond those experienced by the perpetrator and victim. Children in homes where there is domestic violence are more likely to be abused and/or neglected. Even when not physically harmed, these children may have emotional and behavioral problems; and

WHEREAS, Given this sad reality, we recognize Beaumont Hospitals as a sponsor and partner of the **Silent Witness Program** which strives to promote peace, healing and responsibility in adult relationships in order to eliminate domestic murders in the United States by the year 2010. They do so through the placement of free-standing, life-sized red wooden silhouettes, each bearing the name and story of a victim of domestic violence; and

WHEREAS, The Troy City Council supports the actions of Beaumont Hospitals and the Oakland County Coordinating Council Against Domestic Violence and their development of a universal plan within the hospital for the assessment, identification and implementation of domestic violence intervention strategies by increasing employee, physician and community awareness and implementing education programs at Beaumont Hospitals, including their sponsorship of the **Silent Witness Program**; and

WHEREAS, **The Silent Witness Program** is now in all 50 states and 20 other countries. Their efforts are significant as the domestic violence homicide rate in the United States has decreased more than 25 percent in the last several years;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **October 2008 as Domestic Violence Awareness Month** in the City of Troy;

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize the drastic effects that domestic violence has on our society and encourage everyone to become more aware of preventative measures and resources within our community in order to eliminate domestic violence and its negative impact on our children, women, their families and our communities.

Presented this 6th day of October 2008.



CITY COUNCIL ACTION REPORT

September 29, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – VHF Voice Pagers (Alert Receiver) Purchase – Fire Department

Background

- On September 11, 2008, bid proposals were opened for 180 VHF voice pagers (alert receivers) for the Fire department including chargers, batteries, and programming. After reviewing the proposals and testing the equipment, the low total alternate bid from OSI International, LLC of Boca Raton, Florida was found to meet and even exceed bid specifications.
- 59 vendors were notified via the MITN system with nine bid responses received, as well as one statement of no bid.
- The standard package for the approved alternate - NOVA VHF voice pager - includes two sets of rechargeable batteries per pager, desk charger, three-year warranty on parts and labor and programming.
- The Fire department relies on radio alert receivers to notify its members to respond to emergencies.
- Current alert receivers are outdated and beyond warranty repairs.
- The FCC has mandated narrow banding technology by the year 2013. Current alert receivers are not capable of narrow banding technology.

Financial Considerations

- Funds for this purchase are available from Fire Operations Operating Supplies Account #101.336.338.7740.115.
- Fire department will trade-in 180 Motorola IV voice pagers with chargers at \$50/device - \$9,000.00 Total Credit –
- Many vendors quoted \$75.00/device with their bid as a rebate offer through Motorola, but are only available with the purchase of the Minitor V pagers.

Legal Considerations

- ITB-COT 08-31 Minitor V VHF voice pagers was competitively bid as required by Chapter 7 of the City Code.
- The award is for an acceptable alternative brand of alert receiver meeting specifications as allowed for in the bid proposal.

September 29, 2008

To: Phillip L. Nelson, City Manager
Re: Bid Award – VHF Voice Pagers (Alert Receiver) Purchase

Policy Considerations

- The purchase of alert receivers supports the volunteer firefighters who help to make this a safe community. (Outcome Statement I)
- Awarding this bid meets Council's ongoing goal to minimize the cost and increase the efficiency and effectiveness of City government.

Options

- City management recommends awarding a contract to purchase the standard package for the 180 Nova VHF alert receivers, plus the five-year extended warranty and trade-in allowance to the low bidder, OSI International, LLC for an estimated net total cost of \$51,120.00, which includes trade-ins at unit prices contained in the bid tabulation opened September 11, 2008.

Prepared by David Roberts, Assistant Fire Chief (sl)

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Opening Date: 9/11/08
 Date Prepared: 9/12/08 sl

CITY OF TROY
 BID TABULATION
 MINITOR V PAGERS

VENDOR NAME: **

OSI International	Advanced Wireless	Finger Lakes
LLC	Telecom	Communications Co.
Alternate Bid		Inc.

PROPOSAL: TO FURNISH 180 MOTOROLA MINITOR V VHF VOICE PAGERS WITH BATTERY PACKS & CHARGERS TO THE CITY OF TROY FIRE DEPARTMENT.

Pager Type	Est Qty	Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Voice Pager	180	Minitor V VHF Voice Pager w/ Single Channel - Tone & Vibrate model w/standard package		(NOVA)				
			\$ 299.00	\$ 53,820.00	\$ 310.79	\$ 55,942.20	\$ 311.75	\$ 56,115.00
OPTION 1:								
Programming Software	1	Software: Version:	Included		\$ 40.00	\$ 40.00	\$ 50.00	\$ 50.00
			C9A1PAA9999Z			1.7.2		1.4
SUB TOTAL:				\$ 53,820.00		\$ 55,982.20		\$ 56,165.00
OPTION 2:	Est Qty							
Additional Items	180	VHF Dual Channel w/Scanning		N/A	\$ 347.58	\$ 62,564.40	\$ 347.50	\$ 62,550.00
	180	Stored Voice	\$ 325.00	\$ 58,500.00	\$ 342.74	\$ 61,693.20	\$ 32.00	\$ 5,760.00
	180	5 Yr Extended Warranty	\$ 35.00	\$ 6,300.00	\$ 75.00	\$ 13,500.00	\$ 71.00	\$ 12,780.00
	180	Case Engraving		N/A	\$ 20.00	\$ 3,600.00	\$ 3.00	\$ 540.00
	180	Pre-programmed		Included	\$ 10.00	\$ 1,800.00	No Charge	
	30	Extra Battery Pack	\$ 4.50	\$ 135.00	\$ 12.00	\$ 360.00	\$ 12.00	\$ 360.00
OPTION 3:	Est Qty							
Trade-ins	180	Trade-in - Motorola Minitor IV	\$ (50.00)	\$ (9,000.00)	\$ (75.00)	\$ (13,500.00)	\$ (75.00)	\$ (13,500.00)
NET GRAND TOTAL AWARDED ITEMS:				\$ 51,120.00		\$ 55,982.20		\$ 55,445.00

CONTACT INFO:	Hrs of Operation	M-F 8 to 6PM	8:30 AM to 5 PM M-F	M-F 7:30 AM to 4:30 PM
	Phone #	561-301-3227	248-295-4600	315-252-9478
SERVICE FACILITY:	Location:	Blank	Wixom, MI	Auburn, NY
	Phone #:	Blank	248-295-4600	315-252-9478
	Miles from Troy:	Blank	15	381
EXTENSION TO MTN COOPERATIVE:	Y or N	Yes	NO	50 + orders @ same price Yes
TERMS		30 Days Net	N:30	Net 30
WARRANTY:		3 yrs P/L	1 Yr / 5 Yr option	1 year warranty
DELIVERY:		Best Way- 2 weeks	1 - 3 Weeks ARO	20 ARO
EXCEPTIONS		Attached to Bid	Blank	Blank
			Trade-In paid directly by Motorola	
ACKNOWLEDGEMENT:		Yes	No	Yes

** DENOTES LOW BIDDER

Susan Leirstein CPPB
 Purchasing Director

NOTE: Additional Items under Option 2 were quoted by the vendors either with the device and feature, or the cost of the additional feature only.

Opening Date: 9/11/08
 Date Prepared: 9/12/08 sl

VENDOR NAME:

Sat Radio Communications	ComSource, Inc.	Adams Electronics
LTD dba Industrial		Company
Communications		

PROPOSAL: TO FURNISH 180 MOTOROLA MINITOR V VHF VOICE PAGERS WITH BATTERY PACKS & CHARGERS TO THE CITY OF TROY FIRE DEPARTMENT.

Pager Type	Est Qty	Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Voice Pager	180	Minitor V VHF Voice Pager w/ Single Channel - Tone & Vibrate model w/standard package	\$ 315.02	\$ 56,703.60	\$327.00	\$58,860.00	\$ 331.15	\$ 59,607.00
OPTION 1:					Including MinV Cradle			
Programming Software	1	Software:	\$ 36.54	\$ 36.54	\$115.00	\$ 115.00	No Charge	\$ -
		Version:	1.4		1.4		Blank	
		SUB TOTAL:		\$ 56,740.14		\$58,975.00		\$ 59,607.00
OPTION 2:	Est Qty							
Additional Items	180	VHF Dual Channel w/Scanning	\$ 352.31	\$ 63,415.80	\$365.00	\$65,700.00	\$ 44.50	\$ 8,010.00
	180	Stored Voice	\$ 384.69	\$ 69,244.20	\$ 31.00	\$ 5,580.00	\$ 34.50	\$ 6,210.00
	180	5 Yr Extended Warranty	\$ 73.08	\$ 13,154.40	\$ 75.00	\$13,500.00	\$ 71.50	\$12,870.00
	180	Case Engraving	\$ 4.00	\$ 720.00	\$ 12.00	\$ 2,160.00	\$ 4.50	\$ 810.00
	180	Pre-programmed	\$ -	\$ -	Included		\$ 1.00	\$ 180.00
	30	Extra Battery Pack	\$ 10.44	\$ 313.20	\$ 13.00	\$ 390.00	\$ 11.00	\$ 330.00
OPTION 3:	Est Qty							
Trade-ins	180	Trade-in - Motorola Minitor IV	\$ (10.00)	\$ (1,800.00)	\$ -	\$ -	\$ -	\$ -
					See Trade In Brochure (9/15/08)			
		NET GRAND TOTAL AWARDED ITEMS:		\$ 68,094.54		\$72,475.00		\$ 72,477.00
CONTACT INFO:		Hrs of Operation	8 AM to 5 PM M-F		0830 - 1700		9 AM to 5:30 PM	
		Phone #	800-447-8475		248-853-5430		248-669-6800	
SERVICE FACILITY:		Location:	San Antonio, Texas		Rochester Hills, MI		Wixom, MI	
		Phone #:	800-447-8475		248-853-5430		248-669-6800	
		Miles from Troy:	1442		6.6		19.2 Miles	
EXTENSION TO MTN COOPERATIVE:		Y or N	Yes		Yes		Yes	
TERMS			Net 30		Net 30 Days		Net 30 Days	
WARRANTY:			Per Specifications		1/ 5 years as specified		One Year	
DELIVERY:			10 - 15 Days		2 work weeks		20 days, ARO	
EXCEPTIONS			Bidding four (4) year extended warranty - Maximum extended warranty offered by manufacturer		NO EXCEPTIONS		None	
ACKNOWLEDGEMENT:			Yes		Yes		Yes	

NO BIDS:
 Tele-Rad, Inc

ATTEST:
 Diane Fisher
 William Nelson
 Linda Bockstanz

VENDOR NAME:	OSI International	Continental Wireless, Inc.	Radio North, LLC
	LLC		

PROPOSAL: TO FURNISH 180 MOTOROLA MINITOR V VHF VOICE PAGERS WITH BATTERY PACKS & CHARGERS TO THE CITY OF TROY FIRE DEPARTMENT.

Pager Type	Est Qty	Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Voice Pager	180	Minitor V VHF Voice Pager w/ Single Channel - Tone & Vibrate model w/standard package	\$ 335.00	\$ 60,300.00	\$ 359.38	\$ 64,688.40	\$ 367.24	\$ 66,103.20
OPTION 1:								
Programmin	1	Software:	\$ 7.00	\$ 7.00	\$ 37.80	\$ 37.80	\$ 45.00	\$ 45.00
Software		Version:	0.01.00		1.4		1.4	
SUB TOTAL:				\$ 60,307.00		\$ 64,726.20		\$ 66,148.20
OPTION 2:								
Additional	180	VHF Dual Channel w/Scanning	\$ 31.00	\$ 5,580.00	\$ 364.45	\$ 65,601.00	\$ 406.23	\$ 73,121.40
Items	180	Stored Voice	\$ 36.00	\$ 6,480.00	\$ 397.95	\$ 71,631.00	\$ 38.99	\$ 7,018.20
	180	5 Yr Extended Warranty	\$ 70.00	\$ 12,600.00	\$ 75.60	\$ 13,608.00	\$ 80.00	\$ 14,400.00
	180	Case Engraving	N/A	N/A	\$ 5.00	\$ 900.00	N/A	\$ -
	180	Pre-programmed	Included		No Charge		No Charge	
	30	Extra Battery Pack	\$ 13.00	\$ 390.00	\$ 10.80	\$ 324.00	\$ 12.50	\$ 375.00
OPTION 3:								
Trade-ins	180	Trade-in - Motorola Minitor IV	\$ (75.00)	\$ (13,500.00)	()	()	\$ (75.00)	\$ (13,500.00)
NET GRAND TOTAL AWARDED ITEMS:				\$ 59,407.00		\$ 78,334.20		\$ 67,048.20
CONTACT INFO:			Hrs of Operation	M-F 8 to 6PM	8 AM to 5:30 PM M-F	M-F 8AM to 5PM		
			Phone #	561-301-3227	Blank	(800) 274-8255		
SERVICE FACILITY:			Location:	Blank	Dallas, Texas	Traverse City, MI		
			Phone #:	Blank	972-926-7443	(800) 274-8255		
			Miles from Troy:	Blank	Blank	237.01		
EXTENSION TO MTN COOPERATIVE:			Y or N	Yes	Yes	Yes		
TERMS				Net 30 Days	Net 30	Net 30 from invoice date		
WARRANTY:				One Year -Parts & Labor	1 Year Standard	1 Year or As Extended		
DELIVERY:				Best way	20 Days, ARO	15 Business Days from PO		
EXCEPTIONS			Page 1, Option #2 Case Engraving		Blank	Attached to Bid		
			Don't recommend this option due		(1) yr Std Warranty			
			to warranty. Page 1, Option #3		+4yrs to make total of			
			must be done by 9/15/08		5 years			
ACKNOWLEDGEMENT:			Yes		No	Yes		



CITY COUNCIL ACTION REPORT

September 29, 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 – Standard Purchasing Resolution #1: Award to Low Bidder
Contract 08-2 – Section 9 Water Main Replacement
Project No. 01.508.5

Background:

- Bids were received and publicly read on September 24, 2008. The low bid of \$2,369,317.19, as submitted by T.R. Pieprzak Co., Inc., can be seen in the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$2,500,000.00. The low bid is therefore \$130,682.81 or 5.2% below the Engineer's estimate.
- Work will include the abandoning and replacing of the existing water main and the installation of edge drains in ditches on the following streets in Section 9: Florence, Blanche, Habrand, McKinley, Houghten, Wright, Deinmore, and Livernois. This work is scheduled to start in November of 2008 and be complete by July 1, 2009.

Financial Considerations:

- Funds for work are included in the 2008/09 Water Fund, account number 591.537.555.7972.015085. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations:

- Work was competitively bid and publicly opened with twelve (12) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Policy Considerations:

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

Options:

- It is recommended that City Council award a contract for the Section 9 Water Main Replacement to T.R. Pieprzak Co., Inc., 6267 St. Clair Highway, China Twp., MI 48054 for their low total bid amount of \$2,369,317.19. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

BID TABULATION
CONTRACT 08-2
Section 9 Water Main Replacement
City of Troy
Oakland County, Michigan

Bids Due: September 24, 2008
Project # 01.508.5

	Total Bid Amount	
T.R. Pieprzak Co	\$2,369,317.19	
Tyger Excavating, Inc.	\$2,425,770.25	
Teltow Contracting, Inc.	\$2,473,728.25	
C&G Myers Construction	\$2,642,805.34	*
Bricco Excavating Company, LLC	\$2,667,914.00	
ADJ Excavating, Inc.	\$2,703,574.88	*
Pamar Enterprises, Inc.	\$2,722,682.50	*
Superior Excavating, Inc.	\$2,891,410.00	
C&P Construction	\$2,927,712.50	
DVM Utilities, Inc.	\$3,023,036.90	
FDM Contracting, Inc.	\$3,115,664.00	
Troelsen Excavating Co.	\$4,045,776.00	

* Corrected by Engineer



CITY COUNCIL ACTION REPORT

September 30, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan Leirstein, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: Standard Purchasing Resolution 9 – Membership Renewal – Macomb Criminal Justice Training Consortium

Background

- The Police Department has benefited as a member of the Macomb Criminal Justice Training Consortium for six years.
- The Consortium provides a comprehensive and cost effective training protocol at a cost of \$165.00 per Officer, per year.
- The cost allows the Police Department to send employees to many different training classes at no additional cost or reduced rates as a member agency.
- Included in the membership fee are priority enrollment in the Macomb Criminal Justice Training Center's Basic Police Academy with reduced tuition, and access to their firearms range and Firearms Training Simulator.

Financial Considerations

- Funds, in the amount of \$22,110.00, are available in the Police Department's training account #101.301.10.321.7960.110 for the one-year membership renewal with the Macomb Criminal Justice Training Consortium for fiscal year 2008 – 2009.

Legal Considerations

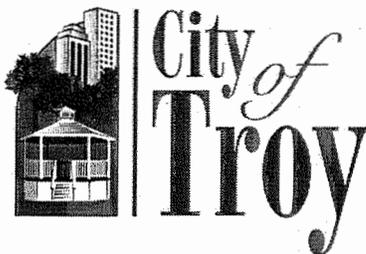
- There are no legal considerations associated with this item.

Policy Considerations

- Membership with the Macomb Criminal Justice Training Consortium allows the Police Department to provide training to employees at a reduced cost. In addition, training contributes to the improved efficiency and effectiveness of individual employees and overall department performance. (Outcome Statement I)

Options

- The Police Department is requesting a one-year membership renewal with the Macomb Criminal Justice Training Consortium for fiscal year 2008 – 2009 through Macomb Community College at an estimated cost of \$22,110.00, and use of the training services provided for in-service and specialized training.



CITY COUNCIL ACTION REPORT

September 22, 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 ^{PKP}

SUBJECT: Request for Approval of Purchase Agreement and
 Acceptance of Permanent Public Utility Easement
 Rochester, Torpey to Barclay
 Project No. 99.203.5 – Parcel #14 – Sidwell #88-20-23-100-016
 Soo-Il Lee

Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Purchase Agreement and Permanent Public Utility Easement from Soo-Il Lee. This parcel is located on the east side of Rochester Road, between Bishop and Wattles in the northwest ¼ of Section 23.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$35,300, plus closing costs for the acquisition of the property described in the purchase agreement and \$3,000 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 401479.7989.992035.

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 Soo-Il Lee so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Lee Purchase Agreement & PUE

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Soo-Il Lee, survivor of himself and his deceased wife, Kie Lee, whose death certificate is attached (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

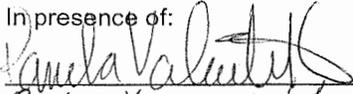
for a public project within the City of Troy and to pay the sum of Thirty-Five Thousand, Three Hundred and no/100 Dollars (\$35,300) under the following terms and conditions:

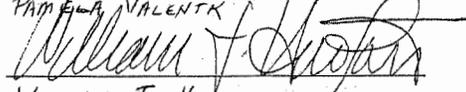
1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property 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 17TH day of SEPTEMBER, 2008.

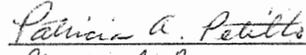
In presence of:



PAMELA VALENTK


WILLIAM J. HUOTARI

CITY OF TROY (BUYER)



PATRICIA A. PETITTO

SELLERS:



Soo-Il Lee

01-30-08
19990476
20-23-100-016

EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

The East 32.00 feet of the West 75.00 feet of the following described property: The West 302.50 feet of the South 72.00 feet of the North 903.40 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, T2N, T11E, City of Troy, Oakland County, Michigan.
Said acquisition contains 2,304 square feet, or 0.053 acres, more or less.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-23-100-016
Parcel #14

Soo-Il Lee, Survivor of himself and his decease wife, Kie Lee, whose death certificate is attached Grantor, whose address is: 5436 Westmoreland, Troy, MI 48098 for and in consideration of the sum of: Three Thousand and no/100 Dollars (\$3,000) 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:

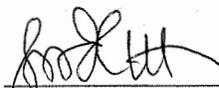
SEE ATTACHED EXHIBIT "A"

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.

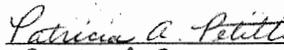
IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 17TH day of SEPTEMBER, 2008.



*Soo-Il Lee (L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 17TH day of SEPTEMBER, 2008, by Soo-Il Lee, Survivor of himself and his deceased wife, Kie Lee, whose death certificate is attached.


*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

01-30-08
19990476
20-23-100-016

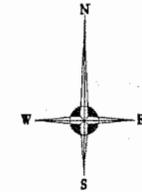
EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The East 4.00 feet of the West 79.00 feet of the North 31.15 feet and the East 18.00 feet of the West 97.00 feet of the North 14.15 feet and the East 4.00 feet of the West 79.00 feet of the South 32.00 feet and the East 6.00 feet of the West 85.00 feet of the South 11.00 feet of the following described property: The West 302.50 feet of the South 72.00 feet of the North 903.40 feet of the Northwest ¼ of the Northwest ¼ of Section 23, T2N, T11E, City of Troy, Oakland County, Michigan.
Said easement contains 573 square feet, more or less.

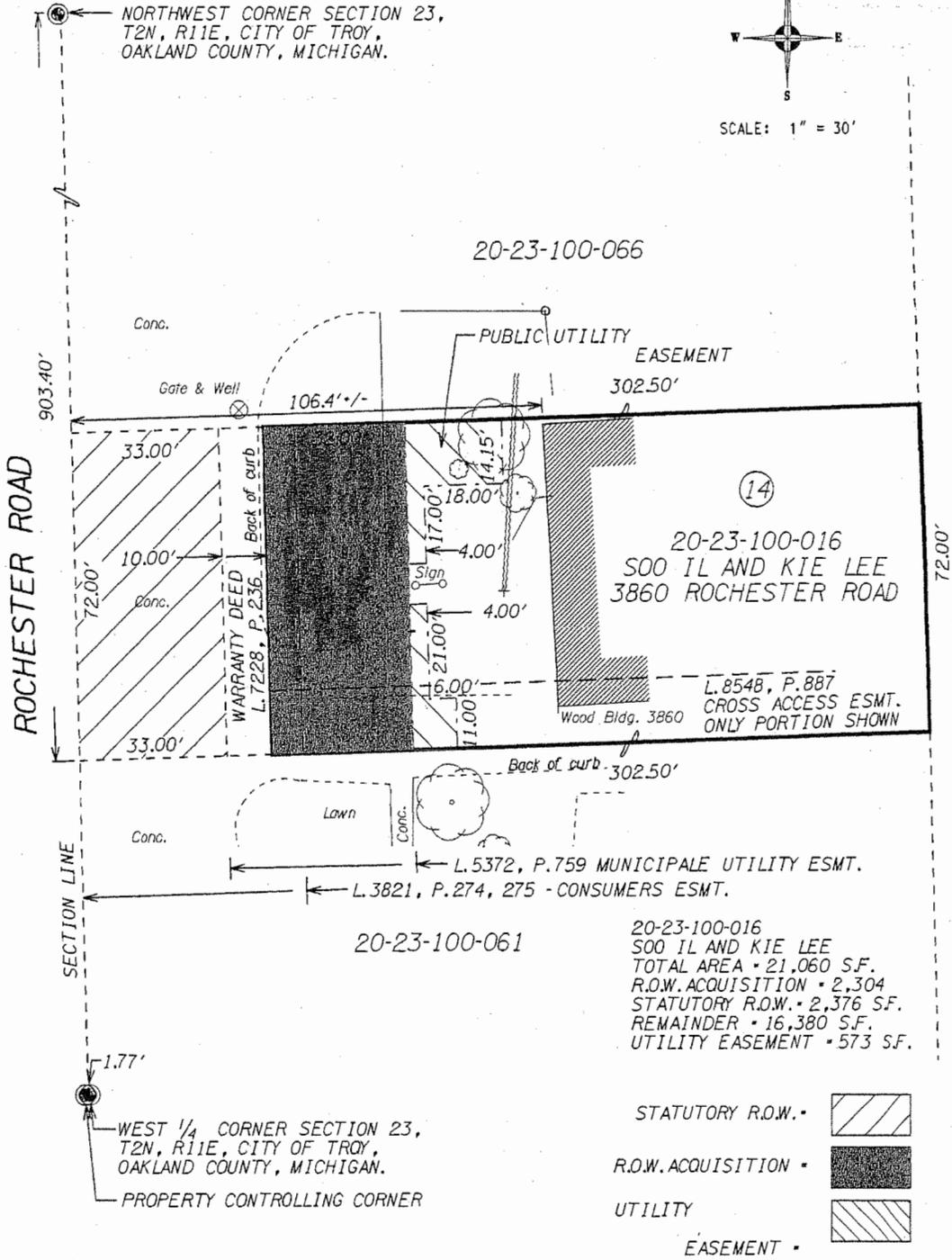
RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 14



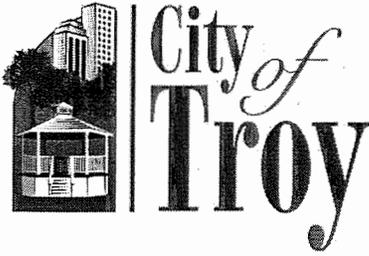
SCALE: 1" = 30'

USER NAME - dhsbert
 DESIGN FILE - F:\1999\19990476\work\19990476.dwg
 QVIEW - V:\pwr\C\FB\TIF
 CLIP - TBL - I:\s\m\p\l\g\w\p\black.rtb
 TIME - 15-FEB-2008 10:19



NOTE: DESCRIPTION TAKEN FROM RECORD.

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 1
DATE 01-28-08		OF 2



CITY COUNCIL ACTION REPORT

September 23, 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 Acceptance of Permanent Public Utility Easement and Regrading
 And Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #9 – Sidwell #88-20-14-351-059
 Delance D. Farrell and Kelly D. Farrell

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 Delance D. Farrell and Kelly D. Farrell. This parcel is located on the north side of Wattles Road, between Rochester and Worthington in the southwest ¼ 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 \$15,700 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 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:

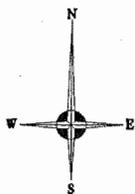
- City Management recommends that City Council accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from Delance D. Farrell and Kelly D. Farrell so that the City can proceed with this project.

PAP\G\MEMOS TO MAYOR & CC\Farrell PU Easement & RTCP

SKETCH OF EASEMENT

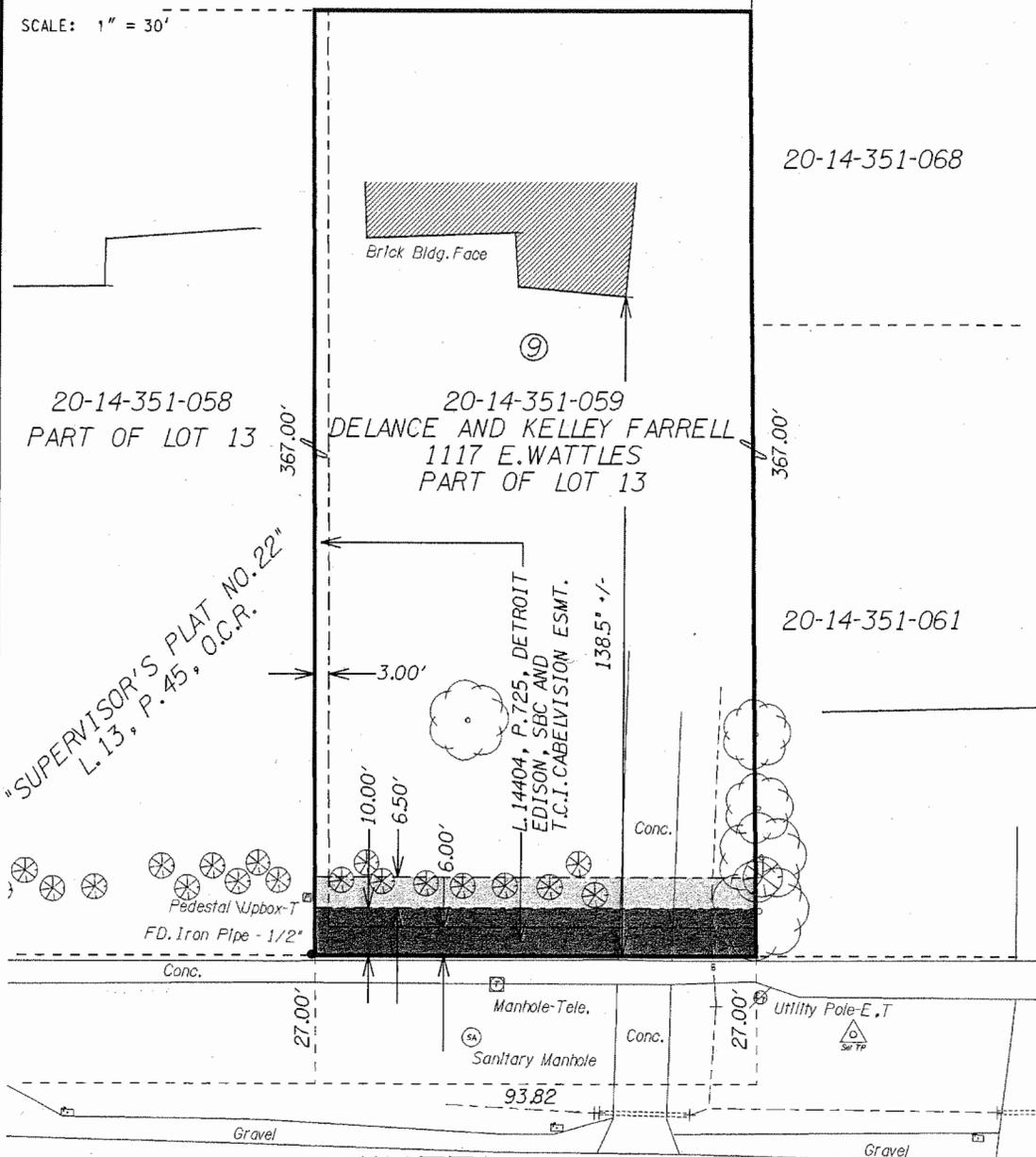
EXHIBIT 'B'
PARCEL 9

NOTE: DESCRIPTION TAKEN FROM RECORD.



MAYA MEADOWS O.C.C.P. NO. 1355
92.59'

SCALE: 1" = 30'



"SUPERVISOR'S PLAT NO. 22"
L. 13, P. 45, O.C.R.

20-14-352-059
DELANCE AND KELLEY FARRELL
TOTAL AREA - 31,673 S.F.
PUBLIC UTILITY EASEMENT - 937 S.F.
REGRADING AND TEMPORARY - 609 S.F.
CONSTRUCTION PERMIT

Asph.

PUBLIC UTILITY EASEMENT -

REGRADING AND TEMPORARY -
CONSTRUCTION PERMIT

USER NAME: dherbert
 DESIGN FILE: \\s200103\20010397\F\010397_0519.dgn
 GUEUE: \\psrv\CFB\TIFFF
 CLR: TBL: I:\s200103\20010397\Creator\2\NEWEN TBL - I:\xmpl\plottng\vsplblack.rpt
 TIME: 24-APR-2008 08:38

JOB NO. 20010397	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 04-15-08		OF 2

REV. 04-24-08

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-14-351-059
Parcel #9

Delance D. Farrell and Kelly D. Farrell, husband and wife, Grantors, whose address is: 1117 East Wattles, Troy, MI 48085 for and in consideration of the sum of: Fifteen Thousand, Seven Hundred and no/100 Dollars (\$15,700) 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:

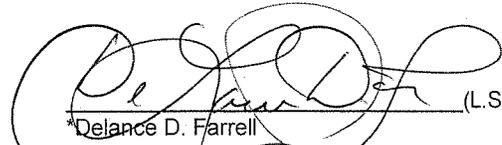
SEE ATTACHED EXHIBIT "A"

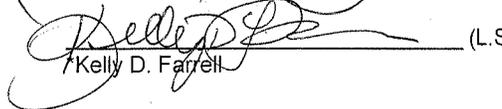
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 2 signature(s) this 18th day of September, 2008.



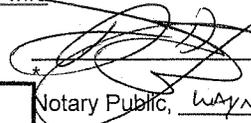
*Delance D. Farrell (L.S.)


*Kelly D. Farrell (L.S.)

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 18 day of SEPTEMBER, 2008, by Delance D. Farrell and Kelly D. Farrell, husband and wife

BRIAN D. GWIZDZ
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
ACTING IN THE COUNTY OF _____
MY COMMISSION EXPIRES MARCH 15, 2015



Notary Public, WAYNE County, Michigan

Acting in WAYNE County, Michigan

My Commission Expires 3-15-15

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
20-14-351-059

EXHIBIT 'A'

DESCRIPTION PUBLIC UTILITY EASEMENT

The South 10.00 feet of the following described property: The East $\frac{1}{2}$ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW $\frac{1}{4}$ 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 # 88-20-14-351-059
Project # 01.106.5
Parcel #9

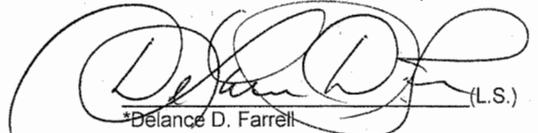
Delance D. Farrell and Kelly D. Farrell, husband and wife, Grantor(s), whose address is 1117 East Wattles Road, Troy, MI 48085, for and in consideration of the sum of Two Hundred and no/100 Dollars (\$200.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose 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 18th day of September, 2008.



*Delance D. Farrell (L.S.)



*Kelly D. Farrell (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 18 day of SEPTEMBER 2008, by Delance D. Farrell and Kelly D. Farrell, husband and wife.

BRIAN D. GWIZDZ
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
ACTING IN THE COUNTY OF
MY COMMISSION EXPIRES MARCH 15, 2015



Notary Public, WAYNE, County, Michigan
Acting in WAYNE County, Michigan

My Commission Expires

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

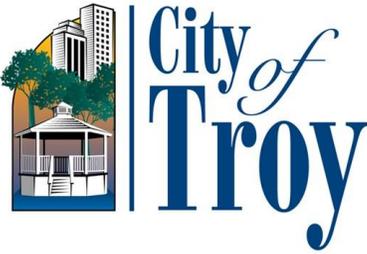
Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

04-16-08
20010397
20-14-351-059

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 East $\frac{1}{2}$ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW $\frac{1}{4}$ 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 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: William S. Nelson, Fire Chief _____
 David J. Roberts, Asst. Fire Chief _____
 Richard C. Riesterer, Lieutenant _____

SUBJECT: Request for Bonfire – 1825 E. Square Lake Road
 Kensington Community Church

Background:

- On September 18, 2008, this office received a request to conduct a “bonfire” at the above address. The applicant was advised the difference between a “ground fire – no greater than three feet in diameter or three feet in height” and a “bonfire – requires City Council Approval”, and decided they would like to obtain permission for a bonfire.
- This event is scheduled to occur on October 8, 2008. Its purpose is to gather the Kensington Community Church for an evening of fellowship & prayer.
- I have attached a copy of the plan review that will answer questions regarding this event. If approved, a fire inspector will be assigned to inspect the site prior to the event, and then again during the event.

Financial Considerations:

- The city will incur no costs for this event. Steps have been taken (in the plan) to prevent unnecessary use of city services for this event.

Legal Considerations:

- This event meets the requirements of Troy City Code, Chapter 93, Section 307.

Policy Considerations:

- This event allows the community a chance to gather in fellowship. It allows them the opportunity to demonstrate the benefits of well-organized, well-protected event that can promote friendship, leadership, good neighbors and an overall support of community. By following their plan, the Kensington Community Church can meet the first “Outcome Statement” as identified by you.

Options:

- OPTION 1: My recommendation is to approve the request as submitted
- OPTION 2: Deny the request. If denied, The Kensington Community Church plans to continue with their scheduled activities for the evening, minus the bonfire.

[RCR Bonfire Request 2008-10-08]

Kensington Community Church Bonfire

When: October 8, 2008

Location: On Grass Field on East side of property, 50 yards out from building in all directions

Water Sources: We have one water source located on east side of building near bonfire with enough hoses to easily reach the fire. We have another water source in the courtyard on west side of building but we will have enough hoses to reach the bonfire if needed from that secondary water source.

- **What are you using for water sources?** Hose bibs located on the building.
- **How long of a stretch from water source to fire?** Approximately 150 feet
- **Will these hoses be staffed? If so, by whom?** Hoses will be connected, coiled, charged and ready to deploy. A fire safety team will deploy.

Burning Materials: We are planning to burn untreated lumber or seasoned dried firewood for the bonfire.

- **What size is the fire area?** Maximum 6 feet diameter
- **How do you intend to start the fire?** Use commercially-available, combustible fire starter. No flammable/combustible liquids will be utilized to start the fire.

Security Measures: We will post 4-6 security people around the bonfire between the people and the fire for protection purposes.

- **How far back do you intend to keep people back from the fire?** Minimum of 6 feet ... more if necessary.

Agenda: People will go out to the bonfire at approximately 7:45pm and we will end the bonfire at 9:00pm.

Back-Up Security Measures: We will have bags of sand within 40 feet of the fire to use should the fire grow out of control along with the hoses. Fortunately two sides of the fire are parking lot areas so we need to protect the people and the two sides of the building primarily should the fire grow out of control.

- **How do you intend to apply the sand to the fire area – by hand or by shovel?** By shovel
- **Who will extinguish the fire?** A separate “Fire Control Team” will be assigned to monitor & contain the fire. It will consist of 4-6 adults with pre-assigned responsibilities. One person in charge will have the responsibility to call 9-1-1 if needed.

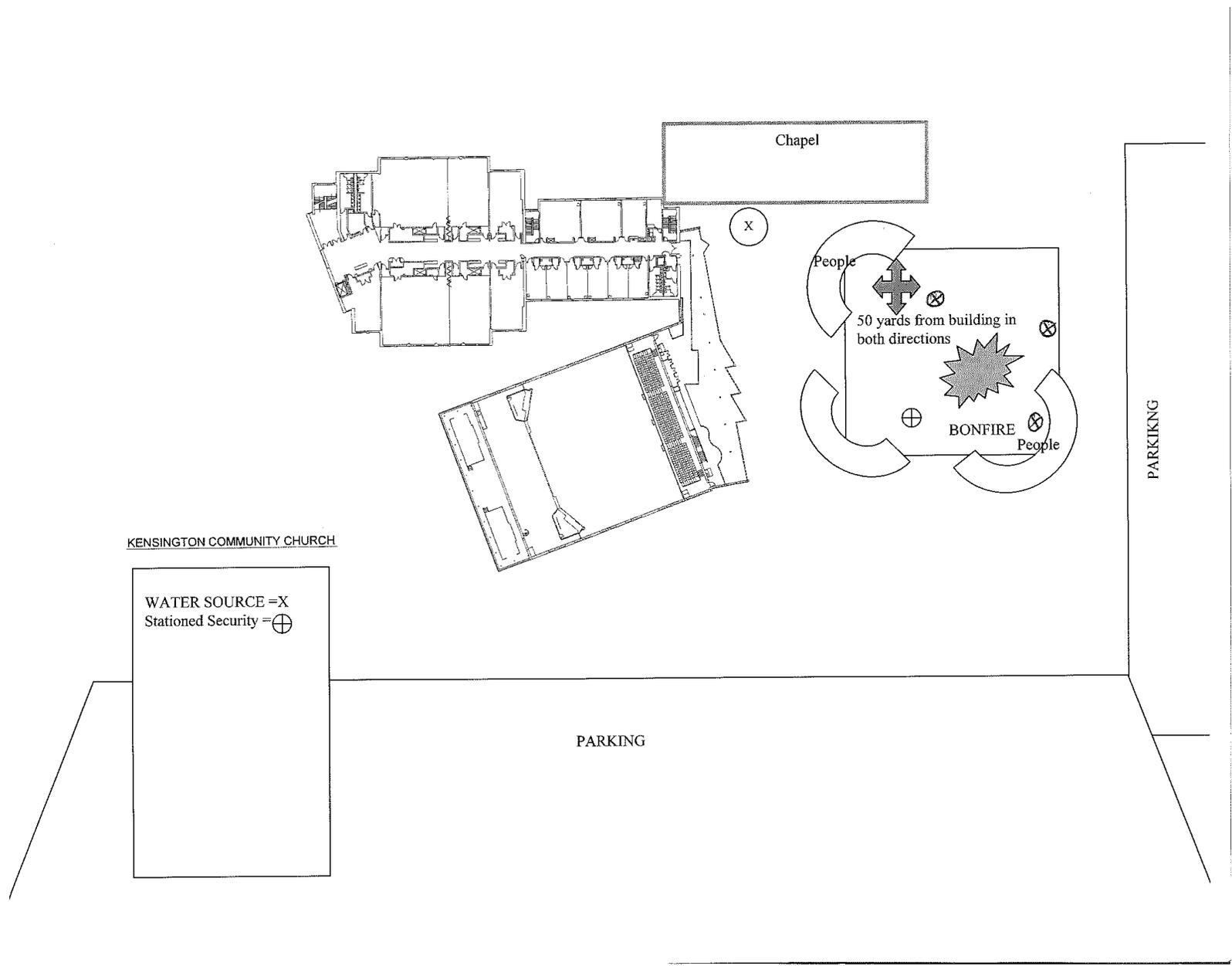
Extinguishing the fire: We plan to use our two water sources and shovels to put the fire out.

Contact Information: Kristen Schoenbeck

248-346-0423 cell

248-786-0615 work

kschoenbeck@kensingtonchurch.org



KENSINGTON COMMUNITY CHURCH

WATER SOURCE = X
Stationed Security = ⊕

Chapel

X

People

50 yards from building in both directions

BONFIRE

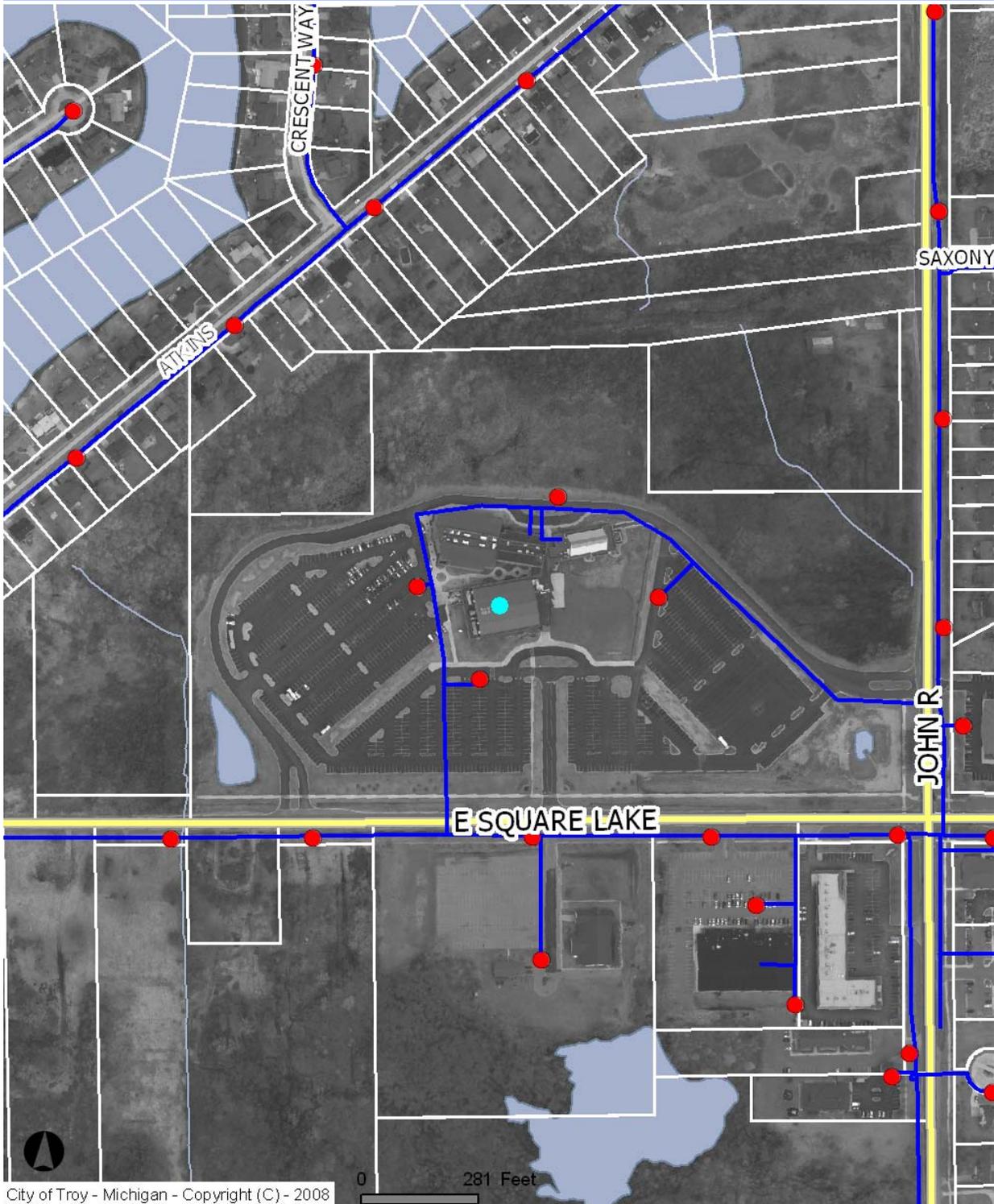
People

PARKING

PARKING



Geographical Information Systems Online

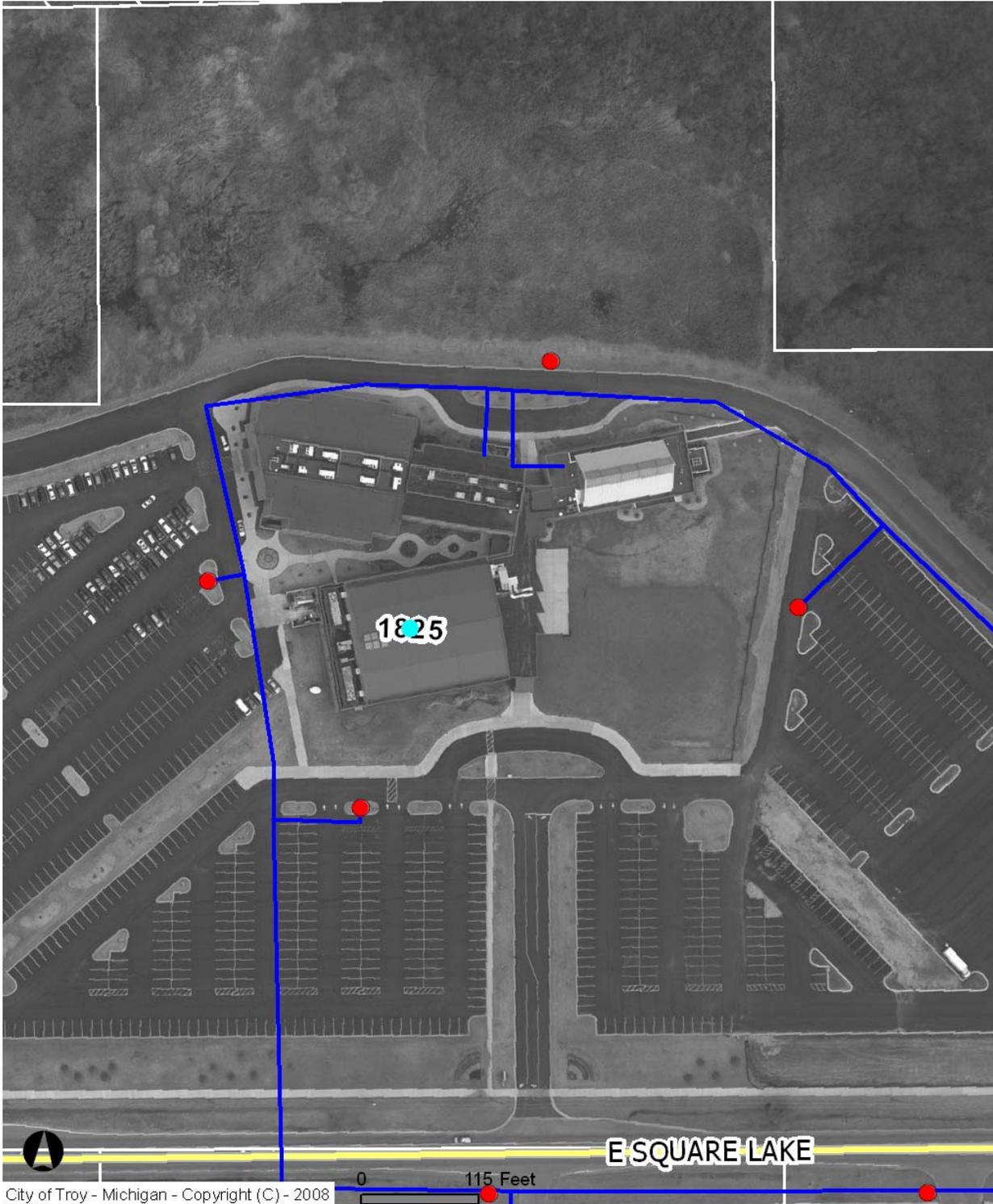


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Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information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



Geographical Information Systems Online



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



CITY COUNCIL ACTION REPORT

September 30, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Macy's Fireworks Permit Application

Background:

- Macy's at Oakland Mall along with Zambelli Fireworks, Inc., of New Castle, Pennsylvania, have submitted a permit application for a public fireworks display to celebrate the beginning of their holiday shopping season.
- Macy's and Zambelli Fireworks, Inc., are requesting the Troy City Council grant a permit for an approximate fifteen-minute public fireworks display to occur on Friday, November 7, 2008, at 7:00 PM in their west parking lot.
- Macy's west parking lot will accommodate the necessary distances required for the display.

Financial Considerations:

- The Fire Department will arrange to have Fire Station #4 on standby at the event along with the necessary number of Fire Prevention Division staff members to help ensure fire safety.
- There is no cost for Station #4 and no cost for staff members, other than compensatory time.

Legal Considerations:

- Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.
- City Council has previously granted permission for a fireworks display for last year's event, and previous years' events at Oakland Mall, as well as for the annual Troy Daze festival at Boulan Park.

Policy Considerations:

- The permitting process and subsequent fire department standby are consistent with City Council's goal of enhancing the safety of the community.

Options:

- Staff recommends that City Council issue a fireworks permit to Zambelli Fireworks, Inc., for a public fireworks display. Enclosed for Council's review is the permit application and permit to be signed and issued.

Prepared by David Roberts, Assistant Fire Chief
G:\Data\08-803\My Documents\Word\Macy's Fireworks Agenda Item.docx



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SEP 29 2008
BUILDING DEPT

September 18, 2008

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

Ladies and Gentlemen of City Council;

This letter will serve as a formal request for the approval of the Macy*s Fireworks event on Friday, November 7, 2008 at 7:00pm in the Oakland Mall parking lot. In allowing Oakland Mall to be the location for the Macy*s fireworks, both the City of Troy and the shopping center benefit from the positive publicity created by an event of this degree.

We hope that you share our enthusiasm and stand in approval.

Respectfully,

Urban Retail Properties Co. of Michigan

A handwritten signature in black ink, appearing to read "T. Olson". The signature is fluid and cursive, written over a horizontal line.

Timothy W. Olson
President, Management Division

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SEP 29 2008

BUILDING DEPT

Holiday Event at Macy's Oakland
Friday, November 7, 7-9pm

Event Overview:

For the fourth year, Macy's will host an event at our Oakland Mall store to kickoff the holidays.

Event Elements:

7-7:15pm Fireworks by Zambelli International (same as 2005, 2006, 2007) in Macy's parking lot. Note: Zambelli International is the company that provides the July 4th fireworks display on the Detroit riverfront every year.

7:15pm Santa arrives by horse-drawn carriage following the fireworks finale, circles the parking lot and stops in front of Macy's doors, waves to the crowd, Merry Christmas to all, enters store, proceeds to Kid's department for visits with Santa.

7:30pm Holiday events are staged throughout the store, including holiday carolers, holiday cooking demonstration, costumed characters, balloon twisters, face painters, etc.

Advertising:

- macys.com/events website listing
- In-store signage & flyers
- Detroit News/Free Press
- Macy's PR dept. press release, pre-publicity campaign

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Permit for Fireworks Display
Michigan Department of Labor & Economic Growth
Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
517-241-8847

Table with 2 columns: Authority/Compliance/Penalty and Departmental disclaimer text.

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

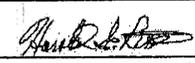
Main permit form containing fields for Public Display/Agricultural Pest Control, Issued To (Zambelli Fireworks Mfg. Co.), Address (Macy's), Number and Types of Fireworks (1200 Aerial shells, 402 Aerial shells, 15 Barrage Cakes), Exact Location of Display (Parking lot of Oakland Mall - Troy, MI), City (Troy, MI), Date (11-07-08), Time (7 pm), and Bond/Insurance Amount (\$10,000,000).

Signature section: Issued by action of the [] council [] commission [] board of [] city [] village [] township of _____ on the _____ day of _____ 20_____. (Signature and Title of Council/Commission/Board Representative)

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 9/25/2008
PRODUCER Phone: 440-248-4711 Fax: 440-248-5406 Britton-Gallagher and Associates, Inc. 6240 SOM Center Rd. Cleveland OH 44139		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED		INSURERS AFFORDING COVERAGE
Zambelli Fireworks Mfg. Co., Inc. PO Box 1463 New Castle PA 16103-1463		INSURER A: Lexington Insurance Co INSURER B: Granite State Insurance Co. 23809 INSURER C: Arch Specialty Ins Co INSURER D: INSURER E:
		NAIC #

COVERAGES							
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR	ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	1619391	2/1/2008	2/1/2009	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
B	X		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	CA93488080	2/1/2008	2/1/2009	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
C	X		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$	UFP0024525	2/1/2008	2/1/2009	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$ \$ \$ WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
			WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				
			OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Display Date: November 7, 2008 Rain Date: n/a
 Location: Parking lot of Oakland Mall, Troy, MI
 Macy's Oakland Mall; City of Troy, Michigan are naemd as additional insureds in regards to the above display

CERTIFICATE HOLDER	CANCELLATION
08 Macy's 21500 North Western Highway Southfield MI 48075	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	AUTHORIZED REPRESENTATIVE 

ACORD 25 (2001/08) **RECEIVED** SEP 29 2008 BUILDING DEPT. © ACORD CORPORATION 1988

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SEP 29 2008

BUILDING DEPT

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

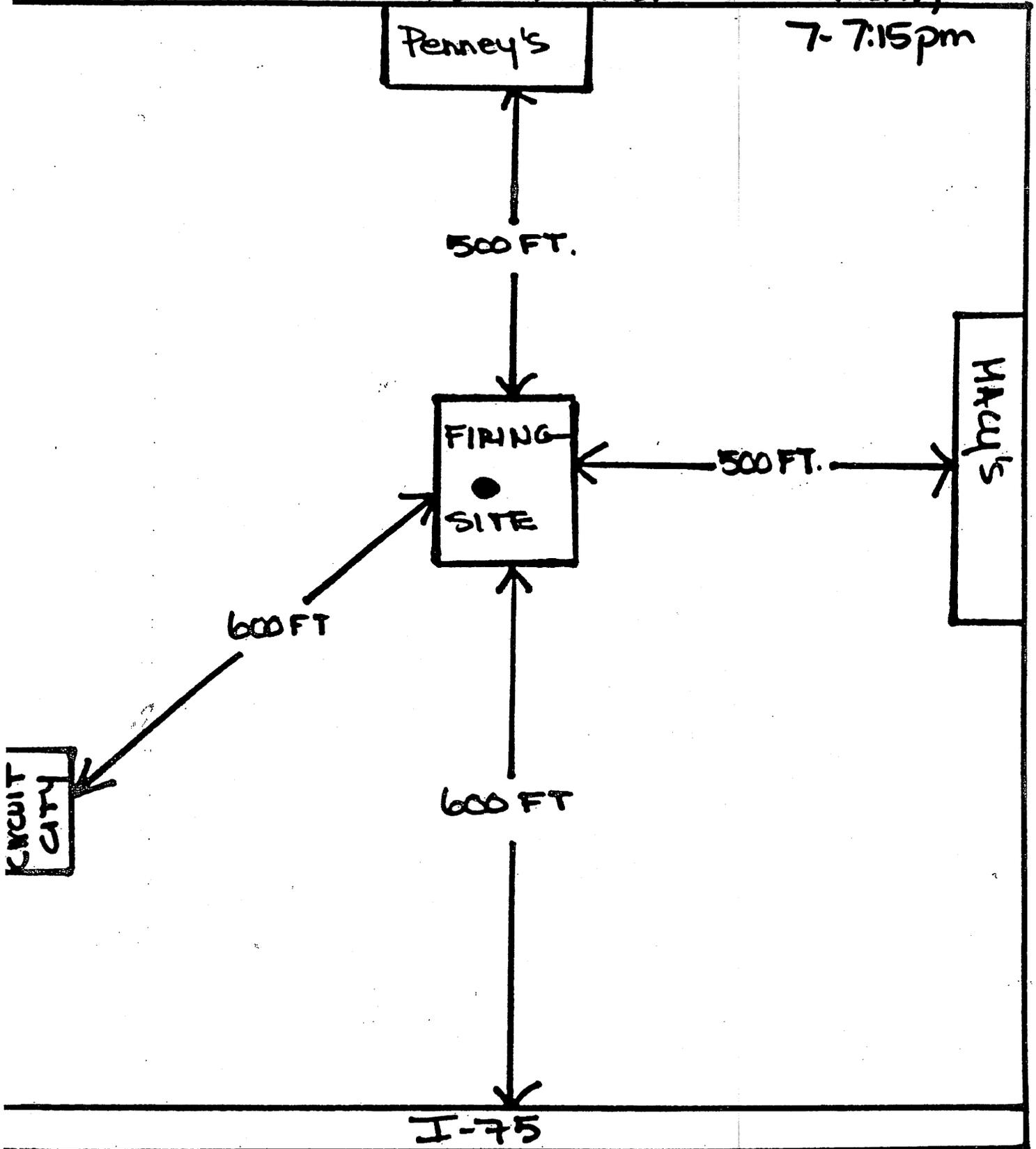
The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

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SEP 29 2004

Macy's OAKLAND MALL PARKING LOT G - FRIDAY, 11/7

7-7:15pm



* AREA WILL BE BARRICADED/NO ONE ALLOWED INSIDE SHOOTING-AREA OTHER THAN ZAMBELLI EMPLOYEES.



CITY COUNCIL REPORT

DATE: September 30, 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)

The public hearing for this item was inadvertently advertised for October 20, 2008 rather than October 6, 2008. The public hearing has been rescheduled for October 20, 2008.

Background:

- A public hearing is scheduled for the October 20, 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 20, 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 10 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

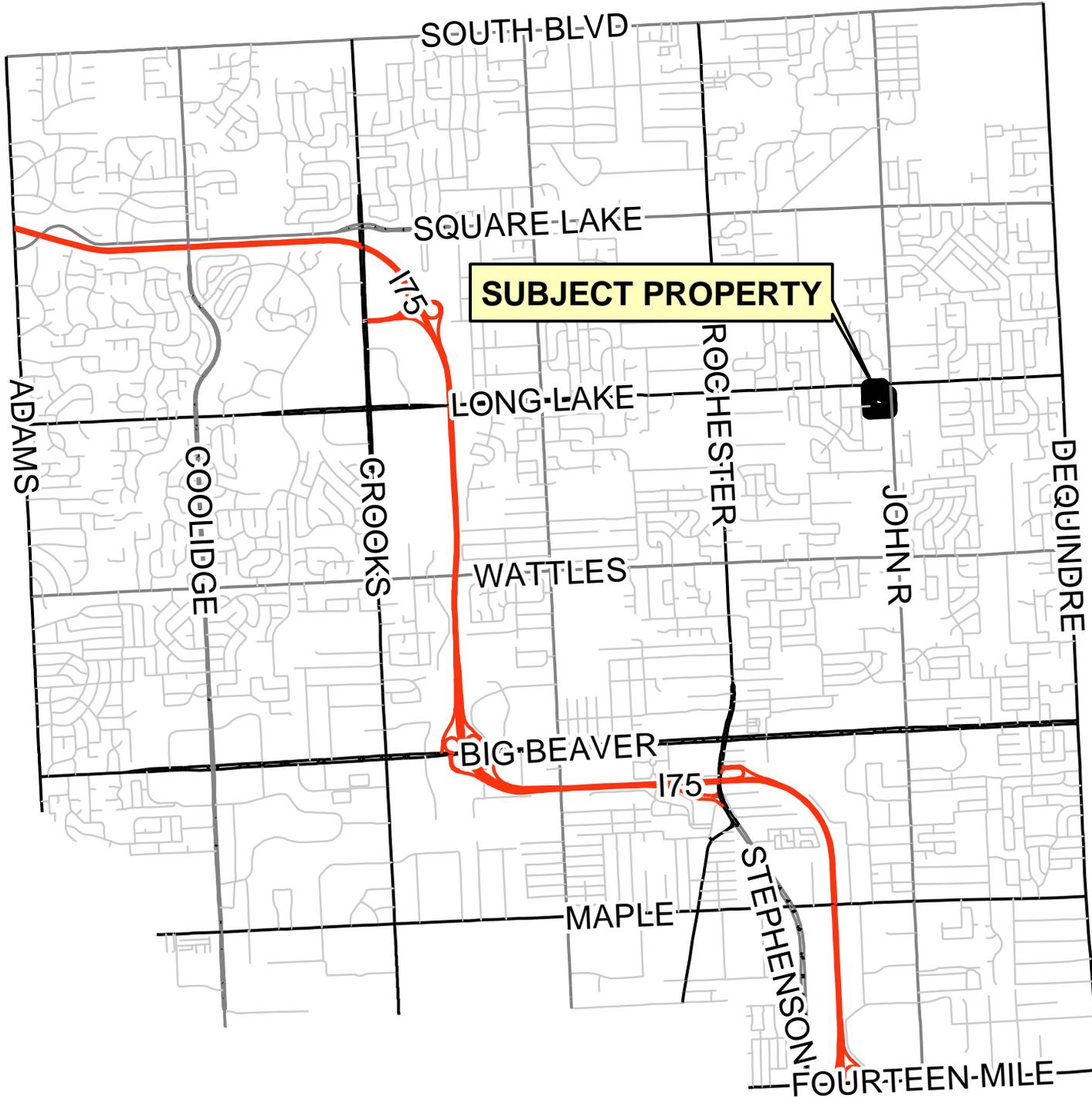
The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and uses. City Management recommends approval of the rezoning request.

Attachments:

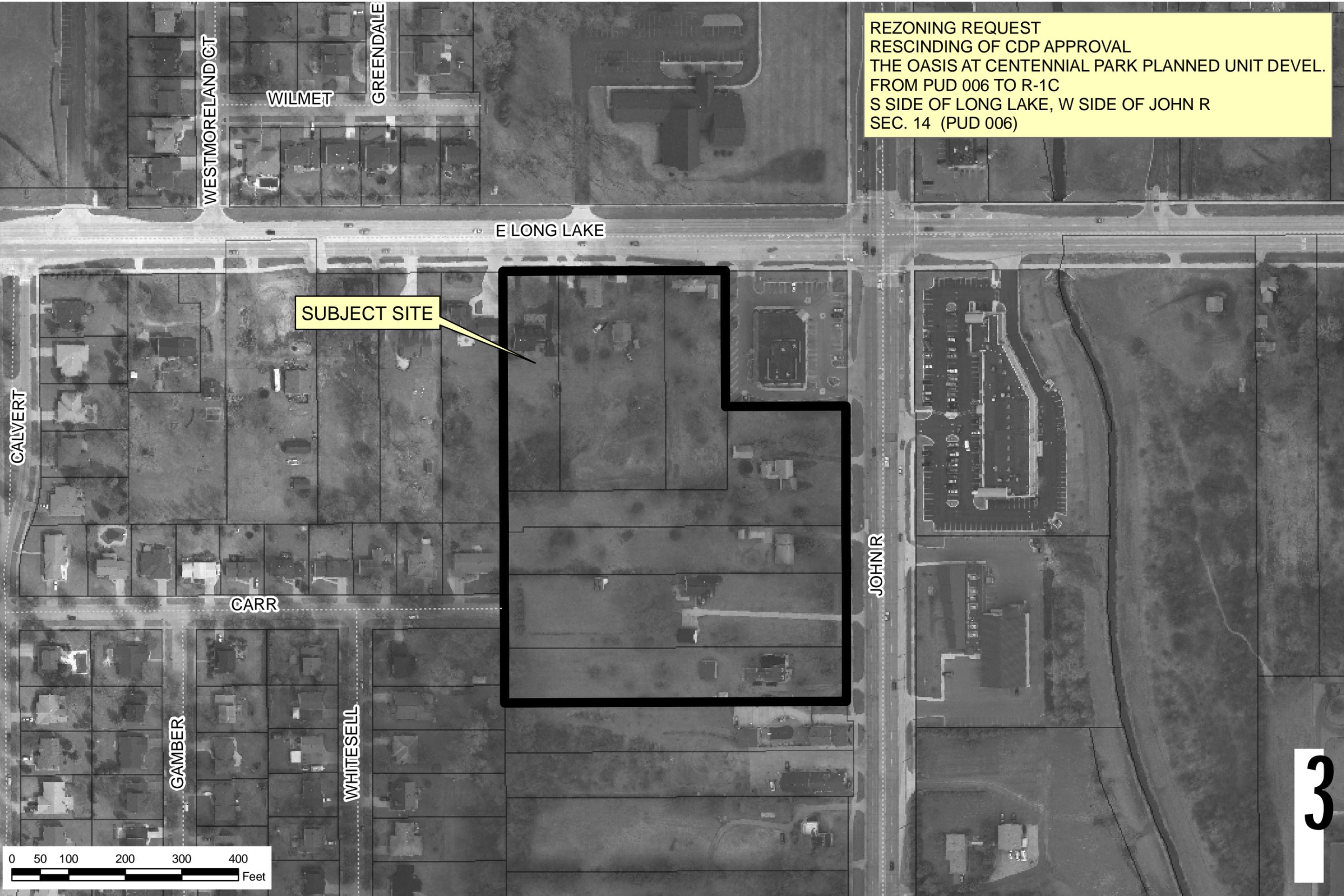
1. Maps.
2. Letter dated September 3, 2008.

cc: Applicant
File / PUD #6

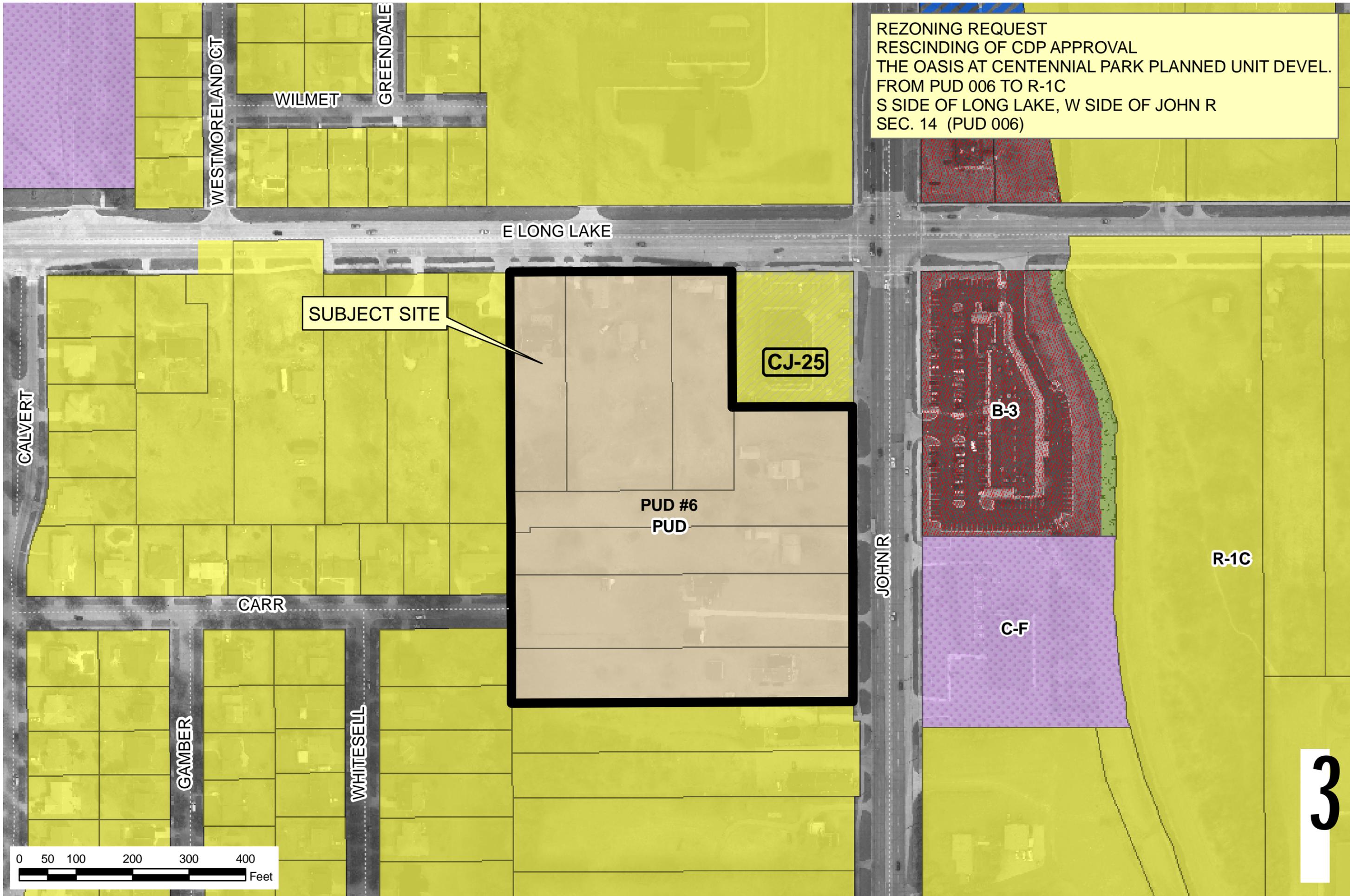
CITY OF TROY



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)



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

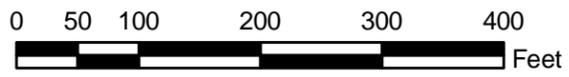
CJ-25

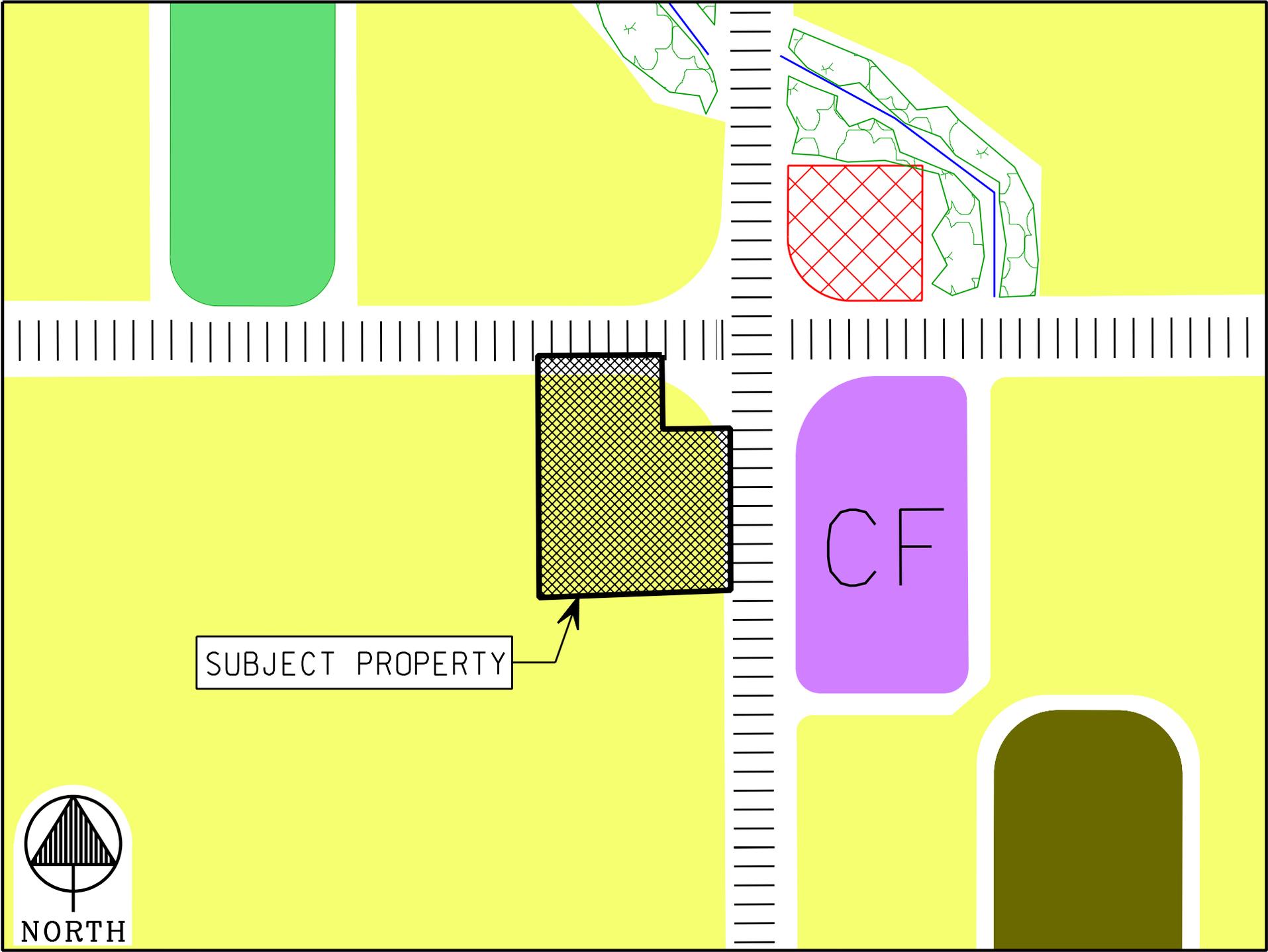
PUD #6
PUD

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:

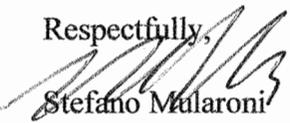
I am the principal of the development group that has, for several years now, worked in earnest to bring to success the PUD proposed for the southwest corner of Long Lake Road and John R Road. This PUD is comprised of seven (7) parcels and is highlighted in the attached location drawing. As you may recall 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

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100' x 100'

50-14-228-0107
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50-14-228-0114
100' x 100'

L/T 801

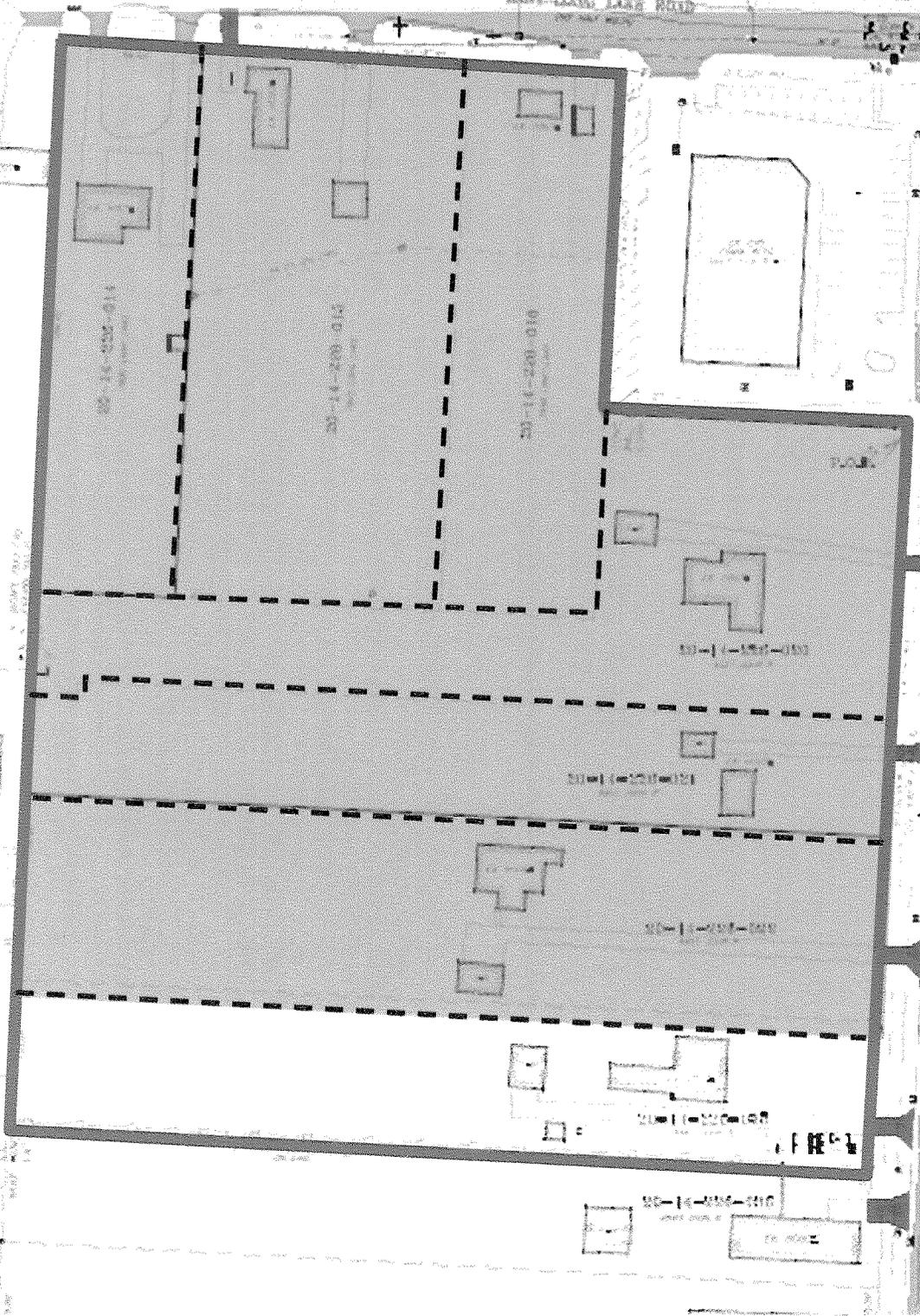
L/T 802

L/T 803

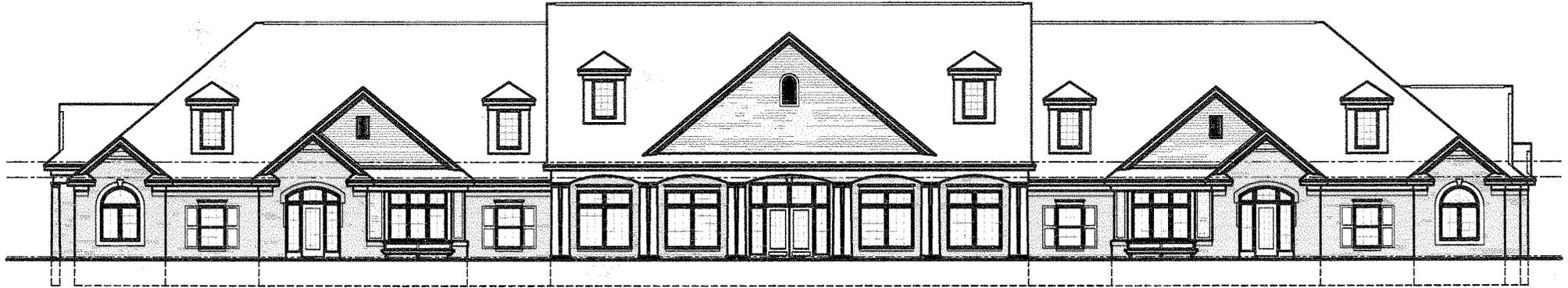
L/T 804

TUNG LUNG BRIDGE SUBDIVISION NO. 2
SUBDIVISION OF 40-1-1-000

ROAD DRIVE



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 50-14-228-0114
 100' x 100'





PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, March 27, 2008 at the Troy Community Center, room 301. Chairman, Tom Krent called the meeting to order at 7:04 p.m.

Present:	Pauline Noce, member	Janice Zikakis, member
	Stuart Redpath, member	Jeff Stewart, member
	Gary Hauff, member	Rusty Kaltsounis, member
	Tom Krent, member	Stuart Alderman, staff
	Carol K. Anderson, staff	

Absent: Tod Gazetti, Kathleen Fejes, Meaghan Kovacs, Jeff Biegler

Visitors:

Resolution # PR-2008-3-5

Moved by: Redpath

Seconded by: Hauff

RESOLVED, that the minutes from January 17, 2008 are approved by amending page two, the second sentence under Member Comments by **STRIKING** the words “has been built” and **INSERTING** “will be built.”

Yes: All

No: None

MOTION CARRIED

NEW BUSINESS

- A. Budget – Parks and Recreation – The Parks and Recreation budget for the 2008-2009 fiscal year was discussed. Discussion included; a change to the way the capital budget is prepared by reflecting some projects that traditionally were in the capital budget are now in the operating budget; and the reduction of two full time staff positions. Discussion on minor text changes in the document included:
 - a. Page 192, under “Enrichment”, change the last word in the second bulleted item from “dancing” to “dance programs.”
 - b. Page 196, the second to the last paragraph under the first column, the second sentence begins “These classes” and should be changed to “These programs.”
 - c. Page 201 under Staff Summary, the right column of the Naturalist Aide line has 33 and it should be changed to 3.
 - d. Page 194, the league participation chart does not have a legend to delineate the youth and adult columns.
 - e. Page 294 of the Aquatics budget, the Troy Family Aquatic Center Operating Results with Depreciation chart needs a legend to delineate columns for revenue, expenditures, and expenditures + depreciation.
- B. Aquatics – There are no significant proposed changes to attendance, revenue or expenses. The 2007 season saw more admissions than any other year in its history - 56,000.

- C. Golf – The overall projected expenses for the golf courses is lower than the current one, a decrease of .5% overall. Beverage carts were approved beginning with this season and it is anticipated this will help increase revenue. Signs directing people to the golf courses will be placed around town in an effort to raise awareness.
- D. Capital – Capital projects proposed are: Updating the security camera system at the Nature Center, Aquatic Center, Parks Garage and Community Center; remarketing of the therapy pool; rubber surfacing of the fitness room; and new shade structures at the Aquatic Center.

Resolution # PR-2008-03-06

Moved by: Hauff
Seconded by: Zikakis

Resolved, that the changes that were discussed for the budget are approved.

Yes: All
No: None
MOTION CARRIED

Resolution # PR-2008-03-07

Moved by: Stewart
Seconded by Redpath

RESOLVED, that the Parks and Recreation Advisory Board recommends City Council adopt the 2008-2009 budgets (Parks and Recreation, Aquatic Center, Golf Courses) and Capital Improvements budgets (Parks and Recreation, Aquatic Center, Golf Courses) as presented.

Yes: 6 (Hauff, Krent, Noce, Redpath, Stewart, Zikakis)
No: None
Abstained: 1 (Kaltsounis)
MOTION CARRIED

B. Golf Rates – Some changes to the Off Peak rates at Sylvan Glen are proposed. Changes were made to round to the \$1.00. There are no proposed rate changes to Sanctuary Lake golf course.

Member Comments – Janice Zikakis commented on the great service she received for a room reservation from Kraig Schmottlach. He made sure she had everything she needed for the Garden Club meeting and followed it up with a letter to her.

Staff Reports

- A. Directors Report – There are no proposed changes to the Aquatic Center rates.
- B. Recreation Report – At Boulan Park, there is new fencing being installed at ball diamond #1. At Flynn Park there is new fencing on all the diamonds being constructed and red clay added to the infield of diamond #1.

Aquatic Center passes went on sale on March 20. Brochures are being mailed with the water bills.

There was a contest to rename the Teen Room at the Community Center. The name that received the most votes was “The Teen Scene.”

The Nature Center is getting a rock climbing boulder that will be placed near the front entrance. The children’s play area is complete inside the lobby as well.

Brochures for all facilities was given to PGA officials to give to people here for the PGA at Oakland Hills this summer.

Resolution # PR-2008-3-8

Moved by: Hauff

Seconded by: Noce

Resolved, that absent members are excused.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 8:20 p.m.

Tom Krent, Chairman

Mary Williams, Recording Secretary

A meeting of the Troy Election Commission was held June 30, 2008, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:10 AM.

ROLL CALL:

PRESENT: David Anderson, City Clerk
Tonni Bartholomew
ABSENT: Timothy Dewan

Minutes: April 18, 2008

Resolution #EC-2008-06-006
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Minutes of April 18, 2008, are **APPROVED** as submitted.

Yes: Anderson, Bartholomew
No: None
Absent: Dewan

MOTION CARRIED

Approval of Election Inspector Assignments – Tuesday, August 5, 2008 Primary Election

Resolution #EC-2008-06-007
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Election Inspectors for the Tuesday, August 5, 2008 Primary Election be **APPOINTED** as presented.

Yes: Anderson, Bartholomew
No: None
Absent: Dewan

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:11 AM.

Tonni L. Bartholomew, MMC
City Clerk

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 13, 2008, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

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

Trustees Present: Nancy Bowren
Mark Calice
Michael Geise
Thomas J. Gordon, II
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)

Trustees Absent: Phillip L. Nelson

Excuse Absent Members

Resolution # ER – 2008-8-30

Moved by Bowren
Seconded by Geise

RESOLVED, That Phillip L. Nelson be excused.

Yeas: All – 6
Absent: Nelson

Minutes

Resolution # ER – 2008-8-31

Moved by Howrylak
Seconded by Lamerato

RESOLVED, That the Minutes of the June 11, 2008 meeting be approved as amended.

Yeas: All – 6
Absent: Nelson

Minutes

Resolution # ER – 2008-8-32

Moved by Lamerato
Seconded by Howrylak

RESOLVED, That the Minutes of the July 9, 2008 meeting be approved.

Yeas: All – 6
Absent: Nelson

Other Business – Investment Performance – Period Ending March 31, 2008 and June 30, 2008

John C. Grant and Rebecca S. Sorensen of UBS reviewed the performance results for the period ending June 30, 2008.

Other Business – Daniel S. Cole - QDRO

Resolution # ER – 2008-8-33

Moved by Lamerato
Seconded by Gordon

RESOLVED, That the Daniel S. Cole – QDRO be approved.

Yeas: All – 6
Absent: Nelson

Investments

Resolution # ER – 2008-8-34

Moved by Bowren
Seconded by Gordon

RESOLVED, That the board purchase and sell the following investments:

Purchase: 4,500 shares Broadridge Financial
4,000 shares Baldor Electric
\$500,000 Dow Chemical, 5.6% due 8/15/13
\$500,000 Home Depot, 5.25% due 12/16/13
\$500,000 International Paper, 5.5% due 1/15/14

Sell: 2,500 shares American Express
2,500 calls American Express
2,000 calls Amgen - October 70

Yeas: All – 6
Absent: Nelson

Public Comment

None.

The next meeting is September 10, 2008 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:56 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2008\8.13.08 – Minutes_Final

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30, on Tuesday, August 19, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Kenneth Courtney
Glenn Clark
Matthew Kovacs
David Lambert
Thomas Strat

ABSENT: Marcia Gies

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

Motion by Lambert
Supported by Clark

MOVED, to excuse Ms. Gies from this meeting as she is out of town.

Yeas: 6 – Clark, Courtney, Kovacs, Lambert, Strat, Bartnik
Absent: 1 - Gies

MOTION TO EXCUSE MS. GIES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 29, 2008

Motion by Courtney
Supported by Clark

MOVED, to approve the minutes of the meeting of July 29, 2008 as written.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #6

Mr. Bartnik asked that Item #6 be pulled for discussion.

Motion by Courtney
Supported by Lambert

RESOLVED, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Item #2 – con't.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

ITEM #3 – RENEWAL REQUESTED. PSI HOLDINGS, 2525 CROOKS, for relief of the 6' high masonry-screening wall required along the west and south property lines where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. MG ACQUISITIONS, 2555 CROOKS, for relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry screening-wall required along the west property line of their site that abuts residential property. This relief was originally granted in 1984 based on the fact that a wood fence from the Somerset Apartment complex currently screens the property. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of MG Acquisitions, 2555 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west property line.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. CROOKS OFFICE LLC, 2585 CROOKS, for relief to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of this site where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property. This relief was originally granted in 1981 based on the fact that the stockade fence existed and was originally constructed by the Somerset Apartment complex and is in the residential zoning to the west. This item last appeared before this Board in August 2005 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant the request of Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. GOOD DEVELOPMENT HOLDINGS, 4755 ROCHESTER, for relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in regard to a 6' high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6' high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8' high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in August 2005 and was granted a three-year renewal. The property to the north is now zoned R1-T (One Family Attached) but remains vacant. Other than that, conditions remain the same and we have no complaints or objections on file.

The petitioner was not present.

Mr. Bartnik explained that he was concerned about the condition of the fence along the residential property. Right now the property is vacant and Mr. Bartnik is concerned about granting a three-year renewal at this time.

Motion by Bartnik
Supported by Courtney

ITEM #6 – con't.

MOVED, to grant Good Development Holdings, 4755 Rochester Road, an eighteen (18) month renewal of relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

- Eighteen months (18) will allow the Board a chance to re-examine this item in case building is started on the surrounding property.
- Eighteen months (18) will allow the Board the opportunity to look at the condition of the fence.

Yeas: 6 – Kovacs, Lambert, Strat, Bartnik, Clark, Courtney

MOTION TO GRANT RENEWAL FOR EIGHTEEN (18) MONTHS CARRIED

ITEM #7 – VARIANCE REQUESTED. GARY ABITHEIRA, 3367 ELLENBORO, for relief of the Ordinance to split an existing parcel of land into two home sites, which will result in each having a lot area of 7320 square feet. Section 30.10.06 of the Zoning Ordinance requires 7500 square feet lot area in the R-1E Zoning District.

Mr. Stimac explained that the Building Department was in receipt of a letter from Mr. Abitheira asking that this request be withdrawn.

Motion by Courtney
Supported by Bartnik

MOVED, to note and file the request of Mr. Abitheira to withdraw this item.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Kovacs

ITEM #8 – APPROVAL REQUESTED. MELISSA & BRIAN VANTONGEREN, 5361 LIVERNOIS, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioners are requesting approval under Section 43.764.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F350 Cube Van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

Mr. Stimac further explained that this item had appeared before City Council in 2003 and received approval for two-years. In 2006 they applied for a renewal but later withdrew their request as they had sold the vehicle.

Mr. Vantongerren stated that they had approached their closest neighbor and also the church across the street and no one objects to this vehicle parked on the property.

ITEM #8 – con't.

Mr. Kovacs informed the petitioner that the rules for granting approval have been changed and asked the petitioner how they feel they have met the criteria.

Ms. Vantongeren said that the location of the truck is in between two homes and is not visible to anyone.

Mr. Vantongeren said that the truck is not visible from Livernois as it is parked on the side of the house and is screened by the existing evergreens and garage.

Mr. Courtney asked the petitioner why they did not request approval before they bought this vehicle since they were familiar with the restrictions regarding commercial vehicles.

Mrs. Vantongeren said that it was because of the job situation.

Mr. Vantongeren said that it was a job situation and originally they had parked the vehicle at another location, but had to move the truck as problems had developed. Mr. Vantongeren went on to say that it is more convenient to have the truck in this location as he leaves for work at approximately 3 A.M. and is gone approximately 16 hours a day.

Mr. Courtney asked if they had read the requirements in order to meet approval for this vehicle.

Mr. Vantongeren said that he believes there is one rental location, which is quite far from his home and would make it difficult for him to get to the vehicle.

Mr. Kovacs asked Mr. Vantongeren to explain the problems with the previous parking location.

Mr. Vantongeren said that he had parked the vehicle at a friend's house in Sterling Heights, but the City of Sterling Heights had a problem with that so he had to move the vehicle. Mr. Vantongeren stated that it is very difficult to find another location for this truck. Mr. Vantongeren also said that they have spent a lot of money on landscaping and felt that this request would be approved as they have made attempt to conceal it from passing traffic.

Mr. Kovacs said that he agrees that the truck is concealed, however, the petitioner has to meet Criteria A or B. The petitioner has not indicated that they have tried to find another site to park the vehicle nor has the petitioner demonstrated the practical difficulty with adding to their garage.

Mr. Vantongeren stated that they do not have the money to alter the existing garage as a lot of his money goes into keeping the truck running. The option is present but they cannot afford it.

ITEM #8 – con't.

Mr. Kovacs asked if they had looked into an alternative location to park this vehicle.

Mrs. Vantongeren stated that there are none available in the immediate area.

Mr. Vantongeren said that he believes the closest one is in Clawson at 15 Mile Road and his business takes him north, therefore, this location would not work for him.

Mrs. Vantongeren said that they are using \$500.00 in gas a week and her husband is on the road approximately 15 hours a day.

Mr. Vantongeren said that he is home in the evening and works Tuesday through Saturday. He leaves at approximately 3 A.M. and gets home at 4:30 P.M. or later.

Mr. Strat informed the petitioner that the Planning Commission had approved another location in Troy for the storage of commercial vehicles, and the petitioners could contact the Planning Department for the location and number of that facility.

Mrs. Vantongeren said that they do not have the money to pay for outside storage as they have just filed for bankruptcy.

Mr. Strat said that his concern is that the vehicle is very visible to the neighbors driving along the street and is worried about the quality of the neighborhood. Mr. Strat also said that he understands the hardship the petitioners are under.

Mr. Courtney said that he did not think the location of the truck was that bad, however, the petitioners have the burden of meeting the criteria described in the application and Mr. Courtney does not believe that the petitioners have met either of the criteria described in A or B.

Mr. Lambert said that he would like to postpone this request to give the applicant the opportunity to determine which criteria they meet and perhaps they could look into the possibility of adding more landscaping.

Mr. Kovacs said that he believes the petitioner meets the criteria "C", but needs more evidence as to how they meet the criteria described as "A" or "B". Mr. Kovacs also said that he believes the problem with the landscaping is that the shrubs are young however will fill in as they mature. Mr. Kovacs further stated that there is a telephone pole right near the area that the truck is parked.

Mrs. Vantongeren stated that they do not have the money to add on to their garage and they cannot widen the area because of the telephone pole. They cannot add to the other side of the property as it would be too close to the property line.

Mr. Kovacs asked if they could enlarge the door on the garage.

ITEM #8 – con't.

Mrs. Vantongeren said that the garage was built in 1955 and they are not even sure that it is structurally sound. Mrs. Vantongeren said that recreational vehicles are allowed to be parked on residential property and they are three times larger than this truck. Mrs. Vantongeren said that this truck is like a “Dualy” with a cap on it. They keep up their property and do not see why this truck should be a problem.

Mr. Kovacs said that he understands what the petitioner is saying, but this Board does not make up the rules in the City. It is the job of this Board to enforce the Ordinance. The City Code says that people can park recreational vehicles on residential property as long as they follow the rules that have been set up by the Code.

Mrs. Vantongeren stated that they cannot afford criteria “A”.

Mr. Kovacs said that the petitioners needed to look at alternative locations to park this vehicle.

Mr. Vantongeren asked where this parking was allowed in Troy.

Mr. Strat suggested that the petitioners contact the Planning Director regarding the outside storage of this vehicle. Mr. Strat also suggested that the petitioners come back before the Board after they had examined the criteria required and present the Board with evidence that they meet either criteria “A” or “B”.

Mrs. Vantongeren said that they will never be able to meet the criteria described in “A”. They filed Chapter 7 bankruptcy two months ago and will not be able to meet “A”.

Mr. Stimac asked how much it costs for outdoor storage.

Mrs. Vantongeren said that it is anywhere between \$10.00 and \$20.00 a week and they are going broke with the cost of gas.

Mr. Stimac asked if they had confirmed these prices.

Mrs. Vantongeren said that this Board is asking them to spend more money and they do not have the money to spend.

Mr. Vantongeren said that he is spending approximately \$550.00 a week in gas.

Mr. Strat asked if Mr. Vantongeren was self-employed.

Mr. Vantongeren said that he was.

Mrs. Vantongeren said that he drives to Milford every day.

ITEM #8 – con't.

Mr. Stimac asked if they had looked into storage facilities between their home and Milford.

Mrs. Vantongerren said that she would have to drive him and go back and pick him up and once again costs would go up and they don't have the money to do this. They only have two vehicles and their other car already has problems.

Mr. Clark asked about the brick wall between their property and the property to the west.

Mrs. Vantongerren said that basically it is a brick wall with shrubs on top of the wall. There are no windows on that side of the house and the truck is not visible to them.

Mr. Clark also asked about the written approval that had been received and also asked if the Church was directly across the street.

Mr. Vantongerren said that he was not aware of who signed the approval and the Church is directly across the street from their home.

Mr. Stimac explained that the approval was in answer to the Public Hearing notices that had been sent out and appears that the signatures were from members of the Church Board.

Mr. Courtney said that in his opinion the Board is not getting anywhere but would like to see this item postponed so that the petitioner could submit something in writing to the Board indicating how they meet the criteria described in "A" or "B".

Mr. Kovacs said that he agreed with Mr. Courtney and rather than just saying they can't afford to add to the garage, they should submit something in writing that would indicate what the cost would be. Mr. Kovacs said that he felt the petitioner needed to demonstrate that an effort had been made to meet the criteria described in the application. Mr. Kovacs further stated that this request by the Board is not unreasonable and the petitioner needs to make a real effort to demonstrate to the Board what avenues they have explored.

Mr. Strat also suggested that the petitioner show this Board the real costs of meeting the criteria.

Mrs. Vantongerren said that the Church is right across the street and they are looking at a parking lot and there are cars that go in and out all the time. This is a residential area and the cars park in front on their home. Mrs. Vantongerren said that she cannot understand the concern over their truck.

ITEM #8 – con't.

Mr. Kovacs said that this Board is not here to vote on that, however, there are strict guidelines that have to be applied to this approval and the petitioner needs to explain to the Board how they meet the criteria for approval.

Mrs. Vantongerren said that she can give the Board a copy of a letter from the Court indicating that they do not have the money to meet the criteria required in "A". Mrs. Vantongerren said that they explained why they cannot do "A" or "B".

Mr. Kovacs informed the petitioner that lack of money is not a condition of approval.

Mr. Strat stated that the Board is trying to help the petitioner and the petitioner needs to take the time and give the Board an indication of how they have made an effort to meet criteria "A" or "B".

Mrs. Vantongerren said that even if they found a place to store the vehicle they do not have the transportation or money to get to that place.

Mr. Kovacs said that it is up to the petitioner to show this Board that they have made an effort to find an alternative location for this vehicle. Mr. Kovacs said that the petitioner has to tell the Board why they cannot move the vehicle to an alternate location. This Board has the power to determine if the alternate parking spot is feasible.

Mr. Strat asked how long the plants have been in place.

Mrs. Vantongerren said that the landscaping has been in place since 2003 and at that time everyone said it was fine. Mrs. Vantongerren said that this State is going down the drain and they are lucky that her husband has a job. Mrs. Vantongerren also stated that this property looks ten times better since they have owned it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Courtney asked the petitioner if they would like the Board to postpone this request.

Mrs. Vantongerren said that they would, but she does not know how much information will be required for them to give to the Board members.

Mr. Kovacs suggested that they speak with Mr. Stimac, as he would be more than willing to help them work through this process.

Mr. Lambert asked Mr. Motzny if it would be more appropriate to table action on this item or to postpone this request.

ITEM #8 – con't.

Mr. Motzny said that technically the motion to postpone would be the acceptable way to go. A motion to table is usually brought up if there is some urgent matter that comes up that needs to be addressed.

Motion by Courtney
Supported by Lambert

MOVED, to postpone the request of Melissa and Brian Vantongerren, 5361 Livernois, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property until the meeting of September 16, 2008.

- To allow the petitioner the time to present the Board with evidence that they have made an effort to meet the criteria described in “A” or “B”.

Mr. Clark asked if the petitioner would be able to present the Board with a plan to add more landscaping to the property.

Mr. Bartnik stated that he believes the petitioners meet the criteria described in “C” however is definitely concerned about evidence regarding “A” or “B”. Mr. Bartnik also stated that the petitioners have done a great job with the property.

Yeas: 6 – Strat, Bartnik, Clark, Courtney, Kovacs, Lambert

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED

ITEM #9 – VARIANCE REQUESTED. CHINNA MIDDELA, 4000 LIVERNOIS, for relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces, where Section 40.21.70 of the Troy Zoning Ordinance requires 43 parking spaces.

In addition, Petitioner is also asking for relief of the 6' high masonry screen wall along the east side of the property as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter a tenant space within an existing office building as a medical office. Based upon 2,000 square feet of this building being used for medical offices and the remaining 6,512 square feet being used for general office, a minimum of 43 parking spaces would be required by Section 40.21.70 of the Troy Zoning Ordinance. The plans indicate that only 36 parking spaces are available on the site.

In addition, Section 39.10.01 requires a 6' high masonry screen wall along the east property line where this site abuts Single Family Residential Zoning. The petitioners are asking for a variance to continue to eliminate this required screen wall.

ITEM #9 – con't.

Mr. Stimac also stated that even though this is one address, there are actually two (2) petitioners. Mr. Middela is requesting the variance regarding the parking and Wattles Investment Company is requesting relief of requirement regarding the 6' high masonry screen wall along the east side of the property.

Mr. Kovacs asked what the property to the north is zoned.

Mr. Stimac explained that is in O-1 Zoning.

Mr. Kovacs then asked if they could purchase that property in order to add additional parking.

Mr. Stimac said that definitely was a possibility.

Mr. Strat asked if the tenant was requesting the parking variance.

Mr. Stimac said that the tenant is seeking a variance for the parking in order to move his medical office into the building. The owner of the building is asking for the variance regarding the wall. Mr. Stimac also stated that these requests have been combined into one Public Hearing however; the Board should address each item separately.

Mr. Strat stated that he was surprised that the owner of the property was not requesting the parking variance as the variance runs with the land.

Mr. Stimac said that it is his understanding that the owner of the property has authorized this tenant to ask for the parking variance. Mr. Stimac said that in the Board's determination of whether the 36 parking spaces would be sufficient, there may be questions on how the tenant plans to use the business, in which case the owner may not have the answers.

Mr. Courtney asked if this property was in the process of changing ownership.

Mr. Stimac said that he believes that this tenant may have a purchase agreement in place to purchase the property if approval of the parking is granted.

Mr. Middela was present and he stated he was planning on putting in a dental office.

Mr. Kovacs was surprised that such a large number of parking spaces would be required.

Mr. Stimac explained that 2,000 square feet of the existing building would be used as a medical office and the Ordinance requires that medical offices have twice as much parking as regular office buildings.

ITEM #9 – con't.

Mr. Courtney asked if the petitioner had considered purchasing the property to the north.

Mr. Middela said that he had not.

Mr. Lambert said that when he was on the property, there is a huge area of weeds on the northeast corner that is approximately 20' – 30' tall high and is very unkempt. Mr. Lambert said that this is an eyesore to the adjoining residential property.

Mr. Michael Larco, of Wattles Investment was present. Mr. Larco indicated that he would go out and look at the property and have the matter taken care of.

Mr. Bartnik addressed a letter from the petitioner dated July 22, 2008 regarding the parking spaces.

Mr. Middela was not sure of which letter he was referring to.

Mr. Bartnik said that it was written by Information Data Systems and appears to outline current parking spaces and also shows proposed parking. This letter also indicates that the petitioner uses fourteen parking spaces at this time.

Mr. Middela said that he had written the letter and this was the current use of the property.

Mr. Bartnik said that according to that letter the Smile Center would provide parking for three parking spaces for the doctors, three employees and seven patients, and Information Data Systems required an additional four parking spaces. Mr. Bartnik asked how many dentists were on staff.

Mr. Middela indicated that there was only one dentist at the present time, but he was hoping to add more dentists as business increased. There is a problem that comes and goes.

Mr. Bartnik said that regarding usage of the Dentist Office, right now there is only the need for one parking space for the dentist.

Mr. Brad Hitch, Real Estate Broker, who is helping with the real estate portion of this property was present and stated that the letter presented was the worst case scenario of how much parking would be required. Right now they do not need that much parking themselves however; the petitioner is hoping to bring in an additional two (2) doctors in the future.

Mr. Bartnik asked how many examination rooms would be used.

ITEM #9 – con't.

Mr. Middela said that right now they plan to use four and hopefully will increase it to six rooms in the future.

Mr. Bartnik asked if these offices were in the existing 2,000 square feet.

Mr. Middela said that was correct.

Mr. Clark said that according to the letter submitted, it has been indicated that only one space is required by the Transportation Club and questioned whether there were ever customers or delivery trucks that came to this location.

Mr. Hitch said that the office is run by one lady and she only uses this space part time. Mr. Hitch went on to say that he has gone by this location several times and the parking lot is virtually empty most of the time.

Mr. Clark also asked if Mr. Middela had two legal names. Mr. Middela said that he goes by Sunny Reddy.

Mr. Courtney asked Mr. Hitch if he had any idea if the property on the north side of this location was available.

Mr. Hitch said that he believes this vacant land is owned by the office supply company that is located on the north side of the vacant property.

Mr. Courtney said that it is easier to get a variance on parking that is needed, rather than on parking that is proposed.

Mr. Hitch said that there is an additional 25' that goes with this property where the parking lot ends, which would allow them to add more parking and they would not have to buy any vacant land to the north. Mr. Hitch also said that he believes this additional property was deeded to them.

Mr. Kovacs said that they want the variance because they feel they only need 36 parking spaces and not the 43 that are required.

Mr. Courtney stated that if additional parking was required in the future, they would be able to add these parking spaces with the additional land.

Mr. Bartnik addressed the issue of the fence. Right now there is a walkway that is bordered on each side by a split rail fence.

Mr. Larco passed out pictures showing the sidewalk and existing fence. Mr. Larco said that this is a public walk, and basically looks very attractive. They have added some

ITEM #9 – con't.

additional stones and shrubs. Mr. Larco also said that he believes the wall would be less attractive than what exists now.

Mr. Courtney asked where the wall would be.

Mr. Larco said it would be placed on the west side of the sidewalk.

Mr. Kovacs opened the Public Hearing.

Mr. Rajeev Bhalerao, 30 Crestfield was present. Mr. Bhalerao stated that he wished to address the request regarding the screening wall. Mr. Bhalerao stated that he would rather have the wall. The existing fence needs to be repaired and he would like some relief as his home is the first one east of the existing fence. There are existing arborvitae on the side of the fence closest to his home. Mr. Bhalerao said that he would like some relief from the parking lot next door.

Mr. Courtney clarified that Mr. Bhalerao would rather have a screening wall than the existing fence.

Mr. Bhalerao said that his concern was that there would be a higher amount of traffic at this site and would like more screening. There is a nice wall at Rochester and Wattles and believes that something of that nature would be acceptable.

Mr. Kovacs asked if Mr. Bhalerao would accept the petitioner adding more arborvitae.

Mr. Bhalerao said that would also be acceptable and they had been approached by Mr. Thomas Cavanaugh, who said that as the owner of the building, they would put additional landscaping in at their side of the property and Mr. Bhalerao would be able to do the same on this side of the property. Mr. Bhalerao said that never happened.

Mr. Kovacs said that he thought this would be a very small space to put something other than a wall. Mr. Kovacs asked where the wall would go.

Mr. Stimac said that it appears that there is approximately 18' between the edge of the sidewalk and the parking lot. He was not sure where the property line was but felt that the wall would go right at the edge of the existing parking lot pavement.

Mr. Kovacs asked if that really was what the speaker wanted.

Mr. Bhalerao said that he thought a wall would look very nice in this area and felt that there was enough room for it to be constructed.

Mr. Strat asked if this was a condominium site or if it was privately owned.

ITEM #9 – con't.

Mr. Stimac said that the properties at 29 and 30 Crestfield are private single-family owned lots. There is an easement at the edge of 30 Crestfield to allow for a sidewalk.

Mr. Strat asked if a pre-cast fence could be put in that area. It is masonry, but would be pre-cast and is supported by steel poles.

Mr. Stimac said that that type of structure would be allowed by the Ordinance and would meet the requirements of Section 39.10.01.

Mr. Strat said that he does respect the opinion of Mr. Bhalerao and would not like to look out at a parking lot either.

Ms. Barbara Scofield, 84 Leetonia was present. Ms. Scofield asked what O-1 Zoning was and confirmed that it was not parking.

Mr. Stimac explained that O-1 Zoning is office use and parking comes with that designation.

Ms. Scofield stated that she could see where more parking would be required and the whole green space that is there now would be used for parking. Ms. Scofield stated that she wants a 6' high masonry wall if not higher and is tired of looking at a parking lot.

Mr. Kovacs asked Ms. Scofield if she was in favor of the request for additional parking and against the variance for relief of the screening wall.

Ms. Scofield said that she is in favor of the parking variance, but not in favor of granting the variance for the 6' high wall.

Mr. Courtney asked how the addition of the wall would affect her property.

Ms. Scofield said that she is within 300' of this site and can see the parking lot from her home.

Mr. Kovacs stated that her approval and disapproval have been noted.

Ms. Scofield asked if they would have to come back to the Board if they wanted to add more parking.

Mr. Kovacs said that if they had the additional property, they would not need to come before the Board for a variance. Mr. Kovacs also pointed out that the 6' high wall would only run the length of the property described in this application.

Ms. Scofield asked what would happen if the other property was developed.

ITEM #9 – con't.

Mr. Stimac stated that the vacant piece of property does not require a screen wall at this time. If the property was developed as O-1 Zoning, a screen wall would be required where the property abuts residential property. The other scenario is that if the property were developed the owner could come before this Board and request a variance to eliminate the screen wall.

Ms. Scofield asked who owns the property at 29 Crestfield.

Mr. Bhalerao said that the home had been foreclosed on and no one is living there at this time.

No one else wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked if the Board could request that the petitioner add additional arborvitae.

Mr. Motzny said that as a condition of the variance, the Board can request that the petitioner add additional arborvitae on his side of the property, but the Board cannot ask them to add additional screening on property that does not belong to them.

Mr. Larco said that he was not sure if this area was dedicated as a personal walkway. Mr. Larco said that it would be there preference to add additional arborvitae and would be more aesthetically pleasing.

Motion by Courtney
Supported by Strat

MOVED, to postpone the request of Wattles Investment Company, 4000 Livernois for relief of the 6' high masonry screen wall required by Section 39.10.01, along the east side of the property where it abuts residentially zoned property until the meeting of September 16, 2008.

- To give the petitioner the opportunity to discuss other alternatives with the adjacent neighbor.
- To give the petitioner the opportunity to bring in a plan showing additional landscaping.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

MOVED TO POSTPONE THIS REQUEST UNTIL THE MEETING OF SEPTEMBER 16, 2008 CARRIED

ITEM #9 – con't.

Mr. Kovacs said that he drives by this parking lot every day and has never seen it full and would rather see a variance than require more parking.

Mr. Strat informed the Board that the Planning Commission is in the process of reviewing the Master Plan as well as the Zoning Ordinance and has determined that they are antiquated, and there are other types of uses that require more parking. The Planning Commission is looking into changes that they will be able to make. There are many other sites that have more parking space than what is needed. Mr. Strat stated that he feels this request would be reasonable.

Motion by Strat
Supported by Bartnik

MOVED, to grant Chinna Middela/Wattles Investment Co., 4000 Livernois, relief of the Ordinance to alter a tenant space within an existing office building for a medical office that will result in 36 available parking spaces where Section 40.21.70 of the Troy Zoning requires 43 parking spaces.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to public interest.
- Variance applies only to the property described in this application.

Yeas: 6 – Bartnik, Clark, Courtney, Kovacs, Lambert, Strat

MOTION TO GRANT VARIANCE CARRIED

Mr. Motzny informed the Board that the booklets he passed out earlier in the evening contained material that applies to this Board and said it will be a quick reference for the Board members. When revisions are made, additions will be provided to the Board. Mr. Bartnik asked if this booklet also addressed items brought forward by the Planning Commission.

Mr. Motzny said that the literature in these books apply only to the Board of Zoning Appeals and believes that a book is being compiled that will apply to the Planning Commission.

The Board of Zoning Appeals meeting adjourned at 8:50 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 26, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney

Resolution # PC-2008-08-099

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, That Members Vleck and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
Absent: Vleck, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-08-100

Moved by: Maxwell
Seconded by: Strat

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Vleck, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-08-101

Moved by: Sanzica
Seconded by: Ullmann

RESOLVED, To approve the minutes of the August 12, 2008 Regular meeting as presented.

Yes: Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann
Abstain: Tagle
Absent: Vleck, Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

Robert Schultz, 365 E. Square Lake Road, Troy, asked if the Planning Commission intended to regulate utility trailers.

Chair Schultz responded that the Planning Commission was discussing the outdoor parking of commercial vehicles in residential districts. He explained that utility trailers would not be discussed at this time.

Mr. Miller informed the resident that future public notice would be published in the *Troy-Somerset Gazette* newspaper. Additionally, the resident can call the Planning Commission for updates on this item.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat presented a brief BZA Report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller stated there was no August DDA meeting.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following:

- Troy Plaza PUD received Conceptual Development Plan Approval on August 25, 2008.
- The September 23, 2008 Special/Study meeting will be dedicated to the Master Plan.
- Public Hearing for Master Plan is scheduled for October 7, 2008.

STUDY ITEMS

8. POTENTIAL SITE PLAN APPLICATION – Proposed Bank with Drive-Thru, North side of Big Beaver, West of Coolidge (3250 West Big Beaver), Section 19, Zoned P-1 and O-M (Controlled by Consent Judgment)

Mr. Savidant summarized the item. He said representatives from NAI Farbman and Atwell-Hicks were present to discuss a potential bank with a drive-thru to be located on property that presently serves as the parking lot for the Sheffield Office Building. Mr. Savidant said a significant portion of the property is zoned P-1 and would require rezoning to O-1 or O-M for a bank. Additionally, it was noted that a Consent Judgment, which would need to be amended, controls a portion of the property.

John Kauppila of Atwell-Hicks and Andy Gutman of NAI Farbman presented a site plan for the drive-thru bank.

General discussion followed.

The following comments were suggested by the Planning Commission:

- Strengthen relationship with Big Beaver Road.
- Pedestrian-friendly design.
- Provide better location for exit drive for drive-thru.
- Consider other uses on out parcel.
- Potential for public art in front of building.
- Sensitivity to residential subdivision to the west.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Savidant summarized the item.

General discussion followed.

It was generally agreed to develop provisions prohibiting the outdoor storage of commercial vehicles in residential areas. Applicants could still apply for waivers from the Board of Zoning Appeals (BZA). Additionally, BZA standards for considering commercial vehicle applications should be modified to require that all three standards of Section 43.74.01 should be met, rather than just two of the three. This will have the effect of providing more evidence to the BZA so that they can make a better informed decision.

OTHER ITEMS10. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENT**

Mr. Ullmann stated that there were some very innovative ideas regarding stormwater management in the August/September 2008 issue of *Planning*, published by the American Planning Association.

Mr. Strat discussed the Master Plan proposal dated April 2006 and commented that it had been nearly two and one-half years since the proposal was prepared, and the Master Plan is still not adopted.

Mr. Miller announced that a joint meeting is being planned for the Birmingham and Troy Planning Commissions. The purpose of the meeting is to update both boards and the Chamber of Commerce on the status of the Troy-Birmingham Transit Center. Potential dates are September 15 and 17, 2008.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:40 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 26, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
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Absent:

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Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney

Resolution # PC-2008-08-099

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, That Members Vleck and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
Absent: Vleck, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-08-100

Moved by: Maxwell
Seconded by: Strat

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Vleck, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-08-101

Moved by: Sanzica
Seconded by: Ullmann

RESOLVED, To approve the minutes of the August 12, 2008 Regular meeting as presented.

Yes: Hutson, Maxwell, Sanzica, Schultz, Strat, Ullmann
Abstain: Tagle
Absent: Vleck, Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

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Mr. Miller announced that a joint meeting is being planned for the Birmingham and Troy Planning Commissions. The purpose of the meeting is to update both boards and the Chamber of Commerce on the status of the Troy-Birmingham Transit Center. Potential dates are September 15 and 17, 2008.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:40 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



R. Brent Savidant, Principal Planner

A meeting of the **Troy Youth Council (TYC)** was held on August 27, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. Disha Bora and Joseph Niemiec called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora (Co chair)
Geon Woo Kim (Secretary)
Jason Lee
Jennifer Liang
Joseph Niemiec (Co-chair)
Vikram Prasad
Sevita Rama
Shaina Sekhri
Rachita Singh

MEMBERS ABSENT: Neil Shaw, Emily Wang, David Wylie
VISITORS: Sandy Macknis and Jeff Stewart – Troy Daze Committee
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2008-8-12

Moved by Prasad
Seconded by Sekhri

RESOLVED, That the minutes of May 28, 2008 be approved.

Yes: All – 10

No: 0

Absent: 3 – Shaw, Wang, Wylie

3. Attendance Report:

Report reviewed by council members, no comments.

4. Visitors

Sandy Macknis and Jeff Stewart – Troy Daze Committee

Presented the history of Troy Daze of the event.

Highlighted events for 2008 that include:

Volunteer opportunities

Entertainment

Special needs events

Rides and games

Reduced parking fees at Comm. Center

Parade

Fireworks

5. Teens Taking Action

No Update

6. Troy Daze

No update.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2008-8-13

Moved by Kim
Seconded by Rama

RESOLVED that Wang and Wylie are excused.

Yes: 10
No: 0
Absent: 3 – Shaw, Wang, Wylie

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:47 p.m.

Joseph Niemiec, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: September 24, at 7:00 P.M.

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, September 2, 2008

I. Call to Order 7:10 pm

II. Roll Call

Present Michelle Haight
 Karen Yelder
 Kelly Jones
 Mayada Fakhouri
 Grigore Buia
 Cindy Stewart, City Liaison

Absent Cathy Francois
 William Lawrence
 Reuben Ellis
 Lily Huang, Student rep
 Tony Haddad

Visitors: Sushma Shrestha

III. Approval of Minutes – August 12, 2008

Motion to approve August 12, 2008 minutes by Karen Yelder, seconded by Kelly Jones. Approved unanimously.

IV. Correspondence/ Articles

Kelly will bring to the October meeting.

V. Old Business

a. Troy Daze Ethnicity

Poster Contest – Deadline is Sept. 8. Judging is Sept. 11 in Room 404. Remind Tim McAvoy to send an e-blast. Michelle is set with judges.

Ethnicity Booths Confirmed:

EIAB, Peru, Germany, Troy High Chinese Club, Bharatiya Temple, CAPA, NAFFAA, African American Parent Support Group, Filipino American Community Council. CAGD, Oriental Culture Association, Arab Chaldean & American Council. Total 17 tables.

Cindy will get the trifold display board and bring the flags, pictures, Velcro, tablecloths and skirts, passports from Mayada, flag stickers, pushpins, and world map. Kelly and Karen will attend the Wed., Sept. 3 Booth Meeting.

b. African American Support Group – Next meeting is Monday, Sept. 8, 7:30 pm. Karen will attend. ACT prep class starts on 9/13 at Troy High. Math Prep class is Sept. 20-November at Baker. Nadeen Brown is President. There are plans to print a directory.

c. Troy School District Updates

Elementary school – Kelly finished her presentation for the PTO/PTA presidents. It was sent to Michelle for editing. She plans to discuss the EIAB mission and goals, resources, and demographics. She will send to Tim McAvoy next for approval and to get a date for presentation. Barnard Elementary School held their Kindergarten picnic and the Cultural Community Committee had a table there with information related to different ethnic groups as well as a cultural newsletter; highly recommended for other schools.

High Schools – Mayada and Padma made a presentation on August 18 to 30 new Troy teachers. It included an overview on EIAB, what they do, goals, upcoming events, resources and Troy Interfaith Group goals.

VI. New Business

- a. Sterling Heights Diversity Dinner September 18th at Ike's Family Dining on Van Dyke, Sterling Heights. \$30/ticket.
- b. Cultural Brochures – On hold until after Troy Daze. Plans to start with Arab, Indian, Chinese, and Eastern European. Check CIA.gov for information.

VII. Motion to adjourn 8:05 pm, by Michelle Haight and seconded by Karen Yelder

Next Meeting Tuesday, October 7, 2008 at 7 pm.

Kelly Jones, EIAB Chair

Cindy Stewart, EIAB Recording Secretary

CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Wednesday, September 3, 2008 at the Troy Community Center at 8:43 pm.

ROLL CALL

Members Present: Mike Gonda
 Bob Berk
 Sandy Macknis
 Jeff Stewart
 Dan O'Brien
 Alison Miller
 Jim Hattan
 Jeff Super
 Bob Preston
 Sarah Wunderlich, student

City Staff Present: Cindy Stewart
 Bob Kowalski
 Tonya Perry
 Mike Lyczkowski

Others: Karen Hattan
 Doris Schuchter
 Jeff Winiarski
 Lynn Clark
 Bob Matlick

Additions/Deletions to Agenda

None

New Business**a. Event Updates –**

Move Cutest Toddler Board to Community Center.

Shirt colors:
Thursday – Gold

Friday – Teal
Saturday – California Blue
Sunday – Birch/grey

Senior Sensation – Al Lindsay will have ice there.

EthniCity – How many outlets? Let Jeff Winiarski know.

Kids Corner – Needs one outlet for games/tent.

Senior Sensation – Last year we needed a picnic table or folding chairs in parking lot while they wait for shuttle. Do same this year – 10 chairs.

Operations – Set up large Entertainment Tent, Outdoor Stage and Vendor Tent. Trailers delivered Friday. Headquarters set up. Set up for EthniCity Tent and Photo/Student Art to be delivered Saturday. Sunday at 8 am – set up for rest of tents.

Dan O'Brien got a deal on pop and water and Jeff Winiarski offered to pay for this.

Work Schedule:

Monday, 8 am – 4 pm
Tuesday, 8 am – 5/6 pm
Wednesday, 8 am – 8 pm
Thursday we begin.
Friday, 8 am - close

Need someone to pick up cleaning supplies and fire extinguishers.

Clean banners.

Laminate Friday afternoon at the Community Center.

Make 10 car dealer passes.

Adjourn

RESOLUTION # TD-2008-09-26

Moved by: Alison Miller

Seconded by: Jim Hattan

RESOLVED, that the Troy Daze Advisory Committee Meeting is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 9:01 pm.

Bob Berk, Co-Chairperson

Cindy Stewart, Community Affairs Director

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on September 9, 2008 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Phillip Sanzica
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney

Resolution # PC-2008-09-102

Moved by: Vleck
Seconded by: Strat

RESOLVED, That Members Sanzica and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-09-103

Moved by: Hutson
Seconded by: Tagle

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

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

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU-360) – Proposed Restaurant, Existing Columbia Center Office Buildings, South side corner of Big Beaver Road, West of Livernois (101 and 201 W. Big Beaver), Section 28, Zoned O-S-C (Office-Service-Commercial) District

Mr. Miller presented the item. He stated that City Management supports a restaurant at this location but there are some issues that need to be addressed prior to recommending approval.

General discussion followed.

Steve Dearing of Orchard, Hiltz & McCliment (OHM), the City's Traffic Consultant, summarized traffic issues related to the development. These included:

- (1) Design of access road as a "slip lane" with relatively high speeds for cars; and
- (2) Potential turning conflicts between the access drive and Spencer Drive.

Alan Kiriluk of Kirco Development Company, the applicant, discussed the proposed restaurant as it relates to the Big Beaver Road Corridor Study.

Mike Pudists, Architect from Yamasaki, summarized the project.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-09-105

Moved by: Vleck

Seconded by: Strat

RESOLVED, That Special Use Approval, pursuant to Section 26.30.05 of the Zoning Ordinance, as requested for the proposed restaurant, located on the south side of Big Beaver, west of Livernois, in Section 28, within the O-S-C zoning district, is hereby granted.

BE IT FURTHER RESOLVED, That the Preliminary Site Plan shall come back to the Planning Commission for review and approval.

Yes: All present (7)

Absent: Sanzica, Wright

MOTION CARRIED

OTHER ITEMS6. **CITY OF CLAWSON DRAFT MASTER PLAN**

Mr. Savidant presented the item.

General discussion followed.

Resolution # PC-2008-09-106

Moved by: Hutson

Seconded by: Vleck

WHEREAS, the City of Clawson Planning Commission has prepared the City of Clawson Master Plan; and,

WHEREAS, the City of Clawson Master Plan will have no impact on the City of Troy; and,

WHEREAS, the City of Clawson Planning Commission has provided a copy of the City of Clawson Master Plan to the City of Troy Planning Commission for their review and comment, as required by Section 41 of Public Act 33 of 2008 as amended, known as the Michigan Planning Enabling Act; and,

NOW THEREFORE BE IT RESOLVED, the City of Troy Planning Commission has determined that the Draft Plan is not inconsistent with the Future Land Use Plan of the City of Troy; and,

BE IT FURTHER RESOLVED, the City of Troy Planning Commission hereby supports the proposed City of Clawson Master Plan.

Yes: All present (7)

Absent: Sanzica, Wright

MOTION CARRIED7. **JOINT COMMISSION MEETING** – City of Troy and City of Birmingham

Mr. Savidant presented the item.

General discussion followed.

Resolution # PC-2008-09-107

Moved by: Tagle

Seconded by: Hutson

WHEREAS, The City of Troy Planning Commission has the opportunity to participate in a joint meeting with the City of Birmingham Planning Board.

THEREFORE BE IT RESOLVED, The intent of the meeting is to update both boards on the status of the proposed Troy/Birmingham Transit Center and discuss potential joint planning efforts for the Troy/Birmingham Transit Center.

BE IT FURTHER RESOLVED, That the Planning Commission shall hold a joint Special Meeting with the City of Birmingham Planning Board on Monday, September 22, 2008, at 5:30 p.m. at the Birmingham DPS Office, 851 South Eton, Birmingham, Michigan.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENT

Chair Schultz announced that he attended the meeting of the Oakland County Coordinating Zoning Committee on September 9, 2008. The Committee determined that the draft Master Plan was not inconsistent with adjacent communities.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 9:00 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on September 9, 2008 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mark Maxwell
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Phillip Sanzica
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney

Resolution # PC-2008-09-102

Moved by: Vleck
Seconded by: Strat

RESOLVED, That Members Sanzica and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-09-103

Moved by: Hutson
Seconded by: Tagle

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

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

SPECIAL USE REQUEST

5. **PUBLIC HEARING – SPECIAL USE REQUEST (SU-360)** – Proposed Restaurant, Existing Columbia Center Office Buildings, South side corner of Big Beaver Road, West of Livernois (101 and 201 W. Big Beaver), Section 28, Zoned O-S-C (Office-Service-Commercial) District

Mr. Miller presented the item. He stated that City Management supports a restaurant at this location but there are some issues that need to be addressed prior to recommending approval.

General discussion followed.

Steve Dearing of Orchard, Hiltz & McCliment (OHM), the City's Traffic Consultant, summarized traffic issues related to the development. These included:

- (1) Design of access road as a "slip lane" with relatively high speeds for cars; and
- (2) Potential turning conflicts between the access drive and Spencer Drive.

Alan Kiriluk of Kirco Development Company, the applicant, discussed the proposed restaurant as it relates to the Big Beaver Road Corridor Study.

Mike Pudists, Architect from Yamasaki, summarized the project.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2008-09-105**

Moved by: Vleck

Seconded by: Strat

RESOLVED, That Special Use Approval, pursuant to Section 26.30.05 of the Zoning Ordinance, as requested for the proposed restaurant, located on the south side of Big Beaver, west of Livernois, in Section 28, within the O-S-C zoning district, is hereby granted.

BE IT FURTHER RESOLVED, That the Preliminary Site Plan shall come back to the Planning Commission for review and approval.

Yes: All present (7)

Absent: Sanzica, Wright

MOTION CARRIED

OTHER ITEMS6. **CITY OF CLAWSON DRAFT MASTER PLAN**

Mr. Savidant presented the item.

General discussion followed.

Resolution # PC-2008-09-106

Moved by: Hutson

Seconded by: Vleck

WHEREAS, the City of Clawson Planning Commission has prepared the City of Clawson Master Plan; and,

WHEREAS, the City of Clawson Master Plan will have no impact on the City of Troy; and,

WHEREAS, the City of Clawson Planning Commission has provided a copy of the City of Clawson Master Plan to the City of Troy Planning Commission for their review and comment, as required by Section 41 of Public Act 33 of 2008 as amended, known as the Michigan Planning Enabling Act; and,

NOW THEREFORE BE IT RESOLVED, the City of Troy Planning Commission has determined that the Draft Plan is not inconsistent with the Future Land Use Plan of the City of Troy; and,

BE IT FURTHER RESOLVED, the City of Troy Planning Commission hereby supports the proposed City of Clawson Master Plan.

Yes: All present (7)

Absent: Sanzica, Wright

MOTION CARRIED7. **JOINT COMMISSION MEETING** – City of Troy and City of Birmingham

Mr. Savidant presented the item.

General discussion followed.

Resolution # PC-2008-09-107

Moved by: Tagle

Seconded by: Hutson

WHEREAS, The City of Troy Planning Commission has the opportunity to participate in a joint meeting with the City of Birmingham Planning Board.

THEREFORE BE IT RESOLVED, The intent of the meeting is to update both boards on the status of the proposed Troy/Birmingham Transit Center and discuss potential joint planning efforts for the Troy/Birmingham Transit Center.

BE IT FURTHER RESOLVED, That the Planning Commission shall hold a joint Special Meeting with the City of Birmingham Planning Board on Monday, September 22, 2008, at 5:30 p.m. at the Birmingham DPS Office, 851 South Eton, Birmingham, Michigan.

Yes: All present (7)
Absent: Sanzica, Wright

MOTION CARRIED

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENT

Chair Schultz announced that he attended the meeting of the Oakland County Coordinating Zoning Committee on September 9, 2008. The Committee determined that the draft Master Plan was not inconsistent with adjacent communities.

ADJOURN

The Regular Meeting of the Planning Commission adjourned at 9:00 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



R. Brent Savidant, Principal Planner

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:32 P.M., on Tuesday, September 16, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Kenneth Courtney
Marcia Gies
Matthew Kovacs
Dave Lambert

ALSO PRESENT: Mitch Grusnick, Residential Plan Analyst
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Glenn Clark
Wayne Wright

Motion by Courtney
Supported by Bartnik

MOVED, to excuse Mr. Wright from this meeting for personal reasons.

Yeas: 5 – Courtney, Gies, Kovacs, Lambert, Bartnik
Absent: 2 – Clark, Wright

MOTION TO EXCUSE MR. WRIGHT CARRIED

Mr. Kovacs informed that the petitioners that they did have the option of postponing their requests due to the fact that there are two members missing.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 19, 2008

Motion by Lambert
Supported by Courtney

MOVED, to approve the minutes of the meeting of August 19, 2008 as written.

Yeas: 4 – Courtney, Kovacs, Lambert, Bartnik
Absent: 1 – Clark
Abstain: 1 – Gies

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 - APPROVAL OF ITEMS #3 THROUGH ITEM #6

ITEM #2 – con't.

RESOLVED, that Items #3 through #6 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Gies

Yeas: 5 – Kovacs, Lambert, Bartnik, Courtney, Gies
Absent: 1 - Clark

ITEM #3 – RENEWAL REQUESTED. HANDLEMAN REAL ESTATE LLC, 500 KIRTS, for relief of the 6' high masonry screening wall required along the west 606' of the north property line where it abuts residentially zoned land.

Mr. Grusnick explained that the petitioner is requesting renewal of relief, granted by this Board, of the required 6' high masonry-screening wall along their northern property line where it abuts residentially zoned land. This relief was originally granted in 1984, based on the fact that the petitioner would be installing a berm with evergreen and deciduous plantings to screen the residential sites. A portion of the property to the north has been rezoned to the C-F zoning classification and therefore the renewal of relief is only required for the west 606 feet. This item last appeared before this Board in September 2005 and was granted a three (3) year renewal at that time. Other than the change of adjacent zoning the conditions remain the same and there are no complaints or objections on file.

MOVED, to grant the request of Handleman Company, 500 Kirts, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west 606 feet of their northern property line where it abuts residentially zoned land.

- A berm with landscape is provided along the property line.
- Conditions remain the same.
- There are no objections or complaints on file.

ITEM #4 – RENEWAL REQUESTED. PB & J INTERNATIONAL DEVELOPMENT, 6050 LIVERNOIS, for relief to maintain a 6' high wood fence in lieu of the 6' high masonry screen wall required along the north property line.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted by Board to maintain a 6' high wood fence in lieu of the 6' high masonry-screen wall required along the north property line. The Board originally granted this relief in 1989 when the second building was constructed. This item last appeared before this Board in September 2005 and was granted a three (3)-year renewal at that time. This property has since been sold to different corporations and therefore now requires two (2) renewals. We have no objections or complaints on file.

ITEM #4 – con't.

MOVED, to grant the request of PB & J International Development 6050 Livernois, a three (3) year renewal of relief to maintain a 6' high wood fence in lieu of the 6' high masonry-screen wall required along the north property line.

- There are no objections or complaints on file.
- Conditions remain the same.

ITEM #5 – RENEWAL REQUESTED. F & A INVESTMENTS, 6054 LIVERNOIS, for relief of the Ordinance to maintain a 6' high wood fence in lieu of the 6' high masonry screen wall required along the north property line and also along the east property line where the site abuts residentially zoned property.

Mr. Grusnick explained that the Petitioner is requesting renewal of relief to maintain a 6' high wood fence in lieu of the 6' high masonry screen wall required along the north property line and relief of the 6' high masonry screen wall required along the east property line where the site abuts residentially zoned property. The Board originally granted this relief in 1989 when the second building was constructed. This item last appeared before this Board in September 2005 and was granted a three (3)-year renewal at that time. This property has since been sold to different corporations and therefore now requires two (2) renewals. We have no objections or complaints on file.

MOVED, to grant F & A Investments, 6054 Livernois a three-year (3) renewal of relief to maintain a 6' high wood fence in lieu of the 6' high masonry screen wall required along the north property line and relief of the 6' high masonry screen wall required along the east property line where the site abuts residentially zoned property.

- There is existing vegetation along the east property line.
- Conditions remain the same.
- There are no objections or complaints on file.

ITEM #6 – RENEWAL REQUESTED. ST. NICHOLAS GREEK ORTHODOX CHURCH, 760 W. WATTLES, for relief to maintain a 4'-6" high landscaped berm in lieu of the 4'-6" high masonry screen wall required where the parking abuts residential zoned property.

Mr. Grusnick explained that the petitioner is requesting renewal of relief granted by this Board to maintain a 4'-6" high landscaped berm in lieu of the 4'-6" high masonry-screen wall required along their parking areas which abut residential zoned property. This relief was originally granted in 1990 based on the fact that one side abuts a cemetery and the petitioner would install 4'-6" high landscaped berm. This item last appeared before this Board at the meeting of September 2005 and was granted a three (3)-year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

ITEM #6 – con't.

MOVED, to grant St. Nicholas Greek Orthodox Church, 760 W. Wattles, a three (3) year renewal of relief to maintain a 4'-6" high landscaped berm in lieu of the 4'-6" high masonry-screen wall required along their parking areas which abut residential zoned property.

- Conditions remain the same.
- There are no objections or complaints on file.

ITEM #7 – APPROVAL REQUESTED. MELISSA & BRIAN VANTONGEREN, 5361 LIVERNOIS, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Grusnick explained that the petitioners are requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Ford F350 Cube Van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance. In 2003, the petitioners were granted a variance, under the previous procedures by City Council, to store a cube van outdoors on the property. In 2006 they applied for renewal of that variance but later withdrew that request because they had sold the vehicle. They now have apparently purchased another vehicle and are asking for approval to park this vehicle outdoors on the property.

This item first appeared at the meeting of August 19, 2008 and was postponed to allow the petitioner the opportunity to present the Board with documentation regarding their efforts to meet the criteria in "A" or "B"; and also to allow the petitioners to bring in a plan showing the addition of more landscaping.

Mr. & Mrs. Vantongeren were present. Mrs. Vantongeren presented the Board with documentation showing the routes that Mr. Vantongeren takes as well the cost involved with storing the vehicle at an outdoor storage lot and presented the Board with a letter from the Ace Door Company indicating that their garage could not be modified to accommodate this vehicle.

Mr. Kovacs said that in his opinion the different routes that make up Mr. Vantongeren's job make it difficult to store this vehicle at another site. There are storage units close to the home that are in the city. Mr. Kovacs said that he felt the petitioner met the criteria "B" that demonstrates that the existing structure cannot accommodate this vehicle.

Mr. Kovacs informed the petitioner that they needed four (4) votes for approval and if they wished they could postpone this request until the meeting of October to allow the opportunity of a full Board or they could have the Board vote on this request tonight.

Mr. Lambert stated that before the petitioners decided to request postponement, they might allow the Board the opportunity to discuss this item. Mr. Lambert further stated

ITEM #7 – con't.

that based on the information the petitioners distributed to the Board, he feels that approval would be appropriate as they meet criteria “B”.

Mr. Kovacs said that the petitioner has met the burden that indicates this garage cannot be added too.

Mr. Bartnik said that in his opinion the petitioners did supply evidence that they cannot modify this particular garage. Mr. Bartnik further stated that he feels the petitioner met criteria “B” and provided a letter from a garage door builder indicating that this structure could not be made any larger.

Mr. Courtney said that there are a lot of vehicles that cannot be stored in the garages that exist. Mr. Courtney said that he would be inclined to approve this request as long as there was a time limit placed on the variance.

Mr. Kovacs asked Mr. Courtney if he felt that the petitioner did not meet criteria “B”.

Mr. Courtney said that just because the vehicle cannot fit into a garage, he would not want this type of vehicle stored outside next to his home.

Mr. Kovacs stated that criteria “B” states that that the structure cannot reasonably accommodate or be modified in a way that it could store this vehicle. Mr. Kovacs said that he believes Mr. Lambert and Mr. Bartnik feel that this structure could not be modified in a reasonable manner to accommodate this truck.

Mr. Courtney said that the he agrees but that there are a number of trucks parked outside that he would not want parked next to his house. Mr. Courtney further stated that he would agree to approve this request, but not for a long period of time.

Mr. Motzny stated that the approval cannot exceed two (2) years, but the Board could approve a time frame that would be less than the two (2) years.

Mr. Courtney said that he would be willing to allow approval for two (2) years, but also informed the petitioner that at the end of the two years, other accommodations should be made for this vehicle.

Motion by Courtney
Supported by Gies

ITEM #7 – con't.

MOVED, to grant Melissa & Brian Vantongeren, 5361 Livernois, approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of two (2) years.

- Petitioners have met criteria “B” and “C”.
- At the end of two years, the petitioners will have to appear before this Board again for approval to keep this commercial vehicle on their property.

Yeas: 5 – Kovacs, Lambert, Bartnik, Courtney, Gies

Absent: 1 – Clark

MOTION TO GRANT APPROVAL FOR TWO (2) YEARS CARRIED

ITEM #8 – VARIANCE REQUESTED. WATTLES INVESTMENT CO., 4000 LIVERNOIS for relief of the 6’ high masonry screen wall along the east side of the property as required by Section 39.10.01.

The petitioner had stepped out of Council Chambers and the Chairman postponed the hearing of this request.

ITEM #9 – VARIANCE REQUESTED. CHARLES MUNSELLE, 1340 CAMBRIA, for relief of the Ordinance to construct a 528 square foot attached garage and 328 square foot storage room, which would result in a total of attached accessory building on this property to 1,384 where Section 40.56.01 limits the maximum area of attached accessory use buildings to 1,240 square feet.

Mr. Grusnick explained that the petitioner is requesting relief of the Ordinance to construct an addition to the existing home. The site plan submitted indicates the construction of a proposed 528 square foot attached garage and 328 square foot storage room. This dwelling currently has an existing 528 square foot attached garage. If approved, this addition would increase the total of attached accessory use buildings on this property to 1,384 square feet.

Section 40.56.01 limits the maximum area of attached accessory use buildings to 75% of the dwelling’s ground floor living area. Since the ground floor living area of the dwelling is 1,654 square feet, the total of all accessory use buildings cannot exceed 1,240 square feet.

Mr. Munselle was present and stated that he is asking for an additional 144 square feet. This residence is a two-story, four bedroom colonial on a lot that is 120’ x 170’. There is no basement. The Munselles have an in-ground pool and are experiencing problems with the storage of pool equipment as well as landscape equipment. The present garage only has room for one car. Mr. Munselle had a garden tractor that he stored at his neighbor’s home, however, that home was sold and when he lost the ability to store

ITEM #9 – con't.

the tractor he sold it. They would like to purchase bicycles but again have nowhere to put them.

Mr. Courtney asked if the existing garage were attached to the home if it would exceed the limit allowed by Ordinance.

Mr. Grusnick said that if the existing garage were converted to living space a variance would not be required to add another two-car garage. Part of the square footage is storage and does come under the accessory use. If the square footage of the storage room were deducted the garage would comply.

Mr. Kovacs asked if any other variances would be required.

Mr. Grusnick stated that the petitioner complies with the Ordinance regarding setbacks and lot coverage.

Mr. Kovacs asked what the allowable square footage for garages was before the Ordinance was changed regarding garages.

Mr. Kovacs said that there was no maximum as long as it complied with the square footage of the house and lot coverage. If this was a detached garage it could be constructed to equal 100% of the ground floor area of the home.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Charles Munselle, 1340 Cambria, relief of the Ordinance to construct a 528 square foot attached garage and 328 square foot storage room, which would result in a total of attached accessory buildings on this property to 1,384 square feet where Section 40.56.01 limits the maximum area of attached accessory use buildings to 1,240 square feet.

- Variance request is small.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: 4 – Courtney, Gies, Kovacs, Lambert
Nays: 1 – Bartnik
Absent: 1 – Clark

ITEM #9 – con't.

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 (TAKEN OUT OF ORDER) – VARIANCE REQUESTED. WATTLES INVESTMENT CO., 4000 LIVERNOIS for relief of the 6' high masonry screen wall along the east side of the property as required by Section 39.10.01.

Mr. Grusnick explained that the petitioner is requesting relief of Section 39.10.01, which requires a 6' high masonry screen wall along the east property line where this site abuts Single Family Residential Zoning. A variance for this wall was originally granted by the Board in 1985 based, in part, that the land to the east was undeveloped. When this item appeared for renewal in 1999, it was granted a one-year renewal and the Board indicated that at the end of that year a new public hearing should be scheduled since a majority of the adjacent property was then developed with new single family homes. A review of our records, however, does not indicate that the new public hearing was ever held. The current owners of the property are asking for a variance to continue to eliminate this required screen wall.

This item first appeared before this Board at the meeting of August 19, 2008 and was postponed to allow the petitioner to contact the surrounding property owners to see if there was another solution to add additional screening.

Since the meeting of August 19th, it has been verified that the City owns the 10' of property with the sidewalk to the east. Mr. Grusnick also informed the Board that the petitioner had presented a landscape plan to Ron Hynd, Landscape Analyst for the City and Mr. Hynd has determined that there is not enough space for the petitioner to add additional plantings used for screening.

Mr. Kovacs asked if it was indicated that the wall would be required.

Mr. Grusnick said that it has been determined that the City would not give approval for additional plantings as there is not enough space.

Mr. Michael Larco of Wattles Properties was present. Mr. Larco said that he had spoken to Mr. Bhalerao, the homeowner at 30 Crestfield, and they had proposed to add 55 emerald green arborvitae on the east side of the property. The homeowner indicated that he was in favor of this proposal. Mr. Stimac informed Mr. Larco that plantings on their property were not acceptable by the City because once the plants were matured; they could hang over a portion of the sidewalk and create a safety hazard for people walking along this area. Mr. Larco also suggested that he could put arborvitae along the property line of 30 Crestfield and along their east property line to the dumpster enclosure. If that is not acceptable Mr. Larco said that he would put in the wall.

ITEM #8 – con't.

Mr. Courtney said that the City has indicated that the arborvitae Mr. Larco is proposing would not be allowed due to the lack of space in this area. Mr. Courtney also asked if the petitioner was proposing to put the arborvitae on the property owned by Mr. Bhalerao. The only way that could happen was if the homeowner would allow him to do that.

Mr. Larco stated that the homeowner was present and he could let the Board know if he would allow that.

Mr. Kovacs asked Mr. Bhalerao to step up to the podium.

Mr. Bhalerao stated that he is the property owner immediately adjacent to 4000 Livernois and he would allow the petitioner to put the arborvitae on his property. Since Mr. Larco has presented this solution, Mr. Bhalerao said that he would be in favor of these plantings.

Mr. Kovacs said that he did not know if there was any way for the City to regulate these arborvitae. Mr. Kovacs was not sure who would be responsible for the upkeep of this landscaping.

Mr. Motzny said that the same question was asked at the last meeting and this Board does not have the authority to grant a variance subject to landscaping being placed on property that is not owned by the petitioner. This Board can grant a variance stating that he does not have to put a wall up, but it cannot make the petitioner put in landscaping on property owned by someone else.

Mr. Courtney asked if the Board could grant a short term variance and then if the petitioner did not put in the extra arborvitae could make him put up the wall.

Mr. Motzny said that this Board could not grant a temporary variance on this property. The Board would either have to grant the variance or deny it.

Mr. Courtney stated that he thought a wall variance had a time limit.

Mr. Motzny said that you could impose a time limit on the substitute for a required screen wall but if the Board was to grant a permanent variance that would mean that the screen wall would be eliminated.

Mr. Kovacs said that he can foresee several problems with granting a temporary variance based on the planting of more arborvitae. Other people will be affected by this variance and although this neighbor may be happy with that solution, other neighbors may not be.

ITEM #8 – con't.

Mr. Bartnik questioned the petitioner on the drawings that were submitted and asked how high the proposed wall would be.

Mr. Larco stated that the dumpster enclosure is 5' but the wall could be constructed at a height of either 4' or 6'. The petitioner submitted this picture so that the Board would have an idea of what type of wall they would be erecting.

Mr. Kovacs asked what type of material would be used for this wall.

Mr. Larco stated it was a concrete wall. Mr. Larco further stated that the only variance he would request regarding this wall, would be that it did not extend all the way to the sidewalk at 6'. Mr. Larco asked if a portion of the wall could be smaller so that traffic entering or exiting the driveway would have a clear view of pedestrians or oncoming traffic. Mr. Larco also said that there is a brick wall around the dumpster and he would like the concrete wall to stop at the dumpster. The new screening wall would be 6' high and 175' long.

Mr. Kovacs said that the variance could be granted with certain conditions. Mr. Kovacs asked Mr. Grusnick if this proposed wall would meet the requirements for a screening wall.

Mr. Grusnick said that it will meet all the requirements.

Mr. Bartnik asked if this wall would be 5' or 6'.

Mr. Larco said that in order to keep it in line with the dumpster it would be 5', but he would be willing to put up the 6' high wall.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Courtney clarified that the wall would be 6' high.

Mr. Bhalerao stated that he would prefer a 6' high wall.

Mr. Kovacs said it makes sense to bring the wall back from the sidewalk as it would increase safety for both the driveway and sidewalk.

Motion by Bartnik
Supported by Courtney

MOVED, to grant Wattles Investment Co., 4000 Livernois, relief to put up a 6' high masonry screening wall that will run 175' on the property line.

ITEM #8 – con't.

- Wall placement will start at the first parking space north of the sidewalk and extend approximately 175' to the dumpster enclosure.
- Limited amount of space restricts landscaping.
- Variance is not contrary to public interest.
- Variance is permanent.

Yeas: 5 – Lambert, Bartnik, Courtney, Gies, Kovacs

Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. & MRS. THOMAS SAWYER, 895 NORWICH, for relief of the Ordinance to construct a garage addition on a legal non-conforming structure which increases the non-conformity.

Mr. Grusnick explained that the existing home has side yard setbacks of 5.3' and 9.6', which total 14.9 when added together. Section 30.10.06 requires a 15' minimum for both side yards in the R-1E Zoning District.

The proposed garage addition will further result in a 22.3' front yard setback where 25' is required and a reduction of the 5.3' side yard down to a 4.4' side yard setback, which would reduce the side yard setbacks to 14'.

Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Mr. Larry Bertollini, the Architect for this project was present as well as Mr. Thomas Sawyer and his brother David Sawyer. A mortgage survey was done on this property and Mr. Sawyer met with Mr. Grusnick regarding this project. Mr. Grusnick suggested that in order to conform to the Ordinance the garage should be constructed at an angle and to construct a front entrance garage. Mr. Sawyer did not want to do that so he contacted Mr. Bertollini to look at other options. This property is at a disadvantage as his lot is on the curve, the setback increases at the center of the property.

Mr. Bertollini went on to say that Mr. Sawyer wants to improve the flow of the house, increase the size of the master bedroom and create a breakfast nook. The existing garage was created from a carport and is too small for two cars. The proposed garage would be 21'-6" wide and 22' deep. There are several other homes on Norwich that have received variances that have reduced their front setbacks also. Mr. Bertollini passed out pictures of other homes on Norwich that had received variances to construct new garages. Mr. Bertollini addressed each home that had received a variance and compared the end result with what they are proposing. Mr. Bertollini contends that these variances were larger than what Mr. Sawyer is asking for.

ITEM #10 – con't.

Mr. Bertollini said that this is a unique situation because of the way the house sits on the lot. The proposed plan with the addition shows that the wall is 9'-6" from the property line at the closest point and at the end of the addition it is 9'-9". In designing the addition they felt that a 22' width on the garage was the bare minimum. The side yard tapers 8' back from the furthest point of the house to the street and when you get to the far corner, it is non-conforming by 1'. This is not an across the board variance, but the front corner is approximately 2.7' and if this space is averaged out the triangular shape it would come to approximately 1'-4" all the way across. The site lines would not be any different to the neighbors to the north because of the way the home is on the lot. A lot of time and effort has been put behind this project and they are trying to keep sizes down as much as possible.

Mr. Courtney asked why not a 25' garage width rather than 27'.

Mr. Bertollini stated that the garage width is only 21'-6". The other 5' of the addition is an addition to the master suite.

The Chairman opened the Public Hearing.

Ms. Donna Modras, 905 Norwich was present. Ms. Modras said that Mr. Sawyer had come over with some plans for this construction but never mentioned anything about expanding the master bedroom. Ms. Modras said that she has a number of concerns about the garage. Mr. & Mrs. Modras have small children and live directly north of this property and believe that this garage will obstruct her view of the children while they are riding their bikes on the sidewalk. Right now the area is visible from the front porch, but once the garage is built the view will be obstructed. Everybody would like a two car garage, but Ms. Modras does not believe that this subdivision allows the space for a two car garage. Ms. Modras also said that she does not want to look out of her front door and see the back of someone's garage. Ms. Modras believes this will bring property values down and will create a hardship for her in keeping an eye on her children. This garage would create an infringement on the enjoyment of her property.

Mr. Kovacs informed Ms. Modras that a garage could still be constructed without a variance. Essentially the variance would not be next to her property line. The corner that is the closest to Ms. Modras' home, meets the 25' setback.

Ms. Modras said that without a variance he couldn't come out that far.

Mr. Kovacs said that the corner of his house meets the front setback, the opposite corner does not meet the setback and this is the area that will require the variance.

Board members explained to Ms. Modras what the petitioner would be allowed to do absent a variance.

ITEM #10 – con't.

Mr. & Mrs. Richard Adams, 926 Norwich were present and stated that they objected to this request. Mr. Adams pointed out that the petitioner is also asking for a variance regarding the side yard setback.

Mr. Kovacs said that the side yard setback must equal 15' for both sides. Mr. Kovacs stated that the Board could ask the petitioner to move the garage over 6".

Mr. Adams said that he believes this is precedent setting and that Mr. Bertollini said that the variance would be less than 1'-4". Mr. Adams said that they do not have any problem with him adding to the foyer or the breakfast nook and said that the petitioner is asking for too large a variance.

Mr. Courtney said that the petitioner is asking for a very small variance.

Mr. Adams said that he not only objects to the front setback variance but also objects to the side yard variance.

Ms. Pam Lourim, 904 Norwich was present and stated that she lives directly across the street from this property. Ms. Lourim said that she objects to this request as this curve is a very high speed traffic area and does not feel the extension of the garage would be safe for the children.

Mr. Kovacs said that the garage will be 22.5' from the front setback.

Ms. Lourim said that it will stick out quite a ways on the curve. A lot of children cross the street in this area and the garage will block the visibility.

Mr. Kovacs said that the petitioner could put up 6' high shrubs along the front property line and this Board would only be able to request that this garage be pushed back 2'.

Mr. Courtney said that if there are a number of speeders on this street, the property owners should call the police.

Ms. Lourim said that they have and a stop sign was put in, however, traffic does not stop or slow down.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are four (4) written objections on file.

Mr. Kovacs asked if the petitioner would like to postpone this request until the next scheduled meeting to allow for the opportunity of a full Board. Mr. Bertollini indicated that he would like to hear some of the discussion of the Board before making his decision.

ITEM #10 – con't.

Ms. Gies stated that she understands what the neighbors are saying about the position of the garage to the sidewalk, however, believes this is a very small variance request and has no problem with it.

Mr. Bartnik stated that he agrees with Ms. Gies.

Motion by Bartnik
Supported by Gies

MOVED, to grant Mr. & Mrs. Thomas Sawyer, 895 Norwich, relief of the Ordinance to construct a garage addition on a legal non-conforming structure, which will result in a front yard setback of 22.3' where 25' is required and a side yard setback of 14' where 15' is required.

- Variance request is minimal.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Literal enforcement of the Ordinance does not allow the petitioner full enjoyment and permitted use of his residence.

Yeas: 5 – Bartnik, Courtney, Gies, Kovacs, Lambert
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. MR. & MRS. CARROLL STRICKLAND, 3852 MEADOWBROOK, for relief of the Ordinance to construct a patio enclosure that will result with a proposed 33' rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning district.

Mr. Grusnick explained that the petitioners are requesting relief of the Ordinance to construct a patio enclosure on the rear of an existing home. The site plan submitted indicates the construction of a patio enclosure will result in a proposed 33' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District.

Mr. & Mrs. Strickland were present. Mrs. Strickland stated that their property backs up to a subdivision park and they have a large lot, 91' wide x 150' deep. This sunroom would not affect any of their neighbors. Right now they have a 48' setback to the rear lot line and if they complied with the Ordinance, the sunroom would only be 3' wide. The sunroom will not extend past the existing deck. Mrs. Strickland said the proposed sunroom is the size they need to have full use of the room. Mr. Strickland has arthritis in his spine and stairs are very difficult for him to negotiate. In addition, their one-year old grandson lives with them and this will allow him to have more living space also.

ITEM #11 – con't.

Mr. Kovacs stated that the Board sympathizes with the physical hardship that the petitioners have, however, the Board cannot act based upon any type of physical hardship, and a hardship for a variance applies to the land only.

Mr. Steve Gronley, of Tony V's Sunrooms was present and informed the Board that the sunroom would blend in with the house. The shingling on the sunroom would match the shingles on the house and he believes this construction will add to the value of the home. The siding on the sunroom comes with a lifetime warranty against chipping or fading.

Mr. Kovacs asked why this sunroom couldn't be put in the side yard. Mr. Kovacs said that he believes there is enough room in the side yard to add this room.

Mr. Grusnick explained that R-1B Zoning requires 25' for the total for both side yard setbacks. It appears that the north side is close to 10'.

Mr. Kovacs said that from the site plan submitted it appears that the petitioner has a 30.6' side yard setback to work with and the sunroom could be put in this area without requiring a variance.

Mr. Strickland stated that the entrance to the park is on the north side of the house and they would not want to put the sunroom on that side.

Mr. Kovacs said that it could be put on the south side as they only need 25' for a total of both side yard setbacks.

Mrs. Strickland said that they have a 3' high fence on that side, which starts at the deck and goes back to the rear property line. This fence would have to be moved.

Mr. Kovacs said that in his opinion there is a lot of property that would allow for this room to be constructed and a variance would not be required. Mr. Kovacs also stated that this is a large variance request and he did not see a hardship with the land.

Mr. Strickland said there is also a fireplace located in that area. Mrs. Strickland said that they had just redone the area around the fireplace, adding new tile and book shelves.

Mr. Kovacs said he understands that construction on the side may not be easy but it is something that could be done.

Mr. Courtney asked if the fireplace and book cases take up 20'.

Mrs. Strickland said she does not think it is 20', but this work was just done and they would not want to take it apart. There is a laundry room, hallway and then a garage.

ITEM #11 – con't.

Mr. Courtney said that he would like the petitioners to take the opportunity to look into the possibility of locating the sun room in the side yard.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Kovacs suggested that the petitioner look into other options and postpone this request until October. Mr. Kovacs also stated that they would have the opportunity of a full Board.

Mrs. Strickland said that they do not want to tear out the work they have just done and if they postpone this project too much longer it will not get done because the weather will be changing.

Mr. Kovacs said that this is 12' encroachment into the rear yard setback and there is a lot of usable area that does not require a variance.

Mrs. Strickland said that she did not see why this would be a problem as they have a large park located behind their property.

Mr. Kovacs said that there is a house behind them that would be affected as well as the neighbors on either side.

Mr. Courtney said that he would like the petitioner to look into the feasibility of using the side yard and come back before the Board. A variance may not be required.

Mr. Lambert asked if any trees would have to be removed if the sun room was constructed in the side yard.

Mrs. Strickland said there was a large walnut tree that would have to be removed.

Mr. Kovacs said that he could not approve this request without other reasons showing why they need to put this room in this location.

Mr. Courtney said that it appears to him that the tree is where they want to put the room and not in the side yard.

Mr. Bartnik said that he was trying to get an understanding of why the room would not work in the side yard. Mr. Bartnik asked if there were windows or doors in that area.

Mrs. Strickland said that the door to the garage is in that area. If the sunroom was put in the side yard it would be necessary to cut a door.

ITEM #11 – con't.

Mr. Bartnik asked if it would be possible to move the sunroom farther to the north and that would decrease the size of the variance request.

Mrs. Strickland said that the sunroom would replace the deck. If they were to move the location of the sunroom they would have to cut a hole in the wall.

Mr. Courtney asked what else was located on the other side of the house.

Mrs. Strickland said that there was a dining room and kitchen.

Mr. Courtney asked if they could go through the dining room into the sunroom.

Mrs. Strickland said no and said that she did not want to build on that side of the house as it would be more costly.

Mr. Courtney stated that he was satisfied with the petitioner's request.

Mr. Bartnik agreed with Mr. Courtney.

Motion by Lambert
Supported by Bartnik

MOVED, to grant Mr. & Mrs. Carroll Strickland, 3852 Meadowbrook, relief of the Ordinance to construct a patio enclosure that will result in a 33' rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Bartnik, Courtney, Gies, Lambert
Nays: 1 – Kovacs
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

Mr. & Mrs. Adams addressed the Board with concern of the approval of Item #10, 895 Norwich. Mrs. Adams asked what recourse they would have to appeal that decision.

Mr. Kovacs said that the next step is the Circuit Court of Appeals.

Mr. Motzny said that the Michigan Zoning Enabling Act governs parties that are aggrieved by a decision made by the Board of Zoning Appeals would seek relief though the Circuit Court.

Mrs. Adams asked what the time limit was for appeal.

Mr. Motzny stated that the time period was 30-days after the decision or 21 days after the meeting minutes were approved.

Mr. Courtney informed the petitioner that once construction begin it would be more difficult to win their case.

Mrs. Adams asked if Mr. & Mrs. Sawyer had received their Building Permit at this time.

Mr. Grusnick stated that they had applied for the permit, but that it was dependent on the decision of this board.

Mrs. Adams asked if construction could begin once the permit was obtained, or if it would be delayed.

Mr. Kovacs stated that the Board is done, there is nothing more that this Board can do.

Mrs. Adams asked what the procedure was for filing an appeal.

Mr. Motzny said that their best bet would be to contact an attorney and let him advise them of the correct procedure.

Mr. Bartnik said that they cannot give Mr. & Mrs. Adams any advice and also suggested that they contact an attorney.

Motion by Gies
Supported by Mr. Courtney

MOVED, to excuse Mr. Clark from tonight's meeting as he is out of town.

Yeas: 5 – Gies, Kovacs, Lambert, Bartnik, Courtney

MOTION TO EXUSE MR. CLARK CARRIED

The Board of Zoning Appeals meeting adjourned at 9:27 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on September 24, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. Jason Lee and Neil Shaw called the meeting to order at 7:03 p.m.

MEMBERS PRESENT: Willa Adamo
Disha Bora
Geon Woo Kim
Jason Lee (Co-chair)
Jennifer Liang
Joseph Niemiec
Vikram Prasad (Secretary)
Shaina Sekhri
Neil Shaw (Co chair)
Rachita Singh
Emily Wang
David Wylie

MEMBERS ABSENT: Sevita Rama
VISITORS: Nancy Morrison and Nick Donabedian - Teens Taking Action
STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2008-9-14

Moved by Sekhri
Seconded by Adamo

RESOLVED, That the minutes of August 27, 2008 be approved.

Yes: All – 11

No: 0

Absent: 2 – Rama, Wylie

3. Attendance Report:

Report reviewed by council members, no comments.

4. Visitors

Nancy Morrison and Nick Donabedian – Teens Taking Action

Presented information regarding TTA.

TTA established in 1998

Provide leadership training

Teens against tobacco use (TABU)

Involved in Jam Fest

Spring break Troy style

7 habits of highly effective teens

Anyone can attend meetings

Walked through demonstrations

5. Teens Taking Action

No Update

6. Troy Daze

Some did not have the opportunity to volunteer due to weather. 3 members are in need of volunteer forms.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No Motion

Resolution # TY-2008-

Moved by

Seconded by

RESOLVED that

Yes: 0

No: 0

Absent: 0

8. Youth Council Comments – None

9. Public Comments – None

10. Adjournment – 7:40 p.m.

Jason Lee, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: October 222 at 7:00 P.M.

A meeting of the Troy Election Commission was held September 26, 2008, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:32 AM.

ROLL CALL:

PRESENT: David Anderson, City Clerk Tonni Bartholomew

ABSENT: Timothy Dewan

ALSO PRESENT: None

Approval of Minutes: June 30, 2008

Resolution # EC-2008-09-008

Motion by Anderson

Seconded by Bartholomew

RESOLVED, That the Election Commission hereby APPROVES the Minutes of June 30, 2008, as submitted.

Yes: Anderson, Bartholomew

No: None

Absent: Dewan

MOTION CARRIED

Approval of Citizen Petition Initiated Ballot Language:

City Clerk Bartholomew presented the proposed ballot language to the Commission.

Resolution # EC-2008-09-009

Motion by Anderson

Seconded by Bartholomew

RESOLVED, That the Citizen Initiated Petition Initiated ballot language for the November 4, 2008 General Election, as submitted by the City Clerk, is hereby APPROVED.

Yes: Anderson, Bartholomew

No: None

Absent: Dewan

MOTION CARRIED

Approval of Election Inspector Assignments – Tuesday, November 4, 2008 General Election

Resolution #EC-2007-09-010

Moved by Anderson

Seconded by Bartholomew

RESOLVED, That Election Inspectors be APPOINTED for the Tuesday, November 4, 2008 General Election, as presented by the City Clerk.

Yes: Anderson, Bartholomew

No: None

Absent: Dewan

MOTION CARRIED

Adjournment:

The meeting was adjourned at 7:37 AM.

Tonni L. Bartholomew, MMC
City Clerk

BRIEF SUMMARY OF PLAN PROVISIONS

J-02a

REGULAR RETIREMENT (no reduction factor for age)

Eligibility - T.P.O.A., T.C.O.A. and T.F.S.O.A.: 25 years of service; or age 60 with 10 years of service. Classified or Exempt and General Clerical Members: Age 50 with 27 years of service; or age 55 with 25 years of service; or age 60 with 10 years of service. AFSCME members: Age 50 with 27 years; or age 60 with 10 years of service.

Mandatory Retirement Age - None.

Annual Amount

Division	Benefit	Supplemental Benefit
T.P.O.A.	2.80% * FAC to 25 years 1.00% * FAC 26-30 years	(75% max of FAC)
T.C.O.A.	2.80% * FAC to 25 years 1.00% * FAC 26-30 years	(75% max of FAC)
T.F.S.O.A.	2.25% * FAC * Service	0.25% * FAC * Service to age 62
General AFSCME	2.25% * FAC * Service	0.25% * FAC * Service to age 62
General Classified/Exempt	2.25% * FAC * Service	0.25% * FAC * Service to age 62
General Clerical	2.25% * FAC * Service	0.25% * FAC * Service to age 62

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. Workers' compensation must be payable.

Annual Amount - Same as regular retirement. Upon termination of workers' compensation the benefit is recomputed to grant service credit for the period in receipt of workers' 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 workers' compensation).

NON-DUTY DISABILITY RETIREMENT

Eligibility - 5 years of service (10 years for Exempt and Classified employees hired after 2/96; 10 years for MAP employees hired after 2/95).

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. - 4% per complete year, retired 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.

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SUMMARY ANNUAL REPORT TO MEMBERS DECEMBER 31, 2007

Dear Retirement System Member:

The Retirement System, which is managed by the Retirement Board, is designed to help you meet your financial needs should you become disabled, retire or die.

The Retirement Board's fiduciary responsibility to you is to supervise the general administration of the System and invest its assets. Under Act 485 of 1996 we are providing this Summary Annual Report.

We have prepared this summary report to give you a brief overview of the Retirement System and how it operates. We hope you will find it useful and informative. However, a summary cannot cover all the details of the System, which is governed by the provisions of the City's charter, the City's retirement ordinance and the Retirement Board's official rules and regulations. Additional information about the System and its financial operation is available in the City Manager's office (248)524-3330 or on our website: www.troymi.gov

Respectfully submitted,

*The Retirement Board
City of Troy Retirement System*

Actuaries and Consultants

- Gabriel, Roeder, Smith & Company

Martin F. Howrylak, City Council Member

Phillip L. Nelson, City Manager

John M. Lamerato, Finance Director

Mark A. Calice, Citizen Trustee - **Chair**

Nancy Bowren, Trustee

Michael Geise, Trustee

Thomas J. Gordon II, Trustee

William R. Need, Ex-Officio

Auditors and Accountants

- Rehmann Robson

SUMMARY RESULTS OF ACTUARIAL VALUATION

Your retirement system's financial objective is to establish and receive contributions which will remain approximately level from year to year and will not have to be increased for future generations of taxpayers. Contribution levels are expressed in terms of percents of the city's active member payroll.

To determine an appropriate Employer contribution level for the ensuing year and to gauge how the system's funding is meeting this fundamental objective, an independent firm of actuaries and employee benefit consultants, Gabriel, Roeder, Smith & Company, conducts annual actuarial valuations.

These valuations are based on your System's past experience, information about current participation and financial markets, and assumptions concerning the System's future demographic and economic activity. The results of the December 31, 2007 valuation, based on the established funding objective, are summarized below:

Fiscal Year 2008/09 Employer Contribution Rates As a Percentage of Active Member Payroll

Actual Present Value of all Past & Future Benefits	\$ 138,914,508
Funding Value of Assets	\$ 132,916,713
Actuarial Present Value of Future Employee Contributions	\$ 2,610,757
City's Remaining Unfunded Present Value of Benefits	\$ 3,387,038
City's Annual Normal Cost	\$ 426,737
Projected Payroll	\$ 10,408,669

City's Annual Normal Cost as a % of Projected Payroll **4.10%**

Member Contributions - Expressed as percentages of compensation:

1.5% for clerical members, 3.0% for T.F.S.O.A, 1.5% for classified and exempt members, 1.5% for AFSMCE, 4.0% for T.P.O.A and 4.0% for T.C.O.A.

Funded Status*	\$ Millions
• Actuarial accrued liabilities	\$123.2
• Applied assets (market related value)	\$132.9
• % funded	107.9%

Actuary's Opinion

It is the actuary's opinion that the required contribution rate determined by the most recent actuarial valuation is sufficient to meet the system's funding objective, presuming continued timely receipt of required contributions.

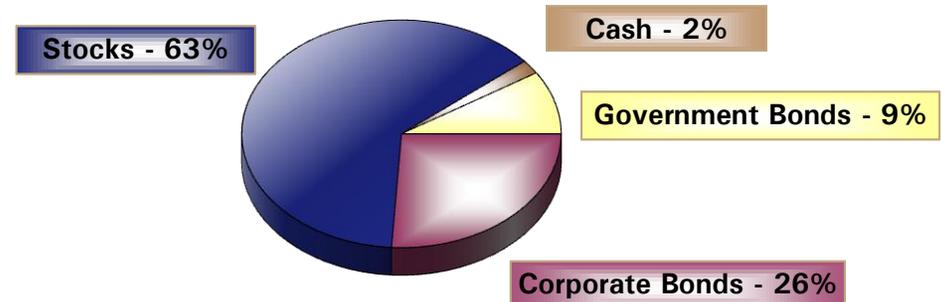
*Percent funded is for pension benefits only. The City adopted a Health Care Trust Plan to provide for retiree health care effective July 1, 2005.

SUMMARY OF CURRENT ASSET INFORMATION

Revenues & Expenses

	2007
Fund Balance - January 1	\$172,402,146
Revenues	
Member contributions	\$ 315,677
Employer contributions	218,653
Investment income	<u>15,286,055</u>
Total	\$ 15,820,385
Expenses	
Benefit payments	\$ 5,924,256
Refund of member contributions	5,516
Administrative expenses	47,947
Health Insurance Premiums	<u>1,855,527</u>
Total	\$ 7,833,246
Fund Balance - December 31	<u>\$180,389,285</u>

Investments



The rate of return on system assets for the year ended December 31, 2007 was 9.1%, net after expenses.

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: MARTIN HOWRYLAK Position: TRUSTEE, TROY RETIREMENT BOARD

Other Employees Included in Request: _____

Trip Destination: Traverse City, MI Date From: 9/14/08 To: 9/16/08

Purpose of Trip: MAPERS Fall Conference

Items	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)	225		275					
Enter Current Mileage Rate: \$ 0.58 /mile	130 ⁵⁰		130 ⁵⁰					261 ⁰⁰
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration								
Room (Attach all Receipts)			192 ²⁴					192 ²⁴
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:	6 ³⁵		3 ⁷⁰					10 ⁰⁵
Other Detail, Explain Below								
Additional Other Detail, Explain Below	0.00							
TOTAL EXPENSE								463 ²⁹

Details of City Car Expense		Cash Advanced and Prepaid Expenses	
Total Mileage			0
Gasoline/Oil Purchased (Attach Receipts)			
Maintenance Work (Attach Receipts)			
Parking/Storage			
Other ()			
Total			
		P-Card Purchases	0
		Balance Due Employee	463 ²⁹
		(or) Balance Due City	

Martin Howrylak Requested By Date 9/30/08

Department Head Date

Approved - Human Resources Director Date

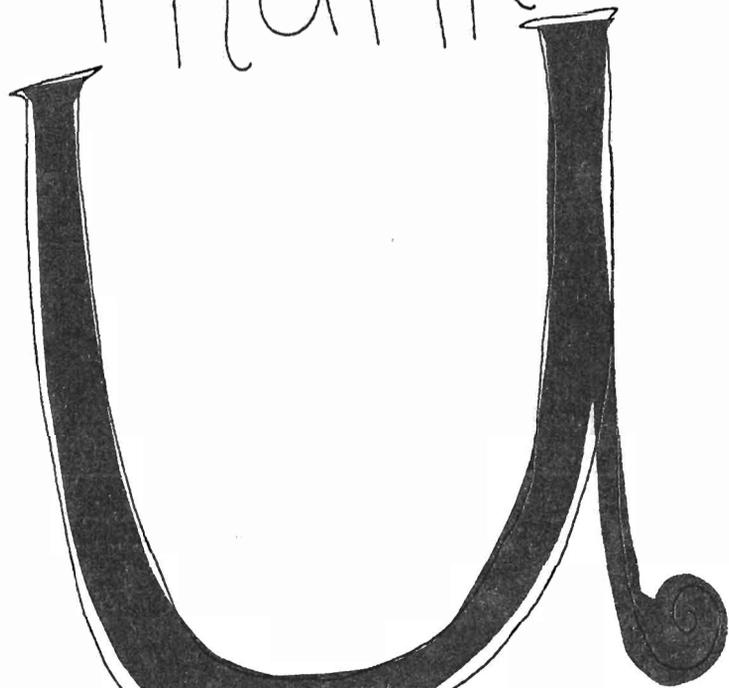
Martin Howrylak
Approved - Financial Services Director Date 10/1/08

Notes and Explanations:

Charge to: Education and Training

Account # 102 7960110

Thank



Very much!

Dear Carol,
I would like to thank you and
your Broulan Park staff for going
the extra mile in making our
walk for PKD very successful.
Your staff at the park were
very helpful to us.

Please give a great
"Thank you" from all of ours
Walter Henry Allen
PKD Walk Coordinator

As a lap swimmer, I'd like to say how much I enjoy the atmosphere and workout in the lap lanes at the Aquatic Center. I also very much appreciate lifeguards like Vicki, who are diligent about keeping those lanes clear for lap swimmers, but are also polite to those who don't seem to know the rules. A great experience overall, and a great place to go in the summer!

Season Passholder,

A handwritten signature in black ink, appearing to be 'Tom' or similar, written in a cursive style.

9-1-08

To Whom it May Concern,

Your lifeguards are
fantastic! They watch the
children very carefully & are
helpful and polite. It is a
pleasure to swim here in
such a safe environment,

Pat Anushkin
248 524-1488

(received in August)



Ruth Johnson
Oakland County Clerk/Register of Deeds *RJ*
www.oakgov.com/clerkrod

Elections Division

September 24, 2008

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #08126 – BOARD OF COMMISSIONERS – TRANSIT COMMUTER BENEFIT PROGRAM FOR OAKLAND COUNTY EMPLOYEES which was adopted by the Oakland County Board of Commissioners on September 18, 2008.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #08126 to the appropriate persons. Thank you for your cooperation.

Sincerely,

Ruth Johnson
Clerk/Register of Deeds
County of Oakland

Enclosure (1)

REPORT (M.R. #08126)

September 18, 2008

BY: Finance Committee, Mike Rogers, Chairperson

IN RE: BOARD OF COMMISSIONERS - TRANSIT COMMUTER BENEFIT PROGRAM FOR
OAKLAND COUNTY EMPLOYEES

TO THE OAKLAND COUNTY BOARD OF COMMISSIONERS

Chairperson, Ladies and Gentlemen:

The Finance Committee, having reviewed the above referenced resolution on September 2008, reports with the recommendation that the resolution be amended to insert the following language as the third BE IT FURTHER RESOLVED

BE IT FURTHER RESOLVED that if the Administration in their research does not find this program to be cost effective, they shall report back to the Finance Committee.

Chairperson, on behalf of the Finance Committee, I move the acceptance of the foregoing report.

FINANCE COMMITTEE

FINANCE COMMITTEE:

Ayes: Potter, Coulter, Woodward, Greimel, Zack, Douglas,
Rogers

Nays: Crawford, Long

Absent: Kowall, Middleton

September 4, 2008

REPORT MR # 08126

BY: Personnel Committee, Thomas F. Middleton, Chairperson

RE: Board of Commissioners – Transit Commuter Benefit Program for Oakland County Employees

TO: Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Personnel Committee having reviewed MR #08126 on August 27, 2008 Reports with the recommendation the resolution be amended and adopted as follows:

Change the title to read: *Board of Commissioners – **Pilot** Transit Commuter Benefit Program for Oakland County Employees*

The NOW THEREFORE paragraph be amended to read: *NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners authorizes the County Executive through the Human Resources Department to implement a voluntary **Pilot** Transit Commuter Benefit Program for all county employees.*

The second BE IT FURTHER RESOLVED paragraph to read: *that the Oakland County Board of Commissioners are updated on the status of Oakland County's enrollment within 30 days of adoption of this resolution **and for one year after implementation. If interest is not demonstrated in that period the program will be dissolved.***

Chairperson, on behalf of the Personnel Committee, I move the acceptance of the foregoing report.

PERSONNEL COMMITTEE



Personnel Committee Vote:

Motion carried on a roll call vote:

Douglas, Gosselin, Zack, Hatchett and Spector – yes

Middleton, Jacobsen and Scott – no

Rogers and Coleman - absent

Miscellaneous Resolution #08126

BY: Commissioner David Woodward, District #18

RE: **Board of Commissioners – Transit Commuter Benefit Program for Oakland County Employees**

TO: Oakland County Board of Commissioners

WHEREAS the soaring cost of gas continues to put increasing financial pressure on the budgets of governments, businesses and Oakland County workers and families; and

WHEREAS the relentless global demand for scarce oil resources makes it unlikely that a significant reduction in the cost of gasoline, diesel fuel or biofuels will occur in the next several years; and

WHEREAS financial incentives have a significant impact on commute decisions; and

WHEREAS the federal tax code provides a variety of financial incentives related to commuter benefits for employers and employees; and

WHEREAS mass transit is a viable alternative that can reduce the cost of transportation for Oakland County worker and their families; and

WHEREAS Federal law lets private employers, non-profit organizations, and public agencies to implement a Transit Commuter Benefit Program so that workers receive up to \$115 a month in employer-paid tax-free transit costs, or take up to \$115 a month in tax-sheltered payroll deductions in transit costs; and

WHEREAS “transit benefits” are defined as passes, vouchers, or similar fare media provided to employees to cover their transit or qualified vanpool commuting costs; and

WHEREAS the Transit Commuter Benefit Program saves the employer money by eliminating payroll taxes on the value of the benefit, and saves employees money by eliminating their share of payroll taxes, and local, state, federal taxes on the value of transit benefit.

WHEREAS Suburban Mobile Authority for Regional Transportation (SMART), the largest transit authority in Oakland County and all of Michigan, offers a Transit Commuter Benefit Program called the SMART TransitChek Program.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners authorizes the County Executive through the Human Resources Department to implement a voluntary Transit Commuter Benefit Program for all county employees.

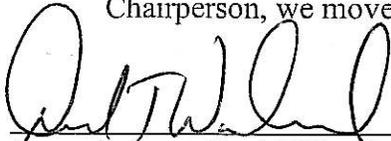
BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners authorizes the County Executive through the Human Resources Department to enroll in the SMART TransitChek Program.

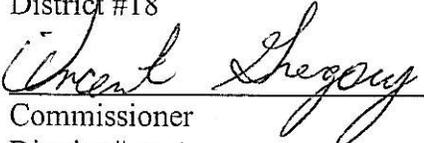
BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners are updated on the status of Oakland County’s enrollment within 30 days of adoption of this resolution.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners encourages Oakland County's cities, villages, and townships, businesses and nonprofits also to enroll into the SMART TransitChek Program.

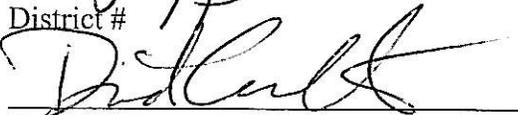
BE IT FURTHER RESOLVED that a copy of this adopted resolution be forwarded by the Oakland County Clerk to the Oakland County Business Roundtable, and all Oakland County's cities, villages, and townships.

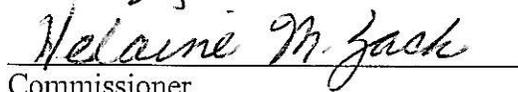
Chairperson, we move the adoption of the foregoing Resolution.


Commissioner
District #18


Commissioner
District # 21


Commissioner
District # 17


Commissioner
District # 25


Commissioner
District # 22

Commissioner
District #

Commissioner
District #

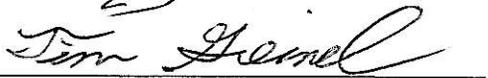
Commissioner
District #


Commissioner
District # 19


Commissioner
District # 16


Commissioner
District # 15


Commissioner
District # 23


Commissioner
District # 11

Commissioner
District #

Commissioner
District #

Commissioner
District #

Resolution #08126

July 8, 2008

The Chairperson referred the resolution to the Personnel Committee. There were no objections.

Resolution #08126

September 4, 2008

The Chairperson referred the resolution to the Finance Committee. There were no objections.

FISCAL NOTE (MISC. #08126)

September 18, 2008

BY: Finance Committee, Mike Rogers, Chairperson

IN RE: BOARD OF COMMISSIONERS - TRANSIT COMMUTER BENEFIT PROGRAM FOR OAKLAND COUNTY EMPLOYEES

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

Pursuant to Rule XII-C of this Board, the Finance Committee has reviewed the above referenced resolution and finds:

1. The Oakland County Board of Commissioners authorizes the County Executive through the Human Resources Department to implement a voluntary Transit Commuter Benefit Program for all county employees.
2. Federal law allows private and public agencies to implement a Transit Commuter Benefit Program so that workers receive up to \$115 a month in employer-paid tax-free transit costs, or take up to \$115 a month in tax-sheltered payroll deductions in transit costs.
3. Transit benefits are defined as passes, vouchers or similar fare media provided to employees to cover their transit or qualified vanpool commuting costs.
4. The cost of the program is estimated at \$20,409 per year. These costs consist of an initial set-up fee of \$4,000, the cost of a minimum of 25 employees at \$4 per month per year of \$1,200 and the cost of an Emergency Salary Office Assistant II position at \$15,209 to process and track enrollments, ensure the information is provided to Payroll and the vendor, handle distribution of marketing materials and provide reports to the Board.
5. This benefit would be paid out of the Non-Departmental Contingency account. The budget would be amended as follows:

General Fund (#10100)	<u>FY 2009</u>	<u>FY 2010</u>
<u>Expenditures</u>		
9090101-196030-730359 Non-Dept Contingency	(\$20,409)	(\$20,409)
9090101-196030-740058 Emergency Salaries Reserve	15,209	15,209
9010101-196030-740178 Transit Commuter Benefit Prog	<u>5,200</u>	<u>5,200</u>
Total Expenditures	<u>-0-</u>	<u>-0-</u>

6. The Oakland County Board of Commissioners will be updated on the status of Oakland County's enrollment within 30 days of the adoption of the resolution. A budget amendment is recommended for FY 2009 and FY 2010.

FINANCE COMMITTEE

FINANCE COMMITTEE:

Ayes: Coulter, Woodward, Greimel, Zack, Potter, Rogers

Nays: Douglas, Crawford, Long

Absent: Kowall, Middleton

Resolution #08126

September 18, 2008

Moved by Middleton supported by Woodward the resolution (with fiscal note attached) be adopted.

Moved by Middleton supported by Clark the resolution be referred back to the Personnel Committee.

Discussion followed.

Commissioner Middleton withdrew his motion and Commissioner Clark withdrew his support.

Moved by Middleton supported by Woodward the Finance Committee Report and the Personnel Committee Report be accepted.

A sufficient majority having voted in favor, the reports were accepted.

Moved by Middleton supported by Woodward the resolution be amended to coincide with the recommendations in the Finance Committee Report and the Personnel Committee Report.

A sufficient majority having voted in favor, the amendments carried.

Discussion followed.

Moved by Douglas supported by Gingell the resolution be amended to delete the last BE IT FURTHER RESOLVED paragraph.

Vote on amendment:

AYES: Crawford, Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Jacobsen, Kowall, Long, Middleton, Potts, Rogers, Scott, Spector, Woodward, Zack, Bullard, Burns, Clark, Coleman, Coulter. (23)

NAYS: Nash, Potter. (2)

A sufficient majority having voted in favor, the amendment carried.

Vote on resolution, as amended:

AYES: Douglas, Gershenson, Gingell, Gosselin, Gregory, Greimel, Hatchett, Kowall, Nash, Potter, Potts, Rogers, Scott, Spector, Woodward, Zack, Burns, Coleman, Coulter. (19)

NAYS: Jacobsen, Long, Middleton, Bullard, Clark, Crawford. (6)

A sufficient majority having voted in favor, the resolution (with fiscal note attached), as amended, was adopted.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on September 18, 2008, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 18th day of September, 2008.

I HEREBY APPROVE THE FOREGOING RESOLUTION



Ruth Johnson, County Clerk



REHMANN ROBSON

Certified Public Accountants

A member of THE REHMANN GROUP

An Independent Member of Baker Tilly International

September 18, 2008

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

We are pleased to confirm our understanding of the services we are to provide the *City of Troy* (the "City") for the year ended June 30, 2008. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ended June 30, 2008. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany City of Troy's basic financial statements. As part of our engagement, we will apply certain limited procedures to City of Troy's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. We will disclaim an opinion on RSI. The following RSI, Management's Discussion and Analysis, is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited.

Supplementary information other than RSI, such as combining and individual fund financial statements, also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements:

1. Combining and individual fund financial statements
2. Schedule of expenditures of federal awards

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion:

1. Introductory section of the Comprehensive Annual Financial Report
2. Statistical section of the Comprehensive Annual Financial Report

Audit Objectives

The objective of our audit is the expression of opinions as to whether the City's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the additional

information referred to in the second paragraph when considered in relation to the basic financial statements taken as a whole. Our audit of the City's financial statements does not relieve management or those charged with governance of your responsibilities. The objective also includes reporting on -

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of management, the body or individuals charged with governance, others within the entity, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinion are other than unqualified, we will fully discuss the reasons with management in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

The concept of materiality is inherent in the work of an independent auditor. An auditor places greater emphasis on those items that have, on a relative basis, more importance to the financial statements and greater possibilities of material error than with those items of lesser importance or those in which the possibility of material error is remote. For this purpose, materiality has been defined as "the magnitude of an omission or misstatement of accounting and financial reporting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement."

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will prepare a draft of the City's financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position and, where applicable, cash flows in conformity with accounting principles generally accepted in the United States of America; and for federal award program compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making all financial records and related information available to us, including significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

We understand that management will provide us with such information required for our audit, including a reasonably adjusted trial balance, and that management is responsible for the accuracy and completeness of that information. Assistance provided in the preparation of a reasonably adjusted trial balance is considered an additional service. We will advise management (and the City Council, as necessary) about appropriate accounting principles and their application and may assist in the preparation of the City's financial statements, but the responsibility for the financial statements remains with management with oversight by those charged with governance. As part of our engagement, we may propose standard, adjusting, or correcting journal entries to the City's financial statements. Management is responsible for reviewing the entries, understanding the nature of any proposed entries and the impact they have on the financial statements, and the implications of such entries on the City's internal control over financial reporting. Further, the City is responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these services.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the governmental involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud, suspected fraud or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for identifying any violations by employees of the City's code of conduct. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review at the conclusion of fieldwork.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. Management is also responsible for providing its views on our current findings, conclusions, and recommendations, as well as management's planned corrective actions.

If the City intends to publish or otherwise reproduce the financial statements concurrently with the original issuance of our audit report and make reference to our Firm name, such as for inclusion in an annual report, prospectus or similar document, the City agrees to provide us with printer's proofs, drafts, or masters for our review and approval before printing. The City also agrees to provide us with a copy of the final reproduced material for our approval before it is distributed. Fees, if any, for reissuance or inclusion of our audit report in such other document, will be based on our standard hourly rates.

If the City decides to include, publish or otherwise reproduce the financial statements and our report thereon at a date subsequent to their original issuance, such as for inclusion in a bond offering, prospectus or similar document, our Firm is presumed not to be associated with such document, and we have no obligation to perform any procedures with respect to such document. If, however, management takes certain actions, such as requesting a written consent from us prior to including our audit report in such an offering document, our Firm then becomes associated with the offering and in accordance with professional standards, we will be required to perform certain limited procedures with respect to unaudited information contained in the document. Fees for reissuance or inclusion of our audit report in such a document will be based on our standard hourly rates.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance about whether the financial statements are free from misstatement, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We may request written representations from the City's attorneys as part of the engagement, and they may bill the City for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from management about the financial statements and related matters.

We have advised the City of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statements (including misappropriation of cash or other assets) notwithstanding our obligations per the Single Audit Amendments of 1996 and OMB Circular A-133. We can, as separate engagements, perform extended procedures specifically designed to detect defalcations. Management acknowledges that the City has not engaged us to do so at this time.

We perform services for the City based on present professional standards, laws and regulations. While we may on occasion be able to communicate with management with respect to changes in professional standards, laws and regulations, as a general principle we cannot undertake with clients to advise them of every change that may occur. The City can always obtain reassurance in this regard by contacting us for an updated review of the City's situation.

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal control over financial reporting, various matters concerning fraud risk, future plans, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written management representation letter. The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, misleading, incomplete or omitted representations could cause us to expend unnecessary efforts or could cause material error or a fraud to go undetected by our procedures.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the entity and its business environment, including internal control over financial reporting sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures that are appropriate in the circumstances. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control, to identify deficiencies in internal control, or to express an opinion on the effectiveness of internal control over financial reporting. However, during the audit, we will communicate to the appropriate level of management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and OMB Circular A-133. These matters refer to significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the entity's financial reporting process. When applicable, we are responsible for communicating certain matters required by laws or regulations, or by additional requirements that may be applicable to this engagement. Generally accepted auditing standards do not require the independent auditor to design or perform procedures for the purpose of identifying other matters to communicate with those charged with governance. Management is responsible for assessing the implications of and correcting any internal control-related matters brought to the entity's attention by us.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Audit Administration, Fees, and Other

We understand that the City's employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. In addition, the City's staff will provide us with copies of all minutes of the City Council meetings and other documents that we believe may have bearing on our evaluation of the City's financial affairs.

The City shall provide reasonable workspace for Rehmann Robson personnel at audit worksites, as well as occasional secretarial support services. The City understands that Rehmann Robson's performance is dependent on the City's timely and effective satisfaction of its own activities and responsibilities in connection with this engagement, as well as timely decisions and approvals by the City personnel.

Management agrees to ensure that all information provided to us is accurate and complete in all material respects, contains no material omissions and is updated on a prompt and continuous basis. Rehmann Robson shall be entitled to rely on all information provided by and decisions and approvals of the City in connection with our work. Rehmann Robson will not be responsible if any information provided by the City is not complete, accurate or current. In addition, management will also be responsible for obtaining all third-party consents and security clearances, if any, required to enable Rehmann Robson to access and use any third-party products necessary to our performance.

The City acknowledges that (a) Rehmann Robson, the City and others, if any, participating in this engagement may correspond or convey documentation via Internet e-mail unless the City expressly requests otherwise, (b) no party has control over the performance, reliability, availability, or security of Internet e-mail, and (c) Rehmann Robson shall not be liable for any loss, damage, expense, harm or inconvenience resulting from the loss, delay, interception, corruption, or alteration of any Internet e-mail due to any reason beyond Rehmann Robson's reasonable control.

It must be understood that the nature of our engagement requires us to exercise our independent professional judgment with respect to various auditing, accounting and related issues. In reaching our conclusions, we must retain the right to judge the nature and scope of the work required in order to conform to professional standards, as well as the work we deem necessary to enable us to reach the conclusions and form the opinions required of us. If our judgment as to the scope of the work required causes us to reassess our estimate of fees for this engagement, we will so advise the City. We reserve the right to refrain from performing additional work (and thereby incurring additional time charges) unless and until the City has confirmed its understanding of, and agreement to, any additional estimated charges.

Professional standards require us to be independent with respect to the City in the performance of our services. Any discussions that management has with personnel of our Firm regarding employment could pose a threat to our independence. Therefore, we request that management inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

Neither party shall, during the term of this engagement letter and for one (1) year after its termination, solicit for hire as an employee, consultant or otherwise any of the other party's personnel without such other party's express written consent. If the City desires to offer employment to an associate of Rehmann Robson and the associate is hired in any capacity by the City and the City agrees, a market-driven compensation placement fee may apply.

The City may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with management regarding the scope of the additional services and the estimated fees. We also may issue a change order form or a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

Our fees for the audit services for the year ended June 30, 2008 will be as follows:

Comprehensive Financial Statements and Single Audit	\$ 62,170
Downtown Development Authority Financial Statements	\$ 3,350
Brownfield Redevelopment Authority Financial Statements	\$ 2,110
Local Development Financing Authority Financial Statements	\$ 1,960

Our invoices for this fee will be rendered each month as work progresses and are payable on presentation.

This fee is based on the assumption that unexpected circumstances will not be encountered during the audit. This fee is based on anticipated cooperation from City personnel, continued readiness and proactive assistance on their part in providing us with complete and accurate information (whether financial or nonfinancial in nature) considered necessary by us to form an appropriate opinion, and the assumption that unexpected circumstances will not be encountered during the audit. Such circumstances include, but are not necessarily limited to significant addition or deletion of funds, component units or related entities and first-time application of

significant new professional accounting or auditing pronouncements. In addition, the fee above assumes management will analyze and maintain appropriate support for significant valuation assertions embodied in the financial statements.

Our estimate of these fees is based upon our discussions with management, in which management has disclosed no unusual problems or issues which would require us to conduct an audit of unusual scope or otherwise expend time and effort in excess of that normally anticipated in an engagement of this type. The estimate also assumes that we will have the full cooperation of the City personnel, as required, and that there is a reasonable continuity of the City's personnel familiar with the matters to which our engagement relates. In addition, our fee is based on the experience level of our personnel, at their respective standard hourly rates, performing certain audit procedures at certain timeframes. If we are caused to vary from that planning formula, additional fees will need to be charged to allow for more experienced personnel performing the work, reallocation of our client priority, overtime, etc. Further, management will provide us with the schedules and records that we request (which ordinarily are detailed in a request list in advance of our fieldwork) and that all such schedules and records will be provided to us timely in accordance with the scheduled fieldwork dates, to be mutually agreed upon. If the requested schedules and records are not provided to us in accordance with the scheduled dates and we are unable to continue our work, we will resume our work as soon as the schedules and records are provided to us and our professionals assigned to the engagement again become available. If significant additional time is necessary, we will discuss the related circumstances with management and arrive at a new fee estimate, which may or may not occur before we incur the additional time.

In accordance with our firm policies, work may be suspended if the City's account becomes 30 days or more overdue and will not be resumed until the account is paid in full or we have a definitive payment agreement approved by our firm administrator in Saginaw, Michigan. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not issued our report. The City will be obligated to compensate us for all time expended and to reimburse us for out-of-pocket expenditures through the date of termination.

Our terms and conditions impose a late charge of 1.5% per month, which is an annual percentage rate of 18%. Balances not paid within 30 days of the receipt of invoice are past due and a late charge of 1.5% will be applied to the entire past due amount.

Because there are inherent difficulties in recalling or preserving information as the period after an engagement increases, the City agrees that, notwithstanding the statute of limitations of the State of Michigan, any claim based on the audit engagement must be filed within 12 months after performance of our service, unless management has previously provided us with a written notice of a specific defect in our services that forms the basis of the claim.

We reserve the right to suspend or terminate services for reasonable cause, such as failure to pay our invoices on a timely basis or failure to provide the information or cooperation necessary for successful performance of our services. Our engagement will be deemed to be completed upon the notification of termination, even if we have not completed the audit and issued our signed report. The City is obligated to compensate us for the time expended to that point.

We acknowledge the City's right to terminate our services at any time, and the City acknowledges our right to resign at any time, including, but not limited to, for example, instances where, in our judgment, a) our independence has been impaired, b) we can no longer rely on the integrity of management, or c) management (or the Audit Committee, if applicable) fails to reasonably support our efforts to perform the engagement in accordance with what we believe is necessary to comply with professional standards, subject in either case to our right to payment for charges incurred to the date of termination or resignation.

In the event that we determine to resign, and the City seeks damages allegedly resulting from such resignation, our maximum liability to the City in the event we are held liable because of such resignation shall be limited to the fees actually paid to us for current year audit work performed up to the date of resignation.

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the City; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The audit documentation for this engagement is the property of Rehmann Robson and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a cognizant or grantor agency for audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify management of any such request. If requested, access to such audit documentation will be provided under the supervision of Rehmann Robson personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the cognizant agency, oversight agency for audit, or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

As part of our audit engagement we may provide advice on operating, internal control over financial reporting and other matters that come to our attention. Informal advice is not considered to be a consulting service unless we have entered into a separate engagement.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on the City's Internet website, the City understands that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Our audit engagement ends on delivery of our audit report to the City Council at the Regular or Special Board meeting. Any follow-up services that might be required will be part of a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

As a result of our prior or future services to the City, we might be requested to provide information or documents to management or a third party in a legal, administrative, or arbitration or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to the City as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with this request. For all requests, we will observe the confidentiality requirements of our profession and will notify management promptly of the request.

Our Firm, as well as all other major accounting firms, participates in a "peer review" program, covering our audit and accounting practices. This program requires that once every three years we subject our quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of our work. It is possible that the work we perform for the City may be selected by the other firm for their review. If it is, they are bound by professional standards to keep all information confidential. If management objects to having the work we do for the City reviewed by our peer reviewer, please notify us in writing.

The City consents to Rehmann Robson's use of the City's name and a factual description of the services to be performed by Rehmann Robson under this agreement in Rehmann Robson's advertising and promotional materials and other proposal opportunities.

Government Auditing Standards require that we provide the City with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2005 peer review report and letter of comments accompanies this letter.

We appreciate the opportunity to be of service to the *City of Troy* and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.



Mark Tschirhart, CPA
Principal
Executive responsible for supervising the
engagement and signing the report

ACKNOWLEDGEMENT:

This letter correctly sets forth the understanding of *City of Troy*.

Name: John M. Inman

Title: ASS'T. CITY MGR - FINANCE ADMIN.

Date: 9/24/08

Larson Allen

CPAs, Consultants & Advisors
www.larsonallen.com

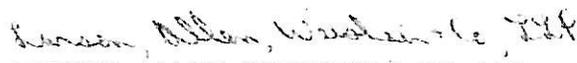
To the Principals of
Rehmann Robson
and the Center for Public Company Audit Firms Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Rehmann Robson (the firm) applicable to non-SEC issuers in effect for the year ended July 31, 2005. The firm's accounting and auditing practice applicable to SEC issuers was not reviewed by us since the Public Company Accounting Oversight Board (PCAOB) is responsible for inspecting that portion of the firm's accounting and auditing practice in accordance with PCAOB requirements. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the AICPA). The design of the system, and compliance with it, are the responsibilities of the firm. Our responsibility is to express an opinion on the design of the system, and the firm's compliance with that system based on our review.

Our review was conducted in accordance with standards established by the Peer Review Committee of the Center for Public Company Audit Firms and included procedures to plan and perform the review that are summarized in the attached description of the peer review process. Our review would not necessarily disclose all weaknesses in the system of quality control or all instances of lack of compliance with it since it was based on selective tests. Because there are inherent limitations in the effectiveness of any system of quality control, departures from the system may occur and not be detected. Also, projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice applicable to the non-SEC issuers of Rehmann Robson in effect for the year ended July 31, 2005, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA, and was complied with during the year then ended to provide the firm with reasonable assurance of complying with professional standards.

As is customary in a peer review, we have issued a letter under this date that sets forth comments relating to certain policies and procedures or compliance with them. The matter described in the letter was not considered to be of sufficient significance to affect the opinion expressed in this report.


LARSON, ALLEN, WEISHAIR & CO., LLP

November 11, 2005
Minneapolis, Minnesota

Larson Allen

C.P.A., Chartered & Advisors
www.larsonallen.com

To the Principals of Rehmann Robson
and the Center for Public Company Audit Firms Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Rehmann Robson (the firm) in effect for the year ended July 31, 2005, and have issued our report thereon dated November 11, 2005. The matters described below were not considered to be of sufficient significance to affect the opinion expressed in that report, which should be read in conjunction with this letter.

Engagement Performance

Comment – The firm acquired two practices since the last peer review and may complete similar acquisitions in the future. As part of its acquisition procedures, the firm provided training and required preissuance review of all audits from the date of acquisition. In our review of the audits of the acquired practices, we noted that documentation was not adequate for various audit procedures, including those related to fraud, sampling, and subsequent events. However, we were able to satisfy ourselves that, in each case, these areas were appropriately considered in determining the nature and extent of auditing procedures.

Recommendation – We recommend the firm develop more specific training for acquired practices to allow the new personnel to better understand the firm's audit policies, procedures and documentation requirements. In addition, we recommend the firm use a more defined second review process for the audits acquired to reinforce the training provided and to assist engagement personnel in meeting the documentation expectations of the firm. Personnel performing the second review should be encouraged to emphasize the conformity of audit documentation with the firm's standards and to more actively challenge the extent of documentation found on each engagement.

November 11, 2005
Minneapolis, Minnesota

Larson, Allen, Weishaar & Co., LLP
LARSON, ALLEN, WEISHAAR & CO., LLP



CITY COUNCIL REPORT

DATE: September 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Rescheduled Master Plan Planning Commission Public Hearing

Background:

- The Troy Somerset Gazette failed to publish the Notice of the Public Hearing to consider the adoption of the Master Plan originally scheduled to be held before the Planning Commission on Tuesday, October 7, 2008.
- The Public Hearing has been rescheduled for October 14, 2008 to allow for proper notification.
- 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 10 06 08.docx

**CITY OF TROY
PUBLIC HEARING**

The Public Hearing originally scheduled to be held before the Planning Commission of the City of Troy on Tuesday, October 7, 2008, at 7:30 P.M., has been rescheduled.

The Public Hearing is now scheduled to 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 14, 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.



CITY COUNCIL REPORT

October 2, 2008

TO: Mayor and City Council Members

FROM: Phillip L. Nelson, City Manager
Brian P. Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Transit Center Update

City staff and representatives from the City of Birmingham have been working with Wendel Duchscherer over the past six months to develop a series of design plans for the Transit Center. A copy of the most recent design phase concept for the tunnel linking the east and west side together is included with this memo. The most recent option addresses a number of site improvement and safety issues, and provides a plan that minimizes future operating costs.

Initial discussions focused on the construction of the Transit Center, with the tunnel element to follow. However, we discovered during the design phase that the tunnel is a key element for the project to succeed, as the Amtrak line runs on the west track. At grade crossings and overhead bridge crossings, for various reasons, are not available options at this site.

The design phase concept included with this memo does not show the proposed building nor the canopy on the platform. The plan calls for the construction of both elements. They were left off these drawings as they were not a focus of the most recent meeting on the Transit Center site.

The Transit Center building likely is placed at the south end of the east ramp. Programming discussion for the building suggests that the initial building envelop will likely total 3,000 square feet.

Estimates for the Transit Center have been developed by the consulting group for each of the proposed designs. As of this writing, the estimate for the Transit Center is \$6 million. The estimate is driven in large part by the need for the tunnel.

City staff, along with representatives from our key partners (City of Birmingham, SMART, SEMCOG, Troy Chamber of Commerce, and Birmingham Chamber of Commerce), have been meeting with key State and Federal officials in an effort to secure grants and other forms of funding for the Transit Center. In these meetings, it became apparent that there is a lot of work ahead if we wish to secure funds by the 2010 deadline. In many respects, we've learned that there are some finer points to securing funding that require experience and insight beyond what is available at the local level.

As a result, our discussions focused around the possible need for an outside “project manager” to assist in our discussions with Washington DC and Lansing. City staff and staff from the City of Birmingham and Troy Chamber and Birmingham Chamber representatives conducted advance work with firms that provide such services. The result of those meetings supported our initial suspicions, and highlighted the urgency in our timelines.

Birmingham City staff has taken an active part in this project, complementing with our City staff’s work. Attached is a draft two-page project summary developed by Birmingham staff, for use when meeting with key leaders. Also, Birmingham is taking the lead in hiring a firm to provide “project manager” services. It is likely that City staff in Birmingham will recommend that the Birmingham City Commission consider entering in to a contract for consulting services tied to securing funds for the project. Unless otherwise directed, City staff will likely recommend that the City of Troy enter in to a cost sharing agreement with Birmingham for such services.

TROY & BIRMINGHAM TRANSIT CENTER

Public Transit: Transforming Communities, Growing Economies

"A good transit system can attract development, businesses, tourism, and conventions. It helps connect people to jobs, making the region more economically competitive."
 [Source: SEMCOG, SEMscope, Sprint 2008]



Transit provides at least \$60 billion in public benefits annually, compared to just under \$31 billion in public investment

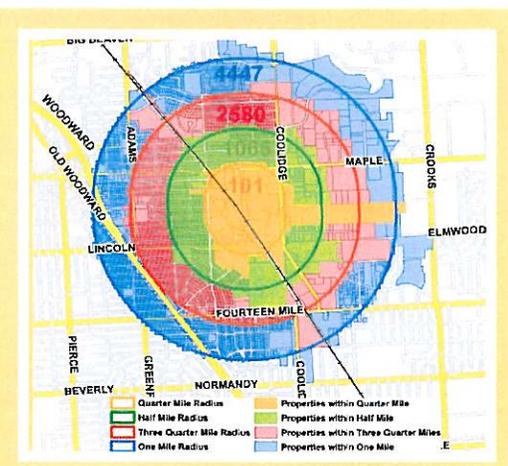
To enhance Michiganders' quality of life, Michigan must increase its investment in public transportation

Investments in transit produce 19% more jobs than equivalent investments in new road and bridge projects

Each \$1 America invests in transit yields approximately \$2 in cost savings

The Transit Center demonstrates a collaborative effort by adjoining municipalities, resulting in reduced costs through shared services

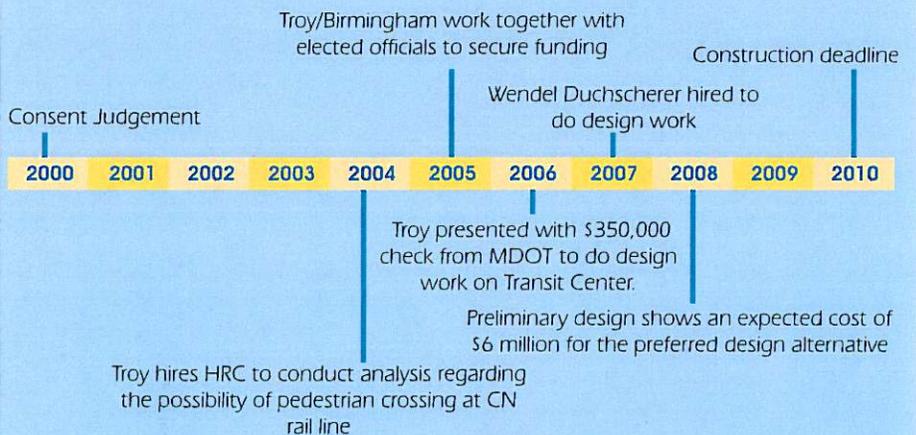
"This is a great example of a public/private partnership that will provide mobility options to local residents. It represents the Governor's commitment to promoting economic growth and improving the quality of life."
 State Transportation Director Kirk Steudle.



Sharing and Coordinating Services

- Coordinates existing services including:
 - Bus (SMART, greyhound)
 - Black Sedan
 - Troy Airport
 - Detroit Metro Airport/Aerotropolis
 - Taxi Service
 - Heavy Rail (AMTRAK)
- Ensures future transportation modes (such as light and commuter rail) could be accommodated when or if they are provided

Timeline

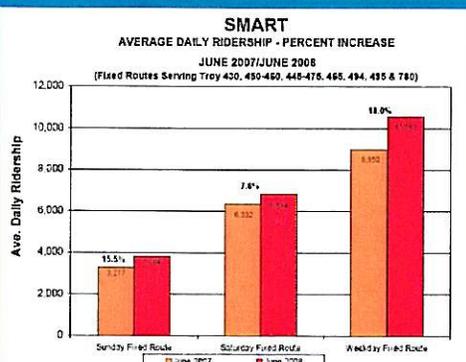
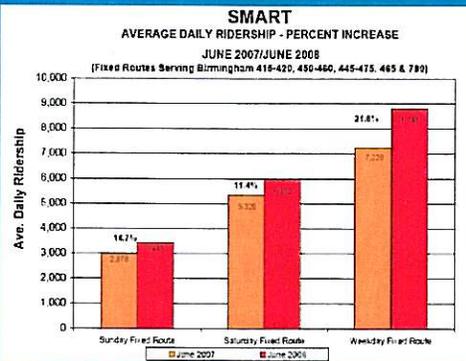
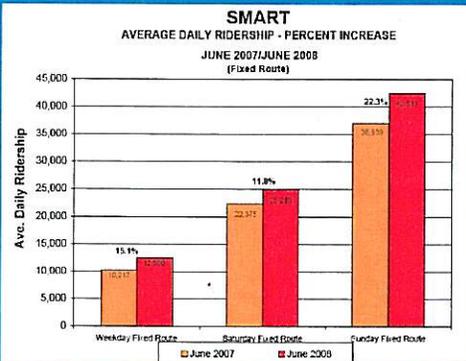


Economic Stimulus

- Southeast Michigan is falling behind other cities throughout the country, decreasing the States' ability to attract and retain business
- 77% of new economy companies rate access to transit as an extremely important factor in selecting corporate locations
- Businesses realize a gain in sales in an amount 3 times as much as the public sector invests in transit (\$6 million investment = \$18 million gain in sales)
- Typical state or local government could realize 4-16% gain in revenues due to the increase in income and employment generated by investment in transit
- Every \$10 million invested in transit = \$15 million saved in transportation costs to both highway and transit uses (decreased operating costs, decreased fuel costs, decreased congestion etc.)
- Studies estimate every \$1 invested in public transit returns \$4-\$9 dollars in economic benefit
- Potential to later link the area to other modes of transit which would spur additional development in the area
- Office occupancy rate in Birmingham is 89% and in less dense suburban areas is closer to 74%
- Proximity to transit centers can increase property values 20-25%
- Increase in residential and commercial property values would enhance tax revenues

A Region Ready for Transit

- A need, to change the way that the region invests in transportation
- Detroit is echoing the trends that are occurring across the nation
- SMART is posting highest ridership since its formation in 1967 with routes along Gratiot and Woodward requiring expanded service to accommodate standing loads
- Resurgence of demand for urban living and the transportation options that accompany this lifestyle
- Demand comes from millennials, creative class, seniors, and empty nesters
- Driven by traffic congestion, skyrocketing gasoline prices, and the increasing desire for green, sustainable lifestyle



For more information contact :
Jana Ecker, City of Birmingham, at (248) 530-1841
or
Brian Murphy, City of Troy, at (248) 524-3330

Transit Center Proponents

- City of Troy, including Planning Commission
- City of Birmingham, including Planning Board
- Birmingham Principal Shopping District
- Oakland County Business Roundtable on Transit
- Public Policy & Economic Development Sub-Group - Birmingham, Bloomfield Township, Bloomfield Hills, Beverly Hills and Bingham Farms Chamber of Commerce
- Economic Development Committee Troy Chamber of Commerce
- Southeast Michigan Council of Governments

The Greater Good: Transit Benefits Regions

- Environmental Protection
- Energy Conservation
- Economic Savings
- Reduced Congestion
- Increased Property Values
- Social Equity
- Land-use Impacts
- Public Health

Energy Security

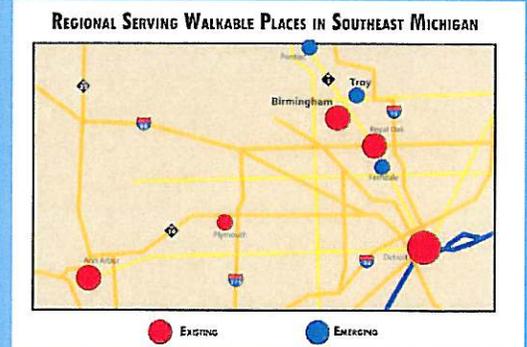
- Public transportation saves 1.4 billion gallons of gasoline per year
- A report from Southern Florida University states that:
 - A bus with as few as seven passengers is more fuel efficient than the average automobile used for commuting
 - The fuel efficiency of a fully-occupied bus is six times greater than that of the average commuter's automobile, while the fuel efficiency of a fully-occupied rail car is fifteen times greater than that of the average commuter's automobile

Sustainability

- Public transit and car pooling that would be accommodated at the Transit Center would reduce congestion and pollution
- 2007 Forbes study indicates that one of the major factors that the world's cleanest cities have in common is an extensive public transportation system
- A car occupied by one person produces on average 2.06 grams/passenger-mile (g/pm) of nitrogen oxides for work trips. A fully occupied transit bus, on the other hand, would produce 1.54 g/pm, while a fully occupied rail transit system would produce only .47 g/pm for the same distance

Quality of Life

- Reduction in congestion would improve commuting times, thereby improving quality of life
- Encourage more walkable communities/neighborhoods
- Transit Center is characteristic of the types of investment in our communities that is called for in the State's Cool Cities initiative
- Transit Center would allow for creation of a new node of activity



Recent studies demonstrated that conservative estimates suggest there is potential demand for between 18-22 more regional-serving walkable places throughout Southeast Michigan and that the Transit Center would be a natural location for such an area.

