



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**SEPTEMBER 9, 2013**  
CONVENING AT 7:30 P.M.

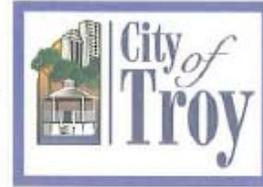
**Submitted By**  
**The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

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

### **GOALS:**

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

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

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

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

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

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

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

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



## CITY COUNCIL AGENDA

September 9, 2013 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Associate Pastor Father Eric Fedewa From St. Anastasia Catholic Church** **1**

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

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

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

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

C-1 SEMCOG Sustainable Community Recognition Program *(Introduced by: Sehrish Salah-Ud-Din)* **1**

C-2 Legislative Update From Representative Howrylak *(Introduced by: State Representative Martin Howrylak)* **1**

C-3 Proclamation for AT&T's "Drive 4 Pledges Day" Don't Text and Drive Campaign *(Introduced by: Cindy Stewart, Community Affairs Director)* **1**

**D. CARRYOVER ITEMS:** **1**

D-1 No Carryover Items **1**

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

E-1 No Public Hearings **2**

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**INVOCATION: Associate Pastor Father Eric Fedewa From St. Anastasia Catholic Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2013-09-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of September 9, 2013, due to \_\_\_\_\_.

Yes:

No:

Absent:

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

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**C-1 SEMCOG Sustainable Community Recognition Program (Introduced by: Sehrish Salah-Ud-Din)**

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**C-2 Legislative Update From Representative Howrylak (Introduced by: State Representative Martin Howrylak)**

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**C-3 Proclamation for AT&T's "Drive 4 Pledges Day" Don't Text and Drive Campaign (Introduced by: Cindy Stewart, Community Affairs Director)**

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**D. CARRYOVER ITEMS:**

**D-1 No Carryover Items**

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**E. PUBLIC HEARINGS:****E-1 No Public Hearings****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:****In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

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

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

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in*

*front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

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

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

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

**H. POSTPONED ITEMS:**

**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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

**a) Mayoral Appointments: None**

**b) City Council Appointments: None**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Animal Control Appeal Board, Parks and Recreation Board**

**a) Mayoral Nominations:**

Suggested Resolution  
Resolution #2013-09-  
Moved by  
Seconded by

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

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1	Notes 2
Bostick	Dennis	1/31/2015	9/30/2016	In District	
Hay	David	11/16/2013	9/30/2015	In District	
Jonna	Arkan	10/22/2014	9/30/2016	In District	
Keisling	Laurence	5/25/2014	9/30/2016	At Large	
Kiriluk	Alan	10/12/2014	9/30/2016	In District	
Knight	P. Terry	1/4/2014	9/30/2015	At Large	Personnel Bd. exp 4/30/2015
MacLeish	Daniel	5/26/2014	9/30/2016	In District	
Papa	Albert	8/5/2015	9/30/2013	At Large	Requests Reappointment
Randol	Ward	10/12/2013	9/30/2014	In District	
Reschke	Ernest	9/21/2012	9/30/2014	At Large	
Schroeder	Douglas	9/30/2012	9/30/2014	At Large	
Slater	Dane			At Large	Mayor
Vacancy			9/30/2015	In District	Earle Van Dyke resigned

**Nominations to the Downtown Development Authority:**

**Term Expires: 9/30/2017**

**(At Large)**

Term currently held by: Albert Papa

**Term Expires: 9/30/2015**

**(In District)**

Term currently held by: Vacant (Earle Van Dyke resigned)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Hoef	Paul V.	11/21/2013	EDC exp 4/30/2015; LDFA exp 6/30/2015
Howrylak	Frank	2/1/2014	Charter Rev. Comm exp 4/30/2014
Kempen	Edward	2/1/2014	Planning Comm exp 12/31/2013
Knight	Barbara	1/4/2014	EDC exp 4/30/2015
Kornacki	Rosemary	11/15/2013	Brownfield exp 4/30/2014
Mallin	Aaron	10/10/2013	
Sawyer Jr.	Thomas	12/11/2014	Municipal Bldg Auth exp 1/31/2013
Schultz	Robert	11/11/2013	Planning Comm exp 12/31/2014
Swartz	Robert	2/12/2015	Brownfield exp 4/30/2014; EDC exp 4/30/2018
Vassallo	Joseph	12/6/2013	Brownfield exp 4/30/2015
Wilberding	Bruce	2/8/2014	Brownfield exp 4/30/2016

Yes:  
 No:  
 Absent:

**b) City Council Nominations:**

Suggested Resolution  
 Resolution #2013-09-  
 Moved by  
 Seconded by

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

**Animal Control Appeal Board**

Appointed by Council  
 5 Regular Members  
 3 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 2
Carolan	Patrick	9/21/2012	9/30/2013	Requests Reappointment
Petrulis	Al	6/11/2014	9/30/2015	Traffic Comm. Exp 1/31/2014
Saeger	Jayne	3/28/2014	9/30/2014	
Toth	Steve	10/3/2013	9/30/2014	
Waters	Gretchen	10/3/2013	9/30/2015	

**Nominations to the Animal Control Appeal Board:**

**Term Expires: 9/30/2016**

Term currently held by: Patrick Carolan

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Popovic	Stevan	5/29/2014	Traffic Comm. exp 1/31/2016

**Parks and Recreation Board**

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

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 2
Anderson	Carol			
Fejes	Kathleen	9/30/2012	9/30/2013	No Reappointment
Gazetti	Tod	9/14/2012	9/30/2013	No Reappointment
Hauff	Gary	2/6/2014	7/31/2014	
Huber	Laurie	2/8/2014	9/30/2015	
Kaltsounis	Orestis (Rusty)	1/20/2014	9/30/2015	ZBA (Alt) exp 1/31/2015
Kovacs	Meaghan	3/25/2010	9/30/2014	
Stewart	Jeffrey L.	6/27/2015	9/30/2013	Requests Reappointment
Yelamanchi	Aditya	6/5/2014	7/31/2013	Student
Zikakis	Janice	11/11/2013	9/30/2014	

**Nominations to the Parks and Recreation Board:****Term Expires: 9/30/2016**

Term currently held by: Kathleen Fejes

**Term Expires: 9/30/2016**

Term currently held by: Tod Gazetti

**Term Expires: 9/30/2016**

Term currently held by: Jeffrey Stewart

**Term Expires: 7/31/2014**

Term currently held by: Aditya Yelamanchi

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Baker	Julia (Judy)	5/7/2015	
Boudon	Frank	5/15/2015	Student - Planning Comm. exp 7/31/2014
Brandstetter	Tim	5/1/2015	Traffic Comm. exp 1/31/2015
Gauri	Kul B.	11/22/2013	
Howrylak	Frank	2/1/2015	Charter Revision Comm. exp 4/30/2014
Knight	P. Terry	1/4/2014	DDA exp 9/30/2015; Personnel Bd. exp 4/30/2015
Rosenberg	Michael	4/19/2015	
Steele	John	9/27/2013	Civil Service Comm. exp 4/30/2014
Toth	Steve	10/3/2013	ACAB exp 9/30/2014
Viola	Vincent	11/16/2013	

Yes:  
No:  
Absent:

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**I-3 No Closed Session**

**J. CONSENT AGENDA:**

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

Suggested Resolution  
Resolution #2013-09-  
Moved by  
Seconded by

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

Yes:  
No:  
Absent:

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

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

Suggested Resolution  
Resolution #2013-09-

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

- a) City Council Meeting Minutes-Draft – August 26, 2013
- 

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

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**J-4 Standard Purchasing Resolutions: None Submitted**

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**J-5 Asset Management Consultants of Virginia, Inc. v City of Troy**

Suggested Resolution  
Resolution #2013-09-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Asset Management Consultants of Virginia, Inc. v. City of Troy*, and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

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**J-6 Fireworks Permit – Troy Family Daze Festival**Suggested Resolution

Resolution #2013-09-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions of Kingsbury, Indiana, for the public display of fireworks at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois, Troy, Michigan, on September 14, 2013, or the rain date of September 15, 2013.

BE IT FURTHER RESOLVED, That the Troy Fire Department will **INSPECT** the fireworks to be displayed along with the site to assure compliance with applicable codes and standards for such a fireworks display.

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

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**K-1 Announcement of Public Hearings:**

- a) Adoption of Brownfield Redevelopment Plan #6 for MJR Troy Grand – 100 E. Maple Road
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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

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

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

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**M-1 No Council Referrals Advanced**

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**N. COUNCIL COMMENTS:****N-1 No Council Comments Advanced**

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**O. REPORTS:**

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

- a) Planning Commission Special/Study-Final – July 23, 2013  
b) Planning Commission-Final – August 13, 2013
- 

**O-2 Department Reports: None Submitted**

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**O-3 Letters of Appreciation:**

- a) To Chief Mayer and Captain Frye From Matthew Leitman, Miller Canfield, Regarding Praise for Detective Todd Gustke
- b) Certificate of Appreciation to Sergeant Andy Breidenich, Officer Gail Jasak and PSA Shawn Flint From Veterans of Foreign Wars
- c) To Chief Mayer From Nancy Knutson Regarding PSA Jerilyn Sievers
- d) Certificate of Appreciation to the Troy Police Department From the Clawson Police Department Regarding July 4<sup>th</sup> Traffic Assistance
- e) To Mayor and City Council From Lori Funk, VP Lending at Flagstar Bank, Regarding Wonderful Service From the Parks Department
- f) To Chief Mayer From Jill Weaver Regarding Officer Jeff Strong and Officer Scott Allan

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

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**O-5 Notice of Hearing for Gas Customers of Consumers Energy Case No. U-1692-R**

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**O-6 Old Stone School Update – Necessity of Selective Demolition**

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**P. STUDY ITEMS:**

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**P-1 Pure Troy – Snow/Mowing Maintenance**

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**Q. CLOSED SESSION:**

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**Q-1 No Closed Session**

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**R. ADJOURNMENT:**

Respectfully submitted,



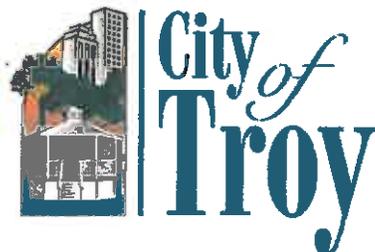
Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**



**OFFICE OF THE**  
**CITY MANAGER**  
**MEMORANDUM**

**DATE:** September 9, 2013

**TO:** Brian Kischnick, City Manager

**FROM:** Mark Miller, Director of Economic and Community Development  
Sehrish Salah-Ud-Din, Assistant to the City Manager/Coordinator for Continuous Improvement  
Brent Savidant, Planning Director  
William J Huotari, Deputy City Engineer

**SUBJECT:** SEMCOG- Sustainable Community Recognition Program (Introduced by: Sehrish Salah-Ud-Din)

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At the July 8, 2013 City Council meeting, Stephanie Dilworth, our former City Manager Intern presented the opportunity for Troy to be a part of the Southeast Michigan Council of Governments (SEMCOG) - Sustainable Community Recognition Program.

This memo is a follow-up to that presentation and council agenda item. On July 8, 2013, the council approved the resolution for the City of Troy to participate in the SEMCOG Community Recognition Program. As a result, Troy participated in the program and is recognized as a sustainable community with the highest level of recognition- the Gold level.

On September 9, 2013, two SEMCOG representatives Paul Tait, Executive Director and Susan Stefanski, Membership and External Affairs will present the honor to Mayor Slater and the Troy City Council at the City Council Meeting.

**Attachment:**  
July 8, 2013 City Council Agenda Item



## CITY COUNCIL AGENDA ITEM

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**Date:** July 8, 2013

**To:** Brian Kischnick, City Manager

**From:** Mark Miller, Director of Economic and Community Development  
Sehrish Salah-Ud-Din, Assistant to the City Manager/Coordinator for Continuous Improvement  
Brent Savidant, Planning Director  
William J Huotari, Deputy City Engineer  
Stephanie Dilworth, Intern

**Subject:** SEMCOG Sustainable Community Recognition Program (Introduced by: Stephanie Dilworth)

### **Background:**

Part of my internship project is to assist the city in looking at the best practices that protect the environment and provide for a high quality of life. In response to this effort, I researched the SEMCOG, Sustainable Community Recognition Program.

*On Tuesday, June 4<sup>th</sup>* I contacted Stephanie Taylor, Planner, Data Collection and Analysis for SEMCOG to inform her that the City of Troy was already incorporating or had completed many of the eligible activities of the program and was considering applying for the Sustainable Community Recognition Program.

*On Tuesday, June 11<sup>th</sup>* a meeting was held with Sehrish Salah-Ud-Din, Mark Miller, Brent Savidant, and William J Huotari and I to discuss the details of the completed SEMCOG activities. Details were outlined and noted. A consensus was achieved to apply for this award.

### **History:**

**SEMCOG (Southeast Michigan Council of Governments)** prioritizes the creation of initiatives to help local governments achieve and maintain sustainability which they define as economic prosperity while protecting the environment and providing a high quality of life for residents.

Through its Sustainable Community Recognition Program, SEMCOG recognizes member communities that have taken initiative to incorporate sustainable activities into their practices. For the City of Troy, sustainability means working with the community for continuous efficiency and durability while encouraging best practices. SEMCOG reviews the eligible activities and awards recognition and endorsement to the communities who meet the standards for maintaining sustainability.



## CITY COUNCIL AGENDA ITEM

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SEMCOG has developed a Sustainable Community Recognition Program to help local governments achieve and maintain sustainability. Any SEMCOG member community is eligible to participate. This includes counties, cities, villages and townships. There is no fee to participate in the program. Some of the eligible activities include: implementation of green infrastructure on public property, transportation safety audit, walkable/bike-able audit, asset management plan, distribution of public outreach information, etc. We have already completed 12 out of the 16 eligible activities. Please see the attached activity sheet for further information.

Recognition and input from SEMCOG will enable the City to continue our leadership in the region by ongoing forward-thinking changes in our community and to further integrate SEMCOG-supported best practices into our operations. Additionally, the recognition will help inform residents and business owners about the initiatives being implemented throughout the community.

Upon City Council's authorization to participate, SEMCOG staff will meet with City staff to discuss the eligible activities that have been completed along with the other activities that Troy may want to pursue. Following the review from SEMCOG of the completed activities, SEMCOG will then present a certificate of recognition at a future City Council meeting. Additionally, a press release will be sent to local media outlets, and the City of Troy will be recognized on the SEMCOG web site.

We are interested in pursuing this award to share our best practices with our residents, business owners, and others in the ways that we go about completing our operations while being mindful of the environment and providing a high quality of life for those who live, work, and play in the city.

### **Eligible Activities:**

#### ***Implement Green Infrastructure on public property:***

The "Restoring Fish Passage in the Red Run Headwaters" project will involve removing the Aquatic Center Pond Dam above the Town/Civic Center Drive culverts, establishing natural rock grade control upstream of the dam; and allowing 1,000 feet of stream to develop as a self-forming channel upstream of the grade control.

The project will restore a total of 1,400 feet of stream channel. A total of 1.7 miles of headwater tributaries in low density residential areas will be connected to 1.5 miles of the lower Lane Drain which is indirectly connected to Lake St. Clair. Approximately 0.75 acres of riparian wet meadow will be created. Over 3 acres of riparian native buffer re-vegetation/ no mow areas will be established. Construction for the project will extend from July 2013 through November 2013 and a final report of the project will be submitted by October 31, 2014.



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***Conduct a transportation Safety Audit of a road intersection or area in your community, and implement recommendations:***

An Operational Stage Road Safety Audit (RSA) on the Rochester Road (M-150) corridor in Oakland County was completed by Opus International Consultants, Inc. under the direction of MDOT in partnership with the Road Commission of Oakland County (RCOC) and the cities of Rochester Hills and Troy. The objectives to this study were to conduct a formal safety performance examination of the study corridor with an independent, multi-disciplinary team. RSA's are a proactive approach to addressing safety and all road users and involve identifying both safety issues and developing mitigation measures. The objectives of this report are to observe traffic operations and safety at intersections, identify physical and operational problems that may affect traffic safety, and to develop and evaluate potential countermeasures to reduce the frequency and severity of collisions.

***Conduct a Walkable/Bikeable Audit of an area in your community, and implement recommendations:***

The Trails and Pathways Master Plan is a comprehensive plan to establish a network of recreational, multi-use trails that connect people to important destinations in a safer, more green and accessible way, appropriate for all users. The plan guides planning, development, management and operations of existing and future bicycle and pedestrian transportation that fits into the fabric of the City of Troy and also makes regional connections. This is designed for the City of Troy Parks Department in Partnership with: Trails and Pathway Committee, City of Troy Planning Department, City of Troy Traffic Engineering, and North Woodward Community Foundation.

The community's vision is a pathway network plan that would identify development strategies that connect residential neighborhoods to parks, schools, shopping areas, dining, recreation, and work centers. This network would then link to non-motorized systems in adjacent communities so users could easily walk or bike to nearby regional non-motorized corridors.

***Develop a Storm Water Pollution Prevention Initiative (SWPPI) Plan:***

This document fulfills the City of Troy's NPDES Phase II storm water permit requirement for a SWPPI. This SWPPI has been designed and will be implemented to reduce, to the maximum extent practicable, the discharge of storm water pollutants to the surface waters in our community. This document updates and integrates our Illicit Discharge Elimination Plan (IDEP) and our Public Education Plan (PEP) into our community's SWPPI and includes activities to be implemented consistent with the Watershed Management Plans developed for the Rouge River and Clinton River Watersheds. This SWPPI combines with and relies on the implementation of watershed management



## CITY COUNCIL AGENDA ITEM

activities to protect and restore the surface waters in the Rouge River and Clinton River Watersheds.

### ***Develop a community Transit Coordination Plan:***

The Trails and Pathways Master Plan is a comprehensive plan to establish a network of recreational, multi-use trails that connect people to important destinations in a safer, more green and accessible way, appropriate for all users. The plan guides planning, development, management and operations of existing and future bicycle and pedestrian transportation that fits into the fabric of the City of Troy and also makes regional connections. This is designed for the City of Troy Parks Department in Partnership with: Trails and Pathway Committee, City of Troy Planning Department, City of Troy Traffic Engineering, and North Woodward Community Foundation.

The community's vision is a pathway network plan that would identify development strategies that connect residential neighborhoods to parks, schools, shopping areas, dining, recreation, and work centers. This network would then link to non-motorized systems in adjacent communities so users could easily walk or bike to nearby regional non-motorized corridors.

### ***Use SEMCOG data to develop your community Master Plan, Strategic Plan, or Capital Improvement Plan:***

The City of Troy Master Plan was adopted in 2008 and utilizes SEMCOG data. The Master Plan is the official guide for land use and development in the City of Troy. We are beginning the process of updating the document and will use SEMCOG data in the amended document, as necessary. The Master Plan is the official policy guide for the resolution of community development issues. The Master Plan is a general statement of the City's goals and policies and provides a single, comprehensive view of the community's desire for the future. The Master Plan furthermore serves as an aid in daily decision-making. The goals and policies outlined in the Master Plan guide the Planning Commission and City Council in their deliberations on zoning, subdivisions, capital improvements, and other matters relating to land use and development.

The Master Plan attempts to coordinate public improvements and private development. The Master Plan furthermore serves as an educational tool and gives citizens, property owners, developers, and adjacent communities a clear indication of the City's direction for the future. The Master Plan provides the statutory foundation upon which zoning decisions are based.

### ***Distribute Public Outreach Information (Ours to Protect, Ozone Action, or MiRideshare) to residents:***



## CITY COUNCIL AGENDA ITEM

Public outreach provides interested parties with information they can use to be better stewards of the environment. Examples of public outreach are the fliers we distributed along with several others, for the Clinton River Watershed Council in 2012. These fliers helped promote the "Adopt-A- Stream" activity which gives residents the opportunity to participate in: General Bug I.D. Workshops, Adopt-A-Stream basic training, and the Adopt-A-Stream Kit Pick Up. Another flier was for the presentation of "The Watershed Story" which gives residents the opportunity to learn about the Clinton River Watershed and learn about everyday actions that influence the health of our lakes, rivers, and streams. Last, the City of Troy distributed fliers for the River Restoration Walk at the Avon Nature Area in 2012 for the Clinton River Watershed Council. This walk allows citizens to discover the natural history of the Clinton River, where its watershed starts, and how citizens actions affect it.

### ***Incorporate Low Impact Development (LID) components into your planning and zoning processes:***

The Master Plan identifies and discusses the importance of LID. The Zoning Ordinance provides administrative relief for projects that incorporate LID elements in their design. This tool is called the Sustainable Development Project (SDP), and has been used by a number of applicants including O'Brien Construction at 966 Livernois. The, "Sustainable Development Checklist," was established by Section 12.01 of the City of Troy Zoning Ordinance and was adopted by the Troy City Council on September 26, 2011.

The purpose of the Sustainable Development Project (SDP) option is to encourage development and redevelopment in the City of Troy to incorporate features designed to minimize adverse impacts on the natural and built environment. SDP status will empower applicants to seek a modification from certain elements of the Zoning Ordinance and receive benefits directly related to the sustainable features proposed for their project.

### ***Develop an Access Management Plan for a transportation route in your community:***

The Rochester Road Access Management Plan reviewed the Rochester Road corridor from Royal Oak to the City of Rochester. Segments of Rochester Road, especially along portions located north of I-75, experience periodic congestion and a relatively high number of crashes. Data and observations indicate that vehicles entering and exiting the roadway at cross streets and individual driveways contribute significantly to these problems. Managing access along the corridor can reduce crash potential and congestion because it considers the number, placement, and design of access points (intersecting streets and commercial driveways) in the context of the overall roadway, not just on each individual site.



## CITY COUNCIL AGENDA ITEM

The primary purpose of the project is to assess conditions along the corridor and recommend changes that will improve safety and efficiency of travel. However, applying access management has other secondary benefits, including higher pedestrian comfort and safety, improved biking environments, improved economic vibrancy, and increased opportunity to “green” the corridor.

***Develop an Asset Management Plan for the road infrastructure in your community:***

The 6 Year CIP (Capital Improvements Plan) provides a long-term improvement plan for roads in the City. This plan is used to satisfy our asset management requirements. Public Act 499 of 2002 established a ten member State Transportation Asset Management Council (TAMC). The law also requires that the TAMC set up a process for determining the condition of Michigan's highways and bridges and develop a strategy so that those assets are maintained, preserved and improved in an efficient and cost-effective manner.

The TAMC adopted the Pavement Surface and Evaluation Rating (PASER) system as its road condition survey reporting tool which the City of Troy is also currently using. Once PASER ratings work is complete, analysis of the network is performed using Roadsoft pavement Management software. The software uses this data along with specific user defined information (such as budgetary limitations and timeframes) to generate an optimal mix of maintenance procedures and project future network conditions. The Pavement Management system is next augmented by field reviews of the recommended areas as pavement conditions in areas can deteriorate faster or slower than anticipated based on numerous factors including weather, traffic, pavement thickness and previous maintenance. Once this information is analyzed, project areas are developed based on geographic locations to complete repairs. This provides economies of scale for repairs within a specific section or area of the city.

***Use Benchmark Data to compare your costs to others, and implement changes to meet those benchmarks:***

The City of Troy uses Benchmark Data to compare costs to others within the SEMCOG region and around the country while implementing changes to meet those benchmarks. Various departments have participated in this effort and still participate including Purchasing, Human Resources, etc.

***Develop a multi-year budget or budget forecast:***

The City Council adopts a three year budget that provides the basis for the annual budget adopted annually in May. A three year budget allows the City to plan accordingly in the future.



## CITY COUNCIL AGENDA ITEM

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**Purchasing:**

N/A- City of Troy does not have to make any purchases regarding this award.

**Financial:**

N/A There is no financial obligation that City of Troy will incur due to this award.

**Recommendation:**

Approve the authorization for the City of Troy's participation in the SEMCOG Sustainable Community Recognition Program.



## **Background**

SEMCOG provides information and assistance to member local governments in Southeast Michigan in the areas of transportation, environment, governmental efficiency, and community and economic development. For local governments, sustainability is about achieving economic prosperity while protecting the environment and providing a high quality of life for residents. Implementing SEMCOG-supported initiatives helps local governments achieve and maintain sustainability.

## **Why should my community participate?**

- Get information to back-up and validate your decisions as local officials.
- Be a leader in the region by making forward-thinking changes in your community.
- Integrate SEMCOG-supported practices into your operations, and receive recognition for doing so.
- Inform constituents about the initiatives being implemented in your community.
- Maximize your SEMCOG membership dues.
- Improve the long-term sustainability of your community.

## **What communities are eligible to participate?**

Any SEMCOG member community is eligible to participate. This includes counties, cities, villages and townships. There is no fee to participate in the program.

## **How does the program work?**

Once your community has signed up to participate, SEMCOG staff will meet with officials from your community to discuss which of the eligible activities (listed below) to pursue. SEMCOG will work with you and your staff to complete the eligible activities that you have selected.

Completion of 5-7 of the eligible activities will get your community recognized at the bronze level, completion of 8-10 activities at the silver level, and completion of 11+ eligible activities will get your community recognized at the gold level.

Following completion of the eligible activities by your community, SEMCOG will present a certificate of recognition at a meeting of your board, council or commission. Additionally, a press release will be sent to local media outlets, and your community will be recognized on the SEMCOG Web site. Communities that achieve the gold level of recognition will have opportunities to share their experience and expertise with other SEMCOG member communities.

## **How does my community sign up to participate?**

Step 1. Have your council, board or commission pass a resolution (see a sample at [www.semco.org/members](http://www.semco.org/members)) stating your community's intent to participate. SEMCOG is available to discuss the program at that meeting.

Step 2. Contact Karen Wieber (313) 324-3345 or Amy Malmer at (313) 324-3308.

# Sustainable Community Recognition Program

## What are the eligible activities?

1. **Develop a *neighborhood stabilization plan*:** Neighborhood stabilization plans are developed to guide the redevelopment of abandoned and foreclosed homes.
2. **Implement *green infrastructure* on public property:** Plan and manage a network of wilderness, parks, greenways, and conservation easements in your community in order to support native species, maintain ecological balance, sustain air and water resources, and contribute to a high quality of life.
3. **Conduct a transportation *safety audit* of a road intersection or area in your community, and implement recommendations:** Road safety audits allow communities to identify and address safety problems so residents and visitors can drive, walk, and bike safely.
4. **Conduct a *walkable/bikeable audit* of an area in your community, and implement recommendations:** Livable communities generally have facilities promoting safe pedestrian and bicycle travel and connecting people to jobs, entertainment, stores, schools, and recreation.
5. **Develop a *Storm Water Pollution Prevention Initiative (SWPPI) Plan*:** A plan to implement and evaluate pollution prevention and other water quality practices.
6. **Develop a community *transit coordination plan*:** Improve the mobility of all people in your community, particularly older adults, young people, people with disabilities, low-income workers, and those without regular access to a car.
7. **Use *SEMCOG data* to develop your community Master Plan, Strategic Plan, or Capital Improvement Plan:** Long-term planning allows your community to develop short-term solutions in anticipation of future needs.
8. **Distribute *public outreach information* (Ours to Protect, Ozone Action, or MiRideshare) to residents:** Actions your residents can take to improve the region's air and water quality.
9. **Incorporate *Low Impact Development (LID)* components into your planning and zoning processes:** The goal of LID is to manage rainfall at its source, using a variety of design techniques.
10. **Develop an *access management plan* for a transportation route in your community:** Access management reduces potential for crashes and maximizes existing road capacity by limiting the number of access points (commercial driveways and median crossovers), carefully placing and spacing access points, and designing the road and access points to serve all users (drivers, pedestrians, bicyclists, and transit riders).
11. **To improve air quality in the region, adopt a policy that requires certain actions by your local government departments on *Ozone Action days*:** On Ozone Action Days, local governments can take certain actions that can help reduce the creation of ozone that day and keep it at levels that meet the national air quality standard.
12. **Develop an *asset management plan* for the road infrastructure in your community:** Asset management improves the performance and effectiveness of our roads through continual monitoring of physical inventory and condition assessment.
13. **Use *benchmark data* to compare your costs to others, and implement changes to meet those benchmarks:** Compare your local government to others within the SEMCOG region and around the country.
14. **Incorporate *measures of citizen satisfaction* into your budget and service provision decisions:** Measure resident priorities and satisfaction levels in order to assess services, improve performance, and build public trust.
15. **Develop a *multi-year budget or budget forecast*:** Budgeting or forecasting on a multi-year basis provides insight into the future scenarios facing your local government in order to develop long-range solutions.
16. **Achieve a *Community Self-Assessment* score of 50 or greater:** This survey tool gives local governments a better understanding of their effectiveness in providing services at a cost-effective level.

**PROCLAMATION**  
**“DRIVE 4 PLEDGES DAY”**  
**SEPTEMBER 19, 2013**

**WHEREAS**, Texting has become the way many people communicate today, which means some people are doing it at the worst possible time - while driving; and

**WHEREAS**, Texting while driving is involved in over 100,000 motor vehicle crashes each year, often causing injuries and deaths; and

**WHEREAS**, Those who text while driving are 23 times more likely to be involved in some type of safety critical event as compared to those drivers who don't text while they drive; and

**WHEREAS**, In 2009 AT&T launched the public awareness campaign “It Can Wait” to educate the public about the dangers of texting while driving by encouraging consumers to take the personal pledge not to text while driving;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of Troy hereby proclaim **September 19, 2013** as “**Drive 4 Pledges Day**” to focus attention on the dangers of texting while driving; and

**BE IT FURTHER RESOLVED**, that the Mayor and City Council members have taken the personal pledge to not text and drive; support the efforts to raise public awareness about the dangers of texting while driving; and encourage others to take the pledge not to text and drive.

**AND BE IT FURTHER RESOLVED**, That the Mayor and City Council members call on all drivers to go to [www.itcanwait.com](http://www.itcanwait.com) to take the no texting and driving pledge and share the information with family, neighbors and friends, in order to make our roads safer for all drivers and their passengers.

Signed this 9<sup>th</sup> Day of September 2013.

Pastor Robert Cholette from Troy Assembly of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

**A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, August 26, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:34 PM.

**B. ROLL CALL:**

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

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

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

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

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

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

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**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

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**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

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

Jim Werpetinski	Spoke on Item P-1.
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**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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

**a) Mayoral Appointments: None**

**b) City Council Appointments:**

Resolution #2013-08-139  
Moved by Fleming  
Seconded by McGinnis

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

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

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

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

**Gary Hauff**

Term currently held by: Gary Hauff

Yes: All-7  
No: None

**MOTION CARRIED**

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

City Council **TOOK NO ACTION** on this Item.

**I-3 Request For Closed Session**

Resolution #2013-08-140  
Moved by McGinnis  
Seconded by Fleming

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

Yes: All-7  
No: None

**MOTION CARRIED**

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

Resolution #2013-08-141  
Moved by Campbell  
Seconded by Pennington

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

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

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

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

Yes: All-7  
No: None

**MOTION CARRIED**

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

Resolution #2013-08-142  
Moved by McGinnis  
Seconded by Campbell

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

Yes: Henderson, McGinnis, Pennington, Slater, Campbell, Fleming  
No: Tietz

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

Resolution #2013-08-143

Moved by McGinnis

Seconded by Fleming

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

Yes: All-7

No: None

**MOTION CARRIED****J-1b Address of “J” Items Removed for Discussion by City Council****J-2 Approval of City Council Minutes**

Resolution #2013-08-143-J-2b

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

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

**J-3 Proposed City of Troy Proclamations: None Submitted****J-4 Standard Purchasing Resolutions:**

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

Resolution #2013-08-143-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install bare root street trees (Proposal A) to Marine City Nursery of Marine City, Michigan, and a contract to provide ball and burlap trees without installation to The Davey Tree Expert Company of Kent, Ohio, which are the two (2) low bidders meeting specifications as detailed below at unit prices contained in the bid tabulation, not to exceed budgetary limitations; opened August 2, and August 22, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 1, 2014.

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

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

Resolution #2013-08-143-J-4b

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

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

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

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

Resolution #2013-08-143-J-5

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

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

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

Resolution #2013-08-143-J-6

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Resolution #2013-08-143-J-7

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

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

Resolution #2013-08-143-J-8

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

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****K-1 Announcement of Public Hearings: None Submitted****K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted****L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Marvin Reinhardt	Spoke about various topics.
Nicholas Cherasaro	Spoke about the City finances.

**M. COUNCIL REFERRALS:**

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

**M-1 No Council Referrals Advanced****N. COUNCIL COMMENTS:****N-1 No Council Comments Advanced**

Mayor Pro Tem Fleming responded to Mr. Cherasaro's public comment. City Manager Kischnick addressed the issue and indicated a report will be made available to the public.

**O. REPORTS:**

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

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

**O-2 Department Reports:**

- a) Building Department Activity Report – July, 2013  
Noted and Filed
- 

**O-3 Letters of Appreciation:**

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

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

The Meeting **RECESSED** at 8:39 PM.

The Meeting **RECONVENED** at 8:53 PM.

**P. STUDY ITEMS:**

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

City Attorney Lori Grigg Bluhm introduced her staff who were present during the Study Session: Assistant City Attorneys Susan Lancaster and Julie Dufrane; Legal Assistant Kathy Bobick and Legal Assistant II Jackie Bault.

City Manager Kischnick began the discussion by explaining that this is an outline of what a study would look like should City Council request the analysis work from City Administration. He presented the evaluation of prosecution services using a Powerpoint presentation.

City Manager Kischnick asked Chief Mayer to discuss the types of cases and volume of each type involved in prosecution services. He explained that the City Attorney’s Office is part of the law enforcement team in the City of Troy that makes Troy one of the safest cities in America.

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Chief Mayer requested that Captain Frye offer his insight. Captain Frye explained that the challenge with this presentation was not what to talk about; but, that it was difficult to narrow down the list of ways the City Attorney's Office is vital to the Police Department to fit into the presentation. He went on to list three examples of topics where the City Attorney's Office and Police Department cooperation has been crucial: the medical marijuana legislation, massage facility oversight and interlocal agreements. Captain Frye turned the discussion over to Captain Redmond.

Captain Redmond discussed three topics crucial to the City Attorney's Office and Troy Police cooperation: the Boyd Street issue, fireworks ordinance, and hookah lounge oversight. Captain Redmond expressed his concern with privatizing the City Attorney's Office.

City Manager Kischnick asked City Attorney Bluhm if she had further comments. City Attorney Bluhm added the examples of drunk driving prosecution, retail fraud prosecution, and assault prosecution to the Police Department's examples provided. Assistant City Attorney Lancaster offered comments regarding the City Attorney's Office service to citizens and victims over and above what a private firm would be able to offer. She commended the dedication of the staff of the City Attorney's Office.

City Manager Kischnick continued the Powerpoint presentation. City Attorney Bluhm suggested that costs be closely considered. City Manager Kischnick suggested an objective third-party outside consultant and peer review group be hired to do the analysis.

Mayor Slater explained that City Council is obligated to look at every department to make sure the City's money is being spent in the best way possible. He said he will never be in favor of outsourcing the City Attorney's Office. The Mayor explained that this is a review of the services as suggested by the ICMA Report.

Council Member Pennington asked what kind of cost the consultant would incur. Mayor Slater indicated it would cost about \$20,000. Council Member Pennington agrees with the Police Department's opinion that if it's not broke, it doesn't need to be fixed.

Council Member Campbell said that you'd never get an apples to apples comparison. He agrees with the Police Department and doesn't think the City needs to incur the cost of a consultant. He will not support outsourcing.

Mayor Pro Tem Fleming said that he feels that City Council has a responsibility to make sure the taxpayers money is being spent wisely. He doesn't know the costs of prosecution services based on tonight's presentation and would like that information in order to make a decision. He would like to know if there's an opportunity for savings to the City by outsourcing. He cannot make a recommendation tonight without the costs.

Council Member Henderson said the ICMA report caused a lot of skepticism in the public. He thinks the idea of a peer review group is a good idea. He quoted the ICMA report and would like to see the costs associated with prosecution services. He is willing to pay a consultant to do this analysis.

Council Member McGinnis understands that City Council has an obligation to spend the City's money wisely but doesn't think it's possible to have an apples to apples comparison of attorney

services. She has an issue with spending money on an analysis of outsourcing a service with which the City has never had an issue. She will not be in favor of going further with investigating outsourcing.

Council Member Tietz said the fundamental problem is that we don't know the definition of prosecution services or the costs of those services. He said we also don't know the cost of the consultant to analyze outsourcing. He would like that information. He doesn't know if the City is getting the best services for the price.

Mayor Slater said the City Attorney has provided the cost to City Council. He said the ICMA Report suggested not outsourcing the City Attorney's Office. Mayor Slater explained that the Police Department's information offered tonight is the most valuable. The Mayor reminded City Council of the phrase, "What kind of city do you want?"

The Mayor stated that there is a consensus of City Council to close this issue and move forward to other matters such as infrastructure.

Mayor Pro Tem Fleming asked what are the costs of prosecution services. The Mayor explained that prosecution services are half the Attorney's Office budget, which would be \$500,000. Council Member Tietz asked about a breakdown of costs. City Attorney Bluhm explained that since functions vary day-to-day and year-to-year, it is difficult to be exact. But, since there are the salaries of two paralegals and attorneys, it's a good estimate to say half the budget is prosecution services. She explained that the ICMA report was required to offer suggestions for whether departments should be outsourced.

Mayor Slater suggested that City Council close the Study Session with the consensus reached by Council.

The Meeting **RECESSED** at 9:49 PM.

The Meeting **RECONVENED** at 9:53 PM.

**Q. CLOSED SESSION:**

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**Q-1 Closed Session**

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:00 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LG*  
Susan M. Lancaster, Assistant City Attorney *SL*  
**DATE:** September 3, 2013  
**SUBJECT:** Asset Management Consultants of Virginia, Inc. v. City of Troy

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Enclosed please find a copy of a lawsuit filed by Asset Management Consultants of Virginia, Inc. against the City of Troy. Asset Management Consultants of Virginia, Inc. ("Asset Management") is an asset recovery business that solicits its potential clients through the use of the Freedom of Information Act (FOIA). Asset Management files FOIA requests with different governmental entities, requiring the municipalities to identify all cash bonds, deposits, and escrows that are held by the municipality. Asset Management then contacts the private entities on these lists, and offers to pursue a return of the bond, escrow or deposit, in exchange for a percentage of the amount recovered.

Asset Management's FOIA request is undeniably for commercial purposes. Even so, before spending hours in reviewing 58 years of financial documentation (the FOIA request goes back to the City's date of incorporation), City Administration suggested to Asset Management that information from the last few years could be retrieved through a review of the up to date check registry on the City's webpage. As a response, the City was served with this lawsuit.

The City had some concerns about the amount of time that it would take to comply with this FOIA request, and also has some privacy concerns about disclosing the names, addresses and other information for every person and company that has paid money to the City for home or building renovations, fence permits, swimming pools, etc. This is especially true since the FOIA information is requested for a profit purpose, and does not necessarily further the core purpose of FOIA, which is to provide information so that Troy's citizens can participate in an informed manner as to the operations of government. Asset Management is using FOIA as a commercial business tool, using municipal employees and tax dollars to do work which results in a profit to a private business.

Our office will assume defense of this lawsuit absent objection from City Council. Please let us know if we can provide additional information.

**PROPOSED RESOLUTION:**

**RESOLVED**, that the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of *Asset Management Consultants of Virginia, Inc. v. City of Troy*, and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.



## CITY COUNCIL AGENDA ITEM

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Date: September 4, 2013

To: Brian Kischnik, City Manager

From: William Nelson, Fire Chief  
David Roberts, Assistant Fire Chief / Fire Marshal

Subject: Fireworks Permit – Troy Family Daze Festival

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The Fire Department has received a permit application from Mad Bomber Fireworks Productions of Kingsbury, Indiana, for a public fireworks display to be conducted at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois.

### Background

Michigan law requires that before anyone can conduct a fireworks display, a permit must be obtained from the local unit of government. The law states that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.

Mad Bomber Fireworks Productions, therefore, is requesting that City Council grant a permit for a public fireworks display to occur on the evening of Saturday, September 14, 2013, or the rain date of Sunday, September 15, 2013.

### Recommendation

The Fire Department has reviewed the permit application and recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions. The required State of Michigan display permit forms have been requested by the City Clerk, as required, but have not yet arrived. They are expected to arrive in time to be signed and issued.

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

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Lori Grigg Bluhm, City Attorney

IFW 2013-0001



City of Troy

FIREWORKS PERMIT APPLICATION

Fire Prevention Division  
500 W. Big Beaver Road  
Troy, MI 48084  
248-524-3419

FIREWORKS

This application is for the storage of, and/or use of approved fireworks, and for displays before a proximate audience. Approved fireworks are those defined in Michigan Public Act 256 of 2011, "Michigan Fireworks Safety Act". This includes "consumer grade fireworks" and "display fireworks." Display fireworks also require a separate permit/license from the State of Michigan to discharge, a copy of which must be provided with this application. A \$125.00 application fee is to be paid upon submittal of this application. Make check or money order payable to City of Troy. Once approved, this permit shall expire 30 days from the issue date. **PERMIT SHALL BE POSTED ON SITE**

Application Date: August 5, 2013

Date of Event: September 14, 2013 Hours of Operation: START: 2:00 pm END: 10:30 pm

Applicant Name: Mad Bomber Fireworks Productions/Randy McCasland Date Of Birth: 1990/ May 7, 1971

Applicant Address: P.O. Box 418 3999 Hupp Rd Bldg R-3-1 Kingsbury, IN 46345 Phone: 219-393-5051

Address Where Fireworks will be Stored / Displayed: Stored at Kingsbury Industrial Park High X Bunkers Kingsbury, IN

Display at 3668 Livernois Rd Troy, MI

I hereby acknowledge that I have read this permit application and that the information given is correct. I understand that if approved, the permit is non-transferrable. I further understand that the permit application fee is non-refundable and therefore will not be returned if the permit is denied.

This permit application shall include an approved Hazardous Materials Inventory Statement (HMIS) upon submittal and is subject to associated fees, payable to the City of Troy, upon issuance of the permit. The HMIS and its directions can be found at: [www.troymi.gov/fire/permitapps](http://www.troymi.gov/fire/permitapps)

Signature of Applicant: [Signature]

(THIS SECTION TO BE COMPLETED BY THE FIRE DEPARTMENT)

PREMISE #: 3023-0000 INSPECTION DATE: 9/14/13

INSPECTOR: R.C. RICHTERER

INSPECTION APPROVED: Y N D.O.T. CLASS: 1.4G 1.3G

TOTAL AMOUNT: 427.1 LBS (Gross Weight / Net Explosive Weight / Documentation)

SECURED FROM PUBLIC: Y N WATER EXTINGUISHER: Y N

NO SMOKING SIGNS Y N

PERMIT ISSUE DATE: \_\_\_\_\_ PERMIT EXPIRATION DATE: \_\_\_\_\_

COMMENTS: SUBJECT TO SITE VISIT

pd  
8/13





# PLANET PRODUCTIONS/MAD BOMBER FIREWORKS

P.O. BOX 418  
KINGSBURY, IN 46345  
Phone: (219) 393 5051

BILL TO:  
TROY DAZE COMMITTEE  
TROY DAZE

SHIP TO:  
TROY DAZE COMMITTEE  
TROY DAZE

Invoice #: 8230

Date: 08/06/2013

# of Boxes: 13

Show Date: 09/14/2013

ORDER QUANTITY	BIN	INVENTORY NUMBER	DESCRIPTION	EX NUMBER
3	0	30-A-002	BAR PLUGS	EX-
3	0	30-A-003	ROLL OF MASKING TAPE	EX-
1	0	30-A-004	ROLL OF DUCT TAPE	EX-
3	0	30-A-005	FOIL FOR FINALE 5 RAX OR 8 CAK	EX-
1	0	30-A-008	30 MINUTE FUSEE	EX-
60	0	30-A-009	STD IGNITOR 9'	EX-2007120166
15	9	30-A-009A	BIG IGNITOR SQUIBE 15'	EX-2007120166
12	00	03-S-00	WIZARD/FREEDOM 3" SAL	EX-9307102
1	11	03-K-16	KANTO 3" BANGER CHARTREUSE	EX-2006031002
1	23	03-K-15	KANTO 3" PCHFLY STAR CYLINDER	EX-2006031002
3	27	03-N-36	FREEDOM 3" RWB W/MNE(3)	EX-2009100293
3	28	03-W-37	FREEDOM 3" SILCOMSIL STRB(3)	EX-2009100293
3	29	03-K-04	KANTO 3" SIL PALM TREE VOLL(3)	EX-2006031002
6	31	03-K-06	KANTO 3" FACE VOLLEY (3)	EX-2006031002
1	38	03-K-17	KANTO 3" WHST FLOWER	EX-2006031002
1	39	03-K-18	KANTO 3" COL ROSY GRASS	EX-2006031002
1	40	03-K-19	KANTO 3" BLUE COMETS	EX-2006031002
48	289	02-J-01	JINSHAN ASSORTED 2.5"	EX-2009100293
10	352	03-Y-01	YUNG FENG 3" ASST (10)	EX-200650199
3	432	02-K-24	KANTO 2.5" MAG RED VOLL (3)	EX-2006031002
3	433	02-K-23	KANTO 2.5" CHARTREUSEVOLL(3)	EX-200631002
3	443	02-K-25	KANTO 2.5" POP FLW VOLL (3)	EX-2006031002
72	602	03-D-X1	DOMINATOR 3" ASST (72)	EX-2006110244
36	603	03-J-01	JINSHAN 3" ASSORTED SHELLS	EX-2009100293
3	621	20-C-W37	WIZARD 3" COM CYCAS FINALE (12)	EX-2008060216
8	626	20-C-W20	JINSHAN 2.5 COL SAL FIN (8)	EX-2012060084
1	628	20-C-W33	FREEDOM 3" SALUTE FINALE	EX-2012070743
1	630	20-B-J01	JINSHAN 36 2.5" RGBWH STRB	EX-2009100294
1	632	20-B-J03	JINSHAN 36 2.5" ASST PEONIES	EX-2009100294
1	803	20-B-M17	METEI 126 COM RGB COCO XSETTE	EX-004198
1	805	20-B-M14	METEI SIL CROWN GLD WILL 2/1	EX-
1	811	20-B-M10	METEI 162 SIL DRGCOL PNY W/REP	EX-004198
1	817	20-B-G03	GLORIOUS TRESSPASSER 2/1	EX-2010040060
1	821	20-B-M12	METEI 100 FAN GR COC GR GLIT	EX-004198
1	823	20-B-F15	FREEDOM 2" 50 COCONUT SALUTE	EX-2009100294

Total Weight: 427.1

## Emergency Response

### Explosives- Division 1.1, 1.2, 1.3, 1.5, or: Class A & B

#### Fireworks, 1.3G, UN0335, PG II

#### Fireworks, 1.1G, UN0333, PGII

#### CARGO Fires

- DO NOT fight fire when fire reaches cargo! Cargo may EXPLODE!
- Stop all traffic and clear the area for at least 1600 meters (1 mile) in all directions and let burn
- Do not move cargo or vehicle if cargo has been exposed to heat.

#### Tire or Vehicle Fires

- Use plenty of water -FLOOD it! If water is not available, use CO2, dry chemical or dirt.
- If possible, and WITHOUT RISK, use unmanned hose holders or monitor nozzles from maximum distance to prevent fire from spreading to cargo area.
- Pay special attention to tire fires as re-ignition may occur. Stand by with extinguisher ready

#### *SPILL or LEAK*

- ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area).
- All equipment used when handling the product must be grounded
- Do not touch or walk through spilled material.
- DO NOT OPERATE RADIO TRANSMITTERS WITHIN 100 meters (330 feet) OF ELECTRIC DETONATORS.
- DO NOT CLEAN UP OR DISPOSE OF, EXCEPT UNDER SUPERVISION OF A SPECIALIST.

#### FIRST AID

- Move victim to fresh air, Call emergency medical care.
- Apply artificial respiration if victim is not breathing
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, immediately flush skin or eyes with running water for at least for 20 minutes.
- Ensure that medical personnel are aware of the material(s) involved, and take precautions to protect themselves

#### FIRE OR EXPLOSION

- MAY EXPLODE AND THROW FRAGMENTS 1600 meters (1 MILE) OR MORE IF FIRE REACHES CARGO.
- For information on "Compatibility Group" letters, refer to Glossary section.

#### HEALTH

- Fire may produce irritating, corrosive and/or toxic gases.

#### PUBLIC SAFETY

- CALL Emergency Response Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the back cover.
- CALL CHEM-TEL'S 24- HOUR NUMBER (800) 255-3924
- Isolate spill or leak area immediately for at least 500 meters (1/3 mile) in all directions
- Move people out of line of sight of the scene and away from windows.
- Keep unauthorized personnel away.
- Stay upwind.
- Ventilate closed spaces before entering.

#### PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighter's protective clothing will only provide limited protection.

#### EVACUATION

##### LARGE SPILL

- Consider initial evacuation for 800 meters (1/2 mile) in all directions.

##### Fire

- If rail car or trailer is involved in a fire and heavily encased explosives such as bombs or artillery projectiles are suspected, ISOLATE for 1600M (1 mile) in all directions; also initiate evacuation including emergency responders for 1600M (1 mile) in all directions.
- When heavily encased explosives are not involved, evacuate the area for 800 meters (1/2 mile) in all directions

## **ON SITE SAFETY INSTRUCTIONS**

**Rules must be adhered to on each and every site.**

### **EMERGENCY CONTACT INFORMATION:**

**MAIN OFFICE- 219-393-5051**

**CHEMTEL: 800-255-3924 CONTRACT#MIS0005800**

**All PERSONS on site MUST be at least 18 years or older. NO EXCEPTIONS.**

**Once a show is delivered to a site.. it shall NEVER be left unattended. Site security should be properly maintained at all times.**

**EMERGENCY ACTION PLAN:** Upon arriving on the display site, the Operator is to devise an EAP- Emergency Action Plan for the display. Prior to setting up any equipment, the Operator is to communicate the plan to all other workers. Each display will have its own site-specific plan due to locale and geographic features. The EAP must include the following:

- . Emergency escape routes away from the display fireworks
- . A safe location away from the fireworks to account for all workers
- . A plan to notify emergency personnel and whom will direct them to the site.
- . Instruct all workers on the location of emergency response information and MSDS

right to know information.

This plan may be given verbally, and Operator shall confirm each worker understands.

### **FIRE AND EXPLOSION HAZARD DATA**

Do not attempt to fight fire in vicinity of Special Fireworks - Evacuate Areas. Evacuate fire area immediately and seek shelter. Follow established emergency action plan. Fireworks may mass explode in a fire situation.

**NO SMOKING OR OPEN FLAME-** smoking, open flame, smoking materials (ie. lighters, matches) are forbidden in the loading or un-loading and display areas. No smoking signs may be posted in a conspicuous area upon set up of site. A minimum of 25' in all directions, from the perimeter surrounding the site is to be maintained as non-smoking.

### **LOADING AND UNLOADING:**

- . Vehicle engine must not be running, and hand brake must be set.
- . No smoking, open flame or source of static discharge shall be allowed, ie. cell phones, pagers, lighters, etc.
- . Boxes must **NEVER** be thrown, slid or dropped. Be especially careful when boxes contain fireworks with igniters attached.
- . Never use bale hooks or other metal tools to load or unload boxes of explosives.

**SAFETY EQUIPMENT AND CLOTHING:** Non-synthetic clothing must always be worn. This prevents the possibility of static build-up and discharge, as well as the possibility of material 'melting' on to the skin in the event of hot fall-out or fire. After set-up of site, pants must be worn, no shorts. Eye protection, ear protection and closed toe shoes are required. Hats or head coverings should be used to protect the head, but must not impede your vision, or 'contain' the force of a blast in the event of spontaneous explosion.

### **ASSURE PROPER INSTALLATION AND SET UP OF SITE:**

All mortar boxes, racks and drums shall be properly installed on each show.

Maintaining a safe Display Site is top priority. These reminders, along with your training, should assist you in performing a safe and spectacular show. If you have any questions, address the Operator right away.

## **MATERIAL SAFETY DATA SHEET SPECIAL FIREWORKS (1.3g, UN 0335)**

May be used to comply with OSHA'S Hazard Communications Standard 29 CFR 1910  
1200 Standard must be consulted for specific requirements. Phone 800-255-3924

Consignee:

Data Prepared : 12/2/1996

### **HAZARDOUS INGREDIENTS/IDENTITY INFORMATION**

Hazardous Components: Special Fireworks contain explosive and pyrotechnic compositions, and are classified as Fireworks 1.3 by the U.S. Department of Transportation. No chemical components are released during normal handling and storage of shells.

### **PHYSICAL/CHEMICAL CHARACTERISTIC**

Solubility in water: slight

Appearance and Odor: All chemical Composition is contained in hard cardboard or plastic casing.

### **FIRE AND EXPLOSION HAZARD DATA**

Extinguishing Media: Do not attempt to fight fire in the vicinity of Special Fireworks-Evacuate Areas. Special Fire Fight Procedure: Evacuate Fire area immediately and seek shelter. Follow established emergency action plan. Unusual Fire and Explosion Hazards: Special Fireworks may mass explode in a fire situation.

### **REACTIVITY DATA**

Stability: Stable. Conditions to Avoid: No open flames, smoking or moisture in the vicinity of stored fireworks. Avoid friction or impact. Incompatibility: Do not allow fireworks to get wet. Hazardous Decomposition or By-products: Smoke generated during use of these devices may contain small amount of carbon monoxide, hydrogen sulfide and nitrogen oxides. Avoid prolonged inhalation of smoke. Hazardous Polymerization: Will Not occur.

### **HEALTH HAZARD DATA**

Inhalation: Yes, when shooting. Health Hazards: No chemical components are released during normal handling of shells. However, ground level smoke generated during shooting of public display shows may contain gasses which may cause irritation of eyes or mucous membranes. Prolonged inhalation of smoke should be avoided. Signs and Symptoms of Exposure: Prolonged exposure to smoke generated during shooting of shells may cause shortness of breath and irritation of eyes and mucous membranes. Medical Conditions: Persons with pre-existing respiratory conditions (i.e. asthma, emphysema, etc.) should avoid inhalation of smoke. Emergency and First Aid Procedures: Move to fresh air and avoid further exposure to smoke.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/15/2013

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

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	<b>CONTACT NAME:</b> PHONE (A/C No. Ext): 216-658-7100 E-MAIL: ADDRESS:	FAX (A/C No): 216-658-7101													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Lexington Insurance Co</td> <td></td> </tr> <tr> <td>INSURER B: Granite State Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER C: Maxum Indemnity Company</td> <td>26743</td> </tr> <tr> <td>INSURER D: Liberty Mutual Insurance Co</td> <td>25035</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Lexington Insurance Co		INSURER B: Granite State Insurance Co.		INSURER C: Maxum Indemnity Company	26743	INSURER D: Liberty Mutual Insurance Co	25035	INSURER E:		INSURER F:
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<b>INSURED</b> Mad Bomber Fireworks Productions PO Box 418 Kingsbury IN 46345															

**COVERAGES**

CERTIFICATE NUMBER: 1197027071

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC			1619303-05	2/4/2013	2/4/2014	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CA93487735	2/4/2013	2/4/2014	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			EXC6018232	2/4/2013	2/4/2014	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	WC734S311836	3/12/2013	3/12/2014	<input checked="" type="checkbox"/> WC STATU- TOBY LIMITS <input type="checkbox"/> OTH- ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Operation: Fireworks Display  
 Additional Insured: North Woodward Community Foundation, Zion Christian Church, Zion Christian Church Foundation

<b>CERTIFICATE HOLDER</b> North Woodward Community Foundation 1120 E Long Lake Suite 205 Troy MI 48085	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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## CITY COUNCIL AGENDA ITEM

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August 30, 2013

TO: Brian Kischnick, City Manager

FROM: Mark F. Miller, Director of Economic and Community Development  
Glenn Lapin, Economic Development Specialist

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (SEPTEMBER 9, 2013) – Adoption of Brownfield Redevelopment Plan #6 for MJR Troy Grand – 100 East Maple Road – South of Maple, East of Livernois – Section 34

---

A Public Hearing for this item is scheduled for the September 23, 2013 City Council Regular meeting. The Public Notice is attached.

Attachments:

1. Troy Brownfield Redevelopment Plan #6 – MJR Troy Grand
2. Troy Local Site Remediation Revolving Fund Application
3. Troy Brownfield Redevelopment Authority Draft Minutes from the August 27, 2013 Special Meeting
4. Public Notice language

The meeting was called to order at 3:00 p.m. in the Council Boardroom, Troy City Hall by Chairman Bruce Wilberding.

Members Present: Bruce Wilberding, Chairman  
Dan Brake  
Theodore Dziurman  
Rosemary Kornacki  
Robert Swartz  
Joseph Vassallo

Members Absent: None

Also Present: Mark F. Miller, Secretary/Treasurer  
Glenn Lapin, Economic Development Specialist  
Brian Kischnick, City Manager  
Lori Bluhm, City Attorney  
Nino Licari, City Assessor  
R. Brent Savidant, Planning Director

### **OLD BUSINESS**

None

### **NEW BUSINESS**

**BRA Plan #6** – Brownfield Plan for the proposed MJR Troy Grand located at 100 East Maple Road, Troy, Michigan

Mark Miller summarized the application and BRA process. An explanation of the Local Site Remediation Revolving Fund was provided. The LSRRF has a balance of approximately \$551,558.

Michael Mihalich, CEO and Founder of MJR Group, LLC, described the project and summarized the need for BRA assistance.

Jessica Besaw, Brownfields Consultant & GIS Coordinator for PM Environmental (consultant to MJR Group, LLC), summarized BRA Plan #6 and the LSRRF application.

General discussion took place.

Brian Considine, Attorney from Dawda, Mann, Mulcahy & Sadler, PLC (attorney for MJR Group, LLC), discussed the issue of LSRRF loan collateral.

### **Resolution # BRA-2013-08-01**

Moved by: Joseph Vassallo  
Seconded by: Robert Swartz

**RESOLVED**, that the Troy Brownfield Redevelopment Authority hereby recommends to the City Council that the Brownfield Redevelopment Plan #6 for the proposed MJR Troy Grand located at 100 East Maple Road, Troy, Michigan, be approved.

**FURTHER RESOLVED**, that the Local Site Remediation Revolving Fund loan shall require collateral and may include a financial guarantee from MJR Group, LLC or lien rights from the subject property.

Yes: All (6)  
Absent: None

**MOTION CARRIED**

**BOARD MEMBER COMMENT**

None

**PUBLIC COMMENT**

None

Meeting was adjourned at 3:55 p.m.

**The next scheduled meeting is October 15, 2013 – 3:00 p.m.**

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Bruce Wilberding, Chairman

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Mark F. Miller, Secretary

**CITY OF TROY  
OAKLAND COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING**

On September 23, 2013 at 7:30 p.m., Troy City Council will hold a Public Hearing at Troy City Hall located at 500 West Big Beaver Road, Troy, Michigan for the Brownfield Redevelopment Plan #6 for MJR Troy Grand, the former Kmart Department Store property located at 100 East Maple Road, Troy, Michigan. If you would like information concerning the proposed Brownfield Redevelopment Plan for this property, please contact the City of Troy Economic & Community Development Department at 248.524.3351. The Property Description is described as follows:

LOCATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN:

T2N, R11E, SEC 34 PART OF W ½ OF NW ¼ OF BEG AT PT DIST N 89-59-30 E 235 FT & S 00-02-15 W 60 FT FROM NW SEC COR, TH N 89-59-30 E 324 FT, TH S 00-02-15 W 205 FT, TH N 89-59-30 E 198 FT, TH N 00-02-15 E 205 FT, TH N 89-59-30 E 48 FT, TH S 00-02-15 W 300 FT, TH N 89-59-30 E 125 FT, TH S 00-02-15 W 445 FT, TH S 89-59-30 W 870 FT, TH N 00-02-15 E 595 FT, TH N 89-59-30 E 175 FT, TH N 00-02-15 E 150 FT TO BEG 12.48 A 6-13-96 FR 020 & 021

PARCEL ID: 88-20-34-101-023

You may express your comments regarding this matter by contacting the Economic & Community Development Department in writing or at 248.524.3351, or by attending the Public Hearing.

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Aileen Bittner, CMC  
City Clerk

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) or by calling 248.524.3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**APPLICANT INFORMATION**

All information must be completed before submission

<b>Company Name (applicant must be occupant/operator)</b> MJR Group, LLC		<b>Standard Industrial Classification Code (SIC)</b> 7830	
<b>Facility Address/Parcel ID</b> 100 East Maple Road; 88-20-34-101-023		<b>School District where facility is located</b> Troy	
<p><b>The application shall contain or be accompanied with a description of the site assessment activities completed to date. Also, describe the overall project, and how loan funding advances project goals. Attach additional pages if more room is needed.</b></p> <p>Please see attached</p>			
<b>Cost of land and building improvements</b> * attach list of improvements and associated costs		<u>\$ 10,000,000.00</u> **	
<b>Cost of machinery, equipment, furniture and fixtures</b> * attach itemized listing with month and year of expected installation		<u>\$ 6,000,000.00</u> **	
<b>Total Real and Personal Property Costs</b>		<u>\$ 16,000,000.00</u>	
<b>Total approved eligible project costs</b> * attach itemized list of eligible project costs		<u>\$ 498,079.00</u>	
**Costs provided are estimates, exact costs and timeframe will be determined following a bid process and are not all available at this time			
The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the property and project for which this application is being submitted.			
<b>Preparer Name</b> Jessica Besaw PM Environmental, Inc.	<b>Telephone Number</b> 517-325-9875	<b>Fax Number</b> 877-884-6774	<b>e-mail address</b> <a href="mailto:besaw@pmenv.com">besaw@pmenv.com</a>
<b>Contact Person</b> Same as above	<b>Telephone Number</b> Same as above	<b>Fax Number</b> Same as above	<b>e-mail address</b> Same as above
<b>Name of Company Officer</b> Mr. Michael Mihalich			
<b>Signature of Company Officer</b>			

**APPLICANT INFORMATION**

All information must be completed before submission

<b>Company Name (applicant must be occupant/operator)</b> MJR Group, LLC	<b>Standard Industrial Classification Code (SIC)</b> 7830
<b>Facility Address/Parcel ID</b> 100 East Maple Road; 88-20-34-101-023	<b>School District where facility is located</b> Troy

The application shall contain or be accompanied with a description of the site assessment activities completed to date. Also, describe the overall project, and how loan funding advances project goals. Attach additional pages if more room is needed.

Please see attached

<b>Cost of land and building improvements</b> * attach list of improvements and associated costs	<u>\$ 10,000,000.00</u> **
<b>Cost of machinery, equipment, furniture and fixtures</b> * attach itemized listing with month and year of expected installation	<u>\$ 6,000,000.00</u> **
<b>Total Real and Personal Property Costs</b>	<u>\$ 16,000,000.00</u>
<b>Total approved eligible project costs</b> * attach itemized list of eligible project costs	<u>\$ 498,079.00</u>

\*\*Costs provided are estimates, exact costs and timeframe will be determined following a bid process and are not all available at this time

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

<b>Preparer Name</b> Jessica Besaw PM Environmental, Inc.	<b>Telephone Number</b> 517-325-9875	<b>Fax Number</b> 877-884-6774	<b>e-mail address</b> <a href="mailto:besaw@pmenv.com">besaw@pmenv.com</a>
<b>Contact Person</b> Same as above	<b>Telephone Number</b> Same as above	<b>Fax Number</b> Same as above	<b>e-mail address</b> Same as above

**Name of Company Officer**  
Mr. Michael Mihalich

**Signature of Company Officer**



### **Site Assessment Activities & Project Description**

MJR Group, LLC intends to demolish and redevelop the currently vacant underutilized property with a new Digital Cinema. The new Cinema will include 74,000 square feet with 16 Screens including an Epic Studio. Seating capacity will range from 101 seats to 440 seats. The new theater will include a lobby area, concessions, and bar area. The project will include installation of new asphalt, sidewalks, and landscaping surrounding the theater building.

This entire project also includes the completion of Phase I and Phase II Environmental Site Assessments (ESA), Baseline Environmental Site Assessment (BEA), and Due Care Plan.

A Phase I ESA was completed June 25, 2013 for MJR Group, LLC and identified recognized environmental conditions (RECs) associated with the subject property and a single REC associated with the northwest adjoining property.

RECs connected with the subject property included various automotive service operations located on the subject property, underground reservoirs for hydraulic fluids associated with five in-ground hydraulic hoists on the subject property, staining in areas associated with the former automotive service operations, and an underground vault in the former service area. The northwest adjoining property identified as a REC, was occupied by a gasoline service station, based on the close proximity to the subject property, the potential exists that a release has occurred on this property and migrated onto the subject property.

A Phase II ESA/Baseline Environmental Assessment was completed July, 26<sup>th</sup> 2013 to assess these RECs. PM completed a scope of work consisting of the advancement of five soil borings (SB-1 through SB-5), installation of four temporary monitoring wells (TMW-1 through TMW-3 and TMW-5), installation of one sub-slab soil gas sampling point (SSG-1), and the collection of soil, groundwater, and soil gas samples. The soil and groundwater samples were submitted for laboratory analysis of VOCs, PNAs, PCBs, cadmium, chromium and lead, or some combination thereof; while the soil gas sample was submitted for VOCs. A concentration of the VOC species vinyl chloride was identified at TMW-3 above the Residential and Nonresidential Drinking Water Generic Cleanup Criteria. Based upon documented exceedances of the Part 201 Residential and Nonresidential DW cleanup criteria; the subject property is a facility under Part 201 of P.A. 451, and the rules promulgated thereunder.

Demolition of the current building will require the removal of mercury vapor lighting, asbestos abatement and air monitoring, and the removal, disposal, and sampling oversight associated with the removal of five (5) hydraulic hoists.

The City of Troy's Local Site Remediation Revolving Loan Fund will provide funding to assist in the remediation costs associated with redeveloping this brownfield site, which would not exist on a greenfield site location.

The project is estimated to begin demolition late summer to early fall of 2013, with project completion before the end of the year.



COMMITMENT STATUS SUMMARY (Contract Update)

Owner: MJR THEATRE GROUP  
Contact: Dennis Redmer

Job No. 13-031  
Latest Revision: 7/3/2013

Cost Code	Trade Item	BUDGET Amount	CONTRACTOR	Original Contract Amount	Total F.O. Changes	99's Misc. Extra Work	Exposure Allocation	Current Project Commitment	Variance Savings Over-Run	Remarks
01-001	PRECONSTRUCTION SERVICES									
01-002	PROJECT STAFF/TEMP. OFFICE FACILITIES									
	<b>GENERAL REQUIREMENTS</b>									
01-500	TEMP. WATER, ELECTRIC BLDG. SERVICE HOOK-UP									
01-530	MISC. SAFETY & TEMP/WEATHER BARRICADES									
01-630	TEMP. CONSTRUCTION SIGNS/PROJECT SIGNS									
01-540	SECURITY / NIGHT WATCHMEN									
01-700	ON-GOING BUILDING CLEANING									
01-700	FINAL BUILDING CLEANING									
01-710	DUMPSTERS (MJR Equipment & Seats)									
01-520	BLDG. ELECTRIC CONSUMPTION COSTS									
01-520	BLDG. SPACE HEATING COSTS - FUEL									
01-604	PLAN REPRODUCTION COSTS									
	<b>TESTING &amp; INSPECTIONS</b>									
01-410	TESTING - Building									
01-410	TESTING - Site									
	<b>LAYOUT &amp; ENGINEERING</b>									
01-050	BUILDING LAYOUT & ENGINEERING									
	<b>PERMITS</b>									
01-060	MUNICIPAL PERMITS & FEES (\$62,966 Paid by MJR)									
	<b>CONCRETE</b>									
03 1230	STADIUM RISERS									
	HAND RAILINGS									
	INSTALLATION OF FOAM / RISERS									
03 3000	CONCRETE FOUNDATIONS									
03 3000	CONCRETE FLATWORK									
	SLAB ON FOAM									
	MEZZANINE SLAB ON DECK									
	<b>MASONRY</b>									
04 200	MASONRY									
04 720	CAST STONE									
	<b>METALS</b>									
05 1200	STRUCTURAL STEEL - MATERIAL & ERECTION									
05 2100	STEEL JOISTS									
05 3100	STEEL DECKING									
05 5000	METAL FABRICATIONS									
05 5100	METAL STAIRS									
05 5213	PIPE AND TUBE RAILINGS									
05 5300	METAL GRATINGS									
05 4000	COLD FORMED METAL FRAMING									
	<b>CARPENTRY</b>									
06 1000	ROUGH CARPENTRY									
06 1600	SHEATHING									
06 4023	INTERIOR ARCHITECTURAL WOODWORK									
06 6400	PLASTIC PANELING									
	<b>MOISTURE PROTECTION</b>									
07 1110	COMPOSITE SHEET WATERPROOFING									
07 1113	BITUMINOUS DAMPROOFING									
07 1326	SELF-ADHERING SHEET WATERPROOFING									
07 2100	THERMAL INSULATION									
07 2419	EIFS									
07 4243	ALUMINUM WALL PANELS									
07 4600	VINYL SIDING									
07 5323	EPDM ROOFING									
07 6200	SHEET METAL FLASHING AND TRIM									
07 7200	ROOF ACCESSORIES									
07 9200	JOINT SEALANTS									
	<b>DOORS &amp; GLASS</b>									
08 1113	HOLLOW METAL DOORS AND FRAMES									
08 1416	FLUSH WOOD DOORS									
08 3113	ACCESS DOORS									
08 3613	SECTIONAL DOORS									
08 4113	ALUMINUM FRAMED ENTRANCES									
08 4413	GLAZED ALUMINUM CURTAIN WALLS									
08 8000	GLAZING									
08 7110	FINISH HARDWARE									
	<b>FINISHES</b>									
09 2216	NON-STRUCTURAL METAL FRAMING									
09 2900	GYPSON BOARD									
09 5113	ACOUSTICAL CEILINGS									
09 3000	HARD TILE									
	EXTERIOR TILE DETAIL									
09 6513	RESILIENT BASE AND ACCESSORIES									
09 6519	RESILIENT TILE FLOORING									
09 6816	SHEET CARPETING									
09 9113	EXTERIOR PAINTING									
09 9123	INTERIOR PAINTING									
	INSTALLATION OF OWNER WALL CARPET									
	<b>SPECIALTIES AND EQUIPMENT</b>									
10 2113	TOILET COMPARTMENTS									
10 2800	TOILET & BATH ACCESSORIES									
10 4413	FIRE EXTINGUISHERS CABINETS									
10 4416	FIRE EXTINGUISHERS									
	ADA SIGNAGE									
	<b>FIRE PROTECTION</b>									
21 0500	FIRE PROTECTION									
	<b>MECHANICAL</b>									
22 0500	PLUMBING									
23 0500	H.V.A.C. SYSTEMS									
	<b>ELECTRICAL</b>									
26 0500	ELECTRICAL									



MJR Troy Grand Digital 16



COMMITMENT STATUS SUMMARY (Contract Update)

Owner: MJR THEATRE GROUP  
Contact: Dennis Redmer

Job No. 13-031  
Latest Revision: 7/3/2013

Cost Code	Trade Item	BUDGET Amount	CONTRACTOR	Original Contract Amount	Total F.O. Changes	99's Misc. Extra Work	Exposure Allocation	Current Project Commitment	Variance Savings Over-Run	Remarks
19-000	INSURANCE - GENERAL LIABILITY									
19-000	RONCELLI FEE									
	<b>SUBTOTAL</b>	<b>10,000,000</b>								
	<b>SITE CONSTRUCTION</b>									
02-200	FENCING - TRASH ENCLOSURE GATES									
02-200	LANDSCAPING									
02-200	IRRIGATION									
02-200	ASPHALT / CURBS									
02-200	SITE WORK									
02-200	SITE UTILITIES									
02-200	SITE CONCRETE ( BUILDING SIDEWALKS)									
02-200	SITE ELECTRIC									
	<b>SUBTOTAL</b>	<b>2,000,000</b>								
	<b>OWNER FF&amp;E</b>									
	SEATS									
	PROJECTION AND SOUND									
	DRAPERY									
	CARPET AND TILE									
	CONCESSION AND BOX OFFICE MILLWORK									
	NCR POINT OF SALE									
	OFFICE MATERIALS									
	FURNITURE									
	POSTERCASES									
	<b>SUBTOTAL</b>	<b>4,000,000</b>								
	<b>SUBTOTAL</b>									
	CONSTRUCTION CONTINGENCY									
	<b>EST. CONSTRUCTION COST</b>	<b>16,000,000</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	Current Savings

<b>Local Site Remediation Revolving Loan Fund Reimbursed Activities</b>	
<b>Due Care Activities</b>	
Hoist removal, disposal (5 hoists)	\$ 6,785
Hoist removal monitoring and assessment	\$ 5,141
Contaminated soil removal and disposal associated with hoist removal (approximately 25 yards)	\$ 1,078
<b>Demolition</b>	
Building Demolition	\$ 140,000
Site Demolition	\$ 128,000
Demolition Oversight	\$ 17,710
Asbestos Abatement	\$ 131,100
Air Quality Monitoring and Oversight associated with Asbestos Abatement	\$ 17,538
Temporary Power required to conduct Asbestos Abatement	\$ 17,147
Removal of fluorescent light tubes, PCB ballasts, mercury vapor bulbs and mercury switches, fire extinguishers, CFC refrigerants, hydraulic lifts, and facility owned pad mounted transformer (includes packaging, transportation and disposal/recycling)	\$ 27,600
<b>Preparation of Brownfield Plan and Act 381 Workplan</b>	
Brownfield Plan	\$ 5,980
<b>Local Site Remediation Revolving Loan Fund Reimbursed Total</b>	<b>\$ 498,079</b>

**TROY BROWNFIELD  
REDEVELOPMENT AUTHORITY**

**BROWNFIELD PLAN**

**August 23, 2013**

**FOR THE PROPOSED MJR TROY GRAND  
LOCATED AT 100 EAST MAPLE ROAD,  
TROY, MICHIGAN**

Prepared on Behalf of:

**MJR Group, LLC**

41000 Woodward Avenue, Suite 135 East  
Bloomfield Hills, Michigan 48304  
Contact Person: Mr. Michael Mihalich  
Telephone: (248) 548-8282

Prepared By:

**PM Environmental, Inc.**

4080 West Eleven Mile Road  
Berkley, Michigan 48072  
Contact Person: Michael T. Kulka, P.E., C.P.  
Telephone: (248) 336-9988

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**APPENDICES**

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Appendix C	Site Maps
Appendix D	Tax Increment Financing Estimates
Appendix E	Asbestos Inspection
Appendix F	Baseline Environmental Assessment

**PROJECT SUMMARY**

Project Name: MJR Troy Grand

Project Location: The property is located in Township Two (2) North (T. 2N), Range eleven (11) east (R. 11E), Section 34, Troy, Oakland County, Michigan.

Type of Eligible Property: Property is determined to be functionally obsolete by Nino Licari, a level III Assessor with the City of Troy.

The property is also considered a Facility

Eligible Activities: Developer TIF Reimbursed Activities:  
Environmental Assessments, BRA Application Fee

Local Site Remediation Revolving Fund TIF Reimbursed Activities: Due Care Activities, Demolition (including Building and Site Demolition, Asbestos Abatement Activities, Air Quality Monitoring, and Lighting Removal/Disposal, Brownfield Plan Preparation

Reimbursable Costs: Developer TIF Reimbursement: \$11,585 for Environmental Site Assessments and Brownfield Plan Application Fee

Local Site Remediation Revolving Fund TIF Reimbursement: \$498,079 for Eligible Activities

Years to Complete Payback to RLF: Approximately 8 years

Estimated Capital Investment: Approximately \$16 Million

**Project Overview:** MJR Group, LLC intends to demolish and redevelop the currently vacant underutilized property with a new Digital Cinema. The new Cinema will include 74,000 square feet with 16 Screens including an Epic Studio. Seating capacity will range from 101 seats to 440 seats. The new theater will include a lobby area, concessions, and bar area. The project will include installation of new asphalt, sidewalks, and landscaping surrounding the theater building.

## **I. INTRODUCTION AND PURPOSE**

In order to promote the revitalization of environmentally distressed and blighted areas within the boundaries of the City of Troy (“the City”), the City has established the City of Troy Brownfield Authority (TBRA) pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act (PA) 381 of 1996, as amended.

The primary purpose of this Brownfield Plan (“Plan”) is to promote the redevelopment of and private investment in certain “Brownfield” properties within the City. Inclusion of property within this Plan will facilitate financing of environmental response and other eligible activities at eligible properties, and will also provide tax incentives to eligible tax payers willing to invest in revitalization of eligible sites, commonly referred to as Brownfields. By facilitating redevelopment of Brownfield properties, this Plan is intended to promote economic growth for the benefit of the residents of the City.

The Property is currently zoned MRF – Maple Road (form based zones), is commercially developed, and located in an area of the City of Troy characterized by commercial and residential Properties.

The identification or designation of a developer or proposed use for the eligible property that is subject to this Plan shall not be integral to the effectiveness or validity of this Plan. This Plan is intended to apply to the eligible property identified in this Plan and, to identify and authorize the eligible activities to be funded. Any change in the proposed developer or proposed use of the eligible property shall not necessitate an amendment to this Plan, affect the application of this Plan to the eligible property, or impair the rights available to the Authority under this Plan.

This plan is intended to be a living document which may be modified or amended as necessary to achieve the purposes of Act 381. The applicable sections of Act 381 are noted throughout the plan for reference purposes.

This Brownfield Plan contains information required by Section 13(1) of Act 381.

This Brownfield Plan is of a single phase associated with the redevelopment of the property.

## **II. GENERAL DEFINITIONS AS USED IN THIS PLAN**

Terms used in this Brownfield Plan are defined as provided in the following statutes, as appropriate:

*The Brownfield Redevelopment Financing Act, 1996 Mich. Pub. Acts. 381, M.C.L. § 125.2651 et seq., as amended.*

### **III. BROWNFIELD PROJECT**

#### **SUBJECT PROPERTY**

The subject property consists of one (1) legal parcel with a street address of 100 East Maple Road, Troy, Michigan. The tax ID number of the subject property is 88-20-34-101-023. The parcel number and legal description are also included in Appendix A.

The parcels and all tangible personal property located thereon will comprise the eligible property and is referred to herein as the "Property".

The subject property included in this plan can be considered "eligible property" as defined by Section 2 of Act 381, as amended because (a) it is located within the City of Troy; and (b) the Property is determined to be functionally obsolete as determined by Nino Licari, a Level III Assessor with the City of Troy.

#### **100 East Maple Road (88-20-34-101-023)**

Standard and other historical sources indicate the subject property was developed prior to 1940 for agricultural purposes. Agricultural activities ceased between 1957 and 1963, and the central portion of the current building was constructed in 1964. Additions were constructed in 1968, 1992, and 2000. The property was occupied by various retail stores, restaurants, and automotive service operations from 1964 until 2009. The building has been unoccupied since between 2009 and 2011.

The subject building totals approximately 118,201 square feet, and contains a former service area, former retail areas, storage areas, utility rooms, offices, and restrooms. Interior finish materials in the former service area include metal deck ceilings, cinderblock walls, and concrete floors. Interior finish materials in the remainder of the building include metal deck ceilings, two foot by four foot ceiling tiles, two foot by two foot ceiling tiles, cinderblock walls, drywall walls, wood paneling, concrete floors, and 12 inch by 12 inch floor tiles. The property also has five in-ground hoists and an underground vault in the former service area. Asphalt paved driveways and parking areas surround the building.

#### **Identification of the Property as "Functionally Obsolete"**

The subject property has been determined functionally obsolete by Level III Assessor, Nino Licari, MMAO (4), PPE.

A 2013 Valuation Report and Record Card provided by the City are included in Appendix B, showing the property's obsolescence status.

#### **Identification of the Property as a "Facility"**

PM Environmental, Inc. (PM) has completed a Baseline Environmental Assessment (BEA) for the vacant retail property (Parcel ID #88-20-34-101-023) located at 100 East Maple Road in Troy, Oakland County, Michigan (hereafter referred to as the "subject property").

Contaminant concentrations identified on the subject property indicate exceedances to the Part 201 Residential and Nonresidential DW cleanup criteria. Therefore, the subject property is a

"facility" in accordance with Part 201 of P.A. 451, as amended, and the rules promulgated thereunder.

The Baseline Environmental Assessment text, figures, and tables stating the property is a facility is located in Appendix F.

## **PROJECT DESCRIPTION**

MJR Group, LLC intends to demolish and redevelop the currently vacant underutilized property with the new Digital Cinema, MJR Troy Grand. MJR Troy Grand will include 74,000 square feet with 16 Screens including an Epic Studio. Seating capacity will range from 101 seats to 440 seats. The new theater will include a lobby area, concessions, and bar area. The project will include installation of new asphalt, sidewalks, and landscaping surrounding the theater building.

Demolition of the current building will require the removal of fluorescent light tubes, PCB ballasts, mercury vapor bulbs and mercury switches, fire extinguishers, CFC refrigerants, hydraulic lifts, and facility owned pad mounted transformer (includes packaging, transportation and disposal/recycling), asbestos abatement activities and air monitoring, and the removal, disposal, and sampling oversight associated with the five (5) hydraulic hoists.

This entire project also includes the completion of Phase I and Phase II Environmental Site Assessments (ESA), Baseline Environmental Site Assessment (BEA), and Due Care Plan.

The project is estimated to begin demolition mid to late summer of 2013, with project completion before the end of the year.

## **BROWNFIELD PLAN ELEMENTS**

### **A. Description of Costs to Be Paid for With Tax Increment Revenues**

Tax increment financing revenues will be utilized to reimburse the City of Troy's Local Site Remediation Revolving Loan Fund (LSRRLF), for loan reimbursements made to MJR Group, LLC for eligible activities completed during development of the Property and as defined in this Plan. The activities funded through the LSRRLF are listed in section "M" of this plan.

Tax Increment Revenues will also pay the Developer for Environmental Site Assessments and the TBRA application fee.

The TBRA administrative fees, 3% simple interest on unreimbursed costs, and capture to continue building the LSRRLF will also be funded utilizing tax increment revenues.

These costs are presented in section "G" of this plan and Table 1 and 2 in Appendix D.

### **B. Summary of Eligible Activities**

LSRRLF will be reimbursed for Due Care Activities, Demolition and associated activities, and Preparation of the Brownfield Plan. These activities are further outlined in section "M" of this plan and included in Appendix D.

The Developer will be reimbursed for eligible activities that include environmental site assessments and the TBRA application fee. These costs are presented in Table 1 of Appendix D.

**C. Estimate of Captured Taxable Value and Tax Increment Revenues**

The taxable value of the real property was \$1,025,640 for the current tax year; no personal property is associated with the site. The estimated taxable value of the completed development is \$4,500,000 at completion of the development. This assumes a one-year phase-in for completion of the redevelopment, which has been incorporated into the tax impact and cash flow assumptions for this plan. An annual increase in taxable value of 1% has been used for calculation of future tax increments in this plan.

The TBRA will continue capturing tax increment revenues for 5 years following payback, to build the LSRRLF. The estimated captured taxable value and tax increment revenues for the eligible property for each year of the plan are presented in Table 2 in Appendix D.

**D. Method of Financing and Description of Advances by the Municipality**

LSRRLF reimbursements will be made by the City to the developer, MJR Group, LLC in an amount not to exceed \$498,079 for completed eligible expenses based on the receipt of proper documentation.

The invoicing procedure is summarized as follows:

1. MJR pays an invoice for the eligible expenses
2. The invoices with proof of payment, of eligible expenses, are then submitted to the City
3. The City then cuts a check from the LSRRF to MJR for those eligible expenses
4. The LSRRF is repaid through TIF

**E. Maximum Amount of Note or Bonded Indebtedness**

The City of Troy will not incur a financial note or bonded indebtedness for this project. Therefore, a reporting on indebtedness is not required.

**F. Duration of Brownfield Plan**

The duration of this Plan should be not less than the period required to reimburse all eligible activities plus five years for additional capture to continue building the LSRRLF. In no event, however, shall this Plan extend beyond the maximum term allowed by Section 13(1) (a) of Act 381, as amended for the duration of this Plan, currently limited to 30 years.

**G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions**

The following tables show the anticipated impact of tax increment financing (TIF) on revenues of taxing jurisdictions. Developer reimbursements for environmental assessment activities will occur within the first year of TIF reimbursement (totaling \$11,585), and LSRRLF reimbursement will occur within 8 years from the start of tax TIF reimbursements. An

additional year is anticipated for repayment of interest, with an additional 5 years of capture to continue building the LSRRLF.

<b>Description of Eligible Activities (see Table 1)</b>	<b>Estimated Costs</b>
1. Environmental Assessment Activities (Developer Reimbursement)	\$ 10,085
2. BRA Application Fee (Developer Reimbursement)	\$ 1,500
3. Due Care Activities (LSRRLF Reimbursement)	\$ 13,004
4. Demolition (LSRRLF Reimbursement)	\$ 479,095
5. Preparation of Brownfield Plan (LSRRLF Reimbursement)	\$ 5,980
<b>Total</b>	<b>\$ 509,664</b>

<b>Total Activities to be Captured by TIF</b>	<b>Estimated Costs</b>
Developer Reimbursement	\$ 11,585
Local Site Remediation Revolving Loan Fund Reimbursement	\$ 498,079
LSRRLF 3% Interest Capture	\$ 65,891
5 Years capture to build LSRRLF	\$ 364,769
TBRA Administrative Fee	\$ 21,964
<b>Total</b>	<b>\$ 962,288</b>

Detailed tax increment financing tables and a list of eligible expenses are located in Appendix D.

**H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property**

The legal description of the property included in this plan is attached in Appendix A.

A 2013 Valuation Report and Record Card provided by the City are included in Attachment B, showing the property's obsolescence status.

A property location map, site map, and preliminary development plans are attached in Appendix C of this plan.

**I. Estimates of Residents and Displacement of Families**

No displacement of residents or families is expected as part of this project.

**J. Plan for Relocation of Displaced Persons**

No displacement of residents or families is expected as part of this project.

**K. Provisions for Relocation Costs**

No relocation is expected as part of this project.

**L. Strategy for Compliance with Michigan's Relocation Assistance Law**

No relocation is expected as part of this project.

**M. Description of Proposed Use of Local Site Remediation Revolving Loan Fund**

The LSRRLF will be used to finance “eligible activities” (as defined by Section 2 of Act 381, as amended) as permitted under the Brownfield Redevelopment Financing Act that includes: Preparation of the Brownfield Plan, Due Care Activities, and Demolition as described in this Plan. A complete listing of these activities is included in Table 1 of Appendix D.

The following eligible activities and budgeted costs are intended as part of the development of the property and are to be financed solely by the developer prior to reimbursement from the LSRRLF.

1. Preparation of the Brownfield Plan \$5,980
2. Due Care Activities totaling approximately \$13,004; this includes the removal and disposal of five hoists, removal and disposal of associated contaminated soil at approximately 5 yards per hoist, and hoist removal monitoring and assessment activities.
3. Demolition costs totaling approximately \$479,095; this includes building and site demolition, demolition oversight, asbestos abatement activities and air monitoring associated with the building demolition, and the proper removal of fluorescent light tubes, PCB ballasts, mercury vapor bulbs and mercury switches, fire extinguishers, CFC refrigerants, hydraulic lifts, and facility owned pad mounted transformer (includes packaging, transportation and disposal/recycling).

All activities are intended to be “eligible activities” under Act 381, as amended. The total cost of eligible activities that are subject to payment or reimbursement from LSRRLF will not exceed \$498,079. In addition, the LSRRLF will capture 3% simple interest on the unreimbursed eligible expenses, which will total approximately \$65,891. Reimbursements will also not exceed the provided invoices/proof of expenses; the developer will only be reimbursed for the costs that are incurred. A 15% contingency has been built in to each individual line item estimate.

The LSRRLF will continue to capture taxes for five years following eligible expense and interest reimbursement to further build the LSRRLF. In addition, the TBRA will capture 1% of unreimbursed eligible expenses as an administrative fee for the authority.

**N. Other Material that the Authority or Governing Body Considers Pertinent**

The asbestos inspection conducted by the landlord is included in Appendix E. The asbestos inspection of the property occurred when the building and its electrical systems were still active and therefore limited dismantling of the electrical, heating, and ventilation systems was conducted to complete the initial inspection activities. Consequently, it is possible that asbestos containing linings or insulation (i.e., transite asbestos or paper insulation, etc.) may exist within these systems not accessed during the initial survey but would still need abatement during building demolition activities. The 15% contingency that has been built into the Brownfield Plan should account for any additional asbestos containing materials uncovered during demolition.

# Appendix A





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### Assessing Report for 88-20-34-101-023

Parcel Number	88-20-34-101-023
Property Address	100 E MAPLE -120
Property Address	-120
Property Address Apt	
Property Address Zip	48083-2761
Owner Name 1	GERSHENSON REALTY & INVESTMENT
Owner Name 2	
Neighborhood Code	VLCOM
State Equalized Value (SEV)	2175240
Taxable Value	1025640
Summary Land Value	4350480
Property Class	201
School District	TROY
Principal Residence Exemption	0
Last Sale Amount	0
Last Sale Date	
Owner Street Address	31500 NORTHWESTERN STE 100
Owner City	FARMINGTON
Owner State	MI
Owner Zip Code	48334
Taxpayer Street Addr	
Frontage	0
Depth of Parcel	0
Summary Res Floor Area	0
Num Res Buildings	0
Summary Res Garage Area	0
Summary Res Year Built	0
Summary Res Style Alph	0
Summary Res Num Bed	0
Summary Res Num Half Bath	0
Summary Res Num Full Bath	0
Summary Res Basement Area	0
Num CI Buildings	1
Summary CI Floor Area	118201
Summary CI Stories	1
Summary CI Year Built	1964
Legal Description	T2N, R11E, SEC 34 PART OF W 1/2 OF NW 1/4 BEG AT PT DIST N 89-59-30 E 235 FT & S 00-02-15 W 60 FT FROM NW SEC COR, TH N 89-59-30 E 324 FT, TH S 00-02-15 W 205 FT, TH N 89-59-30 E 198 FT, TH N 00-02-15 E 205 FT, TH N 89-59-30 E 48 FT, TH S 00-02-15 W 300 FT,

TH N 89-59-30 E 125 FT, TH S 00-02-15 W 445 FT, TH S 89-59-30 W 870 FT, TH N 00-02-15 E 595 FT, TH N 89-59-30 E 175 FT, TH N 00-02-15 E 150 FT TO BEG 12.48 A 6-13-96 FR 020 & 021
--

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# Appendix B



88-20-34-101-023	2013 Est. T.C.V.	GERSHENSON REALTY & INVESTMENT
Property Class: 201		100 E MAPLE -120
Map #: 88-20-34-101-023	CITY OF TROY	TROY, MI 48083-2761

T2N, R11E, SEC 34 PART OF W 1/2 OF NW 1/4 BEG AT PT DIST N 89-59-30 E 235 FT & S  
 00-02-15 W 60 FT FROM NW SEC COR, TH N 89-59-30 E 324 FT, TH S 00-02-15 W 205 FT  
 TH N 89-59-30 E 198 FT, TH N 00-02-15 E 205 FT, TH N 89-59-30 E 48 FT, TH S  
 00-02-15 W 300 FT, TH N 89-59-30 E 125 FT, TH S 00-02-15 W 445 FT, TH S 89-59-30  
 W 870 FT, TH N 00-02-15 E 595 FT, TH N 89-59-30 E 175 FT, TH N 00-02-15 E 150 FT  
 TO BEG 12.48 A  
 6-13-96 FR 020 & 021

Land Value Estimates for Land Table B-123.B-123

* Factors *						
Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason Value
B-123 SQ F B-123 SQ FT		543810	SqFt	8.00000	100	4,350,480
12.48 Total Acres					Total Est. Land Value =	4,350,480

Cost Estimates for Commercial/Industrial Building/Section: 1 Built 1964

Costs are taken from the Store, Discount cost schedules.  
 <<<<< Calculator Cost Computations >>>>>  
 Class: C Quality: Average Percent Adj: +0

Base Rate for Upper Floors = 49.00

(10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100%  
 Adjusted Square Foot Cost for Upper Floors = 49.00

1 Stories Number of Stories Multiplier: 1.000  
 Average Height per Story: 19 Height per Story Multiplier: 1.055  
 Ave. Floor Area: 118,201 Perimeter: 1551 Perim. Multiplier: 0.812  
 Refined Square Foot Cost for Upper Floors: 41.98

County Multiplier: 1.42, Final Square Foot Cost for Upper Floors = 59.606

Total Floor Area: 118,201 Base Cost New of Upper Floors = 7,045,536

118,201 Sq.Ft. of Sprinklers @ 1.72, County Mult.:1.42 Cost New = 288,694

Reproduction/Replacement Cost = 7,334,231  
 Eff.Age:42 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 35 /100/0 /100/0.0  
 Total Depreciated Cost = 0

Total Estimated True Cash Value of Commercial/Industrial Buildings = 0

2013 Est. T.C.V. 88-20-34-101-023 = 4,350,480

Est. TCV/Total Floor Area = 36.81

2012 Assessed	MBOR	S.E.V.	Base for Cap	C.P.I.	
2,175,240	2,175,240	2,175,240	1,001,610	2.40	
2013 New Eq.	Adjustment	Loss	Additions	Tax Adjustment	Losses
0	0	0	0	24,030	0
2013 Assessed	MBOR	S.E.V.	Capped	->Taxable<-	PRE/MBT
2,175,240	2,175,240	2,175,240	1,025,640	1,025,640	0

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
Property Address	Class: 201 COMM IMP	Zoning: B-2 (	Building Permit(s)	Date	Number	Amount				
100 E MAPLE -120	School: TROY		COMMERCIAL, ADD/ALTER	02/18/2005	PB2005-0099	20,000				
	P.R.E. 0%		COMMERCIAL, ADD/ALTER	01/18/2005	PB2005-0028	20,000				
Owner's Name/Address	MAP #: 88-20-34-101-023		MECHANICAL, AIR	10/24/2000	PM2000-2417	0				
GERSHENSON REALTY & INVESTMENT 31500 NORTHWESTERN STE 100 FARMINGTON MI 48334	2013 Est TCV 4,350,480 TCV/TFA: 36.81		MECHANICAL, HEAT	10/24/2000	PM2000-2416	0				
	X Improved	Vacant	Land Value Estimates for Land Table B-123.B-123							
	Public Improvements		* Factors *							
			Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value	
			B-123 SQ F	B-123 SQ FT		543810	SqFt	8.00000 100	4,350,480	
					12.48	Total Acres	Total Est. Land Value =		4,350,480	
Tax Description	X Dirt Road		D/W/P: Asphalt Paving							
	X Gravel Road				1.61		1.42	306115	0	
	X Paved Road								0	
	X Storm Sewer									
	X Sidewalk									
	X Water									
	X Sewer									
	X Electric									
	X Gas									
	X Curb									
	X Street Lights									
	Standard Utilities									
	Underground Utils.									
Comments/Influences	Topography of Site									
01/04/12: REMOVED ALL BLDG IMPROVEMENTS. 1964 VINTAGE S/B DEMO'D. NL	X Level									
	Rolling									
	Low									
	High									
	Landscaped									
	Swamp									
	Wooded									
	Pond									
	Waterfront									
	Ravine									
	Wetland									
	Flood Plain									
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
				2013	2,175,240	0	2,175,240			1,025,640C
				2012	2,175,240	0	2,175,240			1,001,610C
				2011	2,175,240	659,280	2,834,520		2,834,520A	1,268,837C
				2010	2,175,240	1,015,240	3,190,480		1,247,628T	1,247,628C
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: City of Troy, County of Oakland, Michigan										

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Desc. of Bldg/Section:  
 Calculator Occupancy: Store, Discount

Class: C  
 Floor Area: 118,201  
 Stories Above Grd: 1  
 Average Sty Hght : 19  
 Bsmnt Wall Hght

Depr. Table : 3%  
 Effective Age : 42  
 Physical %Good: 35  
 Func. %Good  
 Economic %Good: 100

1964 Year Built  
 2005 Remodeled

19 Overall Bldg Height

Comments:

Construction Cost

High	Above Ave.	X	Ave.	Low
------	------------	---	------	-----

\*\* \*\* Calculator Cost Data \*\* \*\*  
 Quality: Average Adj: %+0 \$/SqFt:0.00  
 Heat#1: Package Heating & Cooling 100  
 Heat#2: Package Heating & Cooling 0%  
 Ave. SqFt/Story: 118201  
 Ave. Perimeter: 1551  
 Has Elevators:

\*\*\* Basement Info \*\*\*  
 Area:  
 Perimeter:  
 Type:  
 Heat: Hot Water, Radiant Floor

\* Mezzanine Info \*  
 Area #1:  
 Type #1: Open (No Rates)  
 Area #2:  
 Type #2: Office (No Rates)

\* Sprinkler Info \*  
 Area: 118201  
 Type: Average

<<<<< Calculator Cost Computations >>>>>

Class: C Quality: Average Percent Adj: +0

Base Rate for Upper Floors = 49.00

(10) Heating system: Package Heating & Cooling Cost/SqFt: 0.00 100%  
 Adjusted Square Foot Cost for Upper Floors = 49.00

1 Stories Number of Stories Multiplier: 1.000  
 Average Height per Story: 19 Height per Story Multiplier: 1.055  
 Ave. Floor Area: 118,201 Perimeter: 1551 Perim. Multiplier: 0.812  
 Refined Square Foot Cost for Upper Floors: 41.98

County Multiplier: 1.42, Final Square Foot Cost for Upper Floors = 59.606

Total Floor Area: 118,201 Base Cost New of Upper Floors = 7,045,536

118,201 Sq.Ft. of Sprinklers @ 1.72, County Mult.:1.42 Cost New = 288,694

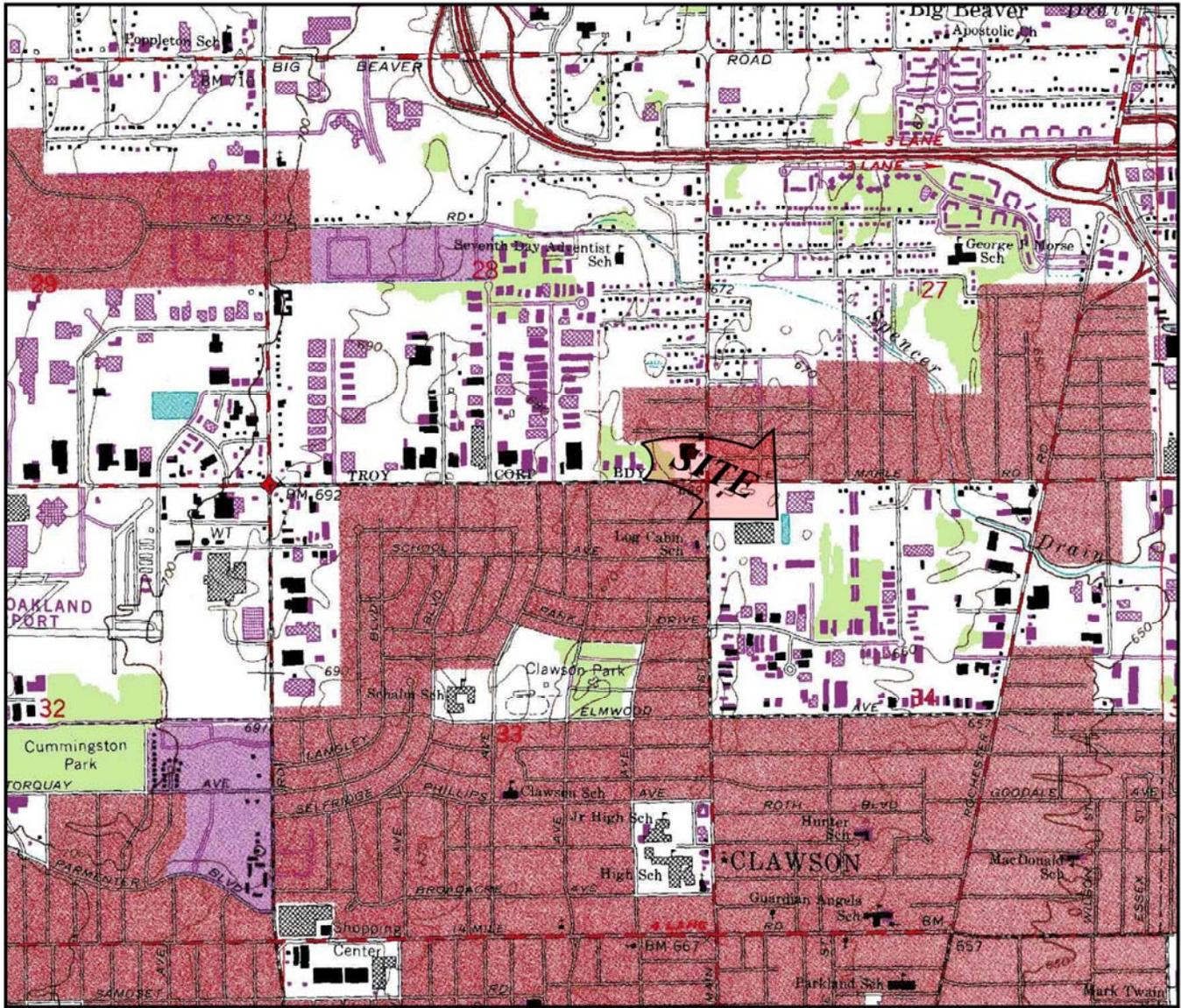
Reproduction/Replacement Cost = 7,334,231  
 Eff.Age:42 Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 35 /100/0 /100/0.0  
 Total Depreciated Cost = 0

(1) Excavation/Site Prep:	(7) Interior:	(11) Electric and Lighting:	(39) Miscellaneous:
(2) Foundation:	(8) Plumbing:	Outlets:	(40) Exterior Wall:
X Poured Conc	Many Above Ave.	X Few Average Many Unfinished Typical	
(3) Frame:	Total Fixtures	Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct	Thickness
(4) Floor Structure:	(9) Sprinklers:	Incandescent Fluorescent Mercury Sodium Vapor Transformer	Bsmnt Insul.
(5) Floor Cover:	(10) Heating and Cooling:	(13) Roof Structure: Slope=0	
(6) Ceiling:	X Gas Oil	(14) Roof Cover:	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

# Appendix C

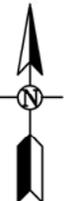




# OAKLAND COUNTY



FIGURE 1  
 PROPERTY VICINITY MAP  
 USGS, 7.5 MINUTE SERIES  
 BIRMINGHAM, MI QUADRANGLE, 1968. PHOTO REVISED 1981.



37 EAST MAPLE ROAD PSYCHIC READER    49-65 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING    79 EAST MAPLE ROAD VIOLINS LIMITED    91 EAST MAPLE ROAD VACANT COMMERCIAL BUILDING    95 EAST MAPLE ROAD DATTA CORPORATION    101 EAST MAPLE ROAD BARBARA BENKO ATTORNEYS    125 EAST MAPLE ROAD AAA    135 EAST MAPLE ROAD JOHN R. JOSEPH MD

**EAST MAPLE ROAD**

1553 NORTH MAIN STREET  
TROPICAL CAFE SMOOTHIES

1537 NORTH MAIN STREET  
HAMILTON ANIMAL HOSPITAL

1523 NORTH MAIN STREET  
MULTI-TENANT COMMERCIAL BUILDING

1511 NORTH MAIN STREET  
THE ART OF CUSTOM FRAMING

1505 NORTH MAIN STREET  
PAVED PARKING LOT

1467 NORTH MAIN STREET  
PAVED PARKING LOT

1457 NORTH MAIN STREET  
STIRNEMANN TOOLS AND MACHINE

1431 NORTH MAIN STREET  
CONSTRUCTION SITE

1421 NORTH MAIN STREET  
WENDY'S

**NORTH MAIN STREET**

20 EAST MAPLE ROAD  
SUBWAY

150 EAST MAPLE ROAD  
BANK OF AMERICA

164 EAST MAPLE ROAD  
MULTI-TENANT COMMERCIAL BUILDING

190 EAST MAPLE ROAD  
MICHIGAN CHANDELIER

214 EAST MAPLE ROAD  
EMPIRE ELECTRONICS

DETENTION POND

FORMER AUTOMOTIVE SERVICE AREA

FORMER RETAIL AREA

APPROXIMATE LOCATION OF FORMER USTs

FORMER AUTOMOTIVE PARTS STORAGE

1350 LIVERNOIS ROAD  
PAUL'S AUTO WASH

UNDERGROUND VAULT

1300-1310 LIVERNOIS ROAD  
VACANT COMMERCIAL BUILDING

205 PARK DRIVE  
FEDEX FREIGHT

**LEGEND:**

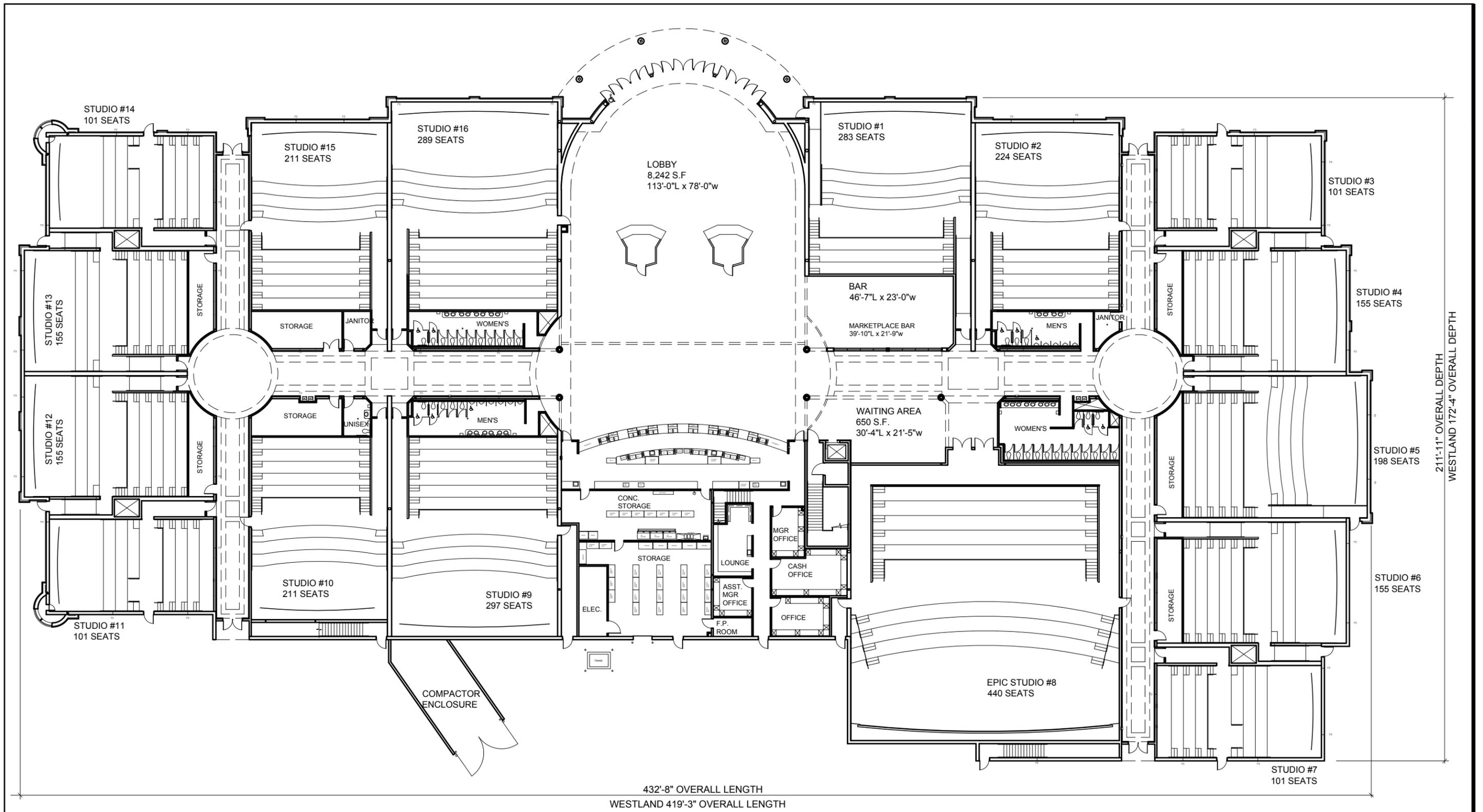
-  SUBJECT PROPERTY
-  PAD MOUNTED TRANSFORMER
-  IN-GROUND HOIST
-  FLOOR DRAIN
-  UST UNDERGROUND STORAGE TANK



**FIGURE 2**  
GENERALIZED DIAGRAM OF THE SUBJECT PROPERTY AND ADJOINING PROPERTIES

PROJ: VACANT RETAIL PROPERTY 100 EAST MAPLE ROAD TROY, MI		
THIS IS NOT A LEGAL SURVEY	DRN BY: CS	DATE: 6/24/2013
VERIFY SCALE	CHKD BY: KT	SCALE: 1" = 100'
IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.		FILE NAME: 02-6518-0F02R00





432'-8" OVERALL LENGTH  
WESTLAND 419'-3" OVERALL LENGTH

211'-11" OVERALL DEPTH  
WESTLAND 172'-4" OVERALL DEPTH

**MJR TROY GRAND 16 SCREEN THEATER**  
SCALE: NOT TO SCALE      DATE: MAY 29, 2013

**paradigm design inc.**  
550 3 Mile Road N.W.  
Suite B  
Grand Rapids, MI 49544  
Phone: (616) 785 - 5656  
Fax: (616) 785 - 5657  
www.ParadigmAE.com

ARCHITECTS   CIVIL ENGINEERS



# Appendix D



<b>Table 1- 100 East Maple, Troy - Estimated Costs of Eligible Activities</b>		
<b>Item/Activity</b>	<b>Total Estimated Cost</b>	<b>Comments</b>
<b>Developer Reimbursed Activities</b>		
<b>Baseline Environmental Assessment Activities</b>		
Phase I	\$ 2,400	
Phase II/BEA/Due Care Plan	\$ 7,685	
<b>Brownfield Authority Application Fee</b>		
BRA Application Fee	\$ 1,500	
<b>Developer Reimbursed Total</b>	<b>\$ 11,585</b>	
<b>Local Site Remediation Revolving Loan Fund Reimbursed Activities</b>		
<b>Due Care Activities</b>		
Hoist removal, disposal (5 hoists)	\$ 6,785	
Hoist removal monitoring and assessment	\$ 5,141	
Contaminated soil removal and disposal associated with hoist removal (approximate 25 yards)	\$ 1,078	
<b>Demolition</b>		
Building Demolition	\$ 140,000	
Site Demolition	\$ 128,000	
Demolition Oversight	\$ 17,710	
Asbestos Abatement	\$ 131,100	
Air Quality Monitoring and Oversight associated with Asbestos Abatement	\$ 17,538	
Temporary Power required to conduct Asbestos Abatement	\$ 17,147	
Removal of fluorescent light tubes, PCB ballasts, mercury vapor bulbs and mercury switches, fire extinguishers, CFC refrigerants, hydraulic lifts, and facility owned pad mounted transformer (includes packaging, transportation and disposal/recycling)	\$ 27,600	
<b>Preparation of Brownfield Plan and Act 381 Workplan</b>		
Brownfield Plan	\$ 5,980	
<b>Local Site Remediation Revolving Loan Fund Reimbursed Total</b>	<b>\$ 498,079</b>	
<b>Project Subtotal (Developer and LSRRLF Reimbursement)</b>	<b>\$ 509,664</b>	
<b>Capture to City Brownfield Redevelopment Authority</b>		
TIF Capture for LSRRLF	\$ 364,769	
3% Simple Interest of unreimbursed costs	\$ 65,891	
TBRA Administrative Fee	\$ 21,964	
<b>Total Cost of Eligible Activities to be Funded through TIF</b>	<b>\$ 962,288</b>	

**Tax Increment Financing Estimates**  
**Table 2**  
**100 East Maple, Troy, MI**

		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	
<b>Current Taxable Value</b>		\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	\$ 1,025,640	
<b>Estimated Tax Increment Value (estimated increase of 1%/year)</b>			\$ 4,500,000	\$ 4,500,000	\$ 4,545,000	\$ 4,590,450	\$ 4,636,355	\$ 4,682,718	\$ 4,729,545	\$ 4,776,841	\$ 4,824,609	\$ 4,872,855	\$ 4,921,584	\$ 4,970,800	\$ 5,020,508	
<b>Incremental Difference (New Taxes-Existing)</b>			\$ 3,474,360	\$ 3,474,360	\$ 3,519,360	\$ 3,564,810	\$ 3,610,715	\$ 3,657,078	\$ 3,703,905	\$ 3,751,201	\$ 3,798,969	\$ 3,847,215	\$ 3,895,944	\$ 3,945,160	\$ 3,994,868	
<b>Local Taxes - Millage</b>																
County Operating	4.1900		\$ 14,558	\$ 14,558	\$ 14,746	\$ 14,937	\$ 15,129	\$ 15,323	\$ 15,519	\$ 15,718	\$ 15,918	\$ 16,120	\$ 16,324	\$ 16,530	\$ 16,738	\$ 202,117
Library	0.7		\$ 2,432	\$ 2,432	\$ 2,464	\$ 2,495	\$ 2,528	\$ 2,560	\$ 2,593	\$ 2,626	\$ 2,659	\$ 2,693	\$ 2,727	\$ 2,762	\$ 2,796	\$ 33,767
County Parks	0.2415		\$ 839	\$ 839	\$ 850	\$ 861	\$ 872	\$ 883	\$ 894	\$ 906	\$ 917	\$ 929	\$ 941	\$ 953	\$ 965	\$ 11,649
H/CL Metro Auth	0.2146		\$ 746	\$ 746	\$ 755	\$ 765	\$ 775	\$ 785	\$ 795	\$ 805	\$ 815	\$ 826	\$ 836	\$ 847	\$ 857	\$ 10,352
OCPTA Smart	0.5900		\$ 2,050	\$ 2,050	\$ 2,076	\$ 2,103	\$ 2,130	\$ 2,158	\$ 2,185	\$ 2,213	\$ 2,241	\$ 2,270	\$ 2,299	\$ 2,328	\$ 2,357	\$ 28,460
City General	6.5000		\$ 22,583	\$ 22,583	\$ 22,876	\$ 23,171	\$ 23,470	\$ 23,771	\$ 24,075	\$ 24,383	\$ 24,693	\$ 25,007	\$ 25,324	\$ 25,644	\$ 25,967	\$ 313,547
City Capital	1.5300		\$ 5,316	\$ 5,316	\$ 5,385	\$ 5,454	\$ 5,524	\$ 5,595	\$ 5,667	\$ 5,739	\$ 5,812	\$ 5,886	\$ 5,961	\$ 6,036	\$ 6,112	\$ 73,804
City Refuse	1.0500		\$ 3,648	\$ 3,648	\$ 3,695	\$ 3,743	\$ 3,791	\$ 3,840	\$ 3,889	\$ 3,939	\$ 3,989	\$ 4,040	\$ 4,091	\$ 4,142	\$ 4,195	\$ 50,650
ISD Extra Voted	3.1687		\$ 11,009	\$ 11,009	\$ 11,152	\$ 11,296	\$ 11,441	\$ 11,588	\$ 11,737	\$ 11,886	\$ 12,038	\$ 12,191	\$ 12,345	\$ 12,501	\$ 12,659	\$ 152,852
ISD Operating	0.2003		\$ 696	\$ 696	\$ 705	\$ 714	\$ 723	\$ 733	\$ 742	\$ 751	\$ 761	\$ 771	\$ 780	\$ 790	\$ 800	\$ 9,662
OCC	1.5844		\$ 5,505	\$ 5,505	\$ 5,576	\$ 5,648	\$ 5,721	\$ 5,794	\$ 5,868	\$ 5,943	\$ 6,019	\$ 6,096	\$ 6,173	\$ 6,251	\$ 6,329	\$ 76,428
<b>Total Local Taxes (capturable)</b>	<b>19.9695</b>															\$ 963,288
<b>Debt Millages (not capturable)</b>																
School Debt Service	4.9600		\$ 17,233	\$ 17,233	\$ 17,456	\$ 17,681	\$ 17,909	\$ 18,139	\$ 18,371	\$ 18,606	\$ 18,843	\$ 19,082	\$ 19,324	\$ 19,568	\$ 19,815	\$ 239,260
City Debt	0.7000		\$ 2,432	\$ 2,432	\$ 2,464	\$ 2,495	\$ 2,528	\$ 2,560	\$ 2,593	\$ 2,626	\$ 2,659	\$ 2,693	\$ 2,727	\$ 2,762	\$ 2,796	\$ 33,767
<b>Total Debt Millages (not capturable)</b>	<b>5.6600</b>															\$ 273,027
<b>Total Millages</b>	<b>25.6295</b>															
<b>Total Capturable Millages</b>	<b>19.9695</b>															
<b>Annual Incremental Capture Local Taxes</b>			\$ 69,381	\$ 69,381	\$ 70,280	\$ 71,187	\$ 72,104	\$ 73,030	\$ 73,965	\$ 74,910	\$ 75,864	\$ 76,827	\$ 77,800	\$ 78,783	\$ 78,776	
<b>TBRA Administrative Fee*</b>			\$ 4,981	\$ 4,453	\$ 3,803	\$ 3,139	\$ 2,458	\$ 1,762	\$ 1,049	\$ 320	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,964
<b>Incremental Capture after Administrative Fees</b>			\$ 64,400	\$ 64,929	\$ 66,477	\$ 68,049	\$ 69,646	\$ 71,268	\$ 72,916	\$ 74,590	\$ 75,864	\$ 76,827	\$ 77,800	\$ 78,783	\$ 78,776	
<b>Total Cumulative Tax Capture</b>			\$ 64,400	\$ 129,329	\$ 195,806	\$ 263,854	\$ 333,501	\$ 404,769	\$ 477,685	\$ 552,275	\$ 628,138	\$ 704,965	\$ 782,765	\$ 861,548	\$ 940,324	
<b>Capture for Reimbursement to Developer</b>																
Unreimbursed Eligible Expenses		\$ 11,585	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Capture for LSRRLF</b>																
Unreimbursed Eligible Expenses		\$ 498,079	\$ 445,263	\$ 380,334	\$ 313,858	\$ 245,809	\$ 176,163	\$ 104,895	\$ 31,978	\$ (42,611)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest, 3% Simple Interest			\$ 14,942	\$ 13,358	\$ 11,410	\$ 9,416	\$ 7,374	\$ 5,285	\$ 3,147	\$ 959						\$ 65,891
Interest Running Total				\$ 28,300	\$ 39,710	\$ 49,126	\$ 56,500	\$ 61,785	\$ 64,932	\$ 65,891	\$ 23,280	\$ -	\$ -	\$ -	\$ -	
Reimbursed Interest to LSRRLF										\$ 42,611	\$ 23,280	\$ -	\$ -	\$ -	\$ -	\$ 65,891
<b>TBRA LSRRLF Fund Capture</b>																
Local Tax Capture		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 52,584	\$ 76,827	\$ 77,800	\$ 78,783	\$ 78,776	\$ 364,769

\*Administrative fee is 1% of the unreimbursed LSRRLF expenses

1 Year: Developer Reimbursement Complete

9 Years: LSRRLF Interest Capture Complete

8 Years: LSRRLF Reimbursement Complete

Description of Eligible Activities (see Table 1)	Estimated Costs
1. Environmental Assessment Activities	\$ 10,085
2. BRA Application Fee	\$ 1,500
3. Due Care Activities	\$ 13,004
4. Demolition	\$ 479,095
5. Preparation of Brownfield Plan	\$ 5,980
<b>Total</b>	<b>\$ 509,664</b>

Total Activities to be Captured by TIF	Estimated Costs
Developer Reimbursement	\$ 11,585
Local Site Remediation Revolving Loan Fund Reimbursement	\$ 498,079
LSRRLF 3% Interest Capture	\$ 65,891
5 Years capture to build LSRRLF	\$ 364,769
TBRA Administrative Fee	\$ 21,964
<b>Total</b>	<b>\$ 962,288</b>

# Appendix E





## Testing Engineers & Consultants, Inc.

1343 Rochester Road • PO Box 249 • Troy, Michigan 48099-0249  
(248) 588-6200 or (313) T-E-S-T-I-N-G • Fax (248) 588-6232  
www.testingengineers.com

TEC Report Number: 53362-01  
Date Issued: April 19, 2013

Mr. Mark Perkoski  
Maple & Livernois, LLC  
31500 Northwestern Highway  
Suite 100  
Farmington Hills, Michigan 48334

Telephone: (248) 785-2300  
Email: mark@gershensonrealty.com

Re: Asbestos Survey Report. Project: Former K-Mart Building located at 100 East Maple Road;  
Troy, MI 48083.

Dear Mr. Perkoski:

Enclosed please find our report of a pre-demolition asbestos survey at the above referenced location. We hope that you find this report complete and self-explanatory.

We are pleased to provide this service. Should you have any questions regarding this report or require additional information, please contact this office at your convenience.

Respectfully Yours,  
**TESTING ENGINEERS & CONSULTANTS, INC.**

Scott M. Chandler, CIH, LEED AP  
Manager  
Industrial Hygiene Services

Jennifer M. Pendley  
Assistant Manager  
Industrial Hygiene Services

SC/rfm  
Enclosure

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All services undertaken are subject to the following policy. Reports are submitted for exclusive use of the clients to whom they are addressed. Their significance is subject to the adequacy and representative character of the samples and the comprehensiveness of the tests, examinations and surveys made. No quotation from reports or use of TEC's name is permitted except as expressly authorized by TEC in writing.

CONSULTING ENGINEERS & FULL-SERVICE PROFESSIONAL TESTING AND INSPECTION  
OFFICES IN ANN ARBOR, DETROIT, AND TROY  
FOUNDED IN 1966

**Testing Engineers & Consultants, Inc.**

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Appendices:

A	Definitions of Terms and Assessment Criteria
B	Bulk Sampling Protocol and Analytical Methods
C	Summary of Regulatory Requirements
D	Photographs

**Testing Engineers & Consultants, Inc.**

Maple and Livernois, LLC

Mr. Mark Perkoski

April 19, 2013

TEC Report Number: 53362-01

**Executive Summary**

Testing Engineers & Consultants, Inc. (TEC) was retained by Maple & Livernois, LLC to perform a National Emission Standard for Hazardous Air Pollutants (NESHAP) style asbestos survey of the former K-Mart building located at 100 East Maple Road; Troy, MI 48083. A vacant, one story commercial building (former K-Mart) is located on the site.

The following known or assumed asbestos-containing materials were identified in the survey area:

<b>HM #</b>	<b>Homogeneous Material Description</b>	<b>F/NF</b>	<b>SM/TSI/MM</b>
15	Mastic on HM# 14	NF	MM
16	9" x 9" Gray Floor Tile	NF	MM
17	Mastic on HM# 16	NF	MM
18	Mudded Pipe Fittings on Fiberglass Straight Pipe	F	TSI
20	12" x 12" Gray w/ Gray Streak Floor Tile	NF	MM
21	Mastic on HM# 20	NF	MM
23	Mastic on HM# 22	NF	MM
26	Mastic on HM# 25	NF	MM
27	Original Drywall and Joint Compound	NF	MM
29	Roof Drain Conductor Insulation	F	TSI
36	Mastic on HM# 35	NF	MM
41	Tagged Fire Door	NF	MM
44	Woven HVAC Expansion Fabric	NF	MM
45	Black and Yellow Carpet Adhesive	NF	MM
47	Interior Boiler Insulation	F	TSI
48	Boiler Flue Exhaust Insulation	F	TSI

HM # Homogeneous Material Number  
F/NF Friable or Non-Friable  
SM Surfacing Material  
TSI Thermal Systems Insulation  
MM Miscellaneous Material

**Testing Engineers & Consultants, Inc.**

Maple and Livernois, LLC

Mr. Mark Perkoski

April 19, 2013

TEC Report Number: 53362-01

**Section 1 Introduction**

This report is based on requirements of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for renovation and/or demolition projects. NESHAP requires that building owners conduct surveys for asbestos-containing materials (ACM) in buildings that are to be renovated or demolished. The Environmental Protection Agency defines an asbestos-containing material as one which contains greater than one percent asbestos, using standardized analytical methods (polarized light microscopy). Building materials containing greater than one percent asbestos are referred to as asbestos-containing building materials (ACBM).

This survey addresses friable and non-friable suspect asbestos-containing building materials to meet NESHAP requirements for renovation and/or demolition activities. Friable materials are those that can be crumbled, pulverized or reduced to powder by hand pressure when dry. This includes products such as spray-applied fireproofing on structural steel members, spray-applied acoustical ceiling materials, and thermal systems insulation. Because friable materials are more likely to release asbestos fibers into the air when disturbed than non-friable materials, they are considered a greater health concern.

All other materials such as floor tile, adhesives, plaster, stucco, and sheet rock mudding compounds are considered non-friable materials. Non-friable materials can become friable through various mechanical means such as crushing, sanding, sawing, and shot-blasting or by natural means such as weathering.

On April 11 and 12, 2013, Richard Michalski (A25681) s State of Michigan accredited Building Inspector from TEC, performed an asbestos survey of the building in accordance with NESHAP and project requirements.

All identified suspect asbestos-containing materials are summarized in Section 2.1. Information regarding all suspect materials including locations, recommended response actions and quantities are described in Section 2.2 through 2.4.

**DISCLAIMER**

This report was prepared for the express use and benefit of Maple and Livernois, LLC, its agents and employees. The information in this report or portions thereof may be required to be included in notifications to residents, employees, contractors, regulators or other visitors to the building. This report is not intended to be used by the owner or its agents as a specification or work plan for any of the work suggested or recommended herein.

This report is based upon conditions observed at the property and information made available to the surveyor. This report does not intend to identify all hazards nor indicate that other hazards or unsafe practices do not exist at the premises.

**Testing Engineers & Consultants, Inc.**

Maple and Livernois, LLC

Mr. Mark Perkoski

April 19, 2013

TEC Report Number: 53362-01

TEC made their best effort to determine the location of inaccessible ACBM. TEC shall not be responsible for identifying all ACBM located behind walls and/or columns, beneath flooring, above solid ceilings, underground or any other inaccessible areas.

Polarized light microscopy (PLM) is not consistently reliable in detecting asbestos in a small percentage of samples that contain asbestos. Certain flooring materials (floor tile, linoleum) may contain very small asbestos fibers that are not visible by PLM. The fibers may also be bound or obscured by the organic matrix of the material. Thus, negative PLM results are not guaranteed by the laboratory. TEC recommends that any samples reported as <1% or below limit of detection should be further tested by transmission electron microscopy (TEM) to positively determine if the material is an ACM.

Standard PLM also is not consistently reliable in detecting asbestos in vermiculite insulation due to its heterogeneous nature. TEC recommends that any vermiculite insulation samples reported as below limit of detection should be further tested for asbestos using the California Air Resources Board Method 435, which includes a fine milling of the sample to create a homogeneous mixture.

**Testing Engineers & Consultants, Inc.**

Maple and Livernois, LLC

Mr. Mark Perkoski

April 19, 2013

TEC Report Number: 53362-01

**Section 2 Summary of Findings for Suspect Materials**

Section 2 consists of several tables summarizing the findings of the building survey performed by TEC. Descriptions of each table are found below.

Section 2.1 consists of a table of all suspect building materials identified by the building inspector in the survey area. The materials are listed by Homogeneous Material Number (HM#). Each suspect material is assigned a unique HM#. The table also describes the material type (surfacing material, thermal systems insulation or miscellaneous material), its friability and whether it is an ACM.

Section 2.2 is a table summarizing our recommendations for each ACM or assumed ACM identified in the survey area. **Please note that the recommendations provided are based upon the condition of the ACM identified at the time of the inspection as well as our understanding of the scope of work.**

The table in Section 2.3 describes suspect ACM found in each Functional Space Number (FS#) identified in the survey area. For survey purposes, a building is divided into smaller units called Functional Spaces. A Functional Space is defined as a room, group of rooms, or other spatially distinct building unit as designated by an accredited asbestos building inspector. Each Functional Space is assigned a number and a description is provided. During the survey, the building inspector identifies the suspect ACM that are present in the functional space or that may be impacted during renovation work, in the case of limited surveys. **All materials listed in this section were determined to be in good condition except where noted in the table.**

Section 2.4 is organized by Homogeneous Material Number (HM#) and depicts which Functional Spaces contain them. Other information, such as quantities, ACM designation, friability and material category are also included in this table.

See Appendix A for definitions of terms used in the tables throughout Section 2.

## Section 2.1

### Homogenous Material Listing

<i>HM#</i>	<i>Homogeneous Material Description</i>	<i>ACM?</i>	<i>F/NF</i>	<i>SM/TSI/MM</i>
1	Drywall and Joint Compound	No	NF	MM
2	4" Covebase Adhesive	No	NF	MM
3	Round Fiberglass HVAC Duct	Non-suspect		
4	Gray Window Caulk	No	NF	MM
5	12" x 12" White w/Tan Speck Floor Tile	No	NF	MM
6	Adhesive on HM# 5	No	NF	MM
7	2' x 4' Gypsum Suspended Ceiling Tile	No	F	MM
8	2' x 4' Gray Suspended Ceiling Tile	No	F	MM
9	12" x 12" Off-white w/ Blue Streak Floor Tile	No	NF	MM
10	Adhesive on HM# 9	No	NF	MM
11	Fiberglass Straight Pipe and Fitting Insulation	Non-suspect		
11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation	Non-suspect		
12	Metal-Jacketed Door Insulation	No	F	MM
13	2' x 4' White Bumby Suspended Ceiling Tile	No	F	MM
14	12" x 12" Cream Busy Floor Tile	No	NF	MM
15	<b>Mastic on HM# 14</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
16	<b>9" x 9" Gray Floor Tile</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
17	<b>Mastic on HM# 16</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>	<b>Yes</b>	<b>F</b>	<b>TSI</b>
19	Joint Compound on Plywood	No	NF	MM
20	<b>12" x 12" Gray w/ Gray Streak Floor Tile</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
21	<b>Mastic on HM# 20</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
22	12" x 12" Pink Busy Floor Tile	No	NF	MM
23	<b>Mastic on HM# 22</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
24	Green Linoleum with Burlap Backing	No	NF	MM
25	12" x 12" Dark Gray Floor Tile	No	NF	MM
26	<b>Mastic on HM# 25</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
27	<b>Original Drywall and Joint Compound</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
28	2' x 4' Pinhole Suspended Ceiling Tile	No	F	MM
29	<b>Roof Drain Conductor Insulation</b>	<b>Yes</b>	<b>F</b>	<b>TSI</b>
30	Coating on Fiberglass Ceiling Panel	No	F	SM
31	12" x 12" Red Brick "Sticky-back" Floor Tile	No	NF	MM
32	1' x 1' Randon Hole Glued-on Ceiling Tile	No	F	MM
33	Glue Pod on HM# 32	No	NF	MM
34	Wallboard	No	NF	MM
35	12" x 12" Cream Floor Tile	No	NF	MM
36	<b>Mastic on HM# 35</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
37	1' x 1' Randon Pin Hole Glued-on Ceiling Tile	No	F	MM
38	Glue Pod on HM# 37	No	NF	MM
39	Fiberglass Straight Pipe w/ Tar Layer	No	F	TSI
40	Popcorn Texturing Material	No	F	SM
41	<b>Tagged Fire Door</b>	<b>Yes (Assumed)</b>	<b>NF</b>	<b>MM</b>
42	12" x 12" Multi-colored "Sticky-Back" Floor Tile	No	NF	MM
43	Square Fiberglass HVAC Duct Insulation	Non-suspect		
44	<b>Woven HVAC Expansion Fabric</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
45	<b>Black and Yellow Carpet Adhesive</b>	<b>Yes</b>	<b>NF</b>	<b>MM</b>
46	Yellow Carpet Adhesive	No	NF	MM
47	<b>Interior Boiler Insulation</b>	<b>Yes (Assumed)</b>	<b>F</b>	<b>TSI</b>
48	<b>Boiler Flue Exhaust Insulation</b>	<b>Yes</b>	<b>F</b>	<b>TSI</b>
49	White Sink Undercoating	No	NF	MM

<i>HM#</i>	<i>Homogeneous Material Description</i>	<i>ACM?</i>	<i>F/NF</i>	<i>SM/TSI/MM</i>
50	Asphalt and Gravel Roofing Material	No	NF	MM
51	Rubber Membrane Roofing Material	No	NF	MM
52	Exterior Door Frame Caulk	No	NF	MM

## Section 2.2

### Recommendations for ACM

<i>HM#</i>	<i>Homogeneous Material Description</i>	<i>Amount</i> <i>Units</i>	<i>EPA Category</i>	<i>Recommendation</i>
15	Mastic on HM# 14	75,500 SF	Category I Non-Friable ACM	Remove Prior to Demolition
16	9" x 9" Gray Floor Tile	575 SF	Category I Non-Friable ACM	Remove Prior to Demolition
17	Mastic on HM# 16	575 SF	Category I Non-Friable ACM	Remove Prior to Demolition
18	Mudded Pipe Fittings on Fiberglass Straight Pipe	285 SF	Friable ACM	Remove Prior to Demolition
20	12" x 12" Gray w/ Gray Streak Floor Tile	800 SF	Category I Non-Friable ACM	Remove Prior to Demolition
21	Mastic on HM# 20	800 SF	Category I Non-Friable ACM	Remove Prior to Demolition
23	Mastic on HM# 22	1,800 SF	Category I Non-Friable ACM	Remove Prior to Demolition
26	Mastic on HM# 25	850 SF	Category I Non-Friable ACM	Remove Prior to Demolition
27	Original Drywall and Joint Compound	4,500 SF	Category II Non-Friable ACM	Remove Prior to Demolition
29	Roof Drain Conductor Insulation	32 EA	Friable ACM	Remove Prior to Demolition
36	Mastic on HM# 35	175 SF	Category I Non-Friable ACM	Remove Prior to Demolition
41	Tagged Fire Door	1 EA	Category II Non-Friable ACM	Remove Prior to Demolition
44	Woven HVAC Expansion Fabric	45 SF	Friable ACM	Remove Prior to Demolition
45	Black and Yellow Carpet Adhesive	150 SF	Category I Non-Friable ACM	Remove Prior to Demolition
47	Interior Boiler Insulation	200 SF	Friable ACM	Remove Prior to Demolition
48	Boiler Flue Exhaust Insulation	150 SF	Friable ACM	Remove Prior to Demolition

## Footnotes:

1. For asbestos-containing materials which are currently in good condition and are to remain in place during demolition, they must remain non-friable during all phases of demolition when using allowable demolition techniques (bulldozers, implosion, wrecking balls, cranes or hydraulic excavators). No visible emissions allowed during any stage of demolition. Demolition debris containing Category I and II non-friable ACM does not require disposal at a facility licensed to accept asbestos waste.
2. If all ACM are removed prior to demolition, the remainder of the demolition debris may be either recycled (if appropriate) or disposed as general construction debris at a facility licensed to accept this waste.
3. Asbestos-containing materials removed in a non-friable manner and which remain non-friable during handling, transporting and disposal, can be disposed as general construction debris at a facility licensed to accept this waste. Contact disposal facility and inquire about the policies regarding acceptance of Category I and II non-friable ACM.

## Section 2.3

List by Functional Space

FS#	FS Description	Floor	FS Notes	HM#	Homogeneous Material Description	HM Notes	Amount	Units	ACM?
1	Entrance	1		1	Drywall and Joint Compound		725	SF	No
1	Entrance	1		2	4" Covebase Adhesive		10	LF	No
1	Entrance	1		3	Round Fiberglass HVAC Duct		NA		Non-suspect
1	Entrance	1		4	Gray Window Caulk		2	SF	No
1	Entrance	1		5	12" x 12" White w/Tan Speck Floor Tile		350	SF	No
1	Entrance	1		6	Adhesive on HM# 5		350	SF	No
2	Food Service Area	1		1	Drywall and Joint Compound		825	SF	No
2	Food Service Area	1		2	4" Covebase Adhesive		60	LF	No
2	Food Service Area	1		3	Round Fiberglass HVAC Duct		NA		Non-suspect
2	Food Service Area	1		7	2' x 4' Gypsum Suspended Ceiling Tile		375	SF	No
2	Food Service Area	1		8	2' x 4' Gray Suspended Ceiling Tile		475	SF	No
2	Food Service Area	1		9	12" x 12" Off-white w/ Blue Streak Floor Tile		675	SF	No
2	Food Service Area	1		10	Adhesive on HM# 9		675	SF	No
2	Food Service Area	1		11	Fiberglass Straight Pipe and Fitting Insulation		NA		Non-suspect
3	Retail Area	1		1	Drywall and Joint Compound	Dressing Rooms and Sales	3,750	SF	No
3	Retail Area	1		2	4" Covebase Adhesive	Displays	135	LF	No
3	Retail Area	1		3	Round Fiberglass HVAC Duct		NA		No
3	Retail Area	1	Includes Pharmacy	12	Metal-Jacketed Door Insulation		1	EA	No
3	Retail Area	1		13	2' x 4' White Bumby Suspended Ceiling Tile	Replacement tiles	675	SF	No
3	Retail Area	1		14	12" x 12" Cream Busy Floor Tile		75,500	SF	No
3	Retail Area	1		15	Mastic on HM# 14		75,500	SF	Yes
						Material found under wall material at the perimeter of north and south side and small office			
3	Retail Area	1		16	9" x 9" Gray Floor Tile		400	SF	Yes
3	Retail Area	1		17	Mastic on HM# 16		400	SF	Yes
3	Retail Area	1		18	Mudded Pipe Fittings on Fiberglass Straight Pipe		52	EA	Yes
3	Retail Area	1		19	Joint Compound on Plywood		325	SF	No
3	Retail Area	1		20	12" x 12" Gray w/ Gray Streak Floor Tile		800	SF	Yes
3	Retail Area	1		21	Mastic on HM# 20		800	SF	Yes
3	Retail Area	1		22	12" x 12" Pink Busy Floor Tile		1,800	SF	No
3	Retail Area	1		23	Mastic on HM# 22		1,800	SF	Yes
3	Retail Area	1		24	Green Linoleum with Burlap Backing		400	SF	No
3	Retail Area	1		25	12" x 12" Dark Gray Floor Tile		775	SF	No
3	Retail Area	1		26	Mastic on HM# 25		775	SF	Yes
						Exterior walls and various areas above SCT			
3	Retail Area	1		27	Original Drywall and Joint Compound		4,500	SF	Yes
3	Retail Area	1		28	2' x 4' Pinhole Suspended Ceiling Tile		125	SF	No
3	Retail Area	1		29	Roof Drain Conductor Insulation		15	EA	Yes
3	Retail Area	1		31	12" x 12" Red Brick "Sticky-back" Floor Tile	Small Office area	45	SF	No
4	Garden Department	1		1	Drywall and Joint Compound		1,875	SF	No
4	Garden Department	1		2	4" Covebase Adhesive		42	LF	No
4	Garden Department	1		11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		NA		Non-suspect
5	Automotive Service Area	1	Includes Restroom	1	Drywall and Joint Compound		55	SF	No
5	Automotive Service Area	1		2	4" Covebase Adhesive	Restroom	18	LF	No
5	Automotive Service Area	1		4	Gray Window Caulk		2	SF	No
5	Automotive Service Area	1		12	Metal-Jacketed Door Insulation	Restroom	1	EA	No
5	Automotive Service Area	1		18	Mudded Pipe Fittings on Fiberglass Straight Pipe		10	EA	Yes
5	Automotive Service Area	1		30	Coating on Fiberglass Ceiling Panel		2,400	SF	No

SH	FS Description	Floor	FS Notes	HM#	Homogeneous Material Description	HM Notes	Amount	Units	ACM?
5	Automotive Service Area	1		40	Popcorn Texturing Material	On Straight Pipe Insul	135	SF	No
5	Automotive Service Storage Room	1		12	Metal-Jacketed Door Insulation		1	EA	No
5	<b>Automotive Service Storage Room</b>	1		18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>		24	EA	Yes
7	Intermediate Hallway/Security Area	1		1	Drywall and Joint Compound		450	SF	No
7	Intermediate Hallway/Security Area	1		2	4" Covebase Adhesive		45	LF	No
7	Intermediate Hallway/Security Area	1		12	Metal-Jacketed Door Insulation	Food Storage Room	1	EA	No
7	Intermediate Hallway/Security Area	1		14	12" x 12" Cream Busy Floor Tile	Material located in Storage room and each entrance	225	SF	No
7	Intermediate Hallway/Security Area	1		15	Mastic on HM# 14		225	SF	Yes
7	Intermediate Hallway/Security Area	1		16	9" x 9" Gray Floor Tile	Material located on far west side	160	SF	Yes
7	Intermediate Hallway/Security Area	1		17	Mastic on HM# 16	Material located on far west side	160	SF	Yes
7	Intermediate Hallway/Security Area	1		20	12" x 12" Gray w/ Gray Streak Floor Tile	Food Storage Room	160	SF	Yes
7	Intermediate Hallway/Security Area	1		21	Mastic on HM# 20	Food Storage Room	160	SF	Yes
7	Intermediate Hallway/Security Area	1		32	1' x 1' Randon Hole Glued-on Ceiling Tile	Hallway at each Entrance	175	SF	No
7	Intermediate Hallway/Security Area	1		33	Glue Pod on HM# 32	Hallway	175	SF	No
7	Intermediate Hallway/Security Area	1		34	Wallboard	Hallway	175	SF	No
7	Intermediate Hallway/Security Area	1		35	12" x 12" Cream Floor Tile	Food Storage Room	140	SF	No
7	Intermediate Hallway/Security Area	1		36	Mastic on HM# 35	Food Storage Room	140	SF	Yes
7	Intermediate Hallway/Security Area	1		37	1' x 1' Randon Pin Hole Glued-on Ceiling Tile	Food Storage Room	140	SF	No
7	Intermediate Hallway/Security Area	1		38	Glue Pod on HM# 37	Food Storage Room	140	SF	No
8	Intermediate Hallway/Security Room	2		11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		NA		Non-suspect
8	Intermediate Hallway/Security Room	2		43	Square Fiberglass HVAC Duct Insulation		NA		Non-suspect
9	Rear Storage Area	1		1	Drywall and Joint Compound	Receiving Office	80	SF	No
9	Rear Storage Area	1		18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>	Receiving area	6	EA	Yes
9	Rear Storage Area	1		29	<b>Roof Drain Conductor Insulation</b>	Receiving area	1	EA	Yes
9	Rear Storage Area	1	Area divided by concrete block wall	34	Wallboard		375	SF	No
9	Rear Storage Area	1	Includes Receiving Offices	39	Fiberglass Straight Pipe w/ Tar Layer	South side	225	LF	No
9	Rear Storage Area	1		41	Tagged Fire Door	Receiving Office	1	EA	Yes (Assumed)
9	Rear Storage Area	1		42	12" x 12" Multi-colored "Sticky-Back" Floor Tile		35	SF	No
10	Rear Storage Area	2	Area divided by concrete block wall	18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>		69	EA	Yes
10	Rear Storage Area	2		29	<b>Roof Drain Conductor Insulation</b>		3	EA	Yes
10	Rear Storage Area	2		34	Wallboard		175	SF	No
11	Storage Room	1		2	4" Covebase Adhesive		25	LF	No
11	Storage Room	1		12	Metal-Jacketed Door Insulation		1	EA	No
11	Storage Room	1		14	12" x 12" Cream Busy Floor Tile		145	SF	No
11	Storage Room	1		15	Mastic on HM# 14		145	SF	Yes
11	Storage Room	1		18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>		3	EA	Yes
12	Fan and Compressor Room	1		1	Drywall and Joint Compound		45	SF	No
12	Fan and Compressor Room	1		12	Metal-Jacketed Door Insulation		3	EA	No
12	Fan and Compressor Room	1		18	<b>Mudded Pipe Fittings on Fiberglass Straight Pipe</b>		35	EA	Yes
12	Fan and Compressor Room	1		29	<b>Roof Drain Conductor Insulation</b>		1	EA	Yes
12	Fan and Compressor Room	1		44	<b>Woven HVAC Expansion Fabric</b>	on 1 unit	15	SF	Yes
13	Office Area	1		1	Drywall and Joint Compound		575	SF	No
13	Office Area	1		2	4" Covebase Adhesive		135	LF	No
13	Office Area	1		12	Metal-Jacketed Door Insulation		2	EA	No
13	Office Area	1		13	2' x 4' White Bumby Suspended Ceiling Tile		450	SF	No
13	Office Area	1		14	12" x 12" Cream Busy Floor Tile		325	SF	No
13	Office Area	1		15	Mastic on HM# 14		325	SF	Yes

#	FS Description	Floor	FS Notes	HM#	Homogeneous Material Description	HM Notes	Amount	Units	ACM?
1	Office Area	1		32	1' x 1' Randon Hole Glued-on Ceiling Tile	Above SCT	825	SF	No
1	Office Area	1		33	Glue Pod on HM# 32		825	SF	No
3	Office Area	1		45	Black and Yellow Carpet Adhesive	Front and Back Office	150	SF	Yes
3	Office Area	1		46	Yellow Carpet Adhesive		175	SF	No
1	Boiler Room	1		11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		NA		Non-suspect
1	Boiler Room	1		12	Metal-Jacketed Door Insulation		1	EA	No
4	Boiler Room	1		18	Mudded Pipe Fittings on Fiberglass Straight Pipe		60	EA	Yes
4	Boiler Room	1		47	Interior Boiler Insulation		200	SF	Yes (Assumed)
4	Boiler Room	1		48	Boiler Flue Exhaust Insulation	Mag Material	125	SF	Yes
5	Restroom Area	1		1	Drywall and Joint Compound		1,250	SF	No
5	Restroom Area	1		2	4" Covebase Adhesive		65	LF	No
5	Restroom Area	1		3	Round Fiberglass HVAC Duct		NA		Non-suspect
5	Restroom Area	1		11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		NA		Non-suspect
5	Restroom Area	1		12	Metal-Jacketed Door Insulation		5	EA	No
5	Restroom Area	1		13	2' x 4' White Bumby Suspended Ceiling Tile		175	SF	No
5	Restroom Area	1		14	12" x 12" Cream Busy Floor Tile		375	SF	No
5	Restroom Area	1		15	Mastic on HM# 14		375	SF	Yes
5	Restroom Area	1		18	Mudded Pipe Fittings on Fiberglass Straight Pipe		4	EA	Yes
5	Restroom Area	1		29	Roof Drain Conductor Insulation		2	EA	Yes
5	Restroom Area	1		49	White Sink Undercoating	1 sink	4	SF	No
6	Electrical Panel Room	1		11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		NA		Non-suspect
7	Exterior	E		50	Asphalt and Gravel Roofing Material		60,000	SF	No
7	Exterior	E		51	Rubber Membrane Roofing Material		20,000	SF	No
7	Exterior	E		52	Exterior Door Frame Caulk		6	SF	No

## Section 2.4

List by Homogenous Material

M#	Homogeneous Material Description	HM Notes	FS#	FS Description	Floor	FS Notes	Amount	Units	ACM?	F/NF	SM/TSI/MM
1	Drywall and Joint Compound		1	Entrance	1		725 SF		No	NF	MM
2	4" Covebase Adhesive		1	Entrance	1		10 LF		No	NF	MM
3	Round Fiberglass HVAC Duct		1	Entrance	1		NA		Non-suspect		
4	Gray Window Caulk		1	Entrance	1		2 SF		No	NF	MM
5	12" x 12" White w/Tan Speck Floor Tile		1	Entrance	1		350 SF		No	NF	MM
6	Adhesive on HM# 5		1	Entrance	1		350 SF		No	NF	MM
1	Drywall and Joint Compound		2	Food Service Area	1		825 SF		No	NF	MM
2	4" Covebase Adhesive		2	Food Service Area	1		60 LF		No	NF	MM
3	Round Fiberglass HVAC Duct		2	Food Service Area	1		NA		Non-suspect		
7	2' x 4' Gypsum Suspended Ceiling Tile		2	Food Service Area	1		375 SF		No	F	MM
8	2' x 4' Gray Suspended Ceiling Tile		2	Food Service Area	1		475 SF		No	F	MM
9	12" x 12" Off-white w/ Blue Streak Floor Tile		2	Food Service Area	1		675 SF		No	NF	MM
10	Adhesive on HM# 9		2	Food Service Area	1		675 SF		No	NF	MM
11	Fiberglass Straight Pipe and Fitting Insulation		2	Food Service Area	1		NA		Non-suspect	F	TSI
1	Drywall and Joint Compound	Dressing Rooms and Sales Displays	3	Retail Area	1		3,750 SF		No	NF	MM
2	4" Covebase Adhesive		3	Retail Area	1		135 LF		No	NF	MM
3	Round Fiberglass HVAC Duct		3	Retail Area	1		NA		Non-suspect		
12	Metal-Jacketed Door Insulation		3	Retail Area	1	Includes Pharmacy	1 EA		No	F	MM
13	2' x 4' White Bumby Suspended Ceiling Tile	Replacement tiles	3	Retail Area	1		675 SF		No	F	MM
14	12" x 12" Cream Busy Floor Tile		3	Retail Area	1		75,500 SF		No	NF	MM
15	Mastic on HM# 14		3	Retail Area	1		75,500 SF		Yes	NF	MM
		Material found under wall material at the perimeter of north and south side and small office									
16	9" x 9" Gray Floor Tile		3	Retail Area	1		400 SF		Yes	NF	MM
17	Mastic on HM# 16		3	Retail Area	1		400 SF		Yes	NF	MM
18	Mudded Pipe Fittings on Fiberglass Straight Pipe		3	Retail Area	1		52 EA		Yes	F	TSI
19	Joint Compound on Plywood		3	Retail Area	1		325 SF		No	NF	MM
20	12" x 12" Gray w/ Gray Streak Floor Tile		3	Retail Area	1		800 SF		Yes	NF	MM
21	Mastic on HM# 20		3	Retail Area	1		800 SF		Yes	NF	MM
22	12" x 12" Pink Busy Floor Tile		3	Retail Area	1		1,800 SF		No	NF	MM
23	Mastic on HM# 22		3	Retail Area	1		1,800 SF		Yes	NF	MM
24	Green Linoleum with Burlap Backing		3	Retail Area	1		400 SF		No	NF	MM
25	12" x 12" Dark Gray Floor Tile		3	Retail Area	1		775 SF		No	NF	MM
26	Mastic on HM# 25		3	Retail Area	1		775 SF		Yes	NF	MM
27	Original Drywall and Joint Compound	Exterior walls	3	Retail Area	1		4,500 SF		Yes	NF	MM
28	2' x 4' Pinhole Suspended Ceiling Tile		3	Retail Area	1		125 SF		No	F	MM
29	Roof Drain Conductor Insulation		3	Retail Area	1		15 EA		Yes	F	TSI
31	12" x 12" Red Brick "Sticky-back" Floor Tile	Small Office area	3	Retail Area	1		45 SF		No	NF	MM
1	Drywall and Joint Compound		4	Garden Department	1		1,875 SF		No	NF	MM
2	4" Covebase Adhesive		4	Garden Department	1		42 LF		No	NF	MM
11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		4	Garden Department	1		NA		Non-suspect		
1	Drywall and Joint Compound		5	Automotive Service Area	1	Includes Restroom	55 SF		No	NF	MM
2	4" Covebase Adhesive	Restroom	5	Automotive Service Area	1		18 LF		No	NF	MM
12	Metal-Jacketed Door Insulation	Restroom	5	Automotive Service Area	1		1 EA		No	F	MM
4	Gray Window Caulk		5	Automotive Service Area	1		2 SF		No	NF	MM
18	Mudded Pipe Fittings on Fiberglass Straight Pipe		5	Automotive Service Area	1		10 EA		Yes	F	TSI
30	Coating on Fiberglass Ceiling Panel		5	Automotive Service Area	1		2,400 SF		No	F	SM
40	Popcorn Texturing Material	On Straight Pipe Insulation	5	Automotive Service Area	1		135 SF		No	F	SM
12	Metal-Jacketed Door Insulation		6	Automotive Service Storage Room	1		1 EA		No	F	MM
18	Mudded Pipe Fittings on Fiberglass Straight Pipe		6	Automotive Service Storage Room	1		24 EA		Yes	F	TSI
1	Drywall and Joint Compound		7	Intermediate Hallway/Security Area	1		450 SF		No	NF	MM
2	4" Covebase Adhesive		7	Intermediate Hallway/Security Area	1		45 LF		No	NF	MM
12	Metal-Jacketed Door Insulation	Food Storage Room	7	Intermediate Hallway/Security Area	1		1 EA		No	F	MM

Homogeneous Material Description	HM Notes	FS#	FS Description	Floor	FS Notes	Amount	Units	ACM?	F/NF	SM/TS/MM
12" x 12" Cream Busy Floor Tile	Material located in Storage room and each entrance	7	Intermediate Hallway/Security Area	1		225 SF		No	NF	MM
Mastic on HM# 14		7	Intermediate Hallway/Security Area	1		225 SF		Yes	NF	MM
9" x 9" Gray Floor Tile	Material located on far west side	7	Intermediate Hallway/Security Area	1		160 SF		Yes	NF	MM
Mastic on HM# 16	Material located on far west side	7	Intermediate Hallway/Security Area	1		160 SF		Yes	NF	MM
1' x 1' Randon Hole Glued-on Ceiling Tile	Hallway at each Entrance	7	Intermediate Hallway/Security Area	1		175 SF		No	F	MM
Glue Pod on HM# 32	Hallway	7	Intermediate Hallway/Security Area	1		175 SF		No	NF	MM
Wallboard	Hallway	7	Intermediate Hallway/Security Area	1		175 SF		No	NF	MM
12" x 12" Gray w/ Gray Streak Floor Tile	Food Storage Room	7	Intermediate Hallway/Security Area	1		160 SF		Yes	NF	MM
Mastic on HM# 20	Food Storage Room	7	Intermediate Hallway/Security Area	1		160 SF		Yes	NF	MM
12" x 12" Cream Floor Tile	Food Storage Room	7	Intermediate Hallway/Security Area	1		140 SF		No	NF	MM
Mastic on HM# 35	Food Storage Room	7	Intermediate Hallway/Security Area	1		140 SF		Yes	NF	MM
1' x 1' Randon Pin Hole Glued-on Ceiling Tile	Food Storage Room	7	Intermediate Hallway/Security Area	1		140 SF		No	F	MM
Glue Pod on HM# 37	Food Storage Room	7	Intermediate Hallway/Security Area	1		140 SF		No	NF	MM
Fiberglass Straight Pipe and Fiberglass Fitting Insulation		8	Intermediate Hallway/Security Room	2		NA		Non-suspect		
Square Fiberglass HVAC Duct Insulation		8	Intermediate Hallway/Security Room	2		NA		Non-suspect		
Drywall and Joint Compound	Receiving Office	9	Rear Storage Area	1		80 SF		No	NF	MM
Mudded Pipe Fittings on Fiberglass Straight Pipe	Receiving area	9	Rear Storage Area	1		6 EA		Yes	F	TSI
Roof Drain Conductor Insulation	Receiving area	9	Rear Storage Area	1		1 EA		Yes	F	TSI
Wallboard		9	Rear Storage Area	1	Area divided by concrete block wall	375 SF		No	NF	MM
Fiberglass Straight Pipe w/ Tar Layer	South side	9	Rear Storage Area	1	Includes Receiving Offices	225 LF		No	F	TSI
Tagged Fire Door	Receiving Office	9	Rear Storage Area	1		1 EA		Yes (Assumed)	NF	MM
12" x 12" Multi-colored "Sticky-Back" Floor Tile		9	Rear Storage Area	1		35 SF		No	NF	MM
Mudded Pipe Fittings on Fiberglass Straight Pipe		10	Rear Storage Area	2	Area divided by concrete block wall	69 EA		Yes	F	TSI
Roof Drain Conductor Insulation		10	Rear Storage Area	2		3 EA		Yes	F	TSI
Wallboard		10	Rear Storage Area	2		175 SF		No	NF	MM
4" Covebase Adhesive		11	Storage Room	1		25 LF		No	NF	MM
12" x 12" Cream Busy Floor Tile		11	Storage Room	1		145 SF		No	NF	MM
Mastic on HM# 14		11	Storage Room	1		145 SF		Yes	NF	MM
Metal-Jacketed Door Insulation		11	Storage Room	1		1 EA		No	F	MM
Mudded Pipe Fittings on Fiberglass Straight Pipe		11	Storage Room	1		3 EA		Yes	F	TSI
Drywall and Joint Compound		12	Fan and Compressor Room	1		45 SF		No	NF	MM
Metal-Jacketed Door Insulation		12	Fan and Compressor Room	1		3 EA		No	F	MM
Mudded Pipe Fittings on Fiberglass Straight Pipe		12	Fan and Compressor Room	1		35 EA		Yes	F	TSI
Roof Drain Conductor Insulation		12	Fan and Compressor Room	1		1 EA		Yes	F	TSI
Woven HVAC Expansion Fabric	on 1 unit	12	Fan and Compressor Room	1		15 SF		Yes	NF	MM
Drywall and Joint Compound		13	Office Area	1		575 SF		No	NF	MM
4" Covebase Adhesive		13	Office Area	1		135 LF		No	NF	MM
Metal-Jacketed Door Insulation		13	Office Area	1		2 EA		No	F	MM
2' x 4' White Bumby Suspended Ceiling Tile		13	Office Area	1		450 SF		No	F	MM
12" x 12" Cream Busy Floor Tile		13	Office Area	1		325 SF		No	NF	MM
Mastic on HM# 14		13	Office Area	1		325 SF		Yes	NF	MM
1' x 1' Randon Hole Glued-on Ceiling Tile	Above SCT	13	Office Area	1		825 SF		No	F	MM
Glue Pod on HM# 32		13	Office Area	1		825 SF		No	NF	MM
Black and Yellow Carpet Adhesive	Front and Back Office	13	Office Area	1		150 SF		Yes	NF	MM
Yellow Carpet Adhesive		13	Office Area	1		175 SF		No	NF	MM
Fiberglass Straight Pipe and Fiberglass Fitting Insulation		14	Boiler Room	1		NA		Non-suspect		
Metal-Jacketed Door Insulation		14	Boiler Room	1		1 EA		No	F	MM
Mudded Pipe Fittings on Fiberglass Straight Pipe		14	Boiler Room	1		60 EA		Yes	F	TSI
Interior Boiler Insulation		14	Boiler Room	1		200 SF		Yes (Assumed)	F	TSI

M#	Homogeneous Material Description	HM Notes	FS#	FS Description	Floor	FS Notes	Amount	Units	ACM?	F/NF	SM/TSL/MM
8	Boiler Flue Exhaust Insulation	Mag Material	14	Boiler Room	1		125	SF	Yes	F	TSI
1	Drywall and Joint Compound		15	Restroom Area	1		1,250	SF	No	NF	MM
2	4" Covebase Adhesive		15	Restroom Area	1		65	LF	No	NF	MM
3	Round Fiberglass HVAC Duct		15	Restroom Area	1		NA		Non-suspect		
1	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		15	Restroom Area	1		NA		Non-suspect		
2	Metal-Jacketed Door Insulation		15	Restroom Area	1		5	EA	No	F	MM
3	2' x 4' White Bumby Suspended Ceiling Tile		15	Restroom Area	1		175	SF	No	F	MM
4	12" x 12" Cream Busy Floor Tile		15	Restroom Area	1		375	SF	No	NF	MM
5	Mastic on HM# 14		15	Restroom Area	1		375	SF	Yes	NF	MM
8	Mudded Pipe Fittings on Fiberglass Straight Pipe		15	Restroom Area	1		4	EA	Yes	F	TSI
9	Roof Drain Conductor Insulation		15	Restroom Area	1		2	EA	Yes	F	TSI
9	White Sink Undercoating	1 sink	15	Restroom Area	1		4	SF	No	NF	MM
11	Fiberglass Straight Pipe and Fiberglass Fitting Insulation		16	Electrical Panel Room	1		NA		Non-suspect		
50	Asphalt and Gravel Roofing Material		17	Exterior	E		60,000	SF	No	NF	MM
51	Rubber Membrane Roofing Material		17	Exterior	E		20,000	SF	No	NF	MM
52	Exterior Door Frame Caulk		17	Exterior	E		6	SF	No	NF	MM

## Section 4

### Functional Space Listing

**Maple and Livernois, LLC**  
 Former K-Mart Building  
 Functional Space Listing

<i>FS#</i>	<i>FS Description</i>	<i>Floor</i>
1	Entrance	1
2	Food Service Area	1
3	Retail Area	1
4	Garden Department	1
5	Automotive Service Area	1
6	Automotive Service Storage Room	1
7	Intermediate Hallway/Security Area	1
8	Intermediate Hallway/Security Room	2
9	Rear Storage Area	1
10	Rear Storage Area	2
11	Storage Room	1
12	Fan and Compressor Room	1
13	Office Area	1
14	Boiler Room	1
15	Restroom Area	1
16	Electrical Panel Room	1
17	Exterior	E

## Appendix A

### Definitions of Terms and Assessment Criteria

## Definitions of Terms and Assessment Criteria

This survey report organizes information on each suspect ACBM that was identified. This appendix describes how to interpret the data found in this report.

**Material description** contains the description of the suspect homogeneous asbestos-containing building material.

**Material Serial Number** is used to reference the material for reinspections, etc.

**ACM** Asbestos-Containing Materials. Materials containing greater than 1 percent (>1%) asbestos.

**ACBM** Asbestos-Containing Building Materials means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a building.

**Asbestos type and content** describes the type of asbestos and its percentage in the material.

**Asbestos Results** for positive materials are shown as a percentage. Samples having less than 1% asbestos are reported as containing "Trace" amounts of asbestos and samples with no detected asbestos are reported as "BLD" or below limit of detection.

**Sample number(s)** identifies a particular material sample obtained from a specific sample location. Sample numbers are used primarily for laboratory identification.

**Sample Location** identifies where the samples of this material were obtained.

**Material Category** categorizes each material as surfacing, TSI or miscellaneous.

*Surfacing Materials (SM)* - Asbestos-containing materials that are sprayed-on, troweled-on or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes.

*Thermal Systems Insulation (TSI)* - Asbestos-containing materials applied to pipes, fittings, boilers, breaching, tanks, ducts or other interior structural components to prevent heat loss or gain or water condensation.

*Miscellaneous Materials (MM)* - Asbestos-containing materials applied to or a part of building components that are not classified as surfacing materials or thermal systems insulation.

**Quantity & Units** reports approximate total quantity per unit of measure for each material.

**Building(s) & Floor(s)** specifies where a material is located.

**Material Location** describes where the material is found throughout the building.

**Friability** identifies the material as Friable, Non-friable or Jacketed (for thermal systems insulation only) if asbestos is present.

*Friable (F)* - An asbestos-containing material that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure, such as spray applied fireproofing on structural steel members, spray applied acoustical ceiling materials or damaged thermal systems insulation. Friable materials are of greatest concern due to their potential fiber release.

*Non-Friable (NF)* - An asbestos-containing material where the asbestos is bound tightly in a matrix or sealed by a protective layer. Non-friable materials can become friable by being rendered to a crumbled, pulverized or powdered state, when dry, by crushing, sanding, sawing, shot-blasting, severe weathering or by other mechanically induced means. Common examples of non-friable materials are adhesives, floor tiles, transite and roofing materials.

*Jacketed (J)* - An asbestos-containing material applied to thermal systems insulation and “jacketed” with a protective outer layer such as canvas or metal to keep the material in good condition. Undamaged jacketed ACBM is considered non-friable. If the jacketing is damaged, the material is considered friable.

**Damage Category** describes the type of damage, if any, to the material. The following damage categories are used: None, Physical, Air, and Water.

**Material Assessment** identifies the condition of the material in relation to physical and water damage, delamination of the material from its substrate, the extent of the damage and the potential for damage from building conditions, such as, accessibility by building occupants, influence of vibration, etc. The six standard assessment categories ranked by hazard potential, with the first being the lowest hazard are as follows: 1) Friable ACBM or TSI in Good Condition with Low Potential for Damage, 2) Friable ACBM or TSI in Good Condition with Moderate Potential for Damage 3) Friable ACBM or TSI in Good Condition with Potential for Significant Damage, 4) Damaged Friable ACBM or TSI with Low Potential for Damage, 5) Damaged Friable ACBM or TSI with Moderate Potential for Damage, 6) Damaged Friable ACBM or TSI with Potential for Significant Damage, and 7) Significantly Damaged ACBM or TSI. Only friable materials are assessed under AHERA regulations. Non-friable materials are not assessed.

### **Material Condition**

*Good* - Material with no visible damage or deterioration, or showing only very limited damage or deterioration.

*Damaged* - The damage or deterioration of the material results in inadequate cohesion or adhesion with crumbling, blistering, water stains, marring or otherwise abraded over less than one-tenth (1/10) of the surface if the damage is evenly distributed or one-fourth (1/4) if the damage is localized.

*Significant Damage* - The damage or deterioration of the material results in inadequate adhesion or cohesion and the damage is extensive and severe with one or more of the following characteristics: 1) Crumbling or blistering over at least one-tenth (1/10) of the surface if evenly distributed, one-fourth (1/4) if the damage is localized; 2) Areas of the material hanging from the surface, delaminated, or showing adhesive failure; 3) Water stains, gouges or marred.

**Recommended Response** suggests the appropriate options for controlling or maintaining ACBM in a safe manner. For non-school buildings, TEC selects between five options:

*Operations & Maintenance (O&M)* - A program of work practices to maintain friable ACBM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

*Repair* - The restoration of damaged or deteriorated asbestos-containing building materials to an intact condition. Once the intact condition is established, the material should be included in an O&M program. The material is usually only required to be removed if it is significantly damaged, prior to demolition of the building or if it will be disturbed by renovation activities.

*Abate Due to Condition* - This material is significantly damaged and is unsafe in its current condition. The access to the area should be restricted to personnel equipped with appropriate personal protection. This material should be properly removed by a licensed contractor using workers trained in the safe removal of asbestos.

*Abate Prior to Renovation* - This material should be properly removed prior to planned renovation activities by a licensed contractor using workers trained in the safe removal of asbestos. This recommendation is usually made only on survey reports prepared prior to planned renovation activities.

*Abate Prior to Demolition* - This material should be properly removed prior to planned demolition activities by a licensed contractor using workers trained in the safe removal of asbestos. This recommendation is usually made only on survey reports prepared prior to planned demolition activities.

For school buildings, AHERA provides five response actions to choose from:

*Removal* - The taking out or stripping of substantially all ACBM from damaged Area, a functional space or a homogenous area in a school building.

*Repair* - Returning damaged ACBM to an undamaged condition or to intact state so as to prevent fiber release.

*Encapsulation* - Means the treatment of ACBM with material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

*Enclosure* - An airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air.

*Operations and Maintenance* - see definition above.

**Comments & Damage Description** contains any additional information and or specific details of material damage are noted here.

**EPA Category** provides the appropriate material category as outlined in the NESHAPS regulation. The options are friable, Category I and Category II non-friable ACM.

*Friable* - Materials containing greater than 1% asbestos are always considered Regulated Asbestos-containing Materials (RACM) that require removal prior to building renovation or demolition activities that impact the material.

*Category I non-friable ACM* means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos.

*Category II non-friable ACM* means any material, excluding Category I non-friable ACM, containing more than 1 percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

*Needs Determination* - Materials that the individual designing the abatement and demolition project needs to inspect and evaluate to determine the potential for the material to become RACM and/or evaluate the asbestos content for the composite and individual layers of the material. For sheet rock with mudding compounds only, the EPA allows using the composite sample result. If the composite result by Point Counting the sample is below 1% asbestos, the material is not RACM.

## Appendix B

### Bulk Sampling Protocol and Analytical Methods

## **Bulk Sampling Protocol and Analytical Methods**

Bulk samples of suspect asbestos-containing building materials were obtained using standard industrial hygiene techniques including wetting the material to minimize fiber release.

Our sampling strategy for suspect friable surfacing materials was based on the guidelines outlined in the EPA publication *Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials*, and the procedures outlined in 40 CFR 763, Subpart E (AHERA). For non-friable suspect materials, AHERA requires the building inspector to determine the appropriate number of samples to obtain and analyze. Usually one to three samples of non-friable materials are collected.

For each homogeneous material identified by visual inspection as suspect material, random samples are obtained. A single bulk sample is randomly selected from each homogeneous material for first-round testing. If the sample is positive, the remaining samples are not analyzed; if the sample is negative, the other samples are submitted for study. Every sample must be reported negative if the material is to be considered non-asbestos-containing.

The bulk samples were delivered to an independent laboratory that participates in the bulk sample proficiency analysis program conducted by the United States Environmental Protection Agency and is accredited by the National Voluntary Laboratory Program (NVLAP). The samples were analyzed using Polarized Light Microscopy (PLM) with dispersion staining to estimate the percent of asbestos composition by volume. Samples with no observable asbestiform minerals are designated as None-Detected. Samples in which asbestiform minerals are observed, but exist in concentrations of less than one percent, are designated as present in Trace amounts; all other samples are designated as asbestos-containing with the appropriate percent of asbestos noted.

## Appendix C

### Summary of Regulatory Requirements

## **Summary of Regulatory Requirements**

This appendix provides a summary of building owner and manager requirements under various asbestos regulations promulgated by the Michigan Occupational Safety and Health Administration (MIOSHA) and the Environmental Protection Agency (EPA) to protect building occupants and employees from exposure to asbestos.

### **Survey Requirements**

Prior to any renovation activity, MIOSHA and EPA regulations require that a complete asbestos survey be performed to determine if asbestos is present in any suspect asbestos-containing material that will be present in the construction or work area. This survey report addresses accessible materials. It is recommended that prior to renovation activities, inaccessible areas that could contain asbestos materials be inspected.

### **Notification and Posting Requirements**

Regulatory agencies feel that the building owner or manager should be responsible for knowing and communicating the locations of asbestos in their buildings to building employees, outside contractors and tenants to prevent exposure to asbestos.

Under the Michigan Occupational Safety and Health Act (Act 154), building owners and managers are required to provide annual notifications regarding known asbestos-containing materials in their buildings to building employees, tenants, vendors and outside contractors. Therefore, specific information contained in this survey report is required to be included in the notification.

MIOSHA requires building employees, outside contractors, vendors and construction contractors bidding on or performing work in buildings be provided with notification regarding asbestos-containing materials in their work areas. MIOSHA also requires that asbestos warning signs be posted in mechanical rooms.

### **Demolition/Renovation Requirements**

The National Emission Standard for Hazardous Air Pollutants (40 CFR Part 61; Subpart M) provides specific notification requirements for both renovations and demolitions of buildings. Either the owner, operator (contractor) or their representatives must file the notices. According to NESHAP, an operation is considered a demolition if the overall project involves the wrecking or taking out of any load supporting structural members at the subject facility. Notification is required even if there are no asbestos-containing materials in the facility. Notification must be provided to the Michigan Department of Environmental Quality (MDEQ), Air Quality Division no later than 10 working days prior to the scheduled demolition.

For the scheduled demolition of structures having RACM, the RACM must be removed prior to demolition. RACM are either friable asbestos-containing materials, Category I non-friable ACM that has become friable or will become friable (such as floor coverings), or Category II non-friable ACM that has a high probability of becoming friable during the demolition process notification would be required 10 working days prior to beginning asbestos removal and demolition.

If a facility to be demolished contains less than the cutoff amount of RACM, this would be termed a demolition below the cutoff and notification would be required 10 working days prior to beginning demolition.

In a demolition above the cutoff, both the removal and demolition operations should be reported on the same notification form and all required information submitted at least 10 days prior to the beginning of the asbestos removal. For all work outside Wayne County, a completed copy of the notification form must be sent to the Air Quality Division of the MDEQ as well as to the United States Environmental Protection Agency (Region V). For work in Wayne County (including the city of Detroit), completed forms must be sent to the NESHAP Asbestos Program Detroit Field Office, MDEQ, AQD.

NESHAP defines "planned renovations" as a renovation operation or a number of renovation operations in which RACM will be removed or stripped within a given period of time and can be predicted. For planned renovations above the cutoff (where amounts of RACM to be removed equals or exceeds 260 linear feet on pipes, or at least 160 square feet on other facility components), NESHAP requires notification no later than 10 working days before removing or disturbing the RACM.

Michigan Act 135 (Section 220(1-4) or (8)) also requires notification when removing asbestos-containing materials greater than 10 linear feet or 15 square feet. For projects involving the removal of RACM prior to demolition, a copy of the same form must also be submitted to the Michigan Department Licensing and Regulatory Affairs (LARA) Asbestos Program Office at least 10 days prior to the scheduled removal.

### **Removal Requirements**

Under EPA regulations, asbestos-containing materials must be properly removed by licensed asbestos abatement contractors prior to renovation or demolition activities that would disturb friable materials or cause non-friable materials to become friable and a regulated material. All ACM should be collected, processed, packaged, transported and disposed of according to applicable federal, state and local regulations, which includes but is not limited to NESHAP 40 CFR, Section 61.150 and the Asbestos Standards for Construction 29 CFR 1926.1101.

### **Repair of Damaged Materials and Cleanup of Debris**

MIOSHA requires that asbestos-containing debris be immediately cleaned up. It is recommended that damaged materials that may release fibers be repaired as soon as possible to prevent fiber release and potential exposures.

### **Training Requirements**

MIOSHA requires employers whose employees are likely to or required to disturb asbestos to receive an asbestos training course. Refresher training is required to be provided annually.

# Appendix F





Environmental  
& Engineering  
Services



## BASELINE ENVIRONMENTAL ASSESSMENT

100 East Maple Road | Troy, Michigan  
PM Project Number 02-6518-2

*Prepared for:*

---

**MJR Group, LLC**  
41000 Woodward Avenue, Suite 135 East  
Bloomfield Hills, Michigan 48304

*Prepared by:*

---

**PM Environmental, Inc.**  
4080 West 11 Mile Road  
Berkley, Michigan 48072

Michigan

Alabama

Florida

Illinois

Mississippi

New Jersey

North Carolina

Ohio

Tennessee



FOR DEQ USE ONLY  
BEA SUBMITTAL #  
\_\_\_\_\_

**Baseline Environmental Assessment Submittal Form**

*This form is for submittal of a Baseline Environmental Assessment (BEA), as defined by Part 201, Environmental Remediation and Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, for the purpose of establishing an exemption to liability pursuant to Section 20126(1)(c) and Section 21323a(1)(b) for a new owner or operator of property that is a facility as defined by Section 20101(1)(s) or Property as defined by Section 21303(d). The BEA report must be conducted either prior to or within 45 days after becoming the owner or operator, whichever is earliest. This form and the BEA report must be submitted within 6 months of becoming the owner or operator whichever is earliest. A separate BEA is required for each legal entity that is or will be a new owner or operator of the property. To maintain the exemption to liability, the owner and operator must also disclose the BEA to any subsequent purchaser or transferee before conveying interest in the property pursuant to Section 20126(1)(c) and Section 21323a(1)(b). An owner or operator of a facility or Property also has due care obligations under Section 20107a and Section 21304c with respect to any existing contamination to prevent unacceptable exposure; prevent exacerbation; take reasonable precautions; provide reasonable cooperation, assistance, and access to authorized persons taking response activities at the property; comply with land use restrictions associated with response activities; and not impede the effectiveness of response activities implemented at the property. Documentation of due care evaluations and response activities need to be available, but not submitted, to the DEQ within 8 months of becoming the owner or operator of a facility.*

**Section A: Legal Entity Information**

Name of legal entity that will own or operate the property: MJR Group, LLC Address: 41000 Woodward Avenue, Suite 135 East City: Bloomfield Hills State: MI Zip: 48304 Contact person (Name & Title): Michael Mihalich – Member of MJR Group, LLC Telephone: (248) 548-8282 E-Mail: mmihalich@mjrtheatres.com	Contact for BEA questions if different from submitter Name & Title: Christie Santiago – Senior Project Mgr. Company: PM Environmental, Inc.  Address: 4080 West Eleven Mile Road City: Berkley State: MI Zip: 48072 Telephone: 248.336.9988 E-Mail: santiago@pmenv.com
---	--

**Section B: Property Information**

Street Address of Property: 100 East Maple Road  City: Troy State: MI Zip: 48083 Property Tax ID (include all applicable IDs): 88-20-34-101-023  Address according to tax records, if different than above (include all applicable addresses):  City: State: Zip:  Status of submitter relative to the property (check all that apply): <table style="width:100%; border:none;"> <tr> <td></td> <td style="text-align:center;">Former</td> <td style="text-align:center;">Current</td> <td style="text-align:center;">Prospective</td> </tr> <tr> <td>Owner</td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> <tr> <td>Operator</td> <td style="text-align:center;"><input type="checkbox"/></td> <td style="text-align:center;"><input checked="" type="checkbox"/></td> <td style="text-align:center;"><input type="checkbox"/></td> </tr> </table>		Former	Current	Prospective	Owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Operator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	County: Oakland  City/Village/Township: Troy  Town: 2N Range: 11E Section: 34 Quarter: NW Quarter-Quarter: NW  Decimal Degrees Latitude: 42.547 north Decimal Degrees Longitude: -83.1453 west  Reference point for latitude and longitude: Center of site <input type="checkbox"/> Main/front door <input checked="" type="checkbox"/> Front gate/main entrance <input type="checkbox"/> Other <input type="checkbox"/>  Collection method: Survey <input type="checkbox"/> GPS <input type="checkbox"/> Interpolation <input checked="" type="checkbox"/>
	Former	Current	Prospective										
Owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
Operator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>										

**Section C: Source of contamination at the property (check all that are known to apply):**

Facility regulated under Part 201, other source, or source unknown	<input checked="" type="checkbox"/>
Part 201 Site ID, if known:	
Leaking Underground Storage Tank regulated pursuant to Part 213	<input type="checkbox"/>
Part 211/213. Facility ID, if known:	
Oil or gas production and development regulated pursuant to Part 615 or 625	<input type="checkbox"/>
Licensed landfill regulated pursuant to Part 115	<input type="checkbox"/>
Licensed hazardous waste treatment, storage, or disposal facility regulated pursuant to Part 111	<input type="checkbox"/>

**Section D: Applicable Dates (provide date for all that are relevant):**

MM/DD/YYYY

Date All Appropriate Inquiry (AAI) Report or Phase I Environmental Assessment Report completed:	06/25/2013
Date Baseline Environmental Assessment Report conducted:	07/26/2013
Date submitter first became the owner:	
Date submitter first became the operator (if prior to ownership):	07/24/2013
Anticipated date of becoming the owner for prospective owners:	
Anticipated date of becoming the operator for prospective operators:	
If former owner or operator of this property, prior dates of being the owner or operator:	

<b>Section E: Check the appropriate response to each of the following questions:</b>		<b>YES</b>	<b>NO</b>
1.	Is the property at which the BEA was conducted a "facility" as defined by Section 20101(1)(s) or a Property as defined by Section 21303(d)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Is the All Appropriate Inquiry (AAI) compliant with 40 CFR 312, or is the Phase I Environmental Assessment compliant with ASTM E1527-05?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Was the BEA, including the AAI and sampling, conducted either prior to or within 45 days of the date of becoming the owner, operator, or of foreclosure, whichever is earliest.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Is this BEA being submitted to the department within 6 months of the submitter first becoming the owner or operator, or foreclosing?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Does the BEA provide sufficient rationale to demonstrate that the data are reliable and relevant to define conditions at the property at the time of purchase, occupancy, or foreclosure, even if the BEA relies on studies of data prepared by others or conducted for other purposes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Does this BEA contain the legal description of the property addressed by the BEA?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Does this BEA contain the environmental analytical results, a scaled map showing the sample locations, and the basis for the determination that the property is a facility as defined by Section 20101(1)(s) or the basis for the determination that the property is a Property as defined by Section 21303(d)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Section F: Environmental Consultant Signature:**

*I certify to the best of my knowledge and belief, that this BEA and all related materials are true, accurate, and complete. I certify that an All Appropriate Inquiry (AAI) was conducted in conformance with the scope and limitations of the All Appropriate Inquiry Rule, 40 CFR 312 or a Phase I Environmental Site Assessment (Phase I) in conformance with the scope and limitations of the ASTM E1527-05. I certify that the property is a facility as defined by Section 20101(1)(s) or a Property as defined by Section 21303(d) and have provided the sampling and analyses that support that determination. I certify that any exceptions to, or deletions from, the All Appropriate Inquiry Rule or ASTM E1527-05 are described in Section 1 of the BEA report.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: Christie L. Santiago

Company: PM Environmental, Inc.

Mailing Address: 4080 West Eleven Mile Road City: Berkley State: MI Zip: 48072

Telephone: 248.336.9988 E-Mail: santiago@pmenv.com

**Section G: Legal Entity Signature:**

*With my signature below, I certify that to the best of my knowledge and belief, this BEA and all related materials are true, accurate, and complete.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(Person legally authorized to bind the legal entity)*

Printed Name: Michael Mihalich

Title and Relationship of signatory to submitter: Member of MJR Group, LLC

Address: 41000 Woodward Avenue, Suite 135 East City: Bloomfield Hills State: MI Zip: 48304

Telephone: (248) 548-8282 E-Mail: mmihalich@mjrtheatres.com

Submit the BEA report and this form to the DEQ District Office for the county in which the property is located. A district map is located at [www.michigan.gov/bea](http://www.michigan.gov/bea) or [www.michigan.gov/deqrrd](http://www.michigan.gov/deqrrd).



**Detroit**  
4080 W. 11 Mile Rd  
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f: 877-884-6775  
t: 248-336-9988

**Grand Rapids**  
77 Monroe Center, NW  
Suite 602  
Grand Rapids, MI 49503  
f: 877-884-6775  
t: 616-285-8857

**Lansing**  
3340 Ranger Road  
Lansing, MI 48906  
f: 877-884-6775  
t: 517-321-3331

July 26, 2013

District Clerk  
Michigan Department of Environmental Quality  
Southeast Michigan District Office  
27700 Donald Court  
Warren, MI 48092-2793

**RE: Baseline Environmental Assessment for the  
Vacant Retail Property  
Located at 100 East Maple Road, Troy, Michigan  
Parcel Identification No. 88-20-34-101-023  
PM Environmental, Inc. Project No. 02-6518-2**

Dear District Clerk:

Enclosed is a copy of the Baseline Environmental Assessment prepared for the above referenced subject property in accordance with Section 20126(1)(c) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act (NREPA), P.A. 451 of 1994 (Part 201), as amended.

If you have any questions regarding the information in this report, please contact us at 248-336-9988.

Sincerely,  
**PM ENVIRONMENTAL, INC.**

Christie Santiago  
Senior Project Engineer

Michael T. Kulka, P.E.  
Principal

cc: Michael Mihalich – MJR Group, LLC

Enclosure

July 26, 2013

Mr. Michael Mihalich  
MJR Group, LLC  
41000 Woodward Avenue, Suite 135 East  
Bloomfield Hills, Michigan 48304

**RE: Baseline Environmental Assessment for the  
Vacant Retail Property  
Located at 100 East Maple Road, Troy, Michigan  
Parcel Identification No. 88-20-34-101-023  
PM Environmental, Inc. Project No. 02-6518-2**

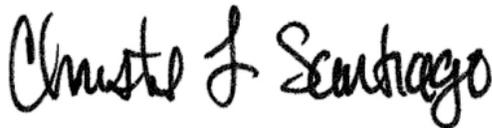
Dear Mr. Mihalich:

Enclosed is a copy of the above-referenced document prepared in accordance with Section 20126(1)(c) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act (NREPA), P.A. 451 of 1994 (Part 201), as amended.

**THIS BASELINE ENVIRONMENTAL ASSESSMENT WAS PERFORMED FOR THE EXCLUSIVE USE OF MJR GROUP, LLC, WHO MAY RELY ON THE REPORT'S CONTENTS.**

If you have any questions regarding the information in this report, please contact our office at 248-336-9988.

Sincerely,  
PM ENVIRONMENTAL, INC.



Christie Santiago  
Senior Project Engineer



Michael T. Kulka, P.E.  
Principal

Enclosure

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## **1.0 INTRODUCTION AND DISCUSSION**

PM Environmental, Inc. (PM) has completed a Baseline Environmental Assessment (BEA) for the vacant retail property (Parcel ID #88-20-34-101-023) located at 100 East Maple Road in Troy, Oakland County, Michigan (hereafter referred to as the “subject property”). The subject property consists of a 12.48-acre parcel of land, located at the southeast corner of Main Street and East Maple Road (Figure 1). The subject building totals approximately 118,201 square feet, and contains a former service area, former retail areas, storage areas, utility rooms, offices, and restrooms. Asphalt paved driveways and parking areas surround the building, with landscaped areas adjacent to the right-of-ways. Currently the subject property is vacant.

Standard and other historical sources indicate the subject property was developed prior to 1940 for agricultural purposes. Agricultural activities ceased between 1957 and 1963, and the central portion of the current building was constructed in 1964. Additions were constructed in 1968, 1992, and 2000. The property was occupied by various retail stores, restaurants, and automotive service operations from 1964 until 2009. The building has been unoccupied since approximately 2010. Historical interior waste streams associated with the former automotive service operations would have consisted of general hazardous substances and/or petroleum products.

### **1.1 Owner/Operator Information**

MJR Group, LLC, 41000 Woodward Avenue, Suite 135 East, Bloomfield Hills, Michigan, began leasing the property from the current owner on July 24, 2013.

### **1.2 Intended Use of the Subject Property**

MJR Group, LLC, intends to redevelop the subject property and construct a movie theater complex. Refer to Appendix F for the proposed site plan.

### **1.3 Summary of All Appropriate Inquiry Phase I Environmental Assessment**

PM performed a Phase I ESA for the subject property, dated June 25, 2013, in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Practice E 1527-05 (i.e., the ‘ASTM Standard’). A copy of the June 25, 2013, Phase I ESA, including photographs of the subject property, is included in Appendix A.

The following recognized environmental conditions (RECs) were identified in PM’s June 25, 2013, Phase I ESA:

- The subject property was formerly occupied by various automotive service operations from 1964 until approximately 2010. Historical interior waste streams associated with the former automotive service operations would have consisted of general hazardous substances and/or petroleum products. Based upon review of the previous subsurface investigations, groundwater contamination is present which exceeds the current Part 201 Residential and Nonresidential Generic Cleanup Criteria. Based on these analytical results, the subject property would be classified as a “facility,” as defined by Part 201 of P.A. 451 of the Michigan Natural Resources Environmental Protection Act (NREPA), as amended. Additionally, concentrations of vinyl chloride in groundwater have been identified above Michigan Department of Environmental Quality (MDEQ) Residential

Groundwater Vapor Intrusion Screening Levels, but below the Nonresidential Vapor Intrusion Screening Levels.

- During the site reconnaissance, PM observed five in-ground hydraulic hoists in the former service area. In-ground hoists have an underground reservoir for hydraulic fluids, which can contain petroleum products and polychlorinated biphenyls (PCBs). Although previous site investigations indicate contamination associated with the hoists was not detected above MDEQ Part 201 Generic Cleanup Criteria in 2010, the potential exists that a release occurred from the hydraulic hoist systems and/or underground reservoirs since 2010.
- PM observed staining in areas associated with the former automotive service operations. Although previous site investigations indicate contamination was not detected above MDEQ Part 201 Generic Cleanup Criteria in areas of staining in 2010, the potential exists for general hazardous substances and/or petroleum products to have seeped through the concrete into subsurface soils since 2010.
- PM observed an underground vault in the former service area. At the time of the site reconnaissance, the vault contained an unknown liquid. The underground vault may have contained hazardous substances and/or petroleum products. The structural integrity of the vault is unknown. Although previous site investigations indicate contamination was not detected above MDEQ Part 201 Generic Cleanup Criteria associated with the vault in 2010, the potential exists that a release occurred from the underground vault since 2010.

The following adjoining and/or nearby REC has been identified:

- The northwest adjoining property, identified as 20 East Maple Road, was occupied by a gasoline service station from between 1957 and 1963 until between 1980 and 1981. PM was unable to determine if the underground storage tanks (USTs) have been removed from the property. Based on the close proximity to the subject property, the potential exists that a release has occurred on this property and migrated onto the subject property.

A historical REC (HREC), as defined in the ASTM Standard, is an environmental condition that in the past would have been identified as a REC, but has been adequately addressed and therefore no longer represents a REC. The following HREC was identified:

- In PM's professional opinion, the previous site investigations adequately assessed the release associated with the former 1,000-gallon used oil UST on the subject property. Limited soil and groundwater contamination was identified above current MDEQ Part 213 Drinking Water (DW) and Groundwater Surface Water Interface (GSI) Risk Based Screening Levels (RBSLs); however, based on the limited, discontinuous groundwater at the subject property, these pathways are not applicable, and the release was granted closure in 2011. Based on the limited residual contamination, removal of the UST, and closed LUST status, PM has identified the former UST and LUST status as a HREC.

**1.3.1 Phase I ESA Exceptions or Deletions**

During the completion of the June 25, 2013, Phase I ESA, there were no exceptions or deletions from the Federal All Appropriate Inquiry Rule under 40 CFR 312, or the ASTM Standard. To the best of PM's knowledge, no special terms or conditions applied to the preparation of the Phase I ESA.

**1.3.2 Phase I ESA Data Gaps**

PM did not identify any significant data gaps during the completion of the June 25, 2013, Phase I ESA.

**1.4 Summary of Site Investigation**

**1.4.1 Summary of Previous Site Investigations**

PM reviewed the following reports pertaining to previous environmental investigations completed at the subject property. Copies of the previous site investigations reports, including sample location maps and analytical summary tables, are included in Appendix C of the June 25, 2013, Phase I ESA Report (Appendix A).

Name of Report	Date of Report	Company that Prepared Report
Modified Phase I ESA	10-6-2009	Soil and Materials Engineers, Inc. (SME)
Phase II ESA	7-14-2010	Testing Engineers & Consultants, Inc. (TEC)
Tier 1 LUST Closure Report	1-7-2011	Materials Testing Consultants, Inc.

The following table provides a brief summary of the previous investigation completed on the subject property. Additional details regarding the locations where soil and groundwater contamination exceed the applicable Part 201/Part 213 Nonresidential Risk-Based Screening Levels (RBSLs)/cleanup criteria are also included below.

<b>Open or Closed LUST Site:</b>	Closed
<b>Release Identification(s):</b>	C2428-90 / C-2385-90
<b>Release Date(s)</b>	January 1, 1990 / October 15, 1990
<b>Is soil contamination present above an applicable regulatory level?</b>	No
<b>Is soil contamination delineated in all directions?</b>	Not applicable
<b>Is groundwater contamination present above an applicable regulatory level?</b>	Yes
<b>Is groundwater contamination delineated in all directions?</b>	Yes
<b>Significant deficiencies identified?</b>	No
<b>Additional information:</b>	See below

The scope of work for the 2009 Modified Phase I ESA included interviews with knowledgeable contacts, review of municipal records, and a site reconnaissance. The report identified similar regulatory database listings and municipal information as identified by this Phase I ESA. The 2009 Modified Phase I ESA identified RECs including the former open LUST status, the potential for former and/or current USTs to be present, the unknown waste management practices associated with a vault in the automotive service garage, presence of in-ground hoists

and the potential for associated releases, stained concrete within the automotive service garage, and the unknown waste management practices associated with the potential former onsite septic system. PM did not identify any deficiencies with the 2009 report; however, the scope of work did not include a review of historical sources sufficient to document the former use of the subject property and adjoining properties, or the potential for a former septic system to be present.

The 2011 LUST Closure Report indicated that a release was discovered from the former 1,000-gallon used oil UST located west of the automotive service garage. The release was reported in January 1990 based on visual indications and was reported again in October 1990 based on the results of laboratory analysis indicating detectable concentrations of total petroleum hydrocarbons (TPH) from samples collected during the removal. Approximately 221 cubic yards of potentially impacted soil was excavated and disposed in 1992. Subsurface investigation activities conducted in 2009 included the advancement of five soil borings, and the collection and laboratory analysis of soil and groundwater samples for volatile organic compounds (VOCs), polynuclear aromatic compounds (PNAs), PCBs, cadmium, chromium, and lead, or some combinations thereof. Analytical results did not identify concentrations of target parameters above applicable MDEQ Part 213 RBSLs. Limited soil and groundwater contamination was identified above current MDEQ Part 213 Drinking Water (DW) and Groundwater Surface Water Interface (GSI) RBSLs; however, based on the limited, discontinuous groundwater at the subject property, these pathways were not applicable, and the release was granted closure in 2011.

Based upon review of the previous subsurface investigations to investigate former service operations, groundwater contamination is present which exceeds the current Part 201 Residential and Nonresidential Generic Cleanup Criteria. Based on these analytical results, the subject property would be classified as a "facility," as defined by Part 201 of P.A. 451 of the Michigan Natural Resources Environmental Protection Act (NREPA), as amended. Additionally, concentrations of vinyl chloride in groundwater have been identified above MDEQ Residential Groundwater Vapor Intrusion Screening Level, but below the Nonresidential Vapor Intrusion Screening Level.

Refer to Section 2.1 for additional details regarding the results of the previous subsurface investigations conducted by TEC.

## **1.4.2 Summary of Current Site Investigations**

On June 28, 2013, PM completed a scope of work consisting of the advancement of five soil borings (SB-1 through SB-5), installation of four temporary monitoring wells (TMW-1 through TMW-3 and TMW-5), installation of one sub-slab soil gas sampling point (SSG-1), and the collection of soil, groundwater, and soil gas samples. The soil and groundwater samples were submitted for laboratory analysis of VOCs, PNAs, PCBs, cadmium, chromium and lead, or some combination thereof; while the soil gas sample was submitted for VOCs.

### **1.4.2.1 Subsurface Investigation**

Soil borings were advanced to assess the RECs identified in the Phase I ESA completed by PM in June 2013. Specifically, the Phase II ESA activities were conducted in the following areas of the subject property:

**Description of Soil Boring/Temporary Monitoring Well Locations**

Location and Total Depth (feet bgs)	Soil Sample Depth (feet bgs)	TMW Screen and DTW (feet bgs)	Analysis	Objectives	Sample Selection (justification)
PSB/TMW-1 (15.0)	Not Applicable	2.05-7.05 (2.2)	VOCs and PNAs	Assess potential contaminant migration from the former northwest adjoining gas station	<b>Soil:</b> Due to the absence of visual/olfactory evidence of contamination, a soil sample was not collected <b>GW:</b> Sampled
PSB/TMW-2 (16.0)	Not Applicable	1.0-6.0 (3.0)	VOCs and PNAs	Assess potential contaminant migration from the former northwest adjoining gas station	<b>Soil:</b> Due to the PID readings ranging from 0.3 ppm to 1.9 ppm within the saturated zone, a soil sample was not collected <b>GW:</b> Sampled
PSB/TMW-3 (10.0)	9.0-10.0	0.90-5.90 (1.12)	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations and hydraulic hoists	<b>Soil:</b> Due to the absence of visual/olfactory evidence of contamination, a sample was collected at the sand/clay interface <b>GW:</b> Sampled
PSB-4 (15.0)	10.0-11.0	Not Applicable	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations, hydraulic hoists, and underground vault	<b>Soil:</b> Due to the absence of visual/olfactory evidence of contamination, a sample was collected at the sand/clay interface <b>GW:</b> Not sampled
PSB/TMW-5 (15.0)	12.0-13.0	0.0-5.0 (0.90)	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations, hydraulic hoists, and underground vault	<b>Soil:</b> Due to the absence of visual/olfactory evidence of contamination, a sample was collected at the sand/clay interface <b>GW:</b> Sampled

GW – Groundwater  
 DTW – Depth to Water  
 PID – Photoionization Detector

TMW – temporary monitoring well  
 bgs – below ground surface

**1.4.2.2 Soil Gas Investigation**

On June 28, 2013, PM installed one temporary sub-slab sampling points (SSG-1) and collected one soil gas sample to assess the indoor air inhalation pathway at the subject property. The sample was collected in general accordance with MDEQ Guidance Document for the Vapor Intrusion Pathway, dated May 2013.

### Description of Soil Gas Sampling Locations

Location	Sample Depth	Analysis	Objectives
SSG-1	Sub-slab	VOCs	Assess potential vapor intrusion in the area of MW-4

#### 1.4.2.4 Subsurface Investigations Techniques and QA/QC Procedures

The soil borings were advanced to the desired depth using a model 6610DT Geoprobe<sup>®</sup> drill rig. Soil sampling was performed for soil classification, verification of subsurface geologic conditions, and for investigating the potential and/or extent of soil and groundwater contamination at the subject property. Soil samples were generally collected on a continuous basis using a 5-foot long macro-core sampler.

During drilling operations, the drilling equipment was cleaned to minimize the possibility of cross contamination. These procedures included cleaning equipment with a phosphate free solution (i.e., Alconox<sup>®</sup>) and rinsing with distilled water after each sample collection. Drilling and sampling equipment was also cleaned in this manner prior to initiating field activities.

Soils collected from discrete sample intervals were screened using a photoionization detector (PID) to determine if VOCs were present. Soil from specific depths was placed in plastic bags, sealed, and allowed to volatilize. The headspace within each bag was then monitored with the PID. The PID is able to detect trace levels of organic compounds in the air space within the plastic bag. The PID utilizes a 10.2 electron volts (eV) lamp. Soil samples were collected from the soil borings based upon the highest PID reading, visual/olfactory evidence, a change in geology, surficial soil, and/or directly above saturated soil.

Soil samples for VOC analysis were preserved with methanol, in accordance with Environmental Protection Agency (EPA) method 5035, and then placed in appropriately labeled containers with Teflon lined lids and/or sanitized glass jars, placed in an ice packed cooler, and transported under chain of custody procedures for laboratory analysis within applicable holding times.

Temporary monitoring wells were installed in select soil borings to collect groundwater samples for chemical analysis. A new well assembly was used for each temporary well, consisting of a 5-foot long, one-inch diameter, 0.010-inch slot, schedule 40, PVC screen and a 1-inch diameter PVC casing. After the screen for the well was set to the desired depth, natural sands were allowed to collapse around the well screen. The well was developed using either a new disposable 0.9-inch diameter bailer or peristaltic pump equipped with new, chemically inert, 3/8-inch diameter polyethylene and silicon tubing. Well development was performed by purging until clear, turbid free groundwater was observed coming from the well.

Groundwater samples were placed in appropriately labeled containers, placed in an ice packed cooler, and transported under chain of custody procedures for laboratory analysis within applicable holding times.

Soil gas sampling activities were conducted in general accordance with the guidelines established by the ASTM in the Standard Practice for Vapor Encroachment Screening on Property Involved in Real Estate Transactions Designation E 2600-10 (ASTM Standard Practice

E 2600-10) and MDEQ May 2013 Guidance For The Vapor Intrusion Pathway. This included purging three gas point/sand pack volumes at low-flow (200 ml/minute) from each soil gas monitoring point, followed by the collection of one soil gas sample, using summa canister methods, for laboratory analysis of VOCs. The summa canisters were regulated with a flow rate of 200 ml/minute, which was pre-set at the laboratory.

The sub-slab sampling point was installed into the void created by a hammer drill in the concrete slab foundation and were confirmed to be secure and sealed. Additionally, an isolation chamber was utilized during soil gas sample collection was placed over each soil gas sample location to confirm the system was tight and representative samples were collected. Helium gas (i.e., as a tracer gas) was pumped into each bucket chamber and monitored in the field during the collection of each soil gas sample to assess the integrity of the surface seal and piping associated with each sample point.

Three soil samples and four groundwater sample were submitted to Merit Laboratories, Inc. in East Lansing, Michigan. One soil gas sample was submitted to Accutest Laboratories in Dayton, New Jersey for chemical analysis. Tables 1 through Table 3 and Figures 3 through 5 summarize the soil, groundwater, and soil gas analytical results. Complete laboratory reports are presented in Appendix B.

Upon completion of the investigation, the temporary well materials were removed from the soil boring and the soil borings were abandoned by placing the soil cuttings back into the borehole, filling the void with bentonite chips, hydrating the chips, resurfacing and returning the area to its pre-drilling condition.

### **1.4.3 Geology and Hydrogeology**

A review of the 7.5 Minute, Birmingham, Michigan Quadrangle (Figure 1) prepared by the United States Geological Survey (USGS), dated 1968 (photo revised 1971), indicates that the subject property is approximately 669 feet relative to the National Geodetic Vertical Datum (NGVD). The immediate subject site area appears to be relatively flat with no discernible slope.

The general native soil stratigraphy consisted of up to 12.0 feet of sand followed by clay to 16.0 feet bgs. Previous assessment activities indicated up to 7.0 feet of sand followed by clay to at least 12.0 feet bgs. Groundwater was encountered in all soil borings within the sand unit at depths ranging from 0.90 to 2.2. Based on the 2013 assessment activities completed at the subject property documenting a saturated thickness ranging from 3.0 to 11.0 feet thick, the groundwater would meet the definition of an “aquifer” as defined in MDEQ Peer Review Draft Operation Memorandum No. 4 Attachment 10 “Groundwater Not in an Aquifer” dated February 2007.

The soil boring logs are included in Appendix C, which consist of site specific geology, sample depths, and temporary monitoring well details.

## **2.0 LOCATION OF CONTAMINATED MEDIA ON THE SUBJECT PROPERTY**

### **2.1 Soil and Groundwater Analytical Results**

The analytical results for soil and groundwater samples collected by PM were compared with the MDEQ cleanup criteria as presented in Attachment 1 to MDEQ Operational Memorandum

Number 1 “Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels,” September 28, 2012 using the applicable RBSL. The analytical results are summarized in Tables 1 and 2 (including CAS #) and in Figures 3 and 4. Appendix B contains the laboratory analytical report.

**Summary of Soil and Groundwater Exceedances**

Location and Total Depth (feet bgs)	Soil Sample Depth (feet bgs)	TMW Screen and DTW (feet bgs)	Analysis	Objectives	Exceedance of applicable MDEQ Part 201 Cleanup Criteria	
					Soil	GW
PSB/TMW-1 (15.0)	Not Applicable	2.05-7.05 (2.2)	VOCs and PNAs	Assess potential contaminant migration from the former northwest adjoining gas station	Not Applicable	None
PSB/TMW-2 (16.0)	Not Applicable	1.0-6.0 (3.0)	VOCs and PNAs	Assess potential contaminant migration from the former northwest adjoining gas station	Not Applicable	None
PSB/TMW-3 (10.0)	9.0-10.0	0.90-5.90 (1.12)	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations and hydraulic hoists	None	<b>Vinyl Chloride: DW</b>
PSB-4 (15.0)	10.0-11.0	Not Applicable	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations and hydraulic hoists	None	Not Applicable
PSB/TMW-5 (15.0)	12.0-13.0	0.0-5.0 (0.90)	VOCs, PNAs, PCBs, cadmium, chromium, and lead	Assess the historical service operations and hydraulic hoists	None	None

Soil analytical results from the 2013 site assessment activities indicate that no VOCs, PNAs, or PCBs were identified above the laboratory method detection levels (MDLs). Concentrations of cadmium, chromium, and lead were identified above the laboratory MDLs; however, concentrations were below the Michigan Statewide Default Background Levels.

Groundwater analytical results from the 2013 site assessment activities indicate that no PNAs, PCBs, cadmium, chromium, and lead were identified above the laboratory MDLs. A concentration of the VOC species vinyl chloride was identified at TMW-3 above the Residential and Nonresidential Drinking Water Generic Cleanup Criteria. All other VOCs samples collected were non-detect.

## Historical Data Summary

Previous site investigation reports, including analytical results for soil and groundwater samples collected at the subject property are included in Appendix C of the June 2013 Phase I ESA (Appendix A).

A summary of the most recent soil data obtained for the subject property by TEC during March and May 2010 indicates a concentration of cadmium at SB-5 above the Michigan Statewide Default Background levels and the Groundwater Surface Water Interface Protection (GSIP) Criteria, based on the more conservative MDEQ chromium VI valence comparison. However, because the property is not known to historically been involved in metal plating operations, the MDEQ criterion for chromium III valence may be a more reasonable comparison. The observed concentration at SB-5 is below the MDEQ GSIP (6.9 E+9 µg/Kg) criterion for chromium III. Figure 3 depicts the soil sample locations along with a summary of the associated TEC soil analytical results. TEC Table 1 "Soil Analytical Data Summary," includes a summary of soil analytical data along with a comparison to the applicable Part 201 cleanup criteria, and is included as Table 4 of this BEA.

Groundwater analytical results indicate groundwater concentrations of vinyl chloride, chromium, and lead are present above the MDEQ DW and/or GSI cleanup criteria. However, since no significantly elevated chromium and lead concentrations were identified in soils on the site, it is likely the elevated chromium and lead results in groundwater is a result of residual silty sampling conditions in temporary monitoring wells. Analytical data collected in May 2010 from permanent monitoring wells, which were installed with a filter pack and properly developed, showed no significant metal impact. Therefore, the chromium and lead impact is not representative of a metal release at the subject property. Groundwater impact is defined in all directions horizontally, and is vertically defined by the confining clay unit present across the subject property. Figure 4 depicts temporary and permanent monitoring well locations from which groundwater samples were collected at the subject property along with a summary of TEC's March and May 2010 groundwater analytical results. TEC Table 2 "Groundwater Analytical Data Summary", includes a summary of the groundwater analytical data along with a comparison to the applicable Part 201 cleanup criteria, and is included as Table 5 of this BEA.

## 2.2 Soil Gas Analytical Results

The analytical results for the soil gas samples collected by PM on June 28, 2013 were compared with the MDEQ May 2013 Guidance for the Vapor Intrusion Pathway Guidance Document.

The analytical results are summarized in the table below:

### Summary of Soil Gas Exceedances

Location	Sample Depth	Analysis	Objectives	Soil Gas Exceedance
SSG-1	Sub-slab	VOCs	Assess potential vapor intrusion in the area of MW-4	None

The soil gas analytical results from the sample location (SSG-1) that was collected by PM on June 28, 2013 are summarized in Table 3 and on Figure 5. Appendix B contains the laboratory report.

Concentrations of various VOCs were identified in the soil gas sample above laboratory MDLs, but below the Residential and Nonresidential Screening Levels.

### **2.3 Subject Property Site Status**

Contaminant concentrations identified on the subject property indicate exceedances to the Part 201 Residential and Nonresidential DW cleanup criteria. Therefore, the subject property is a "facility" in accordance with Part 201 of P.A. 451, as amended, and the rules promulgated thereunder.

## **3.0 PROPERTY INFORMATION**

### **3.1 Legal Description of Subject Property**

Assessing records bearing a legal description of the subject property are included in Appendix D.

### **3.2 Map of Subject Property**

A map of the subject property which depicts the property/parcel boundaries is included as Figure 2.

### **3.3 Subject Location and Analytical Summary Maps**

Figure 2 provides a scaled map of the subject property with site structures.

Figure 3 provides a summary of the March 2010 and June 2013 soil analytical data collected by TEC and PM.

Figure 4 provides a summary of the March and May 2010 and June 2013 groundwater analytical data collected by TEC and PM.

Figure 5 provides a summary of the June 2013 soil gas analytical data collected by PM.

The previous site investigation reports identified in Section 1.4.1 is included in Appendix C of PM's June 2013 Phase I ESA (Appendix A).

### **3.4 Subject Property Location Map**

Figure 1 provides a scaled area map depicting the subject property location in relation to the surrounding area.

### **3.5 Subject Property Address**

As indicated in Section 1.0, the subject property (Parcel ID #88-20-34-101-023) is located at 100 East Maple, Troy, Oakland County, Michigan (Figure 1).

### **3.6 Subject Spatial Data**

As depicted in Figure 1, the subject property is located in the northwest quarter of the northwest quarter of Section 34 in Township two North (T2N), Range 11 East (R11E), Troy, Oakland County, Michigan.

According to the MDEQ Groundwater Mapping Project Website, the subject property is located at latitude 42.547 north and a longitude of -83.1453 west.

### **4.0 FACILITY STATUS OF SUBJECT PROPERTY**

As indicated in Section 2.0, based upon documented exceedances of the Part 201 Residential and Nonresidential DW cleanup criteria; the subject property is a facility under Part 201 of P.A. 451, and the rules promulgated thereunder.

#### **4.1 Summary Data Tables**

The analytical results for the soil and groundwater samples collected by PM were compared with the MDEQ GCC as presented in Attachment 1 to MDEQ Operational Memorandum Number 1 "Part 201 Cleanup Criteria and Part 213 Risk-Based Screening Levels," September 28, 2012, using the applicable cleanup criteria. The analytical results are summarized in Tables 1 and 2. CAS numbers associated with each target analyte identified above the laboratory MDLs and maximum contaminant concentrations are also presented in Tables 1 and 2.

The soil gas analytical results, including CAS numbers associated with each target analyte, are summarized in Table 3 along with a comparison to the MDEQ May 2013 Guidance for the Vapor Intrusion Pathway Guidance Document.

The analytical results for the most recent soil and groundwater samples collected from the subject property by TEC are presented in Tables 4 and 5. Those tables include the following:

Table 4: TEC Table 1 Soil Analytical Data Summary

Table 5: TEC Table 2 Groundwater Analytical Data Summary

Previous site investigation reports, including summary data tables, are included in Appendix A.

#### **4.2 Laboratory Reports and Chain of Custody Documentation**

Soil, groundwater, and soil gas samples collected by PM were submitted under chain of custody procedures and within applicable holding times. Refer to Appendix B for the laboratory analytical report and associated chain of custody documentation.

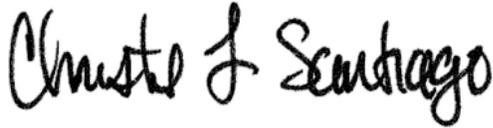
Laboratory chain of custody documentation for TEC is included in the previous site investigation reports included in Appendix C of PM's June 2013 Phase I ESA (Appendix A).

### **5.0 IDENTIFICATION OF BEA AUTHOR**

This BEA was conducted on July 26, 2013, by Ms. Christie L. Santiago, Senior Project Engineer and Mr. Michael T. Kulka, P.E., Principal, PM Environmental, Inc., which is prior to or within 45

days of becoming the property owner or operator. Qualification statements are provided as Appendix E.

I declare that, to the best of my professional knowledge and belief, I meet the definition of *Environmental Professional* as defined in §312.10 of 40 CFR 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312.



Christie Santiago  
Senior Project Engineer



Michael T. Kulka, P.E.  
Principal

## **6.0 AAI REPORT OR ASTM PHASE I ESA**

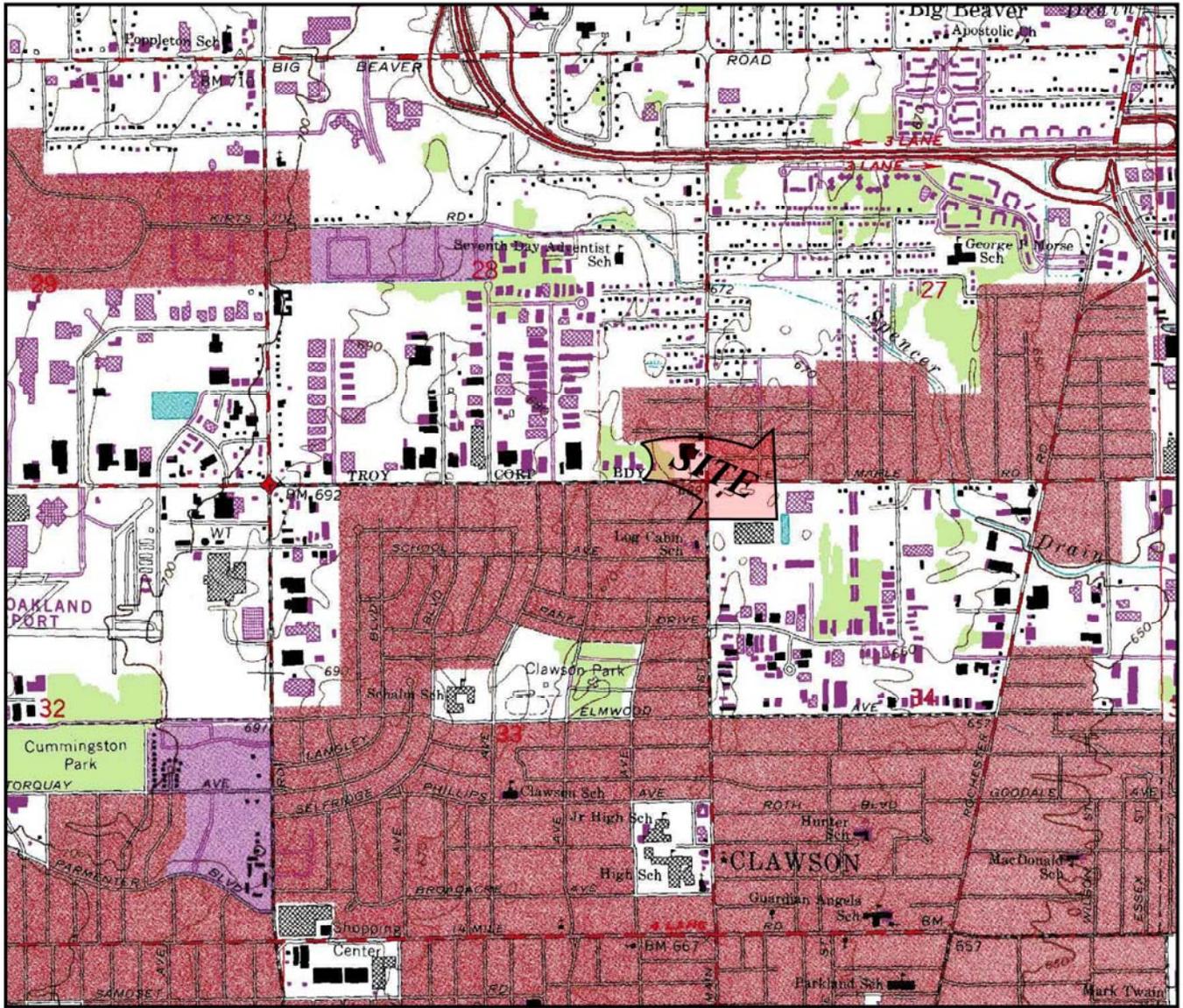
As indicated in Section 1.3, PM performed a Phase I ESA of the subject property, June 25, 2013, in conformance with the scope and limitations of ASTM Practice E 1527-05 for the subject property (Parcel ID: 88-20-34-101-023) located at 100 East Maple, Troy, Michigan 48083. The scope of the Phase I ESA included consideration of hazardous substances as defined in Section 20202(1)(x) of P.A 451 of 1994, as amended, and constituted the performance of an All Appropriate Inquiry in conformance with the standards and practices set forth in 40 CFR Part 312.

A copy of the June 2013 Phase I ESA is included in Appendix A.

## **7.0 REFERENCES**

- MDEQ Operational Memorandum No. 1 "Part 201 Cleanup Criteria and Part 213 Risk-based Screening Levels," Revised March 25, 2011 and in accordance with Section 20120a(1);
- MDEQ Operational Memorandum No. 4 "Site Characterization and Remediation Verification – Attachment 10, Peer Review Draft Groundwater Not in an Aquifer," February 2007;
- MDEQ Operational Memorandum No. 2 "Sampling and Analysis," October 22, 2004, Revised July 5, 2007;
- MDEQ Baseline Environmental Assessment Submittal Form (EQP 4025), dated March 2011;
- Modified Phase I Environmental Site Assessment (ESA), October 6, 2009, SME;
- Phase II ESA, July 14, 2010, TEC;
- Tier 1 LUST Closure Report, January 7, 2011, Materials Testing Consultants, Inc.; and
- Phase I ESA, June 25, 2013, PM.

# Figures



# OAKLAND COUNTY

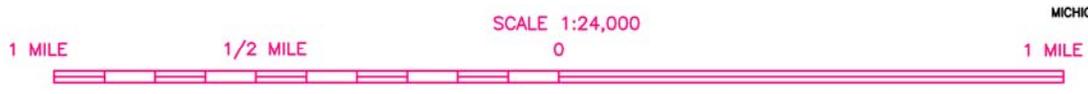
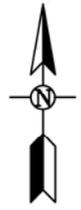


FIGURE 1  
 PROPERTY VICINITY MAP  
 USGS, 7.5 MINUTE SERIES  
 BIRMINGHAM, MI QUADRANGLE, 1968. PHOTO REVISED 1981.



PROJ:  
 VACANT RETAIL PROPERTY  
 100 EAST MAPLE ROAD  
 TROY, MI

THIS IS NOT A LEGAL SURVEY  
 VERIFY SCALE  
 0 2,000'  
 IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRN BY: CS/TS/MM DATE: 7/11/2013  
 CHKD BY: KT/AP/CS SCALE: 1" = 2,000'  
 FILE NAME: 02-6518-2F01R00

37 EAST MAPLE ROAD PSYCHIC READER    49-65 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING    79 EAST MAPLE ROAD VIOLINS LIMITED    91 EAST MAPLE ROAD VACANT COMMERCIAL BUILDING    95 EAST MAPLE ROAD DATTA CORPORATION    101 EAST MAPLE ROAD BARBARA BENKO ATTORNEYS    125 EAST MAPLE ROAD AAA    135 EAST MAPLE ROAD JOHN R. JOSEPH MD

**EAST MAPLE ROAD**

1553 NORTH MAIN STREET  
TROPICAL CAFE SMOOTHIES

1537 NORTH MAIN STREET  
HAMILTON ANIMAL HOSPITAL

1523 NORTH MAIN STREET  
MULTI-TENANT COMMERCIAL BUILDING

1511 NORTH MAIN STREET  
THE ART OF CUSTOM FRAMING

1505 NORTH MAIN STREET  
PAVED PARKING LOT

1467 NORTH MAIN STREET  
PAVED PARKING LOT

1457 NORTH MAIN STREET  
STIRNEMANN TOOLS AND MACHINE

1431 NORTH MAIN STREET  
CONSTRUCTION SITE

1421 NORTH MAIN STREET  
WENDY'S

**NORTH MAIN STREET**

20 EAST MAPLE ROAD  
SUBWAY

150 EAST MAPLE ROAD  
BANK OF AMERICA

164 EAST MAPLE ROAD  
MULTI-TENANT COMMERCIAL BUILDING

190 EAST MAPLE ROAD  
MICHIGAN CHANDELIER

214 EAST MAPLE ROAD  
EMPIRE ELECTRONICS

FORMER AUTOMOTIVE SERVICE AREA

APPROXIMATE LOCATION OF FORMER USTs

FORMER RETAIL AREA

DETENTION POND

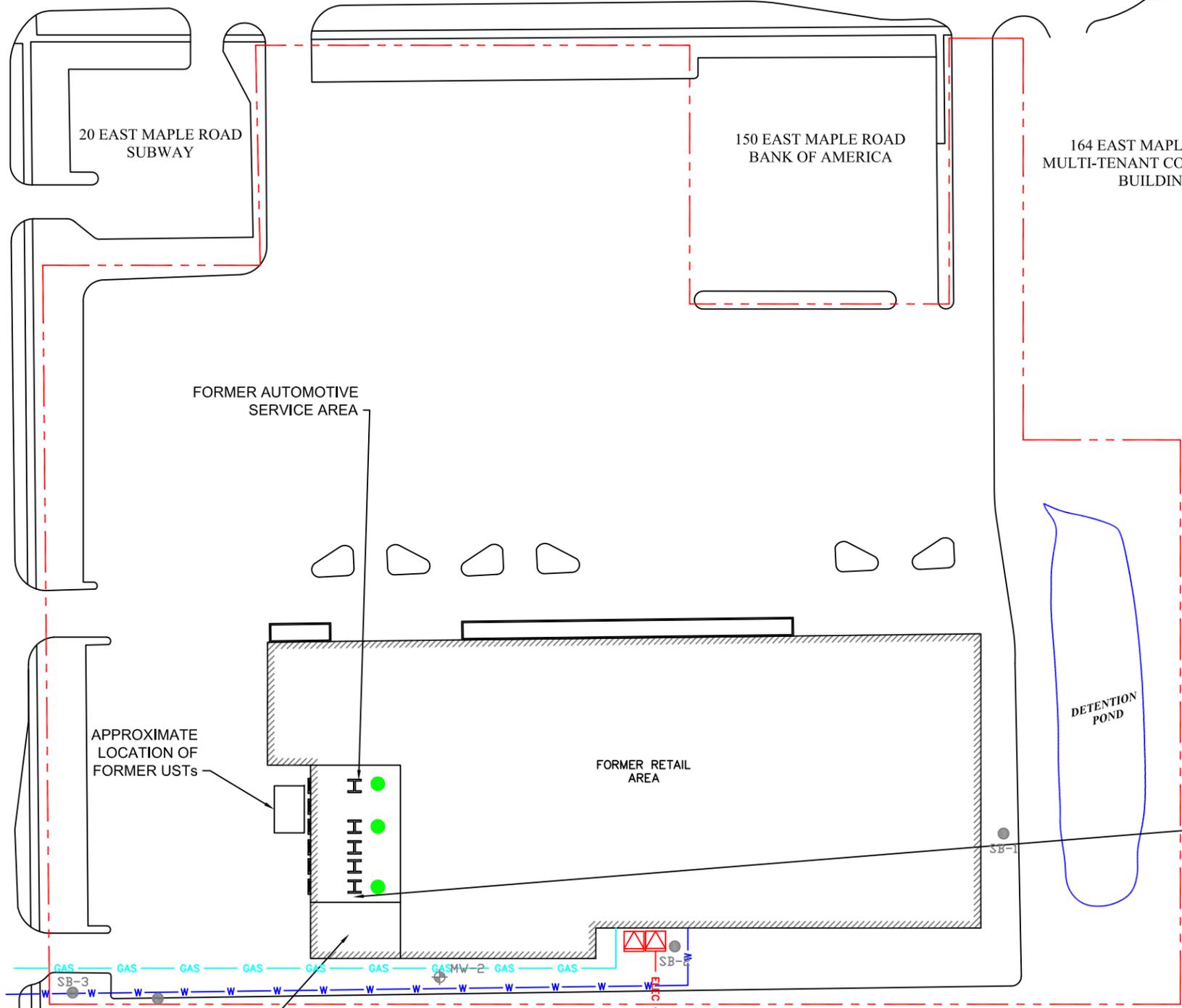
UNDERGROUND VAULT

FORMER AUTOMOTIVE PARTS STORAGE

1350 LIVERNOIS ROAD  
PAUL'S AUTO WASH

205 PARK DRIVE  
FEDEX FREIGHT

1300-1310 LIVERNOIS ROAD  
VACANT COMMERCIAL BUILDING



**LEGEND:**

- SUBJECT PROPERTY
- WATER
- GAS
- ELEC
- PAD MOUNTED TRANSFORMER
- H IN-GROUND HOIST
- FLOOR DRAIN
- UST



**FIGURE 2**  
GENERALIZED DIAGRAM OF THE SUBJECT PROPERTY AND ADJOINING PROPERTIES

PROJ: VACANT RETAIL PROPERTY 100 EAST MAPLE ROAD TROY, MI		
THIS IS NOT A LEGAL SURVEY	DRN BY: CS/MM	DATE: 7/11/2013
VERIFY SCALE	CHKD BY: KT/CS	SCALE: 1" = 100'
IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.		FILE NAME: 02-6518-2F02R00

37 EAST MAPLE ROAD PSYCHIC READER    49-65 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING    79 EAST MAPLE ROAD VIOLINS LIMITED    91 EAST MAPLE ROAD VACANT COMMERCIAL BUILDING    95 EAST MAPLE ROAD DATTA CORPORATION    101 EAST MAPLE ROAD BARBARA BENKO ATTORNEYS    125 EAST MAPLE ROAD AAA    135 EAST MAPLE ROAD JOHN R. JOSEPH MD

**EAST MAPLE ROAD**

**NORTH MAIN STREET**

20 EAST MAPLE ROAD SUBWAY

150 EAST MAPLE ROAD BANK OF AMERICA

164 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING

FORMER AUTOMOTIVE SERVICE AREA

FORMER RETAIL AREA

DETENTION POND

APPROXIMATE LOCATION OF FORMER USTs

UNDERGROUND VAULT

FORMER AUTOMOTIVE PARTS STORAGE

SB-5
3/23/2010
1.5'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd <MDL
Cr 18,900
Pb 9,100

PSB-4
6/28/2013
10.0 - 11.0'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd <MDL
Cr 5,410
Pb 6,520

SB-10
3/23/2010
1.5'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd <MDL
Cr 11,000
Pb 6,100

SB-3
3/23/2010
2.5'
B(k)FLA 19.5
CHRYSENE 28.4
FL 43.5
Ph 21.4
Py 30.7
OTHER PNAs <MDL

SB-12
3/23/2010
1.0'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd <MDL
Cr 8,800
Pb 4,500

PSB-3
6/28/2013
9.0 - 10.0'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd 210
Cr 7,730
Pb 9,020

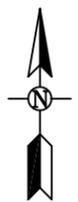
SB-9
3/23/2010
1.0'
VOCs <MDL
SVOCs <MDL
PCBs <MDL
Cd 210
Cr 9,900
Pb 14,600

SB-1
3/23/2010
1.0'
PNAs <MDL

PSB-5
6/28/2013
12.0 - 13.0'
VOCs <MDL
PNAs <MDL
PCBs <MDL
Cd 330
Cr 7,140
Pb 6,440

**LEGEND:**

- SUBJECT PROPERTY
- WATER
- GAS
- ELEC
- PAD MOUNTED TRANSFORMER
- IN-GROUND HOIST
- FLOOR DRAIN
- UST
- PREVIOUS SOIL BORING
- ⊕ PREVIOUS MONITORING WELL
- ⊕ SOIL BORING
- ⊕ SOIL BORING / TEMPORARY MONITORING WELL
- ▲ SOIL GAS SAMPLE
- ▲ Cd
- ▲ Cr
- ▲ Pb
- ▲ B(k)FLA
- ▲ FL
- ▲ Ph
- ▲ Py
- ▲ VOCs
- ▲ PNAs
- ▲ PCBs
- ▲ SVOCs
- ▲ MDL
- ▲ UNITS
- NOTES: REFER TO TABLES FOR SPECIFIC COMPOUNDS ANALYZED

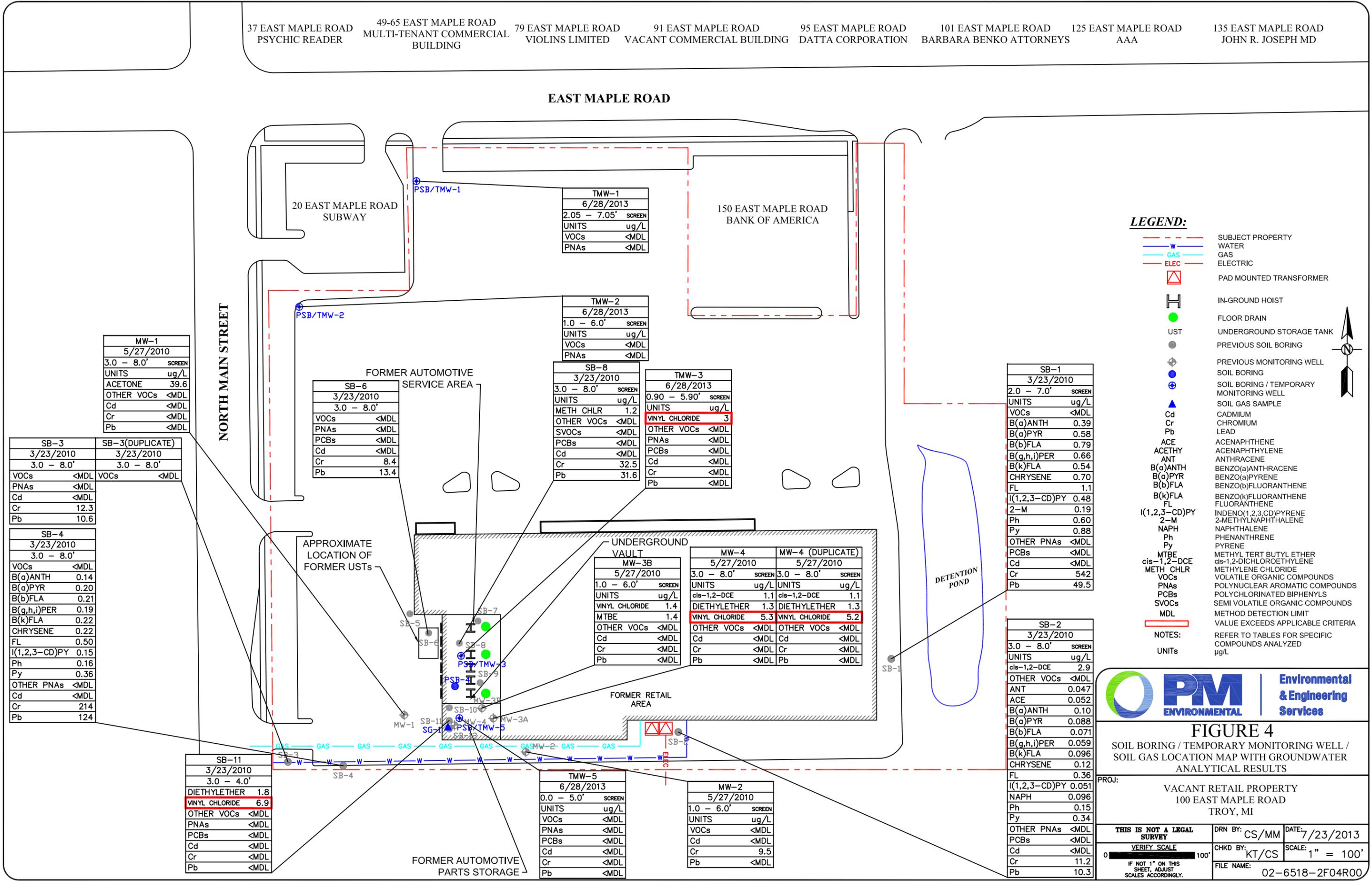


**FIGURE 3**  
SOIL BORING / TEMPORARY MONITORING WELL / SOIL GAS LOCATION MAP WITH SOIL ANALYTICAL RESULTS

PROJ: VACANT RETAIL PROPERTY 100 EAST MAPLE ROAD TROY, MI		
THIS IS NOT A LEGAL SURVEY	DRN BY: CS/MM	DATE: 7/23/2013
VERIFY SCALE	CHKD BY: KT/CS	SCALE: 1" = 100'
IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.		FILE NAME: 02-6518-2F03R00

37 EAST MAPLE ROAD PSYCHIC READER    49-65 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING    79 EAST MAPLE ROAD VIOLINS LIMITED    91 EAST MAPLE ROAD VACANT COMMERCIAL BUILDING    95 EAST MAPLE ROAD DATTA CORPORATION    101 EAST MAPLE ROAD BARBARA BENKO ATTORNEYS    125 EAST MAPLE ROAD AAA    135 EAST MAPLE ROAD JOHN R. JOSEPH MD

**EAST MAPLE ROAD**



**FIGURE 4**  
SOIL BORING / TEMPORARY MONITORING WELL / SOIL GAS LOCATION MAP WITH GROUNDWATER ANALYTICAL RESULTS

PROJ: VACANT RETAIL PROPERTY 100 EAST MAPLE ROAD TROY, MI		
THIS IS NOT A LEGAL SURVEY	DRN BY: CS/MM	DATE: 7/23/2013
VERIFY SCALE	CHKD BY: KT/CS	SCALE: 1" = 100'
IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.		
FILE NAME: 02-6518-2F04R00		

37 EAST MAPLE ROAD PSYCHIC READER    49-65 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING    79 EAST MAPLE ROAD VIOLINS LIMITED    91 EAST MAPLE ROAD VACANT COMMERCIAL BUILDING    95 EAST MAPLE ROAD DATTA CORPORATION    101 EAST MAPLE ROAD BARBARA BENKO ATTORNEYS    125 EAST MAPLE ROAD AAA    135 EAST MAPLE ROAD JOHN R. JOSEPH MD

**EAST MAPLE ROAD**

1553 NORTH MAIN STREET TROPICAL CAFE SMOOTHIES

1537 NORTH MAIN STREET HAMILTON ANIMAL HOSPITAL

1523 NORTH MAIN STREET MULTI-TENANT COMMERCIAL BUILDING

1511 NORTH MAIN STREET THE ART OF CUSTOM FRAMING

1505 NORTH MAIN STREET PAVED PARKING LOT

1467 NORTH MAIN STREET PAVED PARKING LOT

1457 NORTH MAIN STREET STIRNEMANN TOOLS AND MACHINE

1431 NORTH MAIN STREET CONSTRUCTION SITE

1421 NORTH MAIN STREET WENDY'S

**NORTH MAIN STREET**

20 EAST MAPLE ROAD SUBWAY

150 EAST MAPLE ROAD BANK OF AMERICA

164 EAST MAPLE ROAD MULTI-TENANT COMMERCIAL BUILDING

190 EAST MAPLE ROAD MICHIGAN CHANDELIER

FORMER AUTOMOTIVE SERVICE AREA

APPROXIMATE LOCATION OF FORMER USTs

FORMER RETAIL AREA

UNDERGROUND VAULT

DETENTION POND

214 EAST MAPLE ROAD EMPIRE ELECTRONICS

205 PARK DRIVE FEDEX FREIGHT

1300-1310 LIVERNOIS ROAD VACANT COMMERCIAL BUILDING

SSG-1	
6/28/2013	
SUB-SLAB	
ACETONE	520
B	7.1
CARBON DISF	9.2
Chl	0.62
CYCLOHEXANE	4.3
DICLFMETH	0.52
ETHANOL	24.3
E	3.9
4-ETHYLTOLUENE	1.1
HEPTANE	9.6
HEXANE	23.8
2-HEXANONE	2.1
ISOP ALCOHOL	2.7
METH CHLR	1.5
MEK	19.4
MIK	22.9
MTBE	0.17
1,2,4-TMB	4.7
1,3,5-TMB	1.4
2,2,4-TMP	0.75
TBA	3.5
PCE	4
TETRAHYDROFURAN	1.6
T	26.4
TCE	0.81
TRICLFL METH	0.77
X	15.3
OTHER VOCs	<MDL

**LEGEND:**

- SUBJECT PROPERTY
- WATER
- GAS
- ELEC
- PAD MOUNTED TRANSFORMER
- IN-GROUND HOIST
- FLOOR DRAIN
- UNDERGROUND STORAGE TANK
- PREVIOUS SOIL BORING
- PREVIOUS MONITORING WELL
- SOIL BORING
- SOIL BORING / TEMPORARY MONITORING WELL
- SOIL GAS SAMPLE
- B** BENZENE
- T** TOLUENE
- E** ETHYLBENZENE
- X** XYLENES
- 1,2,4-TMB** 1,2,4-TRIMETHYLBENZENE
- 1,3,5-TMB** 1,3,5-TRIMETHYLBENZENE
- Chl** CHLOROFORM
- MTBE** METHYL TERT BUTYL ETHER
- TCE** TRICHLOROETHENE
- PCE** TETRACHLOROETHENE
- MEK** 2-BUTANONE (MEK)
- VOCs** VOLATILE ORGANIC COMPOUNDS
- MDL** METHOD DETECTION LIMIT
- PPBV** PART PER BILLION BY VOLUME
- NOTES:** REFER TO TABLES FOR SPECIFIC COMPOUNDS ANALYZED
- MIK** METHYL ISOBUTYL KETONE
- TBA** TERTIARYBUTYLALCOHOL
- METH CHLR** METHYLENE CHLORIDE
- 2,2,4-TMP** 2,2,4-TRIMETHYLPENTANE
- DICLFMETH** DICHLORODIFLUOROMETHANE
- CARBON DISF** CARBON DISULFIDE
- TRICLFL METH** TRICHLOROFLUOROMETHANE



**FIGURE 5**  
SOIL BORING / TEMPORARY MONITORING WELL / SOIL GAS LOCATION MAP WITH SOIL GAS ANALYTICAL RESULTS

PROJ: VACANT RETAIL PROPERTY  
100 EAST MAPLE ROAD  
TROY, MI

THIS IS NOT A LEGAL SURVEY  
VERIFY SCALE  
IF NOT 1" ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRN BY: CS/MM DATE: 7/23/2013  
CHKD BY: KT/CS SCALE: 1" = 100'  
FILE NAME: 02-6518-2F05R00

# Tables

**TABLE 1 (1 OF 1)**  
**SUMMARY OF SOIL ANALYTICAL RESULTS**  
**VOLATILE ORGANIC COMPOUNDS, POLYNUCLEAR AROMATIC COMPOUNDS, POLYCHLORINATED BIPHENYLS and METALS**  
**100 EAST MAPLE, TROY, MICHIGAN**  
**PM PROJECT # 02-6518-2**

Volatile Organic Compounds, Polynuclear Aromatic Compounds, Polychlorinated Biphenyls (PCBs) & Metals (Cadmium, Chromium, & Lead)  (µg/Kg)			Volatile Organic Compounds	Polynuclear Aromatic Compounds	Polychlorinated Biphenyls	Cadmium	Chromium	Lead
Chemical Abstract Service Number (CAS#)			Various	Various	1336363	7440439	16065831	Total <sup>1</sup> 7439921
Sample ID	Sample Date	Sample Depth (bgs)	VOCs	PNAs	PCBs	Metals		
PSB-3	06/28/2013	9.0-10.0	ND	ND	<330	210	7,730	9,020
PSB-4	06/28/2013	10.0-11.0	ND	ND	<330	<200	5,410	6,520
PSB-5	06/28/2013	12.0-13.0	ND	ND	<330	330	7,140	6,440
<b>Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-based Screening Levels (RBSLs), Attachment 1: Soil Tables 2 and 3 Residential and Nonresidential Part 201 Generic Cleanup Criteria and Screening Levels; Part 213 Tier 1 RBSLs, September 28, 2012</b>								
<b>Residential (µg/Kg)</b>								
<b>Statewide Default Background Levels</b>			NA	NA	NA	1,200	18,000	21,000
<b>Drinking Water Protection (Res DWP)</b>			Various	Various	NLL	6,000	30,000	700,000
<b>Groundwater Surface Water Interface Protection (GSIP)</b>			Various	Various	NLL	7,730 {G,X}	3300 (VI) 6.9E+9 (III)	8.3E+6 {G,X}
<b>GSIP Human Drinking Water</b>			Various	Various	NA	3,000 {G,X}	3.5E+9 {G,X}	2.5E+6 {G,X}
<b>Groundwater Contact Protection (GCP)</b>			Various	Various	NLL	2.3E+08	1.4E+08	ID
<b>Soil Volatilization to Indoor Air Inhalation (Res SVII)</b>			Various	Various	3.0E+06	NLV	NLV	NLV
<b>Ambient Air Infinite Source Volatile Soil Inhalation (Res VSI)</b>			Various	Various	240,000	NLV	NLV	NLV
<b>Ambient Air Finite VSI for 5 Meter Source Thickness</b>			Various	Various	7.9E+06	NLV	NLV	NLV
<b>Ambient Air Finite VSI for 2 Meter Source Thickness</b>			Various	Various	7.9E+06	NLV	NLV	NLV
<b>Ambient Air Particulate Soil Inhalation (Res PSI)</b>			Various	Various	5.2E+06	1.70E+06	260,000	NA
<b>Direct Contact (Res DC)</b>			Various	Various	{T}	550,000	2.50E+06	400,000
<b>Nonresidential (µg/Kg)</b>								
<b>Drinking Water Protection (Nonres DWP)</b>			Various	Various	NLL	6,000	30,000	700,000
<b>Soil Volatilization to Indoor Air Inhalation (Nonres SVII)</b>			Various	Various	1.6E+07	NLV	NLV	NLV
<b>Ambient Air Infinite Source Volatile Soil Inhalation (Nonres VSI)</b>			Various	Various	810,000	NLV	NLV	NLV
<b>Ambient Air Finite VSI for 5 Meter Source Thickness</b>			Various	Various	2.8E+07	NLV	NLV	NLV
<b>Ambient Air Finite VSI for 2 Meter Source Thickness</b>			Various	Various	2.8E+07	NLV	NLV	NLV
<b>Ambient Air Particulate Soil Inhalation (Nonres PSI)</b>			Various	Various	6.5E+06	2.2E+06	240,000	NA
<b>Direct Contact (Nonres DC)</b>			Various	Various	{T}	2.1E+06	9.2E+06	900,000 (DD)
<b>Screening Levels (µg/Kg)</b>								
<b>Soil Saturation Concentration Screening Levels (Csat)</b>			Various	Various	NA	NA	NA	NA

{G} Metal GSIP Criteria for Surface Water Not Protected for Drinking Water Use based on 417.5 mg/L CaCO3 Hardness:  
Station ID 630003, River Rouge AT Wattles Road Bridge; City of Troy, MI.

{T} Refer to the Toxic Substance Control Act (TSCA), 40 CFR 761, Subparts D and G, as amended, to determine the applicability of TSCA cleanup standards. Alternatives to compliance with the standards listed below are possible under Subpart D. New Releases may be subject to the standards identified in Subpart G. Use Part 201 soil direct contact criteria in the table below where TSCA standards are not applicable.

LAND USE CATEGORY	TSCA, Subpart D	Part 201
Residential	1,000 µg/Kg, or	4,000 µg/Kg
Nonresidential	10,000 µg/Kg if	16,000 µg/Kg

- Applicable Criteria Exceeded
- BOLD** Value Exceeds Applicable Criteria
- bgs Below Grade Surface (feet)
- 1 Maximum of analyzed or calculated total lead value.

TABLE 2 (1 OF 1)  
**SUMMARY OF GROUNDWATER ANALYTICAL RESULTS**  
**VOLATILE ORGANIC COMPOUNDS, POLYNUCLEAR AROMATIC COMPOUNDS, POLYCHLORINATED BIPHENYLS and METALS**  
**100 EAST MAPLE, TROY, MICHIGAN**  
**PM PROJECT # 02-6518-2**

Volatile Organic Compounds, Polynuclear Aromatic Compounds, Polychlorinated Biphenyls (PCBs), & Metals (Cadmium, Chromium, & Lead) (µg/L)				Vinyl chloride	Other VOCs	Polynuclear Aromatic Compounds	Polychlorinated Biphenyls	Cadmium	Chromium	Lead
Chemical Abstract Service Number (CAS#)				75014	Various	Various	1336363	7440439	16065831	7439921
Sample ID	Sample Date	Screen Depth (bgs)	Depth to Groundwater (bgs)	VOCs		PNAAs	PCBs	Metals		
TMW-1	06/28/2013	2.05-7.05	2.2	<1	ND	ND	NA	NA	NA	NA
TMW-2	06/28/2013	1.0-6.0	3.0	<1	ND	ND	NA	NA	NA	NA
TMW-3	06/28/2013	0.90-5.90	1.12	<b>3</b>	ND	ND	<0.1	<0.5	<5	<3
TMW-5	06/28/2013	0.0-5.0	0.90	<1	ND	ND	<0.1	<0.5	<5	<3
<b>Operational Memorandum No. 1: Part 201 Cleanup Criteria and Part 213 Risk-based Screening Levels (RBSLs),            Attachment 1: Table 1. Groundwater: Residential and Nonresidential Part 201 Generic Cleanup Criteria and Screening Levels; Part 213 Tier 1 RBSLs, September 28, 2012</b>										
Residential/Nonresidential (µg/L)										
<b>Residential Drinking Water (Res DW)</b>				<b>2.0 {A}</b>	Various	Various	0.5 {A}	5.0 {A}	100 {A}	4.0 {L}
<b>Residential Health Based Drinking Water Values</b>				NL	Various	Various	NL	NL	NL	NL
<b>Nonresidential Drinking Water (Nonres DW)</b>				<b>2.0 {A}</b>	Various	Various	0.5 {A}	5.0 {A}	100 {A}	4.0 {L}
<b>Nonresidential Health Based Drinking Water Values</b>				NL	Various	Various	NL	NL	NL	NL
<b>Groundwater Surface Water Interface (GSI)</b>				13 {X}	Various	Various	0.2 {M}; 2.6E-5	6.4 {G,X}	11 (VI) 240 (III)	47 {G,X}
<b>GSI Final Acute Values (FAV) <sup>1</sup></b>				17,000	Various	Various	ID	{G}	{G}	{G}
<b>GSI Human Drinking Water</b>				NA	Various	Various	NA	2.5 {G,X}	120 {G,X}	14 {G,X}
<b>Residential Groundwater Volatilization to Indoor Air Inhalation (Res GVII) <sup>2</sup></b>				1,100	Various	Various	45 {S}	NLV	NLV	NLV
<b>Nonresidential Groundwater Volatilization to Indoor Air Inhalation (Nonres GVII) <sup>2</sup></b>				13,000	Various	Various	45 {S}	NLV	NLV	NLV
<b>Groundwater Contact (GC)</b>				1,000	Various	Various	3.3 {AA}	1.90E+05	4.60E+05	ID
Screening Levels (µg/L)										
<b>Residential Groundwater Vapor Intrusion Screening Levels <sup>3</sup></b>				4.8	Various	Various	4.5	NLV	NLV	NLV
<b>Nonresidential Groundwater Vapor Intrusion Screening Levels <sup>3</sup></b>				19	Various	Various	18	NLV	NLV	NLV
<b>Water Solubility</b>				2.76E+06	Various	Various	44.7	NA	NA	NA
<b>Flammability and Explosivity Screening Level</b>				33,000	Various	Various	ID	ID	ID	ID
<b>Acute Inhalation Screening Level</b>				ID	Various	Various	ID	ID	ID	ID

{G} Metal GSIP Criteria for Surface Water Not Protected for Drinking Water Use based on 417.5 mg/L CaCO<sub>3</sub> Hardness:  
 Station ID 630003, River Rouge AT Wattles Road Bridge; City of Troy, MI.

  Applicable Criteria/RBSL Exceeded

**BOLD** Value Exceeds Applicable Criteria

bgs Below Grade Surface (feet)

ND Not detected at levels above the laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)

<sup>1</sup> Rule 323.1057 of Part 4 Water Quality Standards

<sup>2</sup> Tier 1 GVII Criteria based on 3 meter (or greater) groundwater depth

<sup>3</sup> (Program Redesign 2009 Draft) Screening Levels based on depth to groundwater less than 3 meters and not in contact with building foundation

TABLE 3 (1 OF 1)  
SUMMARY OF SOIL VAPOR ANALYTICAL RESULTS  
VOLATILE ORGANIC COMPOUNDS  
100 EAST MAPLE, TROY, MICHIGAN  
PM PROJECT # 02-6518-2

VOLATILE ORGANIC COMPOUNDS (ppbv)				Acetone	Benzene	Carbon disulfide	Chloroform	Cyclohexane	Dichlorodifluoromethane	Ethanol	Ethylbenzene	4-Ethyltoluene	Heptane	Hexane	2-Hexanone	Isopropyl Alcohol	Methylene chloride	Methyl ethyl ketone	Methyl Isobutyl Ketone	Methyl Tert Butyl Ether	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	2,2,4-Trimethylpentane	Tertiary Butyl Alcohol	Tetrachloroethylene	Tetrahydrofuran	Toluene	Trichloroethylene	Trichlorofluoromethane	m,p-Xylene	o-Xylene	Xylenes (total)	Other VOCs				
Chemical Abstract Service Number (CAS#)				67641	71432	75150	67663	110827	75718	64175	100414	622968	142825	110543	591786	67630	75092	78933	108101	1634044	95636	108678	540841	75650	127184	109999	108883	79016	75694	1330207	95476	1330207	Various				
Sample ID	Sample Date	Sample Duration (min)	Flow Rate (ml/min)	VOCs																																	
SSG-1	6/28/2013	5.0		520	7.1	9.2	0.62 J	4.3	0.52 J	24.3	3.9	1.1	9.6	23.8	2.1	2.7	1.5	19.4	22.9	0.17 J	4.7	1.4	0.75 J	3.5	4	1.6	26.4	0.81	0.77 J	11	4.3	15.3	ND				
MDEQ Guidance Document For The Vapor Intrusion Pathway, Policy and Procedure Number: 09-017, Appendix D Vapor Intrusion Screening Values, May 2013																																					
Residential Screening Levels (ppbv)																																					
Vapor Intrusion Shallow Sub-Slab Soil Gas Screening Levels (≤ 1.5m bgs) (SG <sub>VI,SS</sub> )				82,000	32	7,400	73	58,000	3.30E+05	NDC	640	NDC	28,000	6,600	250	NDC	880	56,000	24,000	27,000	1,500	1,500	25,000	NDC	170	200	44,000	12	3.30E+05	760	760	760	Various				
Vapor Intrusion Deep Soil Gas Screening Levels (SG <sub>VI</sub> )				8.20E+05	320	74,000	730	5.80E+05	3.30E+06	NDC	6,400	NDC	2.80E+05	86,000	2,500	NDC	8,800	5.60E+05	2.40E+05	2.70E+05	15,000	15,000	2.50E+05	NDC	1,700	2,000	4.40E+05	120	3.30E+06	7,600	7,600	7,600	Various				
Nonresidential Screening Levels (ppbv)																																					
Vapor Intrusion Shallow Sub-Slab Soil Gas Screening Levels (≤ 1.5m bgs) (SG <sub>VI,SS</sub> )				1.40E+06	650	1.20E+05	1,500	9.70E+05	5.60E+06	NDC	13,000	NDC	4.70E+05	1.10E+05	4,100	NDC	18,000	9.40E+05	4.10E+05	4.60E+05	25,000	25,000	4.20E+05	NDC	3,300	3,400	7.40E+05	210	5.60E+06	13,000	13,000	13,000	Various				
Vapor Intrusion Deep Soil Gas Screening Levels (SG <sub>VI</sub> )				1.40E+07	6,500	1.20E+06	15,000	9.70E+06	5.60E+07	NDC	1.30E+05	NDC	4.70E+06	1.10E+06	41,000	NDC	1.80E+05	9.40E+06	4.10E+06	4.60E+06	2.50E+05	2.50E+05	4.20E+06	NDC	33,000	34,000	7.40E+06	2100	5.60E+07	1.30E+05	1.30E+05	1.30E+05	Various				
DRAFT Acute Vapor Intrusion Screening Levels for Indoor Air and Soil Gas; Residential and Nonresidential Land Use, February 2013 (ppbv)																																					
IRASL Indoor Air (AIA <sub>VI</sub> )				25,000	390	1,900	29	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	6,400	4,200	NDC	1,900	NDC	NDC	NDC	NDC	2,800	NDC	9,300	74,000	NDC	4,800	4,800	4,800	Various			
IRASL Soil Gas (ASG <sub>VI</sub> )				8.28E+05	13,000	63,000	970	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	NDC	2.15E+05	1.40E+05	NDC	63,000	NDC	NDC	NDC	NDC	93,000	NDC	3.10E+05	2.48E+06	NDC	1.60E+05	1.60E+05	1.60E+05	Various			

- Applicable Criteria/RBSL Exceeded
- BOLD** Value Exceeds Applicable Criteria
- bgs Below Ground Surface (feet)
- ND Not detected at levels above the laboratory Method Detection Limit (MDL) or Minimum Quantitative Level (MQL)
- NLV A hazardous substance is "Not Likely to Volatilize". This designation is given to any hazardous substance with a Henry's Law Constant of less than 1.0 x 10<sup>-6</sup> atm-m<sup>3</sup>/mol.
- ID "Insufficient Data" was available to the MDEQ in order to develop a criterion at the date of publication.
- NDC "No Defined Criteria" by the Michigan Department of Environmental Quality (MDEQ)
- <sup>1</sup> The IAC and SGC presented in this table are health-based values. The applicable IAC and SGC are based on the higher of the health-based value and the appropriate analytical reporting limit.
- IRASL Immediate Response Acute Vapor Intrusion Screening Levels
- RL Reporting Limit
- E Indicates value exceeds calibration range
- J Indicates estimated value
- B Indicates analyte found in associated method blank
- N Indicates presumptive evidence of a compound

Table 1: Soil Analytical Data Summary

Parameter	Chemical Abstract Service Number	Michigan DNRE Generic Residential Cleanup Criteria (GRCC) units = µg/kg									Sample ID, Depth, PID Reading, Collection Date, and Results units = µg/kg								
		Statewide Default Background Levels	Groundwater Protection			Indoor Air	Ambient Air (Y)			Direct Contact		SB-1-1 1' bgs 0 ppm March 23, 2010	SB-3-2.5 2.5' bgs 0 ppm March 23, 2010	SB-5-1.5 1.5' bgs 0 ppm March 23, 2010	SB-7-0.5 0.5' bgs 0 ppm March 23, 2010	SB-9-1 1' bgs 3.5 ppm March 23, 2010	SB-9-1D 1' bgs 3.5 ppm March 23, 2010	SB-10-1.5 1.5' bgs 0.5 ppm March 23, 2010	SB-12-1 1' bgs 0 ppm March 23, 2010
			Drinking Water Protection Criteria & RBSLs	Groundwater Surface Water Interface Protection Criteria & RBSLs	Groundwater Contact Protection Criteria & RBSLs	Soil Volatilization to Indoor Air Inhalation Criteria & RBSLs	Infinite Source Volatile Soil Inhalation Criteria (VSIC) & RBSLs	Particulate Soil Inhalation Criteria & RBSLs	Direct Contact Criteria & RBSLs	Soil Saturation Concentration Screening Levels									
<b>Total Metals</b>																			
Cadmium (B)	7440439	1,200	6,000	(G, X)	2.3E+8	NLV	NLV	1.7E+6	5.5E+5	NA	---	---	ND	ND	ND	---	ND	ND	
Chromium VI (B,H)	18540299	18,000 (total)	30,000	3,300	1.4E+8	NLV	NLV	2.6E+5	2.5E+6	NA	---	---	18,900	11,200	9,900	---	11,000	8,800	
Lead (B)	7439921	21,000	7.0E+5	(G, X)	ID	NLV	NLV	1.0E+8	4.0E+5	NA	---	---	9,100	4,800	14,600	---	6,100	4,500	
<b>Polychlorinated Biphenyls (PCBs)</b>																			
Aroclor-1016					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1221					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1232					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1242					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1248					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1254					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Aroclor-1260					No criteria available						---	---	ND	ND	ND	---	ND	ND	
Total Polychlorinated Biphenyls (J, T)	1336363	NA	NLL	NLL	NLL	3.0E+6	2.4E+5	5.2E+6	(T)	NA	---	---	ND	ND	ND	---	ND	ND	
<b>Polynuclear Aromatics (PNAs)</b>																			
Anthracene	120127	NA	41,000	ID	41,000	1.0E+9 (D)	1.4E+9	6.7E+10	2.3E+8	NA	ND	ND	ND	ND	---	---	ND	ND	
Acenaphthene	83329	NA	3.0E+5	4,400	9.7E+5	1.9E+8	8.1E+7	1.4E+10	4.1E+7	NA	ND	ND	ND	ND	---	---	ND	ND	
Acenaphthylene	208968	NA	5,900	ID	4.4E+5	1.6E+6	2.2E+6	2.3E+9	1.6E+6	NA	ND	ND	ND	ND	---	---	ND	ND	
Benzo(a)anthracene (Q)	56553	NA	NLL	NLL	NLL	NLV	NLV	ID	20,000	NA	ND	ND	ND	ND	---	---	ND	ND	
Benzo(a)pyrene	50328	NA	NLL	NLL	NLL	NLV	NLV	1.5E+6	2,000	NA	ND	ND	ND	ND	---	---	ND	ND	
Benzo(b)fluoranthene	205992	NA	NLL	NLL	NLL	ID	ID	ID	20,000	NA	ND	ND	ND	ND	---	---	ND	ND	
Benzo(g,h,i)perylene	191242	NA	NLL	NLL	NLL	NLV	NLV	8.0E+8	2.5E+6	NA	ND	ND	ND	ND	---	---	ND	ND	
Benzo(k)fluoranthene	207089	NA	NLL	NLL	NLL	NLV	NLV	ID	2.0E+5	NA	ND	19.5	ND	ND	---	---	ND	ND	
Chrysene (Q)	218019	NA	NLL	NLL	NLL	ID	ID	ID	2.0E+6	NA	ND	28.4	ND	ND	---	---	ND	ND	
Dibenzo(a,h)anthracene (Q)	53703	NA	NLL	NLL	NLL	NLV	NLV	ID	2,000	NA	ND	ND	ND	ND	---	---	ND	ND	
Fluoranthene	206440	NA	7.3E+5	5,500	7.3E+5	1.0E+9 (D)	7.4E+8	9.3E+9	4.6E+7	NA	ND	43.5	ND	ND	---	---	ND	ND	
Fluorene	86737	NA	3.9E+5	5,300	8.9E+5	5.8E+8	1.3E+8	9.3E+9	2.7E+7	NA	ND	ND	ND	ND	---	---	ND	ND	
Indeno(1,2,3-cd)pyrene	193395	NA	NLL	NLL	NLL	NLV	NLV	ID	20,000	NA	ND	ND	ND	ND	---	---	ND	ND	
Naphthalene	91203	NA	35,000	870	2.1E+6	2.5E+5	3.0E+5	2.0E+8	1.6E+7	NA	ND	ND	ND	ND	---	---	ND	ND	
2-Methylnaphthalene	91576	NA	57,000	ID	5.5E+6	ID	ID	ID	8.1E+6	NA	ND	ND	ND	ND	---	---	ND	ND	
Phenanthrene	85018	NA	56,000	5,300	1.1E+6	2.8E+6	1.6E+5	6.7E+6	1.6E+6	NA	ND	21.4	ND	ND	---	---	ND	ND	
Pyrene	129000	NA	4.8E+5	ID	4.8E+5	1.0E+9 (D)	6.5E+8	6.7E+9	2.9E+7	NA	ND	30.7	ND	ND	---	---	ND	ND	
<b>Volatile Organic Compounds (VOCs)</b>																			
All VOCs					Varies by Compound						---	---	ND	ND	ND	ND	ND	ND	
<b>Semi-Volatile Organic Compounds (SVOCs)</b>																			
All SVOCs					Varies by Compound						---	---	---	---	ND	---	---	---	

### Table 1: Soil Analytical Data Summary

#### Footnotes:

B - Background, as defined in R 299.5701(b), may be substituted if higher than the calculated cleanup criterion.

Background levels may be less than criteria for some inorganic compounds.

D - Calculated criterion exceeds 100 percent, hence it is reduced to 100 percent or 1.0E+9 parts per billion (ppb).

G - Groundwater surface water interface (GSI) criterion depends on the pH or water hardness, or both, of the receiving surface water.

H - Valence-specific chromium data (Cr III and CR IV) shall be compared to valence specific cleanup criteria

J - Hazardous substance may be present in several isomer forms. Isomer-specific concentrations shall be added together for comparison to cr

Q - Criteria for carcinogenic polycyclic aromatic hydrocarbons were developed using relative potential potencies to benzo(a)pyrene.

T - Refer to the Toxic Substances Control Act (TSCA) for cleanup standards

X - The GSI criterion shown in the generic cleanup criteria tables is not protective for surface water that is used as a drinking water source.

Y - Source size modifiers shown in the following table shall be used to determine soil inhalation criteria for ambient air when the source size is not one-half acre.

bgs - Below ground surface

**bold** - Values presented in bold represent exceedence of laboratory reported detection limit.

ID - Insufficient data to develop criterion.

NA - A criterion or value is not available or, in the case of background and CAS numbers, not applicable.

ND - Analyte was not detected at or above method detection limits.

NLL - Hazardous substance is not likely to leach under most soil conditions.

NLV - Hazardous substance is not likely to volatilize under most conditions.

ppm - Parts per million

µg/kg - Micrograms per kilogram (ppb).

--- Sample not analyzed for compound.

 - Numbers in yellow-shaded boxes represent exceedence of relevant criteria.

 - Numbers in green-shaded boxes represent relevant criteria exceeded.

Table 2: Groundwater Analytical Data Summary

Parameter	Chemical Abstract Service Number	Michigan DNRE Generic Residential Cleanup Criteria (GRCC) units = µg/l										Sample ID, Well Screen Interval Depth, Collection Date, and Results units = µg/l									
		Residential & Commercial I Drinking Water Criteria & RBLSLs	Industrial & Commercial II, III & IV Drinking Water Criteria & RBLSLs	Groundwater Surface Water Interface Criteria & RBLSLs	Residential & Commercial I Groundwater Volatilization to Indoor Air Inhalation Criteria & RBLSLs	Industrial & Commercial II, III & IV Groundwater Volatilization to Indoor Air Inhalation Criteria & RBLSLs	Groundwater Contact Criteria & RBLSLs	Water Solubility	Flammability and Explosivity Screening Level	Acute Inhalation Screening Level	SB-1 2'-7' bgs March 23, 2010	SB-2 3'-8' bgs March 23, 2010	SB-3 3'-8' bgs March 23, 2010	SB-3D 3'-8' bgs March 23, 2010	SB-4 3'-8' bgs March 23, 2010	SB-6 3'-8' bgs March 23, 2010	SB-8 3'-8' bgs March 23, 2010	SB-11 3'-8' bgs March 23, 2010	FB-1 Not Applicable March 23, 2010	TB-1 Not Applicable March 23, 2010	
<b>Total Metals</b>																					
Cadmium (B)	7440439	5.0 (A)	5.0 (A)	(G,X)	NLV	NLV	1.9E+5	NA	ID	ID	ND	ND	ND	---	ND	ND	ND	ND	---	---	
Chromium VI (B,H)	18540299	100 (A)	100 (A)	11	NLV	NLV	4.6E+5	NA	ID	ID	542	11.2	12.3	---	214	8.4	32.5	ND	---	---	
Lead (B)	7439921	4.0 (L)	4.0 (L)	(G,X)	NLV	NLV	ID	NA	ID	ID	49.5	10.3	10.6	---	124	13.4	31.6	ND	---	---	
<b>Polychlorinated Biphenyls (PCBs)</b>																					
Aroclor-1016		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1221		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1232		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1242		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1248		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1254		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Aroclor-1260		No criteria available										ND	ND	---	---	---	ND	ND	ND	---	---
Total Polychlorinated Biphenyls (J, T)	1336363	0.5 (A)	0.5 (A)	0.2 (M); 2.6E5	45 (S)	45 (S)	3.3 (AA)	44.7	ID	ID	ND	ND	---	---	---	ND	ND	ND	---	---	
<b>Polynuclear Aromatics (PNAs)</b>																					
Anthracene	120127	43 (S)	43 (S)	ID	43 (S)	43 (S)	43 (S)	43.4	ID	ID	ND	0.047	ND	---	ND	ND	---	ND	---	---	
Acenaphthene	83329	1,300	3,800	19	4,200 (S)	4,200 (S)	4,200 (S)	4240	ID	ID	ND	0.052	ND	---	ND	ND	---	ND	---	---	
Acenaphthylene	208968	52	150	ID	3,900 (S)	3,900 (S)	3,900 (S)	3930	ID	ID	ND	ND	ND	---	ND	ND	---	ND	---	---	
Benzo(a)anthracene (Q)	56553	2.1	8.5	ID	NLV	NLV	9.4 (S,AA)	9.4	ID	ID	0.39	0.10	ND	---	0.14	ND	---	ND	---	---	
Benzo(a)pyrene	50328	5.0 (A)	5.0 (A)	ID	NLV	NLV	1.0 (M,AA); 0.64	1.62	ID	ID	0.58	0.088	ND	---	0.20	ND	---	ND	---	---	
Benzo(b)fluoranthene	205992	1.5 (S, AA)	1.5 (S, AA)	ID	ID	ID	1.5 (S,AA)	1.5	ID	ID	0.79	0.071	ND	---	0.21	ND	---	ND	---	---	
Benzo(g,h,i)perylene	191242	1.0 (M); 0.26 (S)	1.0 (M); 0.26 (S)	NA	NLV	NLV	1.0 (M,AA); 0.26 (S)	.26	ID	ID	0.66	0.059	ND	---	0.19	ND	---	ND	---	---	
Benzo(k)fluoranthene	207089	1.0 (M); 0.8 (S)	1.0 (M); 0.8 (S)	NA	NLV	NLV	1.0 (M,AA); 0.8 (S)	.8	ID	ID	0.54	0.096	ND	---	0.22	ND	---	ND	---	---	
Chrysene (Q)	218019	1.6 (S)	1.6 (S)	ID	ID	ID	1.6 (S,AA)	1.6	ID	ID	0.70	0.12	ND	---	0.22	ND	---	ND	---	---	
Dibenzo(a,h)anthracene (Q)	53703	2.0 (M); 0.21	2.0 (M); 0.85	ID	NLV	NLV	2.0 (M,AA); 0.31	2.49	ID	ID	ND	ND	ND	---	ND	ND	---	ND	---	---	
Fluoranthene	206440	210 (S)	210 (S)	1.6	210 (S)	210 (S)	210 (S)	206	ID	ID	1.1	0.36	ND	---	0.50	ND	---	ND	---	---	
Fluorene	86737	880	2,000 (S)	12	2,000 (S)	2,000 (S)	2,000 (S)	1980	ID	ID	ND	ND	ND	---	ND	ND	---	ND	---	---	
Indeno(1,2,3-cd)pyrene	193395	2.0 (M); 0.022 (S)	2.0 (M); 0.022 (S)	ID	NLV	NLV	2.0 (M, AA); 0.022 (S)	0.022	ID	ID	0.48	0.051	ND	---	0.15	ND	---	ND	---	---	
Naphthalene	91203	520	1,500	13	31,000 (S)	31,000 (S)	31,000 (S)	31000	NA	31,000 (S)	ND	0.096	ND	---	ND	ND	---	ND	---	---	
2-Methylnaphthalene	91576	260	750	ID	ID	ID	25,000 (S)	24600	ID	ID	0.19	ND	ND	---	ND	ND	---	ND	---	---	
Phenanthrene	85018	52	150	2.4	1,000 (S)	1,000 (S)	1,000 (S)	1000	ID	ID	0.60	0.15	ND	---	0.16	ND	---	ND	---	---	
Pyrene	129000	140 (S)	140 (S)	ID	140 (S)	140 (S)	140 (S)	135	ID	ID	0.88	0.34	ND	---	0.36	ND	---	ND	---	---	
<b>Volatile Organic Compounds (VOCs)</b>																					
Acetone	67641	730	2,100	1,700	1.0E+9 (D,S)	1.0E+9 (D,S)	3.1E+7	1.0E+9	1.5E+7	1.0E+9 (D)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Carbon Disulfide (I, R)	75150	800	2300	ID	2.5E+5	5.5E+5	1.2E+6 (S)	1.19E+6	13,000	ID	ND	2.9	ND	ND	ND	ND	ND	ND	ND	ND	
cis-1,2-Dichloroethylene	156592	70 (A)	70 (A)	620	93,000	2.1E+5	2.0E+5	3.50E+6	5.3E+5	ID	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Diethyl Ether	60297	10 (E)	10 (E)	ID	6.1E+7 (S)	6.1E+7 (S)	3.5E+7	6.10E+7	6.5E+5	6.10E+7 (S)	ND	ND	ND	ND	ND	ND	1.8	ND	ND	ND	
Methylene Chloride	75092	5.0 (A)	5.0 (A)	940 (X)	2.2E+5	1.4E+6	2.2E+5	1.70E+7	ID	ID	ND	ND	ND	ND	ND	1.2	ND	ND	ND	ND	
Methyl-tert-butyl-ether (MTBE)	1634044	40 (E)	40 (E)	730 (X)	4.7E+7 (S)	4.7E+7 (S)	6.1E+5	4.68E+7	ID	ID	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	
Styrene	100425	100 (A)	100 (A)	80	1.7E+5	3.1E+5 (S)	9,700	3.10E+5	1.4E+5	3.1E+5 (S)	ND	ND	ND	ND	ND	ND	ND	72.0	ND	ND	
Vinyl Chloride	75014	2.0 (A)	2.0 (A)	15	1,100	13,000	1,000	2.76E+6	33,000	ID	ND	ND	ND	ND	ND	6.9	ND	ND	ND	ND	
All Remaining VOCs		Varies by Compound										ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
<b>Semi-Volatile Organic Compounds (SVOCs)</b>																					
All SVOCs		Varies by Compound										---	---	---	---	---	---	ND	---	---	---

**Table 2: Groundwater Analytical Data Summary**

Parameter	Chemical Abstract Service Number	Michigan DNRE Generic Residential Cleanup Criteria (GRCC) units = µg/l									Sample ID, Well Screen Interval Depth, Collection Date, and Results units = µg/l						
		Residential & Commercial I Drinking Water Criteria & RBSLs	Industrial & Commercial II, III & IV Drinking Water Criteria & RBSLs	Groundwater Surface Water Interface Criteria & RBSLs	Residential & Commercial I Groundwater Volatilization to Indoor Air Inhalation Criteria & RBSLs	Industrial & Commercial II, III & IV Groundwater Volatilization to Indoor Air Inhalation Criteria & RBSLs	Groundwater Contact Criteria & RBSLs	Water Solubility	Flammability and Explosivity Screening Level	Acute Inhalation Screening Level	MW1-052710 3'-8' bgs May 27, 2010	MW2-052710 1'-6' bgs May 27, 2010	MW3-052710 3'-8' bgs May 27, 2010	MW4A-052710 3'-8' bgs May 27, 2010	MW4B-052710 3'-8' bgs May 27, 2010	TB-052710 Not Applicable May 27, 2010	EB-052710 Not Applicable May 27, 2010
<b>Total Metals</b>																	
Cadmium (B)	7440439	5.0 (A)	5.0 (A)	(G,X)	NLV	NLV	1.9E+5	NA	ID	ID	ND	ND	ND	ND	ND	---	ND
Chromium VI (B,H)	18540299	100 (A)	100 (A)	11	NLV	NLV	4.6E+5	NA	ID	ID	ND	9.5	ND	ND	ND	---	ND
Lead (B)	7439921	4.0 (L)	4.0 (L)	(G,X)	NLV	NLV	ID	NA	ID	ID	ND	ND	ND	ND	ND	---	ND
<b>Volatile Organic Compounds (VOCs)</b>																	
Acetone	67641	730	2,100	1,700	1.0E+9 (D,S)	1.0E+9 (D,S)	3.1E+7	1.0E+9	1.5E+7	1.0E+9 (D)	39.6	ND	ND	ND	ND	ND	ND
Carbon Disulfide (I, R)	75150	800	2300	ID	2.5E+5	5.5E+5	1.2E+6 (S)	1.19E+6	13,000	ID	ND	ND	ND	ND	ND	ND	ND
cis-1,2-Dichloroethylene	156592	70 (A)	70 (A)	620	93,000	2.1E+5	2.0+E5	3.50E+6	5.3E+5	ID	ND	ND	ND	1.1	1.1	ND	ND
Diethyl Ether	60297	10 (E)	10 (E)	ID	6.1E+7 (S)	6.1E+7 (S)	3.5E+7	6.10E+7	6.5E+5	6.10E+7 (S)	ND	ND	ND	1.3	1.2	ND	ND
Methylene Chloride	75092	5.0 (A)	5.0 (A)	940 (X)	2.2E+5	1.4E+6	2.2E+5	1.70E+7	ID	ID	ND	ND	ND	ND	ND	ND	ND
Methyl-tert-butyl-ether (MTBE)	1634044	40 (E)	40 (E)	730 (X)	4.7E+7 (S)	4.7E+7 (S)	6.1E+5	4.68E+7	ID	ID	ND	ND	1.4	ND	ND	ND	ND
Styrene	100425	100 (A)	100 (A)	80	1.7E+5	3.1E+5 (S)	9,700	3.10E+5	1.4E+5	3.1E+5 (S)	ND	ND	ND	ND	ND	ND	ND
Vinyl Chloride	75014	2.0 (A)	2.0 (A)	15	1,100	13,000	1,000	2.76E+6	33,000	ID	ND	ND	1.4	5.3	5.2	ND	ND
All Remaining VOCs		Varies by Compound									ND	ND	ND	ND	ND	ND	ND

**Table 2: Groundwater Analytical Data Summary**

**Footnotes:**

- A - Criterion is the state of Michigan drinking water standard established pursuant to Section 5 of 1976 PA 399, MCL 325.1005.
- B - Background, as defined in R 299.5701(b), may be substituted if higher than the calculated cleanup criterion.  
 Background levels may be less than criteria for some inorganic compounds.
- D - Calculated criterion exceeds 100 percent, hence it is reduced to 100 percent or 1.0E+9 parts per billion (ppb).
- E - Criterion is the aesthetic drinking water value.
- G - Groundwater surface water interface (GSI) criterion depends on the pH or water hardness, or both, of the receiving surface water.
- H - Valence-specific chromium data (Cr III and CR IV) shall be compared to valence specific cleanup criteria.
  - I - Hazardous substance may exhibit the characteristic of ignitability.
- J - Hazardous substance may be present in several isomer forms. Isomer-specific concentrations shall be added together for comparison to criteria.
- L - Criteria for lead are derived using a biologically based model.
- M - Calculated criterion is below the analytical target detection limit, therefore, the criterion defaults to the target detection limit.
- Q - Criteria for carcinogenic polycyclic aromatic hydrocarbons were developed using relative potential potencies to benzo(a)pyrene.
- R - Hazardous substance may exhibit the characteristic of reactivity.
- S - Criterion defaults to the hazardous substance-specific water solubility limit.
- T - Refer to the Toxic Substances Control Act (TSCA) for cleanup standards.
- X - The GSI criterion shown in the generic cleanup criteria tables is not protective for surface water that is used as a drinking water source.
- AA - Comparison to these criteria may take into account an evaluation of whether hazardous substances are adsorbed to particulates rather than dissolved in water and whether filtered groundwater samples were used to evaluate groundwater.
- bgs - Below ground surface.
- bold** - Values presented in bold represent exceedence of laboratory reported detection limit.
- ID - Insufficient data to develop criterion.
- NA - A criterion or value is not available or, in the case of background and CAS numbers, not applicable.
- ND - Analyte was not detected at or above practical quantification limits.
- NLV - Hazardous substance is not likely to volatilize under most conditions.
- µg/l - Micrograms per liter (approximately equivalent to parts per billion or ppb).
- Sample not analyzed for compound.
-  - Numbers in yellow-shaded boxes represent exceedence of relevant criteria.
-  - Numbers in green-shaded boxes represent relevant criteria exceeded.

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

1. ROLL CALL

Present:

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

Absent:

Michael W. Hutson  
Gordon Schepke

Also Present:

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

2. APPROVAL OF AGENDA

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

Moved by: Schultz

Seconded by: Krent

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

Yes: All present (7)

Absent: Hutson, Schepke

**MOTION CARRIED**

3. APPROVAL OF MINUTES

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

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

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

Moved by: Edmunds  
 Seconded by: Strat

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

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

**MOTION CARRIED**

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

There was no one present who wished to speak.

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

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

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

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

7. **PLANNING AND ZONING REPORT**

Mr. Savidant gave an overview of current development activity.

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

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

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

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

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

There was brief discussion on:

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

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

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

#### PUBLIC HEARING OPENED

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

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

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

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

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

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

### PUBLIC HEARING CLOSED

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

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

There was discussion on:

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

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

Mr. Casiglia said he would like to proceed.

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

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

Moved by: Schultz

Seconded by: Krent

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

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

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENT**

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

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

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

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

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

Moved by: Kempen  
 Seconded by: Strat

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

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

**MOTION CARRIED**

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

## **CONDITIONAL REZONING REQUEST**

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

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

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

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

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

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

### **PUBLIC HEARING OPENED**

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

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

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

### PUBLIC HEARING CLOSED

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

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

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

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

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

### OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

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

12. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

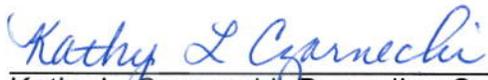
The Special/Study meeting of the Planning Commission adjourned at 9:53 p.m.

Respectfully submitted,



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John J. Tagle, Chair



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Kathy L. Czarnecki, Recording Secretary

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Chair Tagle called the Regular meeting of the Troy City Planning Commission to order at 7:01 p.m. on August 13, 2013 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Edward Kempen  
Tom Krent  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
Thomas Strat  
John J. Tagle

Also Present:

R. Brent Savidant, Planning Director  
Susan Lancaster, Assistant City Attorney  
Ben Carlisle, Carlisle/Wortman Associates, Inc.  
Frank Boudon, Student Representative

2. APPROVAL OF AGENDA

**Resolution # PC-2013-08-062**

Moved by: Schultz  
Seconded by: Strat

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

Yes: All (9)  
Absent: None

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-08-063**

Moved by: Edmunds  
Seconded by: Sanzica

**RESOLVED**, To approve the minutes of the July 23, 2013 Special/Study meeting as published.

Yes: All (9)  
Absent: None

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**POSTPONED ITEM**

5. PRELIMINARY SITE PLAN REVIEW – Proposed Cedar Pines Woods Site Condominium, 8 units/lots, East side of Crooks, South of Benjamin (6622 Crooks), Section 4, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle presented his report on this item. Mr. Carlisle stated that the revised cluster layout was a significant improvement over the original design, including a proposed 45-foot wide conservation easement.

General discussion followed.

Bruce Michael responded to questions on behalf of the applicant Trowbridge Homes.

Chairman Tagle opened the public hearing.

The following spoke at the public hearing:

- Joel Pumphrey, 6616 Glendale Drive
- Paul Pitts, 6617 Glendale Drive

Chairman Tagle closed the public hearing.

There was general discussion related to the conservation area and the preservation of trees therein.

**Resolution # PC-2013-08-064**

Moved by: Krent

Seconded by: Strat

**RESOLVED**, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Cedar Pines Woods Site Condominium, 8 units/lots, East side of Crooks, South of Benjamin (6622 Crooks), Section 4, Currently Zoned R-1B (One Family Residential) District, be granted, subject to the following:

1. Applicant shall work with City Attorney’s Office to provide documentation to guarantee that all open space portions of the development will be preserved and maintained as approved and that all commitments for such preservation and maintenance are recorded with the Oakland County Register of Deeds and therefore binding on successors and future owners of the subject property.

- 2. Applicant shall provide a tree survey for the area immediately behind each individual unit, one (1) year after the final certificate of occupancy is issued for each individual unit. Any tree that was removed or died as a result of construction that was shown to be preserved on the approved Preservation Plan shall be replaced at two inches DBH for every one inch DBH removed.
- 3. Applicant shall provide barrier-free pedestrian connection via trail or path from the internal sidewalk to Crooks Road.

Yes: All (9)  
 Absent: None

**MOTION CARRIED**

**PRELIMINARY SITE PLAN REVIEW**

- 6. PRELIMINARY SITE PLAN REVIEW (File Number SP 921-A) – Proposed Briggs Park Condominiums, East side of Rochester, North of Lamb, Section 14, Currently Zoned RT (One Family Attached Residential) District

Mr. Carlisle presented his report on this item.

General discussion followed.

**Resolution # PC-2013-08-065**

Moved by: Hutson  
 Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Briggs Park Condominium, located on the east side of Rochester, north of Lamb, Section 14, within the RT (One Family Attached) district, be granted, subject to the following conditions:

- 1. Maintain Building 9 as three (3) unit building rather than the proposed four (4) unit building.
- 2. Provide maximum lot area covered by buildings calculation.
- 3. Place sidewalks within an access easement.
- 4. Add additional evergreen landscaping along Rochester Road, specifically adjacent to Building 11.

Yes: All (9)  
 Absent: None

**MOTION CARRIED**

**OTHER BUSINESS**

10. **PUBLIC COMMENTS** – For Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENTS**

There was general discussion.

The Regular meeting of the Planning Commission adjourned at 8:20 p.m.

Respectfully submitted,



\_\_\_\_\_  
John J. Tagle, Chair



\_\_\_\_\_  
R. Brent Savidant, Planning Director

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

Miller, Canfield, Paddock and Stone, P.L.C.  
840 West Long Lake Road, Suite 200  
Troy, Michigan 48098  
TEL (248) 879-2000  
FAX (248) 879-2001  
www.millercanfield.com

MATTHEW F. LEITMAN  
TEL (248) 267-3294  
FAX (248) 879-2001  
E-MAIL leitman@millercanfield.com

August 21, 2013

## Via First Class Mail

Chief of Police Gary G. Mayer  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

Captain Keith Frye  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

Re: Praise for Detective Todd Gustke

Dear Chief Mayer and Captain Frye:

I write to express my gratitude for truly outstanding police work by Detective Todd Gustke.

I am a resident of Troy, and I work at the Miller Canfield law firm in Troy. On July 9th of this year, three of my credit cards were stolen from my wallet while my wallet was sitting in my office. Before I became aware of the theft, the thief had used my cards to make several fraudulent purchases at area stores. Luckily, my office's security system captured an image of the suspected thief. We called your department, and Detective Gustke was assigned to my case.

From the moment Detective Gustke first came to my office, he handled my case with the utmost professionalism. He conducted careful interviews of me and my work colleagues and reviewed the video tapes from our security system. He then went back to his office and began a truly dogged pursuit of the thief. He followed up with the merchants at the stores where the thief used my card and used all available resources to develop leads. He also coordinated with other area departments who were investigating similar office thefts. Throughout the investigation, Detective Gustke kept me informed of his progress. He treated me like a "client" and provided outstanding "service."

Detective Gustke's hard work paid off. He developed enough evidence to persuade the prosecutor's office to file criminal charges against a suspect. I could not be more pleased with Detective Gustke's great work on my behalf. I am certain that when the thief stole my wallet, he had no idea that he would be tracked by someone with the skill and determination of Detective Gustke.

You should be very proud to have Detective Gustke on your staff. He is a true credit to the entire department.

Sincerely,



Matthew F. Leitman

MFL/ack

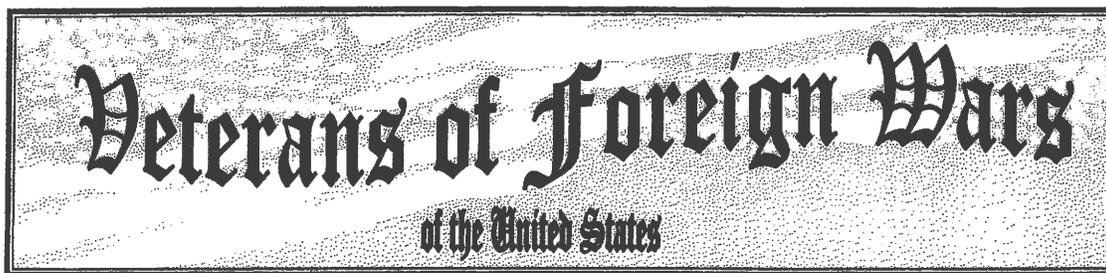


O-03a

POLICE OFFICER TODD GUSTKE  
TODD - THANK YOU FOR  
DOING A GREAT JOB ON THIS  
INCIDENT AND EARNING THE  
PRAISE OF THIS CITIZEN!  
Gary

Sergeant Andrew Breidenich  
Officer Gail Jasak  
PSA Shawn Flint

Thank you for all your work that  
resulted in 13 Troy youths spending a week at  
VFW Camp Trotter in Newaygo County



## *Certificate of Appreciation*

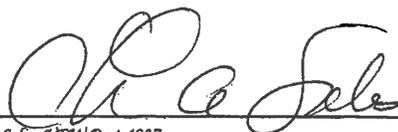
awarded to

Sgt Andy Breidenich

Gail Jasak

Shawn Flint

As a sincere expression of appreciation, the VFW Post 4037  
gratefully acknowledges your support of the Troy VFW and Troy  
Police Department 2013 Camp Trotter Activity.



Charlie Solis, VFW Post 4037

**From:** Patricia A Gladysz  
**Sent:** Monday, August 26, 2013 1:18 PM  
**To:** Gary G Mayer  
**Subject:** Telephone Message

Chief:

Today I received a call from Nancy Knutson, a current "Citizen on Patrol" and graduate of our Citizens Police Academy.

Ms. Knutson requested that I relay to the Chief of Police the details of a very positive experience she recently had with PSA Sievers:

- Approximately two weeks ago, Ms. Knutson's sister (a resident of Cassopolis, Michigan) suffered a stroke
- Ms. Knutson knew that her sister needed immediate medical assistance
- Ms. Knutson contact our Communications Section and her call was answered by PSA Sievers
- After explaining her sister's urgent need for care, Ms. Knutson said that PSA Sievers "went above and beyond" to assist her
  - Emergency medical service was contacted and dispatched
  - Neighbors' telephone numbers were located
- Ms. Knutson repeatedly praised the efficiency and professionalism of PSA Sievers

Pat Gladysz



PSA JERILYN SIEVERS -  
THANK YOU FOR HANDLING THIS  
MEDICAL EMERGENCY IN ANOTHER  
JURISDICTION SO WELL. I AM CONFIDENT  
THAT MS. KNUTSON WAS GLAD TO HAVE  
SOMEONE OF YOUR ABILITY TO HELP  
DURING THIS CRISIS  
GARY



# Clawson Police Department Certificate of Appreciation



PRESENTED TO

## Troy Police Department

Lt. Russel Harden  
Sgt. Michael Giorgi  
Sgt. Nathan Gobler  
PO Robert Smith  
PO Gregory Stopczynski  
PO Brian Warzecha  
PSA Daniel Modrich

On behalf of The Clawson Police Department, we would like to thank you for your assistance with traffic control on the evening of July 4th, 2013. Your efforts were truly appreciated as they helped everyone who attended the Clawson fireworks get home quickly and safely.

*Harry Anderson, Police Chief*



*Sergeant David Scott*



Beth L Tashnick

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Subject: FW:Troy Employee Recognition

From: [Lori.Funk@flagstar.com](mailto:Lori.Funk@flagstar.com)

Sent: Wednesday, August 28, 2013 12:40 PM

To: Maureen McGinnis; Dane Slater; Wade Fleming; Jim Campbell; Dave Henderson; Ed Pennington; Doug Tietz

Cc: Cindy A Stewart

Subject: Troy Employee Recognition

Mayor and City Council,

I wanted to let you know what wonderful service that my Flagstar Bank Regional team received in Firefighters Park on August 18. My group had been recently realigned and we were coming together for the first time. I decided to hold the first meeting at the park which was the best idea I ever had. I was greeted first thing in the morning by Patty and Paul who introduced themselves. They immediately asked if they could open the gate so we could pull our cars up to unload. They ask how we wanted the tables arraigned for our meeting. They helped us get the crock pot plugged in., told us where the bathrooms were and made sure all dogs were on their leashes. ( We had a few Managers that are afraid of dogs) They both explained that they had duties outside the park but be back to check on us. When they saw lunch was served they came right over to take the trash away as not to attract any hornets.

They gave us concierge service! I was so very impressed and wanted to let you all know what a wonderful impression Patty and Paul made on me and my team. We will be back next year and look forward to seeing them.

Best regards

Lori Funk

Vice President

Certifed Lender

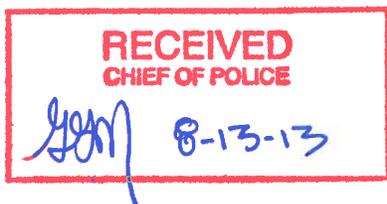
Flagstar Bank 5151 Corporate Drive

**From:** Weaver, Jill  
**Sent:** Tuesday, August 13, 2013 8:48 AM  
**To:** Gary G Mayer  
**Subject:** Above and Beyond Police Officer

Police Chief Mayer

I am sending you this email in response to an incident that happened Friday, August 9<sup>th</sup>, after 5:00 pm. I live on Bradley St, in Troy, I noticed 2 police officers next door at an elderly neighbors house doing what I can assume was a welfare check. Which I believe all was well, but during the day someone knocked her mailbox down. One of the police officers noticed this and walked over to another neighbor's house across the street who was standing outside, this officer asked for a shovel and went back to the elderly neighbors house and fixed her mailbox. Sometimes people's opinions of police officers are not favorable, I think this act was so unbelievably kind and so very thoughtful. I was very touched by this officer's kindness and generosity to help this elderly woman. You need to take the time and commend this officer for a job well done, I don't know who he was, but he was clean shaven and shaved head.

Thank you,  
Jill Weaver



CFS 13-25203  
P.O. JEFF STRONK  
P.O. SCOTT ALLAN

THANK YOU BOTH FOR YOUR PROFESSIONALISM  
AND HANDLING OF THIS CALL.  
SCOTT THANKS FOR FIXING THE SENIORS  
MAILBOX, THAT WAS VERY KIND OF YOU.

A handwritten signature in blue ink, appearing to be "Gary".

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-16924-R**

- Consumers Energy Company requests Michigan Public Service Commission approval to reconcile its gas cost recovery costs and revenues for the 12-month period of April 1, 2012 through March 31, 2013.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

**DATE/TIME:** September 10, 2013, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Sharon L. Feldman

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) June 28, 2013 application to reconcile its gas cost recovery (GCR) costs and revenues for the 12-month period April 1, 2012 through March 31, 2013. Consumers Energy has calculated that it has a total underrecovery for the 2012-2013 GCR period of approximately \$22 million, which is subject to the roll-in treatment described in the Company's tariff, Rule C7.2. The calculated amount reflects an underrecovery for the GCR period of approximately \$22.7 million less accrued interest owed by Consumers Energy to customers for the GCR period, pursuant to Act 304, of approximately \$0.7 million.

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

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by September 3, 2013. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department – Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

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

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

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

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

**[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY CONSUMERS ENERGY'S GAS COST RECOVERY RECONCILIATION AND OTHER PROPOSALS IN WHOLE OR IN PART, AND MAY APPROVE LESSER OR GREATER AMOUNTS THAN THOSE REQUESTED.]**

August 19, 2013



## CITY COUNCIL AGENDA ITEM

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Date: August 20, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Timothy Richnak, Public Works Director  
R. Brent Savidant, Planning Director  
Steve Pallotta, Building Operations Director

Subject: Old Stone School Update – Necessity of Selective Demolition

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### **Background**

- Subject property is located in section 6, at the southwest corner of Adams Road and South Boulevard, 3995 W. South Boulevard.
- Subject property consists of five main structures; the Old Stone School built in 1857, a stone well, stone outhouse, two car garage and a connected carriage house.
- Subject property is designated a Historic District by City Council, which states that there shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with Chapter 13 of the City Code.
- In 2008 City Council approved a donation agreement with the property owners, and accepted ownership of the subject property.
- Due to the stone construction materials the Old Stone School cannot be moved to the Troy Historic Village.
- The donation agreement states that the City of Troy is willing to hold and use the subject property for public purposes. No specific plans were identified for the property.
- City received complaints regarding the disrepair of the some of the buildings. Public Works implemented minor repairs. Minor repairs don't slow the deterioration of some of the additions to the original Old Stone School.
- SAFEbuilt conducted an inspection and issued a report on October 2011 that finds considerable damage to additions to the Old Stone School.
- The original Old Stone School did not suffer from extensive deterioration. City staff developed a strategy to selectively demolish the non-historic additions.
- On November 9, 2012, the Historic District Commission granted a Notice to Proceed with demolition of the building additions and the garage on the subject property. Further, the Commission recommended the City use a company experienced in historic preservation. Finally, the Commission recommended that the City undertake a planning exercise to determine the best use(s) for the Old Stone School.
- The planning exercise could occur after the selective demolition has been completed.
- City Staff estimates demolition cost of \$10,000 and this does not include site restoration.



## CITY COUNCIL AGENDA ITEM

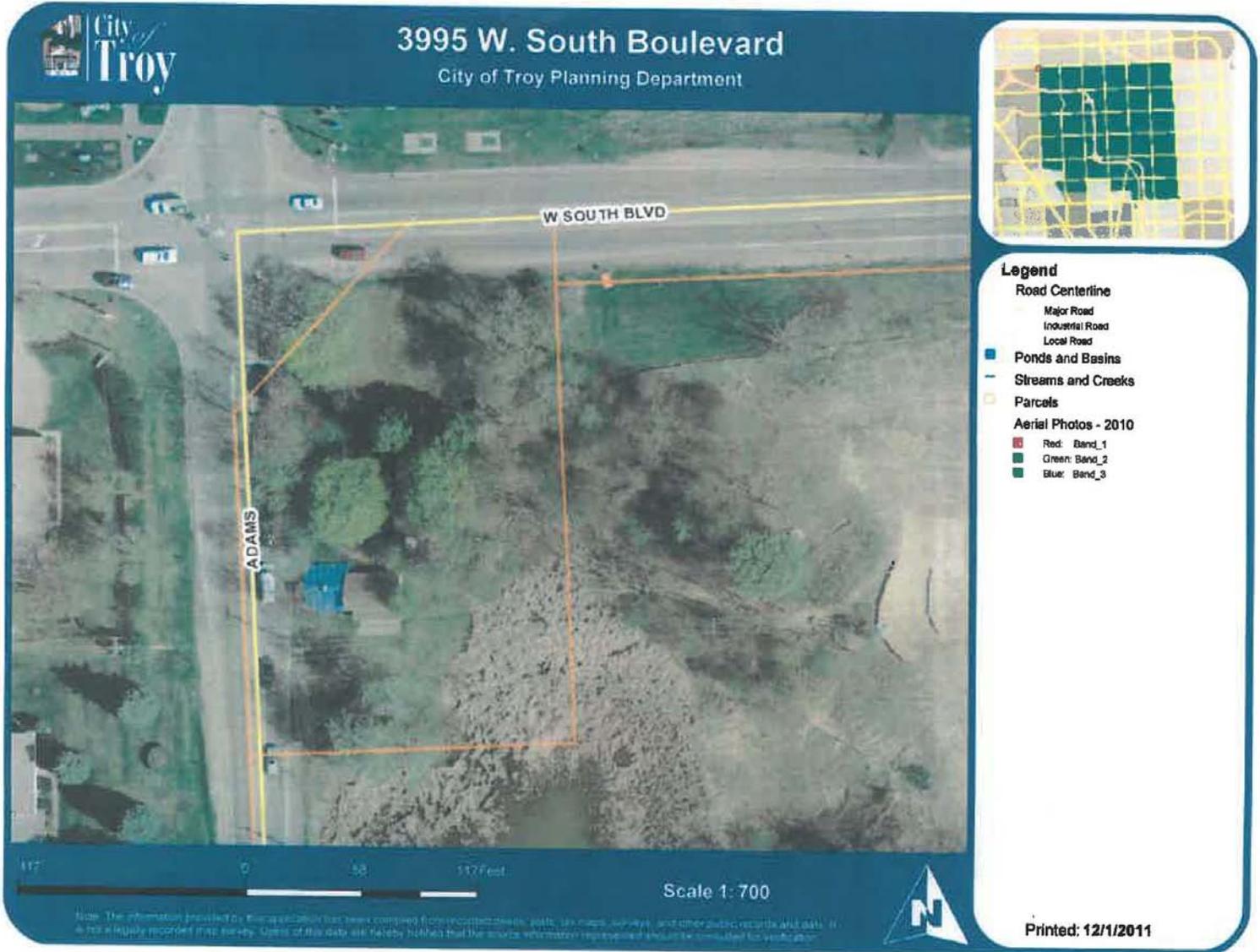
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### **Financial Considerations**

Funding for the selective demolition and necessary restoration need to be determined.

### **Recommendation**

City Staff recommends that the non-historical additions be demolished. Following demolition, the community should identify a use for the Old Stone School and property. Further, grant funding should be sought to renovate the Old Stone School.

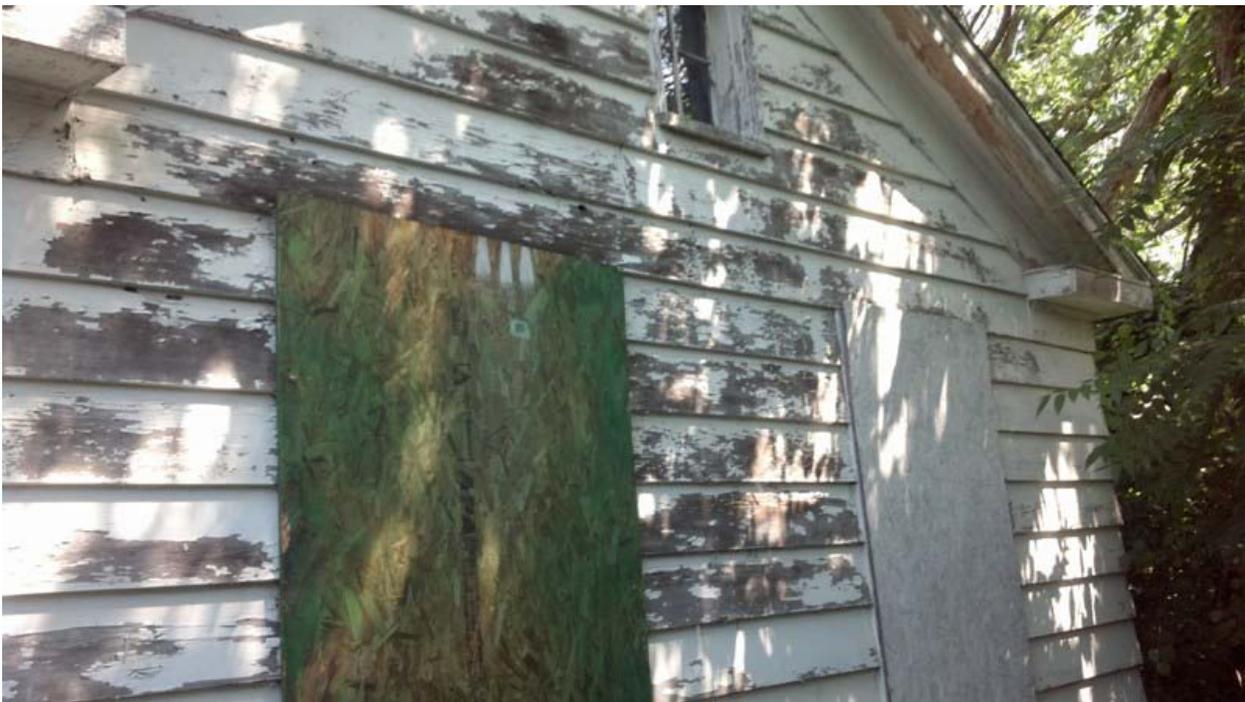






























# HISTORIC DISTRICT COMMISSION MEETING AGENDA

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3364  
[www.troymi.gov](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

Barb Chambers, Hugh Doyle, Padma Kuppa, Timothy McGee  
Anne Partlan, Doris Schuchter, Kent Voigt

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**November 9, 2012**

**9:00 A.M.**

**Meeting Room - Historic Village**

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1. ROLL CALL
  
2. APPROVAL OF AGENDA
  
3. NEW BUSINESS - Notice to Proceed – Demolition of Building Additions – Old Stone School – 3995 South Boulevard
  
4. OTHER BUSINESS
  
5. PUBLIC COMMENT

ADJOURN

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

November 8, 2012

To: Historic District Commission  
From: R. Brent Savidant, Planning Director  
Subject: Notice to Proceed – Demolition of Building Additions – Old Stone School –  
3995 South Boulevard

The Stone School property at 3995 South Boulevard **was** donated to the City of Troy in 2008. Chapter 13 Historic Preservation designates the property as a historic resource.

The original Stone School building was built in 1867. Two stone outbuildings (outhouse and well) were constructed around the same time. Two wood frame additions were added to the Stone School structure in the mid-20<sup>th</sup> century. A detached garage structure was built in the 1980's.

An inspection of the property conducted by SAFEbuilt in 2011 verified that the additions to the original building are in poor shape and constitute a safety issue. The City intends to return the property back to its original form by demolishing the building additions and garage building. This will leave the historic Stone School and two stone outbuildings. This would be consistent with the Recommendation for Treatment included in the Exterior Assessment Conditions Report prepared by Linda Rivetto in 2004.

Chapter 13 lists the responsibilities of the Historic District Commission. One of the responsibilities of the Commission is to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource.

City Management seeks approval from the Historic District Commission to return the Stone School property back to the original schoolhouse structure and two outbuildings. A resolution granting Notice to Proceed with demolition has been prepared for your consideration.

Attachments:

1. Map
2. Memorandum prepared by SAFEbuilt, dated October 24, 2011
3. Chapter 13 Historic Preservation (excerpt)
4. Building Permit application
5. Report prepared by Linda Rivetto, dated March 8, 2004

## PROPOSED RESOLUTION

### *Proposed Resolution*

Moved by:

Seconded by:

**RESOLVED**, The Historic District Commission hereby grants a Notice to Proceed with demolition of building additions and garage on the historic Old Stone School property, located at 3995 South Boulevard, Section 6. Demolition of these structures will return the Stone School property back to the original stone schoolhouse and two stone outbuildings.

Yes:

No:

**MOTION PASSED / FAILED**



# 3995 W. South Boulevard

City of Troy Planning Department



W SOUTH BLVD

ADAMS



## Legend

- Road Centerline**
  - Major Road
  - Industrial Road
  - Local Road
- Ponds and Basins**
- Streams and Creeks**
- Parcels**
- Aerial Photos - 2010**
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



Scale 1: 700

0 50 100 Feet

Note: The information provided by this application has been compiled from historical maps, GPS, tax maps, surveys, and other public records with data from a regularly maintained survey. Users of this data are hereby notified that the source information set examined should be consulted for verification.

Printed: 12/1/2011

**MEMORANDUM**

**Date:** 10-24-2011  
**To:** Mark Miller, City of Troy  
**From:** Steve Burns, Building Official SAFEbuilt  
**Subject:** 3995 W. South Blvd

Mr. Miller:

As requested on 9-29-2011 the Building Inspection Department performed a courtesy inspection of the City owned property located at 3995 W. South Blvd.

The Buildings located on the property are a mix of stone masonry construction and conventional framing converted from a one room school house to residential many years ago. There is a detached garage with a small living quarters attached that is referred to as the carriage house. The exact age of the structures were not provided prior to inspection. Neither the home nor the carriage house is occupied and heat, electrical, and the plumbing are not operable at the time of inspection.

**Exterior of Structures:**

Below are the observations from our inspections:

- The vegetation is overgrown around the perimeter of all the structures. Root systems can compromise the integrity of the foundation. Recommend removal and trimming of some vegetation.
- Exterior wood surfaces show signs of moisture damage and peeling paint. Recommend removal of damaged wood and painting and sealing of the remaining wood surfaces. Care should be taken with regards to lead paint.
- Roof structures over the main house appear to be in ok condition but lack ventilation. Recommend adding vents 1/300 sq ft of attic area.
- Roof structures at the rear of the main house and over the carriage house are in need of repair. Leaks were observed around the fireplace and have caused damage to the interior ceiling and insulation. The roof over the carriage house is in need of complete removal and replacement. All structural members need to be replaced as they are water damaged and full of mold. There are holes thru the entire roof assembly.



## **Interior**

The interior of the home was inspected with the use of flashlights due to the power being disconnected and the windows and doors being boarded over at the time of inspection. Observations were made but are not all inclusive due to conditions. The first room entered was a mud room/ furnace room. The following observations were made.

- Main Furnace in House: Provide combustion air for furnace room.
- Have furnace cleaned and safety check verify integrity of heat exchanger.
- Provide approved venting system for furnace use "B" vent in attic to outside.
- Remove replace single wall fluc pipe and asbestos around existing single wall flue pipe in attic.
- Carriage house furnace: in out building.
- Furnace must have proper duct system.
- Have furnace cleaned and safety check verify integrity of heat exchanger
- Provide proper access to furnace.
- Not a complete inspection due to presence of mold in carriage house.
- Electrical panel needs to be serviceable. Currently canceled in cabinet.
- No power to the panel it has been disconnected.

Exiting the mud room entering the hall way peeling paint was observed in several locations.

- Bathroom off the hall is in need of repair to tile and fixtures.
- Shower access panel in bathroom needs repair/ replacement.

Continuing down the hall to rear family room:

- Ceiling in front and around fireplace is in need of repair. Leaking around chimney observed.
- Framing around fireplace chimney may be water damaged.
- Shingles and flashing around chimney needs repairs/ replacement.

Bedroom off hallway:

- Observed peeling paint
- Access scuttle to crawlspace in closet is too small needs to be enlarged.
- Crawlspace is very tight but no evidence of water damage or animal infestation was observed at the time of inspection.

Kitchen/ dining room

- Observed peeling paint.
- Plumbing and outlets over counters need updating.



**Family room at front of home:**

- Observed small areas of peeling paint.
- Checked attic area it is in need of insulation being added.
- No signs of water damage appear to be structurally sound.

**Detached Garage and Carriage house:**

- Furnace must have proper duct system
- Have furnace cleaned and safety check verify integrity of heat exchanger
- Provide proper access to furnace.
- Not a complete inspection due to presence of mold in carriage house.
- Entire living area needs mold evaluation and remediation.
- Garage area is in good to fair condition.

The main structure on the property appears to be relatively sound. There are many property maintenance issues that should be addressed in the near future to keep the buildings from falling into further disrepair.

If you have any questions regarding the inspection or require additional inspections feel free to contact the Building Inspection Department.

Thank you,

Steve Burns,  
SAFEbuilt  
Building Official

**Chapter 13 - Historic Preservation**

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(Rev. 09/25/1978)

**7. PROCEDURES FOR REVIEW OF PLANS**

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the Building Official. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.

(10/03/2011)

- B. Upon the filing of such application, the Building Official or his or her representative shall immediately notify the Planning Director of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.

(10/03/2011)

- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Building Official and/or Planning Director.

(10/03/2011)

- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted to the Building Official. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.

(10/03/2011)

- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Building Official and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing.

If the requested permit is denied by the Commission, the Building Official shall disapprove the application.

(10/03/2011)

- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed



**BUILDING PERMIT APPLICATION**  
**CITY OF TROY**  
 DEPARTMENT OF BUILDING INSPECTIONS  
 500 W. BIG BEAVER ROAD  
 TROY, MICHIGAN 48064  
 248-524-3344

**BUILDING**

Date: \_\_\_\_\_

**Project Information**

Job Address: 3995 W. South Blvd (Old Stone School) Suite # \_\_\_\_\_  
 Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Sidwell # \_\_\_\_\_

**Building Type**

Industrial       Office       Commercial  
 Residential       Duplex       Condo       Multiple       Other Historic

**Request For Building Permit To:**

Construct       Complete       Add to       Alter       Repair       Demolish  Other Demolish Non Historic Additions, Garage Add Carriage House  
 New Building       Existing Structure       Tenant Space       Spa       Other \_\_\_\_\_  
 Garage/Accessory Building       Deck       Patio       Pool

Additional Information on location of Construction (Floor/area of bldg.) \_\_\_\_\_

Size of Bldg./Addition/Tenant Space/Garage/Deck/etc.: \_\_\_\_\_

ZONING: \_\_\_\_\_ USE GROUP: \_\_\_\_\_ CONST. TYPE: \_\_\_\_\_

ESTIMATED COST OF CONSTRUCTION \$ \_\_\_\_\_ By Contractor      \$ 7000 - (est.) By Department

**Applicant Information**

Name: City of Troy (Mitch G...) Phone: 248-524-3354 Fax: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 License # \_\_\_\_\_ Federal ID # \_\_\_\_\_ MESC # \_\_\_\_\_ Comp. Carrier \_\_\_\_\_  
 Email: \_\_\_\_\_ Preferred Contact # \_\_\_\_\_

**Owner Information**

Name: City of Troy Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Address: 500 W. Big Beaver City: Troy State: Mi Zip: 48084

**FLOT PLANS SHALL BE Submitted on Separate Sheets and shall show all easements and measurements (must be correct and in detail). Show all streets abutting lot, indicate front of lot, show all buildings, existing and proposed distances to lot lines.**

I, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.

**Homeowner Affidavit**

I hereby certify that the work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the State of Michigan Building Code and shall not be enclosed, covered up or occupied until it has been inspected and approved. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
 (owner's signature indicates compliance with homeowner's affidavit)

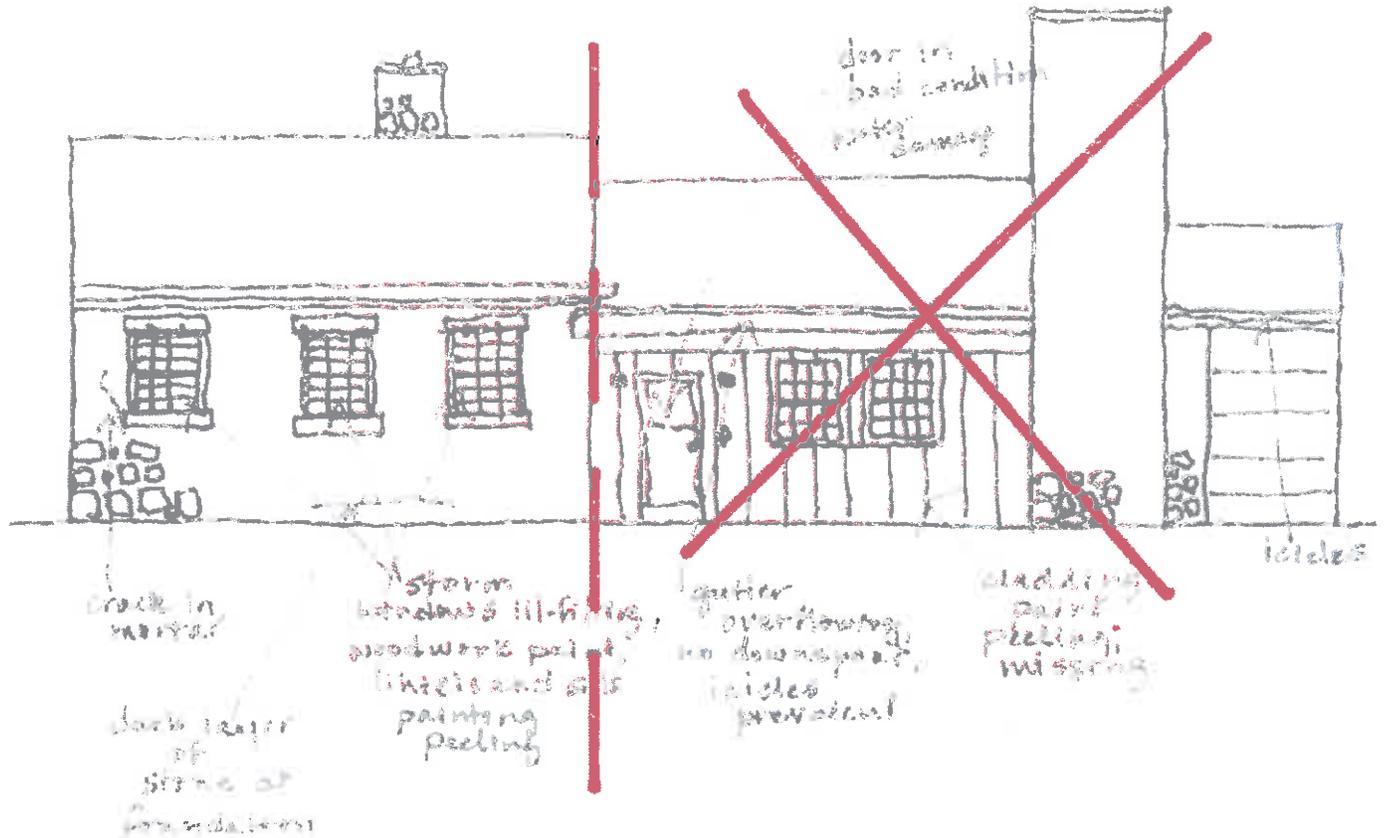
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ Notary Public, \_\_\_\_\_ County, Michigan  
 My commission expires \_\_\_\_\_

**A SOIL EROSION PERMIT MAY BE NECESSARY FOR YOUR BUILDING PERMIT TO BE PROCESSED  
 PLEASE SEE THE ENGINEERING DEPARTMENT  
 FOR BUILDING DEPARTMENT USE ONLY**

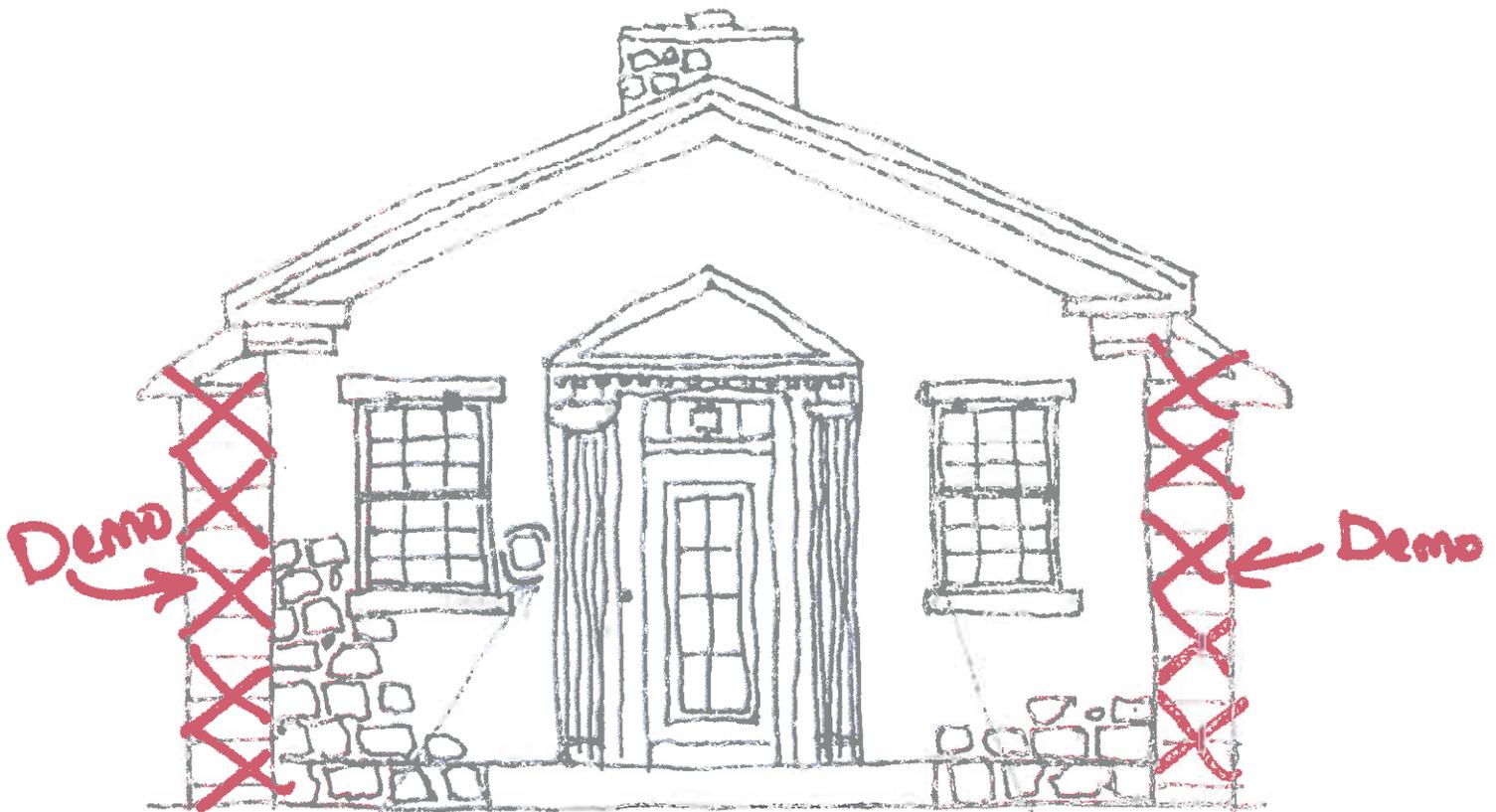
Old Stone School

Drawing No. 2

Demolish Non-Historic Addition



West Elevation



mortar crack

storm window warped

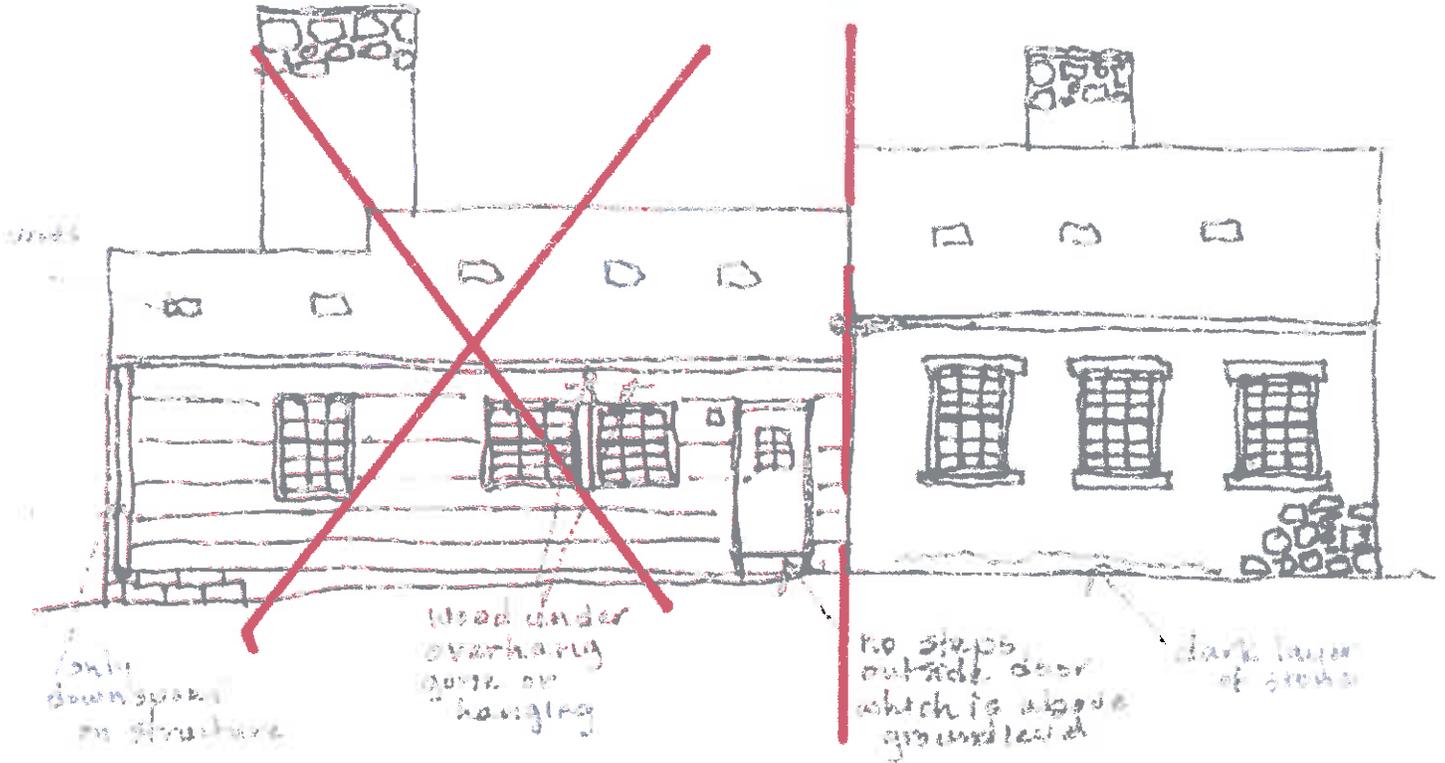
shrubs obstructing driveway

North Elevation

Old Stone School

Drawing No. 4

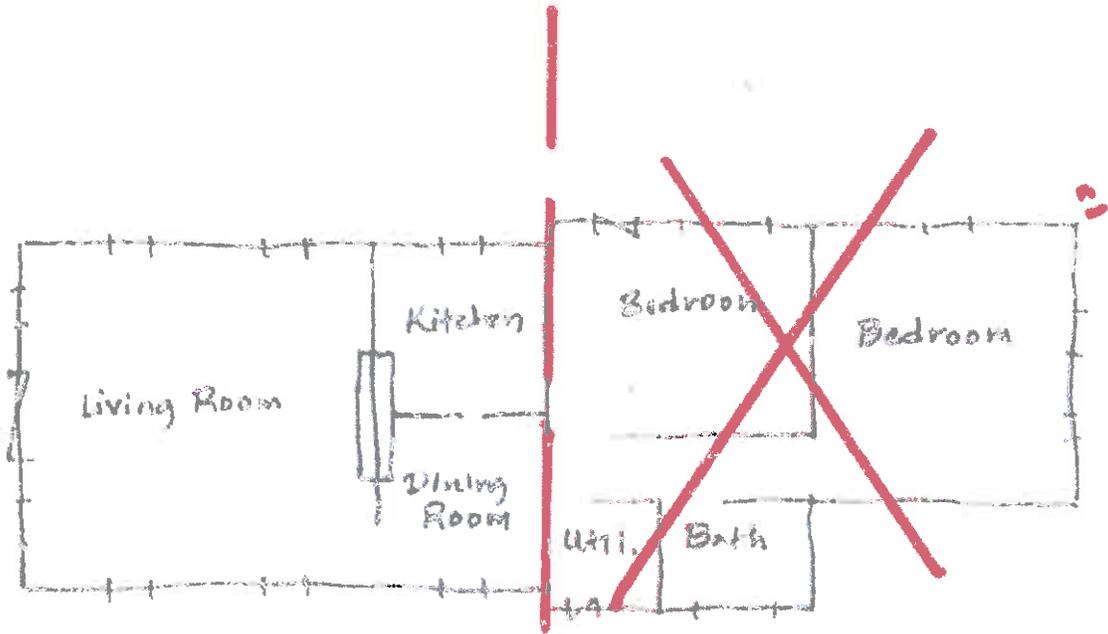
**Demolish**



East Elevation

Old Stone School

Drawing No. 5



North

Demolish

Floor Plan

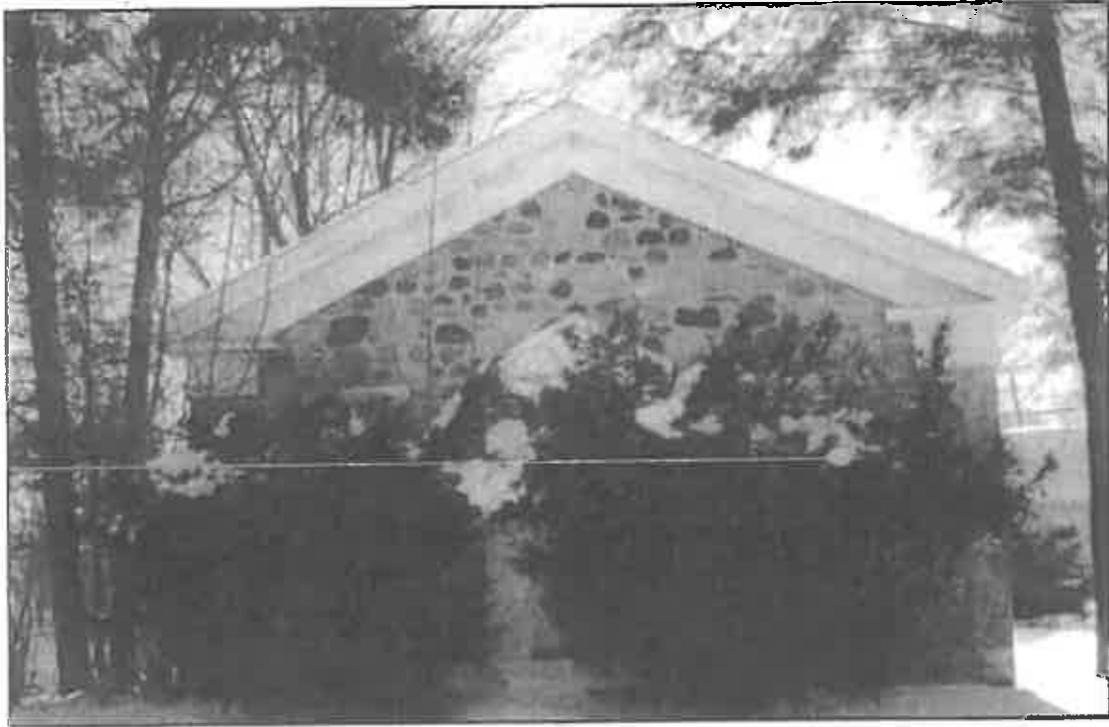
Old Stone School

Drawing No. 3

# Demo South Addition



South Elevation



**Old Stone School  
Fractional School District  
No. 10  
Troy, Michigan**

**Linda Rivetto  
Principles of Preservation Technology  
GHPR591  
Exterior Assessment Conditions Report  
8 March 2004**

# **OLD STONE SCHOOL**

## **Troy, Michigan**

### **EXECUTIVE SUMMARY**

The Old Stone School is an historic schoolhouse located in the northwest corner of Troy, at the intersection of Adams Road and South Boulevard. The site contains 4 structures, 3 of which are original to the schoolhouse construction. The buildings occupy  $\frac{3}{4}$  of an acre, which was purchased from John R. and Nancy A. Martin, in 1856, for the sum of \$15.00 (Scott 3). The stone structures were then built, and the school was used for the next 75 years as an educational building. Wood additions were put on the schoolhouse in mid-twentieth century, to convert it into a residence, which it remains to this day.

The structures on the site are all in satisfactory condition. The most damaged at the moment are the additions to the schoolhouse, though repairs are necessary for every building. However, the choice of repairs to be done is directly related to the eventual use of the location.

The site is historically listed in the state, with its primary use listed as Education (Michigan). As it will eventually be a property of the Troy Historical Society, its handling will be based upon its historical use. As such, though it is a large undertaking, the property will be taken back, or restored, to its original use as a one-room schoolhouse, with outbuildings.

## **I. DEVELOPMENTAL HISTORY**

### **A. Historical Background and Context**

#### **1. Statement of Significance**

The Old Stone School was built in 1857 for Fractional School District No. 10, in Troy, Michigan. It was built in the front-gabled Greek Revival style, popular in the United States from 1825-1860 (McAlester 179). The characteristics of that style which are incorporated into this structure are: gabled roof of low pitch, cornice line of roof emphasized with wide band of trim, rectangular line of transom lights above door, and pilasters around door frame (McAlester 179)(cover photo, photo 1). There is a large interior fieldstone fireplace built between the 2<sup>nd</sup> and 3<sup>rd</sup> bays of the stone structure.

Two wood frame additions were built onto the schoolhouse during its early life as a residence, adding two bedrooms and a bathroom. The schoolhouse room itself has been divided into a living room, dining room and kitchen.

There are 3 other structures on the site: a well (photo 2), whose top is currently covered with a wood panel; a stone outhouse with two doors which are original (photo 3); and a part stone/part wood garage – the stone part built in the 1950s with the same stone as the schoolhouse, which was found on the site, and the wood part added on about 1980. The stone section of the garage has been turned into a small apartment, with a kitchen and bathroom.

The stone part of the main building was used as a school for the first 75 years of its existence. It has local significance as an example of the early masonry techniques, as an architectural example of the Greek Revival style, and as an example of early educational structures.

## 2. Comparable Structures or Sites

The building structure is a common one for one-room schoolhouses of the time, having a 2-bay by 3-bay floor plan, with large windows and high ceilings (Maddex 150). Stone schoolhouses were less common, however – usually, these smaller schoolhouses would be of log, wood, or, occasionally, brick construction.

## B. Chronology of Development

### 1. Episode Description

The Old Stone School was used as the local school for Fractional School District No. 10, which included parts of Avon, Troy, Bloomfield, and Pontiac at the time, from 1858 until 1933, when schools in the area were consolidated. The building and land were purchased by Max Hodgdon in 1933, then by Mr. and Mrs. I. D. Stewart in 1949. At that time the building was converted to a residence, and a small frame wing was added to the rear of the structure in 1950. The Lee Keating Co. purchased the structure in 1962, using it as a rental property. In 1977, when Charles and Greta DeGioia purchased the building, it was in bad condition. They repaired the building, and Mrs. DeGioia continues to live in it.

### 2. Period of Significance for Approach to Treatment

The Stone School has significance as a schoolhouse, not as a residence. It has real value as an example of the construction techniques of the time, and as an example of the school environment used by the children in the past in Troy. Therefore, its period of significance is for the years of 1858 to 1933, when it was actively used as a schoolhouse.

## II. EXISTING CONDITIONS ANALYSIS

#### A. Materials and Construction

**Roof:** The roof of the Old Stone School is currently made of asphalt shingles. Mr. DeGioia replaced it about 1978, while he and his wife were repairing all the structures on the site. This roof is, therefore, about 26 years old, a long life for this type of roofing. The cornice line is made of wood. There are gutters along the entire addition on the east side of the building, and on part of the addition on the west side. There is only one downspout on the entire structure, at the southeast corner of the addition.

**Walls:** The walls of the stone school portion of the building, as well as of the outhouse and well, are made of mortared local fieldstone, in coursed rubble construction (McAlester 38-9). These walls are 20 inches thick (photo 4). The addition to the schoolhouse is wood-clad, using both horizontal and vertical boards.

**Foundation:** The foundation of the schoolhouse itself appears to be of the same material as the walls, local fieldstone. However, the addition was built on a foundation of concrete blocks.

**Windows:** All of the windows in the structure are double-hung wood, except for a small window at the south end of the addition, which is a 4-paned stationary wood window. The schoolhouse has 3 windows evenly spaced along each side, and one on each side of the front entry door. They are all 9-over-9 paned windows and are the original windows of the building, with original glass. The addition, however, has 8-over-8 panes on the two windows on the west side of the addition, and 6-over-9 panes on the 2 south and 3 east windows. They all have storm windows, which attach with hinges at the top of the window frame. The schoolhouse windows have wood lintels and sills. There are currently no shutters on the structure, though in one photograph of the building from 1977, there were two-color shutters on the front (north) end of the structure (Kirst). Again in 1 July 1980, it was described as having "three board solid shutters" (Scott 2). And in the picture in the state registry online, the front also has shutters (Michigan).

**Doors:** There are three doors on the main building, the main entry door to the schoolhouse, which is no longer actively used, and one door on the east and on the west side of the addition. The east door is not at ground level and has no steps outside of it, so it presumably is no longer used. The schoolhouse door is the original paneled oak door, with a pedimented gable, pilasters, recessed transom lights, and dentil molding (photo 5). There is a

small front porch in front of the door and a step up to enter the door, onto a stone doorsill (photo 6). The east door is wood panel with 6 windowpanes (photo 7). The west door appears to be an interior luan door (photo 8). There is a small step up to enter this door. All doors have storm doors, wood on the original front door, metal on the two of the addition.

#### **B. Existing Conditions**

**Roof:** The DeGioias replaced the roofs on all the structures in 1979, after they moved in. The exterior of the roof of the schoolhouse building appears to be basically sound, although the roof is about 26 years old. However, a brief interior inspection of the stone building revealed peeling paint on the ceiling of the dining room section of the house, an indication of potential leakages in that area of the roof (photo 9). The cornice line shows weathering with peeling and absent paint (photo 10). In the winter, after a big snowstorm, there are ice dams and icicles at each roofline (photos 11, 12). The gutter on the east side of the house is pulling away from the roofline. And with only one downspout in evidence, despite the existence of a gutter on the west side of the building, water drainage from the roof is definitely questionable.

**Walls:** The stone walls of the schoolhouse are in basically very sound condition. There are mortar cracks on all walls (photos 13, 14). However, there is no indication of a problem caused by these cracks on the interior of the structure. The addition has painted wood siding, which is showing much evidence of weathering and peeling (photo 15).

**Foundation:** The stone foundation of the schoolhouse appears dark along both sides of the building (photos 16, 17). It is probable that this is a sign of rising damp. There was no immediate evidence of a problem in this area on the interior of the building. The concrete block foundation of the addition seemed to be in good condition, showing no specific problems (photos 18, 19).

**Windows:** All of the windows and storm windows show signs of weathering. The paint is peeling on every window and frame, as well as on the lintels and sills on the stone structure. Also, there has been some warping of the storm windows, especially on the stone building (photos 20-22). There is broken window on the south side of the building (photo 23).

**Doors:** The original front door is, remarkably, in fairly good condition. The wood is showing weathering, but there is less

damage here than on the windows. The east side door itself is in fair condition, though unusable due to the lack of a set of stairs to get to it. The west door, however, shows major signs of water damage, and is in very bad condition.

#### C. Causes of Deterioration

The major cause of deterioration on all parts of this building is water. All wood components show signs of weathering due to rain and snow. The rising damp of the foundation is a result of the roofline draining water very close to the foundation and of the foundation touching the ground. The lack of downspouts and poor condition of the existing gutters adds to the ground drainage problem. The interior ceiling damage is a result of some leakage problem in the roof. The cracked mortar is a result of aging and weathering. The ice dams and icicles, though, are a result of poor or no insulation in the attic areas (photos 24, 25).

#### D. Treatment Options

Two treatments are possible for this building, and its outbuildings. One is to preserve the building as it currently is, doing only those repairs that are necessary to maintain the integrity of the current configuration. The second, and more valid, approach, for a number of reasons, would be to restore the stone building to its original condition as a schoolhouse.

#### E. Approach to Treatment

This one-room schoolhouse is on the Michigan State Register of Historic Places, listed as of 19 December 1984. And as the period of significance for this site is the time period between 1858 and 1933, when the stone building was used as a schoolhouse, the recommended approach to treatment would be to restore the stone schoolhouse and, eventually, the outhouse and well, to their original conditions.

### III. RECOMMENDATIONS FOR TREATMENT

#### A. Proposed Use and Program

As this site will most probably be donated to the Troy Historical Society in the future, the recommended use for the location, in accordance with the recommended treatment, is as an historical museum and learning place. As such, it should be returned back to its original structure as a schoolhouse, with requisite outbuildings. The current two-part garage could be used as interpretive/office space.

#### B. Recommendations for Treatment

**Roof:** The first thing to be concerned with in the restoration of this site is the soundness of the structure. Thus, the roof, which is relatively old for its material, should be replaced, but only on the brick structure. Research should be done as to the material of the original roof before replacement to make it as authentic as possible. It is more likely to have been constructed of wood shingles, since asphalt shingles were not used in America until the 1890s (Sweetser 4), and, also, due to prevalence of wood in Michigan.

The insulation of the roof of the stone structure should also be considered. There is still an opening to the attic, and an original ladder, by the front door, attached to wall leading to the attic, in the living room section of the residence – an examination of this upper area should be done to determine what is required to secure it internally.

**Walls:** The masonry needs some repointing, which would require a thorough research into the type of mortar used originally on the structure. It is important to match the new mortar to the old so that each individual part of the structure responds to stresses in the same way, and so that the new mortar is “sympathetic, supportive, and, if necessary, sacrificial” to the old mortar (Mack 4). An expert should be called in to do the analysis and to determine the correct mortar.

One big issue, which will have to be resolved eventually, is the historic structure of the south side of the building, prior to the construction of the addition. Again, research will have to be done to determine the appearance of the back of a one-room schoolhouse of this period.

**Foundation:** Because of the possibility of rising damp on the foundation of the stone structure, there is a need to look closely at the water drainage from the building and on the site in general. This location is at Troy’s highest elevation, at 860 feet (Lance 20), so a high water table should not be an issue. However, drainage from the roofline could be a problem, due to the lack of gutters and downspouts.

There could be a need to grade the ground line around the building to facilitate water drainage away from the building (Park 14). Consideration should also be given to historic ways to handle water runoff from the roofline: if gutters and downspouts were not commonly used, and there is not indication of their use on this structure, there may be historic methods used to divert water from building foundations. This would require more research, and perhaps the enlisting of the aid of an expert in the field of moisture control.

**Windows:** As all the windows, with their glass, on the schoolhouse are original, it is desirable to repair them, rather than replace them. The varying conditions of the windows would suggest that all of the repair classes in Preservation Brief No. 9 would probably be used (Myers). Some might only need minor work, others need more stabilizing, and there are a few that have missing woodwork. It would be necessary to use the assistance of a professional who is knowledgeable about historic windows.

**Doors:** The only door that is involved in this project is the front door on the stone structure. The condition of this doorway and frame is fair, showing not much weathering – perhaps the shrubs blocking it have saved it from the worst of the storms. As with the windows, since everything on this entrance is also original, repairs would need to be done, with the help of an expert.

### C. Strategy for Implementation

The first aim of this program should be to stabilize the structure as it is, eliminating water problems at the roof level and ground level. The windows and doors could be worked on, also, if funds were available.

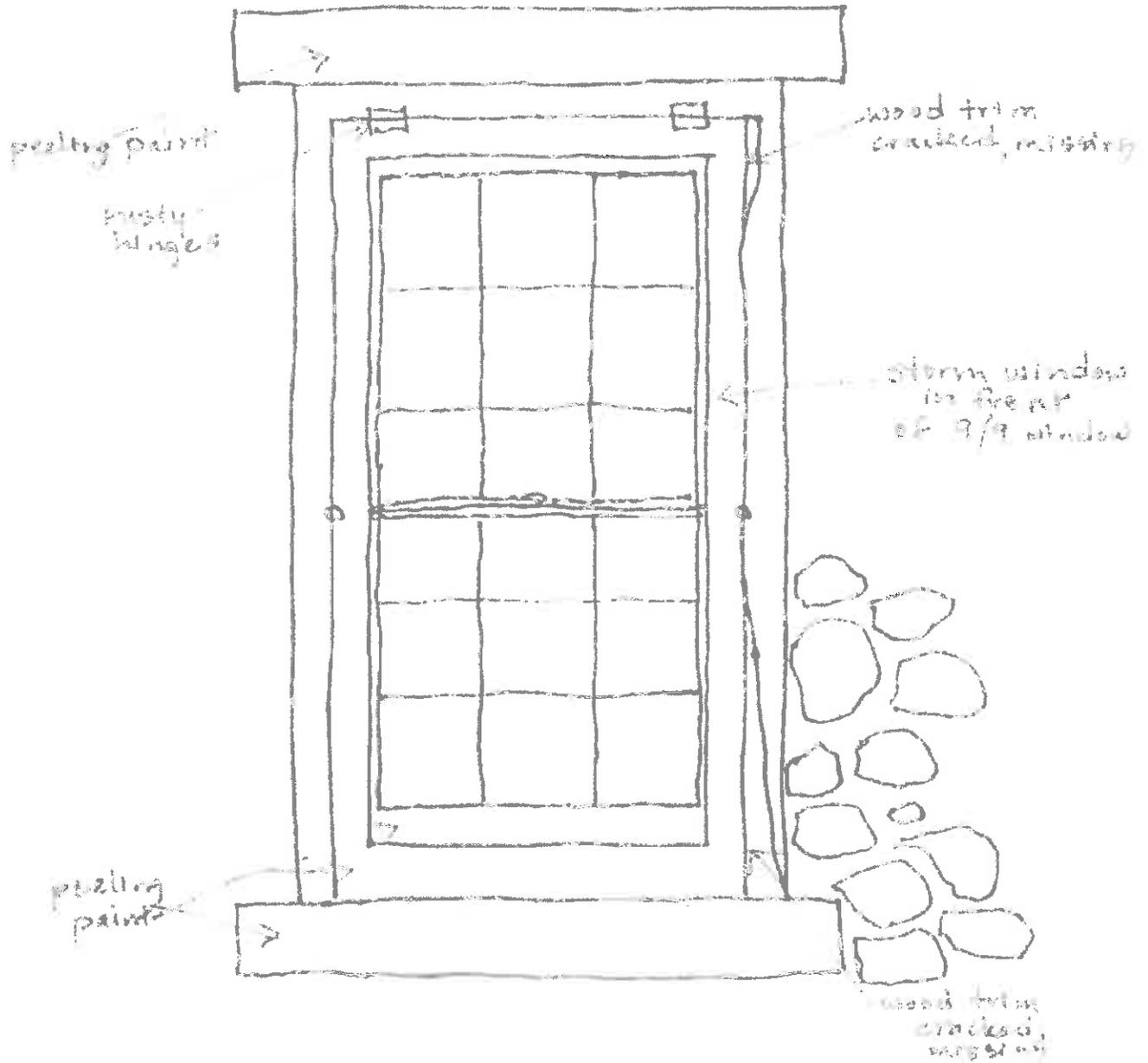
However, in order to accomplish the goal, of making this site the embodiment of a real schoolhouse from the 19<sup>th</sup> century, the main building would need to have the addition, as well as the interior changes, removed. Any modernizations would have to be included for removal in this restoration, except those required for the safety of people in the building. Also, at the same time, there would be the need to configure the back, or south, end of the building. There is little currently available information about this side of the structure, so more research would need to be done, in order to make it as historically accurate as possible.

The removal of this addition is a large project, involving a lot of physical labor. It might be considered as an undertaking for an historical preservation program at a local university, as it would allow these students to study restoration and structure first-hand. Local volunteers could also be called in, to keep down the costs of the project.

Eventually, as more funds, and volunteers, became available, the entire site, including the outhouse and the well, should be restored to original condition, and the site will be valuable as an example of an early American one-room schoolhouse.

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Typical window in stone structure



**Photo No. 1  
Front Door  
Stone School**



**Photo No.2  
Well  
Stone School**



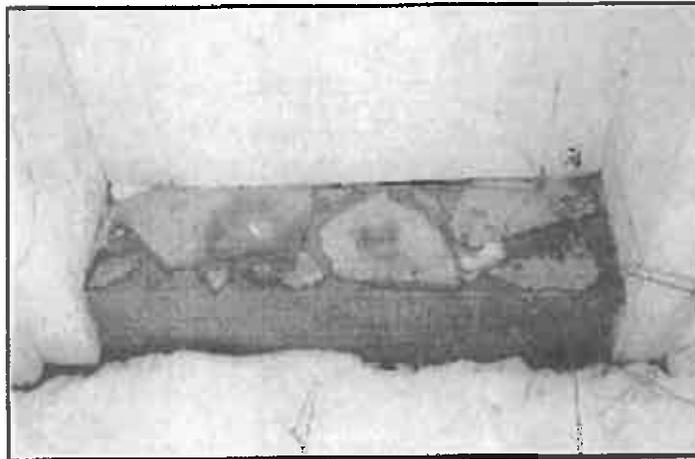
**Photo No. 3**  
**Outhouse**  
**Stone School**



**Photo No. 4**  
**Wall Depth**  
**Stone School**



**Photo No. 5**  
**Front Door Transom**  
**Stone School**



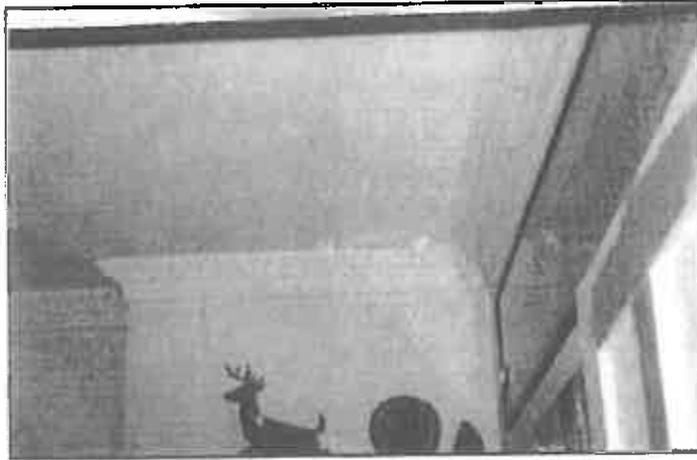
**Photo No. 6**  
**Stone Door Sill**  
**Stone School**



**Photo No. 7  
East Door - Addition  
Stone School**



**Photo No. 8  
East Door - Addition  
Stone School**



**Photo No.9**  
**Dining room Ceiling**  
**Stone School**



**Photo No. 10**  
**Cornice**  
**Stone School**



**Photo No. 11**  
**Roof and Gutter - Addition**  
**Stone School**



**Photo No. 12**  
**Addition**  
**Stone School**



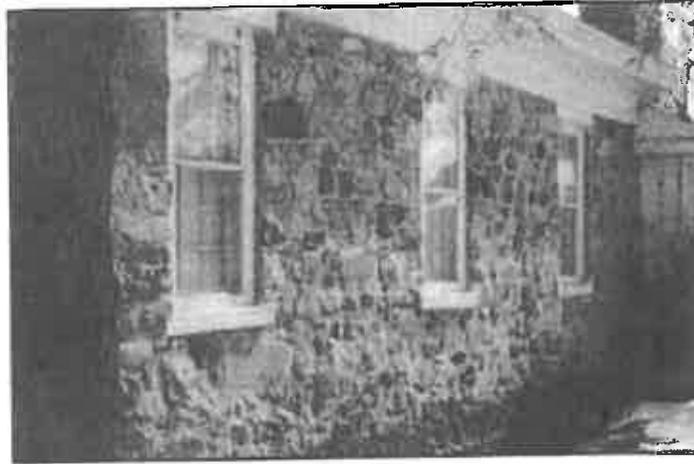
**Photo No. 13**  
**Crack in Mortar**  
**Stone School**



**Photo No. 14**  
**Crack in Mortar**  
**Stone School**



**Photo No. 15  
Addition  
Stone School**



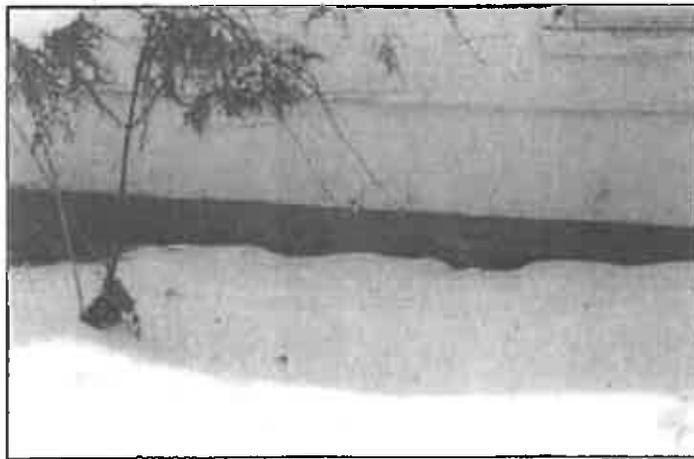
**Photo No. 16  
West Side Foundation  
Stone School**



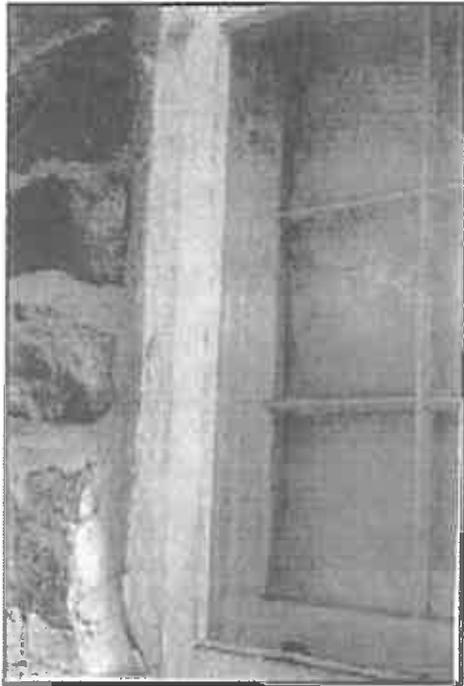
**Photo No. 17  
East Side Foundation  
Stone School**



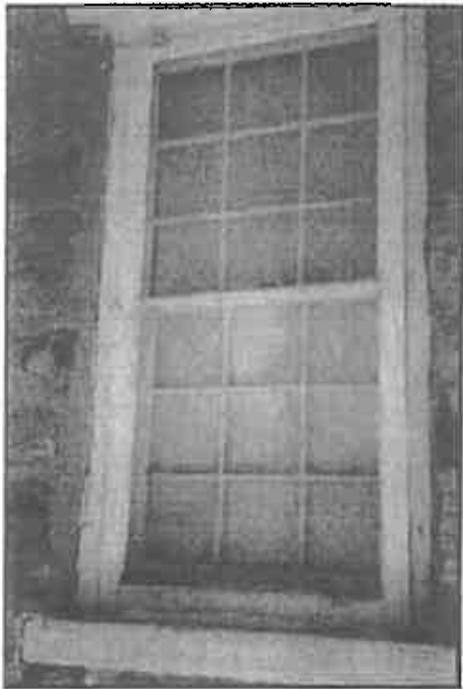
**Photo No. 18**  
**Addition Foundation**  
**Stone School**



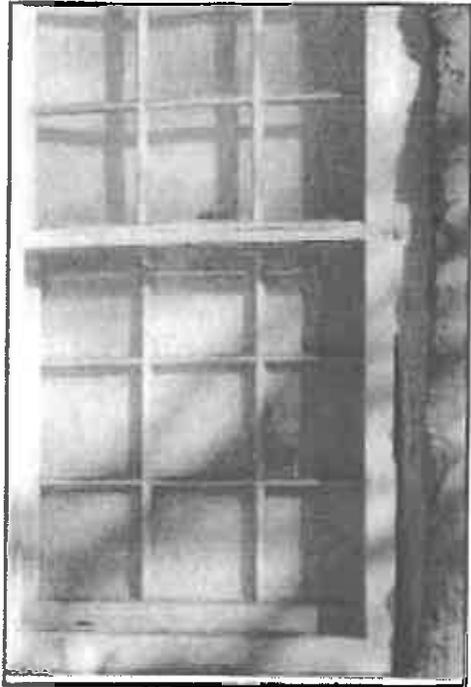
**Photo No. 19**  
**Addition Foundation**  
**Stone School**



**Photo No. 20**  
**Window**  
**Stone School**



**Photo No. 21**  
**Window**  
**Stone School**



**Photo No. 22**  
**Window**  
**Stone School**



**Photo No. 23**  
**Addition Window**  
**Stone School**



**Photo No. 24**  
**Addition Attic**  
**Stone School**



**Photo No. 25**  
**Addition Attic**  
**Stone School**

**To:** Troy City Council Members  
**From:** Lawrence F. Raniszkeski, Jack Cushing, et. al  
**Subject:** Snow Removal from Public Walkways  
**Date:** September 4, 2013

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Honorable Council Members:

As a follow up to my letter of January 17, 2013 and in anticipation of the discussion of its content at the September City Council Meeting, Mr. Cushing and I thought it would be beneficial to provide the Council with this memo which highlights the concerns of citizens living in the Troy Estates Subdivision whose property abuts public roads. The points we and our neighbors wish the Council to consider, include, but are not limited to:

1. The Snow Removal Ordinance improperly transfers City Government's responsibility to protect its citizens from the City to the homeowners. The cost and responsibility to keep public sidewalks on Wattles & Coolidge clear is the City's, not the public's.
2. If the Ordinance isn't going to be revoked or substantially modified, residents who have lived in Troy prior to the passage of the Ordinance should be grandfathered from the effect of the Ordinance.
3. Compliance with the Ordinance is impractical, and in many instances, nearly impossible. Some residents would be required to run snow blowers through the back end of their property, thereby destroying valuable lawn and shrubbery and risking personal injury. Others would have to run the snow blower down Caliper or another street to be able to access the Wattles or Coolidge walkway.
4. The Ordinance is so vague that compliance is impossible, which probably makes the Ordinance unconstitutionally vague. The City's own Planning Department Personnel cannot provide guidance as to when the Ordinance applies – after one inch of snow? Two inches? A dusting? If wind blows some snow across the sidewalk? If they don't know, how are the citizens to know? Yet you want to bill them if they don't clear the snow??
5. The ordinance subjects abutting homeowners to potential civil liability. Once a citizen assumes responsibility for clearing under this ordinance, then what? I clear the walkway and then the wind blows snow across it. Am I now liable if someone comes by and falls? Does that mean I have to constantly patrol the walkway to clear it after every gust of wind?
6. The Ordinance would authorize the city to bill a resident who may have been legitimately out of town on business or vacation at the time of the snowfall and thus unable to clear it. Read literally, the Ordinance would require citizens to stay home between the first and last snowfall to avoid being billed by the City.
7. The Ordinance, like many others, is not consistently or fairly enforced. During the winter I've seen numerous instances where the sidewalks abutting main roads were covered with snow but I am unaware of any action taken by the city. The same is true during the warm weather – inconsistent enforcement of the Ordinances requiring walkways to be cleared.
8. The city gives its Citizens 12 – 18 hours to clear the snow but takes days to clear our subdivision streets. Why the double standard?
9. Residents, such as Mr. Cushing, are on fixed incomes and can't afford the additional expense of hiring a contractor for the periodic cleanup of Wattles/Coolidge after a

snowfall.

10. Foot traffic on Wattles abutting Troy Estates is almost nonexistent after a snowfall. The walkway ends at the southeast corner of the Subdivision as there is no sidewalk further east.

We believe these points support the position of the Homeowners that this Ordinance should either be revoked or substantially modified so that the City resumes its role of maintaining public streets and sidewalks. That's why we pay taxes. The City shouldn't transfer that responsibility to its citizens. It's the City's responsibility to protect the public on public walkways, not ours.

To: Troy City Council Members  
From: Residents of Troy Estates subdivision  
Subject: Snow Removal from Public Walkways

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Honorable Council Members:

The undersigned resident(s) of Troy Estates Subdivision are in agreement with the views expressed by fellow resident Lawrence F. Raniszkeski in his letter to City Council on January 17, 2013 and in the memo to Council dated ~~August 28,~~ <sup>Sept. 4,</sup> 2013:

<u>BEENA KINARWALA</u> <u>BV Kinarwala</u>	<u>1960 Warbler Ct</u>
<u>RANJIT BATRA</u>	<u>1964 Warbler Ct</u>
<u>MATT ERDEY</u>	<u>1928 WARBLER CT</u>
<u>Neeban Verna</u>	<u>1912 Warbler Ct</u>
<u>Blase Keating</u>	<u>1896 warbler Ct</u>
<u>Fran K Petros</u>	<u>1802 Chatham Dr.</u>
<u>DAN MUKOMBI</u>	<u>1784 CHATHAM DR.</u>
<u>Mike Mamou</u>	<u>1766 Chatham Dr.</u>
<u>Kirsten Shu</u>	<u>1748 Chatham Dr.</u>
<u>PEK MARSHALL</u>	<u>1730 CHATHAM</u>
<u>JOHN KOWALIK</u>	<u>1712 CALIFORNIA DR</u>

To: Troy City Council Members  
From: Residents of Troy Estates subdivision  
Subject: Snow Removal from Public Walkways

Honorable Council Members:

The undersigned resident(s) of Troy Estates Subdivision are in agreement with the views expressed by fellow resident Lawrence F. Raniszkeski in his letter to City Council on January 17, 2013 and in the memo to Council dated ~~August 28,~~ <sup>Sept. 4,</sup> 2013:

Hope Chi 1676 Caliper Dr. Troy MI

Anthony Cratsch 1632 Caliper Troy, MI

Bao J Wang 1614 CALIPER DR TROY MI

Bill & Betty Briggs 1596 Caliper Dr. Troy 48064

Yue Lin Li 1578 Caliper Dr.

Raymond Xu 1560 Caliper Dr. Troy 48064

Ronell D. Ly 1818 Chatham

Judith Rutterford 1880 Warden Ct.

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(J)

DATE: July 10, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic and Community Development *MM*  
R. Brent Savidant, Planning Director *RS*  
Paul Evans, Zoning and Compliance Specialist *PC*

SUBJECT: Letter to City Council dated January 17, 2013.

Background:

This memo is our response to a January 17, 2013 letter to City Council from resident Lawrence F. Raniszkeski, 1740 Caliper. City Code Chapter 34 Sidewalks and Driveway Approaches requires accumulations of snow and ice on public sidewalks be removed by the adjacent occupant or land owner. The Code specifies removal deadlines, and in the event the occupant or property owner fails to remove accumulations, allows the City to remove the snow or ice and charge the land owner. City Code Chapter 1 Adoption, Contents, and Interpretation requires that if the City abates a violation (removing the snow and ice) and charges the landowner, it must first notify the property owner either by personal service, certified mail, or, if the owner is unknown, by posting a notice on the premises. Code Enforcement uses certified mail because it is the most timely and efficient method.

In January, 2013, Mr. Raniszkeski and some of his neighbors received notices from Code Enforcement advising that they need to clear the sidewalks of snow, and that the City would clear them if they did not.

Community Concerns:

Concerns addressed in his letter included the following: (1) inconvenience of clearing sidewalks on double frontage property; (2) potential costs associated with snow and ice removal; and (3) addressing snow and ice removal when residents are out of town. Based on calls and letters Code Enforcement regularly receives, there are other residents who expect sidewalks to be clear of snow and ice. It is common for residents to call Code Enforcement to report uncleared sidewalks, in some cases one mile sections of major roads. For these reasons, Inspectors actively identify uncleared sidewalks.

Many of the City's development laws and documents, including the Zoning Ordinance and Master Plan, promote and emphasize walkability and safety. Some students in

Troy walk to school. Most of the major mile roads in Troy now have sidewalks on both sides. For these reasons snow removal on sidewalks is important.

Response to Citizen Request:

Mr. Ranieszski requested that one of three things happen, as listed and summarized below:

1. Revoke sections 34.11 and 34.12 of Chapter 34

This would mean that property owners abutting any public rights of way would not be responsible for removing snow and ice from any public sidewalks.

2. Insert a grandfathering provision into the Chapter 34

The effect of this provision would be only persons moving into the City or obtaining property after the grandfathered date would be required to remove snow and ice.

3. Amend Chapter 34 so that the City would be responsible for removing accumulations of snow and ice from sidewalks adjacent to major roads

This would mean that property owners abutting major roads would not be responsible for removing snow and ice from any major road public sidewalks. This responsibility would fall back on the City of Troy.

Potential City Action

Each of the three requests described above would involve some degree of additional snow removal by the City of Troy. There would be a corresponding cost to the City of Troy associated with each option. City Management would have to consider potential cost and manpower increases associated with each particular action. A copy of this letter will be provided to each City Council member. City Staff will research this matter further if asked by City Council to do so.

Attachment:

Letter addressed to City Council, prepared by Lawrence F. Ranieszski, dated January 17, 2013.

LAWRENCE F. RANISZESKI  
ATTORNEY-AT-LAW

1640 CALIPER  
TROY, MICHIGAN 48084

~~643-7541~~  
(248) 645-9300

January 17, 2013

Troy City Council  
c/o City Manager Brian Kischnick  
5400 W. Big Beaver Road  
Troy, MI 48084

**Re: 1640 Caliper, Troy, Michigan**

Dear City Council Members:

I am writing to voice my concern and objection and the concerns and objections of my neighbors in the Troy Estates Subdivision whose property either backs up to or is adjacent to Wattles Road and/or Coolidge Hwy with regard to letters we received from Housing & Zoning Inspector Mitchell Grusnick (my copy is attached). While I do not represent them, I am expressing the views of twenty one (21) of my neighbors who, like me, were outraged to receive this letter and wish City Council to do something about it. In addition to the outrage over the content of the letter, some of my neighbors are also upset that their copy of the letter was sent to them Certified Mail, Return Receipt Requested. For those who were home at the time, they questioned why, in this time of budgetary constraints, the City was wasting valuable resources by paying for the cost of Certified Mail. For those who were not home, there was additional anger over the fact that they had to waste their time and gas to drive to the Post Office to pick up a letter that should have been sent regular mail, if sent at all.

But I digress as the primary purpose of my letter is to object to Ms. Grusnick's letter and the City's apparent policy as expressed in two sections of an ordinance which were quietly passed 20 and 10 years ago, but to my knowledge have never been enforced in my subdivision. I say that because I've lived in Troy for 35 years and in Troy Estates for almost 30, and I have never before received a letter similar to his. Nor has Jack Cushing of 1976 Warbler Court, who has live in the subdivision for over 30 years.

The letter itself is offensive in its tone with its this is your only notice content and threat that the City, without notice, will bill the residents for removal of snow from areas that should be the City's sole responsibility. And, neither the letter nor the Ordinance provide any guidance or direction as to when the Ordinance applies. Listed below are the most common objections the residents have:

1. Residents, including but not limited to myself and Mr. Cushing, have lived in this subdivision long before these ordinances were passed. As such, anyone in our situation is or should be grandfathered from the effect of the Ordinance. When we moved into the subdivision we were assured by city officials that the city would keep the sidewalks on Wattles and Coolidge cleared. Now, after the fact, the City wants to abandon its responsibility and force homeowners to shoulder the cost of keeping a "public" walkway clear, something that is government's responsibility. Homeowners whose taxes have continued to rise while City services continue to decline. The Ordinance simply should not apply to residents in this category.
2. How are the residents to comply with the Ordinance? Most of the residents who received letters do not have access to the sidewalks in question. They would only have two ways to get to them: (a) Run a snow blower through their back or side yards and in many instances through their shrubbery and trees, inevitably damaging or destroying some of their property in the process; or (b) depending on their location, run a snow blower down Caliper or another street, up Martin and then down Wattles until they finally get to their property – which means they'd have to essentially clear a number of neighbors front and side walkways in order to get to their property in back. Neither of these options is viable, and the fact they are not just demonstrates that the Ordinance in question is ridiculous.
3. "The City is just trying to force us to hire a contractor to clear the sidewalks that are the City's responsibility." This appears to be the City's goal here, given the realities of lack of access to the walkways. However, the fact of the matter is that some of these residents are on fixed/limited incomes and cannot afford to pay to hire a contractor, especially at a time when their taxes keep increasing. More importantly, they shouldn't have to do so as it is Government's responsibility to maintain these "public" roadways so if anyone should hire and pay for a contractor to do so, the City should.
4. "The City's position regarding the Ordinance is unclear so I'm confused." As a lawyer, I have to agree with this sentiment. As suggested by City Police, after the letter was received, Mr. Cushing and I appeared at the Planning Department

on Monday, January 14th, and met with the author of the letter, Mitchell Grusnick and his apparent superior, Zoning and Planning Specialist, Paul Evans. When pressed on the content of the letter, neither gentleman could offer any guidance or assistance. We asked if the Department construed Section 34.11 to mean each time there was a snowfall, even if only a dusting, residents had to clear the walkways. They said no, they would never enforce the Ordinance in that manner. We asked well when then, when a ½ inch falls, one inch, two inches, more? They could not give us an answer other than a generic statement about the amount of snow impeding someone's ability to walk, which is no answer at all since many people would prefer to walk on crunchy snow which they feel is safer than walking over a dusting. The point I'm trying to make here is that if your Department employees don't know when they would enforce the Ordinance, how are your citizens to know when they are subject to enforcement? If the term "all ice and snow" really doesn't mean "all" in the instances of a dusting, ½ inch, 1 inch, etc., then you have a vagueness issue that you need to fix by either revoking or modifying the Ordinance.

5. "According to the City's position, I'm a prisoner to my home and can't leave for fear of being charged by the City for clearing snow." When Mr. Cushing and I asked Messrs. Grusnick and Evans about how a resident is supposed to comply with the Ordinance if he/she is out of town on business or on vacation the day of a snowfall, they had no answer. They sheepishly acknowledged that since Mr. Grusnick's letter was a resident's "only notice of this season", any resident who was legitimately out of town for business or personal reasons and unaware of the snowfall, could be subject to the costs referenced in the letter. So as interpreted, the City is essentially telling residents to make a choice – go out of town but face possible costs being imposed on you by the City or STAY HOME THE ENTIRE WINTER SEASON. Is that the message this City wants to send to existing and possible future residents? God help us if it is!!!
6. "The City tells us we have 12 hours or so to clear these sidewalks but takes days to clear snow in the subdivision." This is a fair point – why is the City requiring residents to act in 12 hours and not impose the same time constraints upon itself? If residents have to react so fast, the City should too.

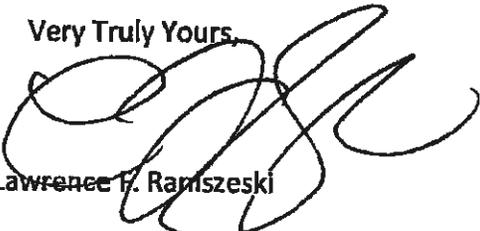
At the end of our meeting, Messrs. Grusnick and Evans acknowledged they could do nothing to help us and suggested we contact City Council c/o the City Manager, which is why I wrote this letter. As a 35 year resident of Troy I am shocked and disappointed not only by the content of the letter we received but of the City's apparent callous disregard for its residents. In our view, one of three things has to happen: (1) The Ordinance in question (34.11 and 34.12) should be revoked immediately; (2) If the City is unwilling to revoke the Ordinance,

Troy City Council  
c/o City Manager Brian Kischnick  
January 17, 2013  
Page 4

residents who have lived in the City before the enactment of the Ordinance should be grandfathered and exempted from the operation of the Ordinance; and (3) The City should fulfill its obligations to its residents by assuming responsibility for removing all snow and ice which accumulates on sidewalks abutting Wattles, Coolidge and other major thoroughfares, either using City Employees or hiring its own Contractor. Residents understand that sidewalks in front of their homes are their responsibility – however they should not be responsible for clearing the sidewalks abutting major roads used by the general public.

Although this letter was sent to our subdivision, we understand from speaking to Messrs. Grusnick and Evans that similar letters will be sent to other residents in the City. We believe any other resident who receives one of these letters will share the views expressed herein. We trust the City Council will be proactive and address this unfair and inequitable situation immediately by assuming its responsibility to maintain public walkways and not attempting to transfer that responsibility to its residents.

Very Truly Yours,

  
Lawrence F. Ramszeski

LFR/lfr

Enclosure

cc: Troy Estates Recipients of Letter (w/o enclosure)

**City of Troy  
Planning Department  
500 West Big Beaver, Troy, MI 48084**

01/10/2013

RANISZESKI, LAWRENCE & BARBARA  
1640 CALIPER  
TROY, MI 48084-1407

Subject: 1640 CALIPER

Dear RANISZESKI, LAWRENCE & BARBARA:

On 01/9/2013 I observed the subject site and noted the public sidewalk abutting your property along Wattles has not been cleared of snow and ice. Chapter 34 of the City Code (copy enclosed) requires that snow and ice be removed from the public sidewalk within 12 hours after a snowfall or by 6:00 p.m. the following day when the snowfall stops during the night time.

Please clear your sidewalk of snow and ice **within 24 hours of the date and time of this notice**. Please remember to clear your sidewalk after every snow or ice event. This will be your only notice of this season. Future violation(s) will result in the City contractor removing the snow and ice and billing you all costs. Unpaid costs will become a lien on the property

Please contact me if you wish to discuss this matter or have any questions. I can be reached between 8 am and 9 am and 3:30 pm and 4:30 pm.

Thank you for your attention to this matter.

Sincerely,

Mitchell Grusnick  
Housing & Zoning Inspector  
248-524-3354  
GrusnickME@troymi.gov

## Chapter 34 - Sidewalks and Driveway Approaches

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### 34.01 Definitions

When used in this Chapter, the words defined in this Section shall have the following meanings:

- (a) "Sidewalk" shall mean the improved portion of the street right-of-way designed for pedestrian travel.
- (c) "Development Standards" shall mean the basis for design of public and private improvements as established by the City Engineer. These Development Standards incorporate the City of Troy Standard Details and Specifications for construction as established by the City Engineer.
- (b) "Director of Building and Zoning" means the City of Troy Director of Building and Zoning, or his/her designee.
- (c) "Driveway Approach" shall mean the improved portion of the street right-of-way designed to provide for vehicular travel from abutting property to a public roadway.
- (d) "Director" shall mean the Public Works Director of the City, or his/her designee.
- (e) "Engineer" shall mean the City Engineer or his/her designee.
- (f) "Superintendent" shall mean the Public Works Superintendent of Streets and Drains for the City of Troy.

(Rev. 07-07-2008)

### 34.02 Permits

34.02.01 No person shall construct, rebuild or repair any sidewalk or driveway approach without first obtaining a sidewalk and approach permit from the Director of Building and Zoning, except that sidewalk or driveway approach repairs of less than fifty (50) square feet of sidewalk or driveway approach may be made without a permit.

34.02.02 The sidewalk and approach permit shall be prominently displayed on the construction site.

34.02.03 The fee for the sidewalk and approach permit shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

34.02.04 No sidewalk or driveway approach shall be poured until the site has been inspected and approved by the Director or his designee.

34.02.05 Each time a proposed sidewalk or driveway approach construction is inspected and rejected by the City, a re-inspection fee shall be paid prior to re-inspection. The re-inspection fee shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

## Chapter 34 - Sidewalks and Driveway Approaches

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34.02.06 In the event that a sidewalk or driveway approach is poured without a required permit, and/or without the required inspection or without a re-inspection, the sidewalk or driveway approach must be removed and replaced at the expense of the owner.

- A. As an alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the sidewalk and approach specifications, the contractor may elect to prove that the concrete meets the thickness and strength requirements of the specifications by having cores taken from the sidewalk or driveway approach and having them measured and tested by an approved independent testing laboratory.
- B. As a second alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the City's specifications, the contractor may elect to deposit a two (2) year cash bond with the City to cover the cost, as estimated by the Director, for the removal and replacement of the entire sidewalk or driveway in the event that deficiencies develop within a two (2) year time period.

(Rev. 06-17-2002)

### 34.03 Line and Grade Stakes

The Contractor or Property Owner shall furnish line and grade stakes as may be necessary to construct the sidewalk or driveway approach as approved by the City. This shall include establishment of the property line, adjacent to the sidewalk or driveway approach to be constructed. This may require the contractor to either locate existing lot corner irons and monuments; or have a licensed land surveyor establish new lot corner irons and monuments. All lot corner irons and monuments shall bear the license number of the surveyor that performed the work.

(Rev. 06-17-2002)

### 34.04 Sidewalk and Driveway Approach Specifications

All sidewalk or driveway approach construction, rebuild, and/or repair shall conform to the "Development Standards" as established by the Engineer.

(Rev. 07-07-2008)

For new sidewalk construction, any existing objects or improvements which must be removed or relocated (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be removed or relocated at the owner's expense. Such items to be removed or relocated shall include, but are not limited to: trees, ditches, drainage structures, culverts, fire hydrants, water service valves, utility poles, guy wires, street lights and transformers.

Any existing underground structures which must be adjusted to a new elevation (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be adjusted to the approved grade at the owner's expense. Such items to be adjusted in height shall include, but are not limited to: manholes, catch basins, drainage chambers, gate wells, valve boxes and utility access structures.

## Chapter 34 - Sidewalks and Driveway Approaches

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(Rev. 06-17-2002)

### 34.05 Permit Suspension

The Superintendent or Director may suspend any permit issued under the terms of this Chapter for incompetency or failure to comply with the terms of this Chapter, or the rules, regulations, plans and specifications for the construction, reconstruction or repair of any sidewalk or driveway approach, as established by the Superintendent or the Director.

(Rev. 06-17-2002)

### 34.06 Ordering Construction

34.06.01 The City Council may require the construction of sidewalks in locations where they declare such construction to be necessary in order to provide a safe and convenient route for pedestrian and non-motorized vehicular traffic.

(Rev. 06-17-2002)

34.06.02 When construction is determined necessary by City Council, a resolution shall require the owners of lots and premises to build sidewalks or drive approaches in the public streets adjacent to and abutting upon such lots and premises. When the Council resolution is adopted, the City Clerk shall provide notice of the resolution to the owners of such lots or premises in accordance with Chapter 1, Section 1.11 of the Troy City Code. The resolution shall require the owner to construct or rebuild such sidewalks or drive approaches within twenty (20) calendar days of receipt of the resolution.

(Rev. 06-17-2002)

### 34.07 Required Construction

All owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision. The Director of Building and Zoning Director may extend the time for completion of the required sidewalk and driveway approaches in accordance with established procedure.

(Rev. 06-17-2002)

### 34.07.01 Exceptions

The requirement for the construction of sidewalks and driveway approaches, as stated in Section 34.07, shall apply in conjunction with all construction, with the following exceptions:

- A. The Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches upon submission of an adequate cash bond to the City.

## Chapter 34 - Sidewalks and Driveway Approaches

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- B. Sidewalk and driveway approaches are not required for the construction of an individual one-family or two-family home, on an acreage parcel or lot on those street frontages which are not major thoroughfares frontages. This exception shall only apply to subdivisions platted prior to January 1, 1990, and shall not apply to one-family or two-family residential construction on properties that have been split, combined, and/or replatted resulting in the possibility, capability, or potential ability to construct two or more new buildings or structures on these pre-existing parcels or lots.
- C. Sidewalk and driveway approaches are not required in conjunction with construction on industrial parcels or lots within industrial subdivisions platted prior to January 1, 1980, when those street frontages which are not major thoroughfare frontages, or do not front on Rankin Drive, Chicago Road or Bellingham Drive.
- D. Variances from the requirements of Section 34.07 may be granted by the Traffic Committee, in accordance with the procedure as set forth in Chapter 35.

(Rev. 06-17-2002)

34.08

### Construction by City

If the installation, rebuild, or repair of a sidewalk or driveway approach violates the provisions of this chapter, the Director shall send a written notice of the violation to the property owner, and shall set forth a deadline for compliance. If the owner of any lot or premises, after receiving said notice, fails to correct the sidewalk or driveway approach deficiencies within the allocated compliance time period, the Director is authorized and required to immediately cause such sidewalk or driveway approach to be constructed or repaired, and the expense thereof shall be charged to the owner of the premises. The expenses shall be collected as provided for by law or Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in the circuit court to recover the costs.

(Rev. 06-17-2002)

34.09

### Sidewalk Maintenance

No person shall permit any sidewalk or driveway approach which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe, or to be blocked or obstructed with bushes, trees, fixtures, or any other thing so that pedestrians or travelers on that sidewalk or vehicles traveling on the driveway approach do not have full use of the sidewalk or driveway approach.

(Rev. 06-17-2002)

34.10

### Sidewalk Repair and Maintenance

It is the duty of the owner to place said sidewalk or driveway approach in a safe condition. Whenever the Director shall determine that a sidewalk or driveway approach is in a state of disrepair, unsafe or blocked for use, notice shall be sent to the owner of the lot or premises adjoining to or abutting said sidewalk or driveway approach of such determination, which notice shall be given in accordance with Chapter 1, Section 1.11 of this Code. Such notice shall specify a reasonable time, not less than seven (7) calendar

## Chapter 34 - Sidewalks and Driveway Approaches

days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair, make the sidewalk safe or remove obstruction(s) from said sidewalk or driveway approach within the allotted time frame, the Director shall have said sidewalk or driveway approach repaired, made safe or remove the obstruction. If the Director determines that the condition of said sidewalk or driveway approach is such that immediate repair or maintenance is necessary to protect the public, then notice is not required prior to the commencement of the emergency repairs and/or replacement. The cost of repairs hereunder shall be charged to the owner of the premises that adjoins the identified sidewalk or driveway. The expenses shall be collected as provided for by law or the Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in circuit court to recover the costs.

(Rev. 06-17-2002)

### 34.11 Sidewalks to be Cleared

The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 P.M. of the day following.

(Rev. 10-05-1992)

### 34.12 Failure to Clear

If any occupant or owner neglects or fails to clear ice or snow from the sidewalk adjoining his premises within the allotted time period, or shall otherwise permit ice or snow to accumulate on such sidewalk, the owner shall be guilty of a violation of this Chapter. The Superintendent may then cause the same to be cleared and the expense of removal shall become a debt to the City from the occupant or owner of such premises, and shall be collected as any other debt to the City.

(Rev. 06-17-2002)

### 34.13 Costs Paid from General Fund/CDBG Funds

34.13.01 Individual property owners meeting the income guidelines as established annually by the United States Department of Housing and Urban Development for the Community Development Block Grant program shall be eligible for 100% coverage of the costs of sidewalk construction, replacement or repair that is required by this Chapter. Such costs shall be paid from the General Fund.

34.13.02 The duties, requirements, obligations and/or exceptions provided by this Chapter shall not preclude the City of Troy from utilizing Community Development Block Grant funding to construct, replace or repair sidewalks within the City of Troy.

(08-23-2004)

## **Chapter 34 - Sidewalks and Driveway Approaches**

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### **34.14 Penalties for Violation**

Except as otherwise provided in this Chapter, a violation of any section of Chapter 34 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 34 shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-2006)