

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

DECEMBER 1, 2008

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

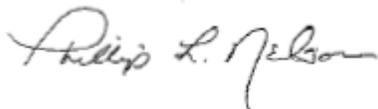
Identified below are outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Outcome Statements

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

December 1, 2008 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Dr. Bob Erickson, MD, Member of Kensington Community Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1
a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (October), Julie Swidwinski, Community Affairs Assistant will present a check in the amount of \$601.25 to Nicole Reno for *Michigan Humane Society* 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

POSTPONED ITEMS: 1

D-1 No Postponed Items 1

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PUBLIC COMMENT: Limited to Items Not on the Agenda **1**

REGULAR BUSINESS: **1**

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- E-2 Nominations for Appointments to Boards and Committees: Planning Commission (a) Mayoral Nominations: (b) City Council Nominations: Advisory Committee for Persons with Disabilities; Board of Zoning Appeals and Historic District Study Committee 3
- E-3 Bid Waiver: Bus Rental for Downhill Ski Program 4
- E-4 City of Troy Investment Policy and Establishment of Investment Accounts 5

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- F-3 Proposed City of Troy Proclamation(s): None Submitted 6
- F-4 Standard Purchasing Resolutions – None Submitted 6
- F-5 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #4 – Sidwell #88-20-23-301-001 – The Helen S. Krawchuk Trust 6

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- b) Rezoning Application – Proposed Maple Business Center, North Side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733) – December 15, 2008..... 7
- c) Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District – December 15, 2008..... 7

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- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – September and October, 2008 7
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- a) Letter of Thanks to Chief Craft from Harlan Elementary PTA President Shannon Ryan..... 7
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ADJOURNMENT 8

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- Monday, December 15, 2008 9
- 1. Rezoning Application – Proposed Office Building, South Side of Wattles, East of Rochester Road (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732) 9
- 2. Rezoning Application – Proposed Maple Business Center, North Side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733) 9
- 3. Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) 9

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-

CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Dr. Bob Erickson, MD, Member of Kensington Community Church

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (October), Julie Swidwinski, Community Affairs Assistant will present a check in the amount of \$601.25 to Nicole Reno for *Michigan Humane Society*

CARRYOVER ITEMS:

- B-1** No Carryover Items

PUBLIC HEARINGS:

- C-1** No Public Hearings

POSTPONED ITEMS:

- D-1** No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by

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

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

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Planning Commission b) City Council Appointments: Board of Zoning Appeals

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

The appointment of new members to all of the listed Board and Committee vacancies will require only one motion and vote by City Council. Council members submit nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Robert M. Schultz

Term Expires 12/31/2011

Thomas Strat

Term Expires 12/31/2011

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

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

Board of Zoning Appeals

Appointed by Council (7 Regular) 3-Year Term

Edward Kempen

Unexpired Term 04/30/2010

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: Planning Commission (a) Mayoral Nominations: (b) City Council Nominations: Advisory Committee for Persons with Disabilities; Board of Zoning Appeals and Historic District Study Committee

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

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

(a) Mayoral Nominations

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Unexpired Term 12/31/2010

Yes:

No:

(b) City Council Nominations

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

Alternate Unexpired Term 11/01/2009

Board of Zoning Appeals

Appointed by Council (7 Regular) 3-Year Term

Planning Commission Rep.* Term Expires 01/31/2009

Planning Commission Alt. Rep.* Term Expires 01/31/2009

***NOTE: Planning Commission to submit recommendations in January 2009.**

Historic District Study Committee

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

Ad Hoc

Yes:

No:

E-3 Bid Waiver: Bus Rental for Downhill Ski Program

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

WHEREAS, The City has utilized the services of the Troy School District buses for the Downhill Ski Program for the last nineteen (19 years); and

WHEREAS, It has been determined that the Troy School buses meet the Parks and Recreation Department's requirements for cancellation notice, availability of buses on both Friday and Saturday, bus capacity, and the pricing has been found to be in the City's best interest;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AWARDS** a contract to provide bus transportation for the Downhill Ski Program to the Troy School District for an estimated annual cost of \$26,500.00, at prices set by the Troy School District each year.

Yes:

No:

E-4 City of Troy Investment Policy and Establishment of Investment Accounts

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the investment policy and establishment of investment accounts outlined in the memorandum from John M. Lamerato, Assistant City Manager/Finance & Administration dated November 24, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

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

Suggested Resolution

Resolution #2008-12-

Moved by

Seconded by

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

Yes:

No:

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

F-2 Approval of City Council MinutesSuggested Resolution

Resolution #2008-12-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of November 24, 2008 as submitted.

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

F-4 Standard Purchasing Resolutions – None Submitted

F-5 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #4 – Sidwell #88-20-23-301-001 – The Helen S. Krawchuk TrustSuggested Resolution

Resolution #2008-12-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between The Helen S. Krawchuk Trust, owners of property having Sidwell #88-20-23-301-001, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$96,100.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$3,700.00 from The Helen S. Krawchuk Trust, owners of property having Sidwell #88-20-23-301-001; and

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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning Application – Proposed Office Building, South Side of Wattles, East of Rochester Road (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732) – December 15, 2008
 - b) Rezoning Application – Proposed Maple Business Center, North Side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733) – December 15, 2008
 - c) Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District – December 15, 2008
-

G-2 Memorandums: None Submitted**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

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

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

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Draft – October 9, 2008
 - b) Board of Zoning Appeals/Final – October 21, 2008
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J-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – September and October, 2008
 - b) Quarterly Financial Report – September 30, 2008
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Harlan Elementary PTA President Shannon Ryan
 - b) Letter of Thanks to Chief Nelson from Stacy Pilut, Raintree Homeowners Association
-

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

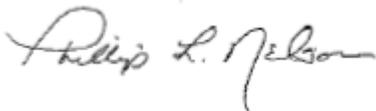
K-1 Preliminary Discussion No. 3 of the 2009/10 Budget – Potential Revenue Enhancements and Expenditure Reductions**PUBLIC COMMENT: Address of “K” Items**

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 No Closed Session**RECESSED****RECONVENED****ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, December 15, 2008

1. Rezoning Application – Proposed Office Building, South Side of Wattles, East of Rochester Road (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732)
2. Rezoning Application – Proposed Maple Business Center, North Side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733)
3. Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential)

SCHEDULED CITY COUNCIL MEETINGS:

Monday, December 15, 2008 Regular City Council
Monday, January 5, 2009 Regular City Council
Monday, January 26, 2009 Regular City Council
Monday, February 2, 2009 Regular City Council
Wednesday, February 11, 2009 (Liquor Violation Hearing) Regular City Council
Monday, February 16, 2009 Regular City Council
Wednesday, February 18, 2009 (Liquor Violation Hearing) Regular City Council



CITY COUNCIL ACTION REPORT

November 11, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Bid Waiver: Bus Rental for Downhill Ski Program

Background

- For the last 19 years, the City has utilized the services of the Troy School District buses for the Downhill Ski program.
- Eleven (11) passenger buses are anticipated for five consecutive weeks each winter at unit prices set by the Troy School District each year.
- Troy School District buses are less expensive than private bus companies.
- The TSD cancellation policy compliments our cancellation process for the Ski Program when there is unseasonably warm weather. Private companies require more than 24 hour notice, whereas the school district only requires four hours notice for a cancellation.
- The buses are available on both Friday and Saturday.
- The size of the school buses is beneficial to the program.
- No penalty for canceling buses on the day of the event. Private companies charge \$100 cancellation fee per bus.
- Results of a market comparison confirm the District is providing bus rental services at the lowest cost. See Appendix I

Financial Considerations

- Funds for this program are user-based and available in the Parks and Recreation Operating Budget, Other Fees, Account # 101.751.31.753.7905.

Legal Considerations

- None.

Policy Considerations

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

Options

- City management is requesting a waiver of the formal bid process and an ongoing contract to provide bus transportation for the Downhill Ski Program be approved to the lowest bidder, the Troy School District for an estimated annual cost of \$26,500.00.

APPENDIX I

INFORMAL QUOTES

Vendor	Friday	Saturday	Estimated Annual Total Cost
Lakefront Lines	\$15,300.00	\$18,125.00	\$33,425.00
Indian Trails	\$20,300.00	\$21,200.00	\$41,500.00
Troy School District	\$13,550.60	\$12,949.75	\$26,500.35



CITY COUNCIL ACTION REPORT

November 24, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: City of Troy Investment Policy and Establishment of Investment Accounts

Background:

- The current investment policy was initially approved in November 1999 and each year thereafter with the stipulation that it be reviewed and approved annually by City Council. The current policy has served us well during the past several years and is in compliance with Act 20 PA 1943, as amended. I am, however, requesting one change to the list of authorized investments, to further restrict the investments in commercial paper to the highest rated classifications from the highest two.
- I would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Bank of America; Bank of Michigan; Charter One; Citizens Bank; Citizens First Bank; Comerica Bank; Fifth Third Bank; Flagstar Bank; Huntington National Bank; JP Morgan Chase Bank; Merrill Lynch; Michigan Class-MBIA, Michigan Heritage Bank; National City Bank; Peoples State Bank; Salomon Smith Barney; TCF Bank and The Private Bank.

Financial Considerations:

- This policy is established in order to provide for the safety and diversification of investment accounts.

Legal Considerations:

- The investment policy is in compliance with Act 20 PA 1943, as amended.

CITY OF TROY INVESTMENT POLICY
To Comply with Act 20 PA 1943, as amended

Purpose: It is the policy of the City of Troy to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and comply with all State statutes governing the investment of public funds.

Scope: This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

Objectives: The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

Delegation of Authority to Make Investments: Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2007-11- 322-F-12). Management responsibility for the investment program is hereby delegated to the City of Troy Assistant City Manager/Finance and Administration who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction

except as provided under the terms of this policy and the procedures established by the Assistant City Manager/Finance and Administration. The Assistant City Manager/Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

List of Authorized Investments: The Assistant City Manager/Finance and Administration is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase with the highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

Safekeeping and Custody: All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Assistant City Manager/Finance and Administration may be on a cash basis or a delivery vs. payment basis as determined by the Assistant City Manager/Finance and Administration. Securities may be held by a third party custodian designated by the Assistant City Manager/Finance and Administration and evidenced by safekeeping receipts as determined by the Assistant City Manager/Finance and Administration.

Prudence: Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Regular Meeting of the Troy City Council was held Monday, November 24, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor AC Phipps of Evanswood Church of God gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

Resolution to Excuse Mayor Pro Tem Howrylak

Resolution #2008-11-337
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Martin Howrylak at the Special City Council meeting of November 11, 2008 due to a previous commitment.

Yes: All-7

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Louise Schilling presented certificates to Citizens Academy Class XII Graduation participants: Mary Lou Banat, Nancy Bradley, Barbara Coffey, Joe Coffey, Bette Gay, Jim Howell, Pat Howell, Margaret Julian, Josh Keagle, Richard Kucejko, Dorothy Pietron, Marshall Rennick, Rhonda Robertson, Bradley Scott, Gursharon Shergill, Radha Srinivasan.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items**PUBLIC COMMENT: Limited to Items Not on the Agenda****REGULAR BUSINESS:**

E-7 Transit Center Cost Sharing Agreement

Resolution
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement between the City of Troy and the City of Birmingham, which equally divides the cost of a Project Manager for the proposed Troy/Birmingham Intermodal Transit Center; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Interlocal Service Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Proposed Resolution to Postpone Action on the Resolution for the *Transit Center Cost Sharing Agreement*

Resolution
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** action on the *Transit Center Cost Sharing Agreement* until the City of Troy City Council and the City of Birmingham City Commission have agreed upon a scope document no later than the Regular City Council Meeting scheduled for Monday, December 15, 2008.

Vote on Resolution to Amend Proposed Resolution to Postpone Action on the Resolution for the *Transit Center Cost Sharing Agreement*

Resolution #2008-11-338
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Postpone Action on the Transit Center Cost Sharing Agreement* by **STRIKING** "scope document" and **INSERTING** "business plan".

Yes: All-7

MOTION CARRIED

Vote on Resolution to Postpone Action on the Resolution for the Transit Center Cost Sharing Agreement as Amended

Resolution #2008-11-339
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** action on the *Transit Center Cost Sharing Agreement* until the City of Troy City Council and the City of Birmingham City Commission have agreed upon a business plan no later than the Regular City Council Meeting scheduled for Monday, December 15, 2008.

Yes: All-7

MOTION CARRIED

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities and Parks & Recreation Board

(a) Mayoral Appointments

Resolution #2008-11-340
Moved by Schilling
Seconded by Kerwin

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

Downtown Development Authority
Appointed by Mayor (13-Regular) 4-Year Term

Laurence G. Keisling Term Expires 09/30/2012

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

MOTION CARRIED

(b) City Council Appointments

Resolution #2008-11-341
Moved by Howrylak
Seconded by Broomfield

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

Advisory Committee for Persons with Disabilities

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

Jeffrey Stewart

Term Expires 11/01/2011

Derek Mackie - **Alternate**

Unexpired Term 11/01/2009

Parks & Recreation Board

(7-Regular) 3-Year Term; (1-Troy School Board) 1-Year Term; (1-Troy Daze Committee) 1-Year Term; (1-Advisory Committee for Senior Citizens) 1-Year Term

Jeffrey Stewart - **Troy Daze Rep**

Term Expires 11/30/2009

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Planning Commission (b) City Council Nominations: Board of Zoning Appeals

(a) Mayoral Nominations

Resolution #2008-11-342

Moved by Schilling

Seconded by Howrylak

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Robert M. Schultz

Term Expires 12/31/2011

Thomas Strat

Term Expires 12/31/2011

Yes: All-7

MOTION CARRIED

(b) City Council Nominations

Resolution

Moved by Howrylak

Seconded by Fleming

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

Board of Zoning Appeals

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

Edward Kempen

Unexpired Term 04/30/2010

Vote on Resolution to Postpone Action to Nominate Applicant to the Board of Zoning Appeals

Resolution #2008-11-343

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution to *Nominate Applicant to the Board of Zoning Appeals* until the City Council meeting scheduled for Monday, December 1, 2008 so that additional applicants on file can be contacted to determine their interest in vacancy.

Yes: Kerwin, Schilling, Beltramini

No: Broomfield, Eisenbacher, Fleming, Howrylak

MOTION FAILED

Vote on Resolution to Nominate Applicant to the Board of Zoning Appeals

Resolution #2008-11-344

Moved by Howrylak

Seconded by Fleming

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

Board of Zoning Appeals

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

Edward Kempen

Unexpired Term 04/30/2010

Yes: All-7

MOTION CARRIED

E-3 NLC Prescription Discount Card Program

Resolution #2008-11-345
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, Michigan's continuing economic distress makes paying for prescriptions difficult;

WHEREAS, A need for prescription assistance may be prevalent in tough economic times; and

WHEREAS, It is the position of the City Council and Administration to provide needed services to the residents of Troy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of the NLC Prescription Discount Card.

Yes: All-7

MOTION CARRIED

E-4 Amended Consent Order and Judgment – Proposed Parking Lot Expansion and Building Addition, Existing Heartland of Oakland Skilled Nursing Facility, Southeast Corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B (File Number SP-883 C)

Resolution #2008-11-346
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for Heartland Health Care 160 Bed Nursing Home and Rehabilitation Facility, located on the southeast corner of South Boulevard and Livernois, Section 3, as indicated on Preliminary Site Plan Sheet SP1, prepared by Nowak & Fraus; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Third Amendment to the Consent Order and Judgment* in the matter of Rodney D. Hyduk, DDS, MSD, Trustee of the Rodney D. Hyduk Trust Agreement, dated 2/19/82 as amended and successors in trust, successor to Rodney D. Hyduk v. City of Troy, a Michigan Municipal corporation and Healthcare and Retirement Corporation of America an Ohio corporation, as Intervening Plaintiff (Oakland County Circuit Court Case No. 83-265736-CZ), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

E-5 Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)

Resolution

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with an outdoor seating area and relocated handicap parking spaces, as per the Planning Commission recommendation, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval.

Proposed Resolution to Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution

Resolution

Moved by Schilling

Seconded by Fleming

RESOLVED, That Troy City Council hereby AMENDS the proposed resolution for *Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution* by **STRIKING** it in its entirety and **INSERTING**:

“RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval.”

Vote on Resolution to Amend Proposed Substituted Resolution for Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)

Resolution #2008-11-347

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to substitute *Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)* by **INSERTING** “subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff” **AFTER** “Special Use Approval” in the last paragraph.

Yes: All-7

MOTION CARRIED

Proposed Resolution to Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution

Resolution #2008-11-348

Moved by Schilling

Seconded by Fleming

RESOLVED, That Troy City Council hereby AMENDS the proposed resolution for *Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)* by **Substitution** by **STRIKING** it in its entirety and **INSERTING**:

“RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff.”

Vote on Resolution to Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) as Amended by Substitution

Resolution #2008-11-349

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff.

Yes: All-7

MOTION CARRIED

The meeting **RECESSED** at 9:11 PM.

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

E-6 Temporary Merchant Business Ordinance

a) Resolution to Amend Chapter 61 – Transient Merchants

Resolution #2008-11-350a

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 61, Transient Merchants, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Schilling, Beltramini

MOTION CARRIED

b) Resolution to Amend Chapter 3 – Administrative Service

Resolution #2008-11-350b
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 3, Administrative Service, Section 1.141(6), as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**c) Resolution to Amend Chapter 60 – Fees and Bonds Required**

Resolution #2008-11-350c
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required, Section 60.03, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**d) Resolution to Amend Chapter 69 – Miscellaneous Licensed Businesses**

Resolution #2008-11-350d
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 69, Miscellaneous Licensed Businesses, by deleting Sections 1 through 5 and renumbering the remainder of chapter, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**CONSENT AGENDA:**

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

Resolution #2008-11-351
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-12 and F-13 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-11-351-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of November 10, 2008 and the Minutes of the 10:00 AM Special City Council Meeting of November 11, 2008 as submitted.

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

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Breathing Air Compressor**

Resolution #2008-11-351-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install one (1) Breathing Air Compressor at Fire Station #1 to the low bidder meeting specifications, Southeast Equipment, Inc. of Troy Michigan, for an estimated total cost of \$21,973.80; and

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

b) Standard Purchasing Resolution 3: Exercise Renewal Options – Vehicle Wash Services

Resolution #2008-11-351-F-4b

WHEREAS, On May 14, 2007, contracts to furnish two-year requirements of City Vehicle Wash Services with an option to renew for two (2) additional years was awarded to the following bidders: Tunnel O'Suds Car Wash, Your Car Wash, Pro Enterprise, Inc. and Jax Kar Wash as a result of a best value process at unit prices contained in the bid tabulation opened January 23, 2007, a copy of which shall be attached to the original Minutes of this meeting (Resolution #2007-05-142-E4a); and

WHEREAS, Tunnel O'Suds Car Wash, Jax Kar Wash and Pro Enterprise, Inc have agreed to exercise the two-year option to renew their exterior wash contracts under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts with Tunnel O'Suds Car Wash, Jax Kar Wash and Pro Enterprise, Inc. to provide two-year requirements of City Vehicle Exterior Wash Services under the same prices, terms and conditions as the original contracts to expire December 31, 2010.

c) **Standard Purchasing Resolution 8: Best Value Award – Uniform Rental Services**

Resolution #2008-11-351-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two (2) year requirements of Uniform Rental Services for various City of Troy union employees, with an option to renew for two (2) additional years to the alternate proposal from Unifirst Corporation of Auburn Hills, Michigan as a result of a best value process in cooperation with Oakland County, which the Troy City Council determines to be in the public interest, at unit prices at or below those contained in the tabulation opened September 3, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring October 31, 2010; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

d) **Standard Purchasing Resolution 4: Award – State of Michigan MiDEAL Program – Lawn & Garden, Commercial and Agricultural Equipment**

Resolution #2008-11-351-F-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2008 John Deere Backhoe from JDE Equipment Company, of New Hudson, MI, through the State of Michigan MiDEAL program for \$83,757.00 plus additional options not covered under MiDEAL of \$6,585.00, less trade-in of \$16,000.00, for an estimated net total cost of \$74,342.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Fleet Maintenance Division to accept or reject the trade-in offer of \$16,000.00 for the backhoe, pending the results to offer the equipment for sale on the open market at an amount greater than \$16,000.00.

F-5 Acceptance of Regrading and Temporary Construction Permit Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #21 – Sidwell #88-20-14-351-008 – BS&G Management Company/George and Maria Zivan

Resolution #2008-11-351-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$100.00 from BS&G Management Company and George and Maria Zivan, owners of property having Sidwell #88-20-14-351-008.

F-6 Application to Transfer a Resort Class C and Brewpub License to Granite City

(a) Transfer License

Resolution #2008-11-351-F-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Granite City Restaurant Operations, Inc. (a Minnesota Corporation) to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM license in conjunction with Official Permit (Food) located in escrow at 7568 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and request a new Brewpub license to be held in conjunction; and

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

(b) Agreement

Resolution #2008-11-351-F-6b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Granite City Restaurant Operations, Inc. (a Minnesota Corporation) to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM license in conjunction with Official Permit (Food) located in escrow at 7568 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and request a new Brewpub license to be held in conjunction; and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading & Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #43 – Sidwell #88-20-22-226-080 – Pomponi's Real Estate Investments

Resolution #2008-11-351-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Pomponi's Real Estate Investments, owners of property having Sidwell #88-20-22-226-080, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$52,926.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$6,374.00 and the Regrading and Temporary Construction Permit in the amount of \$60.00 from Pomponi's Real Estate Investments, owners of property having Sidwell #88-20-22-226-080; and

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

F-8 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading & Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #18 – Sidwell #88-20-23-100-081 – Marvin Brown, Jr., and Waltraud Brown

Resolution #2008-11-351-F-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Marvin Brown, Jr., and Waltraud Brown, owners of property having Sidwell #88-20-23-100-081 and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$24,400.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,300.00 and the Regrading and Temporary Construction Permit in the amount of \$200.00 from Brentwood Land Development, LLC, owner of property having Sidwell #88-20-23-100-081; and

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

F-9 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #15 – Sidwell #88-20-23-100-078 – Harmony Christian Care & Learning Center, LLC

Resolution #2008-11-351-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Harmony Christian Care & Learning Center, LLC, owners of property having Sidwell #88-20-23-100-078 and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$104,800.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$14,400.00 from Harmony Christian Care & Learning Center, LLC, owners of property having Sidwell #88-20-23-100-078; and

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

F-10 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 125 E. Long Lake Road

(a) Transfer License

Resolution #2008-11-351-F-10a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 125 E. Long Lake, Troy, MI; and

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

(b) Agreement

Resolution #2008-11-351-F-10b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business

located at 125 E. Long Lake, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 1980 E. Big Beaver Road

(a) Transfer License

Resolution #2008-11-351-F-11a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 1980 E. Big Beaver, Troy, MI; and

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

(b) Agreement

Resolution #2008-11-351-F-11b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 1980 E. Big Beaver, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-14 Second Amendment to Preliminary Engineering Agreement – Wattles Road, 1,000' East and West of Rochester Road – Project No. 01.106.5

Resolution #2008-11-351-F-14

RESOLVED, That Troy City Council hereby **APPROVES** Amendment No.2 to Preliminary Engineering Agreement No. 01-5477/S1, with Hubbell, Roth & Clark, Inc. (HRC) for preliminary engineering services required in connection with the reconstruction of Wattles Road, 1,000' East and West of Rochester Road and hereby **AUTHORIZES** the Mayor and City Clerk to execute the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

F-15 Second Amendment to Preliminary Engineering Agreement – Rochester Road, Torpey to Barclay – Project No. 99.203.5

Resolution #2008-11-351-F-15

RESOLVED, That Troy City Council hereby **APPROVES** Amendment No.2 to Preliminary Engineering Agreement No. 00-5024/S1, with Hubbell, Roth & Clark, Inc. (HRC) for preliminary engineering services required in connection with the reconstruction of Rochester Road, from Torpey to Barclay and hereby **AUTHORIZES** the Mayor and City Clerk to execute the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

F-16 Acceptance of a Water Main Easement – Troy-Rochester Properties, LLC – Sidwell #88-20-22-426-057

Resolution #2008-11-351-F-16

RESOLVED, That Troy City Council hereby **ACCEPTS** the water main easement from property owner Troy-Rochester Properties, LLC, having Sidwell # 88-20-22-426-057; and

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

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

F-12 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 2045 South Boulevard

(a) Transfer License

Resolution #2008-11-352-F-12a
Moved by Eisenbacher
Seconded by Schilling

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 2045 South Boulevard, Troy, MI; and

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

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

MOTION CARRIED

(b) Agreement

Resolution #2008-11-352-F-12b
Moved by Eisenbacher
Seconded by Schilling

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 2045 South Boulevard, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Howrylak, Kerwin, Schilling

No: Beltramini, Broomfield, Fleming

MOTION CARRIED

F-13 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 4963 John R Road

(a) Transfer License

Resolution #2008-11-352-F-13a

Moved by Eisenbacher

Seconded by Schilling

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 4963 John R, Troy, MI; and

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

Yes: Eisenbacher, Howrylak, Kerwin, Schilling

No: Beltramini, Broomfield, Fleming

MOTION CARRIED

(b) Agreement

Resolution #2008-11-352-F-13b

Moved by Eisenbacher

Seconded by Schilling

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 4963 John R, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to

execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Howrylak, Kerwin, Schilling

No: Beltramini, Broomfield, Fleming

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2008-11-353

Moved by Schilling

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **AUTHORIZE** City Council to move forward agenda item, *K-1 Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey*.

Yes: All-7

MOTION CARRIED

K-1 Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey

Proposed Resolution to Postpone Resolution for Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey

Resolution

Moved by Broomfield

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the proposed resolution only for *Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey* to provide City Council with the opportunity to discuss and explore the topic at a Study Session that shall include ratings and department head participation prior to any implementation.

PUBLIC COMMENT RECEIVED FROM:

Jeanne Stine	Corinne Rosewall	Sharon McDonald
Tom Krent	Zach Kilgore	Luis Sanchez
Barb LeMaigre	Bridget Anderson	Rick Marshall
Ed Hendry	Maureen Anderson	Paul Stosky
Linda Friedman	Chad & Mary Creager	Frances Sage
Ellen Archey	Tom Wdowik	Mali Vermanian
Nancy Youngerman	J. Vermanian	Theresa Farnell
Molly Conley	Vicki Schard	

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2008-11-354
 Moved by Schilling
 Seconded by Eisenbacher

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

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

MOTION CARRIED**Vote on Resolution to Postpone Indefinitely the Resolution Only for Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey**

Resolution #2008-11-355
 Moved by Broomfield
 Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the proposed resolution only for *Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey* to provide City Council with the opportunity to discuss and explore the topic at a Study Session that shall include ratings and department head participation prior to any implementation.

Yes: All-7

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Joint Local Development Finance Authority/Final – April 28, 2008
- b) Advisory Committee for Senior Citizens/Final – September 4, 2008
- c) Board of Zoning Appeals/Final – September 16, 2008
- d) Liquor Advisory Committee/Final – October 13, 2008
- e) Employees' Retirement System Board of Trustees/Final – October 15, 2008
- f) Board of Zoning Appeals/Draft – October 21, 2008
- g) Local Development Finance Authority/Final – October 27, 2008
- h) Planning Commission Special/Study/Draft – October 28, 2008
- i) Planning Commission Special/Study/Final – October 28, 2008
- j) Troy Daze Advisory Committee/Draft – October 28, 2008
- k) Advisory Committee for Persons with Disabilities/Draft – November 5, 2008
- l) Building Code Board of Appeals/Draft – November 5, 2008
- m) Liquor Advisory Committee/Draft – November 10, 2008

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of October 2008
- b) Council Member Robin Beltramini's Travel Expense Report – MML 110th Annual Conference on October 1-5, 2008
- c) City Council Expense Report – November, 2008

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks from Kathryn Brodt Regarding the Medical Equipment Loan Closet
- b) Letter to Chief Nelson from Senator John Pappageorge Regarding the Troy Fire Department Earning a Life Safety Achievement Award from the Residential Fire Safety Institute
- c) Letter from St. Alan's Church Commending the Precinct Workers at Precincts 19 and 28

Noted and Filed

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

J-5 Southeastern Oakland County Resource Recovery Authority (SOCRRA) –
Quarterly Report – October 2008
Noted and Filed

J-6 Communication from the State of Michigan Public Service Commission Regarding
Notice of Hearing for the Electric Customers of the Detroit Edison Company –
Case No. U-15677
Noted and Filed

STUDY ITEMS:

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

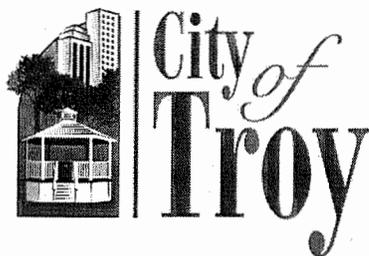
L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** on Tuesday, November 25, 2008 at 12:33 AM.

Louise E. Schilling, Mayor

M. Aileen Bittner
Administrative Aide



CITY COUNCIL ACTION REPORT

November 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Approval of Purchase Agreement and
 Acceptance of Permanent Public Utility Easement
 Rochester Road Improvements, Torpey to Barclay
 Project No. 99.203.5 – Parcel #4 – Sidwell #88-20-23-301-001
 The Helen S. Krawchuk Trust

Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Purchase Agreement and Permanent Public Utility Easement from The Helen S. Krawchuk Trust. This parcel is located on the east side of Rochester Road, between Charrington and Bishop in the southwest ¼ of Section 23.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$96,100, plus closing costs for the acquisition of the property described in the purchase agreement and \$3,700 for the Permanent Public Utility Easement are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

Legal Considerations:

- The format and content of the purchase agreement and easement are consistent with documents previously accepted by City Council.
- As an additional condition of the purchase agreement, the City will reimburse the Seller \$1,000 for costs associated with the review of the offer.

Policy Considerations:

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

Options:

- City Management recommends that City Council approve the attached purchase agreement and accept the attached Permanent Public Utility Easement from The Helen S. Krawchuk Trust so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Krawchuk Trust Purchase Agreement & PUE

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Helen S. Krawchuk, Trustee Under the Written Trust Agreement of Helen S. Krawchuk dated January 3, 1983 (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Ninety-Six Thousand, One Hundred and no/100 Dollars (\$96,100) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:
Buyer also agrees to reimburse Seller \$1,000 for costs associated with the review of this offer and closing of the approved transaction.

Shel Sandford

[Signature]

Sandra S. Olson
Sandra S. Olson

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 24th day of NOVEMBER, 2008.

In presence of:

Joseph G. Lietaert

JOSEPH G. LIETAERT

Scott Finlay
SCOTT FINLAY

CITY OF TROY (BUYER)

Patricia A. Petitto
PATRICIA A. PETITTO

SELLER:

TRUST AGREEMENT OF
HELEN S. KRAWCHUK DATED
JANUARY 3, 1983

Sandra S. Osborn
Sandra S. Osborn

Sandra S. Osborn, Successor Trustee

Sheryl S. Sandford
Sheryl S. Sandford, Successor Trustee

Sheryl Sandford

2 [Signature]

Sandra S. Osborn
Sandra S. Osborn

01-28-08
19990476
20-23-301-001
rev.07-02-08

EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

Part of the North 200 feet of the West 165 feet of the Northwest ¼ of the Southwest ¼ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, described as follows: Commencing at the West ¼ corner of Said Section 23; thence N87°46'20"E 43.00 feet to the Point of Beginning; thence continuing N87°46'20"E 32.00 feet; thence S01°50'55"E 199.97 feet; thence S87°46'20"W 34.55 feet; thence N01°07'04"W 200.00 feet to the Point Of Beginning.

Said acquisition contains 6,653 square feet, or 0.153 acres, more or less.

Duff Sandford



Sandra S. Osborn
Sandra S. Osborn

PERMANENT UTILITY EASEMENT

Sidwell #88-20-23-301-001
Parcel #4

Helen S. Krawchuk, Trustee Under the Written Trust Agreement of Helen S. Krawchuk dated January 3, 1983, Grantors, whose address is: 547 North Brys Drive, Grosse Pointe Woods, MI 48236-1246 is for and in consideration of the sum of: Three Thousand, Seven Hundred and no/100 Dollars (\$3,700) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in The City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

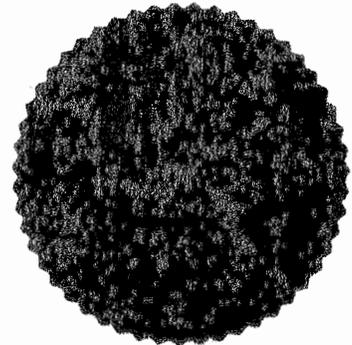
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, Representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned affixed her signature this 20th day of November, 2008.

THE HELEN S. KRAWCHUK TRUST DATED
January 3, 1983

Sheryl Sandford (L.S.)
Sheryl S. Sandford, Successor Trustee

SIGNED BY SHERYL S.SANDFORD)
On this 20th day of November 2008)
At Melbourne, Australia)



Before me,

[Signature]
A NOTARY PUBLIC

ANTHONY JAMES OAKLEY
Melbourne
AUSTRALIA
PUBLIC NOTARY

MY FACULTY IS NOT LIMITED AS TO TIME

Sheryl Sandford *[Signature]*

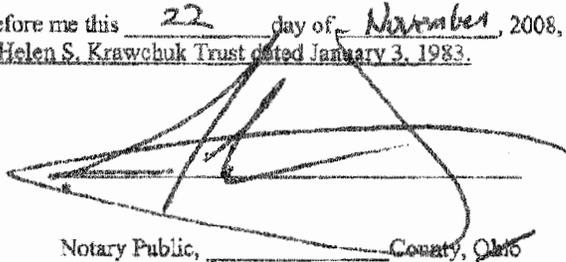
IN WITNESS WHEREOF, the undersigned hereto affixed her signature this 22 day of November, 2008

THE HELEN S. KRAWCHUK TRUST DATED
January 3, 1983

Sandra S. Osborn
Sandra S. Osborn (L.S.)
Sandra S. Osborn, Successor Trustee

STATE OF ~~OHIO~~ ^{Michigan})
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this 22 day of November, 2008,
By Sandra S. Osborn, Successor Trustee of the Helen S. Krawchuk Trust dated January 3, 1983.



Notary Public, _____ County, Ohio

Acting in Wayne County, Ohio

My Commission Expires _____

JOHN S. BARBOUR
Notary Public, State of Michigan
County of Wayne
My Commission Expires Sep. 07, 2018
Acting in the County of Wayne

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

Deif Sandford

Sandra S. Osborn

01-28-08
19990476
20-23-301-001
rev.07-02-08

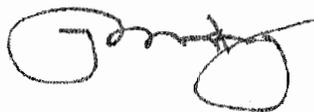
EXHIBIT 'A'

DESCRIPTION OF RIGHT OF WAY ACQUISITION

Part of the North 200 feet of the West 165 feet of the Northwest ¼ of the Southwest ¼ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, described as follows: Commencing at the West ¼ corner of Said Section 23: thence N87°46'20"E 43.00 feet to the Point of Beginning; thence continuing N87°46'20"E 32.00 feet; thence S01°50'55"E 199.97 feet; thence S87°46'20"W 34.55 feet; thence N01°07'04"W 200.00 feet to the Point Of Beginning.

Said acquisition contains 6,653 square feet, or 0.153 acres, more or less.

Duff Sandford



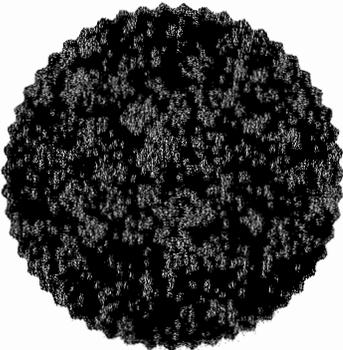
Sandra S. Osborn

NOTARIAL CERTIFICATE

TO ALL TO WHOM THESE PRESENT WRITINGS SHALL COME

I, **ANTHONY JAMES OAKLEY**, Public Notary, duly authorised admitted and sworn, residing and practising in the City of Melbourne in the State of Victoria in the Commonwealth of Australia **DO HEREBY CERTIFY** that I was present at Melbourne on the 20th day of November Two thousand and eight and did see **SHERYL S SANDFORD** the person named in the annexed City of Troy Agreement to Purchase Realty for Public Purposes together with attached Exhibit "A" consisting of 6 pages duly sign the same and that the signature "S Sandford" subscribed is the proper handwriting of the said **SHERYL S SANDFORD** and that the signature "A.J. Oakley" subscribed as the attesting witness is of the proper handwriting of myself.

IN FAITH AND TESTIMONY whereof I the said Public Notary have hereunto subscribed my name and affixed my Seal of Office this 20th day of November Two thousand and eight.



Anthony James Oakley
Public Notary
Melbourne, Victoria
AUSTRALIA



MY FACULTY IS NOT LIMITED AS TO TIME



CITY COUNCIL REPORT

DATE: November 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Office Building, South side of Wattles, East of Rochester Rd. (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732)

Background:

- A public hearing is scheduled for the December 15, 2008 City Council meeting.
- The Planning Commission recommended denial of the request to rezone the parcel to O-1 at the November 11, 2008 Regular meeting.
- The Master Plan proposes a Neighborhood Node at the corner of Wattles and Rochester (Neighborhood Node G). The node is described as “a careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods”. It must be determined whether the subject parcel lies within the Neighborhood Node and consistent with the standards.
- The application is not consistent with the general character of the area and is incompatible with adjacent single family zoning districts and land uses.
- The attached Planning Commission memo outlines the issues associated with this rezoning.
- The Planning Commission recommended denial of the rezoning application because the request is incompatible with existing zoning and in conflict with the Master Plan’s conceptual idea of an economic node at this location.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is not consistent with any of the “Outcome Statements” as established at the July 1 Special Council meeting.

Options:

- City Council can approve or deny the rezoning application.
- City Council can postpone the rezoning application for consideration of a conditional rezoning offered by the applicant.
- No City Council action until the December 15, 2008 public hearing.

Attachments:

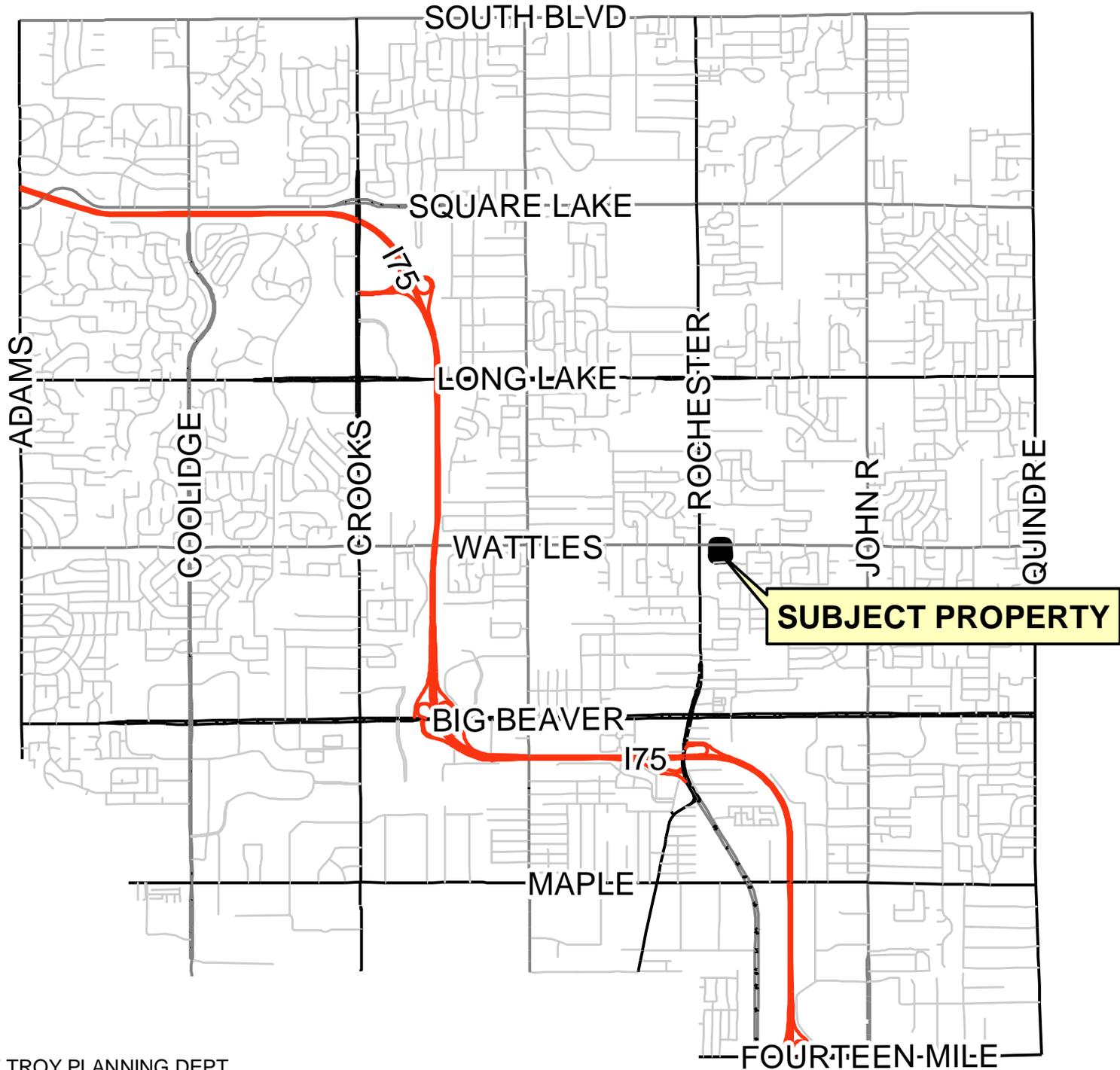
1. Maps.
2. Minutes (draft) from the November 11, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated November 5, 2008.
4. Public comment.

Prepared by RBS/MFM

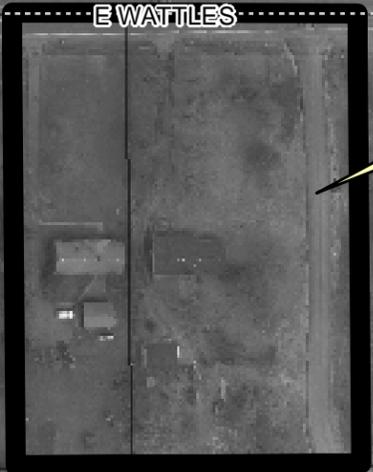
cc: Applicant
File /Z 732

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CITY OF TROY



REZONING REQUEST
PROPOSED WATTLES OFFICE COMPLEX
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF ROCHESTER RD.
SEC. 23 (Z-732)

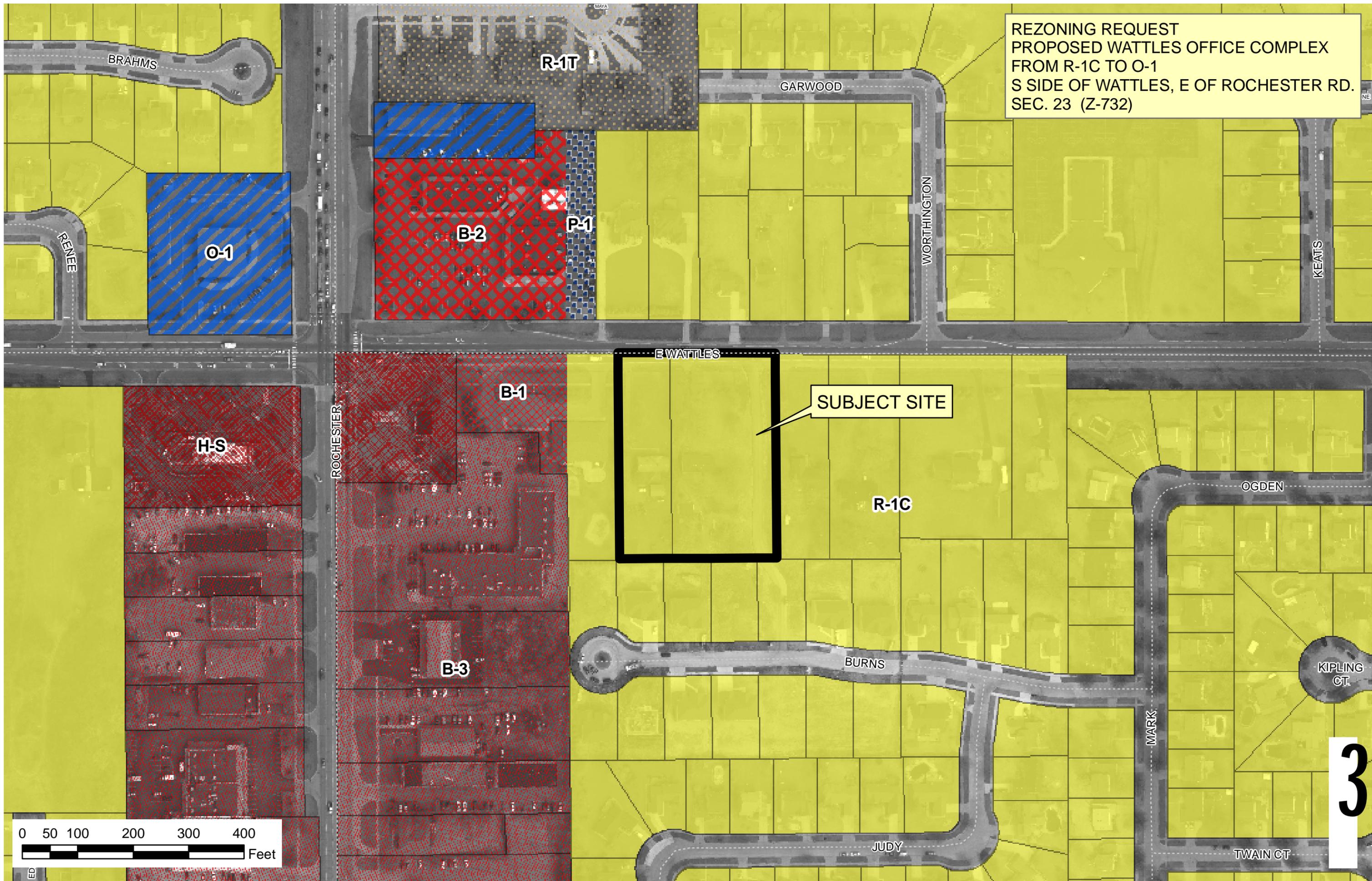


SUBJECT SITE

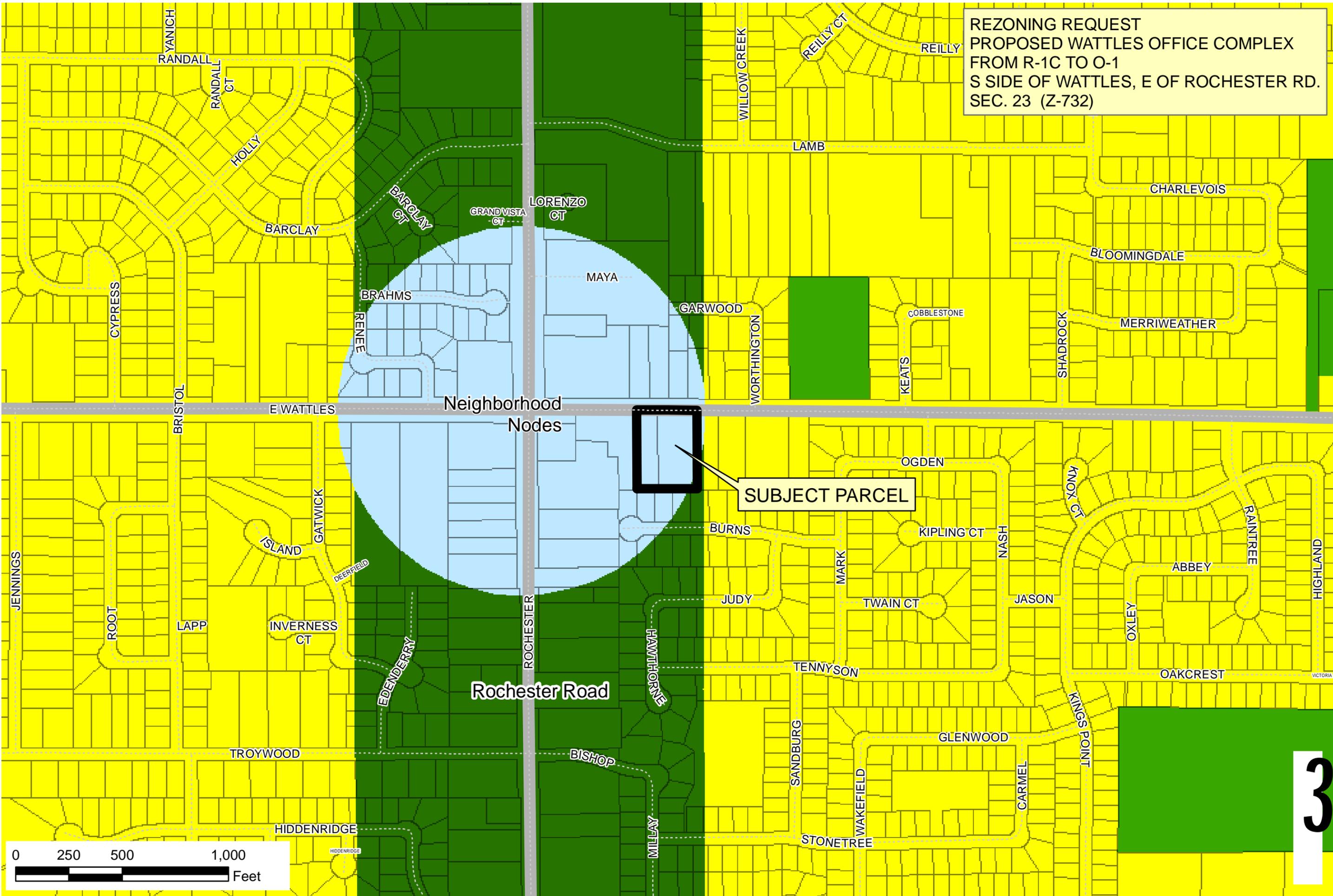
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REZONING REQUEST
PROPOSED WATTLES OFFICE COMPLEX
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF ROCHESTER RD.
SEC. 23 (Z-732)



REZONING REQUEST
PROPOSED WATTLES OFFICE COMPLEX
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF ROCHESTER RD.
SEC. 23 (Z-732)



PRELIMINARY SITE PLANS

WATTLES OFFICE COMPLEX

PART OF THE N.W. 1/4 OF SECTION 23 T.2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WATTLES OFFICE COMPLEX

CLIENT:
BRENTWOOD LAND DEVL. LLC

PROJECT LOCATION:
TROY

CITY ENGINEERS:
CITY

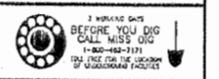
DATE:
05-23-08

SCALE:
1"=30'

PRELIMINARY SITE PLAN

GMA

Genna Mauro & Associates
Civil Engineers • Designers • Planners
4857 WOODS ROAD, SUITE 1000, TROY, MI 48063
PH: (313) 247-2660 FAX: (313) 247-2611



Drawn By: S.G.
Checked By: S.M.
Approved By: S.M.

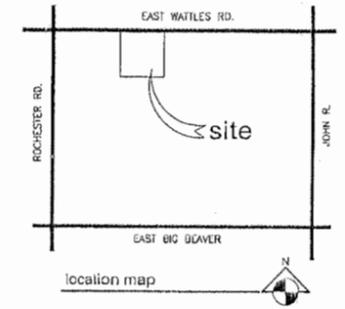
Revisions:	Date:	By:



SIMONE B. MAURO P.E. No. 30992

Job No. **08002**

Sheet No. **1** OF **1**



site data:

EXIST. ZONING: R-1C
PROP. ZONING: O-1
AREA: GROSS=2.39± ACRES
AREA: NET=2.0± ACRES

DENSITY CALCULATIONS:
ALLOWABLE= 15,000 PER ACRE
ALLOWABLE= 30,000 SQ.FT.
PROVIDED= 19,073 SQ.FT.

SETBACKS:
SIDE YARD=20'
REAR YARD=20'
FRONT YARD=30'

BUILDING INFO:
TOTAL BUILDING SQ. FT.= 20,037 SQ. FT.

PARKING REQUIREMENTS:
REQ. 1 SPACE PER 200 SQ.FT.
19,073 / 200 = 95 SPACES
PROVIDED = 106 SPACES

PARCEL C-2 LEGAL DESCRIPTION

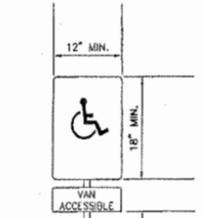
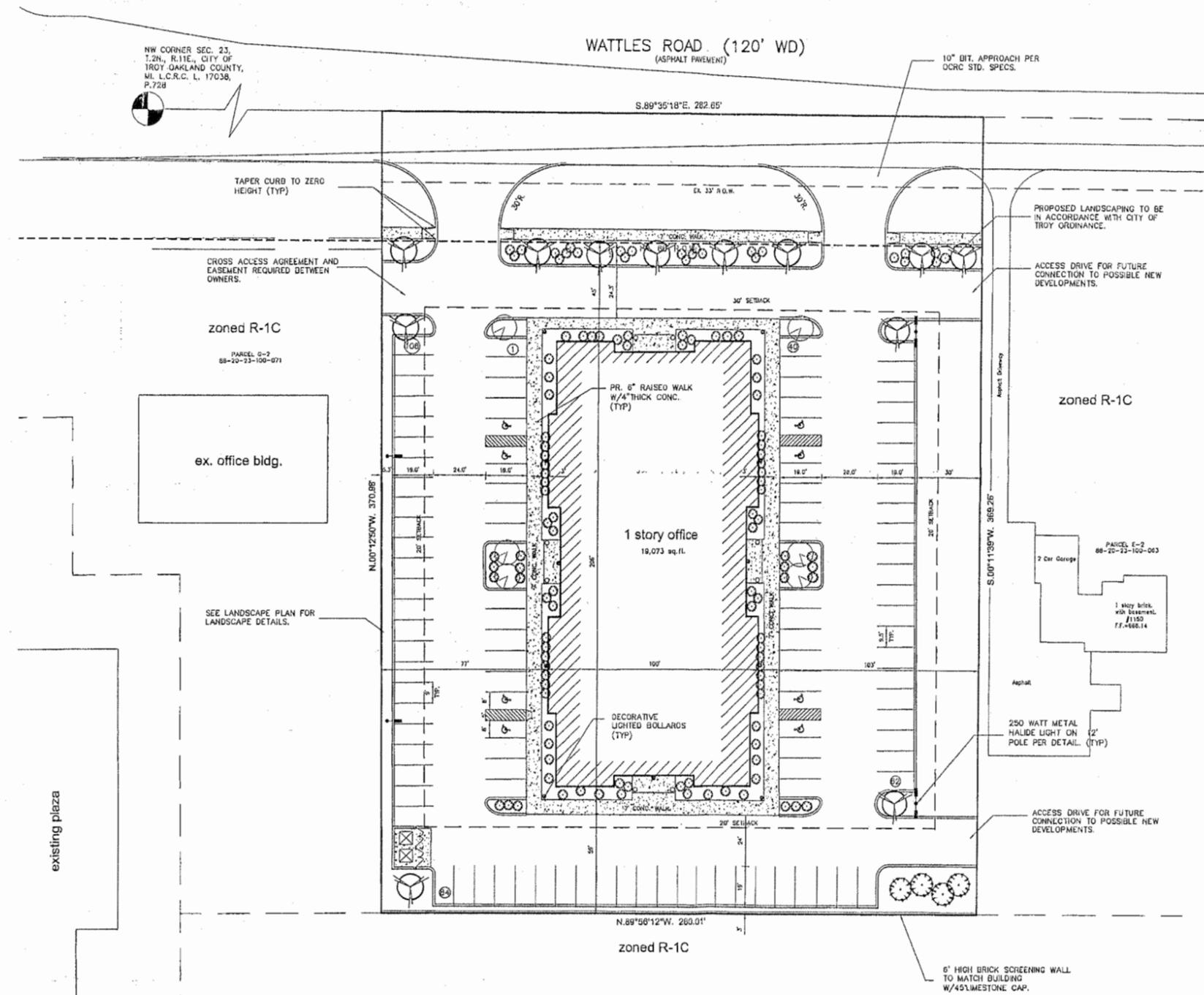
LAND IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN T2N., R11E., SECTION 23, PART OF THE NORTHWEST 1/4 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE S.89°35'18"E. 514.70' ALONG THE NORTH LINE OF SAID SECTION 23 TO THE POINT OF BEGINNING; CONTINUING THENCE S.89°35'18"E. 93.83' ALONG THE NORTH LINE OF SAID SECTION 23; THENCE S.00°11'39"W. 370.41'; THENCE N.89°56'12"W. 91.19'; THENCE N.00°12'50"W. 370.98' TO THE POINT OF BEGINNING, CONTAINING 0.80 ACRES OF LAND MORE OR LESS AND SUBJECT TO THE NORTH 33.00' FOR ROAD RIGHT OF WAY ALSO SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

PARCEL D-2 LEGAL DESCRIPTION

LAND IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN T2N., R11E., SECTION 23, PART OF THE NORTHWEST 1/4 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23, THENCE S.89°35'18"E. 608.53' FT. ALONG THE NORTH LINE OF SAID SECTION 23 TO THE POINT OF BEGINNING; CONTINUING THENCE S.89°35'18"E. 188.82' FT. THENCE S.00°11'39"W. 369.26' FT.; THENCE N.89°56'12"W. 168.82' FT.; THENCE N.00°11'39"E. 370.41' FT. TO THE POINT OF BEGINNING, CONTAINING 1.50 ACRES OF LAND MORE OR LESS AND SUBJECT TO THE NORTH 33.00' FT. FOR ROAD RIGHT OF WAY ALSO SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

bench marks:

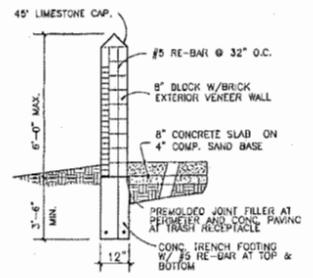
ARROW ON HYD. SOUTH SIDE OF WATTLES IN FRONT OF #1094 ELEV=688.39



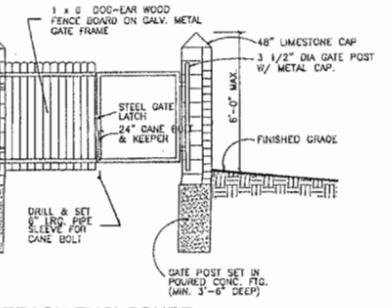
Parking Space Sign
NO SCALE

FIRE DEPARTMENT NOTES:

1. THE FIRE DEPARTMENT CONNECTION MUST BE LOCATED WITHIN ONE HUNDRED (100) FEET OR A FIRE HYDRANT AND WITHIN FIFTY (50) FEET OF A MINIMUM EIGHTEEN (18) FOOT WIDE PAVED DRIVEWAY OR STREET.
2. GAS METERS, PROPANE TANKS, OVERHEAD ELECTRICAL SERVICE, AND TRANSFORMERS MUST NOT BE LOCATED ON THE SAME SIDE OF THE BUILDING OR STRUCTURE AS THE FIRE DEPARTMENT CONNECTION UNLESS A CLEAR DISTANCE OF ONE HUNDRED FIFTY (150) FEET CAN BE MAINTAINED BETWEEN UTILITIES AND THE FIRE DEPARTMENT CONNECTION.
3. ALL DRIVE AREAS MUST BE POSTED AS FIRE LANES WITH UNIFORM SIGNS IN KEEPING WITH THE STANDARD ESTABLISHED IN THE MICHIGAN MANUAL OF THE UNIFORM TRAFFIC CONTROL DEVICES. SIGNS MUST BE ERRECTED ON BOTH SIDES OF THE FIRE LANES WITH SPACING BETWEEN SIGNS NOT TO EXCEED ONE HUNDRED (100) FEET.



TRASH ENCLOSURE SECTION
NO SCALE



TRASH ENCLOSURE DETAIL
NO SCALE

REC'D
SEP 17 2008
PLANNING DEPT.

REZONING REQUESTS

5. PUBLIC HEARING – REZONING APPLICATION (Z 732) – Proposed Office Building, South side of Wattles Road, East of Rochester Road (1100 and 1120 Wattles Road), Section 23, From R-1C (One Family Residential) to O-1 (Low Rise Office) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. He addressed the newly adopted Master Plan as relates to neighborhood nodes, and briefly explained the charge of the Planning Commission in its interpretation of the neighborhood node in relation to the proposed rezoning request. Mr. Miller apologized that the sketches of a potential office development, provided by the applicant, were not included in the meeting packet, but indicated they were distributed to members prior to the beginning of tonight's meeting.

It is the recommendation of City Management that if the Planning Commission determines that the subject parcel lies within the neighborhood node, the applicant consider submitting a conditional rezoning application that could potentially serve as an appropriate transition between residential and non-residential uses.

Mr. Forsyth emphasized the sketch of the potential office development would not play a part in deliberation of the rezoning request.

The petitioner, Salvatore DiMercurio of Brentwood Land Development, 48705 Hayes Road, Shelby Township, was present. Stefano Mularoni was also present. Mr. DiMercurio briefly addressed the proposed site, of which a conceptual drawing was displayed. He indicated his willingness to commit to a conditional rezoning.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

A brief discussion followed relating to the interpretation of the neighborhood node, the proximity of the proposed rezoning to residential, and the application process for conditional rezoning.

Mr. Miller suggested postponement of the traditional rezoning request if it is the intent of the Planning Commission to offer the petitioner the opportunity to go forward with a conditional rezoning application.

Resolution # PC-2008-11-130

Moved by: Strat
Seconded by: Sanzica

RESOLVED, To postpone the rezoning request to deal with a conditional rezoning.

Discussion on the motion on the floor.

Chair Schultz addressed concerns with a conditional rezoning.

Vote on the motion on the floor.

Yes: Sanzica, Strat, Tagle
No: Hutson, Schultz, Ullmann
Absent: Maxwell, Vleck, Wright

MOTION FAILED**Resolution # PC-2008-11-131**

Moved by: Hutson
Seconded by: Ullmann

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located on the south side of Wattles, east of Rochester Road, within Section 23, being approximately 2.39 acres in size, be denied, for the following reason:

1. The request is incompatible with existing zoning and in conflict with the Master Plan's conceptual idea of an economic node at this location.

Yes: Hutson, Schultz Ullmann
No: Sanzica, Strat, Tagle
Absent: Maxwell, Vleck, Wright

MOTION FAILED

Mr. Forsyth clarified that a recommendation to deny the proposed rezoning request would go forward to City Council.

DATE: November 5, 2008

TO: Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING - REZONING APPLICATION – Proposed Office Building, South side of Wattles, East of Rochester Rd. (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (Z-732)

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Salvatore DiMercurio of Brentwood Land Development.

Location of Subject Property:

The property is located on the south side of Wattles Road, east of Rochester Road, in Section 23.

Size of Subject Property:

The property is approximately 2.39 acres in size.

Current Use of Subject Property:

Two single family residences presently sit on the property.

Current Zoning Classification:

R-1C One Family Residential.

Proposed Zoning of Subject Parcel:

O-1 Low Rise Office.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to develop a professional office building on the property.

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Current Use of Adjacent Parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Daycare center.

ANALYSIS

Range of Uses Permitted in Proposed O-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales.

Medical office, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants.

Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment.

Technical training uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Mortuary establishments.

Private service clubs, fraternal organizations and lodge halls.

Private ambulance facilities.

Utility sub-stations, transformer stations or gas regulator stations (without storage yards).

Mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development.

Child care centers, nursery schools, or day nurseries (not including dormitories).

Vehicular and Non-motorized Access:

The parcel has frontage on Wattles.

Potential Storm Water and Utility Issues:

The applicant will be required to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Master Plan:

The Master Plan calls for a Neighborhood Node at the corner of Wattles and Rochester (Neighborhood Node G). The node is described as “a careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods”. The Planning Commission must determine whether the subject parcel lies within the Neighborhood Node.

On the north side of Wattles, the eastern limits of the node seem to be defined by a strip of land zoned P-1 Vehicular Parking. On the south side of Wattles, the parcel which abuts the subject parcel to the west is used as a daycare and serves as a transitional use between the commercial district and the single-family residential area to the east. The western half of the daycare parcel is zoned B-1, the eastern half is zoned R-1C.

The depth of the subject parcel lends itself to office development. Office development is generally an appropriate transition between commercial and residential uses, provided it is designed appropriately. The applicant provided a sketch plan showing potential office development on the subject site.

Compliance with Section 24.40.13, Location Standards of the O-1 District:

Section 24.40.13 states that the O-1 District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan and policies related thereto, and therefore involves the following types of areas:

- 24.40.13 Areas designated for commercial or other non-residential development, or higher intensity office development, when one or more of the following determinations are made:
 - A. When the adjacent area and/or the total community would be more effectively served by the application of O-1 zoning than by the application of a commercial or other non-residential zoning District of a more intense office District.

- B. When development in accordance with O-1 zoning would serve as a transitional element and would thus be more compatible with adjacent properties than would development under commercial or other office classifications.

The Planning Commission must determine whether the parcel lies within the Neighborhood Node located at the corner of Wattles and Rochester Road.

CITY MANAGEMENT RECOMMENDATION

The Master Plan calls for “a careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods” in the Neighborhood Node at the intersection of Rochester and Wattles. The sketch provided by the applicant shows a potential office development that is not designed to serve as an appropriate transition between residential and non-residential uses. If rezoned to O-1, the applicant could develop the property as shown on the sketch plan. City Management recommends that if the Planning Commission determines that the subject parcel lies within the node, the applicant consider submitting a conditional rezoning application so that the office development can be appropriately designed as a transitional use between Wattles Road and the single family residential neighborhood to the south.

Applicant
File / Z- 732

G:\REZONING REQUESTS\Z-732 Wattles Office Complex Sec 23\PC Report Z-732 11-11-08.docx

Paula P Bratto

From: Steffens, Marilyn (US - Detroit) [msteffens@deloitte.com]
Sent: Tuesday, November 04, 2008 8:41 AM
To: Paula P Bratto
Subject: Z-732 Wattles Office Complex

Change in zoning of property to low rise office.

I am a resident on Burns Drive that backs up to Wattles Road near the proposed site.

I have lived in Troy since 1989 and am very disappointed in the direction the City is going with regards to development. Troy was a beautiful city with wooded areas throughout the city. Those wooded areas are continuing to be cut down with vacancies in the buildings that are being built. Why would we need another new building, albeit it would be low rise office, when there are multiple office buildings available on every main road in Troy. The City of Troy is cluttered with leasing signs which brings to mind the city of Flint. I do not want this property rezoned. My house is almost 5 years old. I made a decision to purchase my home with the understanding that there were single family areas surrounding my property. It almost seems against the law to change this zoning. In addition, there are new homes being built just behind the area in question. Those people also have purchased homes under the impression that the land surrounding their property is single family owned. What are our rights as property owners with regards to this rezoning. It seems like City Council makes the decisions, and apparently I voted in City Council members. However, it seems wrong and deceitful to those of us who made significant financial decisions based on the zoning in place at the time.

You may think that changing the zoning will bring in more business to the city of Troy. I would like to encourage the use of the already existing buildings in Troy and not the continued clearing of land for new buildings. I believe the continued building of more office and retail space is lowering the property values in Troy. That is not why I bought my house in Troy. I had plans to sell my home in the next five years and purchase another home. I'm not sure that the way Troy is going, that Troy is where I want to purchase that new home.

Thank you and please do not support the change in zoning.

Marilyn Steffens

Director
Deloitte & Touche LLP
(313) 396-3215 office
(313) 392-7669 fax
(313) 919-3215 cell
msteffens@deloitte.com
www.deloitte.com

600 Renaissance Center
Suite 900
Detroit, Michigan 48243

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Paula P Bratto

From: Glenn O'Connell [gpoconnell@sbcglobal.net]
Sent: Tuesday, November 04, 2008 5:31 PM
To: Paula P Bratto
Subject: Concerns regarding Planning File Z-732 "Wattles Office Complex" for 11/11/08 public hearing

Dear Troy Planning Commission:

My name is Glenn O'Connell and I live at 4047 Worthington Drive (north of Wattles, just east of Rochester Road). I will not be able to attend the public hearing on Planning File Z-732 "Wattles Office Complex" on 11/11/08, so I am writing to voice my concerns.

I strongly object to the plans to re-zone the properties at 1100 and 1120 Wattles road from single residential to low rise office. Those properties are within about 150 yards of my back yard, and they are completely visible from my house. I object to having another office complex and another parking lot encroach on residences to the east and north. There have several mature trees on those lots, and I object to having them removed for an office building and parking lot because I can see that area from my house. Further, I object to additional businesses in that location. The traffic hazard is significant from people turning off of Wattles into the Shell station and the day care center to the west of those properties. An additional office complex to the east would only make that hazard worse. Please do not allow those properties to be re-zoned to O-1.

Thank you for your consideration,

Glenn O'Connell



CITY COUNCIL REPORT

DATE: November 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Maple Business Center, North side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733)

Background:

- A public hearing is scheduled for the December 15, 2008 City Council meeting.
- The Planning Commission recommended denial of the request to rezone the parcel to B-1 at the November 11, 2008 Regular meeting, for the following reasons:
 1. The rezoning is incompatible with single family uses and zoning districts to the north.
 2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
 3. Rezoning this small, narrow parcel promotes poor access management.
- The Master Plan proposes Neighborhood Node B at the intersection of Maple and Dequindre. The characteristics of the node are described in the Neighborhood Node section of the Plan. Proposed uses include limited housing, service uses, or specialty retail and dining. The Master Plan proposes Single Family Residential west of the node along both sides of Maple. To determine whether the application complies with the Master Plan, the western extent of the Neighborhood Node needs to be determined.
- The application is not consistent with the general character of the area and is incompatible with adjacent single family zoning districts and land uses.
- The attached Planning Commission memo outlines the issues associated with this rezoning.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is not consistent with any of the “Outcome Statements” as established at the July 1 Special Council meeting.

Options:

- City Council can approve or deny the rezoning application.
- City Council can postpone the rezoning application for consideration of a conditional rezoning offered by the applicant.
- No City Council action until the December 15, 2008 public hearing.

Attachments:

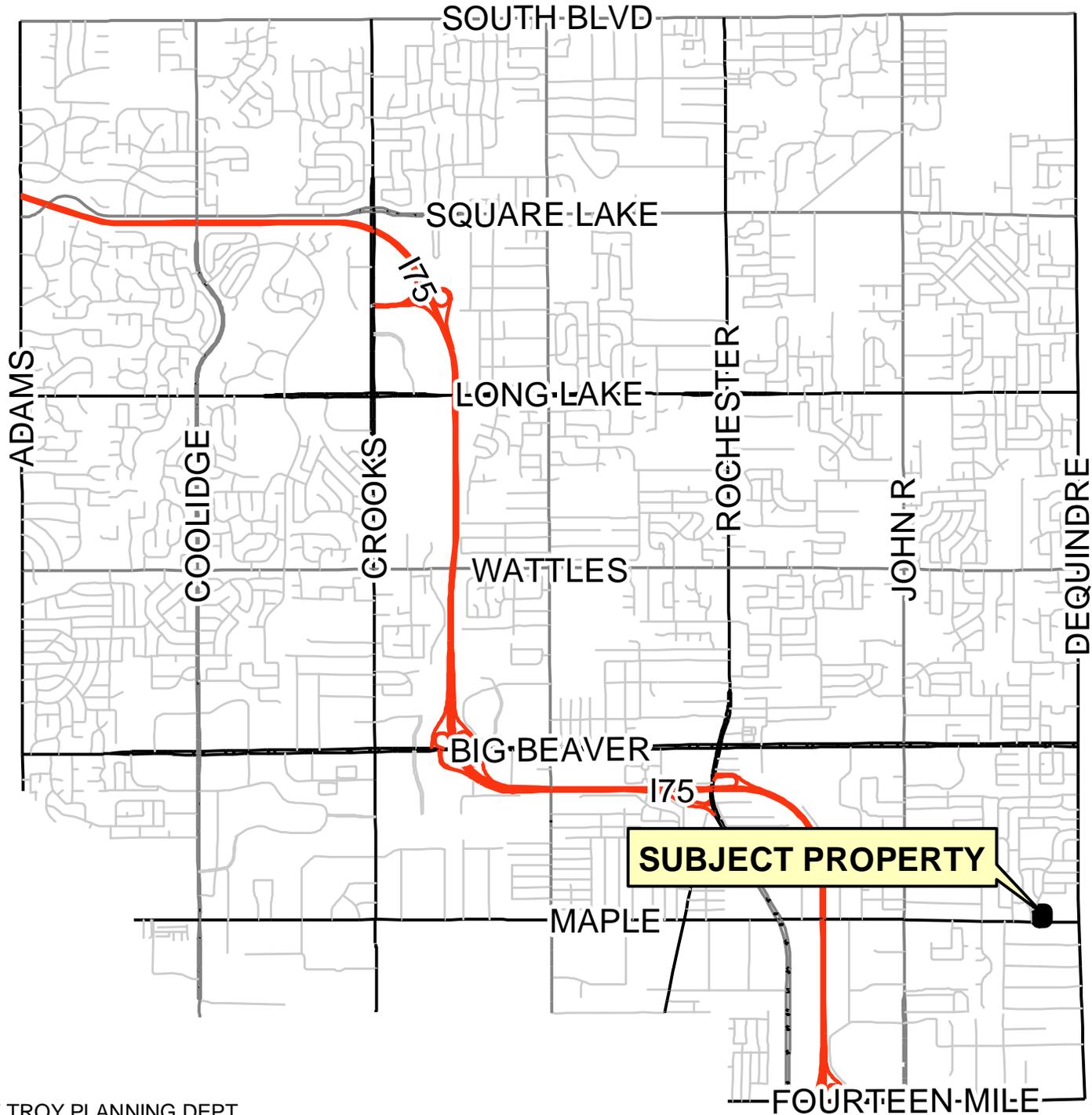
1. Maps.
2. Minutes (draft) from the November 11, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated November 5, 2008.

Prepared by RBS/MFM

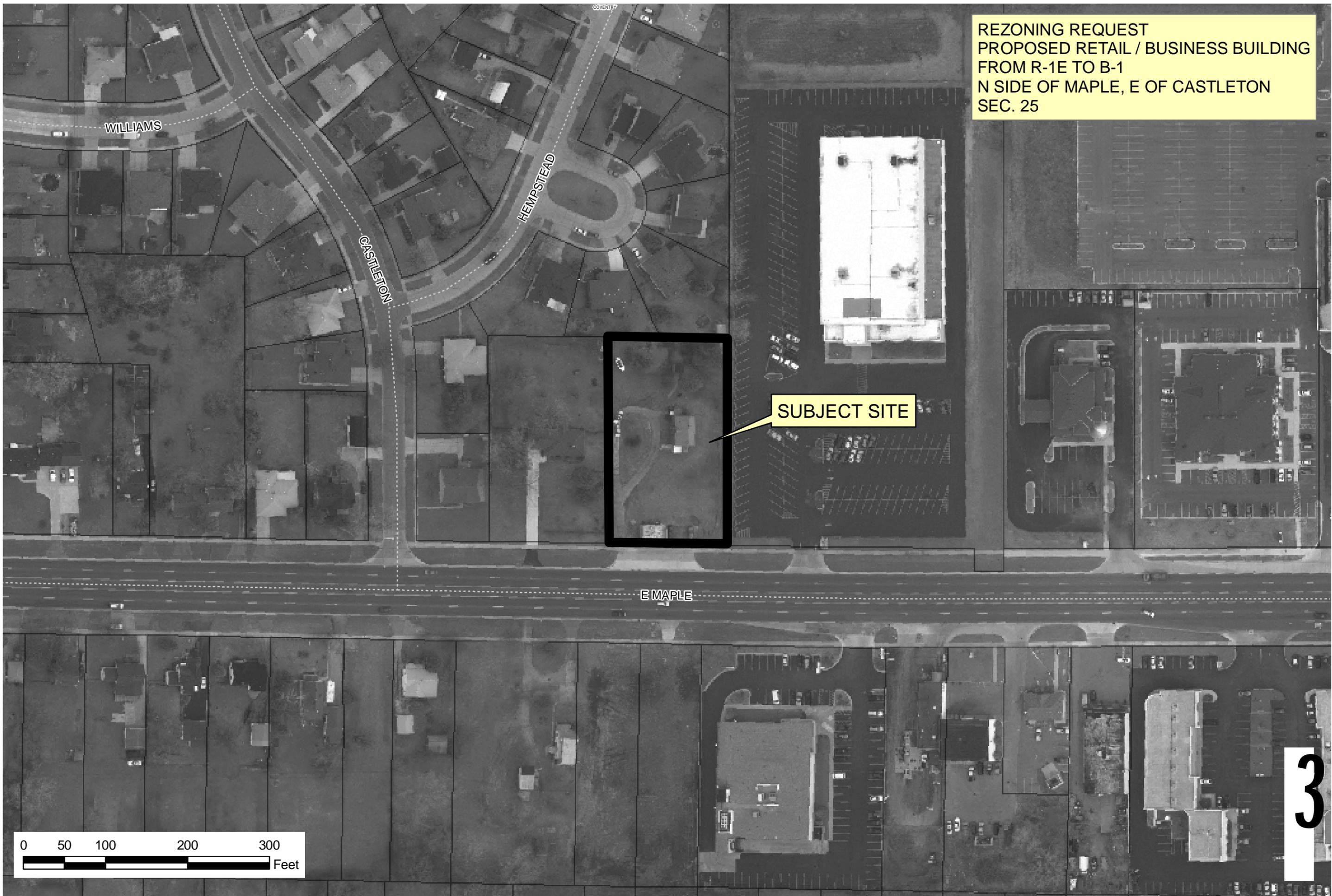
cc: Applicant
File /Z 733

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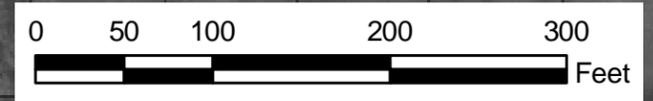
CITY OF TROY



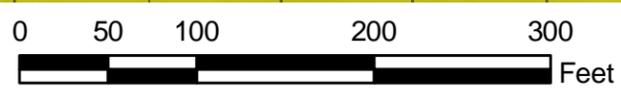
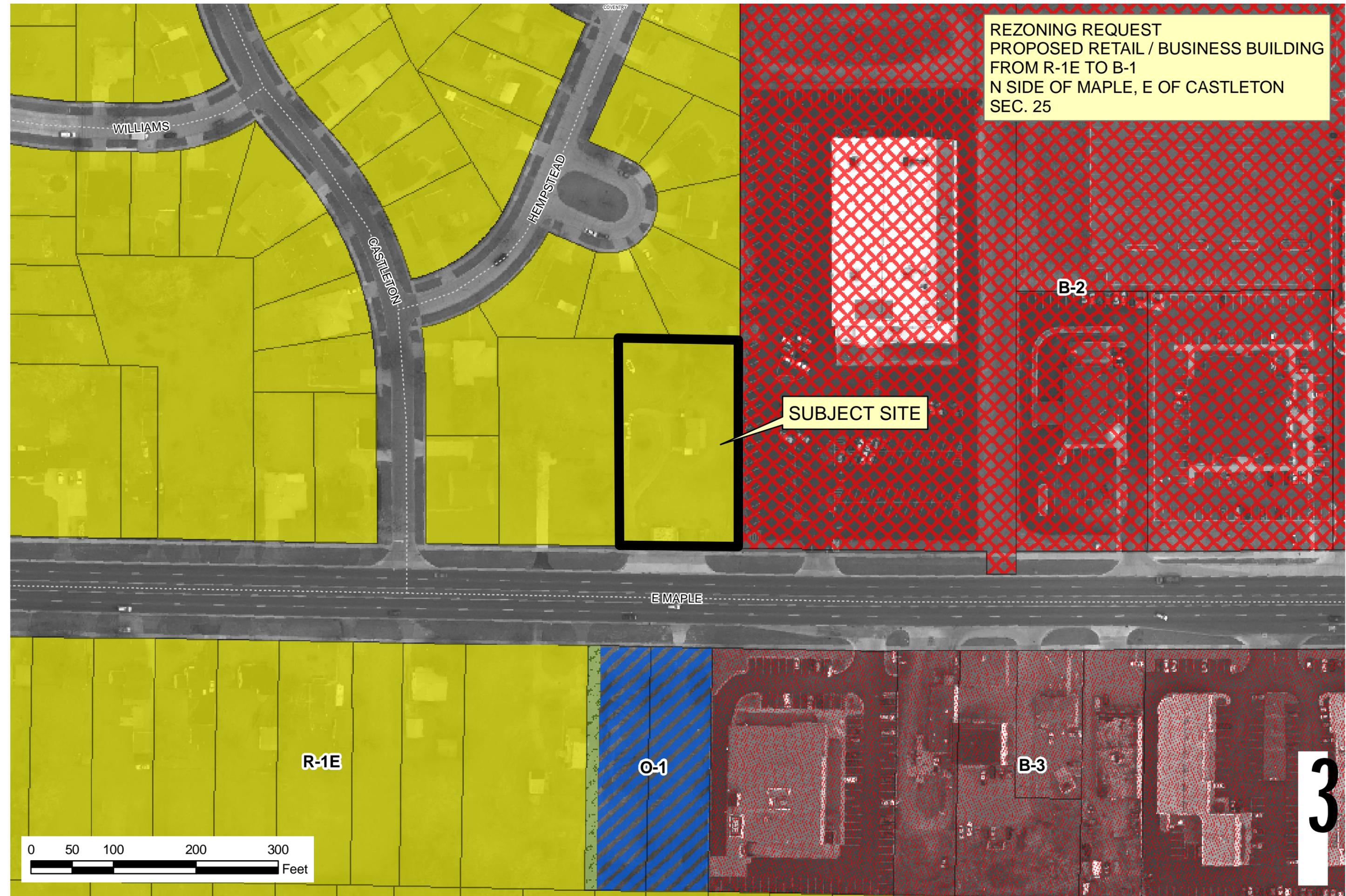
REZONING REQUEST
PROPOSED RETAIL / BUSINESS BUILDING
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25



SUBJECT SITE

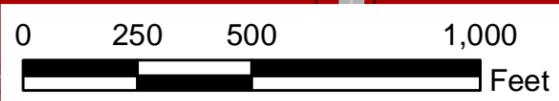
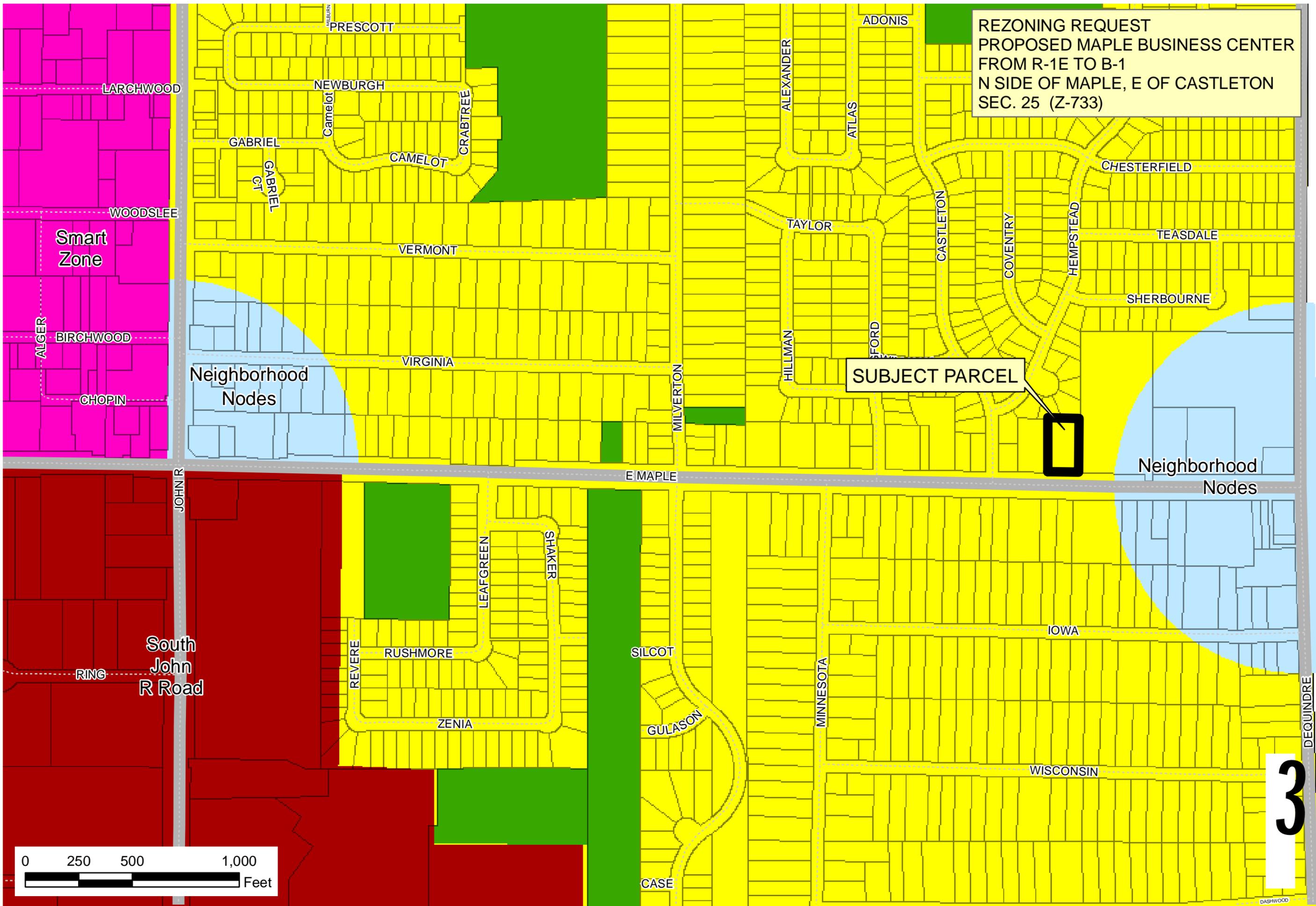


REZONING REQUEST
PROPOSED RETAIL / BUSINESS BUILDING
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25



REZONING REQUEST
PROPOSED MAPLE BUSINESS CENTER
FROM R-1E TO B-1
N SIDE OF MAPLE, E OF CASTLETON
SEC. 25 (Z-733)

SUBJECT PARCEL



3

6. PUBLIC HEARING – REZONING APPLICATION (Z 733) – Proposed Maple Business Center, North side of Maple Road, East of Castleton (2795 E. Maple Road), Section 25, From R-1E (One Family Residential) to B-1 (Local Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. He addressed the newly adopted Master Plan as relates to neighborhood nodes and the proposed rezoning. It is the recommendation of City Management to deny the rezoning request for reasons as specified in the Planning Department report. Mr. Miller said City Management would support a conditional rezoning application if the applicant were to acquire the parcel to the west and combine it with the subject parcel.

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

Arthur Kalajian, petitioner and project architect, 1871 Austin Drive, Troy, was present. Visual boards of the potential development were displayed.

Terrey Barash, property owner, 2795 E. Maple Road, Troy, was present. Mr. Barash expressed his desire to expand his valet parking business and make site improvements.

Mr. Kalajian addressed the potential development as relates to the transition to residential, proposed site improvements and the property across the street. He indicated the adjacent property owner is not interested in selling his property.

Brother of Terrey Barash [did not sign in] addressed the conditions of the site and encouraged going forward with the site improvements.

PUBLIC HEARING OPENED

Robert Henkle of 1642 Castleton, Troy, was present. He spoke in opposition of the proposed rezoning request.

Randolph Grieser of 2775 E. Maple, Troy, was present. He spoke in opposition of the proposed rezoning request as submitted.

PUBLIC HEARING CLOSED

There was a brief discussion in which several members expressed opposition to the proposed rezoning because of its proximity to residential.

Resolution # PC-2008-11-132

Moved by: Hutson
Seconded by: Ullmann

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-1 rezoning request, located on the north side of Maple Road, east of Castleton, within Section 25, being approximately 0.84 acres in size, be denied, for the following reasons:

1. The rezoning is incompatible with single family uses and zoning districts to the north.
2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
3. Rezoning this small, narrow parcel promotes poor access management.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

DATE: November 5, 2008

TO: Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – REZONING APPLICATION – Proposed Maple Business Center, North side of Maple, East of Castleton (2795 E. Maple), Section 25 – R-1E to B-1 (Z-733)

GENERAL INFORMATION

Name of Owner / Applicant:

The owner is Terrey Barash. The applicant is Arthur E. Kalajian of Arthur E. Kalajian & Associates, Inc.

Location of Subject Property:

The property is located on the north side of Maple Road, east of Castleton Drive in section 25.

Size of Subject Property:

The property is approximately 0.84 acres in size.

Current Use of Subject Property:

A single family residence and non-conforming commercial building presently sit on the property.

Current Zoning Classification:

R-1E One Family Residential.

Proposed Zoning of Subject Parcel:

B-1 Local Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to develop a multi-tenant retail/business building on the parcel.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential.

South: O-1 Low Rise Office and B-3 General Business.

East: B-2 Community Business.

West: R-1E One Family Residential.

Current Use of Adjacent Parcels:

North: Single family residential.
South: Vacant and Gordon Food Service.
East: Skateworld.
West: Single family residential.

ANALYSIS

Range of Uses Permitted in Proposed B-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

Specialty shops such as, but not limited to: Antique shops, craft shops, and shops for the sale of gifts and notions.

Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) beauty parlors and barber shops, and self-service laundries.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

Business establishments which perform services on the premises such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance companies, and real estate offices.

Professional services including the following: medical clinics (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

Other uses similar to the above uses.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

City and School District buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

Nursery schools, day nurseries and child care centers (not including dormitories).

Incidental Customer Seating as an accessory to food sales establishments.

Access Management:

The parcel has frontage on Maple Road.

Combining the subject parcel with the parcel to the west and developing them as one integrated development would be preferable to having two abutting smaller parcels be developed independently of each other, with adjacent entry drives placed relatively close to each other.

Potential Storm Water and Utility Issues:

The applicant will be required to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with City of Troy Master Plan:

The Master Plan proposes Neighborhood Node B at the intersection of Maple and Dequindre. The characteristics of the node are described in the Neighborhood Node section of the Plan (page 93). Proposed uses include limited housing, service uses, or specialty retail and dining. The Master Plan proposes Single Family Residential west of the node along both sides of Maple. To determine whether the application complies with the Master Plan, the western extent of the Neighborhood Node needs to be determined.

A single family residence and non-conforming commercial building presently sit on the property. The commercial building is small and has limited potential for re-use.

The applicant provided a sketch showing how he intends to develop the property. The sketch shows a strip commercial building with its front face being perpendicular to Maple Road. Given the narrow width of the parcel (144 feet), a strip commercial building of this scale would need to be oriented this way to fit on the parcel. This orientation would contribute little to the Maple Road streetscape. Additionally, the long term economic viability of buildings that do not front on the street would be questionable. The applicant indicates that a similar type commercial building could be developed opposite this building in the future, if the parcel to the west were to be rezoned and redeveloped. However this may never happen.

To improve the economic viability of the parcel and improve its relationship with the Maple Road corridor, the applicant should consider acquisition of the abutting parcel to the west. This would expand the width of the parcel, improve its economic viability, and provide area for an appropriately screened parking area in front of and/or to the rear of the building.

Residential parcels abut the subject parcel to the west and north. If the property were to be rezoned, a 6-foot high zoning wall would be required along both property lines. This relationship would need to be considered during the Preliminary Site Plan Review process to ensure that impacts on these residential parcels are minimal.

Compliance with Location Standards of the B-1 District:

The B-1 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

CITY MANAGEMENT RECOMMENDATION

City Management recommends denial of the rezoning application for the following reasons:

1. The rezoning is incompatible with single family uses and zoning districts to the north and west.
2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
3. The proposed development shown on the sketch plan is “strip” development that is not economically viable.
4. Rezoning this small, narrow parcel promotes poor access management.

City Management would support a conditional rezoning application if the applicant were to acquire the parcel to the west and combine it with the subject parcel. The expanded area would provide the following:

1. Opportunities for Integrated development on one parcel.
2. Opportunities for improved access management.
3. Opportunities for appropriate buffering between residential and non-residential uses.
4. Opportunities for development that complements the Maple Road Corridor.
5. Opportunities for development that meets the standards of Neighborhood Node B of the City of Troy Master Plan.

Attachments:

1. Letter from applicant.
2. Maps.

Applicant
File / Z- 733

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First Class Valet Inc.

2795 E. Maple Rd. Troy, MI. 48083
248-740-0900 fax 248-740-4822
e-mail : tbarash@aol.com

REC'D

SEP 26 2008

PLANNING DEPT.

July 25, 2008

City of Troy
Planning Department
500 W. Big Beaver Rd.
Troy, MI. 48084

Attn: Mark F. Miller, Planning Director

Re: Proposed rezoning of parcel 20-25-479-034, SE 1/4 of Section 25 commonly known as 2795 and 2797 Maple Road, Troy, MI. 48083

Subject: Statement regarding the necessity for the rezoning request

Dear Planning Commission:

The proposed change in zoning use will allow the expansion of my business and remain on site. As shown in my proposal, I would occupy approximately 25% of the proposed building and lease the remainder to other business service establishments and retail establishments which deal directly with customers as allowed within the proposed zoning district. The average size of tenants is anticipated to be approximately 2,000 sf. as shown within the submitted drawings and not exceeding the maximum allowed 5,000 sf.

There will be no outdoor storage or display of goods for sale on site.

I had purchased the property two years ago. My business is performing well even in this depressed economy and there is a need to expand to service the needs of my clients. I provide valet services throughout the surrounding area. The limousines for my business that remain on site are there for temporary periods throughout the day and are cleaned and serviced off premise. No maintenance to these vehicles will occur on the site.

The existing building is now too small for our current needs and the parking area is inadequate. The site is more than large enough to service my current and any foreseen future needs.

I desire to remove the unattractive conditions on my site and replace them with an attractive building with enhanced landscaping which will improve the area.

At the request of my architect, I had approached my neighbor to the west to see if he would be interested in selling his property for the creation of a possible larger development. He desires to remain where he is and is not interested in moving or selling his property at this time. If circumstances change in the future, the possibility to enlarge my project to the west can still be achieved by creating a flip side to the current proposed building and site layout.

The parking would then occur for the most part within the center of the site and the access to the site from Maple Road can be combined into one driveway.

I prefer the current scale of the project as presented due to the current economic climate and do not want to over leverage the development.

This project would allow my business to grow within the community I desire to remain in and help the surrounding area to become a more attractive environment.

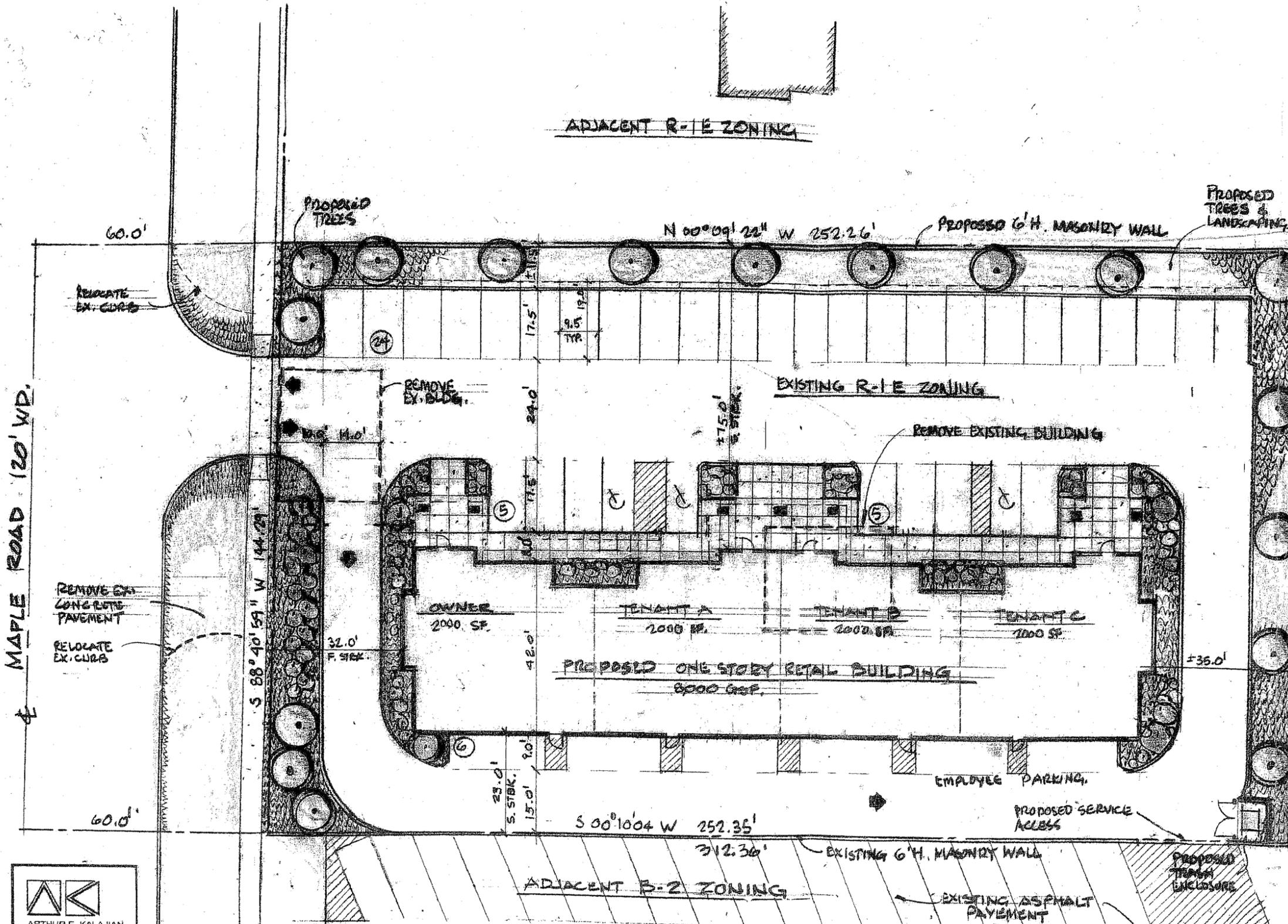
I also understand that a possible joint access drive may be required with the property to the east and am in favor to whatever the planning department desires.

I hope you will view our project in the same favorable condition.

Sincerely yours,

A handwritten signature in cursive script that reads "Terrey Barash". The signature is written in black ink and is positioned above the printed name.

Terrey Barash, Owner



Site & Building Information

Proposed Building Area : 8,000 gsf.
 Max. 1 story, 20' height
 Site Area : 36,574 nsf.
 Required Parking:
 1 for each 200 gsf. Retail
 1 for each 200 nsf. Business
 8,000 gsf / 200 = 40 car spaces
 Proposed Parking : 40 car spaces
 Includes 3 Barrier Free Accessible spaces

Setbacks :
 Front Required 25', Proposed 32'
 Sides Required 25', Proposed 75'
 Abutting Residential District Required 20', Proposed 35'
 Rear

Required Landscape Area:
 Excluding 10' wide frontage
 36,574 x 10% = 3,574 sf. (10%)

Proposed Landscaping :
 Front & Side yards 5,170 sf. (14%)

ARTHUR E. KALAJIAN & ASSOC. INC. ARCHITECTS
 1671 AUSTIN DRIVE TROY MICHIGAN 48063
 OFFICE: 248-524-3616 FAX: 248-524-0217
 aekal@atn@ebcglobal.net

PROPOSED SITE PLAN

Maple Business Center
 2795 E. Maple Rd. Troy, MI. 48083



7/13/08



CITY COUNCIL REPORT

DATE: November 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Concept Development Plan Approval – BBK Mixed Use Project – Northeast corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District

Background:

- A public hearing is scheduled on the December 15, 2008 City Council Regular meeting.
- The applicant proposes a mixed-use development on the 2.553-acre parcel. The project includes 14 residential units and 19,226 gross square feet of retail. The applicant proposes sustainable elements such as a green roof system on the retail component.
- The Planning Commission recommended Concept Development Plan Approval of PUD 10 at the November 11, 2008 Regular meeting.
- Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared a report summarizing the project and recommending Concept Development Plan Approval.
- The proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.
- The attached report was presented to the Planning Commission at the November 11, 2008 Regular meeting.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.
- Concept Development Plan Approval will have the effect of rezoning the subject parcel to PUD 10.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the application for Concept Development Plan Approval.
- City Council can approve the application for Concept Development Plan Approval with conditions.
- City Council can deny the application for Concept Development Plan Approval.
- No action required until the December 15, 2008 Regular meeting.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Attachments:

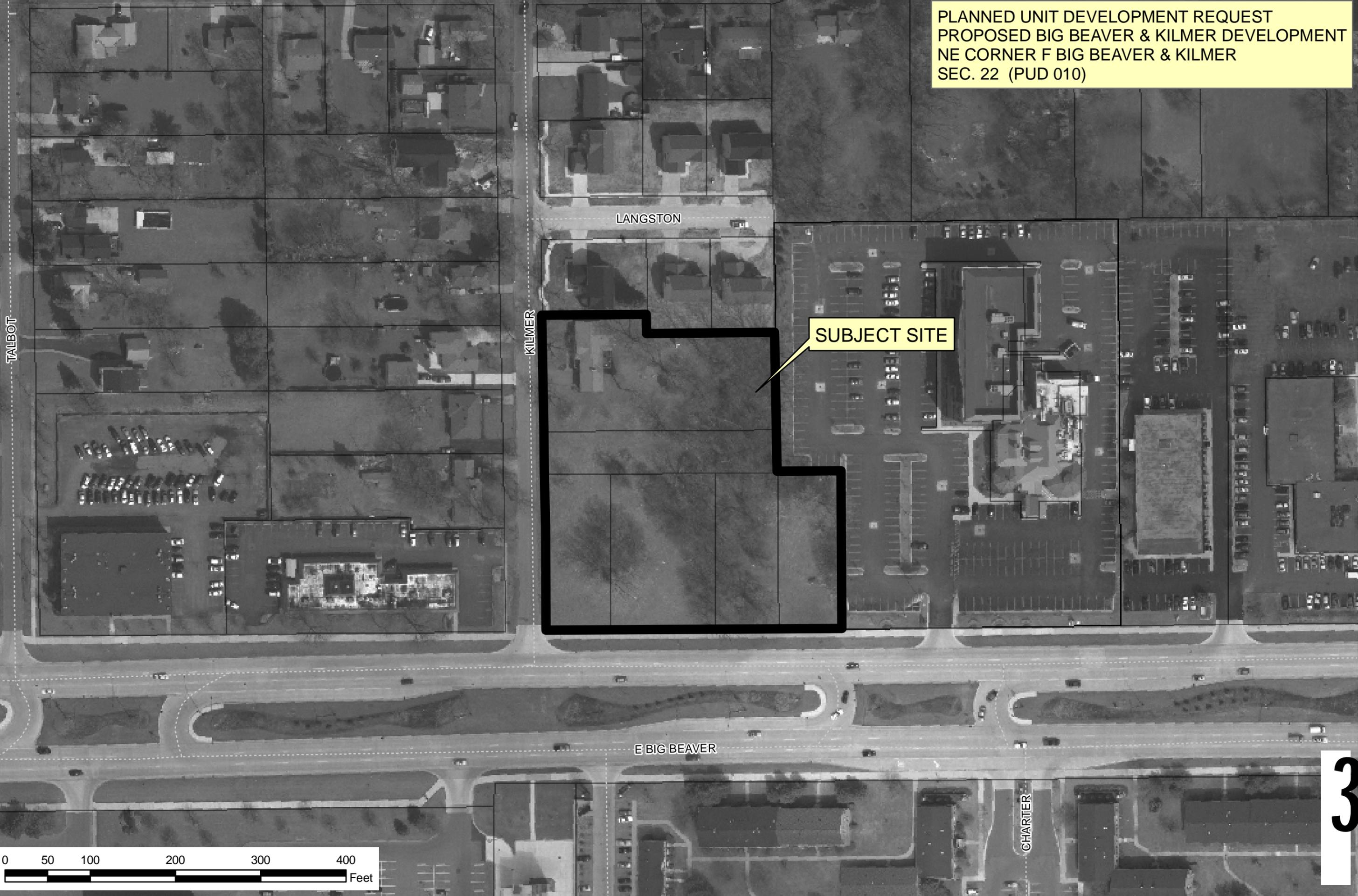
1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated November 6, 2008.
3. Traffic Impact Study Review prepared by OHM, dated November 5, 2008.
4. Traffic Impact Study Review prepared by OHM, dated October 22, 2008.
5. Planning Commission Minutes (draft) from the November 11, 2008 Regular meeting.
6. BBK PUD Conceptual Development Plan.

Prepared by RBS/MFM

cc: Applicant
Richard Carlisle/CWA
File /PUD 10

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PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED BIG BEAVER & KILMER DEVELOPMENT
NE CORNER F BIG BEAVER & KILMER
SEC. 22 (PUD 010)



TALBOT

LANGSTON

KILMER

SUBJECT SITE

E BIG BEAVER

CHARTER



PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED BIG BEAVER & KILMER DEVELOPMENT
NE CORNER F BIG BEAVER & KILMER
SEC. 22 (PUD 010)

R-1E

TALBOT

KILMER

LANGSTON

SUBJECT SITE

O-M

O-1

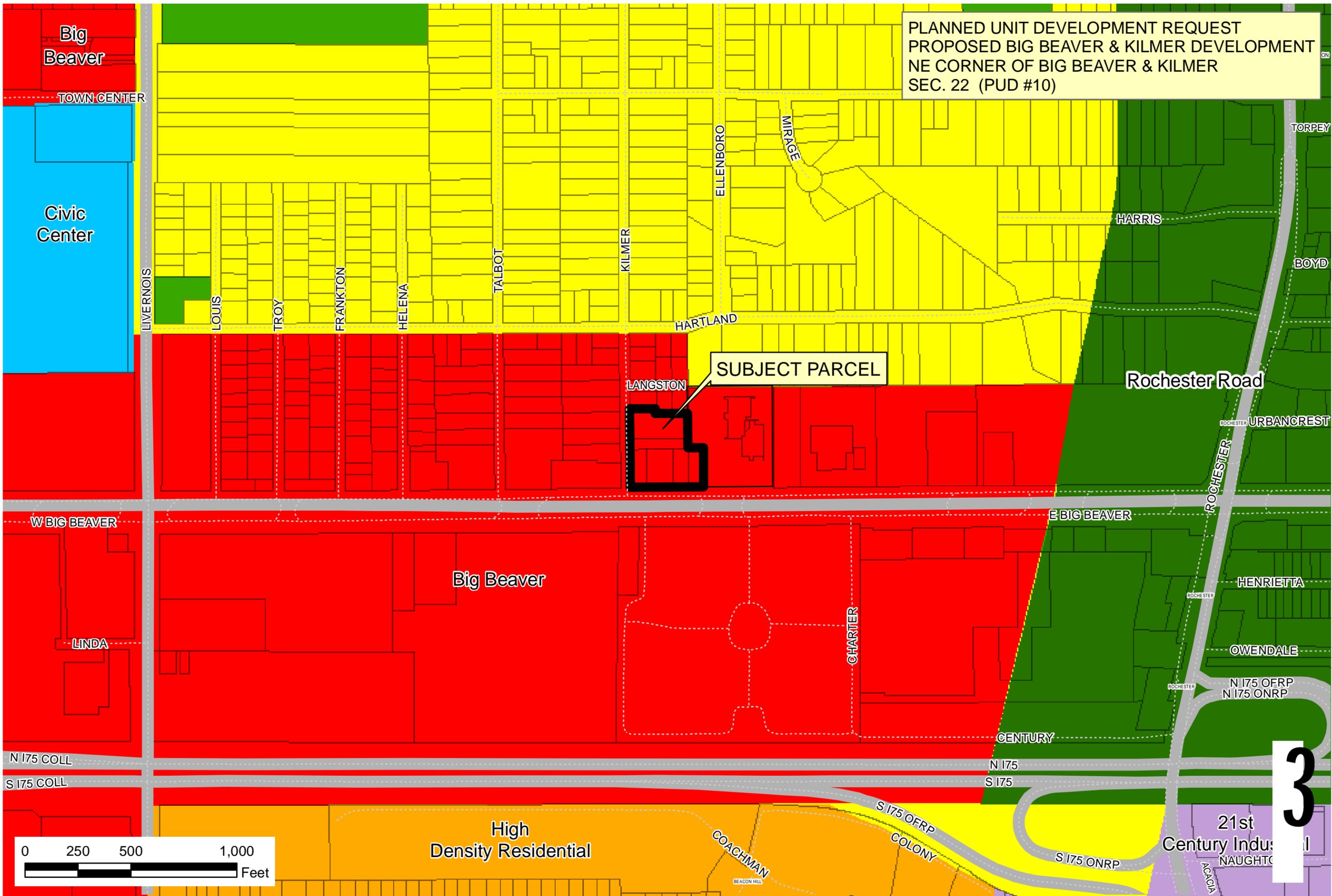
E BIG BEAVER

RM-1

CHARTER

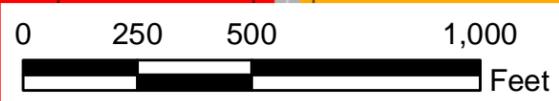


PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED BIG BEAVER & KILMER DEVELOPMENT
NE CORNER OF BIG BEAVER & KILMER
SEC. 22 (PUD #10)



SUBJECT PARCEL

High
Density Residential



3



CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: September 18, 2008

Rev.: October 27, 2008

Rev.: November 6, 2008

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant	Landus Development
Project Name:	BBK Mixed Use Development PUD
Plan Date:	November 4, 2008
Location:	Northeast corner of Kilmer Road and Big Beaver Road
Zoning:	O-1, Low Rise Office and R1-E, Single Family Residential (a small section is a current right-of-way for Myrtle Avenue)
Action Requested:	<p>Planning Commission review and recommendation to the City Council for approval of the Concept Development Plan. The procedure for review and approval of a PUD is a three-step process:</p> <ul style="list-style-type: none">• The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.• The second step of the review and approval process is application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have

the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

Required Information: Provided.

PROJECT, SITE DESCRIPTION, AND CONCEPT PLAN

We are in receipt of a revised application for a proposed Planned Unit Development (PUD) that includes 18,699 square feet of retail space in 3 buildings and 14 residential units of approximately 1,600 square feet in area. The 2.553 acre site is currently occupied by a vacant single-family home. The project is proposed in two phases, which are proposed for construction simultaneously.

We have reviewed conceptual submittals for this project on four previous occasions; the most recent review was in a letter dated October 27, 2008. Since that submittal, the applicant has met with the Planning Commission and City of Troy staff and consultants to resolve a series of remaining issues. The revisions include, but are not limited to, the following:

- The south drive on Kilmer Road has been turned into an exit only driveway.
- Outdoor seating between the retail buildings has been reconfigured and brought forward.
- All sheets have been updated to ensure consistency throughout.
- Eleven of the residential units have been revised in design to include 2-car garages, increasing the site's overall parking by 11 spaces.
- Clarification has been provided which ensures that the areas labeled "flex room" and optional office/retail spaces attached to units 11 and 12 will not be used for true public-access live/work units.
- Left turn only has been eliminated from both Kilmer driveways.
- The "chicane" south of Retail Building C has been softened to allow for improved alignment.
- The drive-through exit lane at Retail Building C has been altered to improve circulation.
- The outdoor seating near Retail Building C has been reconfigured.

The underlying zoning of the subject site would not permit the retail portion of the project or the attached residential portion of the project. The project would also require a series of deviations from the dimensional and parking requirements of the underlying zoning. Given these proposed use and dimensional deviations, the applicant has elected to pursue PUD approval for this project.

Items to be Addressed: None.

NEIGHBORING ZONING AND LAND USE

The site is made up of a collection of parcels having two different zoning classifications. The 1.47 acres facing Big Beaver Road are zoned O-1, while the 0.77 acres along the north boundary of the site are zoned R-1E. A 50-foot wide strip between these two portions of the site is reserved as right-of-way for Myrtle Avenue. The residential area to the north is zoned R-1E, while property to the west and east are zoned O-1 and a mix of O-1 and R-1E. To the south across Big Beaver Road are O-M, RM-1, and O-1 districts.

Nearby land uses include a collection of office uses, retail establishments, and single family residential.

Items to be Addressed: None

MASTER PLAN

The site is located at the northeast intersection of Big Beaver and is within the “Offices East” district of the Big Beaver Corridor Plan and is within the Big Beaver Corridor district in the Troy 2008 Master Plan.

In general, the primary focus of the Office East District with the Corridor Study is to promote general office uses along the frontage with residential uses transitioning to adjoining neighborhoods. The other key aspects of the Corridor relevant to this area include building height of 2-3 stories, locating buildings closer to the street, and encouraging pedestrianism.

The collection of uses that are proposed would be complementary to and would strengthen the overall office community in this area in that it would provide for a number of new housing types for potential workers who would like to live in a more urban situation, and would provide nearby restaurant and retail opportunities for workers.

The uses and character of Big Beaver Corridor district in the Troy 2008 Master Plan are driven by the recommendations of the Big Beaver Corridor Study and subsequent efforts of the Planning Commission to create new zoning techniques to implement those recommendations. The mixed-use nature of this project and the attention the applicant has given to pedestrian amenities, outdoor dining, innovative architectural design, interaction between the retail units and the streetscape through large glazed areas are elements specific to this project that are directly mentioned as desirable elements within the Big Beaver Corridor district in the Master Plan.

The applicant's desire to build this development to a green standard is a further example of this project's degree of compliance with the Troy 2008 Master Plan, which strongly encourages the incorporation of green design elements in new projects.

Items to be Addressed: None.

PUD STANDARDS

The PUD provisions of the Zoning Ordinance are found in article XXXV. Criteria are set forth in Section 35.30.00 for consideration of a PUD project as a PUD. The following are our comments:

Section 35.30.00, A. The proposed development shall be applied for by a person or entity that has the legal right to execute a binding agreement concerning all process on the development.

The submittal states that Landus Development, the applicant, is the owner of the property.

Section 35.30.00, B.: The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met.

The project includes a mix of uses. The existing O-1 zoning along the south portion of the site is "... designed to accommodate office uses, office sales uses, and certain basic personal services. These districts are mapped typically in major shopping center locations related to the activity of the larger establishments generating greater volumes of vehicular and pedestrian traffic." The O-1 classification would permit some service-oriented uses specifically selected to serve an office environment. The proposed general retail and potential restaurant uses would not be permitted under the O-1 classification.

The existing R-1E classification is intended to "...to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population." The existing classification would not permit the compact, attached single family residential dwellings at the density proposed by the applicant.

2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.

The proposed project does not constitute a public facility dedicated towards recreation transportation, safety or security. It does, however, integrate public spaces with outdoor cafes and water fountains that will allow users and residents of the property to gather in outdoor spaces which will enhance the health, safety, and welfare of those individuals.

3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations.

This project includes a collection of restaurant uses, retail spaces, and an under-represented type of residential unit in Troy. This compact project with a mix of uses will allow for a higher density residential project to be served by adjacent retail uses. This is especially true given the project's walkable design, easy access, and integrated public common areas. Without the PUD option, this compact mix of compatible uses would not be possible.

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.

The site is currently undeveloped, with the exception of an existing single family home. The site does not have rare or critical natural features. Given the proposed density and sensitive green building approach, the development would improve site conditions, especially when contrasted against the likely conditions that would occur under conventional zoning.

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.

The project would improve on the existing conditions in this regard and does include small pockets of open space and landscaped areas. While it does not provide a great deal of open space, it does make effective use of the remaining open areas for stormwater management and for landscape features.

The project does include a useful pedestrian network, and allows for effective, safe pedestrian access between the residential and retail components.

6. Appropriate land use transitions between the PUD and surrounding properties.

The project would reside between the Big Beaver Road corridor and an existing single family residential area. The project includes a mix of uses which are situated so as to separate the primary retail uses along Big Beaver from the single family neighborhood, locating a collection of townhomes in the transitional area. Given the small size of this project and the proximity of the adjacent single family neighborhood, we feel this project successfully provides for an appropriate land use transition.

7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development.

The project narrative and conceptual plan indicates that the project intends to promote

green building techniques and low impact design. The narrative indicates that designers will seek LEED Certification or “sustainable design implementation or certification.” While it is unclear what other certification the project may choose to pursue, the limited detail provided in the conceptual building elevations and floor plan drawings reveal that the applicant intends to incorporate a series of green design elements which may contribute to towards LEED certification including:

- *Energy star roofing membrane*
- *Operable clerestory windows*
- *Rooftop gardens*
- *Sun shading overhangs*
- *Bioswales*
- *“Green” paving in certain parking areas*

8. Innovative and creative site and building designs, solutions and materials.

The proposed PUD includes a compact, integrated collection of structures that maximizes the use of the property and allows for residents and visitors to access a series of goods or services within one project. The walkable character and provision of outdoor seating and decorative fountains add to the character of the site. The inclusion of contemporary townhomes in the project help to expand the housing types available in the City of Troy and will represent an alternative housing choice for new families, retirees, or homebuyers looking for entry-level or small-floor plan housing in a unique urban setting.

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

This project does have a strong emphasis on street activity, mixed use, and pedestrians. It is designed to create an alternative living environment and expand the scope of traditional “strip” retail. It includes a compact collection of uses with integrated public areas and extensive pedestrian amenities between the various project components.

10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities.

Please refer to the section of this report entitled “Site Access and Circulation.”

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;

This project will be redeveloping what is mostly vacant with a single vacant structure. While the project does not necessarily allow for the positive redevelopment of an obsolete structure, it is appropriately using a small site along a major urban corridor.

12. A complementary variety of housing types that are in harmony with adjacent uses;
While the proposed housing is at a far greater density than the adjacent residential uses to the north, it does provide an alternative, but complementary single family attached housing product which provides an effective transition between the Big Beaver Corridor and existing residential area.

13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure.
Please refer to comment #11 above.

14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, were adopted, the uses shall be consistent with recent development trends in the area.
As mentioned earlier, the proposed uses are not the primary target of the Master Plan or the Big Beaver Corridor Study, but the collection of uses that are proposed would be complementary to and would strengthen the overall office community in this area in that it would provide for a number of new housing types for potential workers who would like to live in a more urban situation, and would provide nearby restaurant and retail opportunities for workers.

15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:
 - A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.
The site plan includes conceptual drawings of the proposed buildings, but detailed drawings that adequately describe materials of construction have not yet been provided.

 - B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

The project incorporates parking all around its perimeter. Two rows of parking are situated along Big Beaver Road. We support the incorporation of shared parking to reduce new surface parking and encourage infill development.

- C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

Typical screening measures are shown on the site plan. Dumpster pads and loading and unloading areas are integrated throughout the project in accessible but unobtrusive areas.

- D. The hours of operation of the proposed uses.

The retail and restaurant uses typically have hours running until mid to late evening. The residences would allow for activity 24 hours a day.

- E. The location, amount, type and intensity of landscaping, and other site amenities.

The submittal adequately describes the conceptual landscaping plan.

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

Please refer to the section of this report entitled Parking and Loading. The project relies heavily on shared parking to meet anticipated demand.

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

As indicated earlier, the project does include bioswales and a rain garden. The inclusion of "green" pavers in the project will also reduce the rate of stormwater runoff.

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

On the basis of the information provided all applicable laws and ordinances will be observed.

Items to be Addressed: None

AREA, WIDTH, HEIGHT, SETBACKS

The site plan includes a small table titled “Zoning Information” on Sheet A-101. This table provides dimensional requirements for the O-1 portion of the property, for the R1-E portion of the property, and for the right-of-way portion of the property.

Physical standards relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific PUD plan presented. The dimensional requirements for the underlying zoning and the proposed dimensions are as follows:

	<u>Required:</u>	<u>Provided:</u>
<i>Lot Area</i>	N/A	2.553 acres
Setbacks		
<i>Big Beaver Frontage</i>	30 feet (O-1 District)	75 feet (retail building C), 76 feet (A and B)
<i>Kilmer Frontage</i>	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 6 feet from residential porches in R-1E portion and 10 feet from retail building A in the O-1 portion
<i>East Boundary</i>	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 10 feet for retail building C, 0 feet for residential unit 4
<i>North Boundary</i>	25 feet (side yard setback) for the R-1E district	10 feet for residential unit 1
Building Height	Minimum of 3 stories for 80 percent of the project; setback requirements are tiered for building higher than 30 feet.	36 feet for the residential portion and 31.5 feet for the retail portion

Items to be Addressed: None.

PARKING, LOADING

The project is dependent upon a shared parking arrangement with the neighboring project. For the retail portion of the project, 42 of the provided spaces are created through shared parking. Since the last submittal, the applicant has increased the number of provided spaces by expanding 11 of the residential garages to accommodate a second car. This will reduce the demand on visitor parking for primary residents’ second vehicles.

Given that parking for the proposed project cannot be met on the site due to constraints in the site’s area, the applicant intends to utilize shared parking for the project. An agreement for the shared parking has been obtained, and has been provided. The applicant’s submittal does

provide sufficient documentation to illustrate that the proposed shared parking would not impact the adjacent office complex to the point that it would reduce the sites ability to accommodate the existing office center and Bahama Breeze restaurant.

The application reveals the following information about parking for the proposed project:

Required under conventional zoning for proposed uses:

- Phase 1: Retail. $18,685/200 = 93.4$ (94) required spaces
- Phase 2: 14 residences with 2 spaces each = 28 required spaces

Provided:

- Retail: 74 spaces provided on-site and 42 spaces provided in shared parking
- Residential: 25 garage and 16 visitor spaces, provided on-site and on-street along Kilmer Road.

The clarification that the residential units will not contain live/work style space eliminates our previous concerns over the potential for increased demand. We do suggest that the development agreement include strict provisions on the flex room and optional office/retail spaces connected to units 11 and 12 to prohibit public traffic to these units, a limitation on deliveries, or other measures meant to preempt potential parking and circulation concerns.

Items to be Addressed: Include provisions in the development agreement to prohibit public traffic to the flex spaces within the residential units and the optional spaces attached to units 11 and 12, a limitation on deliveries, or other measures meant to preempt potential parking and circulation concerns.

SITE ACCESS AND CIRCULATION

Following the last Planning Commission discussion with the applicant, City of Troy staff members and consultants met with the applicant and discussed the site circulation concerns raised by the previous OHM review and Planning Commissioners. In response to the original OHM concerns, a series of changes have been made to the site plan and OHM has issued a new letter stating that they largely support the applicant's revised plan.

In order to reduce the potential conflicts associated with the southern-most driveway on Kilmer Road, the design has been changed to an exit only driveway. This approach will permit vehicles to exit the west portion of the lot if they are unable to find a parking space or leave the development when finished with their stay. The exit only design will restrict the ability of vehicles to enter the site from Kilmer while reducing concerns over safety and circulation on site. Emergency vehicles will be able to access to site via this driveway as well.

The north driveway on Kilmer has been restored to a two way design, to ensure that visitors to the site that live north of the project can access their neighborhood without travelling back to Big Beaver Road.

The formerly abrupt chicane south of Retail Building C has been redesigned, along with the drive-through exit lanes, to enhance safety and circulation in this critical entry point to the project.

After careful review of the turning templates provided by the applicant, the Fire Department has no objection to the maneuvering lane design for the north portion of the project. Further, given that the applicant has agreed not to permit businesses within the residential units, we are no longer as concerned with access for large delivery vehicles. The turning templates suggest that in a worst-case scenario, delivery trucks could potentially access the units if necessary for moving, etc. It is our understanding that the applicant would agree to certain restrictions on large vehicles, the presence of businesses in the residential units, and other measures within the development agreement that would reduce the potential conflicts in this area of the site.

Items to be Addressed: None.

ESSENTIAL SERVICES

The application includes a summary of proposed utility connections. The applicant intends to connect the site to the existing 10 inch water main and sewer lines on Big Beaver Road and provide a loop around the site. The site plan also includes a series of stormwater management elements, including bioswale, a rain garden, roof vegetation, and underground detention systems. We defer to the City Engineer in this regard.

Items to be Addressed: Consult with City Engineer with regard to water and sewer service.

RECOMMENDATIONS

We believe the compact, integrated design and complementary mix of uses included in this project would benefit the Big Beaver Corridor and the City of Troy. The PUD option allows the City to permit a compact, higher-density project that incorporates a mix of retail and residential uses that would be highly beneficial in this office and research dominated area by providing alternative dwelling options and nearby services.

The majority of our issues raised in our previous review have been addressed by the applicant and discussions with the Planning Commission, City Staff, and consultants have resulted in alterations that continue to improve the plan. The incorporation of 11 additional spaces within the residential unit garages will significantly improve the parking situation and we support the applicant's proposed changes with regard to site circulation.

Given these positive changes and our conclusion that the project does qualify as a Planned Unit Development, we recommend that the Planning Commission recommend to the City Council that the proposed PUD concept plan be approved, conditioned on the applicant agreeing to include provisions in the development agreement to prohibit public traffic to the flex spaces within the residential units and the optional spaces attached to units 11 and 12, a limitation on deliveries, or other measures meant to preempt potential parking and circulation concerns.

CARLISLE/WORTMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "R K Carlisle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Richard K. Carlisle, PCP

225-02-2603

RKC: zb

November 5, 2008



Mr. William Huotari, PE
Deputy City Engineer
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Subject: Review of BBK Mixed-Use Development (Site Plan and Traffic Assessment Report)
OHM JN: 0128-08-0020

Dear Mr. Huotari:

Based on information provided at the October 30, 2008 Planning Department Team Meeting for the BBK Mixed-Use Development we understand that the majority of comments from our October 22, 2008 letter have been superseded by previously made agreements between City Planners and the Development Team.

Coming out of the October 30 meeting, we requested the developer to revise the following items on the site plan:

- Revise the south drive along Kilmer Road to provide for "exit only" operation.
- Revise the sharp chicane along the east-west parking aisle closest to Big Beaver Road to provide more of a gradual shift.
- Remove the "left-turn only" restriction at the drives along Kilmer Road.

These concerns have been addressed with this submittal. Please contact me if you have any questions.

Sincerely,
Orchard Hiltz & McCliment, Inc.

A handwritten signature in black ink, appearing to read "S. Loveland", is written over the typed name.

Steven M. Loveland, PE, PTOE

October 22, 2008



Mr. William Huotari, PE
Deputy City Engineer
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Subject: Review of BBK Mixed-Use Development (Site Plan and Traffic Assessment Report)
OHM JN: 0128-08-0020

Dear Mr. Huotari:

As requested, we have reviewed the BBK Mixed-Use Development traffic assessment report and site plan for traffic related issues. The following comments are offered:

Traffic Impact Assessment Review

Based on the current site plan we agree with the conclusions provided in the assessment.

- The BBK Mixed-Use development will not adversely impact traffic in the immediate area of the development.
- The proposal to share 42 parking spaces located in the Willow Centre parking lot is justified based upon the full leasing potential of the center and the full occupancy of the BBK property.

However, there are a few items that should be considered:

- The first Kilmer Road access point is proposed to be located approximately 65 feet north of Big Beaver Road. According to the Michigan Access Management Guidebook, the desirable corner clearance is 115'. This corresponds to the location of the existing driveway for the office building on the west side of Kilmer.
- From the Michigan Access Management Guidebook, the Guideline for Unsignalized Driveway Spacing (Table 3-5) indicates a value of 350' for a 45 mph road. The proposed driveway spacing is 290' and 190' between driveway and Kilmer Road.
- The report indicates that the site will generate less than 100 peak hour trips, while trip generation calculations indicate otherwise.
- The document indicates that a background growth rate would not be appropriate, but later states that a 1.6% growth rate was applied. The figures do not apply the 1.6% growth rate.

With revisions to site layout, including number and location of driveways, the traffic assessment document will need to be revised.

Site Plan Review

The proposed site plan has a number of inconsistencies with the *Big Beaver Corridor Study*.

- This site is located in the "Office East" portion of the corridor, with the intended building use of office and residential. The site plan proposes retail and residential.
- The Driveway Access section of the Corridor Study notes existing problems in the vicinity of this site. The problems include too many driveways, need for east-west cross access, and driveways too close to intersections. This site will add to these problems with the addition of another improperly spaced drive along Big Beaver Road and the driveway to Kilmer Road spaced too closely to Big Beaver Road.

The following comments are provided regarding the site layout:

- We recommend eliminating the proposed driveway along Big Beaver Road. Cross access to the existing driveway along Big Beaver Road plus the driveways along Kilmer Road provide more than adequate access to the site.
- Further, if the site is redesigned we would recommend only providing one driveway along Kilmer Road that would align with the existing driveway along the west side of Kilmer Road. Vehicles entering this drive could access both the residential and retail portions of the site.
- The proposed left-turn only exits at both drives along Kilmer Road will be very hard to enforce and the turn restrictions should be removed from the plan. If there is a potential for citizens from the neighborhood to the north to patronize the retail portions of this site, then right turns should not be prohibited. In restricting right-turns, traffic will unnecessarily have to enter Big Beaver Road to access northbound Kilmer Road.
- The east-west parking aisle closest to Big Beaver Road should be directly aligned with the Willow Centre parking aisle, and avoid the sharp chicane or shift in alignment that draws it closer to Big Beaver. Otherwise, the drive-thru exit from Retail "C" and the parking aisle curves will need to be revised. The current configuration provides for unsafe driving conditions due to the sharp curves transitioning between alignments and the location of the drive-thru exit relative to the curves. At a minimum, the left-turn only exit from the drive-thru should be further channelized to help drivers make the left-turn. Also, the curb line at the drive-thru exit will need to be shaved back to provide a more gradual shift along the parking aisle than accomplished with the curves currently shown.

Please contact me if you have any questions regarding our findings.

Sincerely,
Orchard Hiltz & McCliment, Inc.



Steven M. Loveland, PE, PTOE

PLANNED UNIT DEVELOPMENT

12. **PLANNED UNIT DEVELOPMENT (PUD 10)** – Proposed Big Beaver and Kilmer Planned Unit Development, Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts

Zak Branigan of Carlisle Wortman Associates reported on the recent revisions of the proposed PUD development. It is their recommendation that the Planning Commission recommends to the City Council that the proposed PUD Concept Development Plan be approved, conditioned on the applicant agreeing to include provisions in the development agreement to prohibit public traffic to the flex spaces within the residential units and the optional spaces attached to units 11 and 12, a limitation on deliveries, or other measures meant to preempt potential parking and circulation concerns.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the neighborhood support, executed lease and viability of the project. He asked the Commission's support and recommendation of the proposed Concept Development Plan.

There was brief discussion relating to deceleration lane, traffic management, storm water management and landscaping.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-11-136

Moved by: Tagle
Seconded by: Strat

WHEREAS, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated November 6, 2008 that recommends Concept Development Plan approval of BBK Mixed-Use Development Planned Unit Development; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

Plans are included with
Council agenda packets
and available for viewing at the
City Clerk's Office and the Troy Public Library

Resolution #LB-2008-10-03

Moved by Wheeler
Seconded by Duggan

RESOLVED, That the agenda for the Thursday, October 9, 2008, meeting, be approved.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

PUBLIC COMMENT—none

BOARD MEMBER COMMENTS—none

STUDENT REPRESENTATIVE’S COMMENTS—none

POSTPONED ITEMS

There were no Postponed Items.

OLD BUSINESS

- A. Drive up book drop
Discussion ensued about the numerous patron requests for a drive up book drop.

Resolution #LB-2008-10-04

Moved by Gregory
Seconded by Duggan

RESOLVED, That the public be informed of the reasons why a drive up materials return is not feasible.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

- B. Adding more 15-minute and 2-hour parking spaces
A discussion of parking and signage ensued. No action was taken.

NEW BUSINESS

- A. Recommendation to close the day after Thanksgiving, November 28th, 2008.
Resolution #LB-2008-10-05
Moved by Gregory
Seconded by Duggan

RESOLVED, That the Troy Public Library be closed the day after Thanksgiving, Friday, November 28th, 2008.

Yes: 3—Duggan, Gregory, Wheeler
No: 2—Gauri, Zembrzuski

MOTION CARRIED

- B. Library Meeting Room Use Policy
Resolution #LB-2008-10-06
Moved by Gregory
Seconded by Wheeler

RESOLVED, That the revised Troy Public Library Meeting Room policy be approved.

Yes: 4—Duggan, Gauri, Gregory, Wheeler
No: 1—Zembrzuski

MOTION CARRIED

- C. Outline/Drawing of café space
Resolution #LB-2008-10-07
Moved by Zembrzuski
Seconded by Gregory

RESOLVED, That the Café space be used for a vending machine area, tables, and the Friends' Gift Shop.

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

REPORTS & COMMUNICATIONS
Director's Report

Resolution #LB-2008-10-08
Moved by Gregory
Seconded by Duggan

RESOLVED, That the Library Advisory Board receive and file the Director's Report for September

Yes: 5—Duggan, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED.

Suburban Library Cooperative--Gregory

Mary Elizabeth Harper, director of the Romeo District Library, has been offered the position of director of the Suburban Library Cooperative. Gregory read C. Russ's email to Interim Cooperative Director Art Woodford, regarding the potential change to a new automation system. Wayne State University is taking over the operations of the Macomb County Library.

Friends of the Troy Public Library

No Report

Gifts

No Gifts Received this month.

Informational Items.

Website address for Troy Public Library calendar:

<http://sl.libcoop.net/troy/lib/eventcalendar.asp>

Contacts and Correspondence.

Written comments from the public, received from September, were reviewed.

Adjournment

The Library Board meeting adjourned at 9 P.M.

Kul Gauri
Chairman

Bonny Avery
Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, October 21, 2008, in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Kenneth Courtney
Matthew Kovacs
Tom Strat

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

ABSENT: Glenn Clark
Marcia Gies
David Lambert

Motion by Courtney
Supported by Strat

MOVED, to excuse Glenn Clark, Marcia Gies and David Lambert from this meeting as they are currently out of the State.

Yeas: 4 – Bartnik, Courtney, Kovacs, Strat
Absent: 3 – Clark, Gies, Lambert

MOTION TO EXCUSE MEMBERS CARRIED

Mr. Kovacs explained to the audience that since there were only four (4) Board members present, the petitioners did have the option to request to postpone their requests to allow them the opportunity of a full Board.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 16, 2008

Motion by Bartnik
Supported by Courtney

Mr. Bartnik asked that corrections be made on page 4, Item #7, lines 5 and 7 to substitute “approval” rather than “variance”.

Yeas: 4 – Courtney, Kovacs, Strat, Bartnik
Absent: 3 – Lambert, Clark, Gies

MOTION TO APPROVE THE MINUTES OF SEPTEMBER 16, 2008 WITH CORRECTIONS CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #10

RESOLVED, that Items #3, #4, #6, #7 and #8 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Bartnik

Yeas: 4 – Kovacs, Strat, Bartnik, Courtney
Absent: 3 – Lambert, Clark, Gies

ITEM #3 – RENEWAL REQUESTED. JEREMY PHILLIPS, DETROIT EDISON, 2220 W. BIG BEAVER, for relief of the 6’ high screening wall required between office and residentially zoned property.

MOVED, to grant Jeremy Phillips, 2220 W. Big Beaver, a three (3) year renewal of relief for the 6’ high screening wall required between office and residential zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

ITEM #4 – RENEWAL REQUESTED. FIFTH THIRD BANK, 2282 W. BIG BEAVER, for relief of the 6’ high masonry screening wall required along the north property line where this site abuts residential zoned property.

MOVED, to grant Fifth Third Bank, 2282 W. Big Beaver, a three (3) year renewal of relief of the 6’ high masonry-screening wall required along the north side of their site where it abuts residentially zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

ITEM #6 – RENEWAL REQUESTED. WATTLES PROPERTIES, LLC, BROOKFIELD ACADEMY, 3950 LIVERNOIS, for relief of the 4’6” high masonry screening wall required along the east side of off-street parking.

MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4’-6” high masonry screening wall adjacent to off-street parking.

- Fence to remain in good repair.
- Conditions remain the same.

ITEM #6 – con't.

- There are no complaints or objections on file.

ITEM #7 – RENEWAL REQUESTED. ST. AUGUSTINE EVANGELICAL CHURCH, 5475 LIVERNOIS, for relief of the 4'-6" high masonry wall required along the south and west sides of off-street parking.

MOVED, to grant St. Augustine Evangelical Church, 5475 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry wall required along the south and west sides of the property, adjacent to the off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

ITEM #8 – RENEWAL REQUESTED. MARC DYKES, HOME PROPERTIES, CANTERBURY SQUARE APARTMENTS II, N. SIDE OF LOVINGTON, E. OF JOHN R., for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking where these areas abut residentially zoned land.

MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land.

- Adjacent property is not developed with single-family residences.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Conditions remain the same.

Mr. Strat asked if the Board should offer the petitioners the opportunity to postpone their requests until the next scheduled meeting.

Mr. Motzny informed Mr. Strat that a petitioner can ask if they wished to postpone their requests, but it is up to the Board to make such a motion. He also noted that renewals do not need four (4) votes to be approved. A majority of the members present is all that is required.

Mr. Strat stated that the Planning Commission offers the petitioners the opportunity to postpone before the hearing is started.

Mr. Bartnik questioned the notice requirements regarding renewals.

ITEM #5, 9, &10

Motion by Bartnik

To postpone action on Items 5, 9, & 10 to allow public notices to be sent to the adjacent property owners and to obtain an update regarding the Master Land Use designation of the adjacent property from the Planning Director.

That motion failed for the lack of a second.

Mr. Stimac stated that he would be willing to go over each item with the Board. Notices are not sent out regarding renewals unless a complaint is received regarding the property. At that time we would notify that complainant so that they could submit something in writing. Renewals are covered under a different procedure and do not require the same original findings as when the variance is originally granted. A Public Hearing is held at the time the original request is made and the Board has the ability to continue the variance if there is a finding that conditions remain the same and if there are no complaints or objections on file. The Building Department has not received any complaints or objections regarding the three items in question.

Mr. Strat stated that the adjacent neighbors may not be aware that a variance was granted and he did not see the harm in notifying neighbors and if there any objections they would have the opportunity to present them to the Board. Mr. Strat is concerned about changes in occupancy.

Mr. Kovacs said that he thought they could be postponed so that surrounding property owners could be notified.

Mr. Stimac said that the property owners within 300 feet could certainly be notified that there was a renewal pending. Mr. Stimac cautioned the Board regarding a Public Hearing on these items as there is a different procedure in place for Public Hearings. Regarding Item #10, 2032 E. Square Lake, it is Mr. Stimac's opinion that since the area surrounding this property is fully developed this Item could be advertised as a Public Hearing and a permanent variance considered. A Public Hearing would be required and publication of that fact would have to be made. Mr. Stimac also stated that there have not been any changes in the Master Plan that would affect any of the items on this Agenda.

ITEM #10 – (TAKEN OUT OF ORDER)

ITEM #10 – RENEWAL REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

Motion by Courtney
Supported by Strat

ITEM #10 – con't.

MOVED, to postpone the request of Blue Heron Investment, 2032 E. Square Lake for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property to the next meeting of November 18, 2008.

- To allow Notices to be sent out announcing a Public Hearing, so that the Board has the opportunity to consider making this a permanent variance.

Yeas: 4 – Bartnik, Courtney, Kovacs, Strat

Absent: 3 – Clark, Gies, Lambert

MOTION TO POSTPONE THIS REQUEST UNTIL NOVEMBER 18, 2008 CARRIED

Motion by Bartnik
Supported by Strat

MOVED, to postpone Items #5, and #9 to the next scheduled meeting of November 18, 2008.

- To provide notification to surrounding property owners that renewals are pending.

Mr. Kovacs said that he did not agree and that the variance for the screening wall for Item #5 has been granted since 1985 and there are no objections on file.

Mr. Curtis of the Troy Masonic Temple Association was present and stated that they had purchased the Building in 1969 and this variance has been granted since 1970. They own the adjacent property and they have not had any complaints.

Mr. Kovacs informed the petitioner that Mr. Bartnik is concerned about changes in occupancy and notifying neighbors that this variance is in effect.

Mr. Bartnik asked which properties were owned by the Temple and Mr. Curtis indicated how much of the property is owned by the Temple and indicated how much of that property was vacant. Mr. Curtis also pointed out that there is a shopping center right behind their property.

Mr. Bartnik said that he would amend his motion on this property.

Motion by Bartnik
Supported by Courtney

MOVED, to amend the motion regarding Item #2 excluding Item #5 for postponement.

ITEM #5 – con't.

Yeas: 4 – Kovacs, Strat, Bartnik, Courtney
Absent: 3 – Lambert, Clark, Gies

MOTION TO AMEND MOTION CARRIED

A representative of Life Christian Church International was present and stated that he is not sure what the Board is looking for. Life Christian Church International is the new property owner of this site.

Mr. Bartnik stated that he was concerned that since this is a change in ownership of the Church, the surrounding neighbors may not be aware that a variance had been granted. Mr. Bartnik stated that he would like those neighbors to be notified.

Mr. Strat stated that the property has been cleaned up and commended the petitioner on the appearance of the property.

Vote on the motion to postpone item #9

Yeas: 3 – Strat, Bartnik, Courtney
Nays: 1 - Kovacs
Absent: 3 – Lambert, Clark, Gies

Mr. Kovacs stated that he did not agree this postponement was necessary as this variance has been in effect for more than 30 years and there are no complaints or objections on file.

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF NOVEMBER 18, 2008 CARRIED

ITEM #5 – RENEWAL REQUESTED. TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND, for relief of the required 4'-6" high masonry screening wall adjacent to off-street parking.

Mr. Stimac explained that the petitioner is requesting relief of the 4'-6" high masonry-screening wall adjacent to their parking lot. This Board originally granted this variance in 1970. This item last appeared before this Board in October 2005 and was granted a three (3) year renewal of this request. Conditions at the site remain the same and we have no objections or complaints on file.

Motion by Courtney
Supported by Bartnik

ITEM #5 – con't.

MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required by Section 39.10.01 adjacent to off-street parking where it abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- There are no complaints or objections on file.

Yeas: 4 – Bartnik, Courtney, Kovacs, Strat

Absent: 3 – Clark, Gies, Lambert

MOTION TO GRANT RENEWAL FOR THREE (3) YEARS CARRIED

ITEM #11 – VARIANCE REQUESTED. LISA COURY & JAMES STEWART, 924 HANNAH, for relief of the Ordinance to construct a two-story gambrel style roofed building with a building height of 17'. Section 40.56.02 limits detached accessory buildings to not more than one story and not more than a 14' maximum building height.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a detached accessory building. The site plan submitted indicates the proposed construction of a two-story detached garage/storage building. The plans further show this gambrel (barn) style roofed building with a building height of 17' as measured by the Zoning Ordinance.

Section 40.56.02 limits detached accessory buildings to not more than one story and not more than a 14' maximum building height.

Lisa Coury and James Stewart were present. Mr. Stewart stated that they are running out of room as they have a lot of stuff that includes a cargo trailer with an 8' height. Rather than have their trailers in the front yard, they would be able to put them in this building. They have one child with a second on the way and they do not have any room for storage. Most of their storage is already taken up. The garage could be made longer, but there is a tree behind it and in front of it and also a telephone easement is located on the property. Mr. Stewart said that most of the lots in this area are very large and there are other garages that are larger than normal.

Mr. Kovacs asked how large the lot was and Ms. Coury stated it was 105' x 230'.

Mr. Courtney asked why the garage would be on the side closest to the neighbor rather than the front.

Mr. Stewart said that there are telephone lines in this area and they can't put anything in this area. The garage would still be as close to the neighbor because of this easement.

ITEM #11 – con't.

Mr. Courtney asked why a second floor was needed as they were planning to use the building for storage of trailers.

Ms. Coury said that their house is approximately 950 square feet and due to the fact that another child is on the way, more storage will be required. The trailers will take up most of the first floor and this is the reason, they require a second floor. They would move some of the things they have in the basement to the loft in this building.

Mr. Courtney asked if they were planning to make the attached garage living space.

Mr. Stewart said that is their plan.

Mr. Courtney said that they could shorten the height of the garage and not have a second level. Instead of going 20 feet high, just go as far as needed to cover the door.

Mr. Stewart said that one of his trailers is 8' high and they would need a ceiling height in the lower level of at least that much to stand in the garage. There is a tree in front of the proposed garage and one also in back of the proposed garage that would make it difficult to make the garage longer. The cost of the pad alone to make the garage longer is prohibitive.

Mr. Strat asked what the height limitations of garage doors were.

Mr. Stimac stated that the height limitation only applies to an attached garage and is 10'.

Mr. Kovacs asked how high the garage door was proposed to be.

Mr. Stewart stated that it would be 8'.

Mr. Strat stated that he had a problem with this request as he does not believe the petitioner has demonstrated a hardship that runs with the land. The petitioner is asking for a variance to store recreational vehicles.

Mr. Strat said that one of the approvals received regarding this request is from a neighbor that has the same barn. Mr. Strat also stated that the Board had received two (2) objections to this request and one is from the neighbor that is directly behind this property. Recreational vehicles can be stored off-site. A variance needs to be granted with a hardship.

Mr. Stewart asked if Mr. Strat was only objecting to the height of the building.

Mr. Kovacs asked if a one and one-half story building could be constructed and comply with the height.

ITEM #11 – con't.

Mr. Stimac informed the board that there are accessory buildings in the City that do have storage areas that meet the 14' height requirement.

Mr. Stewart said that there are four (4) houses on his street and he does not believe they meet the height requirement.

Mr. Kovacs said that he does not agree with the Board, but is trying to see what could be done.

Mr. Stewart said that he could put up a long garage and in his opinion it would look worse than what he is proposing.

Mr. Kovacs agreed with the petitioner and said that he felt this proposed building would look much nicer than a long building.

Mr. Strat stated that the petitioner could have a second story but it would not be 7' high.

Mr. Stimac said that he could have a garage that is 24' wide and have storage that is 4' high and would comply with the Ordinance.

Mr. Kovacs asked if the petitioner wished to postpone this request in order for the petitioner to work with the City to bring down the height of this building.

Mr. Stewart said it is either that or he will build a garage that is super-wide and would not look as nice. Mr. Stewart said that he would rather have something that fits the neighborhood and he could build a garage that was 14' tall and very wide, which would comply with the Ordinance.

Mr. Kovacs said that he believes you are limited to the square footage of an accessory structure.

Mr. Strat said that the petitioner should look at the letters from the people that objected to this request and possibly speak to those neighbors.

Mr. Kovacs stated that the objections are from 951 and 976 Deetta

Mr. Stewart said that the yards are 225' deep.

Mr. Stimac explained that we are required by law to inform property owners within 300' of this property that the petitioner is requesting a variance. Testimony can be taken from anyone in the City regarding a request.

Mr. Courtney stated that if this request is postponed he would like the petitioner to submit what the maximum height of this building needs to be.

ITEM #11 – con't.

Mr. Stewart said that he could put up a building that is 20' to the peak and it would comply with the guidelines.

Mr. Stimac said that he could build a 28' high A-frame garage but that is not what the petitioner is asking for.

Mr. Kovacs asked what would be different if this was an attached garage.

Mr. Stimac said that if this garage was attached it could be two and one-half stories and could be 25' high.

Mr. Stewart said that would look much worse than what he is proposing.

The Chairman opened the Public Hearing.

Michael Fischer, 914 Hannah, was present and stated that he feels this barn would fit in very well with this neighborhood. There are other gambrel style roofs in the area and the height would not create a problem. Mr. Fischer stated that he would like to see this request approved.

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

There are four (4) written approvals on file. There are two (2) written objections on file.

Mr. Courtney asked if the petitioner wished to postpone this request.

Mr. Stewart said that if was not approved he would have to wait longer to put up the building.

Mr. Kovacs said that the petitioner is taking a chance that his request will be denied. Mr. Kovacs also stated that he feels the petitioner has a case for a variance however, he would need all four members to agree and Mr. Kovacs did not feel that all the members would vote in favor of this request.

Mr. Stewart said that he guesses he could cut down one of the trees and put in a longer building.

Mr. Kovacs said that there has to be a hardship that runs with the land.

Mr. Kovacs said that he did not believe it would be fair to the petitioner to consider the request this evening as there is not a full Board present.

Motion by Courtney
Supported by Bartnik

ITEM #11 – con't.

To postpone action on this request and continue the public hearing at the next meeting.

Mr. Bartnik said that the petitioner keeps stating that there is a tree in the way however, Mr. Bartnik does not see any evidence indicating that there are trees in this area. Furthermore, the petitioner keeps indicating that there are other gambrel style buildings in this area however they do not back up to other properties. Most of the houses in this area are one story and this request is for a two-story building. This home is a very nice bungalow. There are only one or two other two-story homes in the neighborhood. Mr. Bartnik also said that he believes this variance will have a detrimental effect to other homes in the area.

Mr. Strat said that he agrees with the comments Mr. Bartnik made. One of the homes adjacent to this property is for sale and they would have a clear view of this building as this garage is proposed to be constructed very close to the rear property line. Mr. Strat said that they have taken this request very seriously and the storage of a recreational vehicle is not a hardship. The garage that was built down the street has no bearing on this request. Variances should not be granted lightly.

Mr. Stewart said that he understands, but he was looking at the maximum square footage that he could use without taking up most of his back yard. If this variance is not granted, the new garage will be longer and wider.

Mr. Kovacs said that if the postponement passes, it is up to the petitioner to come back before the Board and show proof that what would be allowed would be detrimental to surrounding property rather than what could be put up with a variance.

Mr. Stewart asked what would happen if only four Board members were present again.

Mr. Kovacs stated that this was a very rare occurrence and he did not believe this situation would happen again.

Mr. Strat told the petitioner to indicate the exact location of the trees on his property that would prohibit him from making this garage longer. If a footing is put in, these trees may also be destroyed.

Mr. Courtney asked what the elevation was from the back of the house to the back of the lot.

Mr. Stewart said he believes this is one of the original farmhouses in this area. The neighbors behind them have a small ditch and his property slopes down from the house.

Mr. Strat said that the petitioner would need to be very careful where the floor of the building is due to the water problems.

ITEM #11 – con't.

Mr. Bartnik stated that he only had a picture of the mortgage survey and stated that it appears there is a lot of room on the other side of the property.

Mr. Stewart said that there is an Edison easement on that side of the property.

Ms. Coury asked the date of the next meeting and informed the Board that she is scheduled for a caesarian section on that day and they would not be able to attend that meeting.

Mr. Courtney suggested the petitioner turn in the necessary paper work before the meeting and it may not be necessary for them to appear.

Mr. Stimac stated that there are three other members that have not had this case presented to them at all.

MOVED, to postpone the request of Lisa Coury and James Stewart, 924 Hannah, for relief of the Ordinance to construct a two-story gambrel style roofed building with a building height of 17' where Section 40.56.02 limits detached accessory buildings to not more than one-story and not more than a 14' maximum height until the next meeting.

- To allow the petitioner the opportunity of a full Board.
- To allow the petitioner the opportunity to bring in documents indicating a hardship that would support this request.

Yeas: 4 – Bartnik, Courtney, Kovacs, Strat

Absent: 3 – Clark, Gies, Lambert

MOTION TO POSTPONE THIS REQUEST UNTIL THE NEXT MEETING CARRIED

ITEM #12 – VARIANCE REQUESTED. DAVID DONNELLON, 1477 JOHN R., for relief of the Ordinance to construct an outdoor dining area to within 10' of the front property line along John R. In 2002 the Board of Zoning Appeals granted a variance that would allow the enclosure of the outdoor dining area to within 14' of the front property line.

Furthermore, the petitioners are proposing to install a new fabric awning over a portion of the dining area on front of the structure extending out to within 24' of the front property line. Section 30.20.06 required a minimum 40' front yard setback in the B-3 (General Business) Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter an outdoor dining facility. In 2002 the Board of Zoning Appeals granted a variance that would allow the enclosure of the outdoor dining area to within 14' of the front property line. The site plan submitted indicates a proposed new raised "deck area". The

ITEM #12 – con't.

enclosure of this deck area is proposed to be within approximately 10' of the front property line along John R (when measured to the 75' right of way line).

Furthermore, the petitioners are proposing to install a new fabric awning over a portion of the dining area on the front of the structure extending out to within 24' of the front property line. This property is located in the B-3 (General Business) Zoning District. Section 30.20.06 requires a minimum 40' front yard setback.

Mr. Donnellon was present and stated that conditions have changed because the owner did not construct the structure originally granted a variance. This restaurant has had open dining for the last several years and the owner wants to create an area that will let people sit outside and enjoy the weather. There has been some Karaoke done at the restaurant and some people seem to like it. The reason for awning is to protect diners from the elements. The economy is tough and on that side of town, things can be a little more difficult. Mr. Donnellon questioned Mr. Stimac regarding the setback lines. Mr. Donnellon said that the existing right of way line is much farther out than 10'. The dining is much farther back from the existing right of way line.

Mr. Stimac explained that the distance is measured from the proposed right of way line. The sidewalk takes a rather significant jog as it gets to this property from the south because the future right of way line of John R is not in place. The Ordinance says that the setbacks have to be measured from the Master Thoroughfare Plan as set by the Planning Commission.

Mr. Donnellon also pointed out that the building to the north is much closer to John R. than this building is.

Mr. Kovacs said that he was present for the original variance request and he is not aware of any complaints from the surrounding neighbors.

Mr. Courtney asked if the new awning would cover more seating than what was originally proposed.

Mr. Donnellon said that the awning will protect more tables than what was previously proposed.

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

There are no written objections or approvals on file.

Mr. Strat stated that this proposal is in keeping with what the Planning Commission is trying to accomplish. The height of the wall prevents people from seeing what is going on at the restaurant.

ITEM #12 – con’t.

Mr. Donnellon stated that they had to put the wall in.

Mr. Strat stated that large trees would be ideal for this situation.

Motion by Courtney
Supported by Strat

MOVED, to grant David Donnellon, 1477 John R., relief of the Ordinance to construct an outdoor dining area to within 10’ of the front property line along John R.; and to install a new fabric awning over a portion of the dining area on front of the structure extending out to within 24’ of the front property line. Section 30.20.06 requires a minimum 40’ front yard setback in the B-3 (General Business) Zoning District.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance is in keeping with what the Planning Commission is trying to achieve.

Yeas: 4 – Kovacs, Strat, Bartnik, Courtney
Absent: 3 – Gies, Lambert, Clark

MOTION TO GRANT VARIANCE CARRIED

Mr. Kovacs expressed concern over the fact that Ms. Coury and Mr. Stewart may not be able to make the November 18th meeting and encouraged Mr. Stimac to try and set up a special meeting so that their petition could be heard.

Mr. Stimac said that we have to post a notice indicating a Special Meeting would be held within seventy-two hours of the meeting date. Mr. Stimac stated that Building Department Staff would take a poll to see if we would have enough members present for a special meeting and inform the Board and the petitioners of our findings.

The Board of Zoning Appeals meeting adjourned at 9:00 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary

**SPECIAL JOINT MEETING OF THE CITY OF BIRMINGHAM
PLANNING BOARD AND CITY OF TROY PLANNING COMMISSION
ACTION ITEMS OF WEDNESDAY, OCTOBER 29, 2008**

Item	Page
<p>No resolutions were passed.</p> <p>The next joint meeting of these two bodies will be held on Tuesday, December 2 at the City of Troy City Hall at 7:30 p.m. in the lower level conference room.</p>	8

DRAFT

**SPECIAL JOINT MEETING OF THE CITY OF BIRMINGHAM
PLANNING BOARD AND CITY OF TROY PLANNING COMMISSION
WEDNESDAY, OCTOBER 29, 2008**

Minutes of the joint meeting of the Birmingham Planning Board and Troy Planning Commission held October 29, 2008. Chairman Robin Boyle convened the meeting at 7:40 p.m.

Birmingham Planning Board

Present: Board Members Brian Blaesing, Gillian Lazar, Mark Nickita, Janelle Whipple-Boyce, Bryan Williams; Student Representative Cole Fredrick

Absent: Chairman Robin Boyle; Board Member Sam Haberman

Birmingham Administration: Matthew Baka, Planning Intern
Jana Ecker, Planning Director
Tara Maguire, GIS Coordinator
Jill Robinson, City Planner
Carole Salutes, Recording Secretary

Troy Planning Commission

Present: Chairman Robert Schultz; Commission Members Michael Hutson, Philip Sanzica, Thomas Strat, John Tagle, Lon Ullmann, Mark Vleck

Absent: Commission Members Mark Maxwell, Wayne Wright

Troy Administration: Zak Branigan, Planning Consultant
Allan Motzny, Asst. City Attorney
Mark Miller, Planning Director
Brent Savidant, Principal Planner

10-193-08

CHAIRPERSON'S COMMENTS AND INTRODUCTION OF GUESTS

Chairman Robert Schultz welcomed the audience and everyone around the table introduced themselves.

10-194-08

**REVIEW AND APPROVAL OF THE MINUTES OF THE JOINT MEETING OF
SEPTEMBER 22, 2008**

Mr. Strat:
Pages 1, 5, and 8 twice, correct the spelling of his name.

Mr. Miller:
Page 1, correct spelling of Zak Branigan

**Resolution by Mr. Tagle
Seconded by Mr. Sanzica to approve the Minutes of September 22 as amended.**

VOICE VOTE

Birmingham Planning Board
Yeas: Tagle, Sanzica, Hutson, Schultz, Strat, Ullman, Vleck
Nays: None
Absent: Maxwell, Wright

Troy Planning Commission
Yeas: Blaesing, Lazar, Nickita, Whipple-Boyce, Williams
Nays: None
Absent: Boyle, Haberman

10-195-08

APPROVAL OF THE AGENDA (no changes)

10-196-08

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)

10-197-08

DISCUSSION OF PROPOSED TRANSIT CENTER DISTRICT

- Status of Transit Center funding and support efforts

Ms. Ecker provided an update of events that have taken place since the last meeting. The Planning Departments of both cities have met with the Troy and the Birmingham Chambers. They have also met with Mr. L. Brooks Patterson of Oakland County, and Senators Bishop and Pappageorge. All have agreed to be supportive of the project.

Additionally, L. Brooks Patterson has offered to provide planning support services from Oakland County if they are needed.

In a joint meeting of the Birmingham Planning Board and Birmingham City Commission, the possibility of hiring a project manager was discussed. The City of Birmingham would take the initiative to hire someone and then would enter into a cost sharing arrangement with the City of Troy. That matter will go before the Birmingham City Commission on November 10, 2008 when the top two candidates will be interviewed. The role of the project manager would be to lobby in Lansing and in Washington in an effort to obtain funding for the Transit Center project. The cost ranges anywhere from \$5 - \$10 thousand/month on a month-to-month contract.

Ms. Ecker disclosed that the top two finalists out of four applications that were submitted are North Coast Strategies and Clark Hill.

Mr. Miller indicated there has been no negative response from the Troy City Council in this regard, knowing the matter will have to come back before them for approval.

➤ Opportunities for collaboration

Mr. Miller indicated the challenge is to determine what form joint planning will take. Development review is needed for a whole district which will potentially be in both communities. That development needs to be coordinated with the Transit Center. He felt the process might possibly need a third party facilitator.

Discussion examined why access to trains cannot be provided in Troy. Ms. Ecker noted that after discussions and negotiations with the railroad it was determined that it is not possible for the trains to be switched to the other track in this location. Also, the railroad will not allow an at-grade crossing for pedestrians. Further, they cannot build an above-grade crossing due to the high tension power lines that run through the area. The wires cannot be raised due to the proximity of the Troy Executive Airport. Therefore, they were left with the tunnel scenario to get to the west side of the tracks.

Ms. Ecker advised that from a funding perspective they have been in touch with AMTRAK and CN Railroad officials to work out some funding options that the municipalities otherwise would not be able to get. Mr. Miller added that Mr. Brian Murphy, City of Troy Asst. City Manager for Economic Development, will be meeting with AMTRAK officials in Chicago in November.

Mr. Nickita pointed out that beyond the Transit Center there are a number of other areas of concern that should be planned collectively from a vehicular and pedestrian standpoint for the ultimate benefit of both communities.

Chairman Schultz agreed. The two communities share a huge number of borders, especially along Maple Rd. and Coolidge, and cooperation in those areas should be looked at.

Mr. Hutson did not think it would be feasible to create a new joint planning committee. Given the time frame available to get the project underway, it would be a waste of time to try and comply with the Joint Planning Commission Act. Ms. Ecker pointed out this group is together to discuss the impact of the Transit Center on the surrounding area, and meeting the 2010 deadline for construction of the Transit Center is not within that purview. There is another group that is dealing with that. If it can be shown that the two cities are working collaboratively, it assists in convincing the State and Federal governments that the communities are serious and they understand what can come of this area.

Mr. Vleck suggested creating a joint planning body that would not relate to zoning. Each of the cities could still retain its own zoning authority. Of course, it would be up to the two city councils to make the ultimate decision. However, a recommendation from both planning boards could carry a lot of political weight with the Birmingham City Commission and the Troy City Council.

Mr. Motzny explained the provisions of the 2003 Joint Planning Commission Act are not specific. There is lots of room for creativity.

- Joint Planning Commission Act, 2003

Authorizes the creation of joint planning commissions.

- Urban Cooperation Act – 1967

Provides a wide range of authority to joint entities. The appropriate legislation will be determined once the responsibilities of the joint planning commission are determined.

- Joint Planning.

Ms. Ecker said that from staff's standpoint joint planning consists of defining the area where they know the Transit Center will have an impact, and coming up with mutually agreeable standards for the development of that area. Then the joint board would review the site plans for any proposed projects within that area using the transit-oriented development standards that would be put in place.

Mr. Schultz thought that both communities will retain their individualities. Mr. Vleck agreed that from a zoning standpoint each city is already committed. But there must be a joint agreement that from a site plan standpoint whatever is built in the area of the Transit Center will stay.

Mr. Nickita said just having the communication and then a recommendation that can go back to each individual commission or council to actually implement, along the guidelines of a joint agreement or a joint recommendation, seems to be a process that he thinks could work. He feels the planners can receive strong support from their

individual communities without getting bogged down in creating something that would be very challenging to implement.

Mr. Savidant noted there is a parcel that is controlled by one developer where a portion lies in the City of Birmingham and a portion lies in the City of Troy. If that property were to be developed today, each city would apply its own standards. Birmingham would probably apply the MX Zoning District and Troy would probably apply the Planned Unit Development “PUD” District. He sees a practical difficulty with the different regulations of the different bodies. One of the challenges is going to be how to get that property developed in a coordinated, integrated fashion. Ms. Ecker said the owner of that parcel has approached the Cities of Birmingham and Troy on numerous occasions with a development plan that would be wholly inconsistent with what the cities would want around the Transit Center.

- Introduction to Joint Planning Commissions

Ms. Ecker summed up the discussion so far by saying the group probably doesn’t want to go ahead and have a joint zoning authority but they may want to have a joint planning authority. That may be in the form of a joint planning body, or collective agreement on standards that the cities would each individually adopt.

Chairman Schultz thought the parcel referred to earlier may require a joint planning authority that would do the planning and any re-zoning or planned unit development could go through the individual commission or council. Mr. Vleck added that if the developer has to go through two planning processes in two different communities the chances of a project happening are diminished. Doing something that is coordinated will make the project much more likely to happen.

- Multi-jurisdictional case studies

Ms. Robinson explained what Traverse City has done. The region includes 93 different municipalities. They have enacted different design standards and it is up to each municipality then to adopt them for themselves.

- Transit Center District

Mr. Miller explained the City of Troy has recently adopted a Master Plan. In the Master Plan there is a Transit Center District. In that Transit Center District there are certain general design directions and also policy directions which include collaboration with the City of Birmingham. The adopted plan dictates what they would want to see in the area, giving guidance to changing the Zoning Ordinance to allow for that to be resolved. Presently there are no zoning districts in place to implement the Master Plan.

- Proposed boundaries

It was discussed that Troy's Master Plan includes the airport and it includes standards that encourage mixed-use development and conversion of the industrial buildings along Coolidge where possible.

Ms. Ecker explained the goal of this joint body is to assume that the communities will develop the Transit Center and look at what impact the Transit Center will have on the land development around the area. That is where the cities are jointly collaborating. There is nothing that says the cities have to come up with the exact same standards and rules that will apply for the first quarter mile, half mile, or three-quarters of a mile. However, there is a generally an accepted standard that for any property that is within a walkable distance of a transit center the property values go up and different development patterns will emerge. Diverse development patterns are desirable in order to support a transit center district.

The group considered boundaries for the Transit Center district. Moving further out in the district, development standards will change.

For the Birmingham Planning Board, Mr. Williams thought that including the Birmingham single-family residences in the district is a positive, because it will provide them the opportunity to participate in the development process. Mr. Blaesing agreed. Mr. Nickita thought that the triangular area to the north might benefit by inclusion in the district. Ms. Whipple-Boyce liked the south boundary. Ms. Lazar thought that any further north or south would muddy the waters.

With respect to the Troy Planning Commission, Chairman Schultz did not think there is any residential development in the district except for Midtown Square Condominiums. The majority of it is zoned industrial. The City of Troy needs to address the re-zoning of industrial. He felt that extending to the east boundary of the airport is reasonable because it doesn't affect residential properties. Mr. Tagle agreed with the district boundary on the Troy side. Mr. Miller added the district should include the northeast corner of Maple Rd. and Coolidge at the location of Whole Foods. Mr. Vleck supported the existing boundaries. It would be beneficial for both Birmingham and Troy to down the road include the other industrial areas on the north side of Maple Rd. as far as some sort of easier pedestrian access.

- Existing zoning

Mr. Vleck observed they are looking for a connection across the railroad track that will support both communities. There is a developer that is looking to redevelop a piece of property that is very close to the Transit Center. Currently it is not zoned in the type of zoning that either community is looking for and the zoning does not support the surrounding developments. From a joint planning standpoint this body must figure out

how to connect the developer's parcels so they conform to what both cities are looking for.

10-198-08

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Ms. Dorothy Conrad from Birmingham pointed out that Birmingham will be affected more by the impact on single-family residential. She wants to see some discussion on how traffic will be handled. It needs to be considered before something is in place. Secondly, if the Troy planners want to see more pedestrians flowing into the area they should take a look at the unfriendly intersection of Maple Rd. and Coolidge. As far as the parcels that are under the control of one developer, she asked the group to keep in mind that big box stores will not compliment the Transit Center, her neighborhood or her city.

Mr. Mike Robenski who lives on Bowers St. in Birmingham indicated that he and his wife are frequent users of AMTRAK. They will greatly appreciate seeing the Transit Center develop into something better than the current bus stop that is there now. He explained why CN Railroad does not want to be involved with constructing a turn-out so that the access to the train could be on the Troy side. Secondly, the planners need to consider the possibility that the double track situation may change to single track in the future because the double track may not be needed. AMTRAK and the CN host railroad don't always get along real well because CN doesn't like the nuisance factor. Lastly, Mr. Robenski questioned whether the pedestrian tunnel could serve as a vehicular tunnel as well.

Ms. Barb Quincy from Midtown Square Condominiums expressed her concern about the traffic and safety along Doyle St. In answer to her question about the location of the Transit Center, Ms. Ecker verified it will be positioned behind the existing Kroger store.

Another audience member asked about what amenities might be included in the Transit Center building and Mr. Miller answered that the facility will be manned and climate controlled. Private transit options will be available.

On the subject of pedestrian access to the Transit Center, Mr. Nickita noticed that the traffic light at the corner of Maple Rd. and Doyle St. seems to be designated specifically for cars and not pedestrians. There is a long wait for the pedestrian sign to cross. The challenge is to form a balance between pedestrian and vehicular traffic in the area of the Transit Center. These are subtle changes that can have quite an impact on the way people utilize the area and feel comfortable.

Chairman Schultz said he anticipates that the pedestrian access points and control points will be totally reviewed as part of the development of the Transit Plan.

Ms. Conrad did not feel there is a comfortable place for a pedestrian to get from Birmingham to Troy along Coolidge.

The next joint meeting of these two bodies will be held on Tuesday, December 2 in the City of Troy City Hall at 7:30 p.m. in the lower level conference room.

10-199-08

ADJOURNMENT

No further business being evident, meeting adjourned at 9:23 p.m.

Respectfully submitted,

Jana Ecker
Planning Director
City of Birmingham

Mark Miller
Planning Director
City of Troy

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on November 11, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Mark Maxwell
Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

Chair Schultz announced the petitioner for Agenda items #7 and #8 requested to postpone both items to the next regularly scheduled meeting. Chair Schultz pointed out that five (5) affirmative votes would be required for any approval or recommendation to City Council.

Resolution # PC-2008-11-127

Moved by: Sanzica
Seconded by: Hutson

RESOLVED, To remove Agenda items #7 and #8.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

Chair Schultz said residents would receive notification by mail when the items are scheduled on a future agenda.

2. APPROVAL OF AGENDA

Resolution # PC-2008-11-128

Moved by: Tagle
Seconded by: Strat

RESOLVED, To approve the Agenda as revised.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

3. MINUTES – October 28, 2008 Special/Study Meeting

Mr. Forsyth indicated he was not in attendance and asked that the minutes reflect that Lori Grigg Bluhm was present.

Resolution # PC-2008-11-129

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the October 28, 2008 Special/Study Meeting as amended.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

REZONING REQUESTS

5. PUBLIC HEARING – REZONING APPLICATION (Z 732) – Proposed Office Building, South side of Wattles Road, East of Rochester Road (1100 and 1120 Wattles Road), Section 23, From R-1C (One Family Residential) to O-1 (Low Rise Office) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. He addressed the newly adopted Master Plan as relates to neighborhood nodes, and briefly explained the charge of the Planning Commission in its interpretation of the neighborhood node in relation to the proposed rezoning request. Mr. Miller apologized that the sketches of a potential office development, provided by the applicant, were not included in the meeting packet, but indicated they were distributed to members prior to the beginning of tonight's meeting.

It is the recommendation of City Management that if the Planning Commission determines that the subject parcel lies within the neighborhood node, the applicant consider submitting a conditional rezoning application that could potentially serve as an appropriate transition between residential and non-residential uses.

Mr. Forsyth emphasized the sketch of the potential office development would not play a part in deliberation of the rezoning request.

The petitioner, Salvatore DiMercurio of Brentwood Land Development, 48705 Hayes Road, Shelby Township, was present. Stefano Mularoni was also present. Mr. DiMercurio briefly addressed the proposed site, of which a conceptual drawing was displayed. He indicated his willingness to commit to a conditional rezoning.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

A brief discussion followed relating to the interpretation of the neighborhood node, the proximity of the proposed rezoning to residential, and the application process for conditional rezoning.

Mr. Miller suggested postponement of the traditional rezoning request if it is the intent of the Planning Commission to offer the petitioner the opportunity to go forward with a conditional rezoning application.

Resolution # PC-2008-11-130

Moved by: Strat
Seconded by: Sanzica

RESOLVED, To postpone the rezoning request to deal with a conditional rezoning.

Discussion on the motion on the floor.

Chair Schultz addressed concerns with a conditional rezoning.

Vote on the motion on the floor.

Yes: Sanzica, Strat, Tagle
No: Hutson, Schultz, Ullmann
Absent: Maxwell, Vleck, Wright

MOTION FAILED

Resolution # PC-2008-11-131

Moved by: Hutson
Seconded by: Ullmann

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located on the south side of Wattles, east of

Rochester Road, within Section 23, being approximately 2.39 acres in size, be denied, for the following reason:

1. The request is incompatible with existing zoning and in conflict with the Master Plan's conceptual idea of an economic node at this location.

Yes: Hutson, Schultz Ullmann
No: Sanzica, Strat, Tagle
Absent: Maxwell, Vleck, Wright

MOTION FAILED

Mr. Forsyth clarified that a recommendation to deny the proposed rezoning request would go forward to City Council.

6. PUBLIC HEARING – REZONING APPLICATION (Z 733) – Proposed Maple Business Center, North side of Maple Road, East of Castleton (2795 E. Maple Road), Section 25, From R-1E (One Family Residential) to B-1 (Local Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request. He addressed the newly adopted Master Plan as relates to neighborhood nodes and the proposed rezoning. It is the recommendation of City Management to deny the rezoning request for reasons as specified in the Planning Department report. Mr. Miller said City Management would support a conditional rezoning application if the applicant were to acquire the parcel to the west and combine it with the subject parcel.

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

Arthur Kalajian, petitioner and project architect, 1871 Austin Drive, Troy, was present. Visual boards of the potential development were displayed.

Terrey Barash, property owner, 2795 E. Maple Road, Troy, was present. Mr. Barash expressed his desire to expand his valet parking business and make site improvements.

Mr. Kalajian addressed the potential development as relates to the transition to residential, proposed site improvements and the property across the street. He indicated the adjacent property owner is not interested in selling his property.

Brother of Terrey Barash [did not sign in] addressed the conditions of the site and encouraged going forward with the site improvements.

PUBLIC HEARING OPENED

Robert Henkle of 1642 Castleton, Troy, was present. He spoke in opposition of the proposed rezoning request.

Randolph Grieser of 2775 E. Maple, Troy, was present. He spoke in opposition of the proposed rezoning request as submitted.

PUBLIC HEARING CLOSED

There was a brief discussion in which several members expressed opposition to the proposed rezoning because of its proximity to residential.

Resolution # PC-2008-11-132

Moved by: Hutson
Seconded by: Ullmann

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to B-1 rezoning request, located on the north side of Maple Road, east of Castleton, within Section 25, being approximately 0.84 acres in size, be denied, for the following reasons:

1. The rezoning is incompatible with single family uses and zoning districts to the north.
2. Developing this parcel in a way that is consistent with the standards of Neighborhood Node B in the City of Troy Master Plan would be difficult due to its small size and narrow width.
3. Rezoning this small, narrow parcel promotes poor access management.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED**SITE CONDOMINIUM SITE PLAN**

9. SITE CONDOMINIUM SITE PLAN REVIEW – Adams Road Site Condominium (Renewal), 5 units/lots proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium development, and reported it is the recommendation of City Management to approve the site condominium application as submitted.

There was a brief discussion as relates to revisions to the site plan, wetland delineations and MDEQ (Michigan Department of Environmental Quality) approval.

The petitioner, David Donnellon of Choice Group, 755 W. Big Beaver Road, Troy, was present. Mr. Donnellon addressed the proposed storm water management.

Chair Schultz opened the floor for public comment.

John Quasarano of 2862 Lake Charnwood, Troy, was present. He requested to view the site plan, of which a complete set was provided to him.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-11-133

Moved by: Sanzica
Seconded by: Strat

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district, be granted.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

SITE PLAN REVIEW

10. **SITE PLAN REVIEW (SP 883-C)** – Proposed Addition and Parking Lot Expansion and Consent Judgment Amendment, Heartland Health Care Skilled Nursing Facility (925 South Blvd.), South side of South Blvd., East of Livernois, Section 3, Zoned R-1B (One Family Residential) and O-1 (Low Rise Office) Districts (controlled by Consent Judgment)

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted. Mr. Savidant addressed the placement of speed humps along the south parking thoroughfare lanes of the Heartland Health property as a deterrent to cut-through traffic.

Peter DeLoof, attorney, 301 N. Main Street, Ann Arbor, was present to represent the petitioner. Also present were Brion Harrigan of HCR ManorCare and George Ostrowski of Nowak & Fraus. A colored rendering was displayed. Mr. DeLoof addressed conversations with the neighboring property owners and homeowners association. He indicated groundbreaking is projected for early spring.

Chair Schultz opened the floor for public comment.

Jill Duggan of 4702 Rivers Edge, Troy, was present. Ms. Duggan spoke unfavorably of the existing parking situation.

David Merrill of 6908 Livernois, Troy, was present. Mr. Merrill expressed his concern with cut-through traffic, and spoke favorably of the petitioner working with this concern.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-11-134

Moved by: Tagle
Seconded by: Strat

RESOLVED, That the Planning Commission recommends to City Council that Preliminary Site Plan Approval, pursuant to a proposed Amendment to Consent Judgment, for a revised site plan, located at the southeast corner of South Boulevard and Livernois Road, being 5.48 acres in size, within Section 3, within the R-1B and O-1 zoning districts, be approved.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

SITE PLAN RENEWAL

11. **SITE PLAN RENEWAL (SP 944)** – Existing Office/Research Building, Proposed Parking Lot Expansion, East side of Stephenson Hwy (466 Stephenson Hwy), North of Fourteen Mile Road, Section 35 – R-C (Research Center) and O-M (Office Mid-Rise) Districts

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan renewal, and reported it is the recommendation of City Management to approve the site plan as submitted.

Rob Krochmal, 7115 Orchard Lake Road, West Bloomfield, was present to represent the petitioner.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-11-135

Moved by: Sanzica
 Seconded by: Tagle

RESOLVED, That the proposed Parking Lot Expansion at 466 Stephenson Highway, located on the east side of Stephenson Highway, north of 14 Mile Road, located in Section 35, on approximately 3.38 acres in area, within the R-C and O-M zoning districts, be granted.

Yes: All present (6)
 Absent: Maxwell, Vleck, Wright

MOTION CARRIED**PLANNED UNIT DEVELOPMENT**

12. **PLANNED UNIT DEVELOPMENT (PUD 10)** – Proposed Big Beaver and Kilmer Planned Unit Development, Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts

Zak Branigan of Carlisle Wortman Associates reported on the recent revisions of the proposed PUD development. It is their recommendation that the Planning Commission recommends to the City Council that the proposed PUD Concept Development Plan be approved, conditioned on the applicant agreeing to include provisions in the development agreement to prohibit public traffic to the flex spaces within the residential units and the optional spaces attached to units 11 and 12, a limitation on deliveries, or other measures meant to preempt potential parking and circulation concerns.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the neighborhood support, executed lease and viability of the project. He asked the Commission's support and recommendation of the proposed Concept Development Plan.

There was brief discussion relating to deceleration lane, traffic management, storm water management and landscaping.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-11-136

Moved by: Tagle
 Seconded by: Strat

WHEREAS, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated November 6, 2008 that recommends Concept Development Plan approval of BBK Mixed-Use Development Planned Unit Development; and

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

BE IT FINALLY RESOLVED, That the Planning Commission recommends to City Council that Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted.

Yes: All present (6)
 Absent: Maxwell, Vleck, Wright

MOTION CARRIED**OTHER ITEMS**13. **APPROVAL OF 2009 PLANNING COMMISSION MEETING SCHEDULE**

Mr. Miller briefly presented the proposed 2009 Planning Commission meeting schedule.

A brief discussion followed.

Resolution # PC-2008-11-137

Moved by: Strat
 Seconded by: Tagle

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2009:

1. Regular Meetings will be held on the second Tuesday of each month, with the exception of September 8th.

2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of May 5th, May 26th, July 7th, November 3rd, November 24th and December 22nd.
3. If additional Special/Study Meetings become necessary, alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yes: All present (6)
Absent: Maxwell, Vleck, Wright

MOTION CARRIED

14. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

15. PLANNING COMMISSION COMMENTS

Items briefly discussed were:

- Master Plan neighborhood nodes.
- Conditional rezonings.
- Development design guidelines.
- Zoning Ordinance restructure.
- Joint meetings with City of Birmingham.
- Planning articles of interest.

The Regular Meeting of the Planning Commission adjourned at 9:54 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

The Vice- Chairman, Glenn Clark, called the special meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Thursday, November 13, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Matt Kovacs
David Lambert
Tom Strat

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

ABSENT: Marcia Gies

Motion by Courtney
Supported by Bartnik

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

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

MOTION TO EXCUSE MS. GIES CARRIED

ITEM #1 – VARIANCE REQUEST. LISA COURY & JAMES STEWART, 924 HANNAH, for relief of the Ordinance to construct a two-story gambrel style roofed building with a building height of 17' where Section 40.56.02 limits detached accessory buildings to not more than one story and not more than a 14' maximum building height.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a detached accessory building. The plans submitted indicate the construction of a two-story detached garage/storage building. The plans further show this gambrel (barn) style roofed building with a building height of 17' as measured by the Zoning Ordinance. With this style of building there is a storage area located above on the second floor and by definition this is considered to be a two-story building.

Section 40.56.02 limits detached accessory buildings to not more than one story and not more than a 14' maximum building height.

This item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the petitioners the opportunity of a full Board.

ITEM #1 – con't.

Mr. Stewart passed out additional documentation to the Board members and Mr. Stimac explained that the only difference between the original site plan submitted and this site plan, was that the garage is proposed to be 13' from the rear property line rather than the previously submitted request of 8' from the rear property line. That change did not impact the variance requested or the public hearing notices that were sent.

Mr. Kovacs stated that the petitioner is proposing to construct a garage that is 24' x 28', and asked what amount of square footage would be allotted for this property.

Mr. Stimac said that it is most likely to be limited by the square foot area of the ground floor of the existing building. The proposed garage does fall within these limits. The land area may allow additional square footage, but an accessory building cannot exceed a certain percentage of the square footage of the ground floor of the existing building.

Mr. Stewart thanked everyone for coming this evening. Mr. Stewart stated that the Ordinance would allow him to construct a one-story building that is 40' long and 24' wide and all he is asking for is a variance of 3' in height. Mr. Stewart changed the location of the garage due to the location of the trees. One of the trees has a trunk that is approximately 4' wide and the tree located closer to the rear property line does not have as large a spread. Mr. Stewart checked with a water level measurement and the existing garage floor is 2" lower than the street. There is a 7' drop from the center of the existing garage floor to the proposed garage.

Mr. Courtney asked about the house located behind Mr. Stewart's property.

Mr. Stewart stated that the house behind is lower than their house. Mr. Stewart also spoke to the people in the area that objected to this request and explained what he could construct compared to what he is asking for. The homeowner at 951 Deetta stated that he approves of this request as long as Mr. Stewart did not run his business from this location.

Mr. Kovacs stated that he understood that the petitioner was attempting to save the existing trees and asked if Mr. Stimac was able to verify the square footage that would be allowed for an accessory structure on this property.

Mr. Stimac stated that it will, in fact, be regulated by the size of the land, which has 23,150 square feet of area. 2% of that figure is 463 square feet and the petitioner can have an additional 450 square feet, which would equal 913 square feet. Mr. Stimac said that would be slightly smaller than a 40' x 24' square foot building.

Mr. Kovacs said that he believes the Board could limit the amount of the ground floor of an accessory building to 672 square feet. Mr. Kovacs also stated that he did not want to grant a variance for 672 square feet and then have the petitioner come back and

ITEM #1 – con't.

request the additional square footage of accessory buildings he would be allowed.

Mr. Stewart said that as long as he could get the size they were requesting they would not come back for a larger variance.

Mr. Courtney asked if the neighbor behind the petitioner understood the height of the proposed building.

Mr. Stewart stated that he had gone to all the neighbors and distributed paperwork showing what the proposed height of the garage was.

Mr. Bartnik asked if there was a fence or vegetation between their house and the property behind them.

Mr. Stewart stated that is the only area of open space between the neighbors. Further to the right there are pine trees that would block the view of this garage.

Mr. Bartnik asked what types of trees were located in the yard.

Mr. Stewart said that he believes they are maples.

Mr. Strat said that he believes there are other locations that this garage could be constructed without affecting existing trees. This garage could be constructed on the west side of the property.

Mr. Stewart said that he did not want to split up the yard and this is the main reason they want the garage in this location.

Mr. Strat said that what the petitioner is showing as a hardship is really their own hardship as to where they want to locate the garage. The doors don't have to necessarily face the north; there are other ways to locate the garage.

Mr. Clark asked for some clarification regarding the restrictions regarding accessory buildings and why only one-story is allowed.

Mr. Stimac stated that the regulations regarding one-story limitations to accessory buildings have been around for at least 28 years. The garage on Alpine is a one-story building and also is attached to the house and therefore has different limitations to it. There are a couple of other accessory buildings in this area that are two-stories and they were granted variances over the years. The one-story 14' height limitation in the Ordinance only applies to detached accessory buildings.

Mr. Clark said that if he had a two-story detached garage in his neighborhood, he could guarantee that his neighbors would have a number of objections to this structure. Mr.

ITEM #1 – con't.

Clark also asked what would prevent other people in the neighborhood asking for two-story structures.

Mr. Stewart stated that there are three (3) structures in the neighborhood that are larger than what the Ordinance allows. They purchased this home because it had a large yard and the neighbor right across the street has a larger building on their property. Mr. Stewart stated that they are trying to stay within the intent of the neighborhood and this would be a smaller building than what is allowed by the Ordinance. Mr. Stewart also said that the homes across the street from their home have access to garages at the rear of the property due to the fact that their lots back up to Lovell. This structure will fit the neighborhood. The farther south you go the larger the yards are. Mr. Stewart said that the “monster” garage did not help his case at all.

Mr. Strat said that he did not think the garage at 914 Hannah was as high as this one.

Mr. Stewart said that he was there and it is as high as what he is proposing. The second floor has more space because of the truss that was used. That garage also has a 4' high knee wall.

Mr. Strat asked why they need a two-story structure.

Ms. Coury said that they have two trailers that will take up most of the space and they plan to alter their existing garage into living space, and everything from that garage will have to fit into the new garage.

Mr. Stewart said that it would be used mainly for storage. Mr. Stewart plans to have the garage door go completely over the trailer and because of the height of the trailer the ceiling needs to be a little higher. Mr. Stewart has a lot of equipment and has a lot of stuff at his mother's home that he would like to bring over and store on his property.

Mr. Strat asked if Mr. Stewart was running a business out of his home.

Mr. Stewart said that he is a video operator and also has a business as a “handy man”, although he is phasing that out as he makes more money as a video operator. There is a lot of equipment and some of it is used to rake the leaves on his property. Mr. Stewart said that he does have a business but does not necessarily work out of his home. He has a power washer and saws.

Mr. Kovacs asked if Mr. Stewart had employees that come to the house.

Mr. Stewart said that he has one employee and depending on where they are going he either parks in the driveway or Mr. Stewart picks him up. Mr. Stewart also stated that his business address is 2794 English Drive.

ITEM #1 – con't.

Mr. Kovacs said that you cannot run a business out of your home. You can have a home office, but you are not supposed to have employees come to your house.

Mr. Stewart said that he has 10 or 15 customers that he power washes decks for and also did carpet cleaning. Mr. Stewart explained that he is a “handy man” and does odd jobs when people need them done.

Mr. Stimac questioned the fact that the office is located at 2794 English Drive.

Mr. Stewart said that address is his mother’s house and one-half of his equipment is still at that location. She is unable to use her garage and this is one of the reasons he wants to bring his equipment home.

Mr. Courtney asked how long they have been at the present address.

Ms. Coury stated it has been ten (10) years.

Mr. Courtney asked how Mr. Stewart does advertising.

Mr. Stewart said that he doesn’t advertise and uses his mother’s address only because he moved and didn’t change the address. He does not have a lot of mail that comes to him and does not have office equipment.

Mr. Courtney stated that Mr. Stewart has one employee now, but if there were more jobs the number of employees could increase.

Mr. Stewart stated that he is trying to get out of that business as he makes more money doing video and camera work. His employee either picks him up or he goes and picks him up.

Mr. Clark said that he thought that the renderings were very nice; however, he does not see a hardship that runs with the land. Mr. Clark also stated that he thought if this building was only one story the Board would not have a problem with it. Although, he understands Mr. Stewart’s concern regarding storage, he does not believe a two-story building is the answer.

Mr. Stewart stated that he does not believe a hardship applies to a garage and that a hardship should apply to health issues. A garage could be constructed that would be much larger than this structure and all he is asking for is a 3’ variance. A 40’ building would be a “monster” garage in his opinion and he does not believe that anyone would be able to see the fact that this is a two-story building. Mr. Stewart said that he is trying to come up with the most desirable location for this building. The Ordinance would allow a 40’ building and he is bringing it down to 28’.

ITEM #1 – con't.

Mr. Clark said that he understands what Mr. Stewart is saying but the Board will either accept or reject this proposal. A large one-story building would be harder to see than a two-story building.

Mr. Courtney explained that the Board cannot consider financial or health issues as a hardship that would allow a variance. A hardship has to run with the land.

Mr. Stewart stated that the garage is smaller than what would be allowed by the Ordinance and he is only asking for a 3' variance. Furthermore, if he attached the garage to his home, it could be constructed at 2 ½ stories and would not look good at all.

A discussion began regarding the possible location and size of the garage that would be allowed as well as putting a condition on approval of this request that would limit the size of any additional accessory buildings.

Mr. Strat explained to the petitioner that this Board could only grant a variance if the petitioner demonstrated a hardship. There are guidelines in place instructing the Board on the conditions that would permit a hardship. The petitioner could put this garage in a different location that would not destroy natural vegetation and would not require any type of variance.

Mr. Clark opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There is one (1) written objection on file.

Mr. Courtney stated that he felt the problem was that Mr. Stewart wanted a two-story building where one story should be sufficient.

Mr. Stewart said that the height of one of the trailers was 7' high and he would want at least an additional foot above that. Mr. Stewart also stated that he didn't want to waste his time and is trying to build something that he can get the most use of. He does not want to move it to another location as they have always wanted a large yard.

Mr. Bartnik said that this is a very large property and he believes that the garage could be constructed in another location without a variance.

Mr. Stewart said that there are telephone wires in the middle of the yard and the reason they chose this location was because of the large yard.

Mr. Bartnik stated that the Ordinance states that detached accessory buildings can only be one-story and the petitioner has not demonstrated a hardship that runs with the land.

ITEM #1 – con't.

Mr. Lambert stated that he is very aware of what the petitioner is trying to do, but cannot see a hardship that would justify the variance.

Mr. Stimac stated that the Ordinance does have special findings that state that "...absent a variance natural features would be negatively affected." The petitioner has stated that in order to get a 913 square foot building, he would have to remove existing trees. One of the questions that the Board needs to address is if it is appropriate to build a 913 square foot building? Just because the ordinance allows for a 913 square foot building does not mean that it is appropriate to build one on every site. The second question is if the building could be put in another location that would not impact the existing trees?

Mr. Kovacs stated that if he did approve this variance he would want to put a limit on the size of any additional accessory structures. Mr. Kovacs also stated that he believes that the petitioner could build so much more than what he is asking for.

Motion by Kovacs
Supported by Lambert

MOVED, to grant Lisa Coury and James Stewart, 924 Hannah, relief of the Ordinance to construct a two-story gambrel style roofed building with a building height of 17' where Section 40.56.02 limits detached accessory building to not more than one story and not more than a 14' maximum building height.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a zoning district.
- Variance would not have an adverse effect to surrounding property.
- Absent a variance natural features would be destroyed.
- Conformance would be unnecessarily burdensome.
- Detached accessory structures would be limited to 672 square feet.
- Attached accessory structures would be limited to 280 square feet, which is what is currently on the property.

A discussion began about moving the garage further back and how the existing trees would be affected.

Mr. Strat stated that the building could be constructed as a one-story building and a variance would not be required.

The orientation of the garage on the property was discussed and there are other solutions available to the petitioner.

Mr. Stewart stated that the Ordinance would allow him to build a "monster" garage and this is something he did not want to do.

ITEM #1 – con't.

Mr. Strat stated that the Planning Commission is working on addressing the language in the Ordinance regarding detached accessory buildings, but did not have any idea of when or if that language would be changed.

Motion by Courtney
Supported by Clark

MOVED, to amend the original motion to include a restriction that once a permit is issued to modify the existing home, that the area of the attached accessory structure would have to be eliminated.

Mr. Clark questioned this amendment and Mr. Courtney stated that if this variance is granted, and the petitioner makes changes to his home, he would not be able to build a second attached garage.

Mr. Kovacs said that he thought this condition would be overly burdensome for the petitioner.

Discussion began regarding this amendment and it was determined that if a Building Permit was issued to change the existing home the attached garage would have to be converted living space or removed.

Vote on the amendment.

Yeas: 3 – Lambert, Clark, Courtney
Nays: 3 – Kovacs, Strat, Bartnik
Absent: 1 – Gies

MOTION TO AMEND MOTION FAILS

Vote on original motion to grant variance.

Yeas: 2 – Lambert, Kovacs
Nays: 4 – Strat, Bartnik, Clark, Courtney
Absent: 1 – Gies

MOTION TO GRANT VARIANCE DENIED

Mr. Kovacs stated that he would like to see the Board state the Special Findings when making a motion to approve or deny a request.

Mr. Clark stated that he would not be at the meeting of November 18, 2008 as he will be out of town.

The Board of Zoning Appeals meeting adjourned at 9:05 P.M.

Glenn Clark, Vice-Chairman

Pamela Pasternak, Recording Secretary



CITY COUNCIL REPORT

November 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services – September
and October, 2008

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the official Purchasing e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for twenty-seven (27) computers with keyboard & mouse, one (1) computer monitor, two (2) small storage units, one (1) fax machine, one (1) Dell printer, one (1) Craig transcription machine, one (1) lot of counter pump soap dispensers, and one (1) lot of wall soap dispensers that were auctioned on-line through BidNet, the City's e-procurement website, on September 16, 2008 and closed on, September 30, 2008.
- Final reporting is also being presented for two (2) 2001 Dodge Ram pick-ups, one (1) 2002 GMC Envoy, one (1) 1998 Dodge Dakota, one (1) Ford Explorer and one (1) 1999 Ransomes mower that were auctioned on-line through BidNet, the City's e-procurement website, on September 28, 2008 and closed on, October 3, 2008.

November 21, 2008

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – September and October, 2008

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Computers, Printer, Fax Machine, Monitor & etc.	1,935.33		
(5) Vehicles and (1) mower	\$23,966.01		
SUB-TOTAL:		\$25,901.34	
	FEES:		
5% -Computers, Printer, Fax Machine, Monitor & etc.	(96.77)		
\$5 for each Featured Item – (9 Vehicles)	(45.00)		
5% - Five (5) Vehicles and (1) Mower sold	\$(1,198.30)		
SUB-TOTAL:		(\$1,340.07)	
Sales Tax +6% (Computers, Printer, Fax Machine, etc):	\$116.12		
Sales Tax (None on Vehicles): Tax Exempt.	0.00		
SUB-TOTAL:		\$116.12	
			\$ 24,677.39

Legal Considerations

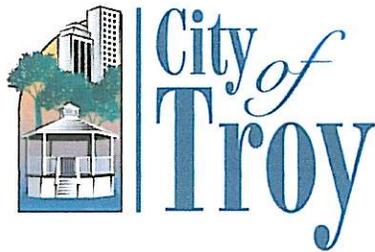
- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of September and October 2008 auctions to City management.
- No action required



CITY COUNCIL ACTION REPORT

November 18, 2008

TO: Phillip ^{RL}L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance and Administration

SUBJECT: September 30, 2008 - Quarterly Financial Report

Background:

- Section 8.6 of the City Charter requires a quarterly financial report be provided to City council.

Financial Considerations:

- The quarterly report provides City Council with an update on the financial condition of the City.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Providing the quarterly financial report relates to Council Goal IV, "Effectively and professionally communicate internally and externally".

Options:

- This report is submitted for City Council review and to be noted and filed. I am happy to provide additional information or answer any questions that may arise.

CITY OF TROY

QUARTERLY FINANCIAL REPORT

FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2008

- **QUARTER END HIGHLIGHTS**
- **STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**
- **INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)**
- **BANK BALANCES (LOCATION, FUND, BALANCE)**

QUARTER END HIGHLIGHTS (September 30, 2008)

GENERAL FUND

- REVENUE THRU THE 1ST QTR. APPEARS IN LINE WITH THE BUDGET
- INVESTMENT INCOME IS DOWN \$18,582 COMPARED TO THE SAME PERIOD LAST YEAR. WE ARE FEELING THE EFFECT OF LOWER INTEREST RATES.
- YEAR TO DATE EXPENDITURES AS A PERCENTAGE OF BUDGET (21.6%) ARE COMPARABLE TO LAST YEAR.
- LICENSE AND PERMIT REVENUE IS UP \$73,423 COMPARED TO THE SAME PERIOD LAST YEAR.
- STATE SHARED REVENUE IS UP \$22,000 FOR THE QTR. WHEN COMPARED TO ORIGINAL STATE ESTIMATES.

SYLVAN GLEN GOLF COURSE

- REVENUE IS UP \$32,178 COMPARED TO LAST YEARS RECEIPTS FOR THE SAME PERIOD.
- EXPENSES ARE APPROXIMATELY THE SAME COMPARED TO LAST YEAR.

SANCTUARY LAKE GOLF COURSE

- REVENUE IS DOWN \$39,185 FOR THE 1ST QTR. COMPARED TO LAST YEAR.
- EXPENSES ARE DOWN \$30,801 COMPARED TO THE SAME PERIOD LAST FISCAL YEAR.
- PLAY THROUGH THE MONTH OF OCTOBER SHOULD HELP THE BOTTOM LINE.

AQUATIC CENTER

- THE AQUATIC CENTER REALIZED \$47,638 IN ADDITIONAL REVENUE AND A REDUCTION OF \$3,249 IN EXPENSES COMPARED TO THE SAME PERIOD LAST YEAR.

DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU SEPT.) – 421 TRANSACTIONS; 130 PHOTOS GENERATING \$13,930 IN REVENUE.

	<u>2008</u>	<u>2007</u>
• NEW RESIDENT PACKET DISTRIBUTION JULY – SEPT. (162)		JULY – SEPT. (210)
BREAKDOWN:		
OUT OF COUNTRY	7	17
OUT OF STATE	9	23
TROY-TO-TROY	48	65
IN STATE	98	105

CAPITAL PROJECTS

- THROUGH SEPTEMBER 30, 2008 WE HAVE EXPENDED \$ 4.1 MILLION ON CAPITAL PROJECTS.

CITY OF TROY
MONTHLY FINANCIAL REPORT
30-Sep-08



**Monthly Financial Report
General Fund
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
General Fund Revenues					
TAXES	36,667,414	36,333,690	15,703	35,840,921	98.64
LICENSES AND PERMITS - BUSINESS	38,344	40,000	2,744	6,289	15.72
LICENSES AND PERMITS - NON-BUSINESS	1,355,291	1,794,500	132,464	418,031	23.30
FEDERAL GRANTS	14,577	12,100	0	0	0.00
STATE GRANTS	6,814,812	6,760,500	1,150,057	1,207,971	17.87
CONTRIBUTIONS FROM LOCAL UNITS	181,243	180,000	30,058	44,810	24.89
CHARGES FOR SERVICES - FEES	1,553,481	1,275,000	35,920	85,604	6.71
CHARGES FOR SERVICES - RENDERED	2,008,339	1,712,150	41,726	118,874	6.94
CHARGES FOR SERVICES - SALES	114,395	150,500	6,438	19,340	12.85
CHARGES FOR SERVICES - REC	3,737,137	3,857,000	313,820	943,573	24.46
FINES AND FORFEITURES	886,174	996,000	74,604	165,136	16.58
INTEREST & RENT	1,676,427	1,467,800	128,291	327,030	22.28
OTHER REVENUE	530,628	486,070	7,171	126,868	26.10
OTHER FINANCING SOURCES	5,664,702	9,372,690	1,311,428	1,311,428	13.99
	61,242,965	64,438,000	3,250,424	40,615,874	63.03
General Fund Expenditures					
FINANCE	3,003,877	3,095,880	408,834	821,650	26.54
POLICE	24,269,902	25,042,630	1,825,158	4,790,131	19.13
FIRE	4,373,012	4,335,950	248,720	1,521,045	35.08
BUILDING INSPECTION	2,121,746	2,342,420	169,191	474,666	20.26
ENGINEERING	2,676,846	2,882,290	212,690	564,812	19.60
STREETS	5,600,747	5,770,460	306,758	970,698	16.82
OTHER GENERAL GOVERNMENT	2,428,143	2,530,800	256,500	474,396	18.74
COUNCIL/EXEC ADMIN	3,749,742	4,062,510	300,873	865,809	21.31
RECREATION	9,413,684	10,043,680	984,631	2,503,826	24.93
LIBRARY/MUSEUM	4,831,439	4,331,380	372,655	896,431	20.70
TRANSFERS OUT	10,000	0	0	0	0.00
	62,479,136	64,438,000	5,086,010	13,883,464	21.55



**Monthly Financial Report
Refuse Fund
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Refuse Fund Revenues					
TAXES	3,563,759	3,556,000	0	3,571,136	100.43
CHARGES FOR SERVICES - SALES	3,510	2,000	520	1,804	90.18
INTEREST & RENT	125,535	95,000	5,996	6,576	6.92
OTHER FINANCING SOURCES	0	264,120	0	0	0.00
	3,692,804	3,917,120	6,516	3,579,515	91.38
Refuse Fund Expenditures					
CONTRACTORS SERVICE	3,736,262	3,745,120	325,444	801,426	21.40
OTHER REFUSE EXPENDITURE	58,672	55,200	1,485	12,142	22.00
RECYCLING	97,554	116,800	7,134	23,692	20.28
	3,892,488	3,917,120	334,063	837,260	21.37



Monthly Financial Report
Downtown Dev Authority Fund
For the Period Ending September 30, 2008

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Downtown Dev Authority Fund Revenues					
TAXES	3,747,729	3,819,000	0	3,845,251	100.69
INTEREST & RENT	578,589	300,000	25,383	58,406	19.47
OTHER FINANCING SOURCES	0	3,031,880	0	0	0.00
	4,326,318	7,150,880	25,383	3,903,657	54.59
Downtown Dev Authority Fund Expenditures					
OTHER GENERAL GOVERNMENT	284,412	3,350,000	2,937	150,189	4.48
TRANSFERS OUT	3,539,758	3,800,880	116,470	116,470	3.06
	3,824,170	7,150,880	119,407	266,659	3.73



**Monthly Financial Report
Capital Fund
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Capital Fund Revenues					
TAXES	8,385,316	8,368,000	0	8,402,672	100.41
FEDERAL GRANTS	19,426	0	0	0	0.00
STATE GRANTS	1,382,100	6,814,000	0	0	0.00
CONTRIBUTIONS FROM LOCAL UNITS	244,567	0	0	0	0.00
CHARGES FOR SERVICES - FEES	92,563	90,000	0	0	0.00
CHARGES FOR SERVICES - RENDERED	235,287	100,000	445	901	0.90
FINES AND FORFEITURES	597,610	100,000	0	800	0.80
INTEREST & RENT	1,053,602	807,200	43,797	98,809	12.24
OTHER REVENUE	266,753	0	0	36,927	0.00
OTHER FINANCING SOURCES	3,783,000	12,454,000	0	0	0.00
	16,060,223	28,733,200	44,242	8,540,109	29.72
Capital Fund Expenditures					
TRANSFERS OUT	848,522	103,100	0	0	0.00
OTHER GENERAL GOVERNMENT	537,469	3,633,600	7,828	22,737	0.63
POLICE	476,830	564,000	2,328	160,866	28.52
FIRE	108,775	575,000	0	91,108	15.84
BUILDING INSPECTION	0	0	0	425	0.00
ENGINEERING	0	50,000	0	0	0.00
STREETS	9,031,195	17,036,000	1,569,416	3,552,030	20.85
COUNCIL/EXEC ADMIN	36,687	75,000	0	0	0.00
RECREATION	2,171,440	5,025,500	89,149	156,535	3.11
LIBRARY/MUSEUM	222,134	1,671,000	58,096	135,536	8.11
	13,433,051	28,733,200	1,726,818	4,119,237	14.34



Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending September 30, 2008

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sanctuary Lake Golf Course Revenues					
CHARGES FOR SERVICES - SALES	32,339	38,500	2,390	11,476	29.81
CHARGES FOR SERVICES - REC	948,858	1,363,000	106,649	430,646	31.60
INTEREST & RENT	4,306	10,000	0	0	0.00
OTHER REVENUE	310	0	10	-21	0.00
	985,813	1,411,500	109,049	442,101	31.32
Sanctuary Lake Golf Course Expenditures					
SANCTUARY LAKE GREENS	773,127	839,300	47,169	212,188	25.28
SANCTUARY LAKE PRO SHOP	847,477	1,141,910	29,181	87,738	7.68
SANCTUARY LAKE CAPITAL	0	0	0	0	0.00
	1,620,604	1,981,210	76,350	299,926	15.14



**Monthly Financial Report
Sylvan Glen Golf Course
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sylvan Glen Golf Course Revenues					
CHARGES FOR SERVICES - SALES	25,406	35,000	2,332	11,626	33.22
CHARGES FOR SERVICES - REC	935,896	1,057,140	89,696	429,251	40.60
INTEREST & RENT	238,384	226,720	10,203	143,972	63.50
OTHER REVENUE	14,626	0	1	-49	0.00
OTHER FINANCING SOURCES	0	67,510	0	0	0.00
	1,214,313	1,386,370	102,232	584,800	42.18
Sylvan Glen Golf Course Expenditures					
SYLVAN GLEN GREENS	772,805	800,740	61,095	219,212	27.38
SYLVAN GLEN PRO SHOP	332,750	339,730	30,126	94,887	27.93
SYLVAN GLEN CAPITAL	0	245,900	6,772	20,315	8.26
	1,105,555	1,386,370	97,993	334,414	24.12



Monthly Financial Report
Aquatic Center Fund
For the Period Ending September 30, 2008

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Aquatic Center Fund Revenues					
CHARGES FOR SERVICES - REC	413,996	457,000	19,759	212,901	46.59
INTEREST & RENT	24,436	30,200	2,659	23,647	78.30
OTHER REVENUE	-1	0	0	-29	0.00
	438,431	487,200	22,418	236,519	48.55
Aquatic Center Fund Expenditures					
AQUATIC CENTER	588,549	633,510	46,683	243,269	38.40
CAPITAL	0	118,000	0	0	0.00
	588,549	751,510	46,683	243,269	32.37



**Monthly Financial Report
Sewer Fund
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sewer Fund Revenues					
CHARGES FOR SERVICES - FEES	355,862	350,000	1,620	7,294	2.08
CHARGES FOR SERVICES - RENDERED	11,256,901	12,284,000	1,155,953	159,205	1.30
INTEREST & RENT	1,122,397	820,000	42,387	109,560	13.36
	12,735,161	13,454,000	1,199,960	276,059	2.05
Sewer Fund Expenditures					
ADMINISTRATION	8,866,421	10,066,690	887,905	1,762,662	17.51
CAPITAL	0	2,756,000	7,694	410,063	14.88
MAINTENANCE	696,325	932,460	73,096	245,067	26.28
TRANSFERS OUT	682,140	704,200	176,050	176,050	25.00
	10,244,886	14,459,350	1,144,745	2,593,842	17.94



**Monthly Financial Report
Water Fund
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Water Fund Revenues					
CHARGES FOR SERVICES - FEES	778,990	685,000	55,243	139,039	20.30
CHARGES FOR SERVICES - RENDERED	63,890	60,000	2,954	6,670	11.12
CHARGES FOR SERVICES - SALES	14,700,959	15,879,000	1,520,707	191,304	1.20
INTEREST & RENT	920,173	902,000	49,329	117,873	13.07
	16,464,013	17,526,000	1,628,233	454,886	2.60
Water Fund Expenditures					
TRANS AND DISTRIBUTION	228,525	232,290	7,955	23,227	10.00
CUSTOMER INSTALLATION	86,970	104,380	7,108	18,568	17.79
CONTRACTORS SERVICE	161,553	278,750	10,507	32,709	11.73
MAIN TESTING	43,709	97,170	7,885	13,459	13.85
MAINTENANCE OF MAINS	448,375	492,920	28,717	66,036	13.40
MAINTENANCE OF SERVICES	188,265	313,760	15,445	53,554	17.07
MAINTENANCE OF METERS	514,997	623,610	11,779	140,156	22.47
MAINTENANCE OF HYDRANTS	380,889	438,370	8,357	70,193	16.01
WATER METERS & TAP-INS	314,024	427,120	34,975	99,907	23.39
ADMINISTRATION	11,088,917	12,167,930	858,234	1,275,373	10.48
CAPITAL	0	8,760,000	104,222	160,297	1.83
WATER METER READING	170,626	114,860	7,439	30,943	26.94
ACCOUNTING & COLLECTING	149,951	74,880	12,956	22,695	30.31
	13,776,801	24,126,040	1,115,580	2,007,115	8.32



**Monthly Financial Report
Motor Pool
For the Period Ending September 30, 2008**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Motor Pool Revenues					
CHARGES FOR SERVICES - RENDERED	118,813	125,800	5,853	12,584	10.00
INTEREST & RENT	4,001,442	3,920,900	47,979	670,089	17.09
OTHER REVENUE	500,063	424,500	25,362	91,769	21.62
OTHER FINANCING SOURCES	0	1,687,620	0	0	0.00
	4,620,318	6,158,820	79,194	774,443	12.57
Motor Pool Expenditures					
ADMINISTRATION	559,832	598,200	42,135	121,298	20.28
OPERATION AND MAINTENANCE	3,532,582	3,773,180	238,490	783,851	20.77
DPW FACILITY MAINTENANCE	353,090	404,740	40,437	58,413	14.43
CAPITAL	0	1,382,700	8,180	94,982	6.87
	4,445,505	6,158,820	329,242	1,058,544	17.19

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	10	2	7	FLAGSTAR	2008	8	21	2.570	CD	1,068,267		1,068,266.97
	2008	10	9	7	FLAGSTAR	2008	8	7	2.870	CD	2,071,655		2,071,654.88
	2008	10	9	7	FITB	2008	8	21	2.340	CD	2,068,475		2,068,474.75
	2008	10	16	7	HUNT BANK	2008	7	10	2.650	CD	2,397,655		2,397,654.97
	2008	10	16	8	ML	2008	8	28	2.520	WELLS FARG	2,486,000		2,477,473.02
	2008	10	21	8	FITB	2008	7	21	3.060	FOUNT SQ	1,000,000		992,716.67
	2008	10	23	7	CITIZENS	2008	7	17	2.700	CD	2,374,903		2,374,903.30
	2008	10	23	7	PRIV BANK	2008	7	24	3.000	CD	2,071,644		2,071,644.03
	2008	10	23	7	CITIZENS	2008	7	31	2.550	CD	1,293,004		1,293,003.81
	2008	10	23	7	JPM CHASE	2008	7	31	2.670	CD	2,070,517		2,070,516.83
	2008	10	23	8	ML	2008	8	21	2.370	G E CAP	2,389,000		2,379,091.62
	2008	10	23	7	CITIZENS	2008	9	18	2.400	CD	1,152,156		1,152,156.44
	2008	10	23	7	PRIV BANK	2008	9	18	2.850	CD	4,000,000		4,000,000.00
	2008	10	24	8	NAT CITY	2008	8	22	3.000	AM GEN FIN	1,161,000		1,155,311.10
	2008	10	30	7	HUNT BANK	2004	8	27	1.740	MM	7,210,548		7,210,548.28
	2008	10	30	9	MBIA	2005	11	18	2.590	MBIA	594,218		594,218.31
	2008	10	30	9	CITIZENS	2006	5	4	2.350	MMIA	1,673,695		1,673,694.57
	2008	10	30	9	FITB	2006	9	8	2.500	MAXSAVER+	1,146,355		1,146,355.37
	2008	10	30	7	ML	2008	4	30	2.200	MM	2,114,172		2,114,172.03
	2008	10	30	7	FITB	2008	5	31	1.790	MM	1,871		1,871.47
	2008	10	30	7	CITIZENS	2008	7	24	2.750	CD	45,399		45,399.35
	2008	10	30	7	FLAGSTAR	2008	7	31	2.990	CD	2,070,022		2,070,021.59
	2008	10	30	7	COMERICA	2008	8	7	2.500	CD	1,344,848		1,344,848.06
	2008	10	30	7	TCF	2008	8	7	2.500	CD	1,042,750		1,042,749.65
	2008	10	30	7	CITIZENS	2008	9	18	2.780	CD	4,000,000		4,000,000.00
	2008	11	6	7	TCF BANK	2008	9	25	3.700	CD	2,197,391		2,197,391.47
	2008	11	6	7	JPM CHASE	2008	8	14	2.820	CD	2,293,932		2,293,932.17
	2008	11	6	7	CHART ONE	2008	8	28	2.480	CD	2,068,913		2,068,913.16
	2008	11	6	7	COMERICA	2008	8	28	2.600	CD	2,074,099		2,074,098.52
	2008	11	13	7	NATL CITY	2008	9	18	2.790	CD	2,071,625		2,071,625.29
	2008	11	13	7	CHART ONE	2008	8	14	2.690	CD	4,000,000		4,000,000.00
	2008	11	13	7	CHART ONE	2008	9	4	2.480	CD	2,071,442		2,071,441.83
	2008	11	20	7	FLAGSTAR	2008	9	18	2.790	CD	2,189,024		2,189,023.76
	2008	11	20	7	HUNT BANK	2008	8	14	3.010	CD	4,000,000		4,000,000.00
	2008	11	20	7	FITB	2008	9	4	2.490	CD	1,170,169		1,170,168.87
	2008	11	20	7	HUNT BANK	2008	9	4	2.530	CD	2,197,074		2,197,073.81
	2008	11	20	7	TCF BANK	2008	9	11	2.490	CD	1,116,723		1,116,723.17
	2008	11	26	7	TCF BANK	2008	9	25	2.780	CD	2,080,765		2,080,765.43
	2008	11	26	7	FITB	2008	9	4	2.780	CD	1,188,386		1,188,385.99
	2008	12	4	7	CITIZENS	2008	9	11	2.580	CD	2,186,859		2,186,858.75
	2008	12	4	7	FITB	2008	9	4	2.850	CD	2,079,444		2,079,443.58
	2008	12	8	8	FITB	2008	9	12	2.890	CD	2,193,010		2,193,009.83
	2008	12	11	7	PRIV BANK	2008	9	9	2.500	FOUNT SQ	2,000,000		2,000,000.00
	2008	12	11	7	FITB	2008	9	4	2.850	CD	1,000,000		952,875.00
	2008	12	11	7	FITB	2008	9	4	2.830	CD	1,691,319		1,691,319.39
	2008	12	11	7	FITB	2008	9	12	3.020	CD	2,000,000		2,000,000.00

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	12	15	9	FITB	2005	11	30	5.000	2802	450,000		449,974.12
	2008	12	15	9	FITB	2007	12	27	6.000	3075	465,147		465,000.00
	2008	12	18	7	TCF BANK	2008	9	4	2.880	CD	2,000,000		2,000,000.00
	2008	12	18	7	FITB	2008	9	12	3.020	CD	2,000,000		2,000,000.00
	2008	12	25	9	FITB	2007	9	28	5.500	FNMA 3061	555,621		548,000.00
	2008	12	28	9	FITB	2005	8	30	4.500	2545	56,000		55,847.98
	2008	12	30	9	FITB	2003	5	19	5.000	FHLM 95237	328,950		328,947.74
	2008	12	30	9	FITB	2004	10	8	3.000	FHR 2564	69,000		68,445.96
	2008	12	30	9	FITB	2007	2	9	6.000	3243	150,201		144,947.76
	2008	12	30	9	FITB	2008	5	30	3.600	FHR03 2640	307,000		306,943.39
	2008	12	30	7	FITB	2008	9	12	3.020	CD	4,000,000		4,000,000.00
	2008	12	31	9	FITB	2007	11	26	5.000	2649	379,019		372,302.08
	2008	12	31	9	FITB	2007	11	26	5.000	2898	317,000		316,065.41
	2009	1	7	8	FITB	2008	9	9	2.500	FOUNT SQ	1,000,000		990,000.00
	2009	1	25	9	FITB	2008	1	25	5.000	2008-2	2,109,000		2,108,647.86
	2009	1	25	9	FITB	2008	1	25	5.500	13	115,000		114,831.46
	2009	1	25	9	FITB	2008	1	25	5.500	3072	144,000		143,918.34
	2009	1	30	9	FITB	2008	2	1	5.000	FHLM 3000	1,186,000		1,185,099.61
	2009	1	30	9	FITB	2008	2	25	5.000	FHLM 2645	393,141		412,000.00
	2009	1	30	9	FITB	2008	2	25	5.500	FHLM 2687	1,798,556		1,829,750.00
	2009	1	30	9	FITB	2008	2	25	6.000	2006-26	3,505,083		3,553,441.10
	2009	2	15	9	FITB	2008	4	25	6.000	FHLM 3376	373,000		372,867.32
	2009	2	26	9	CITI SM BY	2008	9	24	2.720	FNMA	2,023,000		1,998,308.42
	2009	3	19	9	ML	2008	9	19	1.340	TEBILL	2,394,000		2,378,111.81
	2009	4	25	9	FITB	2006	6	30	5.000	86	641,000		640,970.25
	2009	4	25	9	FITB	2007	1	9	5.500	2003-80	209,000		208,589.01
	2009	4	26	9	FITB	2008	3	17	5.500	3157	1,562,028		1,597,033.24
2009	6	15	9	FITB	2008	7	30	5.000	3451	323,000		322,472.13	
2009	6	25	9	FITB	2008	4	25	6.000	2006-43	423,500		423,433.11	
2009	9	3	9	FITB	2008	6	13	4.500	2872	532,000		531,765.58	
2009	10	15	9	FITB	2008	8	29	5.000	68	303,500		303,180.61	
2009	12	30	9	FITB	2007	8	27	5.500	2549	613,888		596,883.33	
2009	12	31	9	FITB	2006	8	25	5.500	FNMA 73	604,000		603,214.38	
2010	9	25	9	FITB	2008	9	25	6.000	2006-58	3,095,000		3,106,907.42	
2010	12	15	9	FITB	2008	8	26	4.000	2780	347,000		346,664.86	

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book	
591	2008	10	16	7	LASALLE	2008	7	10	2.590	CD	1,049,657		1,049,656.98	
	2008	10	30	7	COMERICA	1997	7	1	2.130	GOV'T POOL	2,129,222		2,129,222.29	
	2008	10	30	8	LA SALLE	2007	7	31	2.250	MMA	2,081,801		2,081,800.89	
	2008	10	30	8	FITB	2008	5	31	1.790	MM	194,840		194,839.91	
	2008	10	30	7	NATL CITY	2008	9	25	3.550	CD	1,633,018		1,633,018.46	
	2008	10	30	7	CITIZENS	2008	9	25	3.700	CD	163,401		163,401.24	
	2008	10	30	7	HUNT BANK	2008	9	25	3.530	CD	178,617		178,617.36	
	2008	11	15	9	FITB	2007	5	25	4.500	FHLM 2693	166,000		135,764.84	
	2008	12	30	9	FITB	2006	3	3	5.000	FHLM 2561	12,000		11,902.67	
	TOTAL											129,505,362.37		

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue	Book
591	2008	12	31	9	FITB	2007	2	9	6.000	3243	112,650	6/30	109,281.30
	2008	12	31	9	FITB	2007	11	26	5.500	EHLM 3157	1,230,280		1,251,408.50
	2009	1	31	9	FITB	2007	12	27	5.500	2781	143,300		145,000.00
	2009	1	31	9	FITB	2008	2	25	6.000	FNMA 26	1,245,500		1,245,498.35
	2009	5	25	9	FITB	2008	4	25	6.000	FNMA 40	113,000		112,855.83
	2009	6	25	9	FITB	2006	8	9	5.500	FNMA 73	101,000		100,838.50
	2009	6	26	9	FITB	2008	5	27	3.500	2640	215,500		215,008.01
	2009	12	15	9	FITB	2008	8	14	4.000	2630	68,500		68,333.27
										TOTAL			10,826,448.40
										TOTAL			140,331,810.77

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

BANK ACCOUNTS
9/30/2008

BANK	FUND	POOLED INVESTMENT BALANCE
Fifth Third	General	\$ 10,465,471.03
Fifth Third	Trust & Agency	15,546,991.53
Huntington Bank	Investment-MM	594,218.31
TOTAL		<u>\$ 26,606,680.87</u>

Dear Chief Craft,

On behalf of the Hauler Elementary Community, I want to thank you and your officers for efforts in keeping our children safe. We really appreciate your presence, especially during the hectic morning rush. Many parents and staff feel that the number of cars passing on the shoulder north bound on Adams has significantly decreased.

cc: City
MGR
BB

Sincerely,
Sharon Ryan President
Hauler
PTA

Mary F Redden

From: William S Nelson
Sent: Monday, November 24, 2008 2:13 PM
To: Fire Station 1 Officers Distribution; Fire Station 1
Cc: Mary F Redden
Subject: FW: Raintree LOA to Fire Department

Good Job!

From: Stacey Pilut [mailto:spilut1@att.net]
Sent: Monday, November 24, 2008 1:09 PM
To: William S Nelson
Cc: RVHA - All Board Members
Subject: Raintree LOA to Fire Department



**RAINTREE VILLAGE
HOMEOWNERS ASSOCIATION**

PO BOX 99033
TROY, MI 48098
www.rvha.org

November 24, 2008

Dear Chief Nelson:

On behalf of the Raintree Village Homeowners Association and its residents, I would like to say thank you and extend our appreciation to the Troy Fire Department and firefighters, *Drew Sackner, Jeff Gifford, Wally Verbruggen and Randy Kirth* for participating in our annual Halloween Parade. As always, the fire truck was a huge hit and the children of Raintree were very happy. Thanks again for your support!

Best Regards,
Stacey Pilut
RVHA Board Member



CITY COUNCIL REPORT

November 25, 2008

TO: The Mayor and City Council Members

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

SUBJECT: Preliminary Discussion No. 3 of the 2009/10 Budget -
Potential Revenue Enhancements and Expenditure Reductions

At the November 24, 2008 meeting City Council provided staff with direction regarding ways to potentially generate more revenue and reduce expenditures. Another preliminary budget discussion is therefore submitted as a study item in order to continue the process.

Staff has redesigned the tables that contain suggested methods to work toward balancing the 2009/10 budget. Several decisions were made, but due to the lateness of the hour, additional analysis is necessary to complete Council deliberations on the issue.

The new tables indicate overall Council feelings on the suggested issues, which of the adopted Council outcomes are tied to the proposed revenue or expenditure disposition, and initial action taken by the Council on each of the suggested line items. Items that are labeled "RC" mean that they require council consideration.

The table also shows a running total of items where the Council indicated approval of the revenue or expenditure items. As example, the Council tentatively approved \$1,683,600 in revenue enhancements and gave tentative approval for \$1,535,000 in expenditure reductions. Together, the Council has tentatively approved an estimated \$3,218,600 toward balancing the budget.

To clear up any discrepancies of intent, the last section of items were listed to get additional clarification from Council as to whether the items should be considered or removed from consideration. When the columns indicating strong consideration, consideration, and neutral are totaled, the number constitutes a majority of the Council and staff is simply asking for further clarification from the Council as to your intentions.

Potential New Revenues

Program (Objective)	Estimated Dollar Value	Strongly Consider	Consider	Outcome Connection	Council Action
Transfer excess Special Assessment funds	\$ 1,000,000	7		1,2,3	Implement
Increase DDA charge for charge for services	175,000	5	2	1,2,3	Implement
Implement Police arrest booking fee	158,600	5	2	1,2,3	Implement
Implement downed wire fire response fee (electric co. pays)	10,000	5	2	1	Delete
\$1.00 service charge on all parks and recreation transactions	100,000	4	2	1,2,3	Implement
Charge admission to museum grounds (currently donation is requested)	20,000	4	2	1,2,3	Implement
Charge non-resident fee for Internet usage at Library	20,000	4	2	2	Implement
Implement property damage auto crash recovery fee	135,000	3	1	1,2,3	RC
Increase building permit fees by 5%	70,000	3	2	1,3	Implement
Charge non-profit groups for use of Community Center meeting rooms	30,000	3	1	2,3	Implement
Increase shelter fees	10,000	3	3	2,3	Implement
Charge seniors the full cost of all programs	100,000	2	3	1,3	Implement
Implement auto injury accident cost recovery fee	61,500	2	3	1,3	RC
Implement structure fire response fee	25,000	2	4	1,2,3	RC
Implement fire re-inspection and revised plan review fee	18,750	2	5	1	RC
Implement a fuel surcharge on traffic tickets	100,000	2	4	1,2,3	RC
Implement suspicious fire response and investigation fee	12,500	1	3	1,2,3	RC
Potential Revenue Enhancement	2,046,350				
Running Total	1,683,600				

Note: The transfer of excess Special Assessment funds is a "one-time" revenue enhancement meaning that subsequent years would require either additional revenues or additional expenditure reductions.

Potential Expenditure Savings	Estimated Dollar Value	Strongly Consider	Consider	Outcome Connection	Council Action
Freeze positions through retirement incentives (2009/2010)	\$ 1,300,000	6	1		Implement
Eliminate City Calendar	35,000	4	1		Implement
Eliminate all irrigation except athletic fields, DDA and City Hall	100,000	3	2		Implement
Reduce part-time staff in the parks by 25%	85,000	3	2		RC
Reduce number of right of way mowing from 6 to 3 cuttings per year	39,000	3	1		RC
Eliminate annual plantings, mulch, street maint. Except DDA & Civic Center	8,000	3	3		RC
Reduce Civic Center maintenance levels	30,000	2	4		RC
Eliminate employee tuition reimbursement	25,000	2	3		RC
Negotiate hiring part-time in lieu of full-time		2	3		RC
Reduce mowing in parks/public grounds	15,000	2	2		RC
Limit snow plowing of subdivisions to straight time, with min. overtime	30,000	2	2		RC
Eliminate Family Festival	6,800	1	4		RC
No snow removal on overtime (City Property)	100,000	1	3		Implement
Eliminate annual boards and committees appreciation banquet	15,000	1	3		RC
Estimated Expenditure Savings	1,788,800				

Other Ideas	Estimated Dollar Value	Strongly Consider	Consider	Outcome Connection	Council Action
Consider benefits of alternative fuel vehicles		6	1	1,2	Implement
Develop and promote energy saving policy		6	1	1,2,3	Implement
Direct city manager & department heads to eliminate lowest priority services		5	2	1,2,3	Implement
Promote Troy to the film industry-reap the benefits		5	2	1,2,3	Implement
Reevaluate Troy Daze event- including size, location, duration, purpose, etc		2	2		RC
Buy distressed property in Troy and use to rebuild for the future		2	2	1,2,3	RC
Operate the Nature Center as a park	300,000	2	2		RC

Running Total
Grand Totals

1,535,000
3,218,600

Counting Strongly Consider, Consider and Neutral, the following items received a majority of Council votes to require additional direction from the Council.

Item	Estimated Dollar Value	Strongly Consider	Consider	Neutral	Council Action
Implement business occupancy permit and annual renewal fee	75,000	2	1	3	RC
Implement a single-family residential rental inspection program	25,000	1	2		RC
Charge youth groups full cost for field usage	10,000	1	2	1	RC
Eliminate community agency contributions:			3	1	RC
Troy Youth Assistance	40,000				
Troy Community Coalition	97,000				
The Haven	4,370				
Troy Boys/Girls Club	76,320				
Eliminate Citizens Academy	3,000	2	1		RC
Operate City Hall on a four-ten hour day schedule, closing one day per week					
Privatize City Attorney's Office					
Total Estimated Savings	330,690				

