

# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**AUGUST 26, 2013  
CONVENING AT 7:30 P.M.**

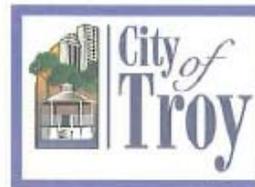
**Submitted By  
The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, 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 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.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "B. Kischnick". The signature is stylized and appears to be written in a cursive or semi-cursive font.

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

### **GOALS:**

#### **Provide a safe, clean, and livable city**

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

#### **Provide effective and efficient local government**

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

#### **Build a sense of community**

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

#### **Attract and retain business investment**

- Clearly articulate an economic development plan
  - Create an inclusive, entrepreneurial culture internally and externally
  - Clarify, reduce and streamline investment hurdles
  - Consistently enhance the synergy between existing businesses and growing economic sectors
  - Market the advantages of living and working in Troy through partnerships
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# CITY COUNCIL AGENDA

August 26, 2013 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Robert Cholette From Troy Assembly of God** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** **1**

C-1 Certificate of Recognition to Cathy and Carl Fucinari – Citizen Code Enforcement Volunteer Service (*Introduced by: Cindy Stewart, Community Affairs*) **1**

C-2 Troy Youth Assistance Annual Report (*Introduced by: Cindy Stewart, Community Affairs*) **1**

C-3 Certificate of Recognition for Robin Beltramini – 10 Years of Service on City Council (*Introduced by: Cindy Stewart, Community Affairs*) **1**

C-4 “Smart Investing@Your Library” Program and “September is Library Card Month” (*Introduced by: Cathy Russ, Library Director*) **1**

**D. CARRYOVER ITEMS:** **2**

D-1 No Carryover Items **2**

**E. PUBLIC HEARINGS:** **2**

E-1 No Public Hearings **2**

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<b><u>F.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA:</u></b>	<b><u>2</u></b>
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N-1	No Council Comments Advanced	10
<b><u>O.</u></b>	<b><u>REPORTS:</u></b>	<b>10</b>
O-1	Minutes – Boards and Committees:	10
	a) Planning Commission Special/Study-Draft – July 23, 2013.....	10
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O-2	Department Reports:	10
	a) Building Department Activity Report – July, 2013.....	10

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O-3	Letters of Appreciation:	10
	a) To Brian Kischnick and Mark Miller From Georgia Johnson, Unified Business Technologies Regarding Glenn Lapin .....	10
	b) To Chief Mayer From Marshall Rennick Regarding Officer Joe Mouch .....	10
	c) To Troy Water and Sewer Department From Ruth and Larry Grewe .....	10
	d) To Staff and City Council From Lynn Pung .....	10

O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	10
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O-5	Notice of Hearing – DTE Electric Co Case No U-17437	10
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O-6	Oakland County Executive’s Recommended FY 2014-2016 Triennial Budget	10
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**P. STUDY ITEMS: 10**

P-1	Prosecution Service Evaluation - Outline	10
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**Q. CLOSED SESSION: 10**

Q-1	Closed Session	10
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**R. ADJOURNMENT: 10**

**FUTURE CITY COUNCIL PUBLIC HEARINGS: 11**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS: 11**

Monday, September 9, 2013	Regular Meeting .....	11
Monday, September 23, 2013	Regular Meeting .....	11
Monday, October 7, 2013	Regular Meeting .....	11
Monday, October 21, 2013	Regular Meeting .....	11
Monday, November 11, 2013	Regular Meeting .....	11
Monday, November 25, 2013	Regular Meeting .....	11
Monday, December 2, 2013	Regular Meeting .....	11
Monday, December 16, 2013	Regular Meeting .....	11

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 11**

**INVOCATION: Pastor Robert Cholette From Troy Assembly of God**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Jim Campbell  
Wade Fleming  
Dave Henderson  
Maureen McGinnis  
Ed Pennington  
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2013-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of August 26, 2013, due to \_\_\_\_\_.

Yes:  
No:  
Absent:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** Certificate of Recognition to Cathy and Carl Fucinari – Citizen Code Enforcement Volunteer Service (*Introduced by: Cindy Stewart, Community Affairs*)

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**C-2** Troy Youth Assistance Annual Report (*Introduced by: Cindy Stewart, Community Affairs*)

---

**C-3** Certificate of Recognition for Robin Beltramini – 10 Years of Service on City Council (*Introduced by: Cindy Stewart, Community Affairs*)

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**C-4** “Smart Investing@Your Library” Program and “September is Library Card Month” (*Introduced by: Cathy Russ, Library Director*)

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items****E. PUBLIC HEARINGS:**

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**E-1 No Public Hearings****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

**In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *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.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is*

*required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

*In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Parks and Recreation Board**

**a) Mayoral Appointments: None**

**b) City Council Appointments:**

Resolution #2013-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Term Expires: 07/31/2014****Gary Hauff**

Term currently held by: Gary Hauff

Yes:

No:

Absent:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Liquor Advisory Committee, Parks and Recreation Board****a) Mayoral Nominations: None****b) City Council Nominations:**Suggested Resolution

Resolution #2013-08-

Moved by

Seconded by

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

**Liquor Advisory Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1
Ehlert	Max K.	11/15/2013	1/31/2015	
Binkowski	Matthew	5/7/2015	1/31/2015	
Godlewski	W. Stan	12/14/2012	1/31/2014	Requests Reappointment
Hall	Patrick	12/12/2014	1/31/2016	
Kaltsounis	Andrew	12/13/2014	1/31/2016	
Oberski	Jeff			
Huber	R. Mitch	3/1/2015	7/31/2014	Student Rep.
Payne	Timothy P.	2/8/2014	1/31/2015	
Scherlinck	Eun Joo Andrea	6/11/2014	7/31/2013	Student Rep.
Ukraineec	Bohdan	12/23/2012	1/31/2014	

**Nominations to the Liquor Advisory Committee:**

**Term Expires: 07/31/2014**

Term currently held by: Eun Joo Andrea Scherlinck

**Interested Applicants:**

No Student Applications on File.

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1	Notes 3
Anderson	Carol				
Fejes	Kathleen M	9/30/2012	9/30/2013		No Reappointment
Gazetti	Tod	9/14/2012	9/30/2013		No Reappointment
Hauff	Gary	2/6/2014	7/31/2013	Troy School Dist. Rep.	
Huber	Laurie G	2/8/2014	9/30/2015		
Kaltsounis	Orestis Rusty	1/20/2014	9/30/2015	ZBA (Alt.) exp 1/31/2015	
Kovacs	Meaghan	3/25/2010	9/30/2014		
Stewart	Jeffrey L	9/30/2011	9/30/2013		
Yelamanchi	Aditya	6/5/2014	7/31/2013	Student Rep.	No Reappointment
Zikakis	Janice	11/11/2013	9/30/2014		

**Nominations to the Parks and Recreation Board:**

**Term Expires: 07/31/2014**

Term currently held by: Aditya Yelamanchi

**Interested Applicants:**

No Student Applications on File.

Yes:

No:

Absent:

**I-3 Request For Closed Session**

Suggested Resolution

Resolution #2013-08-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(a) (MCL 15.243(g)).

Yes:

No:

Absent:

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**I-4 Request to Accept an Offer to Purchase City Owned Property at Long Lake and Somerton (Introduced by: Larysa Figol, Sr. Right of Way Representative and Steve Vandette, City Engineer)**

Suggested Resolution

Resolution #2013-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ACCEPTS** the purchase offer from Sterling Construction Inc. to purchase the vacant parcel owned by the City of Troy identified with Sidwell #88-20-10-477-017 in the amount of \$210,000.00; and

BE IT FURTHER RESOLVED, That the Engineering Department may **EXPEND** the necessary funds for title insurance and recording, to be taken from the proceeds of said sale, to close and record this real estate parcel; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** a Warranty Deed on behalf of the City of Troy to be delivered at closing; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes:

No:

Absent:

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**I-5 City Attorney's Annual Evaluation**

Suggested Resolution

Resolution #2013-08-

Moved by

Seconded by

RESOLVED, That the annual salary of City Attorney Lori Grigg Bluhm be **INCREASED** 1% effective July 6, 2013.

Yes:  
No:  
Absent:

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Suggested Resolution  
Resolution #2013-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:  
No:  
Absent:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – August 12, 2013

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**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Tree Planting**

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install bare root street trees (Proposal A) to Marine City Nursery of Marine City, Michigan, and a contract to provide ball and burlap trees without installation to The Davey Tree Expert Company of Kent,

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Ohio, which are the two (2) low bidders meeting specifications as detailed below at unit prices contained in the bid tabulation, not to exceed budgetary limitations; opened August 2, and August 22, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 1, 2014.

Bidder	Proposal
Marine City Nursery	A
The Davey Tree Co.	B

**b) Standard Purchasing Resolution 4: Cooperative Contracts – REMC Purchasing Contract – Mobile Data Computers (MDC’s), GSA Purchasing Contract – Modems and Wireless Data Service**

Suggested Resolution  
Resolution #2013-08-

WHEREAS, The City utilizes Mobile Data Computers (MDC’s) for the Police and Fire Department vehicles; and

WHEREAS, The current MDC’s in Police vehicles are outdated and are no longer supported through a Motorola warranty, and some Fire vehicles lack connectivity;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the purchase of forty (40) MDC’s including modems, WLAN, antennas, mounting hardware and installation through the REMC cooperative contract with Dell, the National IPA cooperative contract with CDW-G and the GSA cooperative contract with DH Wireless for the Police Department for an estimated cost of \$219,828.44 and the purchase of six (6) modems, antennas, mounting hardware and installation through the GSA cooperative contract with DH Wireless for the Fire Department for an estimated cost of \$5,123.46, utilizing approved purchasing procedures; as detailed in Attachment A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-5 Traffic Signal Maintenance Agreement – I-75 and Crooks**

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That the Michigan Department of Transportation (MDOT) Cost Agreement for Traffic Signal Control (Work Authorization No. 16466) for the intersection of I-75 at Crooks Road is hereby **APPROVED**.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement.

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**J-6 Approval of Subdivision Entrance Sign/Agreement, Hickory Heights North Subdivision, West Side of Beach Road, Between Long Lake Road and Square Lake Road**

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by Hickory Heights Park Association for the placement of a sign within the median of Fox Chase at the intersection of Beach Road.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, 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.

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**J-7 Oakland County Board of Canvassers Agreement Cancellation**

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That Troy City Council hereby **CANCELS** the Oakland County Board of Canvassers Interlocal Agreement due to Public Act 51 of 2013.

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**J-8 Fire Lane Signs for Maple Road Retail Development – 2873-2897 W. Maple Road**

Suggested Resolution  
Resolution #2013-08-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Department of Public Works Streets Division to install Fire Lane signs at 2873 through 2897 West Maple Road, Troy, in accordance with Traffic Control Order #12-02-MR (FIRE LANES), the cost of which will be **ASSESSED** to the Maple Road Retail Development property.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**M. COUNCIL REFERRALS:**

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

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**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

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**N-1 No Council Comments Advanced**

**O. REPORTS:**

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

- a) Planning Commission Special/Study-Draft – July 23, 2013
  - b) Downtown Development Authority-Draft – July 24, 2013
- 

**O-2 Department Reports:**

- a) Building Department Activity Report – July, 2013
- 

**O-3 Letters of Appreciation:**

- a) To Brian Kischnick and Mark Miller From Georgia Johnson, Unified Business Technologies Regarding Glenn Lapin
  - b) To Chief Mayer From Marshall Rennick Regarding Officer Joe Mouch
  - c) To Troy Water and Sewer Department From Ruth and Larry Grewe
  - d) To Staff and City Council From Lynn Pung
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**O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**O-5 Notice of Hearing – DTE Electric Co Case No U-17437**

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**O-6 Oakland County Executive's Recommended FY 2014-2016 Triennial Budget**

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**P. STUDY ITEMS:**

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**P-1 City Attorney's Office Prosecution Services Evaluation**

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**Q. CLOSED SESSION:**

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**Q-1 Closed Session**

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**R. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

Monday, September 9, 2013.....	Regular Meeting
Monday, September 23, 2013.....	Regular Meeting
Monday, October 7, 2013 .....	Regular Meeting
Monday, October 21, 2013 .....	Regular Meeting
Monday, November 11, 2013.....	Regular Meeting
Monday, November 25, 2013.....	Regular Meeting
Monday, December 2, 2013.....	Regular Meeting
Monday, December 16, 2013.....	Regular Meeting

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

# Certificate of Recognition

This certificate is awarded to

**Cathy & Carl Fucinari**

In recognition for your dedication to the City of Troy as a Citizen Code Enforcement Volunteer. In October 2011, you volunteered as part of the inaugural group to become the "Eyes & Ears of Our Community." Your assignment was spending weekend hours touring the City and removing temporary signs placed in the City's right-of-way. Thanks to your hard work and dedication, you removed hundreds of illegal signs which has helped to beautify Troy's landscape. The City of Troy extends sincere appreciation to Cathy and Carl Fucinari. You are an inspiration to the Troy community, embracing volunteerism which contributes to making our community a wonderful place to live, work, learn and play. You have truly made a difference and are a credit to yourself, your neighbors, and the City of Troy.

CITY OF TROY

500 W. BIG BEAVER

TROY, MI 48084



Dane Slater, Mayor

August 26, 2013

**SERVICE COMMENDATION  
ROBIN BELTRAMINI**

**WHEREAS, Robin Beltramini** served on the Troy City Council for 10 years, from November 2001 to November 2011. Prior to that she was appointed to the Troy Planning Commission in 1996 and served as a member until 2001. **Robin** was the Planning Commission's Vice Chair from 1999-2000 and Chair from 2000-2001. She began her service to the City of Troy in 1997 when she was appointed to the Zoning Board of Appeals, serving as its Chair from 1999-2000; and

**WHEREAS, Robin** and her family moved from Arizona to the City of Troy in 1995. It did not take her long to become involved in the Troy community, serving on the Hills of Charnwood Homeowners Association Board of Directors from 1995-1999, as a board member, secretary and president; and

**WHEREAS, Robin's** volunteer efforts continued within the Troy School District as she became a member of the Parent-Teacher and the Orchestra Associations at Troy High School while her daughters Elizabeth and Amanda were students. She was also a member of the Outcomes Endorsement School Improvement and Critical Thinking Target Area Committees, a volunteer at St. Elizabeth Ann Seton Church since 1995, and Troy Youth Assistance volunteer since 2005, serving now as Board Chair; and

**WHEREAS,** Robin has also served organizations beyond the City of Troy, including the Michigan Municipal League, Michigan State Boundary Commission, Southeast Michigan Council of Governments, the Community & Economic Development Advisory Council, National League of Cities, the Women Officials' Network, and the Detroit Alumnae Panhellenic Association, and the Alpha Omicron Pi Fraternity; and

**WHEREAS,** in her spare time, **Robin** enjoys spending time with her husband **Dick**, daughter **Elizabeth**, son-in-law **Ryan Gunterman** and granddaughter **Hazel**; and daughter **Amanda** and son-in-law **Steve Healan**; and

**WHEREAS,** The quality of life that the City offers is a result of hard work, planning, sacrifice, and leadership. Thanks to **Robin**, one of Troy's dedicated volunteers, our quality City services will continue to thrive and are key to making Troy the greatest place to live in the State of Michigan;

**NOW, THEREFORE, BE IT KNOWN,** That the Troy City Council takes this opportunity to express its sincere appreciation and recognition to **Robin Beltramini** for her distinguished service and her many contributions to the betterment of the City through her work on the City Council, Planning Commission and Zoning Board of Appeals; and

**BE IT FURTHER KNOWN** That by donating her time and talents, **Robin** has furthered the ideals that contribute to enriching our community. Troy is very fortunate to have citizens like **Robin** who give so much time and energy to make our community a great place to live, work, play and raise a family.

Presented this 26<sup>th</sup> day of August 2013.

## September is National Library Card Month!

### SHOW YOUR CARD & SAVE



Show your Troy Library Card at any of these Troy businesses during the month of September to receive special promotions and discounts.

### Participating Business Partners

#### **Billy Sims BBQ**

1977 W. South Blvd

*Free regular fountain drink with any purchase*

#### **Brooklyn Pizza**

3141 Crooks Rd

*Get one free 10" cheese pizza when you buy one large pizza of any kind. (Upgrade from a 10" to a 16" and pay only the difference!)*

#### **DiBella's Subs**

475 E. Big Beaver

*Free regular fountain drink with any sub purchase*

#### **Dickeys Barbecue Pit**

3672 Rochester Rd

*10% off individual order*

#### **Gary Knurek Goodyear**

1973 Livernois

*10% off all parts purchases*

#### **The Gathering Place**

3985 John R

*50% off pizza with beverage purchase*

#### **Insalata**

1919 E. Big Beaver

*10% off any salad or sandwich*

#### **Lebanese Grill Troy**

1600 Rochester Rd

*20% off total bill or kids eat free up to \$10 value*

#### **Loccino Restaurant**

5600 Crooks Rd

*10% off total food bill*

#### **Oakland Hills Veterinary Hospital**

121 E. Long Lake Rd

*5% off all professional services*

#### **PF Chang's**

2801 W. Big Beaver

*Complimentary app card, \$10-\$50 gift card raffle, and prize giveaways*

#### **Papa Romano's Pizza**

5399 Crooks Rd

*Free order of bread with purchase of any medium or large pizza*

#### **Ridley's Bakery Café**

4054 Rochester Rd

*10% discount on purchases over \$5.00*

#### **Tim Hortons Troy**

3331 Rochester Rd

*10% off any purchase, where a better discount cannot be applied*

#### **Skate World of Troy**

2825 E. Maple Rd

*Buy one admission, get one free*

#### **Whole Foods**

2880 W. Maple Rd

*Fabulous Fridays!*

*Stop by the customer service desk on Friday for a free giveaway, and check out special sales that begin on Friday*

## Troy Public Library

510 West Big Beaver Road \* 248.524.3538 \* [www.troylibrary.info](http://www.troylibrary.info)

Mon — Thurs: 10 am ~ 9 pm Sat: 10 am ~ 5 pm Sunday: 1 ~ 5 pm



## CITY COUNCIL AGENDA ITEM

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Date: August 6, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Accept an Offer to Purchase City Owned Property at Long Lake & Somerton Sidwell #88-20-10-477-017

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### **History**

The property located at the northeast corner of Long Lake and Somerton was originally acquired by the City in 1995 as part of the federally funded Long Lake Phase II Improvement Project for \$130,000.00. The property is 0.72 acres in size, zoned R-1C and can be divided into two buildable parcels.

Based on an appraisal prepared in December 2004, the property was offered for public bid for a minimum amount of \$200,000. A high bid of \$204,950 was received; however the closing did not materialize. The City has had several requests to sell the property in the past, the most recent in 2011, at which time City Council declined the request citing low real estate market conditions.

The City has received a written offer from Sterling Construction Inc. to purchase this property for the amount of \$210,000.00, well above current market value for R-1C parcels in the City of Troy.

### **Financial**

At the direction of Management, an appraisal was prepared by Kimberly Harper, Deputy City Assessor and a Michigan State Licensed Real Estate Appraiser. The appraisal reported a fair market value estimated at \$145,000.00, well below the offer of \$210,000.00

As this property was originally purchased for the Long Lake Phase II Improvement Project and funded primarily with federal dollars, any monies received from the sale of this property must be used in accordance with federal guidelines as outlined in 23 CFR 701.403. The guidelines state that "The Federal share of net income from the sale or lease of excess real property shall be used by the STD (State Transportation Department) for activities eligible for funding under title 23 of the United States Code." Therefore, any funds received from the sale of this property will be redirected to a Title 23 transportation project or any project that meets the criteria set forth in 23 CFR 710.403.

## **Recommendation**

Staff is seeking Council's approval to accept the purchase offer from Sterling Construction Inc. for the City owned parcel having Sidwell # 88-20-10-477-017 in the amount of \$210,000.00. Chapter 12 of the City Charter does allow for the sale of City owned property without a traditional sealed bid procedure in the event "...that the public interest will be best served without obtaining sealed bids,"

The purchase offer made to the City generously exceeds current market value of vacant properties recently sold in Troy. Accepting this offer would meet the conditions of best serving the public interest as dictated by the City Charter.



Section 10, T2N,  
R11E, City of Troy,  
Oakland County, MI

### LOCATION MAP



OFFER TO PURCHASE  
CITY OF TROY  
REAL ESTATE

1. THE UNDERSIGNED, Sterling Construction Inc., hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

Lot 47, except the North 65.00 feet and except the South 27 feet of "Crystal Springs Sub.", as recorded in Liber 28 Page 23 of Plats, Oakland County records, being part of the SE ¼ of Section 10, Town 2 North, Range 11 East, City of Troy, Michigan. Containing 31,416 Square Feet or 0.721 Acres, more or less.

Sidwell # 88-20-10-477-017

and to pay therefore the sum of Two Hundred and Ten Thousand Dollars (\$210,000.00) subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

2. Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy.
3. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.
4. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within \_\_\_\_ days after delivery of the commitment of title insurance.
5. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
6. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.

7. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
8. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.
9. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.
10. Purchaser agrees to comply with Troy City Council Resolution #2007-01-028, a copy of which is attached, and understands that this sale is contingent upon City Council approval.
11. Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: Refer to Attachment "B"
11. Additional Conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IN THE PRESENCE OF:

PURCHASER  
Sterling Construction Inc., a Michigan corporation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ L.S.  
Safet Sam Stafa  
Its: President

Date \_\_\_\_\_ Phone \_\_\_\_\_ Address \_\_\_\_\_

IN THE PRESENCE OF:

SELLER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ L.S.  
City of Troy  
\_\_\_\_\_ L.S.

Date \_\_\_\_\_ Phone: \_\_\_\_\_ Address: 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

\_\_\_\_\_ L.S.  
Date \_\_\_\_\_ Purchaser

ATTACHMENT "B"  
CITY OF TROY PROPERTY SALE  
DEED RESTRICTION

- A. Construction shall take place only as indicated on a submitted the site plan including the number of Units, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Said site plan shall not include variances from any code of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.
  
- B. The property being conveyed herein is currently zoned and will be used only as it is defined in the current City of Troy Zoning Ordinance, and no other use or zoning will be permitted. Said zoning currently being R-1C of said property.
  
- C. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy.
  
- D. All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.
  
- E. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.
  
- F. These deed restrictions and the full purchase agreement shall be recorded with and as part of the deed at the Oakland County Register of Deeds.
  
- G. The Purchaser agrees upon closing this transaction that all restrictions and conditions shall bind and inure to Purchaser, heirs, executors, administrators, successors and assigns, and that they will reimburse to the City all costs incurred by the City in the future, including court and attorney fees, in order for the City to gain compliance with this agreement and the stated restrictions.



## MEMORANDUM

TO: Members of the Troy City Council  
 FROM: Lori Grigg Bluhm, City Attorney *LG*  
 DATE: August 14, 2013  
 SUBJECT: Annual Evaluation

City Council completed my annual performance evaluation in closed session on August 12, 2013. As a result, I am requesting the same salary increase that was afforded to Troy's Classified and Exempt employees, which was incorporated into the fiscal year budget as a measure to return some of the 10% concessions made by the employees during the recessionary period. Classified and Exempt employees received a 1% salary increase effective July 6, 2013. Since I am a direct report to the Troy City Council, any increase in my salary must be done through a City Council resolution. A proposed resolution is included in the agenda packet for your consideration.

### BIOGRAPHICAL INFORMATION

Lori Grigg Bluhm is the City Attorney for the City of Troy. She received her B.A. from Albion College, and her J.D. from Wayne State University School of Law. She is one of approximately 100 persons who have received the prestigious designation as a Local Government Fellow from the International Municipal Lawyer's Association (2004, 2009). In 2004, she was recognized as a Crain's Detroit Business 40 Under 40, which identifies persons who achieved success in business before turning 40 years of age (2004). In 2009, she was designated as an Oakland County Bar Foundation Fellow. Martindale-Hubbell has repeatedly awarded her with a peer review AV rating, which signifies that she is a lawyer with "very high to preeminent legal ability", and also that she "demonstrate(s) the highest professional and ethical standards." In 2011, she was also selected for inclusion in the Martindale- Hubbell Bar Register of Preeminent Women Lawyers. In 2012, she was inducted as one of five into the Academy of Municipal Attorneys.

She is the current Vice President of the Michigan Association of Municipal Attorneys and the Michigan Municipal League Legal Defense Fund. She is also a past chair and current board member of the Public Corporation Section of the State Bar of Michigan, a past chair of the Oakland County Bar Association's Municipal Law Committee and the Public Service Committee. She is also involved in several other professional organizations, such as the Troy Community Coalition (Board Member), Troy Kiwanis Club (past president), and the Women Lawyers' Association of Michigan. She has been a frequent presenter and writer on municipal law issues. She practices municipal law exclusively, representing her sole client, the City of Troy.

Suggested Resolution

Resolution #2013-08-

Moved by

Seconded by

RESOLVED, That the annual salary of City Attorney Lori Grigg Bluhm be **INCREASED** 1% effective July 6, 2013.

Pastor Dan Lewis from Troy Christian Chapel performed the Invocation. The Pledge of Allegiance to the Flag was given.

#### **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, August 12, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

#### **B. ROLL CALL:**

Mayor Dane Slater  
Jim Campbell  
Wade Fleming  
Dave Henderson  
Maureen McGinnis  
Ed Pennington – Arrived at 7:34 PM  
Doug Tietz

#### **C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of March & April 2013, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$704 to Terry Kennedy, Administrative Coordinator for Gift of Life Foundation

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**C-2** Congratulations to Jeanette Menig, HR Specialist, on Achieving the Designation of International Public Management Association Certified Professional (IPMA-CP) (Introduced by: Peggy Sears, Human Resources Director)

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**C-3** Transit Center Status Update – August 2013 (Introduced by: Steve Vandette, City Engineer)

#### **D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

#### **E. PUBLIC HEARINGS:**

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**E-1** Proposed Amendments – TDDA Tax Increment Financing Plan (Introduced by: Terence M. Donnelly, Bond Counsel)

The Mayor OPENED the Public Hearing. The Mayor CLOSED the Public Hearing after receiving public comment from Jim Werpetinski.

#### **RESOLUTION A**

Resolution #2013-08-131

Moved by Fleming  
Seconded by Henderson

**RESOLUTION APPROVING 2013 AMENDMENTS TO  
DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN  
AND AMENDMENTS TO ORDINANCE 78 AND ORDINANCE 80**

WHEREAS, Pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended (MCL 125.1651 et. seq.) (“Act 197”), and Ordinance 78 adopted by the City Council of the City of Troy (the “City”) on July 12, 1993, the City Council created the Downtown Development Authority of the City of Troy (the “DDA”); and

WHEREAS, Pursuant to Act 197 and Ordinance 80 adopted by the City Council of the City of December 13, 1993, the City Council approved the Development Plan and Tax Increment Financing Plan (the “Plan”), which Plan was subsequently amended in 1998, 2000, 2002 (twice) and 2007; and

WHEREAS, There have been prepared and submitted to the City Council further amendments to the Plan designated “2013 Amendments to Development Plan and Tax Increment Financing Plan” (the “2013 Plan Amendments”) with the recommendation from the DDA that the 2013 Plan Amendments be approved by the City Council; and

WHEREAS, A public hearing has been held on the 2013 Plan Amendments on this date by the City Council pursuant to notice given as required by Act 197 and other applicable law.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council hereby **APPROVES** extending the existence of the DDA to December 31, 2033 and amends Ordinance 78 in the form presented to this meeting.
2. That the City Council hereby **APPROVES** the 2013 Plan Amendments in the form attached hereto and amends Ordinance 80 in the form presented to this meeting.
3. That all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are **RESCINDED**.

Yes: All-7  
No: None

**MOTION CARRIED**

**RESOLUTION B**

Resolution #2013-08-132  
Moved by Fleming  
Seconded by Campbell

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$15,500,000 GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2013**

WHEREAS, Pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended (MCL 125.1651 et. seq.) (“Act 197”), and Ordinance 78 adopted by the City Council of the City of Troy (the “City”) on July 12, 1993, the City Council created the Downtown Development Authority of the City of Troy (the “DDA”); and

WHEREAS, Pursuant to Act 197 and Ordinance 80 adopted by the City Council of the City of December 13, 1993, the City Council approved the Development Plan and Tax Increment Financing Plan (the “Plan”), which Plan was subsequently amended in 1998, 2000, 2002 (twice) and 2007; and

WHEREAS, The DDA has previously issued the following bonds pursuant to Act 197, secured solely by tax increment revenues, as defined in Act 197 (“Tax Increment Revenues”), received by the DDA to finance the implementation of a portion of the Plan: (i) Downtown Development Authority Development and Refunding Bonds, Series 2001 in the aggregate principal amount of \$24,000,000 to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) Community Center Facility Bonds, Series 2002 in the aggregate principal amount of \$9,700,000 to finance a portion of the cost of constructing the Troy Community Center, and (iii) Community Facility Center Junior Lien Bonds, Series 2003 in the aggregate principal amount of \$4,025,000 to finance a portion of the cost of constructing the Troy Community Center (such bonds are collectively referred to as the “DDA Bonds”); and

WHEREAS, Although the schedules prepared as part of each issue of DDA Bonds predicted that there would be sufficient Tax Increment Revenues to cover all of the debt service on the DDA Bonds, there has been an unanticipated decline in property values in the Plan’s Development Area since 2008, and a corresponding decrease in the available Tax Increment Revenues to the extent that they are unable to pay the debt service on the DDA Bonds as of November 1, 2013; and

WHEREAS, In order to prevent a default on the DDA Bonds, the City Council has on this date approved (a) an extension of the existence of the DDA to December 31, 2033 and (b) amendments to the Plan that (i) extend the Plan to December, 2033 to allow for the capture of annual Tax Increment Revenues to ultimately pay off the indebtedness represented by the DDA Bonds, (ii) remove certain specified properties that have significantly decreased in value from the Plan’s Development Area to enable the DDA to realize a capture of Tax Increment Revenues from the revised Development Area in amounts sufficient to pay the annual debt service on the Bonds (as hereinafter defined) and (iii) contemplate that the City will issue general obligation bonds to refund the DDA Bonds, which although requiring the City to pledge its limited tax full faith and credit, will be secured primarily by the Tax Increment Revenues to be derived from the revised Development Area for the extended period of time; and

WHEREAS, The City is authorized under Act 197 to issue the Bonds to pay all or part of the cost of implementing the Plan and in connection therewith, refunding the DDA Bonds; and

WHEREAS, The DDA, by resolution adopted on July 24, 2013, has approved and submitted to the City Council an estimate of the Tax Increment Revenues and other revenue available under Section 11 of Act 197 to be available for payment of principal and interest on the Bonds, as set forth in attached Exhibit A; and

WHEREAS, The City Manager has recommended that this resolution be adopted in order to effect the refunding of all of the DDA Bonds in order to avoid a default on the DDA Bonds.

NOW, THEREFORE, BE IT RESOLVED:

1. AUTHORIZATION OF BONDS – PURPOSE. Bonds of the City aggregating the principal sum of not to exceed Fifteen Million Five Hundred Thousand Dollars (\$15,500,000) (the “Bonds”), as determined by the City Manager at the time of sale, shall be issued and sold pursuant to the provisions of Act 197, and other applicable statutory provisions, for the purpose of paying part of the cost of implementing the Plan and in connection therewith, refunding all of the outstanding DDA Bonds.
2. BOND DETAILS. The Bonds shall be designated “General Obligation Limited Tax Bonds, Series 2013;” shall be dated as of the date of delivery thereof to the Underwriter (as hereinafter defined); shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 8.00% per annum as shall be determined by the City Manager at the time of sale, payable on each May 1 and November 1 as shall be determined by the City Manager at the time of sale; shall be mature on November 1 in such years and in such principal amounts as shall be determined by the City Manager at the time of sale; and shall be serial bonds and/or term bonds as shall be determined by the City Manager at the time of sale.
3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.
4. PRIOR REDEMPTION. The Bonds shall be subject to mandatory and/or optional redemption prior to maturity if so determined by the City Manager at the time of sale and if so determined, upon such terms and conditions as shall be approved by the City Manager; provided, however, that the redemption premium to be payable in connection with any optional redemption of the Bonds shall not exceed 2% of the principal amount of any Bond to be redeemed.
5. BOOK-ENTRY SYSTEM. Initially, one fully-registered Bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of Bond certificates. In such event, the bond registrar and paying agent

shall deliver, transfer and exchange Bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver Bond certificates in accordance with the procedures established by this resolution. In the event Bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any Participant having Bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC. The City Manager is authorized to sign the Blanket Issuer Letter of Representations on behalf of the City in such form as such official signing the Blanket Issuer Letter of Representations deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this resolution.

6. BOND REGISTRAR AND PAYING AGENT. The City Manager shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds which shall be a bank or trust company located in the State of Michigan that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Manager from time to time as required may designate a similarly qualified successor bond registrar and paying agent.
7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The Bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Bonds. After the Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer or the City Manager to the purchaser of the Bonds upon receipt of the purchase price. Additional Bonds bearing the manual or facsimile signatures of the Mayor and the City Clerk may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Bonds. The bond registrar and paying agent shall indicate on each Bond the date of its authentication.
8. EXCHANGE AND TRANSFER OF BONDS. Any Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the

bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Bond pursuant to this Section, payment of interest on the Bonds is in default, the bond registrar and paying agent shall endorse upon the new Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is \_\_\_\_\_, \_\_\_\_."

The City and the bond registrar and paying agent may deem and treat the person in whose name any Bond shall be registered upon the books of the City as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Bonds or portions of Bonds that have been selected for redemption.

9. FORM OF BONDS. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF OAKLAND

CITY OF TROY  
GENERAL OBLIGATION LIMITED TAX BOND, SERIES 2013

INTEREST RATE      MATURITY DATE      DATE OF ORIGINAL ISSUE      CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of \_\_\_\_\_, the bond registrar and paying agent, located in \_\_\_\_\_, Michigan, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15<sup>th</sup> day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount from the Date of Original Issue set forth above, or such later date through which interest has been paid, until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of May and November in each year, commencing on \_\_\_\_\_, 201\_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 197, Public Acts of 1975, as amended ("Act 197")) and a resolution adopted by the City Council of the City on August 12, 2013 (the "Resolution"), for the purpose of paying part of the cost of implementing the Development Plan and Tax Increment Financing Plan (the "Plan") of the Downtown Development Authority of the City of Troy (the "DDA") and in connection therewith, refunding all of the outstanding bonds of the DDA originally issued to pay such cost. The tax increment revenues and other revenue to be received by the DDA pursuant to Section 11 of Act 197 and the full faith and credit of the City have been pledged to the prompt payment of the principal of and interest on this bond. In the event and to the extent that such tax increment revenues and other revenue are not sufficient to pay the principal of and interest on the bonds of this series, such principal and interest are payable as a first budget obligation of the City from its general funds. Taxes imposed by the City are subject to constitutional, statutory and charter tax limitations.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent

duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds that have been selected for redemption.

**MANDATORY PRIOR REDEMPTION**

Bonds maturing in the year \_\_\_\_ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
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Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.

(REPEAT IF MORE THAN ONE TERM BOND)

**OPTIONAL PRIOR REDEMPTION**

Bonds maturing prior to \_\_\_\_\_, \_\_\_\_\_, are not subject to redemption prior to maturity. Bonds maturing on and after \_\_\_\_\_, \_\_\_\_\_, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on and after \_\_\_\_\_, \_\_\_\_\_. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption and a premium as follows:

- % of the par value if called for redemption on or after \_\_\_\_\_, \_\_\_\_\_, but prior to \_\_\_\_\_, \_\_\_\_\_;
- % of the par value if called for redemption on or after \_\_\_\_\_, \_\_\_\_\_, but prior to \_\_\_\_\_, \_\_\_\_\_;

% of the par value if called for redemption on or after \_\_\_\_\_, \_\_\_\_\_, but prior to \_\_\_\_\_, \_\_\_\_\_.

Not less than thirty but not more than sixty days' notice of redemption shall be given to the Registered Owner of bonds called to be redeemed by mail to each Registered Owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Troy, State of Michigan, by its City Council, has caused this bond to be executed in its name by the manual or facsimile signatures of the Mayor and the City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted thereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF TROY

(SEAL)

By: \_\_\_\_\_  
City Clerk

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

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

\_\_\_\_\_  
Bond Registrar and Paying Agent

By: \_\_\_\_\_  
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

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attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

10. APPROVAL OF ESTIMATE OF TAX INCREMENT REVENUES. The estimate of the Tax Increment Revenues and other revenue available under Section 11 of Act 197 to be available for the payment of the principal of and interest on the Bonds, as approved by the DDA and as set forth in attached Exhibit A, is approved.
11. SECURITY. The Tax Increment Revenues and other revenue to be available to the DDA under Section 11 of Act 197 are pledged for the payment of the principal of and interest on the Bonds. The Bonds shall also be limited tax general obligations of the City. The full faith and credit of the City are also pledged for the prompt payment of the principal of and interest on the Bonds as the same shall become due. Each year the City shall be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem property taxes on all taxable property within its corporate boundaries to pay such principal and interest as the same become due in the event and to the extent that the Tax Increment Revenues and other revenue to be available to the DDA under Section 11 of Act 197 are not sufficient to make such payment. The ability of the City to raise funds to pay such amounts is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.
12. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall have been deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.
13. PRINCIPAL AND INTEREST FUND. There is hereby established for the Bonds a Principal and Interest Fund that shall be either a separate fund or part of a common fund as permitted by law. From the proceeds of the sale of the Bonds, there shall be set aside in the Principal and Interest Fund any accrued interest received from the purchaser at the time of delivery of the same. The Tax Increment Revenues and other revenue available to the DDA under Section 11 of Act 197 and other available moneys of the City, if any, to be used to pay the payment of the principal of and interest on the

Bonds shall be deposited in the Principal and Interest Fund and so long as the principal or interest on the Bonds remain unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the bond registrar and paying agent.

14. PAYMENT OF COSTS OF ISSUANCE -- ESCROW FUND. The remainder of the proceeds of the Bonds shall be used, together with available moneys of the DDA, if any, to pay the costs of issuance of the Bonds and to refund the DDA Bonds. After the costs of issuance have been paid or provided for the remaining proceeds and DDA moneys, in an amount determined by the City Manager at the time of sale of the Bonds, shall be used to establish an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of, interest on and redemption premiums, if any, on the Prior Bonds. The Escrow Fund shall be held by an escrow agent (the "Escrow Agent") pursuant to an Escrow Agreement (the "Escrow Agreement"), which irrevocably shall direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Prior Bonds being refunded when due and to call such Prior Bonds for redemption at such time as shall be determined in the Escrow Agreement. The City Manager is authorized to select the Escrow Agent and enter into the Escrow Agreement on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received on the investments will be sufficient without reinvestment to pay the principal of, interest on and redemption premiums, if any, on the DDA Bonds when due at maturity or call for redemption as required by the Escrow Agreement.
15. APPROVAL OF DEPARTMENT OF TREASURY. The issuance and sale of the Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan as provided in Act 34. If necessary, the City Manager is authorized to file an application with the Department of Treasury for approval of the Bonds.
16. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Bonds shall be sold pursuant to a negotiated sale as hereinafter provided, and it is hereby determined that such negotiated sale is in the best interests of the City and is calculated to provide the maximum flexibility in pricing the Bonds and to result in the lowest interest cost to the City. The City Manager is authorized to enter into a Bond Purchase Agreement with Fifth Third Securities, Inc. (the "Underwriter"), which Bond Purchase Agreement shall set forth the principal amount of the Bonds, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter with respect to the Bonds and such other terms and provisions as the City Manager determines to be necessary or appropriate in connection with the sale of the Bonds. The Bond Purchase Agreement and the terms of the Bonds set forth therein shall be approved by an order adopted by the City Manager at the time of the sale of the Bonds. The Mayor, the City Clerk, the City Manager and the City Treasurer are each hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Bonds in accordance with the provisions of this resolution. In making the determination in the order authorizing the sale of the Bonds and in the Bond Purchase Agreement with respect to principal

maturities and dates, interest rates, purchase price of the Bonds and compensation to be paid to the Underwriter, the City Manager shall be limited as follows:

- (a) The interest rate on any Bond shall not exceed 8.00% per annum.
- (b) The final maturity date of the Bonds shall not be later than November 1, 2033.
- (c) The purchase price of the Bonds shall not be less than 97% of the principal amount thereof.
- (d) The Underwriter's discount with respect to the Bonds or the compensation to be paid to the Underwriter shall not exceed 1.00% of the principal amount of the Bonds.

17. REPLACEMENT OF BONDS. Upon receipt by the City Clerk of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and paying agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Bond. The bond registrar and paying agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any Bond delivered pursuant to the provisions of this Section 17 in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.
18. TAX COVENANT. The City covenants to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Mayor, the City Clerk, the City Manager, the City Treasurer and other appropriate officials of the City are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes.
19. OFFICIAL STATEMENT. The City Manager is authorized to cause the preparation of an official statement for the Bonds for purposes of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.
20. CONTINUING DISCLOSURE. The Mayor and the City Clerk are authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking of the City pursuant

to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the “Continuing Disclosure Certificate”). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

21. PROFESSIONAL SERVICES. The following are appointed to act in the following capacities with respect to the Bonds:

As registered municipal advisor: Bendzinski & Co., Municipal Finance Advisors  
Detroit, Michigan

As Underwriter: Fifth Third Securities, Inc.  
Cincinnati, Ohio

As bond counsel: Dickinson Wright PLLC  
Troy, Michigan

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

EXHIBIT A

Estimate of Anticipated Tax Increment Revenues

<u>Fiscal Year</u> <u>Ending June 30</u>	<u>Amount</u>
2015	\$1,023,834
2016	978,617
2017	894,896
2018	895,059
2019	895,227
2020	954,541
2021	1,014,449
2022	1,074,956
2023	1,136,068
2024	1,197,791
2025	1,322,472
2026	1,449,646
2027	1,579,364
2028	1,711,677
2029	1,846,635
2030	1,984,293
2031	2,124,703
2032	2,267,922
2033	2,414,006
2034	2,563,011

Yes: All-7

No: None

**MOTION CARRIED**

**E-2 Rezoning Application File Number Z 744 – Proposed Belleclaire Condominiums, East Side of Rochester, North of Wattles, South Side of Lamb (Part of 4210 Rochester), Section 14, From R-1C (One Family Residential) District to RT (One Family Attached Residential) District**

[CLICK HERE](#) to view the Resolution Attachment: *Site Plan & Rezoning Plan*

The Mayor OPENED the Public Hearing. The Mayor CLOSED the Public Hearing after receiving public comment Richard Peters.

Resolution #2013-08-133

Moved by Fleming

Seconded by McGinnis

WHEREAS, The City is in receipt of a rezoning request, from R-1C to RT, File Number Z-744, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Site Plan & Rezoning Plan.

THEREFORE BE IT RESOLVED, The proposed rezoning from R-1C to RT is hereby **APPROVED**.

BE IT FINALLY RESOLVED, The Zoning District Map is hereby **AMENDED**.

Yes: All-7

No: None

**MOTION CARRIED****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

James Savage	Spoke on Item C-3.
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**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****H. POSTPONED ITEMS:**

**H-1 No Postponed Items**

**I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Zoning Board of Appeals**a) **Mayoral Appointments:** Noneb) **City Council Appointments:**

Resolution #2013-08-134  
 Moved by Fleming  
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Zoning Board of Appeals**

Appointed by Council  
 7 Regular Members  
 3 Year Term

**Term Expires: 01/31/2015****Paul McCown****(Alternate)**

Term currently held by: Vacancy – David Eisenbacher  
 Appointed to Full Member Term

Yes: All-7

No: None

**MOTION CARRIED****I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Parks and Recreation Board**a) **Mayoral Nominations:** Noneb) **City Council Nominations:**

Resolution #2013-08-135  
 Moved by Fleming  
 Seconded by Henderson

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

**Parks and Recreation Board**

Appointed by Council  
 7 Regular Members and 1 Troy School Board Member:  
 Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Nominations to the Parks and Recreation Board:****Term Expires: 07/31/2014****Gary Hauff**

Term currently held by:

Gary Hauff

Yes: All-7  
 No: None

**MOTION CARRIED****I-3 Request for Closed Session**

Resolution #2013-08-136  
 Moved by Campbell  
 Seconded by Fleming

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session pursuant to MCL 15.268 (a) - City Attorney evaluation and MCL15.268(h) (MCL15.243(g)).

Yes: All-7  
 No: None

**MOTION CARRIED****I-4 Contract Ratification – Michigan Association of Police (MAP) 2013-2015  
 (Introduced by: Peggy Sears, Human Resources Director)**

Resolution #2013-08-137  
 Moved by McGinnis  
 Seconded by Fleming

RESOLVED, That a collective bargaining agreement between the City of Troy and MAP for the period July 1, 2013 through June 30, 2015 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes: All-7  
 No: None

**MOTION CARRIED****J. CONSENT AGENDA:****J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2013-08-138  
 Moved by Fleming  
 Seconded by Henderson

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7  
No: None

**MOTION CARRIED**

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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

Resolution #2013-08-138-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – July 22, 2013

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**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Portable Conveyor**

Resolution #2013-08-138-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish one (1) portable stainless steel conveyor unit to the low bidder meeting specifications, *Kimco USA Inc. of Marshall IL*, for an estimated total price \$82,956.20 as per the prices contained in the bid tabulation opened August 1, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the company’s submission of properly executed bid documents, including insurance certificates and all other specified requirements.

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**J-5 Request to Temporarily Waive Parking Restrictions**

Resolution #2013-08-138-J-5

RESOLVED, That the City Council of the City of Troy 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 Wednesday, September 4, 2013, 7:00 p.m.-11:00 p.m.; Thursday, September 5, 2013, 9:00 a.m.-5:00 p.m.; Friday, September 13, 2013, 7:00 p.m.-11:00 p.m.; and, Saturday, September 14, 2013, 9:00 a.m.-9:00 p.m.

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**J-6 Private Agreement – Contract for Installation of Municipal Improvements – Hillmore Street Sanitary Sewer Extension – Project 13.401.13**

Resolution #2013-08-138-J-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Kevin Baird, is hereby **APPROVED** for the installation of Sanitary Sewer and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 Authorization to Request Reimbursement – Oakland County West Nile Virus Fund**

Resolution #2013-08-138-J-7

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy's Parks, Streets, and Drains Divisions, to seek reimbursement for an amount not to exceed \$11,956.08, from Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

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**J-8 Termination of Planned Unit Development (PUD) Agreement – Troy Plaza PUD – West Side of Crooks, North Side of New King – Section 8**

Resolution #2013-08-138-J-8

WHEREAS, On October 8, 2012, City Council conditionally rezoned the subject property from PUD (Planned Unit Development) to OM (Office Mixed Use) and CB (Community Business) districts; and

WHEREAS, The resolution which approved the rezoning also rescinded and abandoned the Planned Unit Development and related plans and documents; and

WHEREAS, The City is in receipt of a request from Tinelle Properties, LLC, owner of the subject property, to record a formal termination of the PUD Agreement that previously controlled the subject property with the Oakland County Register of Deeds.

THEREFORE, BE IT RESOLVED, That City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign the attached document on behalf of the City of Troy, acknowledging the Termination of Troy Plaza Planned Unit Development Agreement.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** the City to record the executed Termination of Troy Plaza Planned Unit Development Agreement with the Oakland County Register of Deeds.

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**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Audre Zembrzusi	Spoke about not being able to view City Council meetings on AT&T cable service and also spoke encouraging people to properly dispose of prescription medicine.
Jerry White	Spoke regarding a letter received from a developer about a project on South Boulevard.
Richard Peters	Spoke about the national budget and healthcare.

**M. COUNCIL REFERRALS:**

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

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**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

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**N-1 No Council Comments Advanced**

Council Member Tietz requested City Management look into the complaint that AT&T cable service does not air local government channels. Cindy Stewart provided an update of the current situation with AT&T. Currently, Comcast and WOW offers public education and local government channels at no charge. AT&T wants to charge a monthly fee and require communities to purchase equipment. The ICCA, its counsel, and local communities continue communication with AT&T to resolve this issue.

Council Member McGinnis announced Park It Family Fun Night Out on Tuesday, August 20, 2013 at 6:00 PM. The event at Boulan Park will feature kids activities, live music and the movie Madagascar 3 under the stars. For more information, please contact (248) 524-3484.

Mayor Slater announced that the Troy Chamber of Commerce and local restaurants present Troy Restaurant Week starting Sunday, August 17, 2013 through Friday, August 23, 2013. Please see [www.troyrestaurantweek.com](http://www.troyrestaurantweek.com) for further information.

In response to a resident's comments, Chief Mayer explained how residents can properly dispose of prescription medication/drugs. Troy Police Department has containers located in their lobby for proper medication (no liquids) disposal - no questions asked - between 8:00 AM-10:00 PM, Monday through Friday, and 8:00 AM-5:00 PM on weekends. In addition, the Drug Enforcement Agency (DEA), along with the Troy Police Department offers a drive to take in all drugs, including liquids, several times a year.

**O. REPORTS:**

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

- a) Downtown Development Authority-Final – May 15, 2013
- b) Downtown Development Authority-Final – June 19, 2013
- c) Traffic Committee-Final – June 19, 2013
- d) Planning Commission-Draft – July 9, 2013
- e) Planning Commission-Final – July 9, 2013
- f) Traffic Commission-Draft – July 17, 2013

Noted and Filed

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**O-2 Department Reports:**

- a) 2013 Mid-Year Calls for Police Service Report

Noted and Filed

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**O-3 Letters of Appreciation:**

- a) To Chief Mayer for Outstanding Service by Police Officer John Julian
- b) To Brian Kischnick from Kathleen Donovan, Emerald Lakes Village Homeowners Association regarding Excellent Service Provided by the DPW
- c) To Brian Kischnick from Bharatiya Temple
- d) To the City of Troy and Public Works Department from Carol Price regarding Storm Cleanup
- e) To Tim Richnak from Kathleen Donovan, Emerald Lakes Village Homeowners Association regarding Excellent Service Provided by the DPW
- f) To Mayor and Council from Cathleen Russ, Library Director regarding Assistance from Community Affairs
- g) To Mayor and Council from Cathleen Russ, Library Director regarding Assistance from Brian Kischnick, City Manager
- h) To Chief William Nelson from Richard Dylewski of the Clawson Fire Department regarding the Troy Fire Department Participation in the Clawson 4<sup>th</sup> of July Parade

Noted and Filed

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

Noted and Filed

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**O-5 Notice of Hearing for the Natural Gas Customers of the DTE Gas Company Case No U-17216 on August 15, 2013**

Noted and Filed

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**P. STUDY ITEMS:**

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**P-1 No Study Items**

The Meeting **RECESSED** at 8:26 PM.

The Meeting **RECONVENED** at 8:37 PM.

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**Q. CLOSED SESSION:**

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**Q-1** Closed Session

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 11:35 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk





# CITY COUNCIL AGENDA ITEM

Date: August 22, 2013

To: Brian Kischnick, City Manager

From: Timothy L. Richnak, Public Works Director  
 MaryBeth Murz, Purchasing Manager  
 Kurt Bovensiep, Superintendent Parks, Streets and Drains

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Tree Planting

**History**

The Parks Division is responsible for the maintenance of the City’s urban forest. This responsibility includes making additions to the urban forest through a tree planting program. Developers of new homes are assessed a fee for the city to provide the new home with tree(s). The number of trees provided is dictated by the total frontage of the home. The Parks Division is also responsible for the esthetics of the City’s medians, which include the consideration of landscaping through tree installation.

Additionally; the City of Troy was granted a matching grant up to \$5,000.00 through the Community Forestry Grant Program hosted by the Michigan Department of Natural Resources - Forest Resources Division. These funds combined with the matching City funds will be used to install balled and burlap trees on the new medians along Rochester Road and Wattles Road.

**Purchasing**

On August 8, 2013, a bid opening was conducted as required by City Charter and Code for Tree Planting. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and was sent to the Troy Chamber of Commerce. Two (2) bid responses were received for Proposal B only. Because the City did not receive bids for Proposal A, the City rebid the contract for Proposal A only. On August 22, 2013, a bid opening was then conducted for Tree Planting - Proposal A. This bid was also posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and sent to the Troy Chamber of Commerce. One (1) bid response was received for Proposal A. Below is a detailed summary of potential vendors for both bid opportunities:

	13-23	13-30
<b>Companies notified via MITN</b>	154	74
Troy Companies notified via MITN	8	2
Troy Companies notified Active email Notification	8	2
Troy Companies notified Active Free	0	0
<b>Companies that viewed the bid</b>	11	13
Troy Companies that viewed the bid	0	0

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.*

**Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

**Active MITN non-paying members** are responsible to monitor and check the MITN website for opportunities to do business with the City.

**Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.



## CITY COUNCIL AGENDA ITEM

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Upon the review of both bid proposals; Marine City Nursery of Marine City, Michigan was the sole bidder meeting specifications for Proposal A -the purchase and installation of bare root trees; and is being recommended for the purchase and installation of the bare root trees and The Davey Tree Expert Company of Kent, Ohio was the low bidder meeting specifications for Proposal B - the purchase of balled and burlap trees and is being recommended for the purchase of the balled and burlap trees.

### **Financial**

Funds for both proposals are available in the Parks Division Operating Budget.

### **Recommendation**

City management recommends awarding a contract to purchase and have installed bare rooted trees (Proposal A) to the sole bidder meeting specifications; Marine City Nursery of Marine City, Michigan, and the purchase of balled and burlap trees (Proposal B) to the low bidder meeting specifications; The Davey Tree Expert Company of Kent, Ohio as per unit bid pricing; not to exceed budgetary limitations at prices contained in the bid tabulation opened August 8, 2013 for Proposal B and August 22, 2013 for Proposal A. The awards are contingent upon the contractors' submission of properly executed bid documents including insurance certificates, and all other specified requirements.

Opening Date -- 8/8/2013  
 Date Reviewed -- 8/8/2013

CITY OF TROY  
 BID TABULATION  
 STREET TREES - FALL 2013

VENDOR NAME:	<b>The Davey Tree</b>	Schichtel's	
	<b>Expert Company</b>	Nursery, Inc.	
CHECK #:	<b>Kent, OH</b>	Springville, NY	
	#25688975	#335547	
	\$1,000.00	\$1,000.00	

**PROPOSAL: To Provide and Install for the City of Troy Bare Root Street Trees in the Fall 2013, and provide ball and burlap trees without installation in accordance with the bid specifications.**

<b>PROPOSAL A:</b>			
Cost for 75 trees and installation		No Bid	No Bid
Price Per Tree Installation		No Bid	No Bid
<b>Proposal A Estimated Total Cost:</b>		No Bid	No Bid
<b>PROPOSAL B:</b>			
Cost for the purchase and delivery of 60 ball and burlap trees		\$ 127.40	\$ 150.00
Price Per Tree Installation			
<b>Proposal B Estimated Total Cost:</b>		\$ 7,644.00	\$ 9,000.00
<b>FALL 2013</b>			
LIST OF NINE TREE TYPES	Y or N	Yes	Yes
	How many listed:	9	9
CONTACT INFORMATION	Hrs of Operation	7:00-4:30 pm	M-F 7-5:30pm
	24 HR Phone Number	(330) 465-5113	(716) 592-9383
STATEMENT OF GUARANTEE		Yes	Yes
PROGRESS PAYMENTS:		None	None
INSURANCE	Can meet	X	X
	Cannot meet		
PAYMENT TERMS		Net 30 Days	Net 30 Days
DELIVERY		As Specified	As specified
EXCEPTIONS		None	None
ACKNOWLEDGEMENT: Signed	Y or N	Yes	Yes
Forms (5)	Y or N	Yes	Yes

**ATTEST:**  
 Susan Riesterer  
 Kurt Bovensiep

**Bold Type Indicates Low Bidder meeting Specifications.**

MaryBeth Murz, Purchasing Manager

Opening Date -- 8/22/2013  
 Date Reviewed -- 8/22/2013

mb

CITY OF TROY  
 BID TABULATION  
 STREET TREES - FALL 2013

VENDOR NAME:	<b>Marine City Nursery</b>		
	<b>Marine City, MI</b>		
CHECK #:	#22023419		
AMOUNT:	\$1,000.00		

**PROPOSAL: To Provide and Install for the City of Troy Bare Root Street Trees in the Fall 2013, in accordance with the bid specifications.**

<b>PROPOSAL A:</b>			
Price per tree installation:		\$ 128.00	
<b>PROPOSAL A: Total Estimated cost:</b>		<b>\$ 9,600.00</b>	
<b>FALL 2013</b>			
LIST OF NINE TREE TYPES	Yes or No	Yes	
	How many listed:	9	
CONTACT INFORMATION	Hrs of Operation:	M-F 8:00am - 5:00pm	
	24 HR Phone #:	(810) 765-5533	
STATEMENT OF GUARANTEE		As specified	
INSURANCE	Can meet:	X	
	Cannot meet:		
PAYMENT TERMS		NET 30	
DELIVERY		As Specified; Fall 2013	
EXCEPTIONS		None	
ACKNOWLEDGEMENT: Signed	Yes or No	Yes	
Forms (5)	Yes or No	Yes	

**Bold Type Indicates Sole Bidder meeting Specifications.**

ATTEST:

Susan Riesterer  
Kurt Bovensiep  
Enna Bachelor

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager



## CITY COUNCIL ACTION REPORT

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Date: August 21, 2013

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager  
Gert Paraskevin, Director of Information Technology  
Gary G. Mayer, Chief of Police  
William S. Nelson, Chief of Fire

Subject: Standard Purchasing Resolution 4 – Cooperative Contracts  
REMC Purchasing Contract - Mobile Data Computers (MDC's)  
GSA Purchasing Contract - Modems and Wireless Data Service

### History

#### **1. Mobile Data Computers (Police Department)**

- On January 28, 2008 Troy City Council approved Resolution #2008-01-023-F-4a for the City of Troy Police Department to expend funds to purchase current Mobile Data Computers (MDC's).
- The City's MDC's use Oakland County - CLEMIS (Courts and Law Enforcement Management Information System); to access Computer Aided Dispatch (CAD), Records Management System (RMS), the Law Enforcement Information Network (LEIN), Michigan Secretary of State (SOS), and the National Crime Information Network (NCIC).
- Since 1997, officers have been doing more work in their vehicles such as writing computer-generated reports, receiving dispatched call for service through CAD, and accessing information such as drivers' license photos and arrest photos through CLEMIS. These enhancements have provided officers with more time in the field and required less time at the station.
- The current MDC's are outdated and are no longer supported through a Motorola warranty.
- CLEMIS conducted an evaluation of mobile workstations and has mandated that any new purchases of MDC's shall be Dell ATG laptops.

#### **2. Mobile Data Computer Modems & Wireless Data Service**

- CLEMIS has provided wireless data service for MDC's through AT & T for approximately the last 10 years.
- Troy Police officers have experienced sporadic, recurring connectivity issues with MDC's depending on their locations within the city.
- CLEMIS personnel have worked extensively with AT & T engineers in an attempt to resolve the connectivity issues - to no avail. Attempts to resolve issues have included engineering studies, software compatibility studies, and modem replacements.
- Troy Police officers participated in an extensive test of Verizon Wireless modems and wireless data service. The Verizon wireless modems and data service performed superbly when tested.



## **CITY COUNCIL ACTION REPORT**

- AT & T service was provided through CLEMIS participation fees at the cost of approximately \$37.00 per unit / per month. Through a data sharing plan, Verizon Wireless service will cost the City of Troy approximately \$27.00 per unit / per month; saving the City \$10.00 per month. CLEMIS has agreed to subtract the difference in costs from the City's quarterly CLEMIS participation fees.
- CLEMIS is supportive and has offered to assist the City in the migration from AT & T to Verizon Wireless.

### **3. Mobile Data Computers (Fire Department)**

- The Troy Fire Department has had MDC's in 13 vehicles for the past 12 years in a standalone mode with no network connectivity when units are out of the fire stations.
- Verizon 4G connectivity through wireless modems is needed in six (6) of the fire engines, one assigned to each station, which will permit Fire Department laptop computers to access Fire Department and City databases while out of the fire stations.
- Wireless modems for the Fire Department will be equipped with an 802.11 interface allowing one Sierra modem to provide network connectivity for multiple computers at the same incident.

### **Purchasing**

Pricing for this project was based on the following cooperative contracts:

- City staff is authorized to purchase goods and services through the Regional Education Media Center Association of Michigan (REMC) program when appropriate (Resolution #2002-10-548-E12). MDC's are eligible for purchase through the program, which are provided by Dell.
- On March 3, 2008 Troy City Council authorized the use of NIPA contracts (Resolution #2008-03-086-F-4c). Havis mounts are eligible for purchase through this program, which will be provided by CDW-G.
- In addition, on January 9, 2012 Troy City Council authorized the use of the GSA contract #GS-35F-0119p (Resolution #2012-01-003) when appropriate. Wireless service plans are eligible for purchase through the program, which is provided by Verizon.
- In July of 2012 a GSA contract was competitively bid by the US General Services Administration and awarded to DH Wireless, which included modems, routers, antennas and IT accessories. The modems, antennas and accessories are eligible for purchase through this contract provided by DH Wireless.
- The standard purchasing three quote process for items under \$10,000 will be used for miscellaneous accessories required for the install of the MDC's.

### **Financial Considerations**

- Funds for purchasing forty (40) Mobile Data Computers (MDC's), mounting hardware, modems, accessories, and installation charges, to replace current Police Department MDC's are budgeted in the current FY 2013-2014 and are available in the Police Department Capital budget.
- Funds for Verizon Wireless service to support the MDC modems are available in the Police Department Operating budget.



## **CITY COUNCIL ACTION REPORT**

- 
- Funds for purchasing 6 modems and wireless service for the Fire Department vehicles are available in the Fire Department Operating budget.

### **Recommendation**

- City management and the Troy Police Department recommend the purchase of forty (40) MDC's, including modems, WLAN antennas, mounting hardware, and installation through the REMC cooperative contract with Dell, the NIPA contract with CDW-G and the GSA cooperative contract with DH Wireless for a total estimated cost of \$219,828.44.
- City management and the Troy Fire Department recommend the purchase of six (6) modems, antennas, mounting hardware and installation through the GSA cooperative contract with DH Wireless for an estimated cost of \$5,123.46.
- Costs for this project utilized the approved purchasing process and are outlined in Attachment A.



# CITY COUNCIL ACTION REPORT

## ATTACHMENT A

### Detailed Costs

#### **Police Department:**

Vendor	Contract	Item	QTY	Unit Price	#/Cars	Car Price	Total
DH Wireless Solutions	GSA	GX440 Modem	40	\$ 668.18	1	\$ 668.18	\$ 26,727.20
DH Wireless Solutions	GSA	Tri-Mode Antenna	80	\$ 93.85	2	\$ 187.70	\$ 7,508.00
DH Wireless Solutions		Modem Provisioning	35	\$ 28.00	1	\$ 28.00	\$ 980.00
DH Wireless Solutions		AirLink Devices Managed	40	\$ 12.00	1	\$ 12.00	\$ 480.00
DH Wireless Solutions		Modem Power Adapters	40	\$ 8.50	1	\$ 8.50	\$ 340.00
Dell	REMC	Dell E6430ATG	40	\$ 2,693.45	1	\$ 2,693.45	\$ 107,738.00
CDW-G	NIPA	Havis Mounts	40	\$ 969.00	1	\$ 969.00	\$ 38,760.00
TBD		Bluetooth Adapters	40	\$ 100.00	1	\$ 100.00	\$ 4,000.00
Motor Pool		Motor Pool Install MDCs	40	\$ 800.00	1	\$ 800.00	\$ 32,000.00
Tessco		Laird Tech. - 3/4" Hole Saw	2	\$ 73.33		\$ 3.67	\$ 146.66
Tessco		Replacement blades for above	2	\$ 94.29		\$ 4.71	\$ 188.58
Advanced Wireless		GPS Antenna Adapters AWT	40	\$ 24.00	1	\$ 24.00	\$ 960.00
		<b>TOTAL</b>				<b>\$5,499.21</b>	<b>\$ 219,828.44</b>

#### **Fire Department:**

Vendor	Contract	Item	Description	Quantity	Unit Price	Total Price
DH Wireless	GSA	Modem, Airlink	GX440 WiFi LTE/EVDO	6	\$751.81	\$4,510.86
		Antenna	SW Dipole (LTE) - SMA	12	\$22.50	\$270.00
		Antenna	SW WiFi 2.4GHz Dipole (RP) - SMA	6	\$17.10	\$102.60
		Modem Provisioning	Activation and Pre-Deployment Bench Testing Services	6	\$28.00	\$168.00
		AVMS	Airlink devices Managed 12 months	6	\$12.00	\$72.00
						<b>\$5,123.46</b>



## CITY COUNCIL AGENDA ITEM

---

Date: August 7, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Traffic Signal Maintenance Agreement  
I-75 at Crooks

### **History**

The traffic signal at I-75 and Crooks Road will be replaced by the Michigan Department of Transportation (MDOT). Signal modernization includes new controllers, other equipment and American's with Disabilities Act (ADA) compliance items for the intersection.

The traffic signal modernization is scheduled to commence after the Tri-Party concrete slab replacement work has been finished to avoid having multiple contractors working in the area.

Maintenance on the signal will be performed by the Road Commission for Oakland County (RCOC) on behalf of MDOT. The City, RCOC and MDOT all have a share of the maintenance costs based on the number of signalized directions at the intersection.

The format and content of the agreements is consistent with traffic signal agreements approved by City Council for other traffic signals in the city.

### **Financial**

The estimated annual maintenance cost for this signal is \$2,160, with Troy's estimated annual cost being \$540 or 25% of the total. Funds for traffic signal maintenance are included in the 2013/14 budget.

### **Recommendation**

It is recommended that City Council approve the agreement and that the Mayor and City Clerk be authorized to execute the agreement.



**MICHIGAN DEPARTMENT OF TRANSPORTATION  
COST AGREEMENT FOR TRAFFIC SIGNAL  
CONTROL**

Lansing  Region  
 District  TSC  
 County

This Agreement Cancels and Supercedes All Previous Cost Agreements AND is terminable on thirty days notice by any party.

Typed Date 07/24/2013

**LOCATION** Modernization Traffic Signal

Work Auth No. 16466

I75 NB & SB RAMPS @ CROOKS BLVD

MDOT Plan No. 63174-01-002

TROY

Oakland County

Installation Date

\* Under authority of state law and by virtue of resolutions formally adopted by their respective governing bodies (and herein submitted), the undersigned hereby agree to participate in the cost of installation, maintenance and operation of the above traffic signal control on the basis of the division of costs as determined by the provision of applicable statutes. Details of installation are as shown on attached Michigan Department of Transportation plan dated 07/19/2013 . Y  
 Title to equipment shall remain with the purchasing agency, and the proper credit of salvaged value shall be issued to all parties upon removal of the equipment, in proportion to their share of original cost.

Indicates Non-Participation by FHWA in Overhead Costs

**PARTICIPATION**

AGENCY	(BY CONTRACT)	INSTALLATION		MAINTENANCE	
		Per Cent	Estimated Cost	Per Cent	Estimated Annual Cost
Dept of Transportation 63174		0 %		25 %	\$540
TROY	City	0 %		25 %	\$540
ROAD COMMISSION FOR OAKLAND CO		0 %		50 %	\$1,080
<b>Total</b>		0 %		100 %	\$2,160

It is further agreed that the agency responsible for handling bills and/or leased line interconnection billings shall be MDOT

It is further agreed that the agency responsible for performing signal maintenance type D shall be ROAD COMMISSION FOR OAKLAND CO

For Michigan Department of Transportation use ONLY.		
<b>APPROVED:</b> City of TROY Date _____ _____ (Title of Authorized Official)	<b>APPROVED:</b> ROAD COMMISSION FOR OAKLAND CO Date _____ By _____ (Title of Authorized Official)	<b>APPROVED:</b> By _____ Engineer of Operations Date _____
<b>APPROVED:</b> Date _____ _____ (Title of Authorized Official)	<b>APPROVED:</b> Date _____ By _____ (Title of Authorized Official)	<b>SIGNED:</b> MICHIGAN DEPARTMENT OF TRANSPORTATION By _____ Deputy Director, Field Services Date _____

\* Two copies of resolution must be submitted with this form.

(See Reverse Side for an Outline of Policy)

**OUTLINE OF POLICY RELATING TO DIVISION OF MAINTENANCE COSTS  
FOR TRAFFIC SIGNALS**

The "Maintenance Cost Agreement for Traffic Signal Controls" between the Michigan Department of Transportation and the county, township, city or village is based on the following policy:

1. The percentage of expense shall be divided on the basis of number of signalized directions. For instance, in the case of a four-legged intersection of which two state trunk line legs are both signalized and only one of the two county legs is signalized, 66-2/3% shall apply to the state trunk line and 33-1/3% to the county road.
2. A divided highway shall be considered the same as a two-way undivided highway.
3. The signalized direction for pedestrians shall be treated in the same manner as signalized vehicular direction.
4. In case of a contract municipality, the municipal share of expense shall include percentages for signalized directions on municipal streets, plus the municipal maintenance contract percentage of the share allocated to the signalized directions on state trunk lines.
5. In case of a signal being located at the intersection of two or more state trunk line maintenance sections, the "Trunk Line Share" shall be allocated to that maintenance section which extends in the north direction. If none extends in the north direction, then to the first leg encountered starting from the north and progressing in a clockwise direction.

**OUTLINE OF POLICY RELATING TO DIVISION OF MAINTENANCE COSTS  
FOR ELECTRICAL SCHOOL SIGNS**

The "Maintenance Cost Agreement for Traffic Signal Controls" between the Michigan Department of Transportation and the county, township, city or village is based on the following policy:

1. The Michigan Department of Transportation shall pay the entire cost of mechanical and routine maintenance, and the cost of energy billings.

EXPLANATION OF CODE FOR "TYPE OF INSTALLATION"

<u>SAMPLE</u>	<u>1</u>	-	<u>4W</u>	-	<u>3C</u>	-	<u>S</u>	-	<u>A</u>
	1		2		3		4		5

Explanation

1. The number of heads of each particular type of unit.
2. The number of signalized ways in the unit - (4 ways).
3. The number of colors facing in each direction - (3 colors).
4. How signal is supported: S-Span Suspension, M-Mast Arm, B-Bracket, P-Post or pedestal.
5. Solid or adjustable heads: S-Solid, A-Adjustable.

A pedestrian signal on a pedestal is designated by: 1-1W-2C-P-A.

A pedestrian signal on a pole is designated by: 1-1W-2C-B-A.

EXPLANATION OF MDOT PLAN NUMBER

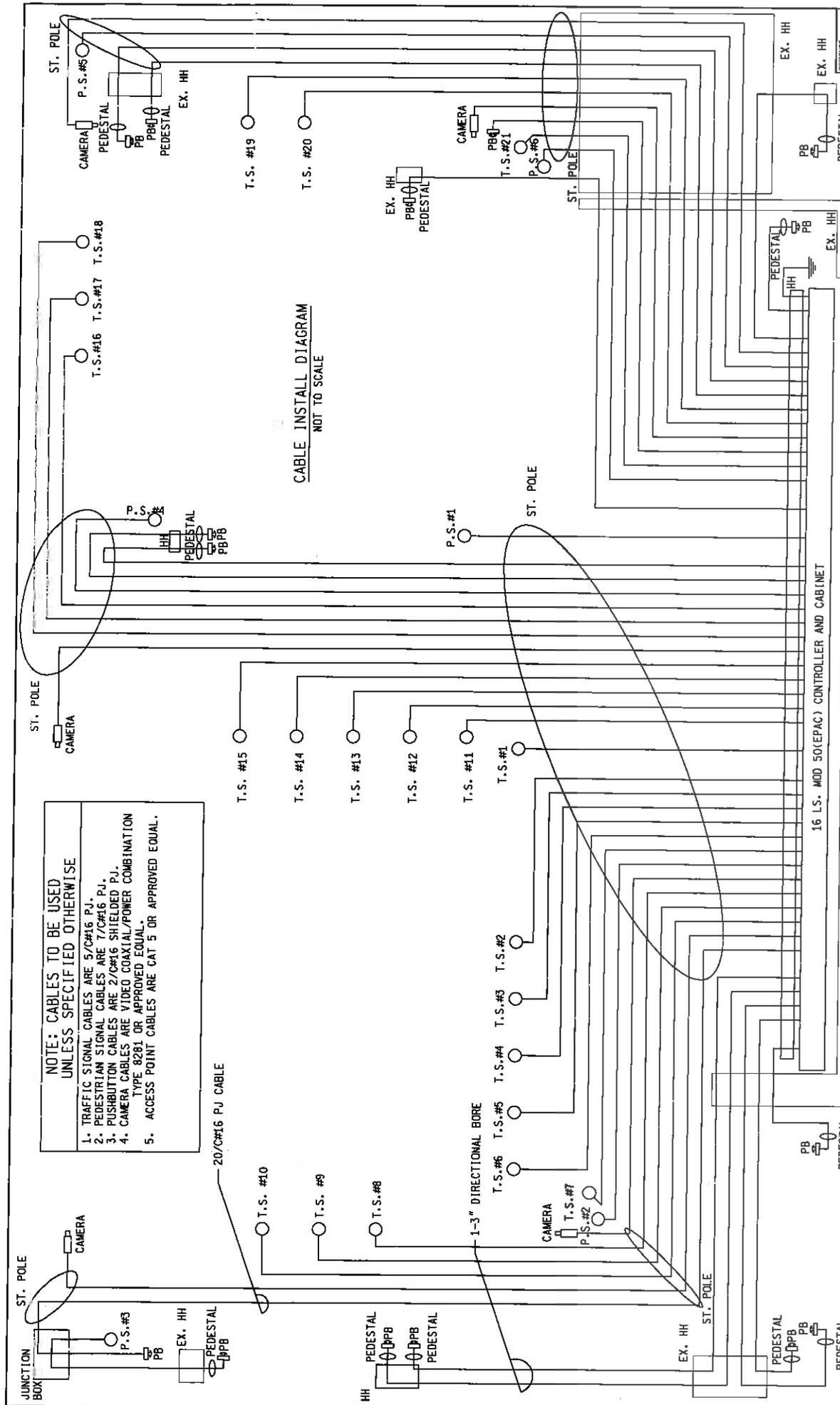
<u>SAMPLE</u>	<u>65032</u>	-	<u>01</u>	-	<u>001</u>
	1		2		3

Explanation

1. Control section number.
2. Type of operation. (01-Stop and Go; 02-Flasher; 03-Keep Right Sign; 04-School Speed Limit; 05-School Flasher ; 06-Street Lighting; 07-Illuminated Sign; 08-Emergency Traffic Signal; 09-Misc.).
3. Assigned number within a control section.







**NOTE: CABLES TO BE USED UNLESS SPECIFIED OTHERWISE**

1. TRAFFIC SIGNAL CABLES ARE 5/C#16 P.J.
2. PEDESTRIAN SIGNAL CABLES ARE 7/C#16 P.J.
3. PUSHBUTTON CABLES ARE 2/C#16 SHIELDED P.J.
4. CAMERA CABLES ARE VIDEO COAXIAL/POWER COMBINATION TYPE 8281 OR APPROVED EQUAL.
5. ACCESS POINT CABLES ARE CAT 5 OR APPROVED EQUAL.

**CABLE INSTALL DIAGRAM NOT TO SCALE**

NO.	DATE	AUTH	DESCRIPTION	NO.	DATE	AUTH	DESCRIPTION

APPROVED POWER & CONTROLS INC. 10000 W. 11TH AVE., SUITE 100 TROY, MI 48068-1100	MDOT Michigan Department of Transportation	DATE: 7-18-18 DESIGN UNIT: T-VP&E SB/MSL FILE: 68746102_29988111.dwg	CS: 63174 JN: 113811	OPENINGS CYCLIC STEADY
--	---	--	-------------------------	------------------------------

TRAFFIC SIGNAL INSTALL SHEET	DATE: 7-18-18	DESIGN UNIT: T-VP&E SB/MSL	FILE: 68746102_29988111.dwg
PROJECT: I-75 RAMPS AT CROOKS RD	PROJECT NO: 113811	DESIGNER: JN	DATE: 7-18-18
TROY, OKLAHOMA COUNTY			



## CITY COUNCIL AGENDA ITEM

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Date: August 8, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director  
Paul Evans, Zoning & Compliance Specialist

Subject: Approval of Subdivision Entrance Sign/Agreement, Hickory Heights North Subdivision, west side of Beach Road, between Long Lake Road and Square Lake Road

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### Background

Provisions of the Troy Sign Ordinance allow for the placement of residential development identification signs within the medians of public roads. The homeowners association of Hickory Heights North Subdivision proposes to place a sign within the median of Fox Chase at the intersection of Beach Road. The attached proposal includes a Subdivision Association Board resolution, an agreement between the Association and the City regarding the maintenance of the sign, the sign permit application, a sign plan, a site plan, and an insurance certificate. These documents have been reviewed by staff and have been found to be in compliance with the Ordinance requirements.

### Recommendation

We recommend City Council approve the agreement.

City Attorney's Review as to Form and Legality: \_\_\_\_\_

### Attachments:

1. Map
2. Chapter 85 (excerpt)
3. Hickory Heights Park Association Board Resolution
4. Maintenance Agreement
5. Sign Permit Application
6. Site Plans
7. Sign Plans
8. Insurance Certificate



Legend  
Parcels



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

Hickory Heights North Entrance Sign

(Rev. 06-07-2010)

- b. Lapsing of Insurance: Sign Erectors shall maintain the above referenced insurance coverage at all times in order to be eligible to obtain sign permits. If the insurance coverage lapses at any time, the City can automatically revoke the right of a Sign Erector to obtain sign permits.
- c. Notification of Change: A Sign Erector shall notify the Planning Department of any change in address, or any change in ownership or management that differs from what is indicated on the Insurance Certificates.

(Rev. 06-07-2010)

D. Permit Fees: Permit fees are as set forth in Chapter 60 of the City Code.

85.01.05 Prohibited Signs

- A. Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided below:
  - 1. Signs established and maintained by the City, County, State, or Federal Governments may be located in the right of way.
  - 2. Banners advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.
  - 3. In its discretion, City Council may approve an agreement to allow residential development identification signs in the medians of boulevard entrance streets. Any such agreement shall require continuing liability insurance and also provide satisfactory maintenance of the sign, as well as any other condition that is deemed necessary by the Troy City Council to protect the right of way. The agreement must also indicate the City Council's approval of the proposed design and materials for the sign. The residential development identification sign shall not exceed five feet in height, and shall not be more than 50 square feet in area. The height of such signs shall not exceed 30" when located in the corner clearance area depicted in Figure 85.01.05 A.

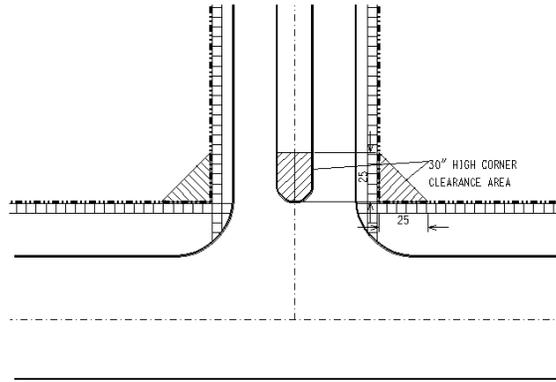


Figure 85.01.05 A

- B. Corner Clearance: Signs higher than 30 inches shall be prohibited in the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. No sign shall be located in that area, or project into, or overhang into the area.
- C. Roof Projecting Signs: Roof signs and projecting signs are prohibited.
- D. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- E. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.
- F. Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- G. Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.
- H. Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

### 85.01.06 Inspections

- A. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Zoning Administrator so that the inspection may be made before concealment.

(Rev. 06-07-2010)

RECEIVED

AUG -1 2013

PLANNING

**HICKORY HEIGHTS PARK ASSOCIATION  
ROW AGREEMENT BOARD RESOLUTION**

July 22, 2013

To the City of Troy:

This is to certify that on Monday, July 8, 2013, at a regular scheduled board meeting of the Hickory Heights Park Association, the Board of Directors authorized Carl Jaworski, a director and treasurer of the Hickory Heights Park Association, on behalf of the Hickory Heights Park Association, to enter into the ROW Agreement with the City of Troy for signage at Fox Chase and Beach Road.



Jim Adams, President

Hickory Heights Park Association

## RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY SIGN AGREEMENT

This Agreement is entered into on \_\_\_\_\_, between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “City”) and Hickory Heights Park Association, a non-profit Michigan Corporation, whose address is P.O. Box 242, Troy, Michigan 48099, (hereinafter referred to as the “Residential Development”).

### Recitals

A. The Residential Development desires to erect a new or modify a previously approved identification sign for the residential development pursuant to and in compliance with the City of Troy Code of Ordinances, specifically Chapter 85, Section 85.01.05. A. 3. (Signs in Right-of-Way). A Sign Permit Application has been submitted to the Planning Department and a copy is attached to this Agreement as Exhibit A. The Residential Development is located in the City of Troy, Oakland County, Michigan.

B. The Residential Development is north of Long Lake Road and west of Beach Road. The site for the erection of the sign is the median at the entrance of Fox Chase at Beach Road which is more particularly described on the attached Exhibits B & C. A description of the proposed sign is attached to this Agreement as Exhibits D and E

C. Chapter 85, Section 85.01.05. A. 3. provides that Troy City Council shall approve the design and materials of all residential development identification signs. Further, the Ordinance provision requires that an Agreement

be executed between the City and Residential Development specifying that the Residential Development shall assume liability for the sign and be responsible for its maintenance.

IN CONSIDERATION of the foregoing recitals and the mutual covenants contained in this Agreement, IT IS AGREED:

1. The Residential Development shall be permitted to erect a new identification sign or modify an existing identification sign which has already been approved by the City of Troy in the median at the entrance boulevard of Fox Chase at Beach Road as designated on Exhibits B and C. The sign shall not be more than five (5) feet in height and not more than fifty (50) feet in area as set out in Section 85.01.05 A. 3. of the City of Troy Code of Ordinances. If applicable, the height of each sign shall be subject to the corner clearance requirement of Figure 85.01.05 A as set out in the Troy Code of Ordinances as part of Section 85.01.05 A. 3.

2. The identification sign shall comply with the plans and specifications attached hereto as Exhibits D and E and incorporated into this Agreement and any terms and conditions for design and materials established by City Council by Resolution. Any plans and specifications must designate on their face that they have been approved by the Zoning and Compliance Specialist.

3. The Residential Development shall maintain the identification sign in good and safe condition at all times and shall make such repairs as the City may deem reasonably necessary from time to time to keep the sign in good and safe

condition. Failure to keep the sign in good and safe condition shall be considered a breach of this Agreement under Paragraph 8.

4. Any applications by the Residential Development to replace or change an identification sign erected under this Agreement and the City of Troy Code of Ordinances within a ten (10) year period after execution of this Agreement, may be approved administratively by the city of Troy, if the replacement sign or the changes to the existing sign comply with the dimensional requirements of the Code of Ordinances and the design and materials are substantially similar in nature as those approved under this Agreement and the placement of the identification sign is identical to the location approved under this Agreement.

5. The Residential Development has provided a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for claims for personal injury or property damage caused by the sign or attributed to the placement of the identification sign in the right-of-way. Such insurance shall be in the amount of \$500,000.00 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary with 30 days notice to the Residential Development. The Residential Development agrees to keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of this Agreement. The Residential Development shall submit to the City of Troy Purchasing Department on the anniversary date of this Agreement a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the

City may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within fifteen (15) days of a request by the City, or a determination by the City that there is a lapse in coverage, shall be considered a breach of this Agreement under Paragraph 8.

6. The individual executing this Agreement on behalf of the Residential Development represents that he or she has the authority to bind the Residential Development and the individual property owners within the Residential Development to this Agreement and has provided documentation to support his or her representation. If it is determined by the City at any time hereafter that no such authority exists, this Agreement shall be null and void, and the identification sign shall be immediately removed in accordance with Paragraph 8.

7. If it becomes necessary for the City to remove the sign for an emergency purpose or to service a utility, such as but not limited to: repair of water main breaks or sewer line or electric line repair, the Residential Development shall be one hundred (100 %) responsible for the replacement of the sign. Further, the City shall not be responsible for any damage to the sign as a result of the removal. If the Residential Development fails to reinstall the sign in an identical manner, as set out in this Agreement, or fails to remove the sign from the site within thirty (30) days after the City's removal, the City may take action to remove the sign in accordance with Paragraph 8.

8. If there is a breach of this Agreement or if the Agreement becomes null and void, the City shall notify the Residential Development that it has thirty (30) days to remove the identification sign. If the Residential Development fails to

comply, the City may remove the sign and assess any costs it incurs to the Residential Development. If the Residential Development fails to pay the City's costs for removal within fifteen (15) days from the notification of the costs, the City may exercise any legal remedy to which it is entitled against the Residential Development and/or the individual property owners within the Residential Development including the pro-rata assessment of costs on each individual property owner's tax bill.

9. To the fullest extent permitted by law, the Residential Development agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage, relating to the erection, maintenance, location and any other aspects of the identification sign.

10. The Residential Development shall submit a written notice of any new addresses to: Purchasing Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084. Such notice of change of address shall be sent to the City of Troy within 60 days after the effective date of the change.

11. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into as of the above date.

WITNESSES:

CITY OF TROY,

\_\_\_\_\_

\_\_\_\_\_  
Dane Slater, Mayor

\_\_\_\_\_

\_\_\_\_\_  
Aileen Bittner, Clerk

RESIDENTIAL DEVELOPMENT

Hickory Heights Park Association

\_\_\_\_\_

\_\_\_\_\_  
By: Carl Jaworski  
Its: Treasurer of the Board of Directors

\_\_\_\_\_

# EXHIBIT A

## SIGN PERMIT APPLICATION

PLANNING DEPARTMENT  
500 W BIG BEAVER  
TROY MI 48084  
248 524 3359  
[evanspm@troymi.gov](mailto:evanspm@troymi.gov)  
SIGN ORDINANCE ONLINE [Ctrl+click here](#)



### APPLY VIA E-MAIL - INSTRUCTIONS

1. COMBINE OR SCAN APPLICATION AND SUPPORTING DOCUMENTS INTO ONE FILE
2. E-MAIL THE FILE TO [evanspm@troymi.gov](mailto:evanspm@troymi.gov)
3. SIGN PERMIT WILL BE E-MAILED TO YOU

### SIGN PERMIT FEE SCHEDULE

SIZE	WALL SIGN PAINTED ON WALL	WALL SIGN STRUCTURALLY ATTACHED	GROUND SIGN
UNDER 100 SQ. FT.	\$ 75.00	\$ 100.00	\$ 125.00
100 TO 199 SQ. FT.	\$ 100.00	\$ 125.00	\$ 150.00
200 TO 300 SQ. FT.	\$ 100.00	\$ 150.00	\$ 175.00
SPECIAL EVENT		\$30.00	

PROPERTY ADDRESS: BEACH RD & FOX CHASE

### APPLICANT INFORMATION:

NAME ALBERT F. LALONDE  
COMPANY CREATIVE DESIGNS & SIGNS  
ADDRESS 146 CESAR E. CHAVEZ  
CITY PONTIAC STATE MI ZIP 48342  
TELEPHONE 248-334-5580  
E-MAIL ALBERTERAK@COMCAST.NET

TYPE OF SIGN:  GROUND  WALL  SPECIAL EVENT

SPECIAL EVENT SIGNS: What 7 day period will signs be up? \_\_\_\_\_

5/2012

## SIGN PERMIT APPLICATION

ILLUMINATED SIGN?:

YES

NO

ELECTRICAL CONNECTIONS BY: \_\_\_\_\_

DOWNLOAD AN ELECTRICAL PERMIT APPLICATION [HERE](#)

ARE OTHER SIGNS ON THE PROPERTY?:

YES

NO

IF YES, DESCRIBE TYPE AND SIZE BELOW:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

SIGNATURE OF APPLICANT

Albert F. Lalonde DATE 6-21-2013

PRINT NAME:

ALBERT F. LALONDE

5/2012

5569

5562

2441

**EXHIBIT B**

2433

5543

5544

FOX CHASE

LEACH

2409

2559

2537

2511

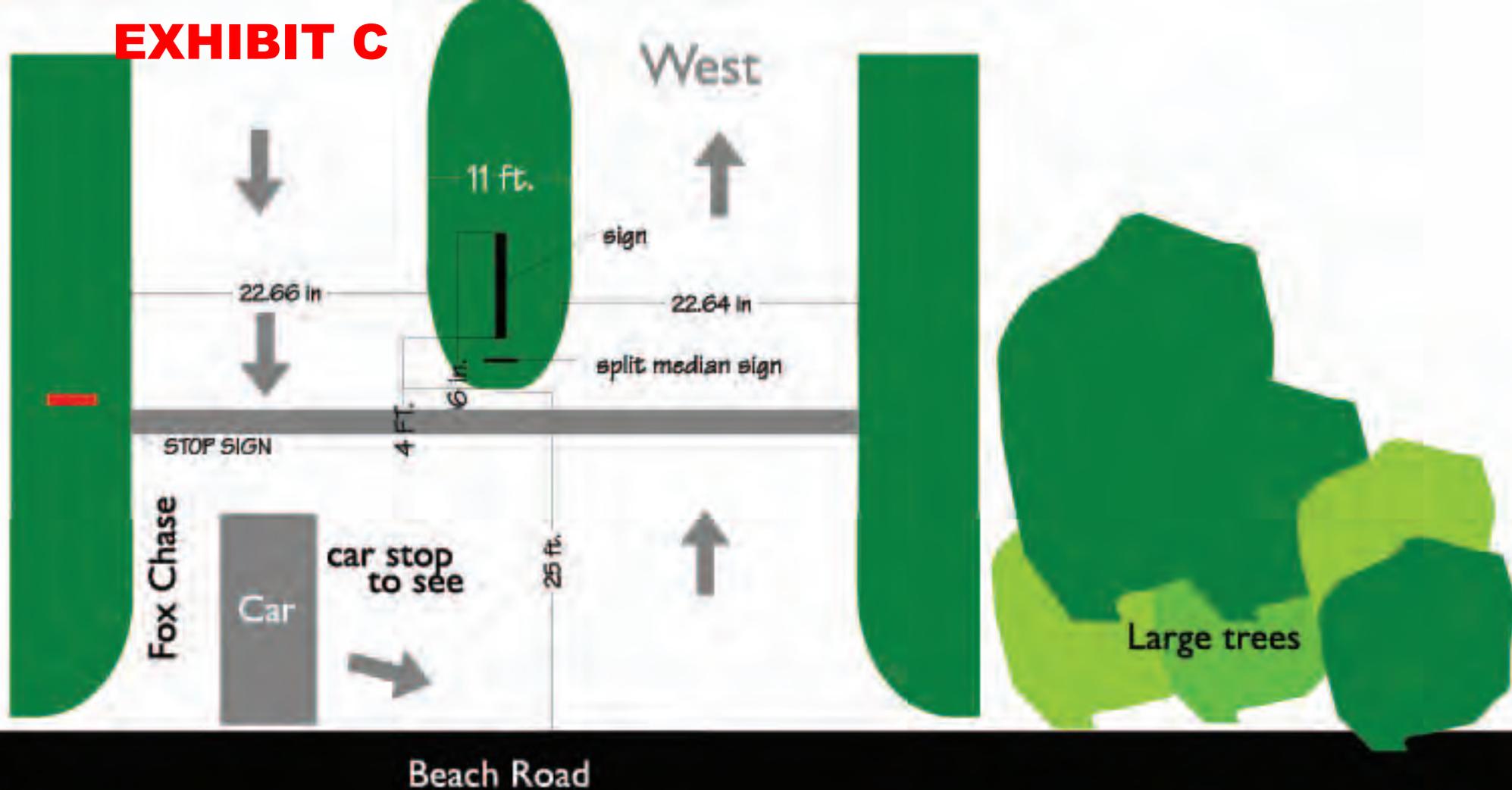
2419

2417

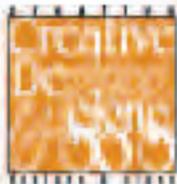
HUNTERS GATE



# EXHIBIT C



## Site plan for Hickory Heights entry sign



tel 248.334.5580 • fax 248.334.1109  
 146 Cesar Chavez Avenue  
 Pontiac, Michigan 48342  
 michigan sign company.com  
 © copyright creative designs & signs, inc. 2012

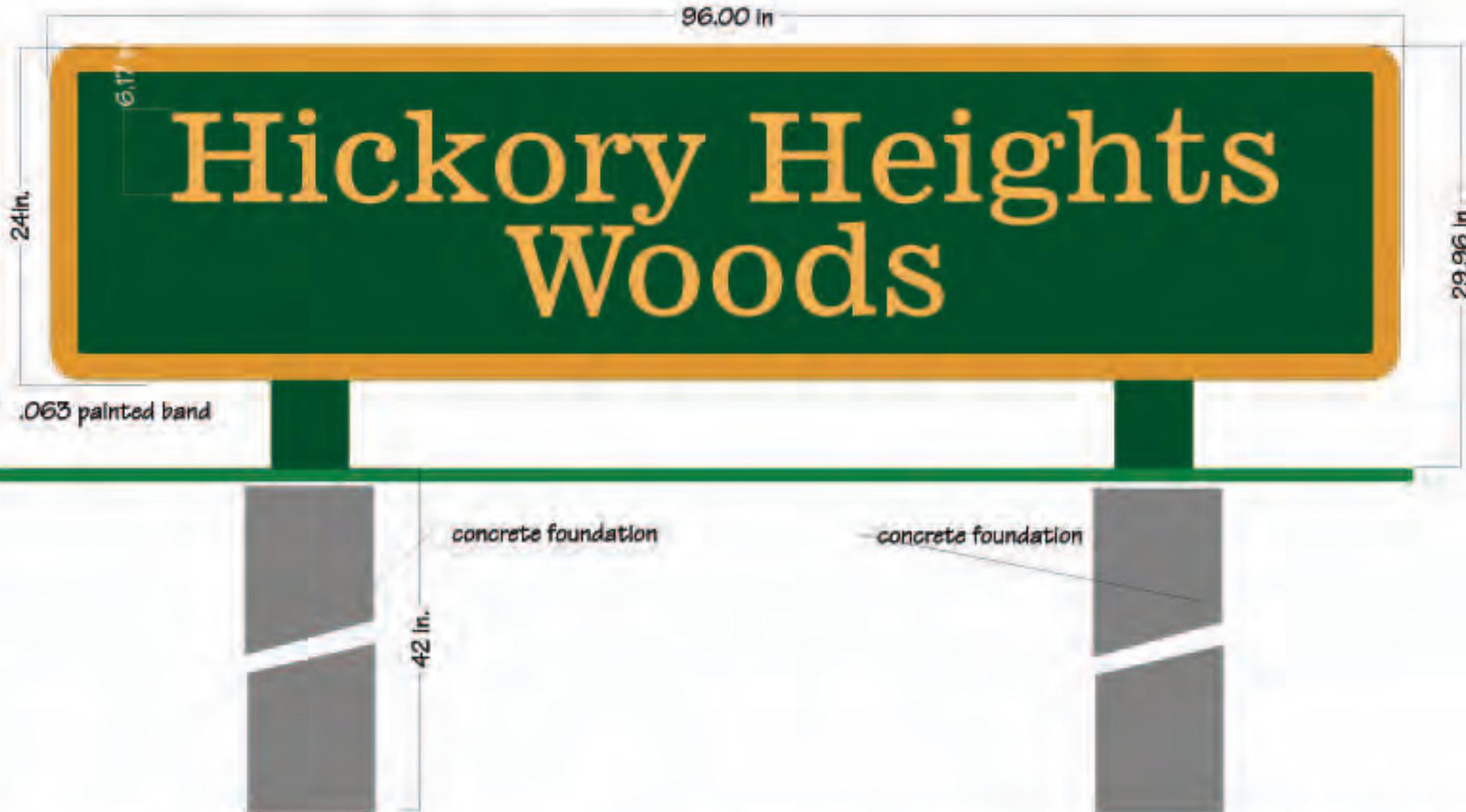
date  
 6.21.2012

client  
 Hickory Heights

X

*This proof is for your approval of spelling + design. Please verify all information, including dimensions and colors. Fabrication will be based on your approval. Changes to any signs after your approval will be at an additional cost.*

Side view



tel 248.334.5580 • fax 248.334.1109  
 146 Cesar Chavez Avenue  
 Pontiac, Michigan 48342  
 michigan sign company.com  
 © copyright CREATIVE DESIGNS + SIGNS, INC. 2011

date

6.20.2013

client

Carl Jarworski

(1) Double sided HDU sign, V carved letters Gold leafed  
 Background painted Green 6468 S W Hunt Green  
 .063 aluminum band top & two sides  
 Painted gold

Side  
view

# EXHIBIT E

96.00 in

24 in.

6.17 in

30.00 in

# Hickory Heights Woods

.063 painted band

Michigan Sign Company, Inc.  
146 Cesar Chavez Avenue  
Pontiac, Michigan 48342  
tel 248.334.5580 • fax 248.334.1109  
michigansigncompany.com

© copyright CREATIVE DESIGNS & SIGNS, INC. 2011

(1) Double sided HDU sign, V carved letters Gold leafed  
Background painted Green 6468 S W Hunt Green  
.063 aluminum band top & two sides  
Painted gold



tel 248.334.5580 • fax 248.334.1109  
146 Cesar Chavez Avenue  
Pontiac, Michigan 48342  
michigansigncompany.com  
© copyright CREATIVE DESIGNS & SIGNS, INC. 2011

date

6.20.2013

client

Carl Jarworski

X

This sign is for your approval of quality & design. Please verify all information including dimensions and colors. Substitution will be based on your approval. Changes to sign after your approval will be an additional cost.

*This sign design is the exclusive property of Creative Designs & Signs, Inc. and cannot be used without written consent. Use of our designs without a written contract is subject to a \$1000 design fee.*



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/9/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. 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).

<b>PRODUCER</b> Mason McBride, Inc 3290 West Big Beaver Road #503 P.O. Box 7028 Troy MI 48007-7028	<b>CONTACT NAME:</b> Veronica Oliver <b>PHONE (A/C, No, Ext):</b> (248) 822-7170 <b>FAX (A/C, No):</b> (248) 822-7150 <b>E-MAIL ADDRESS:</b>														
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Auto Owners Insurance Co</td> <td>18988</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Auto Owners Insurance Co	18988	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
<b>INSURED</b> Hickory Heights Park Association Attn: Treasurer Post Office Box 242 Troy MI 48099															

**COVERAGES** CERTIFICATE NUMBER: CL137900217 REVISION NUMBER:

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X		0415022713	7/1/2013	7/1/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
City of Troy is added as additional insured as respects to General Liability per written contract.

### CERTIFICATE HOLDER

### CANCELLATION

City of Troy Planning Dept. - Paul Evans 500 W. Big Beaver Road Troy, MI 48084	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b>  Scott McBride/VOLIV <i>Scott P. McBride</i>



## CITY COUNCIL ACTION REPORT

DATE: August 20, 2013  
TO: Brian Kischnick, City Manager  
FROM: M. Aileen Bittner, City Clerk  
SUBJECT: Termination of Oakland County Board of Canvassers Interlocal Agreement

### **Background**

On July 23, 2012, City Council authorized a renewal of the 2007 Oakland County Board of Canvassers Interlocal Agreement. With this agreement, the City of Troy requested that the Oakland County Board of Canvassers perform the canvassing function for all Troy elections at a cost of \$25 per precinct. On June 11, 2013, Public Act 51 of 2013 took effect which eliminated all local Boards of Canvassers. The City of Troy already eliminated our Board of Canvassers in 2007, so PA 51 didn't affect us in that respect. PA 51 did, however, make the agreement with Oakland County moot since now the counties are required by law to perform the canvassing function for all local municipalities.

### **Financial Considerations**

Canvassing costs have been revised according to MCL168.24a(5) which essentially states that the total cost of the canvass will be divided among the entities participating in the election. For even-year elections, and Federal or State called special elections, there will be no canvassing costs passed on to the City of Troy. For odd-year elections, and Troy special elections, the costs will vary but will still be approximately \$25 per precinct. Overall, Troy will see a savings in canvassing costs annually since we no longer will be charged for canvassing of Federal and State elections (even if local races appear on those ballots).

Funds for this service are available in the Elections budget.

### **Legal Considerations**

The City of Troy is required by PA 51 of 2013 to have Oakland County Board of Canvassers canvass all elections

### **Options**

City Management requests that the Oakland County Board of Canvassers Interlocal Agreement be terminated.

Resolution #2013-08-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **TERMINATES** the Oakland County Board of Canvassers Interlocal Agreement due to Public Act 51 of 2013.

Yes:  
No:



# OAKLAND COUNTY CLERK/REGISTER OF DEEDS

WWW.OAKGOV.COM/CLERKROD

ELECTIONS DIVISION

LISA BROWN  
COUNTY CLERK/REGISTER OF DEEDS

JOSEPH J. ROZELL, CERA  
DIRECTOR OF ELECTIONS

August 2, 2013

Aileen Bittner, Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084-5285

Dear Clerk Bittner,

On June 11<sup>th</sup>, 2013, Public Act 51 of 2013 took effect and eliminated all local Boards of Canvassers. The Act also repealed the section of law, MCL 168.30a(2) that permitted the contracting of canvassing duties with the county in communities with more than five (5) precincts.

Therefore, in light of the recent changes to state election law, the contract that presently exists between the county and your municipality is terminated effective June 11<sup>th</sup>, 2013 as it is no longer permitted and moot under the law.

Effective with the August 6, 2013 election, canvassing for all elections will be handled by the Board of County Canvassers pursuant to state law. The cost of the county canvass will be billed in accordance with MCL 168.24a(5). I've provided a brief summary below of how this will occur.

### **August Primary/November General (Even Year), Presidential Primary & Special Elections called by Governor/Legislature**

There will be no canvassing costs to municipalities with local candidates or proposals that appear on the ballot for one of the election dates listed above.

### **All other election dates**

The total cost of the canvass will be calculated and divided by the total number of precincts (physical and AV) in that particular election. A per precinct cost will be determined. The per precinct cost will then be billed to each municipality or school district participating based on their number of precincts. In cases of split precincts, the per precinct cost of that precinct will be shared equally by the entities appearing on that precincts' ballot.

**ADMINISTRATIVE OFFICE**  
1200 N. TELEGRAPH RD., DEPT. 415  
PONTIAC, MICHIGAN 48341-0415  
(248) 858-0561  
CLERK@OAKGOV.COM

**ELECTIONS DIVISION**  
1200 N. TELEGRAPH RD., DEPT. 417  
PONTIAC, MICHIGAN 48341-0417  
(248) 858-0564  
ELECTIONS@OAKGOV.COM

**LEGAL & VITAL RECORDS**  
1200 N. TELEGRAPH RD., DEPT. 413  
PONTIAC, MICHIGAN 48341-0413  
(248) 858-0581  
CLERKLEGAL@OAKGOV.COM

**REGISTER OF DEEDS**  
1200 N. TELEGRAPH RD., DEPT. 480  
PONTIAC, MICHIGAN 48341-0480  
(248) 858-0605  
DEEDS@OAKGOV.COM

Clerk Bittner  
August 2, 2013  
Page 2

Although the revised pricing structure under the law deviates from the previous contracted amount of \$25 per precinct, those with candidates or proposals appearing on the even year August or November ballot will immediately notice a savings. I anticipate the charge for those with candidates or proposals appearing on other election dates will ultimately incur a charge slightly above or below the previous \$25 per precinct charged.

Please don't hesitate to contact me should you have any questions.

Sincerely,  
COUNTY OF OAKLAND

A handwritten signature in black ink, appearing to read "Joseph J. Rozell". The signature is fluid and cursive, with the first name "Joseph" and last name "Rozell" clearly legible.

Joseph J. Rozell  
Director of Elections



## CITY COUNCIL AGENDA ITEM

---

Date: August 15, 2013

To: Brian Kischnick, City Manager

From: William Nelson, Chief  
David Roberts, Assistant Chief  
Eric Caloia, Staff Lieutenant  
Charles Roberts, Staff Technician

Subject: Fire Lane Signs for Maple Road Retail Development, 2873-2897 W. Maple Rd.

---

### **History**

The property owner was issued Traffic Control Order #12-02-MR (FIRE LANES) on October 22, 2012, to install fire lane signs at the subject property. The property owner, Mr. Robert Rosett, has been mailed three letters from the Fire Department requiring him to comply with the order and post the signs. A fourth, certified, letter was signed for at Mr. Rosett's residence on August 7, 2013. As of this date, the signs have not been installed and the Fire Department has not been notified of Mr. Rosett's intentions. The certified letter signed for at Mr. Rosett's residence on August 7<sup>th</sup> informed him that this item would be addressed at the August 26, 2013 City Council meeting.

### **Purchasing**

N/A

### **Financial**

Material and labor costs associated with the installation of Fire Lane signs.

### **Recommendation**

The Fire Department recommends that the Troy Department of Public Works Streets Division install the signs per Troy City Code specifications. All materials and labor costs that are incurred by the Streets Division are to be assessed to the Maple Road Retail Development property.

### **City Attorney's Review as to Form and Legality**

---

Lori Grigg Bluhm, City Attorney

---

Date

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:15 p.m. on July 23, 2013 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Edward Kempen  
Tom Krent  
Philip Sanzica  
Robert Schultz  
Thomas Strat  
John J. Tagle

Absent:

Michael W. Hutson  
Gordon Schepke

Also Present:

R. Brent Savidant, Planning Director  
Lori Grigg Bluhm, City Attorney  
Ben Carlisle, Carlisle/Wortman Associates, Inc.  
Frank Boudon, Student Representative  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2013-07-058**

Moved by: Schultz

Seconded by: Krent

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)

Absent: Hutson, Schepke

**MOTION CARRIED**

3. APPROVAL OF MINUTES

Mr. Edmunds asked that the July 9, 2013 Regular meeting minutes reflect the following revision:

Page 4, Agenda item #7, Adria Estates Site Condominium, revise the first sentence to read: "Mr. Edmunds said he lives within close proximity of the proposed development and announced he was recusing himself from discussion and action on the item."

**Resolution # PC-2013-07-059**

Moved by: Edmunds  
 Seconded by: Strat

**RESOLVED**, To approve the minutes of the July 9, 2013 Regular meeting as revised.

Yes: All present (7)  
 Absent: Hutson, Schepke

**MOTION CARRIED**

4. **PUBLIC COMMENTS** – Items not on the Agenda

There was no one present who wished to speak.

5. **ZONING BOARD OF APPEALS (ZBA) REPORT**

Mr. Krent reported on the July 16, 2013 Zoning Board of Appeals (ZBA) meeting.

6. **DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT**

Mr. Savidant reported the July 17, 2013 regularly scheduled Downtown Development Authority (DDA) meeting was postponed to July 24, 2013.

7. **PLANNING AND ZONING REPORT**

Mr. Savidant gave an overview of current development activity.

**SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW**

8. **PUBLIC HEARING – SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 409)** – Proposed Faith Lutheran Church, West side of Dequindre, North of Big Beaver (37635 Dequindre), Section 24, Currently Zoned R-1D (One Family Residential) District

Mr. Carlisle reviewed the application seeking approval to add a youth center building, indoor recreation building and sports fields. He addressed the proposed screening to mitigate the potential impact on adjacent residential. Mr. Carlisle said a late submittal of a tree inventory lists only types of existing trees; not size or quality. He said the history of previous proposals by the church reveals concerns from adjacent neighbors for the loss of wooded areas within and to the periphery of the site. Mr. Carlisle said consideration should be given whether the preservation of the tree “collar” around the perimeter, or the installation of a wall and new trees, would better mitigate potential impact on adjacent neighbors.

Mr. Carlisle asked the applicant to address the issues cited in his report dated July 11, 2013 prior to the Planning Commission granting Preliminary Site Plan and Special Use approval.

Mr. Savidant said the department received four written correspondences in general opposition of the proposed application. He noted also that the petitioner submitted correspondence relating to the species of trees on site.

There was brief discussion on:

- Environmental protection of area.
- Wall and landscape screening as relates to Zoning Ordinance requirements.

The petitioner, Joseph Casiglia, and Nathan Robinson, the project engineer, were present.

Mr. Casiglia said they propose to continue the existing style of boundary for continuity around the entire perimeter of the property. Mr. Casiglia said there are a number of residential fences along the northern border but not one continuous fence. He said the physical wall would provide protection for the users of the sports fields and adjacent residents.

#### PUBLIC HEARING OPENED

Richard Beltz, 2422 Kingsbury, present to represent son David Beltz of 3373 Auburn and Mike Bobay of 3370 Auburn. He expressed concerns with the proposed masonry wall being so close to the side yard configurations of the homes on Auburn. Mr. Beltz circulated photographs and an alternative plan for the placement of the wall and landscaped screening.

Kevin Geyer, 2816 Majestic Court, voiced opposition to the masonry wall; he wants to preserve the existing trees and vegetation.

Carol Kiger, 37761 Dequindre, said the site plan does not show the wall and landscaping extending to her property, and asked if it should be. She addressed concerns with noise.

Charles Snell, 2987 Winter, asked the Board to grant approval of the plan as submitted this evening. Mr. Snell said he wanted trees preserved and a landscape buffer for the subdivision that went in behind his property, but the parcel was clear cut for construction.

Mike Bobay, 3370 Auburn, said the wall would have an adverse impact on his property value and recommended an alternate plan as suggested by Mr. Beltz.

Christina Beltz, 3373 Auburn, said she would like the trees to remain because they help buffer sound from various church activities.

### PUBLIC HEARING CLOSED

Mr. Carlisle confirmed the petitioner is required to provide and the site plan must reflect the extension of the screening treatment to Dequindre. Mr. Carlisle addressed the differences of screening requirements for a site condominium development and a special use request.

Mr. Robinson said the intent is to clear cut the property and place a masonry wall on the church side of the property line. He addressed the existing tree types with respect to screening and stormwater management. He also addressed the church's desire for the wall as relates to safety and liability, particularly after the hours the sports fields would be used. Mr. Robinson said sports equipment would be mobile and stored in the recreation building when not in use. He said there would be no bleachers.

There was discussion on:

- Type of screening treatment; wall, landscape, combination of both.
- Effectiveness of wall, landscaping as sound barrier.
- Location, placement of wall; i.e., offset from property line; color of wall.
- Maintenance of area around wall if offset from property line.
- Protection of existing trees during construction.
- Aesthetics of area.

Chair Tagle advised the petitioner that a minimum of five affirmative votes are required for approval and with the absence of two Board members, a postponement could be requested until a full board is present.

Mr. Casiglia said he would like to proceed.

After a brief discussion, it was the consensus of the Board to postpone the item so the petitioner could come back with a revised site plan to address the items as discussed. They specifically asked the petitioner to provide additional landscaping for screening, provide a sample (cut sheet) of the masonry wall, submit a full tree survey and revise the site plan to show the full length of the masonry wall to the Dequindre.

### **Resolution # PC-2013-07-060**

Moved by: Schultz

Seconded by: Krent

**RESOLVED**, To postpone the item to the September 24, 2013 Special/Study meeting.

Yes: All present (7)  
 Absent: Hutson, Schepke

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENT**

9. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 245)**  
 – Sober Living Facilities

Mr. Savidant gave an account of the proposed Zoning Ordinance Text Amendment. At the recommendation of the City Attorney, Mr. Savidant suggested to replace the word “constitute” with “encompass” in the definition section. Section 2.02 DEFINITIONS to read: This definition does not *encompass* halfway houses for those released from prison or a homeless situation.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

Mr. Schultz stated he cannot support a recommendation to City Council to amend the City’s Zoning Ordinance to accommodate a classification of care facility which is not recognized, regulated nor licensed by the State of Michigan.

**Resolution # PC-2013-07-061**

Moved by: Kempen  
 Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, 6, and 13 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to sober living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment *with the revision that the word “constitute” in the final sentence of Section 2.02 DEFINITIONS be replaced with the word “encompass”*.

Yes: Edmunds, Kempen, Krent, Sanzica, Strat, Tagle  
 No: Schultz  
 Absent: Hutson, Schepke

**MOTION CARRIED**

Chair Tagle called for a break at 8:28 p.m. The meeting reconvened at 8:35 p.m.

## **CONDITIONAL REZONING REQUEST**

10. **PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR 009)**  
– Proposed Troy Marriott Hotels, West side of Stephenson Highway, North of 14 Mile (333 Stephenson Highway), Section 35, From O (Office) District to OM (Office Mixed Use) District

Mr. Carlisle reviewed the proposed conditional rezoning application as relates to the conditions offered by the applicant and the conceptual site plan submittal. Mr. Carlisle stated that should the conditional rezoning be granted by City Council, the applicant is required to apply for Preliminary Site Plan and Special Use approval. Mr. Carlisle said the proposed conditional rezoning supports the Master Plan and surrounding areas, provided impacts upon adjacent properties are mitigated.

Andy Wakeland of Giffels Webster and Jeffrey Ryntz of Victor Saroki and Associates were present to represent the petitioner. Akram Namou of A&M Hospitality was also present.

Mr. Wakeland addressed their efforts to mitigate the potential impact to adjacent residential as relates to the proposed setbacks and screening. Mr. Wakeland provided a sight line profile from the proposed four-story hotel to adjacent residential.

Mr. Ryntz addressed the proposed building design and newer Fairfield Inn elevation. Mr. Ryntz also addressed the percentage of hotel windows facing adjacent residential, discussion with Marriott regarding frosted windows, the uses by right for the parcel as currently zoned, the transient and long term occupancy of each hotel, and the non-viability of the hotels if developed as three-story buildings.

Mr. Namou addressed the upscale design improvements and lighting standards of Marriott Hotels. He said the two hotels will complement each other.

### **PUBLIC HEARING OPENED**

The following residents spoke in opposition addressing concerns with privacy, nuisance, screening, lighting, property values, current hotel occupancy rates and existing vacant buildings.

- Nick Penchof, 302 Redwood.
- James Stone, 314 Redwood.
- Sally Wilsher, 350 Redwood, circulated pictures of light exposure in home from existing hotel.
- Cindy Wilsher, 369 E Maple.
- Kay Vavruska, 278 Redwood.

- Mike Davey, 325 Redwood.
- Mary Jane Austin, 242 Redwood, circulated pictures of existing fencing with vegetative growth.

### PUBLIC HEARING CLOSED

Mr. Namou said the proposed location is approved by Marriott and briefly addressed the criteria used in site selection. Mr. Namou said an open meeting was held in good faith for residents within a 300 foot radius to address concerns and answer questions. He said one resident attended. Mr. Namou said they want to be good neighbors and work with the neighbors to mitigate concerns going forward.

There was discussion on the process of a conditional rezoning application.

The Board asked if the petitioner would provide additional screening details, precise setbacks, sight-line information and consideration to various building configurations to mitigate the concerns expressed by adjacent residential.

The City Attorney suggested that should a recommendation to approve the application go forward to City Council, the Resolution should stipulate that approval is subject to 1) Site Plan and Special Use approval; 2) subject to the Development Agreement; and 3) list conditions voluntarily offered by the application.

The petitioner asked to postpone the item to the August 27, 2013 Special/Study meeting, at which time additional detail and information would be provided per discussion tonight.

### OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

James Stone, 314 Redwood, addressed building vacancies and vacant parcels.

12. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 9:53 p.m.

Respectfully submitted,

---

John J. Tagle, Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2013 PC Minutes\Draft\2013 07 23 Special Study Meeting\_Draft.doc

A meeting of the Downtown Development Authority was held on Wednesday, July 24, 2013 in the Lower Level Conference room, City Hall, 500 W. Big Beaver, Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 AM.

<b>Present:</b>	Bostick, Dennis	
	Hay, David, <b><i>Vice Chairman</i></b>	
	Keisling, Larry	
	Kiriluk, Alan, <b><i>Chairman</i></b>	
	Knight, P. Terry	
	Randol, Ward	
	Reschke, Ernest	
	Schroeder, Douglas	
	Slater, Mayor Dane	
<b>Absent:</b>	Jonna, Arkan	
	MacLeish, Dan	
	Papa, Albert	
	VanDyke, Earle	
<b>Also Present:</b>	Bendzinski, Bobby	
	Bluhm, Lori	
	Darling, Thomas, <b><i>Secretary/Treasurer</i></b>	
	Donnelly, Terrance	
	Kischnick, Brian	
	Lapin, Glenn	
	Licari, Nino	
	Miller, Mark, <b><i>Executive Director</i></b>	
	Savidant, R. Brent	

## Minutes

**Resolution: DDA-2013-07-07**

Moved by: Slater

Seconded by: Bostick

RESOLVED, That the Minutes of the May 15, 2013 and June 19, 2013 regular meetings be approved.

Yeas: All

Absent: Jonna, MacLeish, Papa, VanDyke

New Business – Resolution Approving Estimate of Anticipated Tax Increment Revenue

TDDA Attorney Terrance Donnelly reviewed the resolution with the Board. Mr. Donnelly noted that per Public Act 197, a resolution by the TDDA is required for approval of estimated tax increment revenues prior to the bond issue. The Public Act also requires disclosure of any other anticipated revenue sources in which none were noted.

City Assessor Nino Licari reviewed estimated TIFA revenues for Fiscal Years ending June 30, 2015 through June 30, 2034. Mr. Licari noted that estimates do not include a provision for new development.

**Resolution: DDA-2013-07-08**

At a regular meeting of the Downtown Development Authority of the City of Troy, Oakland County, Michigan, held on July 24, 2013.

PRESENT:

Bostick, Dennis
Hay, David
Keisling, Larry
Kiriluk, Alan
Knight, P. Terry
Randol, Ward
Reschke, Ernest
Schroeder, Douglas
Slater, Mayor Dane

ABSENT:

Jonna, Arkan
MacLeish, Dan
Papa, Albert
VanDyke, Earle

The following resolution was moved by Keisling and seconded by Reschke:

RESOLUTION APPROVING ESTIMATE OF ANTICIPATED  
TAX INCREMENT REVENUES

WHEREAS, by resolution adopted on June 19, 2013, the Downtown Development Authority of the City of Troy (the “DDA”) approved additional amendments (the “2013 Plan Amendments”) to the DDA’s Development Plan and Tax Increment Financing Plan (collectively, the “Plan”) and

recommended approval of the 2013 Plan Amendments to the City Council of the City of Troy as provided in Section 14 of Act 197, Public Acts of Michigan, 1975, as amended (“Act 197”); and

WHEREAS, the 2013 Plan Amendments, if approved by the City Council, would provide for (i) the issuance of general obligation bonds by the City (the “City Bonds”) to finance a portion of the cost of the Plan and in connection therewith refund certain outstanding bonds issued by the DDA for such purpose in 2001, 2002 and 2003, (ii) extending the duration of the Plan to December, 2033, and (iii) revising the Development Area for the Plan by removing therefrom certain specified properties, with the result that the DDA will be projected to be able to capture sufficient tax increments to pay the principal of and interest on the City Bonds; and

WHEREAS, the tax increment revenues received by the DDA pursuant to the Plan, as amended by the 2013 Plan Amendments, will be the first source of payment of the City Bonds and the limited tax full faith and credit pledge of the City will be the secondary security for the City Bonds; and

WHEREAS, the City Council of the City is expected to approve the 2013 Plan Amendments and to authorize the issuance of the City Bonds at its regular meeting on August 12, 2013, and before the City Council may adopt a resolution authorizing the issuance of the City Bonds, the DDA is required by Section 16(1) of Act 197 to submit to the City Council an estimate of the anticipated tax increment revenues and other revenue available under Section 11 of Act 197 to be available to pay the principal of and interest on the City Bonds.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The estimate of the anticipated tax increment revenues to be received by the DDA after the approval of the 2013 Plan Amendments and to be available to pay the principal of and interest on the City Bonds, as set forth in attached Exhibit A, is hereby approved. The DDA does not presently anticipate that any other revenue will be available under Section 11 of Act 197 to pay such principal and interest.
2. The Secretary is directed to submit such estimate of tax increment revenues to the City Council as provided in Section 16(1) of Act 197.

3. All resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are rescinded.

RESOLUTION DECLARED ADOPTED.

Yes:

Bostick, Dennis
Hay, David
Keisling, Larry
Kiriluk, Alan
Knight, P. Terry
Randol, Ward
Reschke, Ernest
Schroeder, Douglas
Slater, Mayor Dane

Absent:

Jonna, Arkan
MacLeish, Dan
Papa, Albert
VanDyke, Earle

Abstain: NONE

STATE OF MICHIGAN     )  
   )ss  
 COUNTY OF OAKLAND    )

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted at a regular meeting of the Downtown Development Authority of the City of Troy, Oakland County, Michigan, held on July 24, 2013, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et. seq.).

---

Secretary, Downtown Development Authority  
of the City of Troy:

## EXHIBIT A

## Estimate of Anticipated Tax Increment Revenues

<u>Fiscal Year</u> <u>Ending June 30</u>	<u>Amount</u>
2015	\$1,023,834
2016	978,617
2017	894,896
2018	895,059
2019	895,227
2020	954,541
2021	1,014,449
2022	1,074,956
2023	1,136,068
2024	1,197,791
2025	1,322,472
2026	1,449,646
2027	1,579,364
2028	1,711,677
2029	1,846,635
2030	1,984,293
2031	2,124,703
2032	2,267,922
2033	2,414,006
2034	2,563,011

**New Business – Notice of Public Hearing Regarding Approval of 2013 Amendments to Development Plan and Tax Increment Financing Plan of the Downtown Development Authority of the City of Troy**

Terrance Donnelly reviewed the requirements of the notice before amending the TDDA plan and Public Hearing scheduled for August 12, 2013. Issues of the Public Hearing include:

- Extension of the TDDA to 2033
- Amendments to the plan capture area
- Debt issuance

**New Business – Planning and Development Report**

Brent Savidant, Planning Director, reviewed current projects:

- I-75/Big Beaver (Galleria of Troy)
- Big Beaver Center (Alpine/McLure)
- Troy Shoppes
- Kiriluk, history of the Yamasaki building (designed World Trade Center)
  - Contact Loraine Campbell re history
- Director to investigate State Historic Preservation office

**New Business – Tree Lighting Update**

Tree lighting update provided by Alan Kiriluk. A meeting is scheduled between DTE and the Contractor for Downtown Rochester to design a lighting program. The goal is to design and develop a tree lighting investment package for local businesses.

**New Business – CarJam update**

Alan Kiriluk gave information regarding the Car Jam:

- Takes place Sunday, August 4, 2013
- Unique collection of seldom seen vehicles
- Benefits Troy Historical Society
- Several Exhibitors including vehicles from:
  - Penske racing
  - David Fisher Suburban Collection

**Public Comment**

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None

**Closed Session**

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None

This meeting was adjourned at 7:55AM.



## CITY COUNCIL AGENDA ITEM

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Date: August, 7 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steve Burns, Building Official, SAFEbuilt *SB*  
Mitch Grusnick, City Building Official *ML*

Subject: Building Department Activity Report – July, 2013

---

The following attachment contains a summary of permit activity, project valuation for the Building Inspection Department comparing July 2012 to July 2013. Permit activity and inspections have continued to increase.

We have issued 5,479 building, plumbing, electrical and mechanical related permits for the year so far.

Year to date project valuations thru July 2013 are at \$78,153,338. Compared to July 2012 we issued 4,812 building related permits that had a valuation of \$69,139,257.

Our inspectors performed 9,237 trade inspections in 2013 compared to 7,888 in 2012.

Attachments:

1. Building Department Activity Report

Preparer of memo\File name\File location

## BUILDING PERMITS ISSUED

	BUILDING PERMITS 2012	PERMIT VALUATION 2012	BUILDING PERMIT REVENUE 2012	BUILDING PERMITS 2013	PERMIT VALUATION 2013	BUILDING PERMIT REVENUE 2013
JANUARY	77	\$7,124,788.00	\$165,958.59	134	\$ 17,779,504.00	\$325,899.80
FEBRUARY	95	\$ 9,389,991.00	\$ 160,308.24	85	\$ 4,917,385.00	\$ 147,780.63
MARCH	151	\$ 6,931,863.00	\$ 201,917.53	119	\$ 8,792,342.00	\$ 214,333.92
APRIL	165	\$ 11,266,382.00	\$ 245,615.15	139	\$ 7,893,210.00	\$ 183,511.89
MAY	243	\$ 11,559,555.00	\$ 281,126.31	231	\$ 11,331,067.00	\$ 282,130.55
JUNE	180	\$ 7,633,262.00	\$ 216,532.32	205	\$ 13,523,975.00	\$ 302,089.28
JULY	189	\$ 15,233,416.00	\$ 328,465.63	228	\$ 13,915,855.00	\$ 398,711.85
AUGUST	213	\$ 14,438,447.00	\$ 328,960.94	0	\$ -	-
SEPTEMBER	169	\$ 15,280,341.00	\$ 284,069.97	0	\$ -	-
OCTOBER	214	\$ 19,018,536.00	\$ 310,992.21	0	\$ -	-
NOVEMBER	144	\$ 13,959,463.00	\$ 188,185.35	0	\$ -	-
DECEMBER	115	\$ 4,389,275.00	\$ 150,134.05	0	\$ -	-
<b>TOTAL</b>	<b>1955</b>	<b>\$136,225,319.00</b>	<b>\$2,862,266.29</b>	<b>1141</b>	<b>\$78,153,338.00</b>	<b>\$1,854,457.92</b>

**Beth L Tashnick**

---

**Subject:** FW: Glenn Lapin's help

---

**From:** Georgia Johnson [REDACTED]  
**Sent:** Thursday, May 09, 2013 10:37 AM  
**To:** Brian M Kischnick; Mark F Miller  
**Subject:** Glenn Lapin's help

Brian &amp; Mark,

I just wanted you to know what an immense help that Glenn has been in welcoming us to our new location in Troy. He has given me many "warm" introductions to help increase our presence and further our economic growth at the MEDC, Oakland County and the City of Troy. He also put me in contact with Cindy Stewart so that we can have a ribbon cutting ceremony at our new facility. Our CEO, Michelle D'Souza purchased this building, which had been vacant for many years at 353 Indusco Court and she had it refurbished with only eco friendly radiant heat, insulation, building materials and furniture. We are very proud of our building and of the City of Troy and welcome both of you to come and visit us at any time.

We will be working with Cindy on our open house and when it is scheduled I am sure she will let you know.

Again, he is a true asset to your team!

*Georgia Johnson*

Unified Business Technologies, Inc  
353 Indusco Ct., Suite C, Troy, MI 48083  
PH: 248-588-1781 x 221 | 586-770-4978 (Cell)  
FAX: 248-588-1834  
8A|SDBE|Woman|Minority Certified  
Website: [www.ubtus.com](http://www.ubtus.com)

*UBT is an Equal Opportunity - Affirmative Action Employer M/F/D/V*

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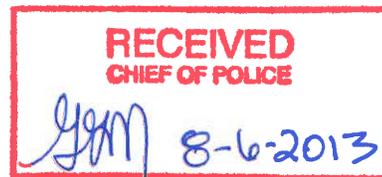
**From:** Marshall Rennick  
**Sent:** Monday, July 29, 2013 4:24 PM  
**To:** Gary G Mayer  
**Subject:** Thank You

Chief Mayer,

I just wanted to say thank you and particularly Officer J. Mouch badge number 116. He noticed our van door was left open while patrolling our neighborhood on 7/20 in the middle of the night. He secured the vehicle and notified us of the issue. My mother-in-law was watching our kids during that time. She was using our van during and forgot to close the door. I greatly appreciate the proactive monitoring of our city and for officer Mouch for going out of his way to lock up our van.

Much thanks,

Marshall Rennick



POLICE OFFICER JOE MOUCH-  
THANK YOU FOR MAKING SUCH A GREAT  
IMPRESSION ON THE RENNICK'S.

A handwritten signature in blue ink, appearing to be "Gary", written below the main message.

August 3, 2013

O-03c

City of Troy  
Water + Sewer Services  
500 W. Big Beaver  
Troy, MI 48084

Re: Help with a basement water problem

On Saturday, July 27, our home had water in the basement for the first time in the 27 years we have lived here. I called the water dept, was directed to the police non-emergency dispatcher and within 15 minutes had a call from Mike Schlegelmann. At that time my husband and I were bailing water from a backed-up floor drain. Mike responded within 20 minutes, checked the city sewer (which was running fine) and helped diagnose what was wrong.

This promptness, courtesy and helpfulness shown by Mike was terrific and very much appreciated. This happened on a Saturday afternoon. Troy's city services are very good. We who live here are fortunate. Thank you and a special thanks to Mike Schlegelmann and the water + sewer dept.

Sincerely,

Ruth + Larry Grewe (Ruth + Larry Grewe)  
3491 Harmony Dr.

**Beth L Tashnick**

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**Subject:** FW: THANK YOU!

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**From:** Lynn Pung [<mailto:lynnpung@rocketmail.com>]**Sent:** Wednesday, August 14, 2013 8:29 AM**To:** Brian M Kischnick; Dave Henderson; Nino A Licari; Wade Fleming; Gary L Bowers**Subject:** THANK YOU!

Brian, Nino, Wade, Dave, Gary and To All Who Have Stepped Up,

I want to thank everybody involved in working to try to resolve the squatter issue. As my husband and I work down in some of the worst areas of Detroit (residential & commercial) I know, first hand, the toll and the aftermath that squatting creates. Lacking sense of ownership, responsibility, community and pride, there is no such thing as a beneficial squatter(s). I was raised in Troy and have come back to raise my family here due to the nature and security of the city and most of my family lives here, as well, for the same reasons. We will do what we need to keep the values of our city a commodity that people work towards not against. I again thank you for taking this matter seriously!

Lynn Pung

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
DTE ELECTRIC COMPANY**

**CASE NO. U-17437**

- DTE Electric Company, f/k/a The Detroit Edison Company requests Michigan Public Service Commission approval of a Transitional Cost Recovery Plan and retail electric tariffs associated with the disposition of the City of Detroit Public Lighting System.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- A public hearing in this matter will be held:

**DATE/TIME:** September 4, 2013, at 9:00 a.m.

This will be a prehearing conference to determine future hearing dates and other procedural matters.

**BEFORE:** Administrative Law Judge Peter L. Plummer

**LOCATION:** Constitution Hall  
525 West Allegan  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) July 19, 2013 application, which seeks authority to implement a Transitional Cost Recovery Plan and associated retail electric tariffs and provisions to recover the net incremental revenue requirement and carrying charges associated with the City of Detroit Public Lighting Department (PLD) conversion plan. DTE Electric also requests Commission approval of all waivers of existing Rules of Service necessary to effectuate the Company's proposal as described in its filing.

DTE Electric represents that the City of Detroit has decided to exit the electric distribution business and the City and DTE Electric have been involved in negotiations about the feasibility

of transferring retail electric service from PLD to the DTE Electric to reduce the City's costs and improve its financial situation, and to improve service reliability for current PLD retail customers. Over an approximately seven year System Conversion Period, former PLD customers would be directly connected to the DTE Electric distribution system. The expected capital costs are estimated at \$275 million. In addition to distribution system work, costs to make customer facilities ready to receive electric service from DTE Electric are estimated to be approximately \$40 million. Separate activities concerning the repair and operation of the City's street light system are not the subject of this Application.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 28, 2013. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, Bruce R. Maters, One Energy Plaza, Detroit, Michigan 48226.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information: available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of DTE Electric's request may be reviewed on the Commission's website at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of DTE Electric Company, One Energy Plaza, Detroit, Michigan. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

August 8, 2013

Dear Troy City Officials –

For the perusal of Council and Administration, I am passing along copies of Oakland County's Recommended FY 2014-2016 Triennial Budget.

As always, if you have questions, thoughts or concerns relating to County government, please do not hesitate to contact me.

Enjoy the rest of summer.

**OAKLAND COUNTY BOARD OF COMMISSIONERS**



**Mike Bosnic**

Vice Chairman-Human Resources  
Commissioner, District #16

Vice Chairman-Republican Caucus  
710 N. Crooks Road  
Clawson, MI 48017

Phone: 248-435-3509  
Web: [oakgov.com/boc](http://oakgov.com/boc)

[bosnicm@oakgov.com](mailto:bosnicm@oakgov.com)

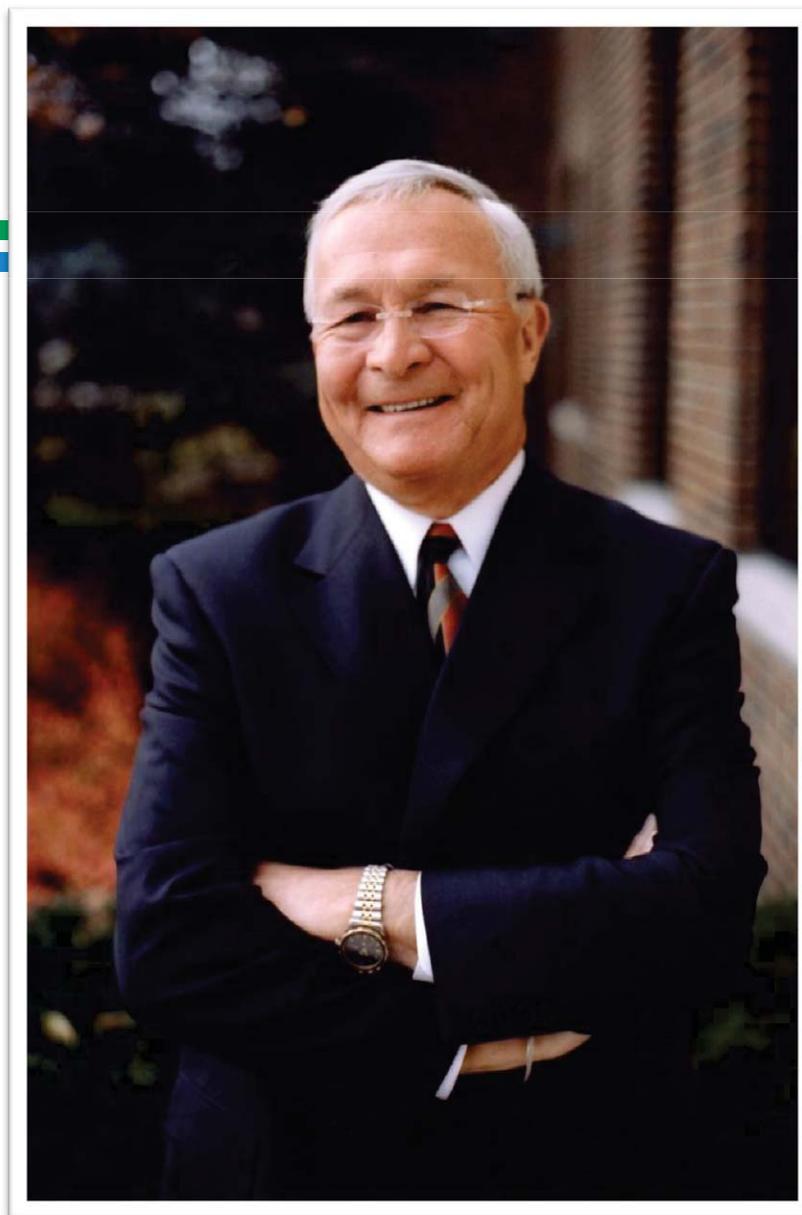


Presentation to the Board of Commissioners

# Oakland County Executive's Recommended FY 2014 – FY 2016 Triennial Budget

July 17, 2013

**L. Brooks Patterson**  
Oakland County Executive



FY 2013 through FY 2016

# Recommended Budget

The Recommended Triennial Budget is balanced for the next three fiscal years

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
General Fund/General Purpose	\$419,100,727	\$423,884,004	\$428,634,764
Special Revenue & Proprietary	<u>\$380,048,220</u>	<u>\$382,169,328</u>	<u>\$384,771,935</u>
Total All Funds Recommended Budget	<u>\$799,148,947</u>	<u>\$806,053,332</u>	<u>\$813,406,699</u>



# Balanced Budget

**How is Oakland County able to balance its budget for the next three years?**



**Andy Meisner**  
Treasurer



**Michael Bouchard**  
Sheriff



**Lisa Brown**  
Clerk



**L. Brooks Patterson**  
County Executive



**Jessica Cooper**  
Prosecutor



**Jim Nash**  
Water Resources Commissioner



**Board of Commissioners**



**Nanci Grant**  
Circuit Court



**Linda Hallmark**  
Probate Court



**Julie Nicholson**  
District Court

**LEADERS WORKING TOGETHER**

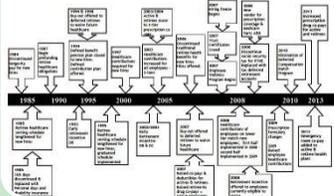
# Oakland County's Strategy



## Award winning, three year line-item budget

- Maintained on a “rolling” basis with frequent monitoring and budget amendments
- Long-term projections to ensure a sustainable healthy fund balance

### Major Changes in Retirement & Benefit Plans



## Incremental changes which yield big savings over time

- Thoughtful, planned management vs. crisis management
- Sustainable delivery of services to our citizens



## Investing in Oakland County's future

- Economic diversification, business attraction, job creation
- Technology tools for efficient delivery of services

# Multi-Year Budget

## Oakland County relies on long-term financial planning

- Biennial budgets since 1987
- Expanded to triennial budget in 2009
- Detailed line-item budget balanced through FY 2016

**Fund balances projected several years into the future**

# Multi-Year Budget

## A multiple-year budget should be **CURRENT**

- “Rolling” Triennial Budget
- Timely and frequent budget amendments
  - Accurate, interim financial reports submitted to management and the Board
  - Adjust current *and* subsequent years’ budgets
  - Formal resolutions approved by the Board

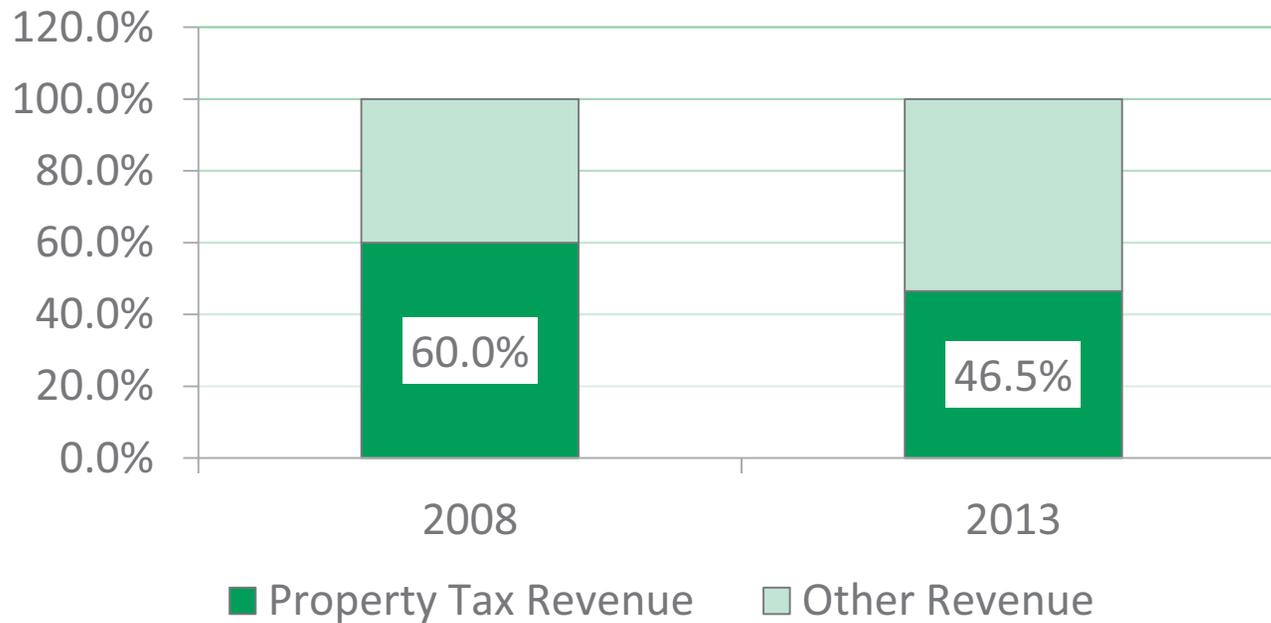
**In addition to 3 years of a detailed line item budget, two additional years are also projected (at a higher summarized level)**



## Long-term Planning

**Long-term financial planning was key to sustaining County services during the most recent prolonged economic recession, combined with the severe downturn in the real estate market**

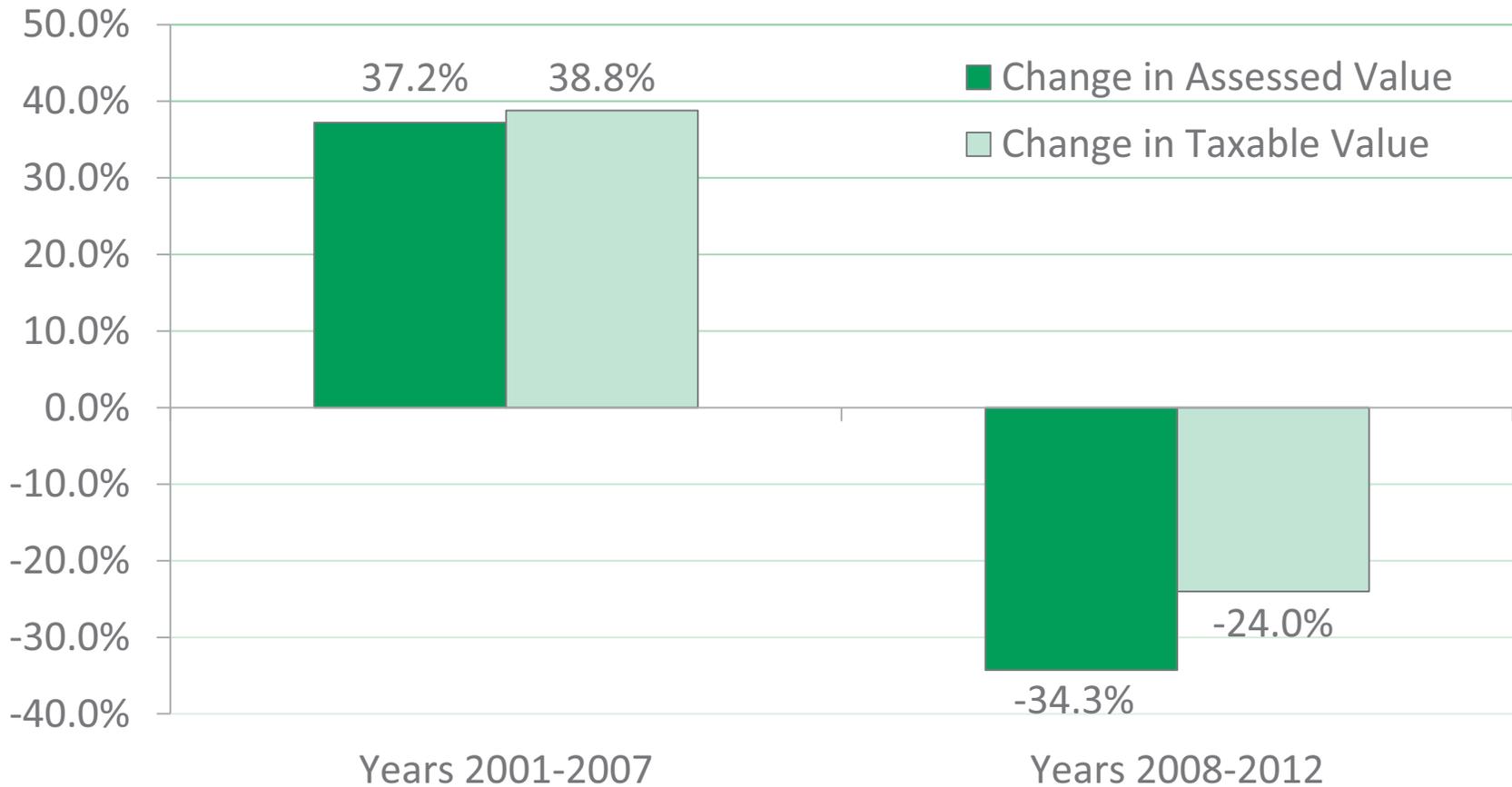
# Reduced Property Taxes = 46.5% of County's General Purpose Revenues



## REAL ESTATE MARKET DECLINE



# Cumulative Change in Assessed and Taxable Values

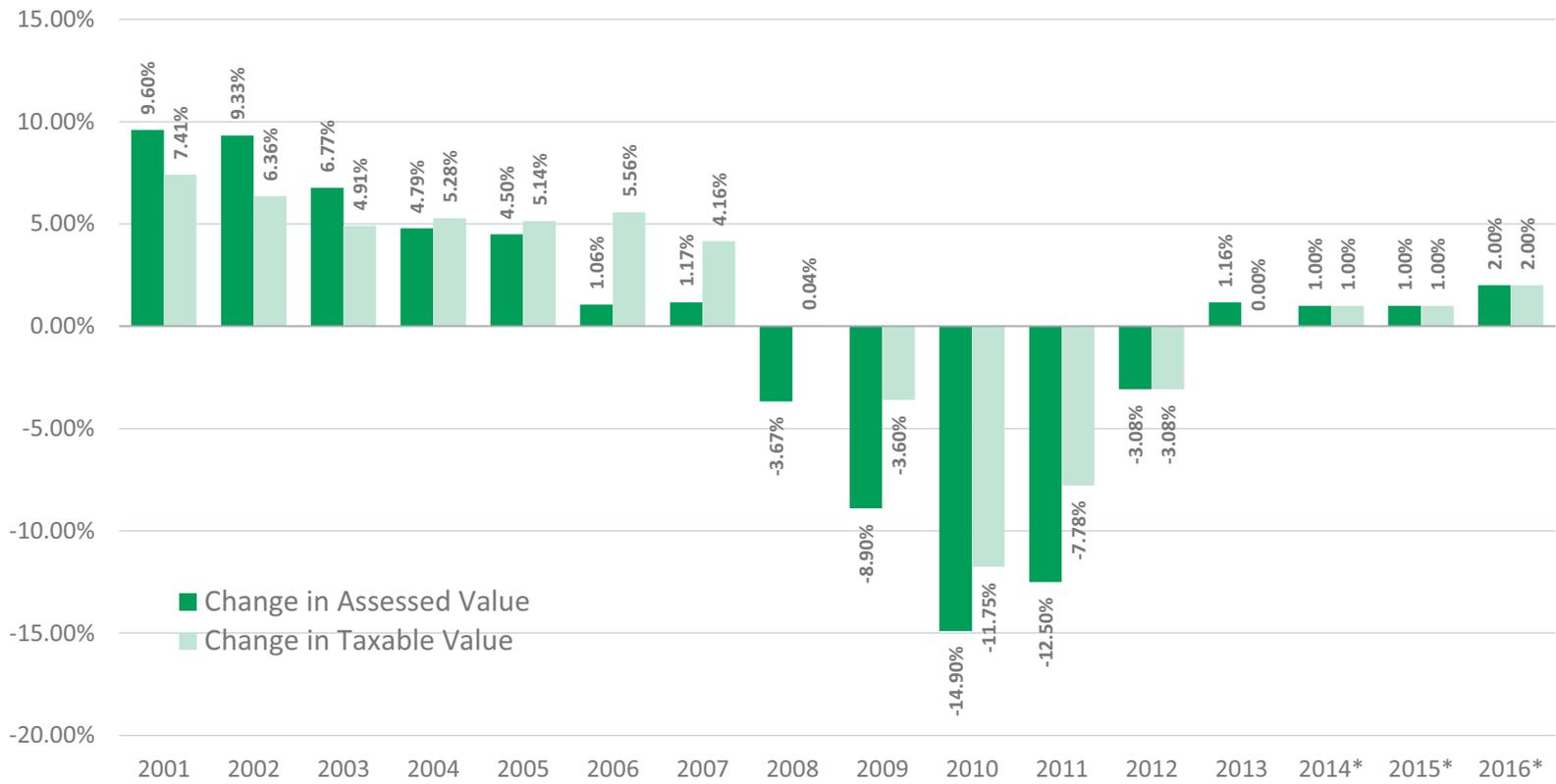




# Stabilized Assessments

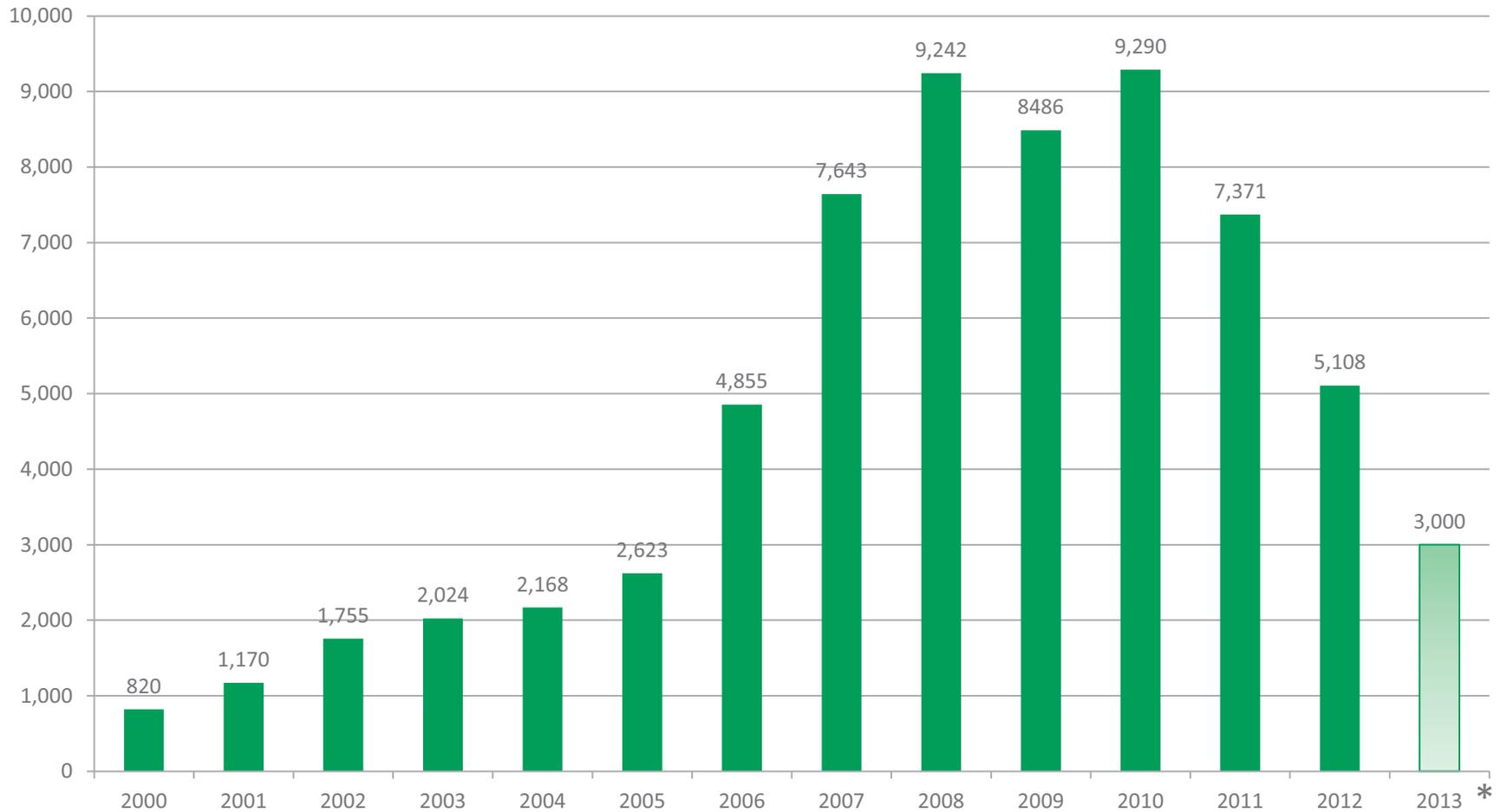
**After five years of decline, property assessments have now stabilized in 2013**

# Oakland County, Michigan Percentage Change in Assessed and Taxable Values



\*2014 – 2016 estimated

# Oakland County – Real Properties Sheriff Deeds: Foreclosures



# Personal Property Tax Changes

- The Michigan legislature approved a series of bills in December 2012 to phase out and eventually eliminate industrial and commercial personal property tax (PPT)
- The bills are tie-barred together and none of the bills take effect unless first approved by statewide vote to be held in August 2014
- Commercial and industrial PPT represents 6% of the County's total taxable value currently
- The recommended budget includes a reduction for PPT in the amount of \$1.5 million for FY 2014 & FY 2015 and \$2.8 million for FY 2016

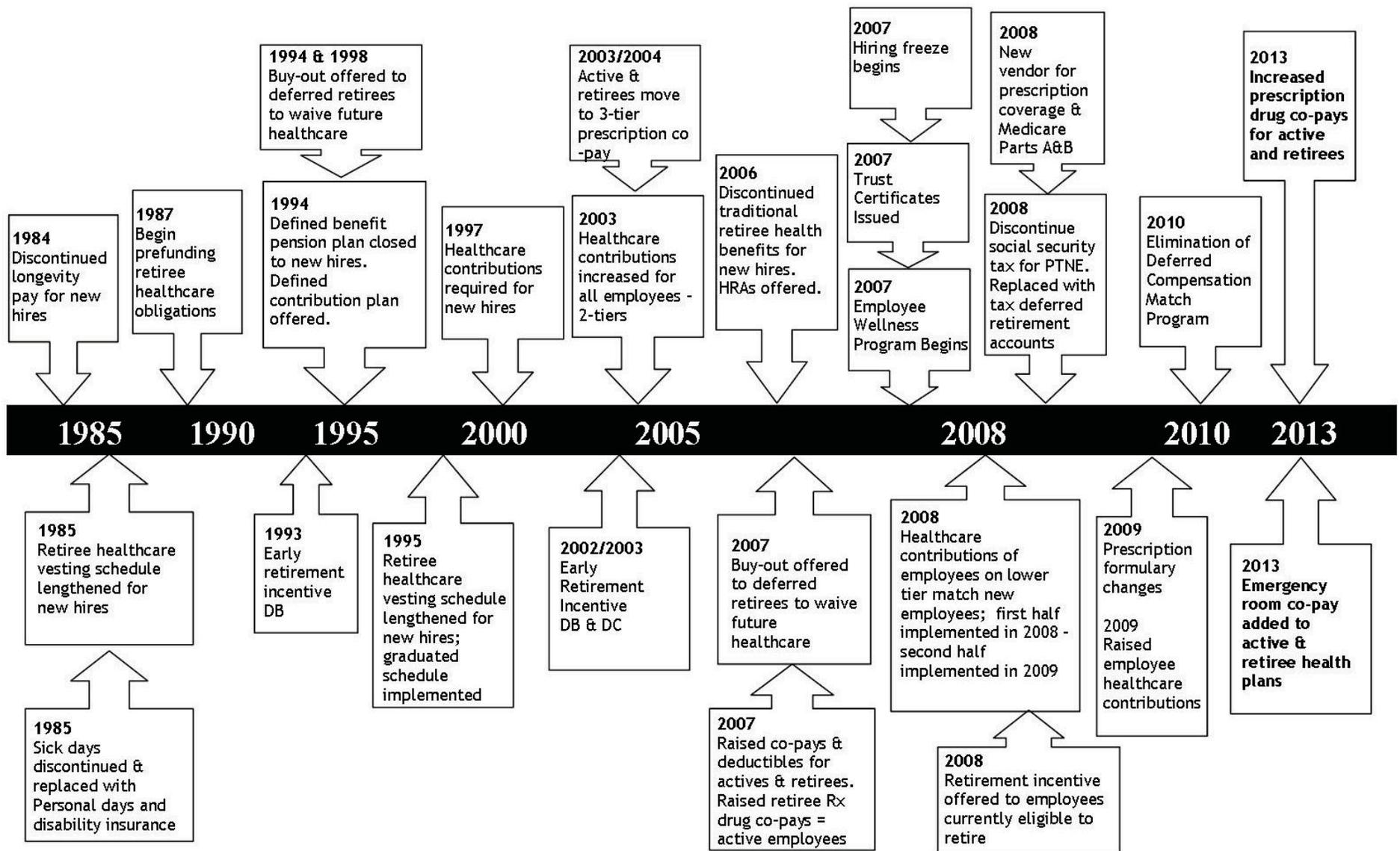


# Incremental Changes

**Oakland County's strategy of making incremental changes has yielded big savings to help balance the long-term budget**

# Incremental Changes Yield Big Savings

- For decades, Oakland County has been leading the way and setting the example for the public sector with incremental changes to its total compensation package
- Whenever possible, our philosophy has been to make changes prospectively for employees yet to be hired to minimize negative impacts for current employees



## Incremental Changes in Retirement & Benefits

# Examples of Incremental Benefit Changes

- **Longevity pay based on service increment was eliminated in 1984**
  - Cumulative salary and fringe benefit savings estimated to be \$121 million since implementation
  
- **The defined benefit (DB) pension plan was closed and a defined contribution (DC) plan was implemented in 1994**
  - 84% of current active employees are now on DC plan
  - Cumulative savings estimated to be over \$99 million since implementation

# Examples of Incremental Benefit Changes

- **The traditional retiree health care plan was closed for new hires and replaced with health savings accounts (HSA's) in 2006**
  - Long-term savings estimated to be \$400 million
  
- **Certificates of participation (COPS) issued in 2007 to fully fund the traditional retiree health care plan**
  - Long-term savings from the 2007 COPS issuance estimated to be \$100 million

# Examples of Incremental Benefit Changes

- **Active employee health care costs have remained flat over the past six years**
  - The OakFit employee wellness program was introduced in 2007
  - Employee healthcare contributions increased in 2008 and 2009
  - Prescription drug formulary changes were implemented in 2009
  - Competitive bids were issued coupled with aggressive negotiations with vendors in 2009, 2010, and 2011
  - Significant reduction in County workforce began in 2008

# Incremental Salary Reductions

- In recent years due to severe budget constraints, general salary reductions were accepted by our current workforce
- Current base salaries are 4% lower than paid in FY 2009
  - 2.5% general salary reduction in 2010
  - Additional 1.5% general salary reduction in 2011
  - No general salary change in FY 2012 or FY 2013
    - One-time payment of \$500 in October 2012

# Incremental Reductions in Total Compensation

- **Comparing FY 2012 to FY 2008:**
  - Reduction of over 300 full-time positions, with less than 10 layoffs
  - General Fund/General Purpose salaries paid in FY 2012 were \$15.5 million less when compared to FY 2008, an annual reduction of over 9%
  
- **The average fringe benefit cost for an employee hired after January 1, 2006, is 34% lower than an employee hired before that date**



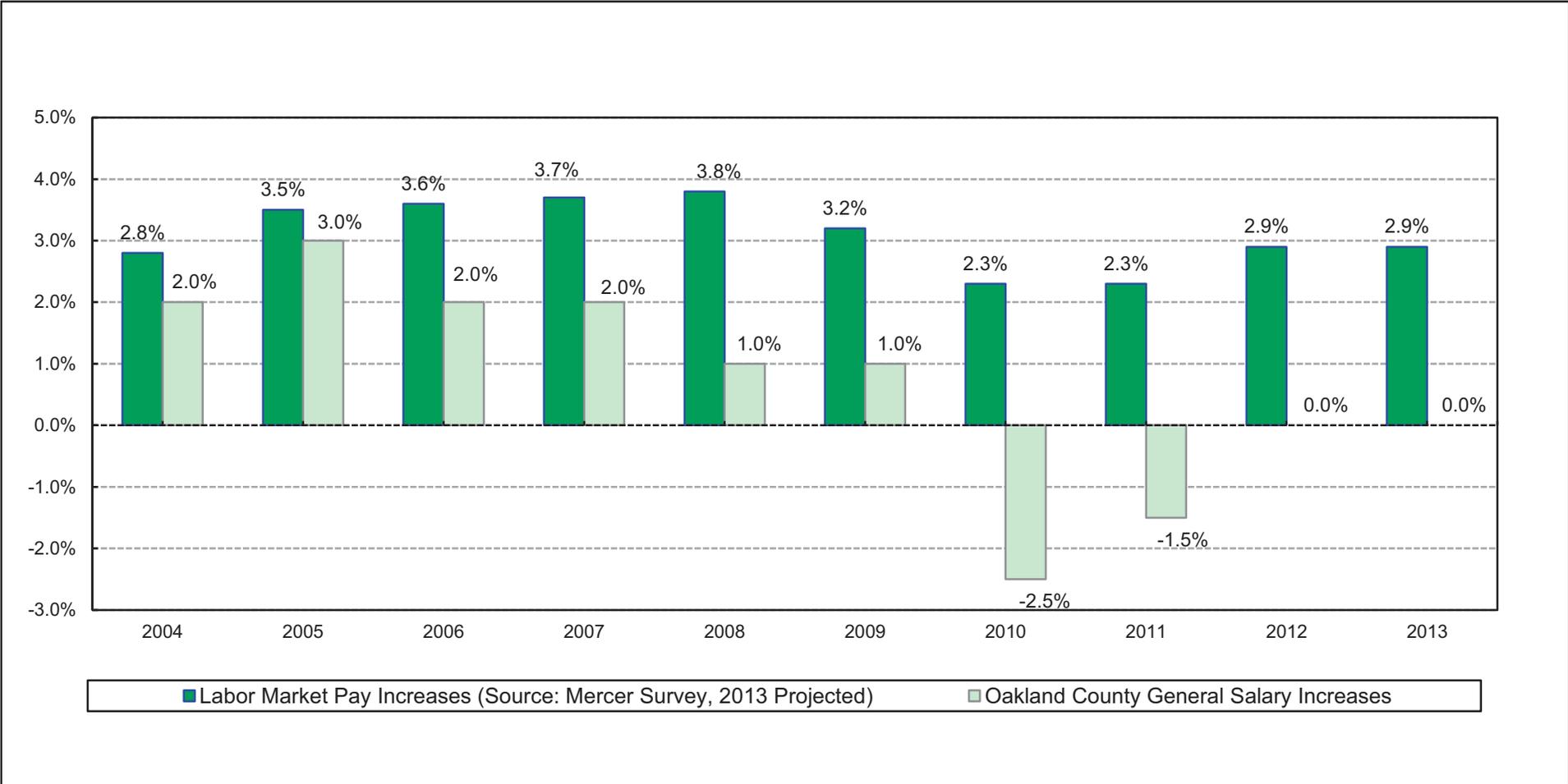
# What is the “optimal” level of compensation?

**op·ti·mal** *adjective* \ 'äp-tə-məl\  
*most desirable or satisfactory*

# ...it depends on one's expectations and objectives



# Comparison of Oakland County General Salary Increases to the Labor Market



# General Salary Recommendation

- **Employee retention and recruitment is becoming a greater concern as the economy rebounds**
  - Approximately one-third of the County's workforce is expected to turn over as a result of the current "bubble" of retirements
  
- **A general increase in base salaries is recommended**
  - 2% in FY 2014
  - 1% in FY 2015
  - 1% in FY 2016
  
- **By the end of FY 2016, base salaries would be restored back to FY 2009 levels**

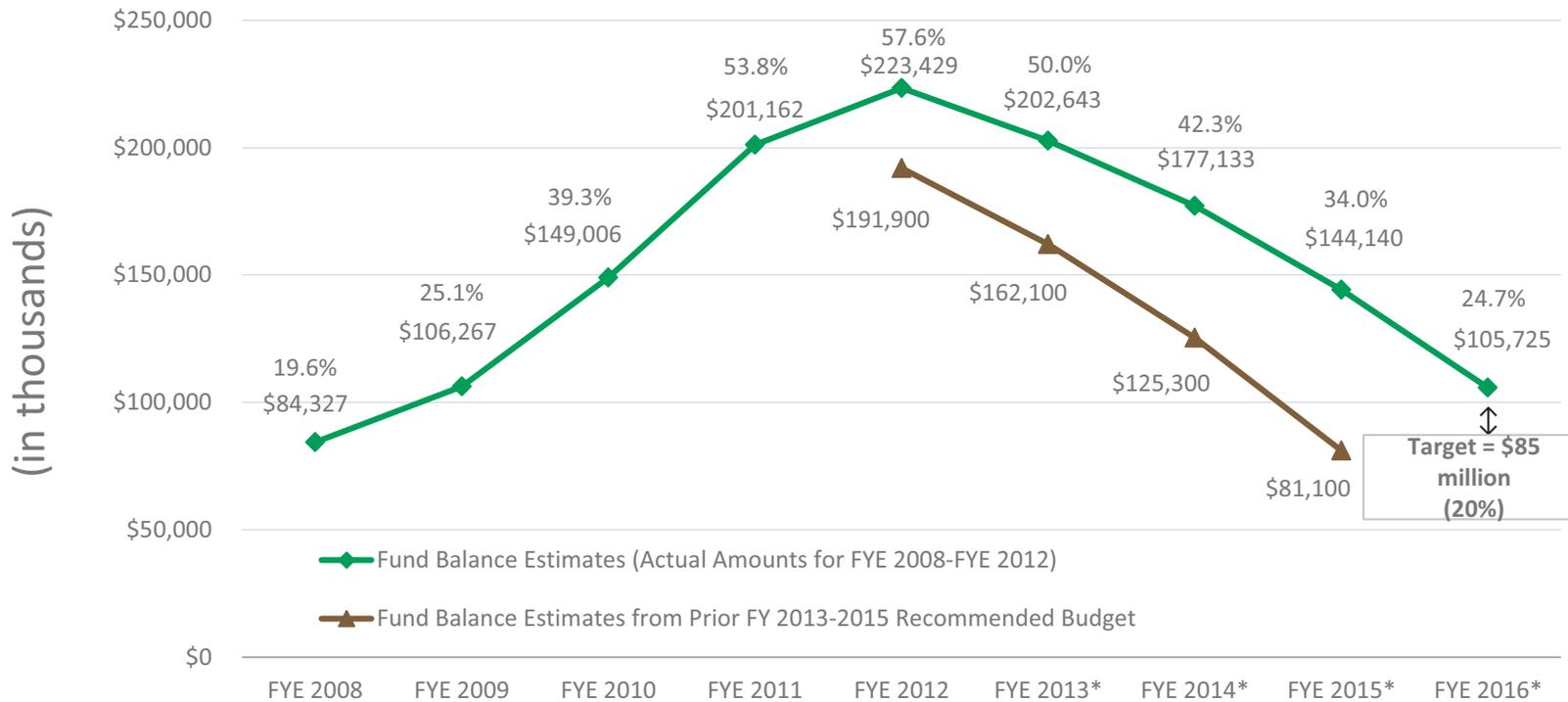
# Incremental Budget Tasks

- A strategy of incremental reduction targets has been used over the past several years to balance the budget for the long term:
  - quantifying any potential shortfall three years in advance
  - “smoothing” the budgetary impact by setting multi-year targets and making incremental reductions
  - taking action early rather than postponing to a later date

# Use of Tasks / Incentives

- As a result of cooperation from all of the County's elected officials, savings from prior years' efforts have accumulated in the General Fund balance
- Designated General Fund balance is recommended to be used over the next three fiscal years *as planned*
- By September 30, 2016, fund balance is projected to remain above the recommended \$85 million, approximately 20% of expenditures
- Thus, no additional budget tasks were requested this year of the elected officials to balance the FY 2014 – FY 2016 Recommended Budget

# Estimated General Fund Balance



Percentage calculation = fund balance/expenditures

\*Estimated for FYE 2013 - FYE 2016



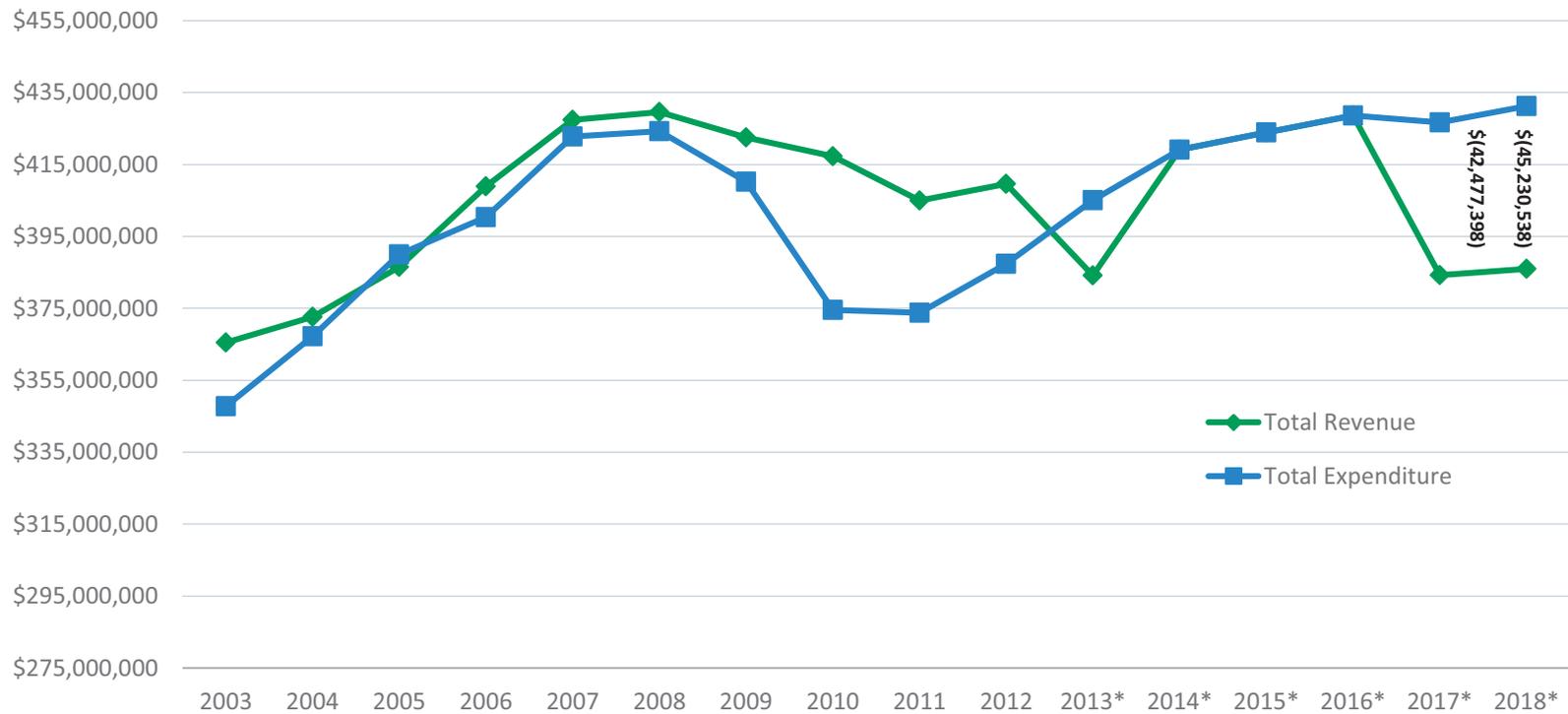
Note: The above chart represents the estimated level of General Fund balance based on current programs without further budget reductions. Anticipated savings from retiree healthcare bond refunding are not included in fund balance estimates.



## Maintaining Fund Balance

**Even though our budget is balanced for the next three years, we must endeavor to maintain a responsible level of fund balance beyond FY 2016**

# Oakland County General Fund / General Purpose Revenue & Expenditure Projections



FY 2003 - FY 2012 reflect actual amounts.

\*FY 2013 and FY 2017 - FY 2018 are projected amounts. FY 2014 - FY 2016 are recommended budget amounts. Use of fund balance is estimated to be \$20.9 million for FY 2013 (compared to budgeted amount of \$40.1 million). FY 2014 - FY 2016 includes planned use of fund balance in the amounts of \$33.8 million, \$41.4 million, and \$47.0 million respectively.

# Future Savings Opportunity

- The County is actively working on the refinancing of the retirees' healthcare certificates of participation (COPS) which were issued in 2007
- Michigan Public Act 329, enacted in October 2012, now provides the County with the opportunity to refinance the COPS with limited taxable general obligation bonds
- Low interest rates, combined with a currently overfunded position, presents the County with a unique opportunity to save an estimated \$14 million per year in annual debt service after the COPS are refunded in April 2014
- The anticipated savings have not been included yet in the Triennial Budget Recommendation and will help to offset potential shortfalls for FY 2017 and beyond

What else needs to be done?



## Diversification

Continue efforts to diversify the Oakland County economy

# Emerging Sectors®

Emerging Sectors identifies the top growth sectors and targets the top companies within each sector, prioritized by companies most likely to consider expanding their business into Oakland County.

Since the inception of Emerging Sectors in 2004, more than 220 Emerging Sector companies have generated over \$2.5 billion in investment while creating or retaining more than 42,000 jobs. The best part: the vast majority of those jobs are in the high-wage category.



**OAKLAND COUNTY, MICHIGAN**

Where People and Technology Prosper



[AdvantageOakland.com](http://AdvantageOakland.com) • [OaklandCountyProsper.com](http://OaklandCountyProsper.com)



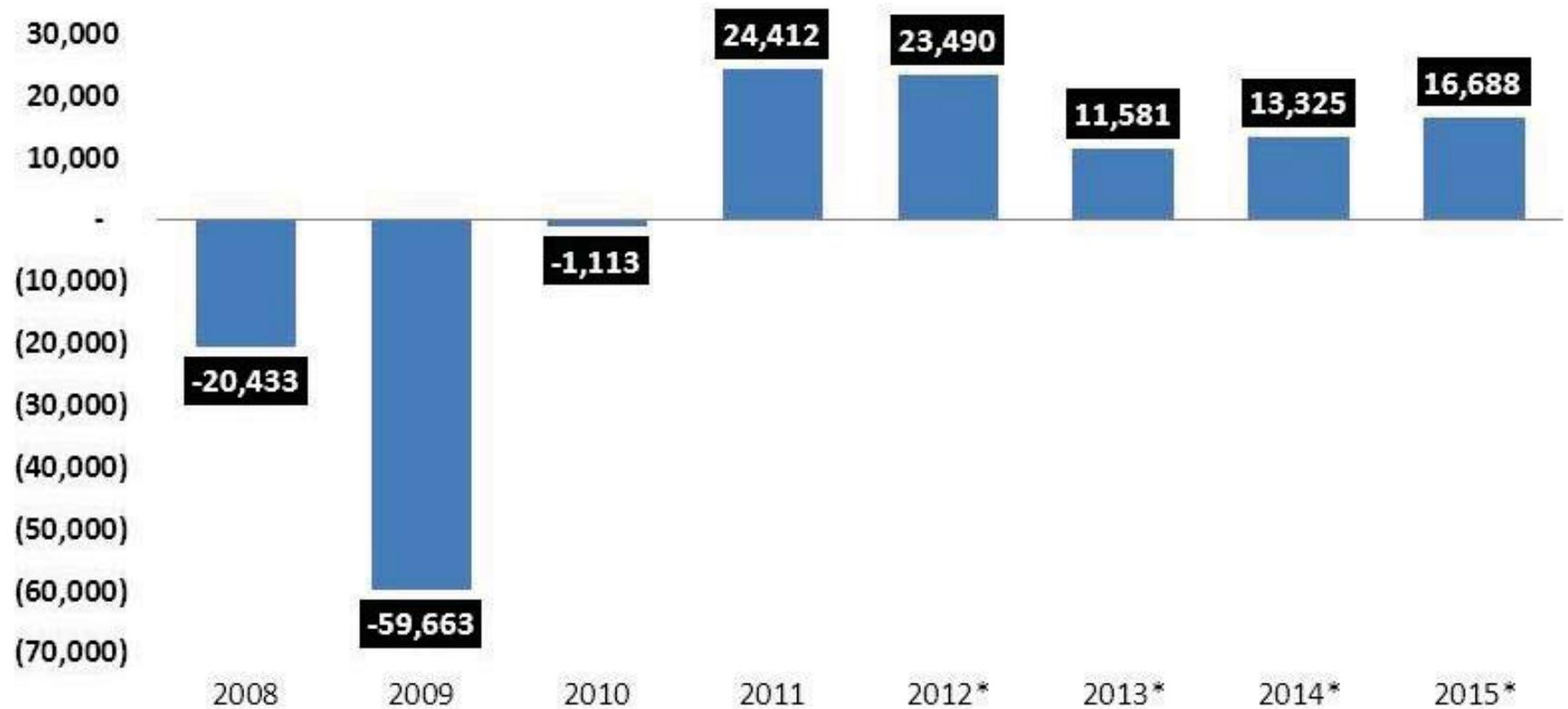
OAKLAND COUNTY MICHIGAN'S  
**MEDICAL  
MAIN STREET**

Alliance of hospitals, universities, medical device and biopharma companies creating a global center of innovation in healthcare, research & development, education and commercialization in the life sciences industry.

Over 100,000 individuals are currently employed in health care, life science research, and medical device manufacturing in Oakland County. To put that in perspective, Oakland County's health care and life science companies and organizations employ more individuals than the Mayo and Cleveland Clinic regions combined.



# Forecasted Job Growth in Oakland County



Source: George Fulton and Donald Grimes, Institute for Research on Labor, Employment, and the Economy, University of Michigan  
\*Estimated

# One Stop Shop Business Center

- Oakland County Microloan Program
- Seed capital funding
- Start-up & entrepreneurial counseling
- Second-stage business development
- Finance and strategy consulting
- Marketing
- Business plans
- Troubleshooting
- Workshops
- One-on-one counseling
- Service inquiries



What else needs to be done?



## Technology

Continue to improve service delivery and share resources through technology

# CLEMIS

## Courts and Law Enforcement Management Information System

One of the largest law enforcement consortiums in the nation

- Provides data sharing and low-cost access to criminal information via cutting edge computer technology

Serves:

- **Over 200** public safety agencies  
police, fire, EMS, courts, etc. (as of Jan 2012)
- **Five counties** of southeastern Michigan:  
Oakland, Macomb, Washtenaw, Wayne and Genesee

Provides:

- Computer aided dispatch
- Records management
- Digital mug shots and fingerprints
- Crime analysis mapping
- Numerous other services

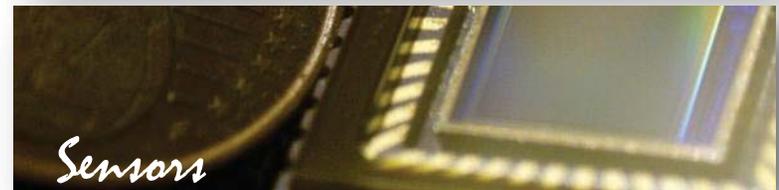
Providing public safety technologies for the past 37 years

Partnership between governments of all sizes in Southeast Michigan



# Collaborative Asset Management System

- 2007 – Project Initiated
- CAMS provides the capability to provide predictive maintenance on water, road and other physical infrastructure instead of reactive maintenance
- Project is a collaboration between the county, Road Commission, Water Resources Commission, Parks & Recreation, Facilities Management and local municipalities
- Project was funded by Oakland County General Fund and the ROI is in the millions



## G2G Cloud Solutions

G2G Cloud Solutions was developed by Oakland County to improve government services by sharing technology with other government agencies at little or no cost, therefore reducing the cost of government.

G2G Cloud Solutions also provides the opportunity for all government agencies, regardless of their size, budget or geographic limitations, to have access to advanced technology to best serve citizens' needs.



What else needs to be done?



## Quality of Life

Continue to make Oakland County a destination

# OAKLAND COUNTY PARKS

DestinationOakland.com

- 6,700 acres of natural landscapes and outdoor recreation for Oakland County residents
- 13 Oakland County Parks including day-use parks, campgrounds, nature centers, waterparks and golf courses
- 1.5 million visitors annually
- 68 miles of trails and parkways for hiking and biking horseback riding, cross country skiing, inline skating





Dream Cruise



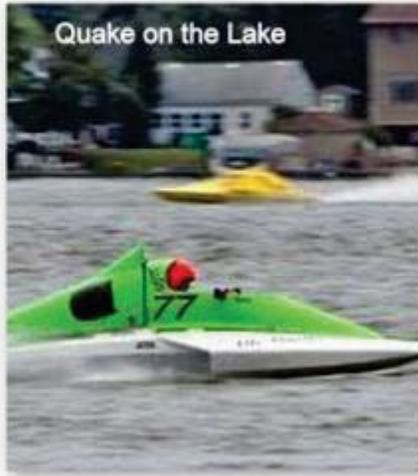
Arts, Beats & Eats



Oakland Edge



Brooksie Way Half Marathon



Quake on the Lake



Fire & Ice Festival

# QUALITY OF LIFE IN OAKLAND COUNTY

# In Closing

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- The budget recommendation is balanced through FY 2016
- Action is already occurring to balance the budget through FY 2017, four years from now
- To retain Oakland County's financial strength as evidenced by its AAA rating, continued support is needed from the Board of Commissioners, the elected officials, and the County's workforce



# Thank you

Postscript: A detailed overview of the Recommended Budget will be presented by Management and Budget staff at the July 25<sup>th</sup> Finance Committee meeting.



## OFFICE OF THE CITY MANAGER MEMORANDUM

DATE: August 26, 2013

TO: Honorable Mayor and City Council

FROM: Brian M. Kischnick, City Manager  
Sehrish Salah-Ud-Din, Assistant to the City Manager  
Gary Mayer, Chief of Police  
Lori Bluhm, City Attorney

SUBJECT: City Attorney's Office Prosecution Services Evaluation

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On July 22, 2013, City Council asked the City Manager to develop options assessing the ICMA recommendation for the Law Department specifically dealing with outsourcing prosecution services. This is a follow-up on the status of the ICMA recommendation. The following is a discussion on the background studies and potential outline for future evaluation and next steps.

### **Background Studies**

Before discussing study criteria, it's important to highlight the study that the International City/County Management Association (ICMA) conducted for background knowledge. On January 26, 2011, ICMA reported to the City of Troy the recommendations of the study they did for the City. ICMA did an overall and departmental analysis of City departments to support the City's ongoing effort to address significant financial challenges. ICMA worked with the International Municipal Lawyers Association (IMLA) to research and conclude the findings for the Troy Law Department at an approximate cost of \$14,000. The research and findings for the, City Attorney Office are outlined from pages 79- 94 in the ICMA report.

Per their findings and recommendations, ICMA lists outsourcing the legal services department not as a recommended practice. It was stated that based on the size of the City and its various operations, the City operates the Attorney Office at a barely sustainable level. At the time of the study and per current operations, the attorney's office has 7 full time employees.

The following was given to support **why the City should not outsource Troy's legal department.**

- 1) Cost of City Attorney services appear generally lower than comparable costs for insurance defense.

- 2) Cost of City Attorney services are substantially lower than comparable costs for insurance defense.
- 3) Efficiencies and advantages of in-house services outweigh advantages of outsourcing.

However, **it was also recommended that some of the city's legal services should be analyzed further for outsourcing using private, public-private options for analysis, including all or part of the function.** Those services are as follows:

- 1) Prosecutorial function
  - Evaluation should include whether to transfer this function to the county (similar to evaluation of whether to transfer police function to the sheriff).
- 2) Eminent domain cases
- 3) Collection Cases

Some ***advantages per ICMA/IMLA for outsourcing*** include:

- 1) If a city outsources, it can be an attractive client for several reasons. Most cities pay their bills on time and most private firms will frequently offer lower rates to a government client because the steady income stream can support its overhead while it makes its profit elsewhere. Therefore, the city may be able to get an attractive bid.
- 2) Benefits in timeliness and in accommodating a fluctuating demand for services.
- 3) Benefit of law firm's malpractice insurance.
- 4) If an outside counsel makes a mistake, the city may have a recoverable claim.

Some ***disadvantages per ICMA/IMLA for outsourcing*** include:

- 1) Dismantling the law department means that the city must rely on outside representation for several years.
- 2) Switching from in-house to outside counsel, the City risks losing the benefit of "preventative maintenance." "An oil change and a new oil filter every few thousand miles will generally be less expensive than a major engine repair" (ICMA 87).
- 3) The outside counsel contract would be more intricate than the in-house contract. Outside counsel contract will need to protect the City against unanticipated expenses that would be covered if in-house counsel were continued.
- 4) If an outside counsel is pursued, the city should "structure an RFP that would protect the price advantage for at least 5 years by locking in rates for that period at least ensuring that they escalate only to the extent that the City's budget can afford as escalator: i.e., tie any increase into affordability, not some external factor such as CPI" (ICMA 86).

## **Study Outline**

The following study outline is presented for discussion and consideration regarding the evaluation of the in-house City Attorney Prosecution Services.

## City Attorney Prosecution Services Evaluation Outline

### 1) Define “Prosecution” and Identify Volumes for each type of Case/Procedure

#### a) Types of Cases

##### i) Criminal Matters

- a) Alcohol
- b) Drugs
- c) Theft offenses/Retail Fraud
- d) Domestic Violence
- e) Assaults
- f) Disorderly/Disturbing the Peace
- g) Destruction of Property
- h) Firearms

##### ii) Traffic Misdemeanors and Civil Infractions

- a) Operating While Intoxicated
- b) Suspended Drivers
- c) Preliminary Breathalyzer
- d) Driver's License Appeals
- e) Motor Carrier Violations

##### iii) Municipal Civil Infractions and other Misdemeanor matters

- a) Liquor licenses
- b) Massage parlors
- c) Smoking lounges
- d) Nuisance claims
- e) Zoning enforcement
- f) Building code violations
- g) Fire code violations including Fireworks
- h) Citizen Complaints that do not warrant initiation of criminal charges

#### b) Criminal Procedures

- i) Warrant Review
- ii) Discovery (e.g. reports, audio/video recordings)
- iii) Witness interviews
- iv) Evidentiary Hearings
- v) Motion Practice (drafting and responding)
- vi) Bench Trials
- vii) Jury Trials
- viii) Appeals
- ix) Probation Violations
- x) Administrative Search Warrants

## **2) Literature Review**

- a) Review 2010 ICMA/IMLA Study  
(International Municipal Lawyers Association)
- b) Discuss with ICMA/IMLA Study Authors

## **3) Discuss Prosecution Reputation/Service of City Attorney with the following:**

- a) Internal - Police Department, Fire Department,  
Public Works
- b) External- District Court Judges, Magistrates,  
Court Administrator and Staff, Probation Officers

## **4) Financial Breakdown/Bucket Cost of Prosecution Service in City Attorney's Office**

## **5) Evaluate In-House vs. Contracted Out**

- a) Cost
- b) Logistics
- c) Access
- d) Services to City Departments
- e) Impact on other departments (intangibles)

## **6) Identify Comparable Communities and Evaluate Similarities and Differences**

## **7) Conclusions**

### **Next Steps**

If council directs staff to facilitate further study/analysis of the Troy City Attorney Prosecution Attorney Services, an objective, outside consultant should be selected to perform the work. A peer review group may be utilized in addition to a municipal legal consultant to add a layer of analysis, review and objectivity.