

# AGENDA

Meeting of the

## CITY COUNCIL OF THE CITY OF TROY

JANUARY 5, 2009

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: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

### **Outcome Statements**

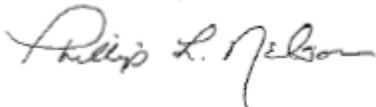
I. Troy enhances the health and safety of the community

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

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager

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## CITY COUNCIL

### AGENDA

January 5, 2009 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER:** 1

**INVOCATION & PLEDGE OF ALLEGIANCE:** 1

**ROLL CALL** 1

**CERTIFICATES OF RECOGNITION:** 1

A-1 No Presentations 1

**CARRYOVER ITEMS:** 1

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** 1

C-1 No Public Hearings 1

**POSTPONED ITEMS:** 1

D-1 No Postponed Items 1

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

**REGULAR BUSINESS:** **1**

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities 2

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	<b><u>CLOSED SESSION:</u></b>	<b>16</b>
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**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, January 26, 2009 ..... 16

1. Rezoning Application – Proposed Sonic Restaurant, East Side of John R. North of Fourteen Mile Road, Section 36 – B-2 to H-S (File Number Z-735) ..... 16
2. Rezoning Application – Proposed Animal Advocates Veterinary Hospital, North Side of Long Lake, East of Rochester Road, Section 11, B-2 to B-3 (File Number Z-734) ..... 16
3. Street Vacation – Myrtle Avenue (Originally Platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number SV 163-C)..... 16

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Monday, March 2, 2009 Regular City Council ..... 16

Monday, March 23, 2009 Regular City Council ..... 16

Monday, March 30, 2009 Regular City Council ..... 16



**CALL TO ORDER:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL**

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

**CERTIFICATES OF RECOGNITION:**

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**A-1** No Presentations

**CARRYOVER ITEMS:**

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**B-1** No Carryover Items

**PUBLIC HEARINGS:**

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**C-1** No Public Hearings

**POSTPONED ITEMS:**

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**D-1** No Postponed Items

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

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

**REGULAR BUSINESS:**

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is*

*brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

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

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**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities**

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

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

**(a) Mayoral Appointments – None Scheduled**

**(b) City Council Appointments**

Suggested Resolution

Resolution #2009-01-

Moved by

Seconded by

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

**Advisory Committee for Persons with Disabilities**

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

Michael Wilson - Alternate

Unexpired Term 11/01/2009

Yes:

No:

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Board of Review and Planning Commission (b) City Council Nominations: Board of Zoning Appeals; Cable Advisory Committee; Election Commission; Historic District Study Committee; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee**

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

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

**(a) Mayoral Nominations**

Suggested Resolution  
Resolution #2009-01-  
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:

**Board of Review**

Appointed by Mayor (3 Regular) 3-Year Term

Term Expires 01/31/2012

**Planning Commission**

Appointed by Mayor (9 Regular) 3-Year Term

Term Expires 12/31/2011

Yes:  
No:

**(b) City Council Nominations**

Suggested Resolution  
Resolution #2009-01  
Moved by  
Seconded by

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

**Board of Zoning Appeals**

Appointed by Council (7 Regular) 3-Year Term

**Planning Commission Rep.\*** Term Expires 01/31/2010

**Planning Commission Alt. Rep.\*** Term Expires 01/31/2010

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

**Cable Advisory Committee**

Appointed by Council (7 Regular) 3-Year Term

Term Expires 02/28/2012

Term Expires 02/28/2012

**Election Commission**

Appointed by Council (2-Regular; 1-Charter) 3-Year Term

Term Expires 01/31/2010

Term Expires 01/31/2010

**\*NOTE: Democratic Party submitted recommendation to reappoint T. Dewan on 12/15/08**

**Historic District Study Committee**

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

Ad Hoc

**Liquor Advisory Committee**

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

Term Expires 01/31/2012

Term Expires 01/31/2012

Term Expires 01/31/2012

Term Expires 01/31/2012

**Municipal Building Authority**

Appointed by Council (5 Regular) 3-Year Term

Term Expires 01/31/2012

Term Expires 01/31/2012

**Traffic Committee**

Appointed by Council (7 Regular) 3-Year Term

	Term Expires 01/31/2012

Yes:

No:

**E-3 2008-09 Budget Amendment No. 2**

Suggested Resolution

Resolution #2009-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the 2008-2009 Budget Amendment No. 2 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**CONSENT AGENDA:**

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

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

Suggested Resolution

Resolution #2009-01-

Moved by

Seconded by

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

Yes:

No:

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

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

Suggested Resolution

Resolution #2009-01-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of December 15, 2008 as submitted.

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

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**F-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 1: Award to Low Bidder – Type 'K' Copper Tubing**

Suggested Resolution

Resolution #2009-01-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type "K" Copper Tubing to the low bidder HD Supply Waterworks of Shelby Township, MI, for an estimated total cost of \$45,306.00 at unit prices contained in the bid tabulation opened December 22, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-5 Contract Extension – Standard and Compound Water Meters**

Suggested Resolution

Resolution #2009-01-

WHEREAS, On April 12, 2004, Troy City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years to the low bidder, S.L.C. Meter Service, Inc. of Davisburg, MI (Resolution #2004-04-190-E10);

WHEREAS, The option to renew was exercised and approved by Troy City Council on December 19, 2005 (Resolution #2005-12-546-E4e);

WHEREAS, The contract was extended for one-year with an increase in the trade-in allowance on 2" meters and all compound meters (Resolution #2008-01-023-F8); and

WHEREAS, S.L.C. Meter Service, Inc. has agreed to extend the contract one-year under the same terms and conditions as the original contract with a 2% decrease in the purchase price of all standard and compound meters;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and a contract to purchase Standard and Compound Water Meters from S.L.C. Meter Service, Inc. of Davisburg, MI, is hereby extended at unit prices as detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2009.

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#### **F-6 Interlocal Agreement for Oakland County Narcotic Enforcement Team**

##### Suggested Resolution

Resolution #2009-01-

WHEREAS, Oakland County has previously directed and operated an intergovernmental entity, the Oakland County Narcotic Enforcement Team (NET);

WHEREAS, The mission of NET is to investigate drug trafficking within Oakland County with the purpose of detecting and apprehending persons who violate narcotic and drug laws within Oakland County, and also to provide a means of training officers of participating agencies in the techniques of narcotic and drug law enforcement;

WHEREAS, The City of Troy has benefitted from its interagency partnership in NET, and is expected to continue to benefit from continued participation; and

WHEREAS, In order to continue to participate in NET, the City of Troy and Oakland County must enter into a mutually agreeable Interlocal Agreement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Oakland County Narcotic Enforcement Team Interlocal Agreement between Oakland County and the City of Troy; and

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

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#### **F-7 Request for Authorization to Make Unconditioned Offers to Purchase Property for Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 and Request for Authorization to Institute Court Action**

(a) **Parcel #7 – Century Plaza, LLC – Sidwell #88-20-23-156-003**

(1) **Authorization to Make Unconditioned Offer**

##### Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Century Plaza, LLC, owners of property having Sidwell #88-20-23-156-003;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-156-003 in the amount of \$218,100.00, plus closing costs.

**(2) Authorization to Institute Court Action**

Suggested Resolution  
Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Century Plaza, LLC, owners of property having Sidwell #88-20-23-156-003;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(b) Parcel #9 – Troywood Shops, LLC – Sidwell #88-20-23-156-001**

**(1) Authorization to Make Unconditioned Offer**

Suggested Resolution  
Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Troywood Shops, LLC, owners of property having Sidwell #88-20-23-156-001;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-156-001 in the amount of \$129,320.00, plus closing costs.

**(2) Authorization to Institute Court Action**

Suggested Resolution  
Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Troywood Shops, LLC, owners of property having Sidwell #88-20-23-156-001;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such

proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

(c) **Parcel #10 – Diajeff Trust – Sidwell #88-20-23-100-092**

(1) **Authorization to Make Unconditioned Offer**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Diajeff Trust, owners of property having Sidwell #88-20-23-100-092;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-092 in the amount of \$91,800.00, plus closing costs.

(2) **Authorization to Institute Court Action**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Diajeff Trust, owners of property having Sidwell #88-20-23-100-092;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

(d) **Parcel #17 – Esther Jeffrey Trust – Sidwell #88-20-23-100-040**

(1) **Authorization to Make Unconditioned Offer**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Esther Jeffrey Trust, owners of property having Sidwell #88-20-23-100-040;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-040 in the amount of \$64,100.00, plus closing costs.

**(2) Authorization to Institute Court Action**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Esther Jeffrey Trust, owners of property having Sidwell #88-20-23-100-040;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(e) Parcel #31 – Ida Rudack Trust – Sidwell #88-20-22-276-018****(1) Authorization to Make Unconditioned Offer**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Ida Rudack Trust, owners of property having Sidwell #88-20-22-276-018;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-276-018 in the amount of \$30,562.00, plus closing costs.

**(2) Authorization to Institute Court Action**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Ida Rudack Trust, owners of property having Sidwell #88-20-22-276-018;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(f) Parcel #34 – William H. Price Revocable Trust – Sidwell #88-20-22-276-047****(1) Authorization to Make Unconditioned Offer**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from William H. Price Revocable Trust, owners of property having Sidwell #88-20-22-276-047;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-276-047 in the amount of \$16,700.00, plus closing costs.

**(2) Authorization to Institute Court Action**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from William H. Price Revocable Trust, owners of property having Sidwell #88-20-22-276-047;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(g) Parcel #36 – William H. Price Revocable Trust – Sidwell #88-20-22-276-045****(1) Authorization to Make Unconditioned Offer**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from William H. Price Revocable Trust, owners of property having Sidwell #88-20-22-276-045;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-276-045 in the amount of \$49,980.00, plus closing costs.

**(2) Authorization to Institute Court Action**Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from William H. Price Revocable Trust, owners of property having Sidwell #88-20-22-276-045;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(h) Parcel #37 – Picano Land Limited Partnership – Sidwell #88-20-22-226-085**

**(1) Authorization to Make Unconditioned Offer**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Picano Land Limited Partnership, owners of property having Sidwell #88-20-22-226-085;

BE IT RESOLVED, That Troy City Clerk hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-085 in the amount of \$36,600.00, plus closing costs.

**(2) Authorization to Institute Court Action**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Picano Land Limited Partnership, owners of property having Sidwell #88-20-22-226-085;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**(i) Parcel #40 – Picano Land Limited Partnership – Sidwell #88-20-22-226-049**

**(1) Authorization to Make Unconditioned Offer**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Picano Land Limited Partnership, owners of property having Sidwell #88-20-22-226-049;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-049 in the amount of \$27,300.00, plus closing costs.

**(2) Authorization to Institute Court Action**

Suggested Resolution

Resolution #2009-01-

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Picano Land Limited Partnership, owners of property having Sidwell #88-20-22-226-049;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**F-8 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #15 – Sidwell #88-20-23-100-066 – Final Decisions**

Suggested Resolution

Resolution #2009-01-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Final Decisions, owners of property having Sidwell #88-20-23-100-066, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$46,400.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$800.00 from Final Decisions, owners of property having Sidwell #88-20-23-100-066; and

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

**F-9 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #41 – Sidwell #88-20-22-226-073 – Rainbow Center**

Suggested Resolution

Resolution #2009-01-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Rainbow Center, owners of property having Sidwell #88-20-22-226-073, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$67,700.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$9,100.00 from Rainbow Center, owners of property having Sidwell #88-20-22-226-073 ; and

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

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#### **F-10 Mon Jin Lau Annual Fireworks Use Request**

##### Suggested Resolution

Resolution #2009-01-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau, located at 1515 East Maple Rd., for the use of fireworks at its annual Chinese New Year celebration on January 27<sup>th</sup> and January 28<sup>th</sup>, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Fire Prevention Division personnel to inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display.

#### **MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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##### **G-1 Announcement of Public Hearings:**

- a) Rezoning Application – Proposed Sonic Restaurant, East Side of John R. North of Fourteen Mile Road, Section 36 – B-2 to H-S (File Number Z-735) – January 26, 2009
- b) Rezoning Application – Proposed Animal Advocates Veterinary Hospital, North Side of Long Lake, East of Rochester Road, Section 11, B-2 to B-3 (File Number Z-734) – January 26, 2009
- c) Street Vacation – Myrtle Avenue (Originally Platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number SV 163-C) – January 26, 2009

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##### **G-2 Memorandums: None Submitted**

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

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##### **H-1 No Council Referrals Advanced**

**COUNCIL COMMENTS:**


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**I-1 No Council Comments Advanced**

**REPORTS:****J-1 Minutes – Boards and Committees:**

- a) Historic District Study Committee/Final – April 1, 2008
- b) Historic District Study Committee/Final – May 5, 2008
- c) Historic District Study Committee/Final – June 2, 2008
- d) Historic District Study Committee/Final – September 2, 2008
- e) Parks and Recreation Advisory Board/Final – September 25, 2008
- f) Historic District Study Committee/Final – October 7, 2008
- g) Employees' Retirement System Board of Trustees/Final Amended – October 8, 2008
- h) Youth Council/Final – October 22, 2008
- i) Historic District Study Committee/Final – November 4, 2008
- j) Employees' Retirement System Board of Trustees/Final – November 12, 2008
- k) Board of Zoning Appeals/Final – November 13, 2008
- l) Board of Zoning Appeals/Final – November 18, 2008
- m) Planning Commission Special/Study/Final – November 25, 2008
- n) Building Code Board of Appeals/Draft – December 3, 2008
- o) Youth Council/Draft – December 17, 2008

**J-2 Department Reports:**

- a) City of Troy Financial Summary for the Year Ended June 30, 2008

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Nelson from Thomas Brandon, Bureau of Alcohol, Tobacco, Firearms and Explosives, Regarding the Assistance with Tactical Communications Repeater
- b) Letter of Appreciation to Mayor Schilling from Congressman-Elect Gary Peters

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

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**J-5 Communication from Assistant City Manager/Economic Development Services  
Brian Murphy Regarding Federal Stimulus Package Projects**

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**J-6 Employee Retirement System Election Results**

**STUDY ITEMS:**


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**K-1 No Study Items Submitted**

**PUBLIC COMMENT: Address of "K" Items**

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

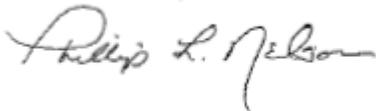
*the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during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

## CLOSED SESSION:

**L-1** No Closed Session Requested

## ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

## FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, January 26, 2009

1. Rezoning Application – Proposed Sonic Restaurant, East Side of John R. North of Fourteen Mile Road, Section 36 – B-2 to H-S (File Number Z-735)
2. Rezoning Application – Proposed Animal Advocates Veterinary Hospital, North Side of Long Lake, East of Rochester Road, Section 11, B-2 to B-3 (File Number Z-734)
3. Street Vacation – Myrtle Avenue (Originally Platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number SV 163-C)

## SCHEDULED CITY COUNCIL MEETINGS:

Monday, January 26, 2009 .....	Regular City Council
Monday, February 2, 2009 .....	Regular City Council
Wednesday, February 11, 2009 (Liquor Violation Hearing) .....	Regular City Council
Monday, February 16, 2009 .....	Regular City Council
Wednesday, February 18, 2009 (Liquor Violation Hearing) .....	Regular City Council
Monday, March 2, 2009 .....	Regular City Council
Monday, March 23, 2009 .....	Regular City Council
Monday, March 30, 2009 .....	Regular City Council



## CITY COUNCIL ACTION REPORT

December 19, 2008

TO: Phillip L. Nelson, City Manager  
FROM: John M. Lamerato, Assistant City Manager-Finance & Admin.  
SUBJECT: 2008-09 Budget Amendment No. 2

### Background:

- Upon completion of the audit, we review all on going capital projects and outstanding purchase orders at year end, to determine if a budget amendment is necessary. Capital projects are individually reviewed and compared to the projected completed status contained in the 2008-09 Budget. Amendments are then made to reconcile any differences.

### Financial Considerations:

- The amendments will provide the necessary funding in the 2008-09 Budget to complete various capital projects and open purchase orders.

### Legal Considerations:

- The budget amendments will keep us in compliance with P.A. 621 of 1978 Uniform Budgeting Act, which calls for budgets to be amended when necessary.

### Policy Considerations:

- The budget amendment conforms to Goal II, "Minimize the cost and increase the efficiency and effectiveness of City government", by upholding fiscal integrity.

### Options:

- It is requested that City Council approve Budget Amendment No. 2 as recommended by City Management.

2008-09 BUDGET AMENDMENT NO. 2

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b><u>CAPITAL PROJECTS FUND</u></b>			
<b>REVENUE:</b>			
FUND BALANCE			
UNRESERVED/UNDESIGNATED	\$ 10,321,988	<u>\$ 6,086,000</u>	\$ 4,235,988
TOTAL AMENDMENT TO REVENUES		<u><u>\$ 6,086,000</u></u>	
<b>EXPENDITURES:</b>			
<b>CITY ATTORNEY</b>			
OFFICE EQUIPMENT & FURNITURE	\$ -	\$ 20,000	\$ 20,000
<b>ELECTIONS</b>			
OFFICE EQUIPMENT & FURNITURE	\$ -	\$ 38,000	\$ 38,000
<b>COMMUNITY AFFAIRS</b>			
GENERAL EQUIPMENT	\$ 75,000	\$ 25,000	\$ 100,000
<b>CITY HALL</b>			
BUILDINGS & IMPROVEMENTS	\$ 3,440,000	\$ 190,000	\$ 3,630,000
<b>FIRE</b>			
BUILDINGS & IMPROVEMENTS	\$ 110,000	\$ 53,000	\$ 163,000
APPARATUS REPLACEMENT	400,000	<u>400,000</u>	800,000
		<u>\$ 453,000</u>	
<b>POLICE</b>			
ADMIN.- GENERAL EQUIPMENT	\$ 133,000	\$ 500,000	\$ 633,000
PATROL - GENERAL EQUIPMENT	70,000	172,000	242,000
COMM. - OFFICE EQUIPMENT	321,000	<u>341,000</u>	662,000
		<u>\$ 1,013,000</u>	

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b>PUBLIC WORKS</b>			
BUILDINGS & IMPROVEMENTS	\$ 298,000	\$ 198,000	\$ 496,000
LAND IMPROVEMENTS	100,000	30,000	130,000
MAJOR ROADS	13,025,200	1,825,000	14,850,200
LOCAL ROADS	2,260,000	782,000	3,042,000
STREET LIGHTING	20,000	20,000	40,000
DRAINS	732,800	<u>678,000</u>	1,410,800
		<u>\$ 3,533,000</u>	
<b>PARKS AND RECREATION</b>			
PARKS & RECREATION ADMIN. BUILDING & IMPROVEMENTS	\$ -	\$ 60,000	\$ 60,000
LAND IMPROVEMENTS	1,890,000	54,000	1,944,000
COMMUNITY CENTER GENERAL EQUIPMENT	110,000	18,000	128,000
BUILDING & IMPROVEMENTS	68,000	17,000	85,000
MUNICIPAL GROUNDS LAND IMPROVEMENTS	1,650,000	297,000	1,947,000
PARK DEVELOPMENT OEC	140,000	<u>92,000</u>	232,000
		<u>\$ 538,000</u>	
<b>MUSEUM</b>			
EQUIPMENT - GENERAL	\$ 10,000	\$ 10,000	\$ 20,000
BUILDINGS & IMPROVEMENTS	411,000	<u>133,000</u>	544,000
		<u>\$ 143,000</u>	
<b>LIBRARY</b>			
BUILDING & IMPROVEMENTS	\$ 275,000	\$ 133,000	\$ 408,000
 TOTAL AMENDMENT TO EXPENDITURES		 <u><u>\$ 6,086,000</u></u>	

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b><u>MOTOR EQUIPMENT FUND</u></b>			
<b>REVENUE:</b>			
UNRESERVED FUND BALANCE	\$ 4,885,165	<u>\$ 161,400</u>	\$ 4,723,765
TOTAL AMENDMENT TO REVENUES		<u><u>\$ 161,400</u></u>	
<b>EXPENSES:</b>			
VEHICLES	\$ 1,352,700	<u>\$ 161,400</u>	\$ 1,514,100
TOTAL AMENDMENT TO EXPENSES		<u><u>\$ 161,400</u></u>	

Amendment requested to provide funds for outstanding purchase orders at June 30, 2008, and to reconcile capital projects in various stages of completion at June 30, 2008.

Regular Meeting of the Troy City Council was held Monday, December 15, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

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

## **CERTIFICATES OF RECOGNITION:**

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### **A-1 Presentations:**

- a) Mayor Louise Schilling presented the *Fleet Maintenance Division for Top 20 Fleets in the Nation Recognition* award to representatives of the Public Works Department. Mayor Louise Schilling and Sam Lamerato, Superintendent of Fleet Maintenance presented the *Hero Award* to Mike Blitchok.
- b) Tom Darling of the Rehmann Robson Group presented the *Independent Auditor's Report for the Fiscal Year Ended June 30, 2008*.
- c) John M. Lamerato, Assistant City Manager/Finance & Administration presented of an *Audit Recap*.

## **CARRYOVER ITEMS:**

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### **B-1 No Carryover Items**

## **PUBLIC HEARINGS:**

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### **C-1 Rezoning Application – Proposed Office Building, South Side of Wattles, East of Rochester Road (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732)**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the public:

Kimberly Flag-Opposed

James Ther-Opposed

Mike Flores-Opposed

Anne Marie Garvin-Opposed

### **Vote on Resolution to Postpone Rezoning Application – File Number Z-732**

Resolution #2008-12-362

Moved by Kerwin

Seconded by Eisenbacher

WHEREAS, The City is in receipt of a rezoning request, from R-1C to O-1, File Number Z-732, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certified Survey; and

WHEREAS, The applicant has provided a letter requesting postponement so that they can submit a conditional rezoning application;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **POSTPONES** the proposed rezoning from R-1C to O-1, to provide the applicant an opportunity to submit a conditional rezoning application to the Planning Commission for their consideration.

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

### **MOTION CARRIED**

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#### **C-2 Rezoning Application – Proposed Maple Business Center, North Side of Maple, East of Castleton (2795 and 2797 E. Maple), Section 25 – R-1E to B-1 (File Number Z-733)**

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

Resolution #2008-12-363  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **REFERS** the rezoning request, from R-1E to B-1, File Number Z-733, back to the Planning Commission to explore other options that could include conditional rezoning.

Yes: All-7

### **MOTION CARRIED**

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#### **C-3 Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District**

The Mayor opened the Public Hearing for public comment.

#### **Resolution to Table Agenda Item C-3 *Concept Development Plan Approval***

Resolution #2008-12-364  
Moved by Kerwin  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **TABLES** agenda item C-3 *Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District* until after the completion of D-1 *Transit Center Cost Sharing Agreement*.

Yes: All-7

### **MOTION CARRIED**

**POSTPONED ITEMS:**

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**D-1 Transit Center Cost Sharing Agreement**

Resolution #2008-12-365  
Moved by Kerwin  
Seconded by Beltramini

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

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

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

**MOTION CARRIED**

The meeting **RECESSED** at 10:16 PM.

The meeting **RECONVENED** at 10:26 PM.

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**C-3 Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District**

The Mayor closed the Public Hearing after receiving comment from the petitioner and the public:

Gerald Savel-Opposed                      Kristen Sonnevile-Opposed                      Kevin Douglass-Opposed

Resolution #2008-12-366  
Moved by Eisenbacher  
Seconded by Kerwin

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

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on November 11, 2008;

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

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

WHEREAS, The proposed Planned Unit Development, parcels 88-20-22-383-001, -002, -003 & -006 and 88-20-22-382-012, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, SW 1/4 of Section 22

Commencing at the South ¼ corner of said Section 22; thence along the South line of said Section 22, N 88°40'00" W 165.42 ft.; thence N 01° 32' 14" E, 102.00 ft. to the North line of Big Beaver Rd. (102 ft. half width) and the point of beginning; thence along said North line, N 88°40'00" W, 272.73 ft. to the West line of "Replat of Out Lot A of Big Beaver Subdivision" (Liber 26, pg. 17, of Oakland County Records); thence along said West line and the West line of "Burgess Bungalow Subdivision" (Liber 46, pg. 34, of Oakland County Records), said line also being the East line of Kilmer Rd. (50 ft. width), N 01° 32' 14" E, 368.37 ft. to the North line of Lot 17 of Burgess Bungalow Subdivision; thence along said North line S 88°40'00" E, 122.88 ft. to the East line of said Lot 17; thence along said East line S 01°32'14" W, 22.50 ft. to the North line of Lot 20 of Burgess Bungalow Subdivision; thence along said North lines of Lots 20, 21 and 22 of Burgess Bungalow Subdivision, S 88°40'00" E, 149.85 ft. to the East line of the aforementioned subdivision, said line also being the West line of "Willow Centre" O. C. C. P. No. 1272, as recorded in Liber 21524, pg. 591 of Oakland County Records; thence along said lines S 01°32'14" W, 162.50 ft. to the South line of said condominium; thence along said South line S 88°40'00" E, 75.20 ft. to the West line of said condominium; thence along said West line, S 01°32'14" W, 183.37 ft. to the aforementioned North line of Big Beaver Rd.; thence along said North line, N 88°40'00" W, 75.20 ft. to the Point of Beginning. Containing 2.546 acres more or less, subject to all easements and restrictions of record;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the subject parcel to PUD; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-010; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement and hereby **AUTHORIZES** the Mayor and City Clerk to execute the Planned Unit Development Agreement for BBK Mixed-Use Planned Unit Development on behalf of the City, a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the executed BBK Mixed-Use Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for BBK Mixed-Use Planned Unit Development and the petitioner is hereby permitted to submit Preliminary Development Plans pursuant to Article 35.50.02 of Chapter 39.

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

**MOTION CARRIED**

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

**REGULAR BUSINESS:**

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**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Planning Commission b) City Council Appointments: No Appointments brought forward**

**(a) Mayoral Appointments**

Resolution #2008-12-367  
Moved by Schilling  
Seconded by Fleming

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

**Planning Commission**

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

Donald L. Edmunds

Unexpired Term 12/31/2010

Yes: All-7

**MOTION CARRIED**

**(b) City Council Appointments – No Appointments brought forward**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Advisory Committee for Persons with Disabilities**

**(a) Mayoral Nominations – None Scheduled**

**(b) City Council Nominations**

Resolution #2008-12-368  
Moved by Howrylak  
Seconded by Beltramini

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

**Advisory Committee for Persons with Disabilities**

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

Michael Wilson - Alternate

Unexpired Term 11/01/2009

Yes: All-7

**MOTION CARRIED**

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**E-3 Bid Waiver – Global Positioning System (GPS) Tracking Devices**

Resolution #2008-12-369  
Moved by Kerwin  
Seconded by Beltramini

WHEREAS, Global Positioning System (GPS) Tracking Devices are used by law enforcement to conduct covert investigations to monitor criminal activity;

WHEREAS, A short list of companies offer law enforcement grade GPS tracking units, which differ in technology used and overall functionality; and

WHEREAS, After an exhaustive search, the Troy Police Department has determined that Coleman Technologies offers the best system, which includes real “live” time tracking, three-year all inclusive service and warranty plan, no activation fee, and 24/7 technical support;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **APPROVES** a contract to purchase hardware, software, and services for the Platinum All In One Agent system from Coleman Technologies, Inc. of Orlando, FL, for an estimated total cost of \$28,268.00, as detailed on quote #Q0073.0556.538.1, a copy of which is **ATTACHED** to the original Minutes of this meeting, plus ongoing license renewals, updates and technical support as needed.

Yes: All-7

**MOTION CARRIED**

**E-4 Deficit Elimination Plans**

Resolution #2008-12-370  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** and **ADOPTS** the Downtown Development Authority, Aquatic Center and Sanctuary Lake Golf Course Deficit Elimination Plans presented to this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-5 Agreement to Provide Inspection Services – City of Madison Heights**

Resolution #2008-12-371  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide inspection services to the City of Madison Heights and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-6 Contract Ratification – Troy Command Officers Association (TCOA) 2008-2011**

Resolution #2008-12-372  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **RATIFIES** a collective bargaining agreement between the City of Troy and Troy Command Officers Association (TCOA) for the period July 1, 2008 through June 30, 2011, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the final agreement.

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

**MOTION CARRIED**

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**E-7 Cost Participation Agreement with Clawson Main Street (Livernois), Broadacre Avenue to Maple Road – Project No. 07.102.5 and 07.502.5**

Resolution #2008-12-373  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the City of Clawson for the reconstruction of Main Street (Livernois), from Broadacre to Maple, Project No. 07.102.5 and 07.502.5, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-8 Approval of Fees for Preliminary Breath Tests Administered at the Troy Police Desk**

Resolution #2008-12-374  
Moved by Schilling  
Seconded by Kerwin

WHEREAS, The Troy Police Department has administered Preliminary Breath Tests (PBTs) at the Troy Police Department for individuals who are required to submit to such tests as a condition of probation;

WHEREAS, The City of Troy Police Department currently administers PBTs at no charge;

WHEREAS, The City of Troy Police Department has administered a significant number of PBTs to non-residents, which may be due to the fact that other communities charge for the administration of PBTs;

WHEREAS, The free administration of PBTs has resulted in a significant cost in both personnel and materials to the City of Troy Police Department;

WHEREAS, Based on past experience, there is a high demand for the administration of PBT testing during holiday periods or other college break periods of time;

WHEREAS, This higher demand for PBT administration is likely to commence before December 25, 2008, the effective date of the amendment to Chapter 60, Section 3 (Fees);

WHEREAS, Pursuant to Section 5.3 of the Troy City Charter, the effective date of ordinance amendments is ten days after enactment;

WHEREAS, Section 5.3 of the Troy City Charter allows for an emergency ordinance which may be effective earlier than the normal ten day period for the preservation of public peace, health or safety;

WHEREAS, The City of Troy is operating in a deficit situation and is striving to reduce its budget deficit by assessing fees when appropriate to recover costs for services, and the immediate effective date will provide for the assessment of charges for PBT administration, which will further the public peace, health, and/or welfare; and

WHEREAS, A charge of \$5.00 to residents of the City of Troy and \$10.00 to non-residents is designed to recoup the costs of administering PBTs at the Troy Police Department;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Emergency Ordinance Amendment to Chapter 60, Section 3, Fee Schedule, effective immediately, to add a fee for PBT administration, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-9 Agreement of Understanding – The Village at Big Beaver Planned Unit Development (PUD 7), Southwest Corner of Big Beaver and John R – Section 26**

Resolution #2008-12-375

Moved by Kerwin

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the attached proposed Agreement of Understanding for the Village at Big Beaver Planned Unit Development (PUD 7), located at the southwest corner of Big Beaver and John R, in Section 26; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: Howrylak

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2008-12-376

Moved by Kerwin

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-8, F-9 and F-12, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

**MOTION CARRIED**

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

Resolution #2008-12-376-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of December 1, 2008 as submitted.

---

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

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League’s Capital Conference 2009**

Resolution #2008-12-376-F-4a

RESOLVED, That Troy City Council hereby **AUTHORIZES** Council members to attend the Michigan Municipal League’s 2009 Capital Conference on March 3 – 4, 2009 in Lansing, Michigan, in accordance with accounting procedures of the City of Troy.

**b) Standard Purchasing Resolution #1: Award to Low Bidders – Water System Materials**

Resolution #2008-12-376-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Water System Materials to the following low bidders: East Jordan Iron Works of Oak Park, MI, Gunners Meters & Parts of Pontiac, MI, SLC Meter Service, Inc. of Davisburg, MI, and HD Supply Waterworks of Shelby Township, MI; at unit prices contained in the bid tabulation opened November 12, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**F-5 Traffic Committee Recommendations – November 19, 2008****a) No Changes at Torpey Drive and Rochester Road**

Resolution #2008-12-376-F-5a

RESOLVED, That there be **NO CHANGES** at Torpey Drive and Rochester Road.

**b) Traffic Control Order 08-07-MR be Rescinded**

Resolution #2008-12-376-F-5b

RESOLVED, That Traffic Control Order 08-07-MR be **RESCINDED**.

**c) Replace Yield Signs on Ellenboro at Trombley with Stop Signs**

Resolution #2008-12-376-F-5c

RESOLVED, That Traffic Control Order No. 08-01-SS be **ISSUED** to replace the YIELD signs on Ellenboro at Trombley with **STOP** signs.

**d) Replace Yield Sign on Enterprise at Robinwood with Stop Sign**

Resolution#2008-12-376-F-5d

RESOLVED, That Traffic Control Order No. 08-02-SS be **ISSUED** to replace the **YIELD** sign on Enterprise at Robinwood with a **STOP** sign.

**e) Establishment of Fire Lanes/Tow Away Zones at 2477 West Maple**

Resolution #2008-12-376-F-5e

RESOLVED, That Traffic Control Order No. 08-10-MR be **ISSUED** for the establishment of fire lanes/tow away zones at 2477 West Maple as recommended by the Fire Department.

---

**F-6 Approval of Purchase Agreement – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #1 – Sidwell #88-20-15-476-027 – Joan E. Facchini**

Resolution #2008-12-376-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Joan E. Facchini, owner of property having Sidwell #88-20-15-476-027, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$40,000.00, plus closing costs; and

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

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

---

**F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #33 – Sidwell #88-20-22-276-056 – Douglas P. Blunden and Mary Ann Blunden**

Resolution #2008-12-376-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Douglas P. Blunden and Mary Ann Blunden, owners of property

having Sidwell #88-20-22-276-056, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$72,100.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$4,700.00 from Douglas P. Blunden and Mary Ann Blunden, owners of property having Sidwell #88-20-22-276-056; and

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

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**F-10 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #42 – Sidwell #88-20-22-226-072 – Hi-Tech Investment Company**

Resolution #2008-12-376-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Hi-Tech Investment Company, owner of property having Sidwell #88-20-22-226-072, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$67,718.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$7,267.00; and the Grading and Temporary Construction Permit in the amount of \$80.00 from Hi-Tech Investment Company, owner of property having Sidwell #88-20-22-226-072; and

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

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**F-11 Private Agreement for Andrew St. Sanitary Sewer Extension – Project No. 06.405.3**

Resolution #2008-12-376-F-11

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and George Thomas, for the installation of sanitary sewer, sidewalks, and soil erosion on the site and in the adjacent

right of way, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-13 Allocation of 2009 Tri-Party Program Funds**

Resolution #2008-12-376-F-13

RESOLVED, That Troy City Council hereby **APPROVES** the 2009 Tri-Party program funding allocation of \$544,591.00 and the remaining 2008 Tri-Party program funds in the amount of \$50,585.00 be used, as required, for concrete slab replacements on County Roads, with \$198,392.00 being the City's share.

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**F-14 Approval to Temporarily Waive Parking Restrictions – Vanderpool**

Resolution #2008-12-376-F-14

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on Vanderpool Street near 865 Vanderpool on December 20, 2008, between the hours of 5:00 PM and 10:00 PM.

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

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**F-8 Preliminary Site Condominium Review – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A: No Action Taken by City Council**

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**F-9 Winter Maintenance Agreement, Road Commission for Oakland County**

Resolution #2008-12-377

Moved by Beltramini

Seconded Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of certain primary and local roads, which are described and outlined in Exhibit A, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the necessary documents, a copy of which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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

Resolution #2008-12-378  
 Moved by Schilling  
 Seconded by Eisenbacher

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

Yes: All-7

**MOTION CARRIED****F-12 License Agreement with St. Joseph Catholic Chaldean Church**

Resolution #2008-12-379  
 Moved by Eisenbacher  
 Seconded Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the license agreement between St. Joseph Catholic Chaldean Church and the City of Troy for limited use of City property, described as:

T2N, R11E, Sec 25 Part of the NE ¼ of the NW ¼ Beginning at a point S 00-01-28 W, 968.66 FT & N 89-28-44 E, 1305.52 FT & N 00-13-40 W, 956.34 FT & S 89-38-09 E, 869.24 FT & S 00-12-46 E, 673.50 FT & N 89-31-04 E, 113.43 FT from the NW Section Corner; Thence N 89-31-04 E, 325.00 FT; Thence S 00-16-19 E, 700.00 FT; Thence S 89-31-04 W, 325.00 FT; Thence N 00-16-19 W, 700.00 FT to the point of beginning (Property),

for a period of three (3) years, beginning December 15, 2008 and ending December 15, 2011.

Yes: All-7

**MOTION CARRIED****MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

**G-2 Memorandums: None Submitted**

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

**H-1 No Council Referrals Advanced**

**COUNCIL COMMENTS:**

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**I-1 Council Comments:**

Council Member Kerwin complimented the former student who spoke on behalf of and is also currently active with the Troy Community Coalition's *Teens Taking Action* committee. Council Member Kerwin explained that the teens have circulated petitions for years reminding adults that they can pledge not to drink and drive during the holiday season. She asked that everyone bear that in mind as they celebrate the holidays and that they not drink and drive.

Council Member Beltramini attended last week's SEMCOG Executive Committee meeting and reported that the outlook is not good. She explained that the *Fiscal Capacity for Cities* report indicates that the property values in southeast Michigan are declining at such a rate that next year it is expected to be the last year that the region's taxable value will increase.

Council Member Beltramini further reported that SEMCOG is sponsoring two seminars, *Restructuring for Local Government*, open to staff and elected officials. Council Member Beltramini asked that she be contacted for additional information for those who are interested in participating in a webinar on January 27<sup>th</sup> or wishing to attend the seminar in person on January 29<sup>th</sup> in Sterling Heights.

Council Member Beltramini encouraged everyone to view the *Transportation Funding Task Force* report that is now available on SEMCOG's website.

**REPORTS:**

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

- a) Traffic Committee/Final – August 20, 2008
- b) Advisory Committee for Persons with Disabilities/Draft – October 1, 2008
- c) Advisory Committee for Persons with Disabilities/Final – October 1, 2008
- d) Building Code Board of Appeals/Final – November 5, 2008
- e) Planning Commission/Final – November 11, 2008
- f) Planning Commission Special/Study/Draft – November 25, 2008

Noted and Filed

**J-2 Department Reports:**

- a) Police Department – 2008 Year-To-Date Calls for Police Service Report
- b) Building Department – Permits Issued During the Month of November 2008

Noted and Filed

**J-3 Letters of Appreciation:**

- a) Letter from St. Alan's Church to Officer Andy Breidenich and the Troy Police Department Regarding Example and Assistance on Election Day
- b) Letter to Mayor Schilling from Resident Michelle Musial Applauding the City's Efforts Regarding the Recycling Program
- c) Letter of Appreciation to Chief Craft from George Barahal Regarding the Services and Treatment Received from Officer Brian Jones

- d) Letter of Thanks to Carla Vaughan from Jo Giroux Regarding the Leaf Raking Assistance
  - e) Letter of Thanks to Carla Vaughan and Parks and Recreation from Emily Lambert Regarding the Leaf Raking Assistance
- Noted and Filed

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

- 
- J-5 Troy Youth Assistance Board Meeting Final Minutes – October 16, 2008**
- Noted and Filed

- 
- J-6 Communication from City Attorney Lori Grigg Bluhm Regarding Frank Lawrence v. City of Troy**
- Noted and Filed

- 
- J-7 Communication from Public Works Director Timothy Richnak Regarding Community Development Block Grant Information**
- Noted and Filed

- 
- J-8 Communication from Parks and Recreation Director Carol Anderson Regarding 2008 Best in Aquatics Award**
- Noted and Filed

- 
- J-9 Submittal of the 2008 Comprehensive Annual Financial Report (CAFR)**
- Noted and Filed

**STUDY ITEMS:**

- 
- K-1 No Study Items Submitted**

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

- 
- L-1 No Closed Session Requested**

The meeting **ADJOURNED** on Tuesday, December 16, 2008 at 12:07 AM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk



## CITY COUNCIL ACTION REPORT

December 23, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: – Award To Low Bidder –Type ‘K’ Copper Tubing

### **Background**

- On December 22, 2008, bid proposals were received electronically to furnish Type ‘K’ Copper Tubing.
- 63 Vendors accessed attachment to this solicitation via the MITN website. Bids were received from seven (7) vendors who submitted secured pricing electronically.
- Due to the volatility of the commodity market, prices are only good for thirty- (30) days.

### **Financial Considerations**

- Funds are available in the operating budgets of the Water Division for tap-ins.
- Bid prices are approximately 42% less than those obtained in June of 2007.

### **Legal Considerations**

- ITB-COT 08-39, Type ‘K’ Copper Tubing was competitively bid in accordance with Chapter 7 of the City Code.
- All bidders were given the opportunity to respond with their level of interest in supplying goods to the City of Troy.

### **Policy Considerations**

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues. (Outcome Statement #2)

### **Options**

- City management recommends awarding the contract for copper tubing to low bidder, HD Supply Waterworks of Shelby Township, MI for an estimated total cost of \$45,306.00 at unit prices contained in the bid tabulation.

**ELECTRONIC BID**

City of Troy  
Bid Tabulation  
Type "K" Copper Tubing

VENDOR:				<b>** HD Supply Waterworks</b>		<b>S.L.C. Meter Service, Inc</b>		<b>Etna Supply Company</b>	
ESTIMATED TOTAL COST:				<b>\$45,306.00</b>		<b>\$47,718.00</b>		<b>\$50,400.00</b>	
Item	Description	UOM	Qty	Unit Price	Ext Price	Unit Price	Ext Price	Unit Price	Ext Price
1	1" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3000	\$2.4300	<b>\$7,290.00</b>	\$2.5500	\$7,650.00	\$2.7000	\$8,100.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: Cambridge reading cambridge		Quoting Brand Below: WOLVERINE TUBE INC. C-1X60		Quoting Brand Below: CERRO PCKS1X60	
						<u>Vendor Comments</u> PRICING FIRM FOR 30 DAYS ONLY			
2	1-1/2" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3600	\$4.0600	<b>\$14,616.00</b>	\$4.2600	\$15,336.00	\$4.5000	\$16,200.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: cambrige  cambridge		Quoting Brand Below: WOLVERINE TUBE INC.  C-1.5X60		Quoting Brand Below: CERRO  PCKS11/2X60	
						<u>Vendor Comments</u> PRICING FIRM FOR 30 DAYS ONLY			
3	2" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3600	\$6.5000	<b>\$23,400.00</b>	\$6.8700	\$24,732.00	\$7.2500	\$26,100.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: cambridge  cambridge		Quoting Brand Below: WOLVERINE TUBE INC.  C-2X60		Quoting Brand Below: CERRO  PCKS2X60	
						<u>Vendor Comments</u> PRICING FIRM FOR 30 DAYS ONLY			

VENDOR:	<b>** HD Supply Waterworks</b>	<b>S.L.C. Meter Service, Inc</b>	<b>Etna Supply Company</b>
<b>Pricing Guarantee:</b>	30 days	OPENING DATE	30 DAYS
<b>Payment Terms / Discount:</b>	net 30	NET 30 DAYS	NET 30
<b>Warranty Info:</b>	manufacturer	STANDARD MFG.	MANUFACTURER
<b>Delivery / Start Date:</b>	5 days from date of order	STOCK TO 3 WEEKS	2-14 DAYS
<b>Minimum Order?</b>	No minimum quantity or amount is required.	No minimum quantity or amount is required.	No minimum quantity or amount is required.
<b>Exceptions Taken?</b>	No	Yes	No
<b>Comments/Exceptions:</b>	one time purchase	PRICING GOOD FOR 30 DAYS ONLY	

\*\* DENOTES LOW BIDDER

City of Troy  
 Bid Tabulation  
 Type "K" Copper Tubing

VENDOR:

ESTIMATED TOTAL COST:

				ATLAS PLUMBING SUPPLY \$52,722.00		Young Supply Company \$54,168.00		Madalyn's Contracting LLC \$59,760.00		USA Bluebook \$62,328.00	
Item	Description	UOM	Qty	Unit Price	Ext Price	Unit Price	Ext Price	Unit Price	Ext Price	Unit Price	Ext Price
1	1" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3000	\$2.8500	\$8,550.00	\$2.9000	\$8,700.00	\$3.6000	\$10,800.00	\$2.8600	\$8,580.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: WOLVERINE OR CAMBRIDGE  1" K		Quoting Brand Below: Mueller  C160-K-1		Quoting Brand Below: 1" type k copper tube 60' roll  60' rolls		Quoting Brand Below: CMC HOWELL METAL  1X60 COIL-TYPE K	
2	1-1/2" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3600	\$4.6900	\$16,884.00	\$4.8400	\$17,424.00	\$5.7000	\$20,520.00	\$5.7200	\$20,592.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: WOLVERINE OR CAMBRIDGE  1 1/2" K		Quoting Brand Below: Mueller  C11260-K-1-1/2		Quoting Brand Below: 1-1/2" type k copper tube 60' roll  60' roll		Quoting Brand Below: CMC HOWELL METAL  1 1/2	
3	2" Type "K" Copper Tubing 60-foot rolls	FOOT/ FEET	3600	\$7.5800	\$27,288.00	\$7.7900	\$28,044.00	\$7.9000	\$28,440.00	\$9.2100	\$33,156.00
<b>Brand Requirement:</b> All Brands are Acceptable				Quoting Brand Below: WOLVERINE OR CAMBRIDGE  2" K		Quoting Brand Below: Mueller  C260-K-2		Quoting Brand Below: 2.0" type k copper tube 60' roll  60' roll		Quoting Brand Below: CMC HOWELL METAL  2X60 COIL-TYPE K	

VENDOR:	ATLAS PLUMBING SUPPLY	Young Supply Company	Madalyn's Contracting LLC	USA Bluebook
<b>Pricing Guarantee:</b>	30 DAYS	1/31/2009	90 days	30 DAYS
<b>Payment Terms / Discount:</b>	1% 10 DAYS	Net	net 30 zero discount	1 % 10 NET 30
<b>Warranty Info:</b>	MANUFACTURER		manufactures	MANUFACTURER
<b>Delivery / Start Date:</b>	2-3 WEEKS	Lead Time: 2 weeks A.R.O.	upon award	5-10 BUSINESS DAYS ARO
<b>Minimum Order?</b>	Yes, Minimum order amount of \$25000 is required.	Yes, Minimum order amount of \$54168 is required.	Yes, Minimum order quantity of 3000 or a Minimum order amount of \$10800 is required.	No minimum quantity or amount is required.
<b>Exceptions Taken?</b>	No	No	No	No
<b>Comments/Exceptions:</b>		9098924-00		QUOTE# 328978 IF

**ATTEST:**

Richard Shepler

Debra Painter-Diegle

Deanna Theobald

Julie Hamilton

Linda Bockstanz

Susan Leirstein CPPB

Purchasing Director



## CITY COUNCIL ACTION REPORT

December 15, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Contract Extension - Standard and Compound Water Meters

### **Background**

- On April 12, 2004, City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years with the lowest acceptable bidder, S.L.C. Meter Service Inc of Davisburg, MI (Resolution #2004-04-190-E10). The option was exercised on December 19, 2005, with a contract expiration of December 31, 2007 (Resolution #2005-12-546-E4e).
- In 2008, SLC offered and the City accepted an extension of the original contract with an increase in the trade-in allowance for 2" meters and all compound meters. (Resolution #2008-01-023-F8)
- S.L.C Meter Service Inc is now offering a contract extension for one-year, under the original contract terms and conditions, but with a 2% decrease in prices across the board on standard and compound meters to expire on December 31, 2009. Trade-in values would remain at their elevated rates, as approved in 2008.
- Purchasing has reviewed the Consumer and Producer Price Indexes for 2008, which reveals a 1.7% increase in CPI for the Detroit-Ann Arbor-Flint area, and a 1.09% decrease in PPI for metal products with indexes continuing to decline.

### **Financial Considerations**

- Funds are available in the Water Department Operating Budget.
- With the proposed decrease in pricing and assuming the same number of meters purchased, the City will save approximately \$3,900.00 in 2009.

### **Legal Considerations**

- Formal bidding procedures are waived, as no benefit would be derived from soliciting additional bids.

### **Policy Considerations**

- By extending this contract, the City minimizes costs and benefits from efficient strategic planning. (Goal II).

December 15, 2008

To: Phillip L. Nelson, City Manager  
Re: Contract Extension – Water Meters

**Options**

- City management recommends the current contract be extended to purchase Standard and Compound Water Meters from S.L.C Meter Service, Inc of Davisburg, MI, under the same terms and conditions as the original contract, but with a 2% decrease in the price of standard and compound meters, as detailed on Appendix A.

S:/Murphy's Review/Agenda 01.05.09 – RB - Extension – Water MetersLetter 01.09.doc



**S.L.C.**  
meter service, inc.  
parts, repair & installation

APPENDIX A

December 9 2008

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

10375 Dixie Hwy. • Davisburg, MI • 48350  
(800) 433-4332 • (248) 625-0667 • Fax: (248) 625-8650

Attention: Deanna Theobald/Administrative Aid  
Fax: # 248-524-3520

Following is the extension of the current contract between the City of Troy and S.L.C. Meter Service, Inc. We are offering to extend this current contract for meter pricing, accessories and salvage for the 2009 contract year, ending on 12/31/09. At the end of 2009 option to renew for a second year with the consent of both parties in writing. If you have no objections to this renewal please sign below and fax back to S.L.C. at 248-625-8660.

APPROX. QTY.	DESCR IPTION:	UNIT \$	DISCOUNT 2%	UNIT PRICE AFTER DISCOUNT
	<b>Standard Meters: Model T-10 ARB-V</b>			
600	5/8" x 3/4"	80.21	1.60	78.61
1200	3/4"	104.82	2.10	102.72
40	1"	136.23	2.72	133.51
10	1 1/2" w/connections	295.82	5.92	289.90
10	2" w/connections	319.96	6.40	313.56
	Additional cable, per unit, per foot	.08		
	<b>Compound Meters: Model #: Tru-Flow</b>			
24	2" w/connections	1,019.04	20.38	998.66
30	3" w/connections	1,275.46	25.51	1249.95
24	4" w/connections	1,906.46	38.13	1868.33
4	6" w/connections	2,992.08	59.84	2932.24
	<b>TRADE IN ALLOWANCE:</b>	<b>CREDIT</b>		
	<b>W/CONNECTIONS</b>			
600	5/8" x 3/4"	2.25		
1200	3/4"	3.25		
40	1"	4.25		
10	1 1/2"	10.00		
	2" Standard	30.00		
	2" Compound	60.00		
	3" Compound	80.00		
	4" Compound	100.00		
	6" Compound	120.00		

Acknowledged by William F. Traynor Title President  
 Printed Name William F. Traynor Date 12-9-08  
 Acknowledged by City of Troy \_\_\_\_\_ Title \_\_\_\_\_

---

**F-8 Contract Extension – Standard and Compound Water Meters**

Resolution #2008-01-023-F-8

WHEREAS, On April 12, 2004, Troy City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years to the low bidder, S.L.C. Meter Service, Inc. of Davisburg, MI (Resolution #2004-04-190-E10);

WHEREAS, The option to renew was exercised and approved by Troy City Council on December 19, 2005 (Resolution #2005-12-546-E4e); and

WHEREAS, S.L.C. Meter Service, Inc. has agreed to extend a one-year contract under the same prices, terms and conditions as the original contract with the exception of an increase in the trade-in allowance for 2" meters and compound meters;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXTENDS** the current contract to purchase standard and compound water meters from S.L.C. Meter Service, Inc. of Davisburg, MI, at unit prices as detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2008.

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**F-9 Acceptance of a Permanent Easement for Water Main – The Elizabeth G. Ford Revocable Living Trust and Barbara J. Sackner, Sidwell #88-20-20-476-047**

Resolution #2008-01-023-F-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from The Elizabeth G. Ford Revocable Living Trust and Barbara J. Sackner, owners of the property having Sidwell #88-20-20-476-047; and

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

---

**F-10 Approval of Purchase Agreement for John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #67 – Sidwell #88-20-01-151-048 – Mark and Elizabeth Abro**

Resolution #2008-01-023-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the agreement to purchase realty for public purposes between Mark and Elizabeth Abro, owners of property having Sidwell #88-20-01-151-048, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$11,700.00, plus closing costs; and

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



## CITY COUNCIL ACTION REPORT

January 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Susan A. Leirstein, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Contract Extension - Standard and Compound Water Meters

### **Background**

- On April 12, 2004, City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years with S.L.C. Meter Service Inc of Davisburg, MI (Resolution #2004-04-190-E10). The option was exercised on December 19, 2005 with a contract expiration of December 31, 2007 (Resolution #2005-12-546-E4e).
- S.L.C Meter Service Inc is offering a contract extension of one year, under the original contract pricing, terms and conditions to expire on December 31, 2008, with the exception of an increase in the trade-in allowance for 2" meters and compound meters.
- Purchasing has conducted a market survey and determined the City would not benefit from soliciting new bids for the standard and compound water meters.

### **Financial Considerations**

- Funds are available in the Water Department Operating Budget.

### **Legal Considerations**

- Formal bidding procedures are waived, as no benefit would be derived from soliciting formal bids.

### **Policy Considerations**

- By renewing this contract, the City minimizes cost increases and benefits from efficient strategic planning. (Goal II).

### **Options**

- City management recommends that the current contract be extended to purchase Standard and Compound Water Meters from S.L.C Meter Service, Inc of Davisburg, MI, under the same prices, terms, and conditions as the original contract, with exceptions to trade-in allowances as detailed in Appendix A.

## Appendix A

Est Qty	Description	Model #	Trade-in Allowance	Unit Price
	<b>Standard Meters</b>			
600	5/8" x 3/4"	T-10 Arb-V	(\$2.25)	\$80.21
1200	3/4"	T-10 Arb-V	(\$3.25)	\$104.82
40	1"	T-10 Arb-V	(\$4.25)	\$136.23
10	1 1/2" w/Connections	T-10 Arb-V	(\$10.00)	\$295.82
10	2" w/Connections	T-10 Arb-V	(\$30.00)	\$319.96
	Additional Cable, per unit, per foot			\$0.08
	<b>Compound Meters</b>			
24	2" w/Connections	Tru-Flow	(\$60.00)	\$1,019.04
30	3" w/Connections	Tru-Flow	(\$80.00)	\$1,275.46
24	4" w/Connections	Tru-Flow	(\$100.00)	\$1,906.46
4	6" w/Connections	Tru-Flow	(\$120.00)	\$,2992.08

January 11, 2008

TO: Susan Leirstein CPPB  
Purchasing Director

FROM: Julie Hamilton  
Buyer

RE: MARKET SURVEY – STANDARD AND COMPOUND WATER METERS

NATIONAL WATER WORKS (AMCO METERS) – Rich Gardner (630) 661-9111

Spoke to Len Fleishman of National Water Works in order to determine if Amco meters were compatible with the City's existing Neptune metering system. Mr. Fleishman directed me to Rich Gardner of Amco Meters to discuss the issue. Mr. Gardner provided a series of questions regarding our current system that was passed along to DPW for answers. Upon receiving the information from DPW, Mr. Gardner felt confident that Amco would be able to meet the City's requirements but wanted to verify compatibility with his technical department. After that conversation in mid December, Mr. Gardner never called back to state whether or not the systems were compatible with each other.

Additionally, calculations were performed using the Consumer Price Index and Producer Price Index for the period from January 2006 to October of 2007. During this time frame, the Consumer Price Index for the Detroit-Ann Arbor-Flint area experienced a 4% increase. In addition, the Producer Price Index for copper and brass products, for the same time period, increased by 55%.

Based upon the above information, I see no benefit from soliciting new bids and respectfully recommend that the City accept the offer to renew the contract for standard and compound water meters to the current vendor based on the fact that the CPI and PPI has shown significant increases in the past year and that other company products appear to be incompatible with the City's current metering system.

CC: File



**S.L.C.**  
meter service, inc.  
parts, repair & installation

10375 Dixie Hwy. • Davisburg, MI • 48350  
(800) 433-4332 • (248) 625-0667 • Fax: (248) 625-8650

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

Attention: Deanna Theobald/Administrative Aid  
Fax # 248-524-3500

Following is the extension of the current contract between the City of Troy and S.L.C. Meter Service, Inc. We are offering to extend this current contract for meter pricing, accessories and salvage for the 2008 contract year, ending on 12/31/08. At the end of 2008 option to renew for a second year with the consent of both parties in writing. If you have no objections to this renewal please sign below and fax back to S.L.C. at 248-625-8660.

APPROX. QTY.	DESCRIPTION	UNIT \$
	<b>Standard Meters: Model: T-10 Arb-V</b>	
600	5/8" x 3/4"	80.21
1200	3/4"	104.82
40	1"	136.23
10	1 1/2" w/connections	295.82
10	2" w/connections	319.96
	Additional cable, per unit, per foot	.08
	<b>Compound Meters: Model #: Tru-Flow</b>	
24	2" w/connections	1,019.04
30	3" w/connections	1,275.46
24	4" w/connections	1,906.46
4	6" w/connections	2,992.08
	<b>Trade - In Allowance:</b>	
600	5/8" x 3/4"	-2.25
1200	3/4"	-3.25
40	1"	-4.25
10	1 1/2"	-10.00

Acknowledged by \_\_\_\_\_ Title \_\_\_\_\_

Printed Name \_\_\_\_\_ Date \_\_\_\_\_



Department of Public Works  
4693 Rochester Rd  
Troy, MI 48085  
Phone: (248) 524-3501  
Fax: (248) 524-3520

# Fax

*From:* Bill Trainer

*To:* Deanna Theobald

**Company:** S.L.C Meter Service

**Pages:** 1

**Fax:** 248.625.8650

**Date:** 1/4/2008

**Re:** Quote

**CC:**

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Bill,  
I did receive your fax this morning. However I need you to add the following to your quote:

Trade in Allowance for:

2" Meter -	<u>30.00</u>
2" Compound -	<u>60.00</u>
3" Compound -	<u>80.00</u>
4" Compound -	<u>100.00</u>
6" Compound -	<u>120.00</u>

*To be considered pg 2 of quote dated yr. end  
12-31-08, renewal of meter pricing.*

Thank you  
Deanna Theobald  
Department of Public Works  
City of Troy

Resolution #2005-12-546-E-4a

RESOLVED, That those Council Members interested are **AUTHORIZED** to attend the NLC 2006 Annual Congressional City Conference in Washington, DC on March 11-15, 2006 in accordance with accounting procedures of the City of Troy.

b) **Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2005-12-546-E-4b

RESOLVED, That a contract to purchase (1) fleet vehicle from Signature Ford, L-M, Jeep is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of \$23,731.00.

c) **Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2005-12-546-E-4c

RESOLVED, That a contract to purchase fleet vehicles from Buff Whelan Chevrolet is hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$235,475.00.

d) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00: Southeast Michigan Council of Governments (SEMCOG) 2005 Membership Dues**

Resolution #2005-12-546-E-4d

RESOLVED, That approval is **GRANTED** to pay the 2005 Southeast Michigan Council of Governments (SEMCOG) membership dues from July 15, 2005 to July 15, 2006 in the amount of \$11,220.00.

e) **Standard Purchasing Resolution 3: Exercise Renewal Option – Standard and Compound Water Meters**

Resolution #2005-12-546-E-4e

WHEREAS, On April 12, 2004, a two-year contract with an option to renew for two additional years to provide Standard and Compound Water Meters was awarded to low bidder, S.L.C. Meter Service, Inc., (Resolution #2004-04-190-E10);

WHEREAS, S.L.C. Meter Service, Inc. has agreed to exercise the two-year option to renew the contract under the same prices, terms and conditions as the original contract;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with S.L.C. Meter Service, Inc., to provide Standard and Compound Water Meters

under the same contract prices, terms, and conditions for two years expiring December 31, 2007.

f) **Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Buffer Zone Protection Grant**

Resolution #2005-12-546-E-4f

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Police Department to receive a United States Department of Homeland Security Buffer Zone Protection Grant and **EXPEND** funds for the purchase of equipment in accordance with the attached Appendix – Detailed Costs for Authorized Equipment, not to exceed \$51,000.00; and

BE IT FURTHER RESOLVED, That the Police Department budget is hereby **AMENDED** to receive the grant funding of \$50,000.00.

---

**E-5 Recognition as a Nonprofit Organization Status from the Angel Society, Inc. for the Purpose of Hosting Fundraising Events**

Resolution #2005-12-546-E-5

RESOLVED, That the request from The Angel Society, Inc., Troy, Michigan - County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

---

**E-6 Community Development Block Grant (CDBG) Program Year 2006 Application Amendment**

Resolution #2005-12-546-E-6

WHEREAS, On November 14<sup>th</sup>, 2005 a Public Hearing was held before the City Council of the City of Troy, at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Home Chore Program; Administration; and Water Sewer Improvements for Charnwood Subdivision Area, Phase #1, Section 6;

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on that date did determine that funding should be provided through the 2006 Community Development Block Grant (CDBG) Program for the Home Chore Program; Administration; and Water Sewer Improvements for Charnwood Subdivision Area, Phase #1, Section 6.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **AUTHORIZES** the Community Development Block Grant Program Year 2006 application be **AMENDED** to read the Home Chore Program; Administration; and Special Assessment Water Sewer (Sanitary Sewer benefit use fee) for Charnwood Subdivision Area, Phase #1, Section 6.

December 2, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

Subject: **Agenda Item** - Standard Purchasing Resolution 3: Exercise  
Renewal Option –Standard and Compound Water Meters

**RECOMMENDATION**

On April 12, 2004, City Council approved a two-year contract to provide standard and compound water meters with an option to renew for two additional years to the low bidder, SLC Meter Service Inc. of Davisburg, MI (Council Resolution #2004-04-190-E10). Staff recommends the City exercise the option to renew for two additional years under the same prices, terms and conditions, expiring December 31, 2007.

**PROPOSAL I: STANDARD METERS**

<b>Est. Qty</b>	<b>Description</b>	<b>Model #</b>	<b>Trade-in Allowance</b>	<b>Unit Price</b>
300	5/8" x 3/4" Meter	T-10 ARB-V	(2.25)	\$ 80.21
600	3/4" Meter	T-10 ARB-V	(3.25)	\$104.82
20	1" Meter	T-10 ARB-V	(4.25)	\$136.23
5	1-1/2" Meter	T-10 ARB-V	(10.00)	\$295.82
5	2" Meter	T-10 ARB-V	(14.00)	\$319.96
	Additional Cable per Unit, per Foot			\$ .08
	Discount on Parts			10%

**PROPOSAL II: COMPOUND METERS**

<b>Est. Qty</b>	<b>Description</b>	<b>Model #</b>	<b>Trade-in Allowance</b>	<b>Unit Price</b>
12	2" Compound	Tru-Flo	(30.00)	\$1,019.04
15	3" Compound	Tru-Flo	(40.00)	\$1,275.46
12	4" Compound	Tru-Flo	(50.00)	\$1,906.46
2	6" Compound	Tru-Flo	(100.00)	\$2,992.08
	Discount on Parts			10%

**MARKET SURVEY**

A market survey was not deemed necessary, as the City has standardized on the Neptune Water Meter System and SLC Meter Service is the authorized distributor for the State of Michigan. In addition, on November 14, 2005, City Council approved to expand the meter read process to the remaining 26,000 residential meters with the Neptune Automatic Meter Read System and ongoing equipment installations as needed for ten (10) years. The radio read equipment connects directly to the water meter and works in unison to meter water usage. Transition to the AMR system was determined to be seamless because of its adaptability to the Neptune and Schlumberger water meters and the most economical to implement. It utilizes the city's current 3-wire system, accommodates a mixed environment of manual and radio read, and interfaces to the Hansen Water Billing System without any additional costs or software bridges.

**BUDGET**

Funds are available in the Water Department Operating Budget.



10375 Dixie Hwy. • Davisburg, MI • 48350  
(800) 433-4332 • (248) 625-0667 • Fax: (248) 625-8650

*November 15, 2005*

*City of Troy  
4693 Rochester Road  
Troy, MI 48099*

*Attention: Emily Frontera/Administrative Aide  
Fax # 248-524-3520*

*Dear Emily,*

*Please consider this letter verification of the extension of pricing for the City of Troy that you requested. S.L.C. is pleased to extend your current water meter contract starting Jan. 1, 2006 through Dec. 31, 2007. As I discussed with you, S.L.C. Meter Service, Inc. is the authorized distributor for Neptune Technology in Michigan. If you have any questions or I can be of further service please feel free to contact me.*

*Cordially*

*William F. Traynor  
President S.L.C.*

AND

**(b) Approval of Agreement**

Resolution #2004-04-188b  
Moved by Stine  
Seconded by Lambert

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Fleming's/Great Lakes-I Limited Partnership, which shall become effective upon approval of the request for a new Quota Class C licensed business with Sunday Sales, Official Permit (Food) and Outdoor Service Area, "above all others", located at 3001 W. Big Beaver Rd., Troy, MI; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Broomfield, Eisenbacher, Lambert, Stine, Schilling, Beltramini  
No: Howrylak

**MOTION CARRIED**

---

**E-7 Long Lake Road Development Partners L.L.C. and Good Development Company, L.L.C. v. City of Troy**

Resolution #2004-04-189  
Moved by Stine  
Seconded by Howrylak

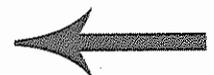
RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Long Lake Road Development Partners, L.L.C. and Good Development Company, L.L.C. v. City of Troy and to **RETAIN** any necessary expert witnesses to adequately represent the City.

Yes: All-7

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**E-10 Standard Purchasing Resolution 1: Award to Low Bidder – Standard and Compound Water Meters**

Resolution #2004-04-190  
Moved by Beltramini  
Seconded by Lambert



**NOTE**

RESOLVED, That a two-year contract to provide Standard and Compound Water Meters with an option to renew for two additional years is hereby **AWARDED** to the low bidder, SLC Meter

Service, Inc., at an estimated annual cost of \$148,390.00, at unit prices contained in the bid tabulation opened January 28, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the contract award **INCLUDES** additional cable at \$.08 per foot and Neptune meter replacement parts at a discount of 10% off list.

Yes: All-7

## REGULAR BUSINESS

**F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: No Mayoral appointments made and (b) City Council Appointments: 1. Advisory Committee for Persons with Disabilities; 2. Advisory Committee for Senior Citizens; 3. Board of Zoning Appeals; 4. Charter Revision Committee; 5. Library Board**

### (b) City Council Appointments

Resolution #2004-04-191

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

#### Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular, 3 Alternates) – 3 years

Adam Fuhrman

Term expires 11-01-2006 (Alternate)

#### Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

Steven M. Banch

Term expires 04-30-2007

#### Board of Zoning Appeals

Appointed by Council (7) – 3 years

Marcia Gies

Term expires 04-30-2007

#### Charter Revision Committee

Appointed by Council (7) – 3 years

Jerry E. Bloom

Term expires 04-30-2007

March 24, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1- Award To Low Bidder – Standard And Compound Water Meters

**RECOMMENDATION**

On January 28, 2004, bid proposals were opened to furnish two-year requirements of Standard and Compound Water Meters with an option to renew for two additional years. After reviewing these proposals, City management recommends awarding the contract to the low bidder, SLC Meter Service Inc. of Davisburg, MI, at an estimated cost of \$148,390.00 per year at unit prices contained in the attached bid tabulation. The City has been very satisfied with their product and service over the years. Water meters are purchased on an as needed basis throughout the year.

**SUMMARY**

**PROPOSAL I: STANDARD METERS**

<b>Est. Qty</b>	<b>Description</b>	<b>Model #</b>	<b>Trade-in Allowance</b>	<b>Unit Price</b>
300	5/8" x 3/4" Meter	T-10 ARB-V	(2.25)	\$ 80.21
600	3/4" Meter	T-10 ARB-V	(3.25)	\$104.82
20	1" Meter	T-10 ARB-V	(4.25)	\$136.23
5	1-1/2" Meter	T-10 ARB-V	(10.00)	\$295.82
5	2" Meter	T-10 ARB-V	(14.00)	\$319.96
	Additional Cable per Unit, per Foot			\$ .08
	Discount on Parts			10%

**PROPOSAL II: COMPOUND METERS**

<b>Est. Qty</b>	<b>Description</b>	<b>Model #</b>	<b>Trade-in Allowance</b>	<b>Unit Price</b>
12	2" Compound	Tru-Flo	(30.00)	\$1,019.04
15	3" Compound	Tru-Flo	(40.00)	\$1,275.46
12	4" Compound	Tru-Flo	(50.00)	\$1,906.46
2	6" Compound	Tru-Flo	(100.00)	\$2,992.08
	Discount on Parts			10%

March 24, 2004

To: John Szerlag, City Manager  
Re: Bid Award - Standard and Compound Meters

**ADDITIONAL INFORMATION**

National Waterworks, Inc. withdrew their bid because AMCO, the meter manufacturer, was unable to modify their current reading system to comply with the City's 6-digit billing software constraint. (See Attachment I)

**BUDGET**

Funds are available in the Water Department Operating Budget, as monies clear through the balance sheet Inventory Account for Meters.

32 Vendors Notified on MITN System

1 Vendor Walk-In

2 Bid Responses Rec'd

1 Bid Withdrawn

3 No Bids: (2) Companies do not handle the type of product specified.

(1) Company cannot meet specifications nor provide an approved alternate.

Prepared by: Emily Frontera, Administrative Aide

VENDOR NAME:

\* SLC METER SERVICE INC

NATIONAL WATERWORKS INC

- WITHDREW BID -

EST ITEM #	QTY	DESCRIPTION	MODEL #	TRADE IN	UNIT PRICE	MODEL #	TRADE IN	UNIT PRICE
<b>PROPOSAL I: STANDARD METERS</b>								
1.	300	5/8" X 3/4" Meter	T-10 ARB V	\$ (2.25)	\$ 80.21	C-700	\$ (2.00)	\$ 68.55
2.	600	3/4" Meter	T-10 ARB V	\$ (3.25)	\$ 104.82	C-700	\$ (2.00)	\$ 77.44
3.	20	1" Meter	T-10 ARB V	\$ (4.25)	\$ 136.23	C-700	\$ (3.00)	\$ 111.89
4.	5	1 1/2" Meter w/connection	T-10 ARB V	\$ (10.00)	\$ 295.82	C-700	\$ (4.00)	\$ 245.10
5.	5	2" Meter w/connection	T-10 ARB V	\$ (14.00)	\$ 319.96	C-700	\$ (4.00)	\$ 280.67
Meters manufactured by:			NEPTUNE			AMCO, INC Formerly ABB		
6.	Additional cable, per unit, per foot			\$ 0.08		\$ 0.17		
7.a.	Discount on parts			10%		10%		
7.b.	Parts Listed to be used - dated:			JAN "04"		1/26/04		
	Attached & Marked as:			U676-9		"A"		

<b>PROPOSAL II: COMPOUND METERS</b>								
			MODEL #	TRADE IN	UNIT PRICE	MODEL #	TRADE IN	UNIT PRICE
1.	12	2" Compound w/connections	TRU-FLO	\$ (30.00)	\$ 1,019.04	C-3000	\$ (8.00)	\$ 1,053.00
2.	15	3" Compound w/connections	TRU-FLO	\$ (40.00)	\$ 1,275.46	C-3000	\$ (10.00)	\$ 1,338.00
3.	12	4" Compound w/connections	TRU-FLO	\$ (50.00)	\$ 1,906.46	C-3000	\$ (12.00)	\$ 2,182.00
4.	2	6" Compound w/connections	TRU-FLO	\$ (100.00)	\$ 2,992.08	C-3000	\$ (16.00)	\$ 4,215.00
Meters manufactured by:			NEPTUNE			AMCO, INC Formerly ABB		
5.a.	Discount on parts			10%		10%		
5.b.	Parts Listed to be used - dated:			Jan-2004		1/26/04		
	Attached & Marked as:			U676-9		A-1		

**ESTIMATED GRAND TOTAL PER YEAR:**

\* **\$148,390.56**

**WITHDREW**

CONTACT INFORMATION: HRS 8-5pm Mon-Fri  
PHONE # (248)670-6283

7am-5pm  
(866)833-0067

TERMS NET 30 DAYS

NET 30 DAYS

DELIVERY DATE AS REQUIRED

3-4 WEEKS

WARRANTY STANDARD MFG

10 YEARS

EXCEPTIONS BLANK

NONE

ACKNOWLEDGEMENT - SIGN:

Y or N

YES

YES

Opening Date: 1-28-04  
Date Prepared: 3/24/04

CITY OF TROY  
BID TABULATION  
STANDARD AND COMPOUND METERS

ITB-COT 03-47  
Pg 2 of 2

PROPOSAL-- Two-Year Requirements of Standard and Compound Water Meters with an Option to Renew for Two Additional Years

**\* DENOTES LOW BIDDER**

NO BIDS:

Etna Supply Company  
Core Electric Mich Pump  
Underground Pipe-AMR Division

ATTEST:

Emily Frontera  
MaryAnn Hays  
Jeanette Bennett

\_\_\_\_\_  
Jeanette Bennett  
Purchasing Director

G: ITB-COT 03-47 Water Meters

National Waterworks Meter demonstration

January 28, 2004: Bid Opening

February 13, 2004:

- Called Mike Redman to Set-up Meter Demonstration

February 25, 2004: Demonstration 1:

Attendees:

Tim Richnak, Public Works Director;  
Mike Karloff, Superintendent of Water and Sewer;  
Steve Bauman, Field Supervisor;  
Mike Schlegelmann, Leader;  
Mike Redman, National Waterworks Representative  
Emily Frontera, Administrative Aide

- Samples of both Standard and Compound Meters provided
- None of the meters contained the NSF61 stamp required by the City
- NSF Certificated was provided
- Unable to demonstrate an actual meter read or download of information

February 26, 2004:

- Faxed Mike Redman follow-up letter inquiring about 2<sup>nd</sup> demonstration date and detailing the City's time constraints.

March 3, 2004: Demonstration 2:

Attendees:

Tim Richnak, Public Works Director;  
Mike Karloff, Superintendent of Water and Sewer;  
Steve Bauman, Field Supervisor;  
Mike Schlegelmann, Leader;  
Mike Redman, National Waterworks Representative;  
Akeema, Amco Meters Technical Support;  
Emily Frontera, Administrative Aide

- Unable to demonstrate an actual meter read or download of information
- Able to provide to (6) six substitute reading equipment but with limited warranty
- Amco Meter touch pad reads not compatible with City of Troy Water billing program
- Amco Meters utilize 10 digits and the City's software system is limited to 6 digits

- 3<sup>rd</sup> demonstration tentatively set for Friday March 5, 2004

March 4, 2004:

- Mike Redman called Mike Karloff, informing him that Amco is unable to modify current reads to comply with the City's 6-digit billing software constraint. He is currently withdrawing National Waterworks bid.

March 5, 2004

- Emily called Mike Redman informing him that National Waterworks must submit in writing their bid withdrawal to purchasing no later than Tuesday March 10, 2004.

March 10, 2004

- Bid Withdrawal letter not received
- Follow-up call placed with Mike Redman
- Mike Redman to advise after meeting with Manger at Shelby Store tomorrow.

March 15, 2004

- Bid withdrawal letter still not received
- Follow-up call placed with Mike Redman
- Has not meet with manager, will meet with him later, date unknown. Will advise.



## Downloading History for ITB-COT 03-47Water Meter

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/24/2004.

<b>Document Title:</b>	Standard & Compound Water Meters
<b>Date Issued:</b>	1/6/2004
<b>Close Date:</b>	1/28/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
14521	AMCO Water Metering Systems Inc	Free	1/12/2004	
12040	Argus Supply Company	E-mail	1/6/2004	
14182	B2 INC	Free	1/9/2004	
10738	Badger Meter, Inc.	E-mail	1/12/2004	
12695	BOILERS, CONTROLS & EQUIPMENT, INC.	E-mail	1/15/2004	
14787	Cambridge Brass	E-mail		
12578	camp dresser & mckee	Free	1/12/2004	
10592	COCHRANE SUPPLY	E-mail	1/21/2004	
13466	DE-CAL, Inc.	E-mail		
12287	Demko Inc.	E-mail	1/7/2004	
13317	DJG & Associates	E-mail	1/8/2004	
15170	Durst Lumber Co.	Free	1/25/2004	
12428	East Jordan Iron Works, Inc.	E-mail	1/14/2004	
12990	Etna Supply Company	E-mail	1/7/2004	
13651	Flow Control Systems, LLC	E-mail		
14165	Gunners Meters & Parts	Free	1/12/2004	
15613	Hoffer Flow Controls, Inc.	Free	1/13/2004	
14232	Hydro-Zone, Inc.	Fax		
11290	Integrated Information Services Inc. (TeamIIS)	E-mail	1/19/2004	
15601	Kunding Controls	Free	1/12/2004	

14749	MacGyver Supply	E-mail		
14205	METROL CO.	E-mail	1/6/2004	
13776	MPS Group, Inc.	E-mail		
10155	National Waterworks Inc.	E-mail	1/16/2004	
12978	S.L.C. Meter Service, Inc	E-mail	1/8/2004	
12583	Sigma Associates, Inc.	Free	1/8/2004	
13730	SMART Management Group, LLC	E-mail	1/6/2004	
10984	Sunset Excavating, Inc.	E-mail		
15622	Underground Pipe & Valve, INC.	E-mail	1/13/2004	
10983	USA Bluebook	E-mail		
15576	Venture Technology Groups	E-mail	1/10/2004	
11360	Waldorf & Sons Inc.	Fax		

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## CITY COUNCIL ACTION REPORT

TO: Phillip L. Nelson, City Manager  
FROM: Charles T. Craft, Police Chief  
SUBJECT: Interlocal Agreement for Oakland County Narcotic Enforcement Team

### Background:

- The City of Troy has participated in the Oakland County Narcotic Enforcement Team, under the direction and supervision of the Oakland County Sheriff's office.
- An Interlocal Agreement between the City of Troy and Oakland County sets forth the responsibilities and liabilities of the parties.

### Financial Considerations:

- 

### Legal Considerations:

- The City Attorney's Office has reviewed the proposed Interlocal Agreement, and have approved it as to form.

### Policy Considerations:

- I. Troy enhances the health and safety of the community.

### Options:

- Approve the Interlocal Agreement for the Oakland County Narcotic Enforcement Team
- Reject the Interlocal Agreement for the Oakland County Narcotic Enforcement Team

**OAKLAND COUNTY NARCOTIC ENFORCEMENT TEAM  
BETWEEN  
OAKLAND COUNTY  
AND  
THE CITY OF TROY**

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This Interlocal Agreement ("the Agreement") is made between Oakland County, a Constitutional and Municipal Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 ("County"), and the City of Troy, 500 West Big Beaver, Troy, Michigan 48084-5285 ("Participating Agency"). In this Agreement, the County and the Participating Agency may also be referred to individually as "Party" or jointly as "Parties."

**PURPOSE OF AGREEMENT.** Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, *et seq.*, the County and the Participating Agency enter into this Agreement for the purpose of creating the Oakland County Narcotic Enforcement Team under the direction and supervision of the Oakland County Sheriff's Office ("OCSO") and creating the Oakland County Narcotic Enforcement Team Advisory Board to provide recommendations and counsel regarding the direction and operation of the Oakland County Narcotic Enforcement Team.

The mission of the Oakland County Narcotic Enforcement Team is to encourage interagency cooperation between law enforcement agencies within Oakland County and other federal agencies in an effort to apprehend and convict those involved in the use, sale, and distribution of illegal drugs and narcotics.

The goals of the Oakland County Narcotic Enforcement Team are:

1. To investigate drug trafficking within Oakland County with the purpose of detecting and apprehending persons who violate narcotic and drug laws within Oakland County.
2. To provide a means of training officers of these agencies in the techniques of narcotic and drug law enforcement.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **ENTITIES PERFORMING UNDER THIS AGREEMENT.** All County services and obligations set forth in this Agreement shall be provided through the Oakland County Sheriff's Office. All Participating Agency's services and obligations set forth in this Agreement shall be performed by the Troy Police Department. The Oakland County Narcotic Enforcement Advisory Board will provide recommendations and

counsel regarding the direction and operation of the Oakland County Narcotic Enforcement Team.

2. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.
  - 2.1. **County** means Oakland County, a Municipal and Constitutional Corporation, including, but not limited to, any and all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, volunteers, and/or any such person's successors.
  - 2.2. **Day** means any calendar day beginning at 12:00:01 a.m. and ending at 11:59:59 p.m.
  - 2.3. **Fiscal Year** means October 1 to September 30.
  - 2.4. **Participating Agency** means the City of Troy, including, but not limited to, its Council, any and all of its departments, divisions, committees, authorities, elected and appointed officials, directors, board members, council members, commissioners, employees, agents, subcontractors, volunteers, and/or any such person's successors.
  - 2.5. **Oakland County Narcotic Enforcement Team "NET"** means a multi-jurisdictional task force under the direction and supervision of the Oakland County Sheriff's Office, operating pursuant to the mission and goals set forth in the Agreement
  - 2.6. **Oakland County Narcotic Enforcement Team Advisory Board ("NET Advisory Board")** means the body made up of the Participating Agency's Police Chief or their designee who supply personnel to NET on a full-time basis and a representative of the Oakland County Prosecutor's Office.
3. **AGREEMENT EXHIBITS.** The Exhibits listed below and their properly promulgated amendments are incorporated and are part of this Agreement.
  - 3.1. **Exhibit A.** NET Bylaws.
  - 3.2. **Exhibit B.** Liability Protection.
  - 3.3. **Exhibit C.** Deputation Form and Affidavit.
  - 3.4. **Exhibit D.** Drug Study/Statistical Support for NET.
4. **COUNTY RESPONSIBILITIES.** Subject to the terms and conditions contained in this Agreement and applicable changes in law, the County shall provide the following:
  - 4.1. A building for use by NET, including repair and maintenance of the building;
  - 4.2. Utilities for the building, including, but not limited to, electricity, heating, cooling and water;
  - 4.3. Janitorial Services;
  - 4.4. Office furniture and equipment, including, but not limited to, telephones, copier, fax, office supplies, and computer hardware and software, and repair and maintenance of such furniture and equipment;
  - 4.5. Security equipment for the building;
  - 4.6. Fire alarm and detection equipment;
  - 4.7. Coordination of training of NET personnel;

- 4.8. Except for a duty weapon, equipment related to the operation of NET, including, but not limited to, radios, cellular phones, pagers, bullet proof vests, travel related to NET operations, and investigative expenses related to NET operations;
- 4.9. Vehicles needed for the operation of NET;
- 4.10. Deputation of all NET personnel; and
- 4.11. Liability Protection as set forth in Exhibit B.
5. **PARTICIPATING AGENCY'S RESPONSIBILITIES.** Subject to the terms and conditions contained in this Agreement and applicable changes in law, the Participating Agency shall provide the following:
  - 5.1. One or more full-time employees with a duty weapon for participation in NET.  
All costs associated with employment, including, but not limited to, wages, salary, overtime, benefits, local, state and federal taxes associated with employment, and worker's compensation, which costs shall be the sole responsibility of the Participating Agency.
6. **NET ADVISORY BOARD RESPONSIBILITIES.** Subject to the terms and conditions contained in the Agreement and applicable changes in law, the NET Advisory Board shall perform the following:
  - 6.1. Provide recommendations and counsel regarding the direction and operation of NET; and
  - 6.2. Create and regularly review the NET Bylaws and amend them if necessary.
  - 6.3. The Advisory Board shall meet at least quarterly. Proper notice of the meetings shall be sent to all Participating Agencies at least seven (7) calendar days before the meeting is scheduled.
7. **DURATION OF INTERLOCAL AGREEMENT.**
  - 7.1. The Agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party, and when the Agreement is filed according to MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party.
  - 7.2. This Agreement shall remain in effect until cancelled or terminated by either Party pursuant to Section 9.
8. **ASSURANCES.**
  - 8.1. Except as provided in Exhibit B, each Party shall be responsible for its own acts and the acts of its employees, agents, and subcontractors, the costs associated with those acts, and the defense of those acts.
9. **TERMINATION OR CANCELLATION OF AGREEMENT.**
  - 9.1. Either Party may terminate or cancel this Agreement for any reason upon 30 days notice before the effective date of termination or cancellation. The effective date for termination or cancellation shall be clearly stated in the notice.
  - 9.2. The Parties shall not be obligated to pay a cancellation or termination fee if this Agreement is cancelled or terminated as provided herein.
10. **SUSPENSION OF SERVICES.** Upon notice to the Participating Agency and recommendation from the NET Advisory Board, the County may immediately suspend this Agreement or the Participating Agency's participation in NET if the Participating Agency has failed to comply, within the County's discretion, with federal, state, or local law, or any requirements contained in this Agreement. The

right to suspend services is in addition to the right to terminate or cancel this Agreement contained in Section 9. The County shall incur no penalty, expense, or liability if services are suspended under this Section.

11. **NO THIRD PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
12. **COMPLIANCE WITH LAWS.** Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement, including, but not limited to, the policies, procedures, rules and regulations attached as Exhibits to this Agreement, and properly promulgated amendments to those Exhibits.
13. **DISCRIMINATION.** The Parties shall not discriminate against their employees, agents, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
14. **PERMITS AND LICENSES.** Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requesting Party.
15. **RESERVATION OF RIGHTS.** This Agreement does not and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
16. **FORCE MAJEURE.** Each Party shall be excused from any obligations under this Agreement during the time and to the extent that a Party is prevented from performing due to causes beyond such Party's control, including, but not limited to, an act of God, war, acts of government (other than the Parties'), fire, strike, labor disputes, civil disturbances, reduction of power source, or any other circumstances beyond the reasonable control of the affected Party. Reasonable notice shall be given to the affected Party of any such event.
17. **DELEGATION/SUBCONTRACT/ASSIGNMENT.** A Party shall not delegate, subcontract, and/or assign any obligations or rights under this Agreement without the prior written consent of the other Party. A delegation, subcontract and/or assignment made without the prior written consent of the other Party is void.
18. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently effect its right to require strict performance of this Agreement.
19. **SEVERABILITY.** If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed

severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.

20. **CAPTIONS.** The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or nonpossessive use in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
21. **NOTICES.** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing by first class or certified U.S. mail.
  - 21.1. If Notice is set to the County, it shall be addressed and sent to: Oakland County Sheriff, Law Enforcement Complex, 1201 N. Telegraph, Building 10 East, Pontiac, MI 48341-1044 and Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph, Building 12 East, Pontiac, Michigan 48341-0470.
  - 21.2. If Notice is sent to the Participating Agency, it shall be addressed to: City of Troy, 500 West Big Beaver, Troy Michigan 48084
  - 21.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.
22. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
23. **AGREEMENT MODIFICATIONS OR AMENDMENTS.** Any modifications, amendments, recessions, waivers, or releases to this Agreement must be in writing and agreed to by both Parties. Unless otherwise agreed, the modification, amendment, recession, waiver, or release shall be signed by the same persons who signed the Agreement or other persons as authorized by the Party's governing body.
24. **ENTIRE AGREEMENT.** This Agreement represents the entire Agreement and understanding between the Parties. This Agreement supersedes all other oral or written Agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

**IN WITNESS WHEREOF,** \_\_\_\_\_,  
hereby acknowledges that he has been authorized by a resolution of the Troy City Council, a certified copy of which is attached, to execute this Agreement on behalf of the City of Troy.

EXECUTED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Name:  
Title:

WITNESSED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Name  
Title

**IN WITNESS WHEREOF,** Bill Bullard, Jr., Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement on behalf of the Oakland County.

EXECUTED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Bill Bullard, Jr. Chairperson  
Oakland County Board of Commissioners

WITNESSED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Ruth Johnson, Clerk, Register of Deeds  
County of Oakland

**OAKLAND COUNTY NARCOTIC ENFORCEMENT TEAM**  
**("NET") BYLAWS**

MISSION:

To encourage interagency cooperation between law enforcement agencies within Oakland County and Southeastern Michigan and other federal agencies in an effort to apprehend and convict those involved in the use, sale, and distribution of illegal drugs and narcotics.

GOAL:

1. To investigate drug trafficking within Oakland County and Southeastern Michigan with the purpose of detecting and apprehending persons who violate narcotic and drug laws.
2. To provide a means of training officers of these agencies in the techniques of narcotic and drug law enforcement.

I. INTER-AGENCY PROGRAM

A. Jurisdiction/Assignment

The properly designated official of each Participating Agency may, at its discretion, assign approved personnel from its department to NET without regard to the corporate limits of its governmental jurisdiction. The Sheriff shall deputize all personnel assigned to NET after meeting the specified criteria for deputation.

B. Personnel

Each Participating Agency shall be solely responsible for all costs associated with employment of personnel, including but not limited to, wages, salary, overtime, benefits, local, State and Federal taxes associated with employment, and worker's compensation.

C. Withdrawal and/or Temporary Recall of Personnel

A Participating Agency may withdraw or recall personnel at any time after notification to the NET Commander.

II. OPERATION

A. Oakland County Narcotic Enforcement Team Advisory Board (“Board”)

The purpose of the Board shall be to:

1. Provide recommendations and counsel regarding the direction and operation of NET; and
2. Create and regularly review the NET Bylaws and amend them if necessary.
3. The Board shall meet at least quarterly. Proper notice of the meetings shall be sent to all Participating Agencies at least seven (7) calendar days before the meeting is scheduled.
4. The Board shall keep other law enforcement agencies within Oakland County and Southeastern Michigan apprised of trends in narcotic trafficking within Oakland County and Southeastern Michigan.

The Board shall consist of signatories or their designees of the Interlocal Agreement who supply personnel to NET on a full time basis, and a representative of the Oakland County Prosecutor’s Office and the Federal Bureau of Investigations.

1. Voting Member – A voting member shall consist of any member of the Board or their designees.
2. Non-Voting Member - A non-voting member shall consist of any chief, director or special agent in charge of a Non-Participating Agency who are not voting members.

B. Chairperson

A Board Chairperson shall be elected by the Board annually and will commence office January 1. The Chairperson shall preside over Board meetings, coordinate activities of the Board and cause minutes of each meeting to be published and delivered to each Board member. Said minutes shall be available to each Participating Agency within fifteen (15) days after each official Board meeting, upon request. The Chairperson must be a voting member and may not be a representative from the Sheriff’s Department or State Police.

C. Vice Chairperson

A Board Vice-Chairperson shall be elected annually and will commence office on January 1. The Vice-Chairperson shall fill in should the Chairperson be unavailable.

D. Secretary

A Secretary shall be elected by the Board annually and commence office January 1. It shall be the Secretary's duty to record the minutes of all meetings of the Board.

E. NET Commander

The Oakland County Sheriff shall appoint a NET Commander who shall manage all NET operations. The NET Commander shall, in all cases, be the commanding officer of the entire operation. All NET personnel shall be under the immediate command of the NET Commander or his designee.

It will be the responsibility of the NET Commander to control and assign equipment and personnel as necessary. The NET commander will also be the director of field operations.

III. PROCEDURES

A. Requests for Assistance

The chief, commanding officer, director, or other designated official of a Participating Agency or any other law enforcement agency within Oakland County and Southeastern Michigan, may request aid in enforcing controlled substance laws within his jurisdiction as he shall deem necessary. A request for assistance may be made by phone, personal contact, or by mail.

1. Priority

Generally, requests shall be approved for assignment only after some preliminary investigation has been accomplished by the requesting Agency and it is known that an actual violation exists.

2. Evaluation of Requests

- a. All requests shall be reviewed and evaluated by the NET Commander or the designee prior to a decision regarding its disposition.
- b. Those requests that are considered operational shall be approved for assignment by the NET Commander.

- c. In all cases, the NET Commander will respond to the requesting Agency regarding the status of the complaint.

B. Division of Forfeiture Funds.

At the end of every fiscal year, adjudicated federal and state forfeitures will be totaled for disbursement back to the Participating Agencies. First, NET will be reimbursed for the following expenses: (1) non-OCSD and non-Michigan State Police ("MSP") vehicles related to NET operations; (2) radios; (3) cellular telephones; and (4) officer equipment. To the extent that these expenses are not covered by available grants, the adjudicated forfeitures will first be distributed to cover the expenses set forth above. The remaining adjudicated forfeitures will then be divided among the Participating Agencies based on the average number of full-time personnel supplied by each Participating Agency to NET for that fiscal year

IV. REPORTING AND RECORDS

- A. NET shall compile and maintain adequate records of every operation of NET and shall provide the same to every law enforcement agency within Oakland County and Southeastern Michigan upon request.
- B. A complete report of the actions of NET shall be compiled, as directed by the NET Commander, as each operation progresses.
- C. All original reports shall be sent to the Oakland County Sheriff's Department Record Bureau.
- D. Copies of original reports may be made available to any Participating Agency upon request, through the NET Commander.
- E. It shall be the responsibility of the NET Commander to see that a quarterly and annual progress report is compiled and submitted to the Advisory Board.
- F. Records relating to NET operations shall be maintained as designated by the NET Commander.

V. ASSIGNMENT OF PERSONNEL

- A. The Oakland County Sheriff's Department will supply a NET Commander.

- B. Personnel assigned to NET shall be given their assignments or relieved of those assignments at the discretion of the NET Commander.
- C. Although it is not mandatory that agencies making requests for assistance assign personnel to NET during the duration of the requested operation, it is obviously beneficial, as prosecution of the case is frequently the responsibility of the requesting agency.
- D. All personnel assigned to NET shall be under the direction of the NET Commander, or designated authority, and shall be subject to their command, regardless of position or rank.

#### VI. SELECTION OF PERSONNEL

It will be the responsibility of the Participating Agencies to assign personnel to NET. It is recommended that a minimum of two years be committed to the Unit in order to maintain training and integrity.

#### VII. EQUIPMENT

- A. All equipment needed for the operation of NET will be provided by Oakland County.
  - 1. Radio frequencies presently assigned to Oakland County will be used by NET.
- B. A schedule of equipment available for NET'S use shall be prepared and submitted by each Participating Agency to the NET Commander upon request.
  - 1. The schedule shall include equipment which is available to NET on a full-time basis and equipment which is available on a part-time
  - 2. Each Participating Agency assigning an officer on a full-time basis shall provide the NET Commander with a list of firearms the officer has been trained to use and is qualified to carry.

#### VIII. PROSECUTION

- A. All evidence seized by NET personnel will be retained by NET until disposition of the specific investigation and/or case.

- B. The NET Commander shall determine the disposition of any investigation and/or proper prosecution authority for case presentation when applicable.

#### IX. PUBLICITY

- A. The Oakland County Sheriff's Department Public Information Officer or his designee and the Oakland County Prosecutor's Office shall be solely responsible for all news releases.
- B. Personnel assigned to NET are prohibited from discussing or providing information to the media on NET'S operations or activities without prior permission of the NET Commander or his designee.
- C. If a Participating Agency authorizes information regarding NET'S operations or activities to be used by the media without prior permission of the NET Commander or his designee, then the Agency's participation in NET may be discontinued upon a recommendation of the Advisory Board.

#### X. RULES OF ORDER

Robert's Rules of Order, Newly Revised Edition, shall be the parliamentary authority of the Board and shall govern proceedings of the Board and its Committees. Any bylaws adopted by the Board shall supersede any rules in parliamentary authority with which they conflict.

#### XI. AMENDMENT

These Bylaws may be amended at any regular meeting of the Board by a majority vote of the voting Board members, provided that the amendment has been submitted in writing at the previous regular meeting.

## **Exhibit B**

### **Liability Protection**

Because the individuals supplied by a Participating Agency for involvement in NET are under the control and supervision of the NET Commander, such individuals will be covered under the County Indemnification Policy (specifically County Miscellaneous Resolutions 85339 and 86124 and any amendments thereto) while acting within the scope of their authority under NET.

*Exhibit C*

MICHAEL J. BOUCHARD, SHERIFF  
OAKLAND COUNTY SHERIFF'S DEPARTMENT  
APPLICATION FOR DEPUTATION FORM

NAME: \_\_\_\_\_ SOC. SEC. #: \_\_\_\_\_

DRIVER'S LICENSE #: \_\_\_\_\_

HOME ADDRESS : \_\_\_\_\_  
CITY, STATE, ZIP: \_\_\_\_\_

HOME PHONE #: \_\_\_\_\_ WORK PHONE #: \_\_\_\_\_

EMPLOYED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUPERVISOR'S NAME & PHONE: \_\_\_\_\_

HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ EYE COLOR: \_\_\_\_\_ HAIR COLOR: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

**BELOW FOR OFFICE USE ONLY**

DATE OF HIRE: \_\_\_\_\_ VERIFIED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

CURRENT DEPUTY STATUS: \_\_\_\_\_

POSITION APPLYING FOR: \_\_\_\_\_

DEPUTY CARD TYPE: \_\_\_\_\_ DEPUTY CARD #: \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

RELEASE OF INFORMATION

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, hereby authorize any representative of the Oakland County Sheriff's Department bearing this release to obtain information regarding my background. I understand the Law Enforcement Information Network will be utilized by the Department to access and review traffic records, criminal records, and warrants, in addition to any other check deemed necessary to authorize clearance for the Oakland County Sheriff's Department.

I hereby release you, the institution or establishment and related personnel, both individually and collectively, from any and all liability for damages of whatever kind which may at any time result to me, my heirs, family, or associates because of compliance or any attempt to comply with this authorization and request to release information.

DATE: \_\_\_\_\_

Exhibit C

OAKLAND COUNTY SHERIFF'S DEPARTMENT  
APPOINTMENT OF SPECIAL DEPUTY SHERIFF  
AFFIDAVIT W\ INSURANCE & BOND REQUIREMENTS

TO WHOM THESE PRESENTS MAY COME:

By virtue of the power in me vested by the Statute in such case made and provided, I, Michael J. Bouchard, Sheriff of the County of Oakland, do hereby appoint \_\_\_\_\_  
Special Deputy Sheriff, during his/her tenure as, and by virtue of his/her occupying the position of  
POLICE OFFICER \_\_\_\_\_, at the \_\_\_\_\_  
during the term of my elected office ending December 31, 2004, or to serve during my pleasure so long as  
valid insurance and bond requirements are maintained.

CURRENT INSURANCE EXPIRES \_\_\_\_\_ . CURRENT BOND EXPIRES \_\_\_\_\_

Said Special Deputy Sheriff has the following law enforcement authority:

To detect and prevent crimes and enforce the general  
criminal laws of the State of Michigan in Oakland County;  
and as directed by their Chief / Administrator and approved  
by the Sheriff.

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

Michael J. Bouchard  
Michael J. Bouchard

\*\*\*\*\* UNDERSTANDING OF AUTHORITY \*\*\*\*\*  
I fully understand that as a Special Deputy Sheriff, my authority extends only to those acts which the  
Sheriff has authorized me to perform by this instrument.

\_\_\_\_\_  
Special Deputy Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_

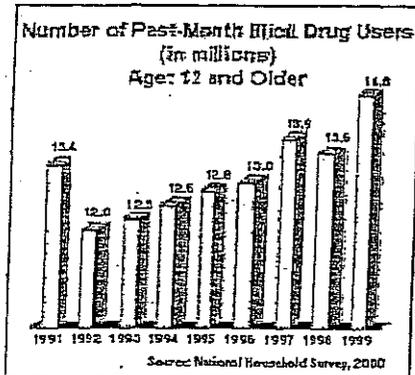
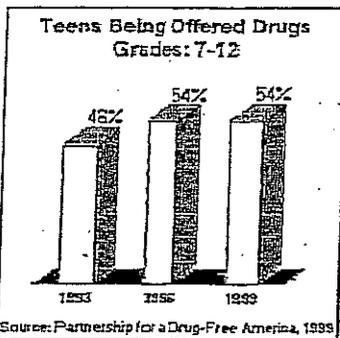
\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires \_\_\_\_\_

U.S. Department of Justice  
Drug Enforcement Administration

Exhibit D

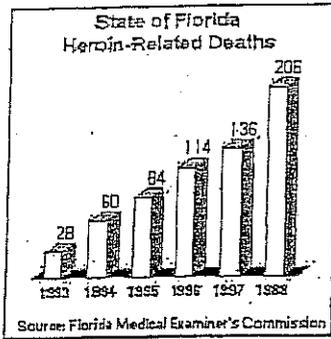


## OVERVIEW OF DRUG USE IN THE UNITED STATES



The *National Household Survey on Drug Abuse*, an annual survey conducted by the Substance Abuse and Mental Health Services Administration, estimates the prevalence of illicit drug use in the United States and monitors the trends in use over time. It is based on a representative sample of 25,500 persons from the U.S. population aged 12 and older. The following are some important statistics from this study, published in 2000:

- An estimated 14.8 million Americans were current users of illicit drugs in 1999, meaning they used an illicit drug at least once during the 30 days prior to being interviewed. By comparison, the number of current illicit drug users was at its highest level in 1979 when the estimate was 25.4 million.
- More than 1 in 10 (10.9 percent) youth aged 12-17 were current users of illicit drugs in 1999. The rate was highest in 1979 (16.3 percent), declined to 5.3 percent in 1992, then increased to 10.9 in 1995. The percentage of youth reporting current use of illicit drugs has fluctuated since 1995 (9 percent in 1996 and 11.4 percent in 1997).
- The survey found that 17.1 percent of young adults aged 18 to 25 were current users of illicit drugs in 1999. This rate has been gradually rising, up from 13.3 percent in 1994.
- In 1999, an estimated 208,000 Americans were current users of heroin, more than tripling the number in 1993 (68,000). The average age of heroin users is rapidly dropping. In 1998, the typical heroin user was 21.3 years old the first time they tried the drug, down from 25 years old in 1990.
- There were an estimated 991,000 new inhalant users in 1998. This number is up 154 percent from 1990, when it was 390,000. Of first-time inhalant users in 1998, 62 percent were between the ages of 12 and 17.



Numerous states have experienced an increase in drug-related deaths. Heroin-related deaths, in particular, are rising as a result of the increasing purity and decreasing price of that drug.

- **New Mexico:** The Office of the Medical Investigator reported that drug-related deaths increased by nearly 100 percent over the past nine years. Viewed in 3-year increments, deaths rose from 205 during 1989-1991, to 317 during 1992-1994, to 401 during 1995-1997.
- **Florida:** The Medical Examiner's Commission reported that heroin-related deaths skyrocketed from 28 in 1993 to 206 in 1998, an increase of more than 600 percent.
- **California:** The Department of Alcohol & Drug Programs reported an increase in drug-related deaths for the two-year period 1996-1997 (5,407 deaths) compared to the previous period, 1994-1995 (5,335 deaths).

*Marijuana - Total Population*

Table 3A. Marijuana Use by Gender Within Age Group for Total Population in 1998

AGE/ /GENDER	Ever Used		Used Past Year		Used Past Month	
	Observed	95% C.I.	Observed	95% C.I.	Observed	95% C.I.
	Estimate		Estimate		Estimate	
RATE ESTIMATES (Percent)						
12-17	17.0	(15.7 - 18.3)	14.1	(12.9 - 15.3)	8.3	(7.2 - 9.4)
Male	17.7	(16.0 - 19.7)	14.4	(12.8 - 16.2)	8.6	(7.4 - 10.1)
Female	16.1	(14.3 - 18.2)	13.7	(12.0 - 15.6)	7.9	(6.4 - 9.7)
18-25	44.6	(42.5 - 46.7)	24.1	(22.3 - 26.0)	13.8	(12.5 - 15.2)
Male	49.4	(46.1 - 52.6)	28.1	(25.3 - 31.1)	17.2	(15.2 - 19.3)
Female	39.8	(37.1 - 42.4)	20.0	(17.7 - 22.6)	10.3	(8.8 - 12.1)
26-34	47.9	(45.8 - 50.0)	9.7	(8.6 - 11.0)	5.5	(4.6 - 6.5)
Male	53.2	(50.1 - 56.3)	13.0	(11.1 - 15.1)	8.1	(6.6 - 9.9)
Female	42.7	(39.9 - 45.5)	6.5	(5.4 - 7.8)	2.9	(2.2 - 3.8)
≥35	29.4	(27.7 - 31.3)	4.1	(3.5 - 4.7)	2.5	(2.1 - 3.1)
Male	35.8	(33.3 - 38.4)	5.6	(4.6 - 6.8)	3.5	(2.7 - 4.5)
Female	23.8	(21.8 - 25.9)	2.7	(2.2 - 3.5)	1.7	(1.2 - 2.3)
TOTAL	33.0	(31.6 - 34.4)	8.6	(8.0 - 9.2)	5.0	(4.6 - 5.5)
Male	38.5	(36.8 - 40.2)	10.8	(10.0 - 11.6)	6.7	(6.0 - 7.4)
Female	27.9	(26.3 - 29.6)	6.5	(5.9 - 7.2)	3.5	(3.1 - 4.0)

POPULATION ESTIMATES (In Thousands)

98web3-3

12-17	3,855	(3,568 - 4,162)	3,197	(2,928 - 3,486)	1,878	(1,639 - 2,148)
Male	2,058	(1,853 - 2,281)	1,670	(1,481 - 1,878)	1,003	(854 - 1,175)
Female	1,797	(1,594 - 2,021)	1,527	(1,336 - 1,742)	875	(709 - 1,075)
18-25	12,474	(11,885 - 13,069)	6,739	(6,242 - 7,261)	3,855	(3,499 - 4,241)
Male	6,973	(6,514 - 7,432)	3,966	(3,568 - 4,389)	2,424	(2,145 - 2,731)
Female	5,502	(5,139 - 5,872)	2,773	(2,444 - 3,134)	1,431	(1,219 - 1,675)
26-34	16,569	(15,850 - 17,290)	3,362	(2,974 - 3,794)	1,894	(1,604 - 2,232)
Male	9,131	(8,595 - 9,662)	2,227	(1,900 - 2,599)	1,390	(1,134 - 1,698)
Female	7,438	(6,948 - 7,937)	1,135	(944 - 1,362)	503	(385 - 656)
≥35	39,171	(36,821 - 41,606)	5,412	(4,651 - 6,293)	3,390	(2,782 - 4,126)
Male	22,310	(20,719 - 23,952)	3,469	(2,853 - 4,209)	2,192	(1,702 - 2,817)
Female	16,861	(15,457 - 18,350)	1,943	(1,532 - 2,460)	1,197	(876 - 1,635)
TOTAL	72,070	(69,122 - 75,080)	18,710	(17,454 - 20,048)	11,016	(10,066 - 12,050)
Male	40,471	(38,682 - 42,291)	11,332	(10,477 - 12,247)	7,010	(6,326 - 7,762)
Female	31,598	(29,748 - 33,518)	7,378	(6,679 - 8,146)	4,006	(3,512 - 4,566)

\* Low precision; no estimate reported.

Source: Office of Applied Studies, SAMHSA, National Household Survey on Drug Abuse, 1998



8web3-4

## Cocaine - Total Population

Table 4A. Cocaine Use by Gender Within Age Group for Total Population in 1998

AGE/ GENDER	Ever Used		Used Past Year		Used Past Month	
	Observed	95% C.I.	Observed	95% C.I.	Observed	95% C.I.
	Estimate		Estimate		Estimate	
RATE ESTIMATES (Percent)						
12-17	2.2	(1.7 - 2.7)	1.7	(1.3 - 2.2)	0.8	(0.5 - 1.2)
Male	2.0	(1.4 - 2.8)	1.3	(0.9 - 2.0)	0.6	(0.3 - 1.1)
Female	2.4	(1.8 - 3.3)	2.0	(1.4 - 3.0)	1.0	(0.6 - 1.8)
18-25	10.0	(8.9 - 11.2)	4.7	(3.9 - 5.5)	2.0	(1.5 - 2.6)
Male	12.3	(10.6 - 14.2)	5.9	(4.7 - 7.4)	2.6	(1.8 - 3.7)
Female	7.7	(6.4 - 9.2)	3.4	(2.6 - 4.5)	1.3	(0.9 - 2.0)
26-34	17.1	(15.6 - 18.7)	2.7	(2.1 - 3.5)	1.2	(0.8 - 1.7)
Male	19.3	(17.0 - 21.9)	3.6	(2.6 - 5.0)	1.4	(0.8 - 2.4)
Female	14.8	(13.0 - 16.9)	1.9	(1.3 - 2.6)	0.9	(0.6 - 1.5)
≥35	10.4	(9.3 - 11.6)	0.9	(0.7 - 1.2)	0.5	(0.3 - 0.7)
Male	13.7	(11.8 - 15.8)	1.3	(0.9 - 1.8)	0.7	(0.4 - 1.2)
Female	7.6	(6.4 - 8.9)	0.5	(0.3 - 0.9)	0.2	(0.1 - 0.4)
TOTAL	10.6	(9.8 - 11.4)	1.7	(1.5 - 2.0)	0.8	(0.7 - 1.0)
Male	13.1	(12.0 - 14.4)	2.3	(1.9 - 2.7)	1.1	(0.8 - 1.4)
Female	8.2	(7.4 - 9.1)	1.2	(1.0 - 1.5)	0.5	(0.4 - 0.7)

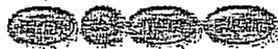
POPULATION ESTIMATES (In Thousands)

98web3-4

12-17	497	(396 - 623)	379	(285 - 503)	186	(121 - 283)
Male	227	(161 - 320)	151	(100 - 227)	72	(40 - 129)
Female	270	(195 - 372)	228	(155 - 333)	114	(65 - 200)
18-25	2,805	(2,502 - 3,140)	1,306	(1,097 - 1,552)	548	(409 - 733)
Male	1,737	(1,500 - 2,006)	834	(666 - 1,042)	364	(250 - 529)
Female	1,068	(890 - 1,278)	472	(353 - 628)	183	(118 - 283)
26-34	5,906	(5,387 - 6,464)	942	(731 - 1,211)	404	(279 - 584)
Male	3,318	(2,924 - 3,752)	618	(440 - 863)	243	(143 - 411)
Female	2,588	(2,266 - 2,948)	324	(229 - 457)	161	(100 - 258)
≥35	13,880	(12,405 - 15,508)	1,185	(888 - 1,579)	612	(405 - 925)
Male	8,525	(7,379 - 9,817)	796	(555 - 1,141)	453	(270 - 758)
Female	5,356	(4,564 - 6,272)	388	(242 - 622)	160	(84 - 303)
<b>TOTAL</b>	<b>23,089</b>	<b>(21,390 - 24,906)</b>	<b>3,811</b>	<b>(3,342 - 4,344)</b>	<b>1,750</b>	<b>(1,428 - 2,143)</b>
Male	13,807	(12,587 - 15,127)	2,399	(2,027 - 2,837)	1,132	(866 - 1,478)
Female	9,282	(8,348 - 10,310)	1,412	(1,147 - 1,736)	618	(470 - 811)

\* Low precision; no estimate reported.

Source: Office of Applied Studies, SAMHSA, National Household Survey on Drug Abuse, 1998





# CITY COUNCIL ACTION REPORT

December 18, 2008

**TO:** Phillip L. Nelson, City Manager

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

**SUBJECT:** 1. Request for Authorization to Make Unconditioned Offers to Purchase Property for  
 Rochester Road Improvements, Torpey to Barclay - Project No. 99.203.5  
 2. Request for Authorization to Institute Court Action

Background:

In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department is seeking authorization to make unconditioned offers to the property owners listed below. All of these property owners were given written offers for the City of Troy to purchase the right-of-way, along with copies of our appraisals and plans for the project. All of them are represented by attorneys and any future communication needs to be with the designated attorneys. Therefore, it may be necessary to acquire the property by exercising our power of eminent domain.

PARCEL	SIDWELL	OWNER	FEE	EASEMENT	PERMIT	TOTAL
7	23-156-003	Century Plaza, LLC	\$210,880	\$7,220	-0-	\$218,100
9	23-156-001	Troywood Shops, LLC	\$114,867	\$14,333	\$120	\$129,320
10	23-100-092	Diajeff Trust	\$88,920	\$2,880	-0-	\$91,800
17	23-100-040	Esther Jeffrey Trust	\$62,700	\$1,400	-0-	\$64,100
31	22-276-018	Ida Rudack Trust	\$27,962	\$2,600	-0-	\$30,562
34	22-276-047	William H. Price Revocable Trust	\$15,200	\$1,500	-0-	\$16,700
36	22-276-045	William H. Price Revocable Trust	\$40,850	\$9,050	\$80	\$49,980
37	22-226-085	Picano Land Limited Partnership	\$32,400	\$4,200	-0-	\$36,600
40	22-226-049	Picano Land Limited Partnership	\$25,400	\$1,900	-0-	\$27,300

Financial Considerations:

- Appraisals were prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

Legal Considerations:

- The format and content of the agreements, easements and permits are consistent with documents previously accepted by City Council.

Policy Considerations:

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

Options:

- City Management recommends that City Council authorize the unconditioned offers in the amounts listed above, plus closing costs. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right-of-way.

Approved as to Form:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney





# RIGHT-OF-WAY ACQUISITION

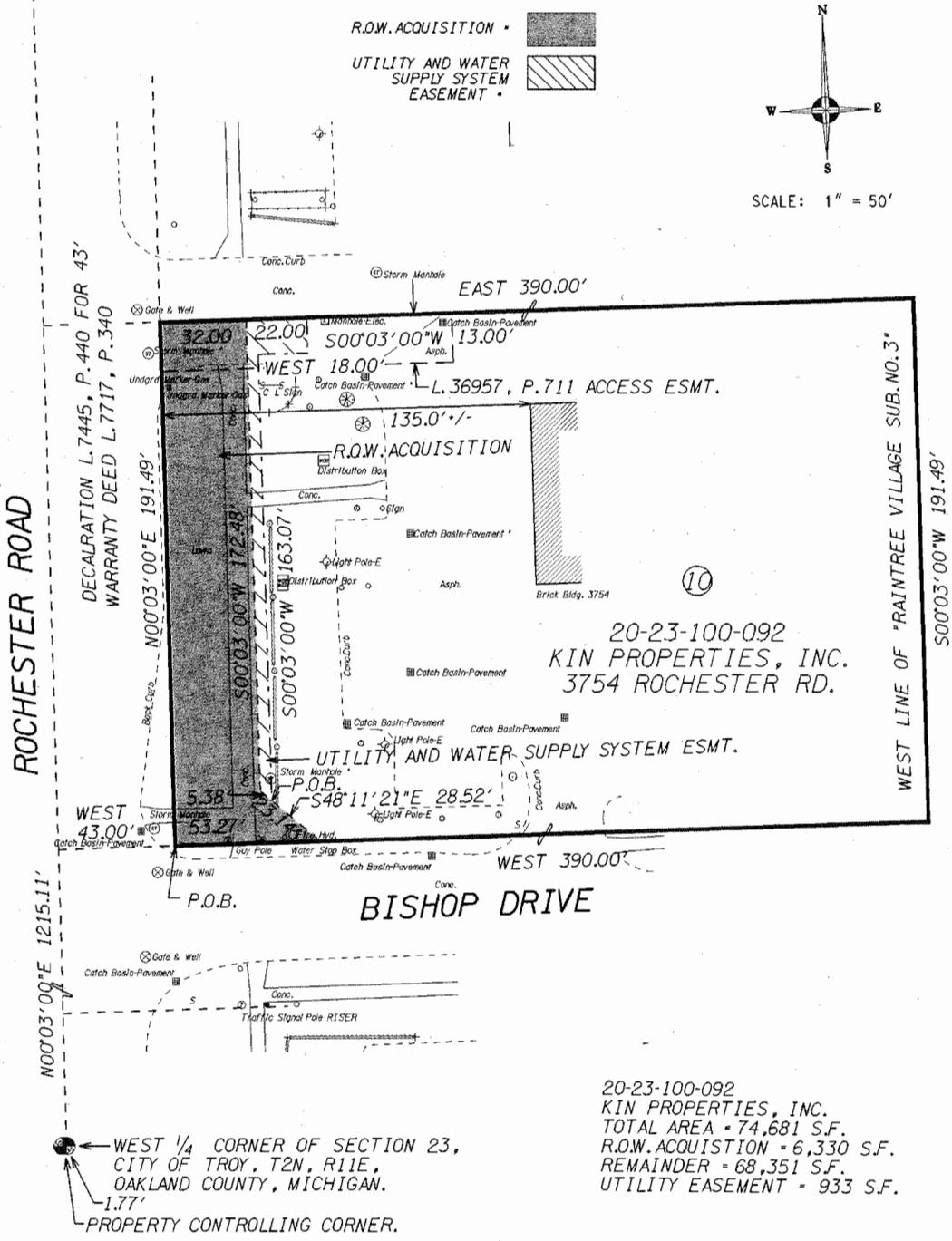
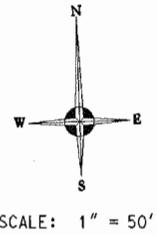
EXHIBIT 'B'  
PARCEL 10

NORTHWEST CORNER OF SECTION 23,  
CITY OF TROY, T2N, R11E,  
OAKLAND COUNTY, MICHIGAN.

NOTE: DESCRIPTION TAKEN FROM RECORD.

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 USER NAME: cthbert

R.O.W. ACQUISITION - [Hatched Box]  
 UTILITY AND WATER SUPPLY SYSTEM EASEMENT - [Diagonal Lines Box]



REV. 07-28-08 UPDATE TOPO.  
REV. 03-18-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 03-07-08		OF 2

# RIGHT OF WAY ACQUISITION

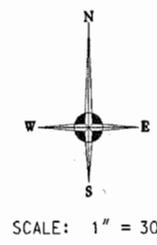
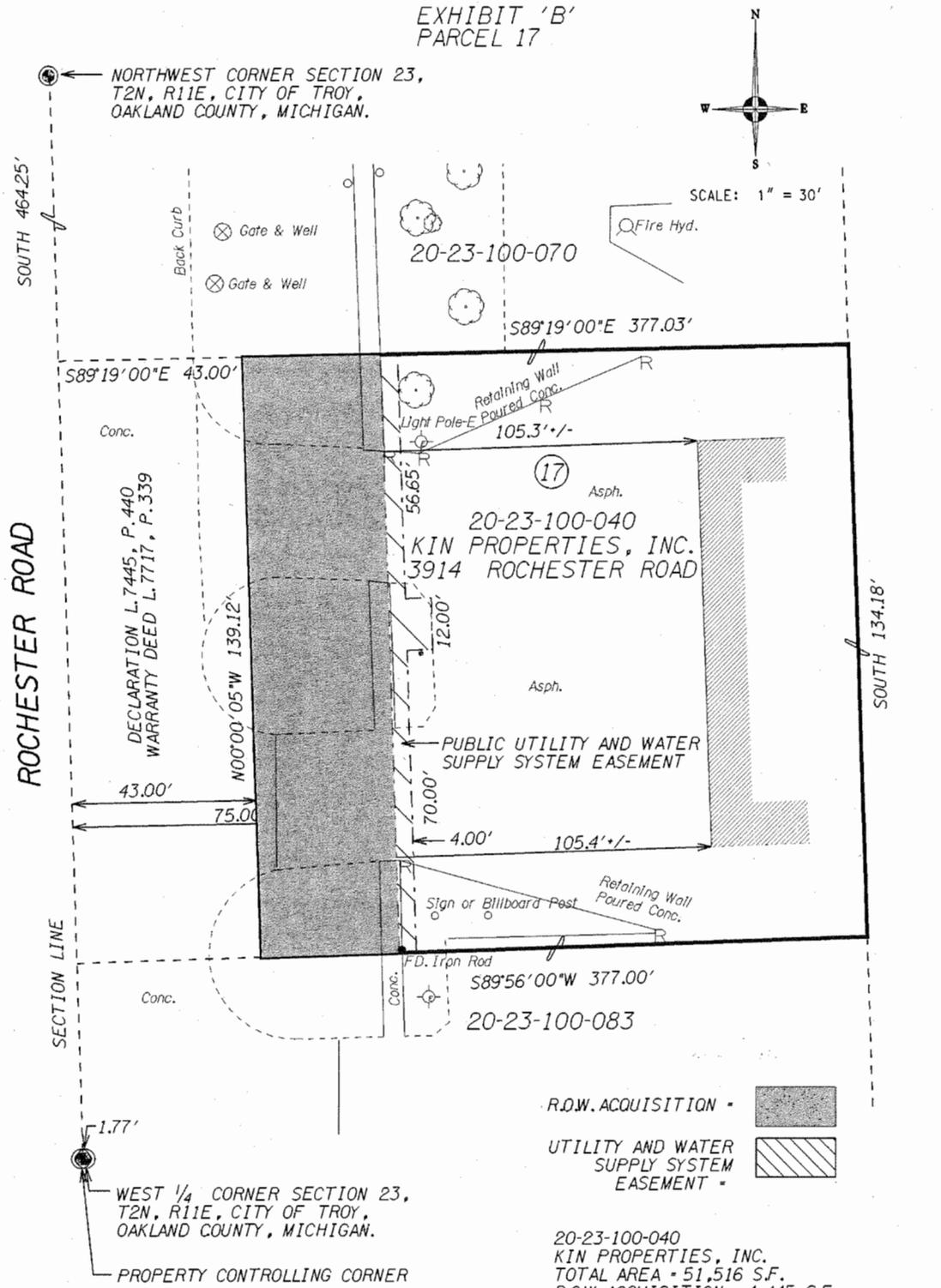
EXHIBIT 'B'  
PARCEL 17

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USER NAME - drezbet



R.O.W. ACQUISITION - [Stippled Pattern]

UTILITY AND WATER SUPPLY SYSTEM EASEMENT - [Hatched Pattern]

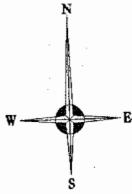
20-23-100-040  
KIN PROPERTIES, INC.  
TOTAL AREA = 51,516 S.F.  
R.O.W. ACQUISITION = 4,445 S.F.  
REMAINDER = 47,071 S.F.  
UTILITY EASEMENT = 627 S.F.

NOTE: DESCRIPTION TAKEN FROM RECORD.

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

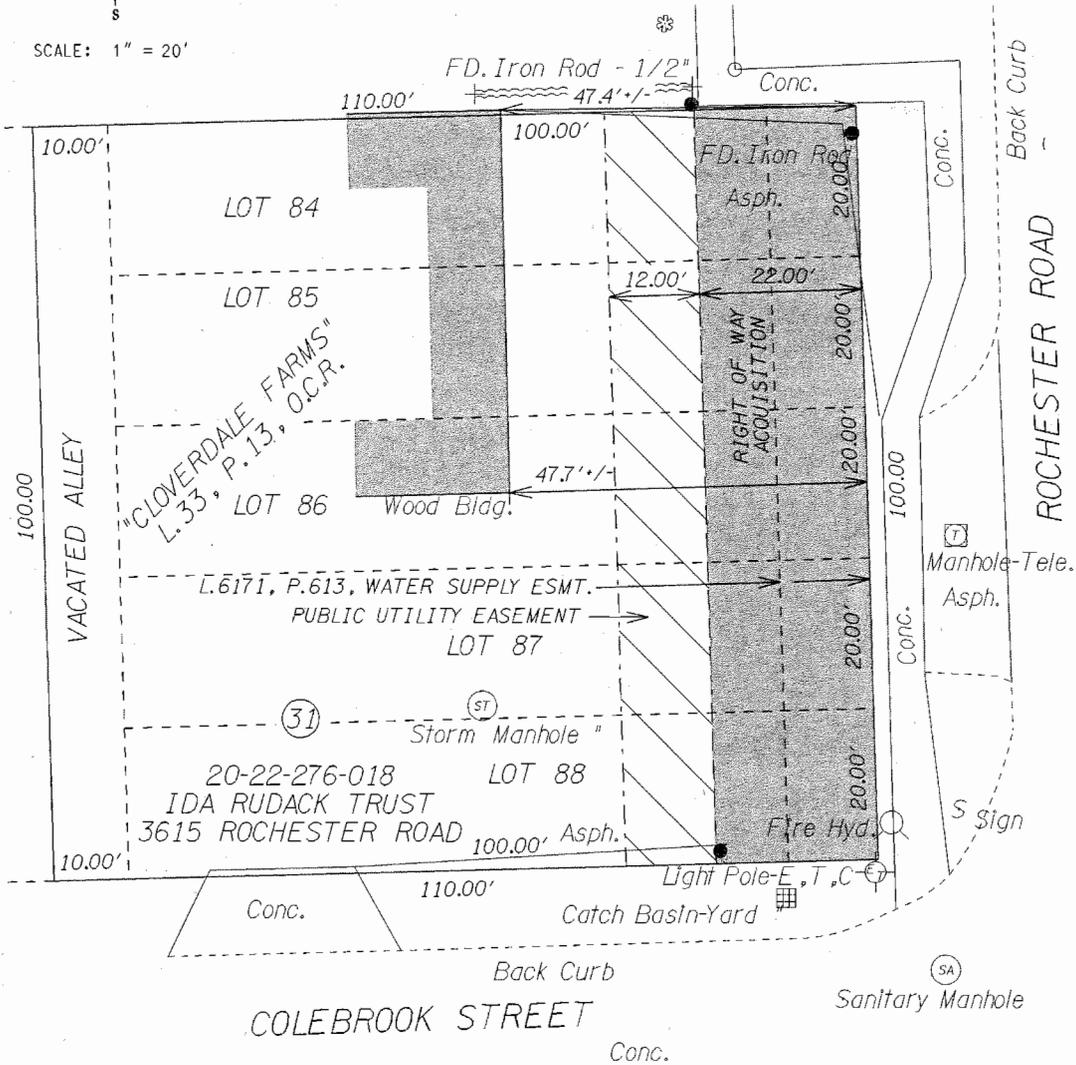
# RIGHT OF WAY ACQUISITION

EXHIBIT 'B'  
PARCEL 31



SCALE: 1" = 20'

NOTE: DESCRIPTION TAKEN FROM RECORD.



20-22-276-018  
IDA RUDACK TRUST  
TOTAL AREA = 11,000 S.F.  
R.O.W. ACQUISITION = 2,200 S.F.  
REMAINDER = 8,800 S.F.  
PUBLIC UTILITY EASEMENT = 1,200 S.F.

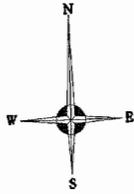
R.O.W. ACQUISITION -   
UTILITY EASEMENT - 

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JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC.	SHEET NO. 2
DATE 11-20-07	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	OF 2
REV. 01-03-08	P.O. BOX 824 48303-0824	

# RIGHT OF WAY ACQUISITION

## EXHIBIT 'B' PARCEL 34

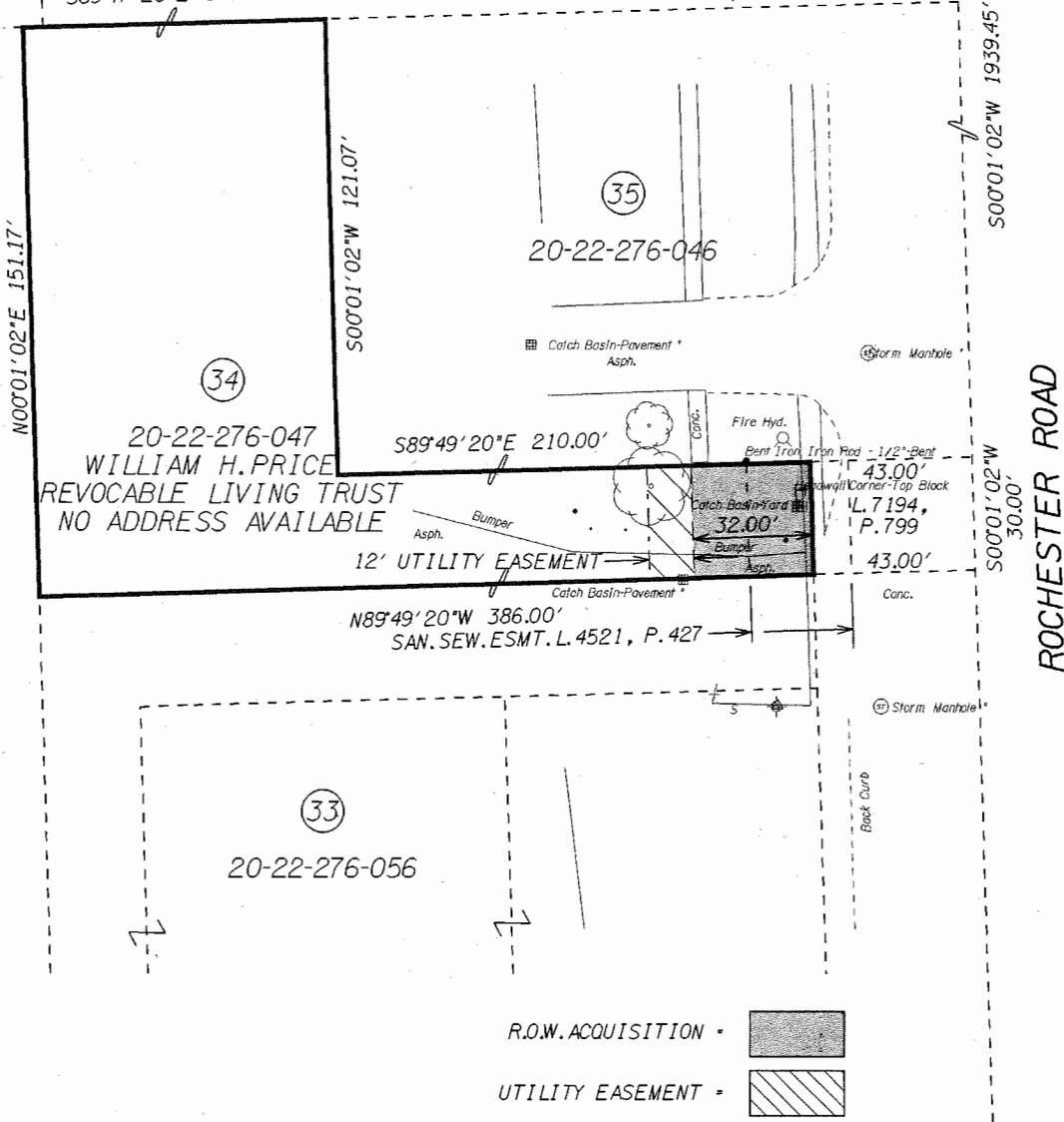


NORTHEAST CORNER SECTION 22,  
T2N, R11E, CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN.

SCALE: 1" = 40'

NOTE: DESCRIPTION TAKEN FROM RECORD.

S89°47'20"E 176.00'



20-22-276-047  
WILLIAM H. PRICE  
REVOCABLE LIVING TRUST  
NO ADDRESS AVAILABLE

20-22-276-047  
WILLIAM H. PRICE REVOCABLE  
LIVING TRUST  
TOTAL AREA = 31,607 S.F.  
R.O.W. ACQUISITION = 960 S.F.  
REMAINDER = 30,647 S.F.  
UTILITY EASEMENT = 360 S.F.

R.O.W. ACQUISITION = [shaded box]  
UTILITY EASEMENT = [hatched box]

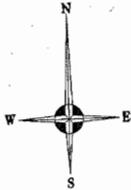
PROPERTY CONTROLLING CORNER  
EAST 1/4 CORNER SECTION 22,  
T2N, R11E, CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN.

USER NAME = dtabert  
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JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE 02-11-08		2
		OF 2

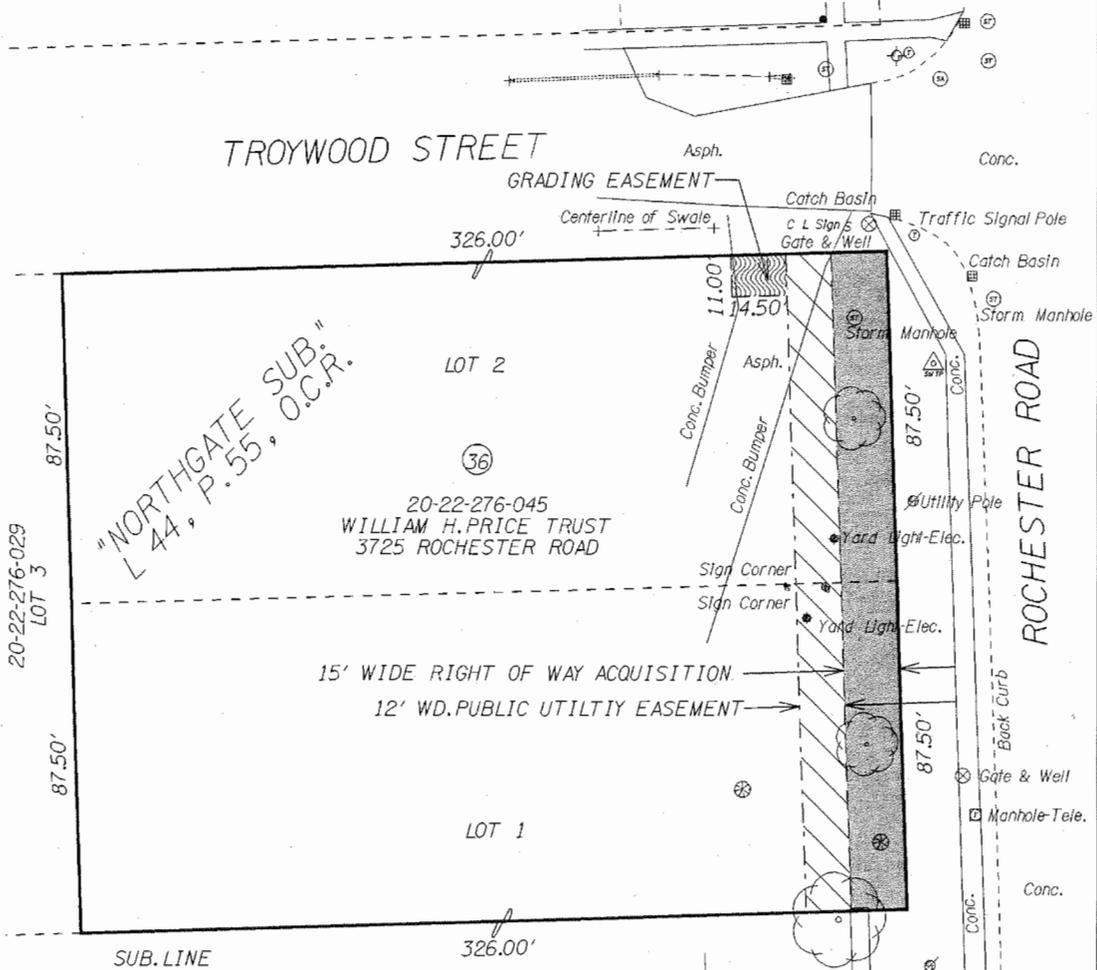
# RIGHT OF WAY ACQUISITION

## EXHIBIT 'B' PARCEL 36



SCALE: 1" = 40'

NOTE: DESCRIPTION TAKEN FROM RECORD.



20-22-276-045  
WILLIAM H. PRICE TRUST  
TOTAL AREA = 57,050 S.F.  
R.O.W. ACQUISITION = 2,625 S.F.  
REMAINDER = 54,425 S.F.  
PUBLIC UTILITY EASEMENT = 2,100 S.F.  
GRADING EASEMENT = 160 S.F.

- R.O.W. ACQUISITION - [Solid Grey Box]
- PUBLIC UTILITY EASEMENT - [Diagonal Line Box]
- GRADING EASEMENT - [Wavy Line Box]

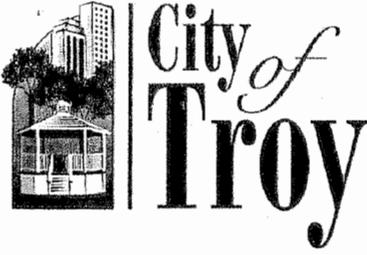
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JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 11-13-07		OF 2

REV. 01-03-08







# CITY COUNCIL ACTION REPORT

F-08

December 16, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Approval of Purchase Agreement and  
Acceptance of Permanent Public Utility Easement  
Rochester Road Improvements, Torpey to Barclay  
Project No. 99.203.5 – Parcel #15 – Sidwell #88-20-23-100-066  
Final Decisions

## Background:

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

## Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$46,400, plus closing costs for the acquisition of the property described in the purchase agreement and \$800 for the Permanent Public Utility Easement are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

## Legal Considerations:

- The format and content of the purchase agreement and easement are consistent with documents previously accepted by City Council.

## Policy Considerations:

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

Options:

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

PAP\G\MEMOS TO MAYOR & CC\Final Decisions Purchase Agreement & PUE



CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Final Decisions, a Nevada Limited Partnership (the "Sellers"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Forty-Six Thousand, Four Hundred and no/100 Dollars (\$46,400) under the following terms and conditions:

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

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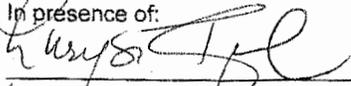
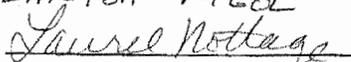


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SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this  
day of Dec 1<sup>st</sup>, 2008.

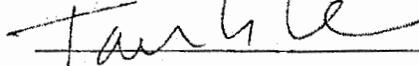
In presence of:

  
\_\_\_\_\_  
LARISSA FYOL  
  
\_\_\_\_\_  
LAUREZ NOTTAGE

CITY OF TROY (BUYER)

  
\_\_\_\_\_  
PATRICIA A. PETITTO

FINAL DECISIONS, A NEVADA  
SELLER: LIMITED PARTNERSHIP

  
\_\_\_\_\_  
TAN B. LEE

01-30-08  
19990476  
20-23-100-066  
rev. 02-29-08

**EXHIBIT 'A'**

**DESCRIPTION OF RIGHT OF WAY ACQUISITION**

The East 32.00 feet of the West 75.00 feet of the following described property: Beginning at a point distant South 737.75 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence East 465.14 feet; thence South 93.65 feet; thence West 465.14 feet; thence North 93.65 feet. Said acquisition contains 2,997 square feet, or 0.069 acres, more or less.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-23-100-066  
Parcel #15

Final Decisions, a Nevada Limited Partnership, Grantors, whose address is: 805 Marquis Court, Costa Mesa, California 92626 for and in consideration of the sum of: Eight Hundred and no/100 Dollars (\$800) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The Grantee agrees to reimburse the Grantors all costs related to the relocation of the current sign to an approved location outside of the easement area, based on the lowest of three bids from an approved sign company.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 26 day of NOVEMBER, 2008.

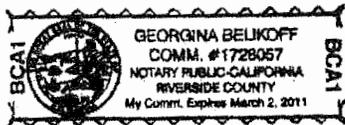
FINAL DECISIONS, A NEVADA LIMITED PARTNERSHIP

Tan B. Le (L.S.)

\_\_\_\_\_ (L.S.)

California )  
STATE OF MICHIGAN )  
COUNTY OF Riverside )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of November, 2008, by Tan B. Le of Final Decisions, a Nevada Limited Partnership.



georgina Belkoff California  
Notary Public, Riverside County, Michigan )  
Acting in Riverside County, California )  
My Commission Expires March 2, 2011

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

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

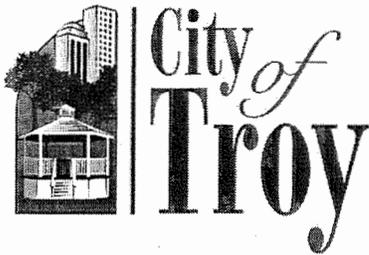
PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

01-30-08  
19990476  
20-23-100-066  
rev. 02-29-08

**EXHIBIT 'A'**

**DESCRIPTION OF PUBLIC UTILITY EASEMENT**

The East 4.00 feet of the West 79.00 feet of the following described property: Beginning at a point distant South 737.75 feet from the Northwest corner of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan; thence East 465.14 feet; thence South 93.65 feet; thence West 465.14 feet; thence North 93.65 feet. Said acquisition contains 375 square feet, or 0.009 acres, more or less.



# CITY COUNCIL ACTION REPORT

December 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Approval of Purchase Agreement and  
Acceptance of Permanent Public Utility Easement  
Rochester Road Improvements, Torpey to Barclay  
Project No. 99.203.5 – Parcel 41 – Sidwell #88-20-22-226-073  
Rainbow Center

## Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Purchase Agreement and Permanent Public Utility Easement from Rainbow Center. This parcel is located on the west side of Rochester Road, between Troywood and Wattles in the northeast ¼ of Section 22.

## Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$67,700, plus closing costs for the acquisition of the property described in the purchase agreement and \$9,100 for the Permanent Public Utility Easement are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

## Legal Considerations:

- The format and content of the purchase agreement and easement are consistent with documents previously accepted by City Council.

## Policy Considerations:

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

Options:

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

PAP\G\MEMOS TO MAYOR & CC\Rainbow Center Purchase Agreement & PUE



CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Rainbow Center, a Michigan Co-Partnership of James E. Sardelli, Louis James Sardelli and Geraldine A. Sardelli (the "Sellers"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Sixty-Seven Thousand, Seven Hundred and no/100 Dollars (\$67,700) under the following terms and conditions:

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 18TH day of DECEMBER, 2008.

In presence of:

John T. Loucharoff  
JOHN T. LOUCHAROFF  
William J. Hootari  
WILLIAM J. HOOTARI

CITY OF TROY (BUYER)

Patricia A. Petitto  
PATRICIA A. PETITTO

SELLERS:

RAINBOW CENTER, A MICHIGAN  
CO-PARTNERSHIP

James E. Sardelli  
James E. Sardelli

Louis James Sardelli  
Louis James Sardelli

Geraldine A. Sardelli  
Geraldine A. Sardelli

02-06-08  
1999476  
20-22-226-073

**EXHIBIT 'A'**

**DESCRIPTION OF RIGHT OF WAY ACQUISITION**

The East 32.00 feet of the following described property: Beginning at a point on the East line of said Section 22, T2N, R11E, City of Troy, Oakland County, Michigan, distance South 973.87 feet from the Northeast corner of said Section 22; thence S89°47'00"W 380.80 feet; thence South 148.66 feet; thence N89°54'00"E 380.80 feet; thence North along said East line of Section 22, 149.36 feet to the Point Of Beginning, EXCEPT the East 43.00 feet deed to for road.  
Said acquisition contains 4,776 square feet, or 0.110 acres, more or less.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-22-226-073  
Parcel #41

Rainbow Center, a Michigan Co-Partnership of James E. Sardelli, Louis James Sardelli and Geraldine A. Sardelli, Grantors, whose address is: 3835 Rochester, Troy, MI 48083 for and in consideration of the sum of: Nine Thousand, One Hundred and no/100 Dollars (\$9,100) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The Grantee agrees to reimburse the Grantors all costs related to the relocation of the current sign to an approved location outside of the easement area, based on the lowest of three bids from an approved sign company.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 18TH day of DECEMBER, 2008.

RAINBOW CENTER, A MICHIGAN  
CO-PARTNERSHIP  
James E. Sardelli (L.S.)  
\*James E. Sardelli  
Louis James Sardelli (L.S.)  
\*Louis James Sardelli  
Geraldine A. Sardelli (L.S.)  
Geraldine A. Sardelli

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 18TH day of DECEMBER, 2008, by James E. Sardelli, Louis James Sardelli and Geraldine A. Sardelli, of Rainbow Center, a Michigan Co-Partnership.

Patricia A. Pettit  
\* PATRICIA A. PETTIT  
Notary Public, OAKLAND County, Michigan  
Acting in OAKLAND County, Michigan  
My Commission Expires 12-31-11

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

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

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

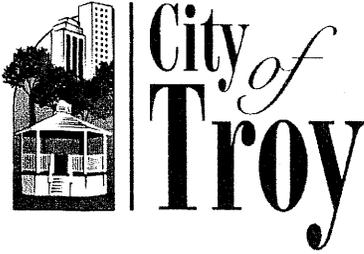
02-06-08  
1999476  
20-22-226-073

**EXHIBIT 'A'**

**DESCRIPTION OF PUBLIC UTILITY EASEMENT**

The West 12.00 feet of the East 44.00 feet of the following described property: Beginning at a point on the East line of said Section 22, T2N, R11E, City of Troy, Oakland County, Michigan, distance South 973.87 feet from the Northeast corner of said Section 22; thence S89°47'00"W 380.80 feet; thence South 148.66 feet; thence N89°54'00"E 380.80 feet; thence North along said East line of Section 22, 149.36 feet to the Point Of Beginning, EXCEPT the East 43.00 feet deed to for road.

Said acquisition contains 1,790 square feet, or 0.041 acres, more or less.



## CITY COUNCIL ACTION REPORT

December 29, 2008

TO: Phillip L. Nelson, City Manager

FROM: William Nelson, Fire Chief *WN*  
David Roberts, Fire Marshal

SUBJECT: Mon Jin Lau Annual Fireworks Use Request

### Background:

- Mon Jin Lau has requested permission to use firecrackers at its annual Lion Dance to celebrate Chinese New Year on January 27<sup>th</sup> and 28<sup>th</sup>, 2009.
- There appear to be no changes from last year's event.
- City Council has approved this request in the past.

### Financial Considerations:

- None

### Legal Considerations:

- Troy City Code Chapter 93, Fire Prevention, Section 3301.1.3, prohibits the use of fireworks unless in compliance with the Michigan Fireworks Law.
- Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.
- The use of firecrackers at this public event is considered to be a public display.

### Policy Considerations:

- The permitting process is consistent with City Council's goal of enhancing the safety of the community.

### Options:

- Approve or deny the request.

Mon Jin Lau  
1515 East Maple Road  
Troy, MI 48083  
248-689-2332

December 17, 2008  
Troy City Council  
500 West Big Beaver  
Troy, MI 48084

We are requesting permission to have our firecracker display w/ The Lion dance, to celebrate Chinese New Year January 27th & 28<sup>th</sup> 2009, as we have done for the last 33 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Chin". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marshall Chin



## CITY COUNCIL REPORT

DATE: December 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36 – B-2 to H-S (File Number: Z-735)

### Background:

- A public hearing is scheduled for the January 26, 2009 City Council meeting.
- The Planning Commission recommended approval of the request to rezone the parcel to H-S at the December 9, 2008 Regular meeting.
- The property is located in the South John R Road Future Land Use designation. This classification is intended to allow for the continued operation and long term improvement to the area, focused on the provision of “comparison” commercial products. This area serves a large region, beyond the City of Troy, and blends with the area to the south, outside the City’s boundaries. The rezoning application is consistent with the Future Land Use Plan in the Master Plan.
- The application is consistent with the general character of the area and is compatible with adjacent zoning districts and land uses.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

Policy Considerations:

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

Options:

- City Council can approve or deny the rezoning application.
- No City Council action until the January 26, 2009 public hearing.

Attachments:

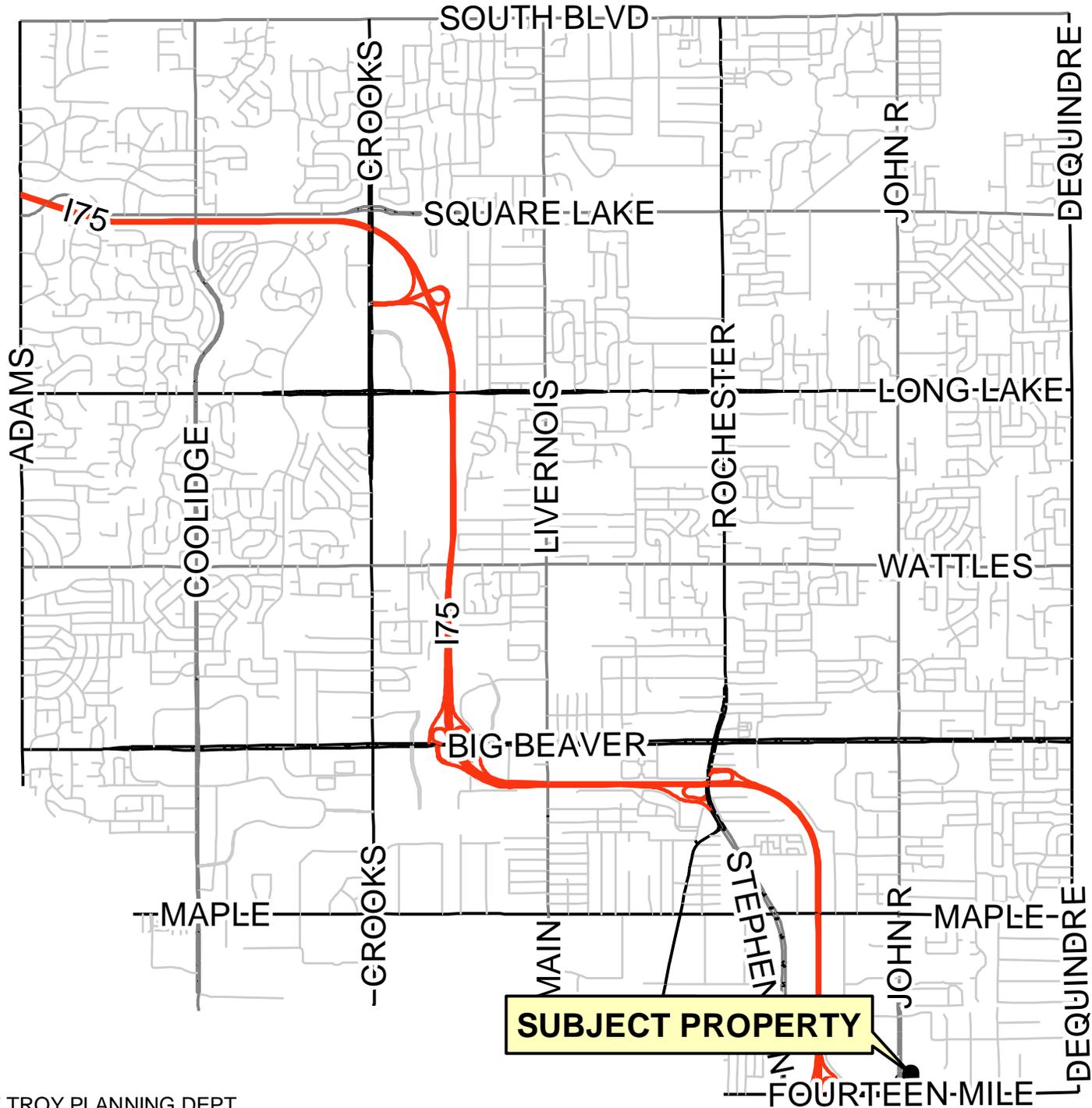
1. Maps.
2. Minutes (draft) from the December 9, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated December 1, 2008.
4. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /Z 735

G:\REZONING REQUESTS\Z-735 Sonic Restaurant Sec 36\Announce CC Public Hearing 01 05 09.docx

# CITY OF TROY



REZONING REQUEST  
FROM B-2 TO H-S  
PROPOSED SONIC RESTAURANT  
E SIDE OF JOHN R, N OF 14 MILE RD  
SEC. 36 (Z-735)

JOHN R

SUBJECT PARCEL

W FOURTEEN MILE

E FOURTEEN MILE



REZONING REQUEST  
FROM B-2 TO H-S  
PROPOSED SONIC RESTAURANT  
E SIDE OF JOHN R, N OF 14 MILE RD  
SEC. 36 (Z-735)

B-3

JOHN R

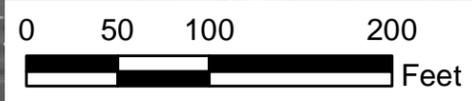
B-2

SUBJECT PARCEL

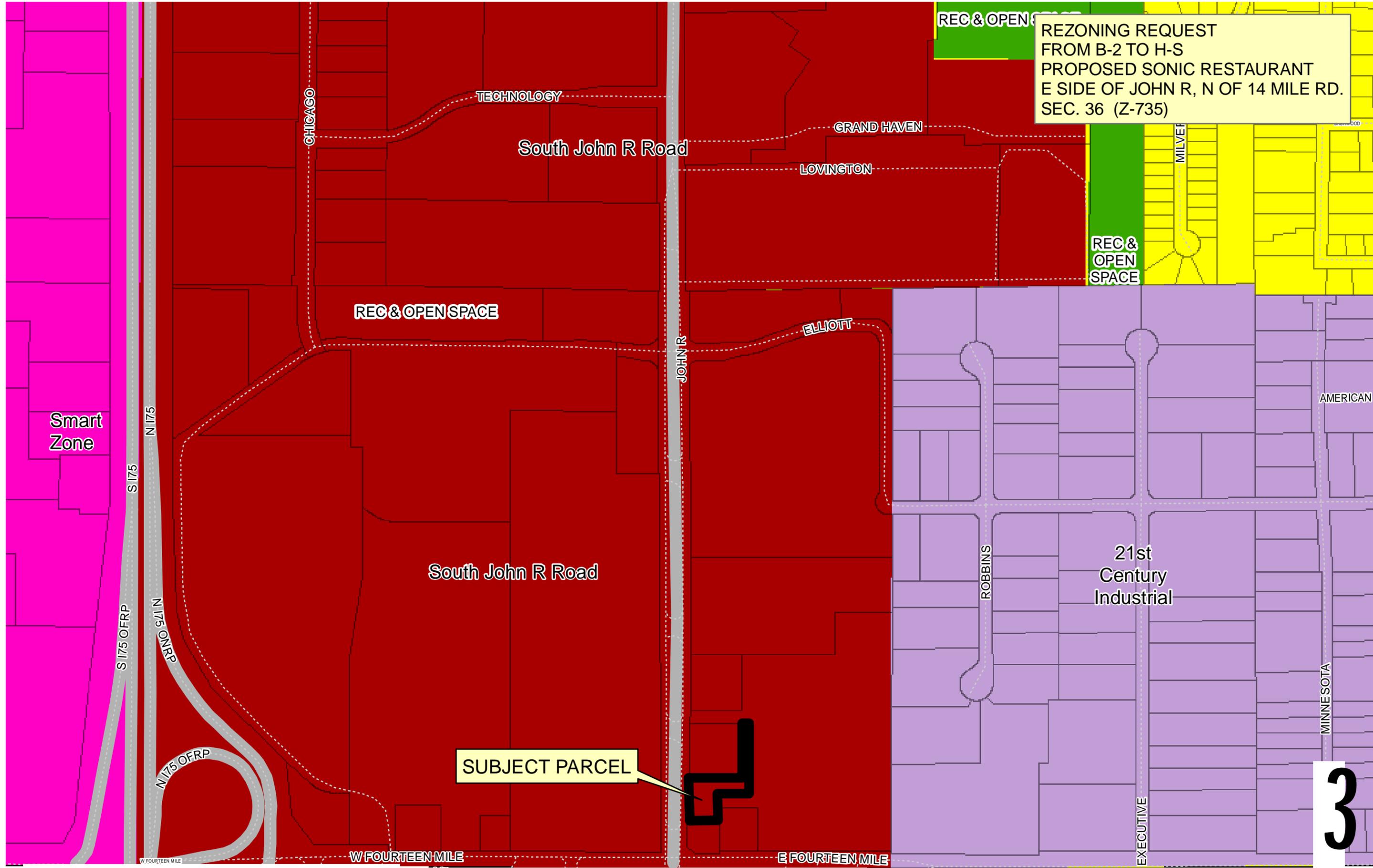
H-S

W FOURTEEN MILE

E FOURTEEN MILE



REZONING REQUEST  
FROM B-2 TO H-S  
PROPOSED SONIC RESTAURANT  
E SIDE OF JOHN R, N OF 14 MILE RD.  
SEC. 36 (Z-735)



SUBJECT PARCEL

6. PUBLIC HEARING – REZONING APPLICATION (Z 735) – Proposed Sonic Drive-In Restaurant, East side of John R Road, North of Fourteen Mile Road, Section 36, From B-2 (Community Business) to H-S (Highway Service) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning application, and reported it is the recommendation of City Management to approve the rezoning request.

There was a brief discussion on:

- The “finger” portion of the property.
- Landscape requirements/standards in relation to the bank to the north.
- Landbanked parking.

John Gaber, attorney for the owner, 380 N. Old Woodward, Birmingham, was present to represent the petitioner. Mr. Gaber introduced John Parapetti, Sr. Vice President of Development of Urban Retail Properties, and James Butler of Professional Engineers Associates. Mr. Gaber said the proposed use is a good fit for the property and is compatible with the retail center. He addressed the principal uses permitted in the H-S zoning district in relation to the size of the property. Mr. Gaber also addressed the “finger” portion of the site and its relation to the bank in terms of landscaping and site access.

Chair Schultz addressed the site layout; specifically, the “finger” portion. He said the 8,200 square feet would most likely not be utilized. Chair Schultz indicated the petitioner was avoiding seeking a variance from the Board of Zoning Appeals (BZA).

Mr. Gaber agreed they would prefer not to go before the BZA.

Mr. Hutson said it is unlikely anyone could do anything with that ‘finger’ portion of the property. He said the proposed use is an acceptable use and he sees no harm in going forward with the proposal.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2008-12-146**

Moved by: Hutson  
Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the B-2 to H-S rezoning request, located on the east side of John R, north of Fourteen Mile, within Section 36, being approximately 1.012 acres in size, be granted.

Yes: All present (6)  
Absent: Strat, Ullmann, Wright

**MOTION CARRIED**

G:\REZONING REQUESTS\Z-735 Sonic Restaurant Sec 36\12-09-08 Regular Meeting\_Draft.doc

DATE: December 1, 2008

TO: Planning Commission

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

SUBJECT: PUBLIC HEARING – REZONING APPLICATION – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36 – B-2 to H-S (Z-735)

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner is Urbancal – Oakland Plaza, LLC. The applicant is Urban Retail Properties, LLC.

Location of Subject Property:

The property is located on the east side of John R, north of Fourteen Mile Road, in section 36.

Size of Subject Property:

The property is approximately 1.012 acres in size.

Current Use of Subject Property:

The property is vacant.

Current Zoning Classification:

B-2 Community Business.

Proposed Zoning of Subject Parcel:

H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to construct a Sonic drive-in restaurant on the site.

Zoning Classification of Adjacent Parcels:

North: B-2 Community Business.

South: B-2 Community Business and H-S Highway Service.

East: B-2 Community Business.

West: B-3 General Business.

Current Use of Adjacent Parcels:

North: Bank.

South: Gas station and Burger King restaurant.

East: Shopping center parking area.

West: Logan's Steak House and parking area for mall.

**ANALYSIS**

Range of Uses Permitted in the Proposed H-S Highway Service Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Retail establishments to service the needs of the highway traveler including such facilities as: drug stores, convenience food stores, gift shops, and restaurants other than those of the drive-in or open front store type.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities.

Parking garages and off-street parking areas.

New and used automobile salesroom, showroom or office.

Sales, showrooms, and incidental repairs of recreational vehicles.

Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.

Public utility buildings and sub-stations.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within H-S districts, apart from restaurants.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Automobile service stations for the sale of engine fuels, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including, steam cleaning, undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work and other such activities whose external effects could adversely extend beyond the property lines.

Auto washes where engine fuels are sold as a significant part of the operation.

Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.

Uses, other than those specified in Article 23.20.06 of the Zoning Ordinance, wherein drive-up service facilities are the sole use of the property.

Business in the character of a drive-in restaurant.

Motel or hotel.

Outdoor sales space for exclusive sale or lease of new or second hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.

Automobile repair garages, provided all activities are conducted within a completely enclosed building.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Potential Storm Water and Utility Issues:

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

Compliance with Location Standards of the H-S District:

The Location Standards for the H-S District in Article 23.40.01 of the Zoning Ordinance states the following:

The H-S (Highway Service) District may be applied when the application of such a classification is consistent with the intent of the Master Land Use plan and policies related thereto, or with other land use policies of the City of Troy, and therefore, on a limited basis, may involve the following types of areas:

23.40.02 Areas indicated on the Master Land Use Plan for non-center commercial use.

23.40.03 Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

Note the newly adopted Master Plan does not have a Non-Center Commercial use designation.

## **CONSISTENCY WITH CITY OF TROY MASTER PLAN**

### Quality of Life Considerations:

The proposed zoning district will permit a range of automobile-oriented uses in an automobile-oriented area.

### Design and Community Character Considerations:

The area is an automobile-oriented regional shopping area. The proposed H-S zoning district permits a wide range of automobile-oriented uses, although the parcel's small size limits the uses that could be developed. Permitted uses will be consistent with the character of the existing area.

### Preservation and Enhancement of Natural Features:

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

### Low Impact Development Considerations:

There is no indication that the applicant intends to utilize LID techniques.

### Non-motorized Access Considerations:

The development will require building perimeter sidewalks and a connection to the public sidewalk on John R. Sidewalk connections to abutting properties will also be required.

### Access Management Considerations:

Access to the property is provided from John R Road. The development will require cross-access connections with abutting properties. Existing curb cuts and boulevard turnarounds will need to be considered when determining appropriate locations for entry drives. A deceleration lane may be required based on trip generation for the proposed use.

### Compliance with Ten Tenets of Smart Growth:

The following is a list of the Ten Tenets of Smart Growth:

1. Create a range of housing opportunities.
2. Create walkable communities.
3. Encourage community and stakeholder collaboration in development decisions.
4. Foster distinctive, attractive communities with a strong sense of place.
5. Make development decisions predictable, fair, and cost effective.
6. Mix land uses.
7. Preserve open space, farmland, natural beauty and critical environment areas.
8. Provide a variety of transportation options.
9. Strengthen and direct development towards existing communities.
10. Take advantage of compact building design.

The H-S rezoning application does not appear to comply with the Ten Tenets of Smart Growth.

Consistency with Future Land Use Plan:

The property is located in the South John R Road Future Land Use designation. This classification is intended to allow for the continued operation and long term improvement to the area, focused on the provision of “comparison” commercial products. This area serves a large region, beyond the City of Troy, and blends with the area to the south, outside the City’s boundaries. The rezoning application is consistent with the Future Land Use Plan.

**CITY MANAGEMENT RECOMMENDATION**

The rezoning application is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses.

City Management recommends approval of the rezoning request.

cc: Applicant  
File / Z 735

G:\REZONING REQUESTS\Z-735 Sonic Restaurant Sec 36\PC Report Z-735 12 09 08.docx

NOV 14 2008

PLANNING DEPT.

**STATEMENT IN SUPPORT OF REZONING REQUEST  
FROM B-2 (Community Business) TO H-S (Highway Service)**

Tax ID #20-36-351-008 (part of)  
NE Corner of John R and 14 Mile

Urban Retail Properties, LLC (“Applicant”) requests rezoning of the subject parcel (“Parcel”) from B-2 (Community Business) to H-S (Highway Service) to allow for the future development of the Parcel as a Sonic Drive-In Restaurant. In support of its rezoning request, the Applicant provides the following information as requested by #13 of the City’s Rezoning Request Form.

**Rezoning is Consistent With the City’s Master Plan**

Both the map and the text of the Master Plan for the City of Troy (“Master Plan”) indicate that H-S would be an appropriate zoning classification for the Parcel. Section 23.10.00 of the City’s Zoning Ordinance provides that the intent of the Highway Service District is to provide servicing for the needs of vehicular traffic along major thoroughfares, such as John R Road. The Master Plan designates Oakland Plaza, where the Parcel is located, as a “Regional Center,” which is a large commercial shopping and service area for Troy residents and others. One of the future development policies of the Master Plan is to “Support the upgrading and enhancement, or redevelopment, of existing commercial development areas . . .” The rezoning of the Parcel to H-S would allow a drive-in restaurant, which is the type of use intended to be found with a Regional Center. Rezoning would also allow for the upgrading and enhancement of Oakland Plaza, enabling it to add a drive-in restaurant. For these reasons, the Applicant believes the requested rezoning is supported by the Master Plan.

**Rezoning is Necessary for the Property Owner to Enjoy its Property Rights**

The owner of any commercial property has the right to develop its property in a manner that is permitted under the local zoning ordinance, subject to any other applicable governmental regulations. Such development is necessary to enable the property owner to realize a return on its investment in the property. The Parcel is currently undeveloped, due primarily to its small size. The property owner, as well as the prior owners, have sought to develop the Parcel, but have been constrained by the small size of the Parcel, which does not exceed one (1) acre. Given this size constraint, no retail business, service business, or restaurant is able to feasibly develop the Parcel because there simply is insufficient space for the necessary building size, together with the parking to service such business. A drive-in restaurant is one of the few uses that can be developed on the Parcel due to its size constraints. The requested rezoning to H-S would enable the property owner to develop its property for a productive use, which use would not be permitted under the existing B-2 zoning of the Parcel. Without the rezoning, the property

owner would be unable to put the Parcel to any productive use, thereby depriving the property owner of the use of its property.

### **Rezoning is Compatible With Surrounding Land Uses**

Rezoning of the Parcel to H-S would be compatible with, and not detrimental to the surrounding land uses. The Parcel is located within Oakland Plaza, a regional shopping center of 161,551 square feet located on 19.02 acres. The Parcel abuts outlots used for a Mobil Gas Station, a Burger King Restaurant, and a Chase Bank. There is a large parking field between the Parcel and the in-line retail/commercial space of Oakland Plaza. Further, the properties to the north, south, east and west of Oakland Plaza are all retail/commercial properties. Therefore, rezoning the Parcel to H-S for use as a drive-in restaurant would allow patrons and employees of the surrounding establishments to enjoy another dining option. It may bring additional shoppers to Oakland Plaza and the surrounding properties, creating a definite benefit to such establishments. Therefore, the rezoned use of the Parcel would benefit, and not be detrimental to the surrounding properties.

The traffic generated by the development of the Parcel as a drive-in restaurant will likewise not be detrimental to surrounding properties. The Parcel is on a major thoroughfare, which services the regional Oakland Mall across the street. The roads were developed to service the traffic demands of the large adjacent shopping centers. Further, the additional traffic generated by the Parcel would be marginal considering amount of traffic in the area, and would primarily be existing traffic already found in the area. A small drive-in restaurant is not likely to draw much traffic that would not already be in this commercial area. Finally, the parking needs of the drive-in restaurant would not adversely impact the surrounding properties, since all parking would be accommodated on site.

Further, the Parcel is presently an undeveloped site within a regional shopping center. This is an ideal location for such a development. It creates no adverse impacts on the surrounding businesses, and can actually enhance the center as a desirable shopping destination. Parking is accommodated entirely on site. The surrounding roads and internal cross access within Oakland Plaza are compatible with the proposed development. Therefore, this development would occur in an area zoned, planned, and intended by the City for restaurant use.

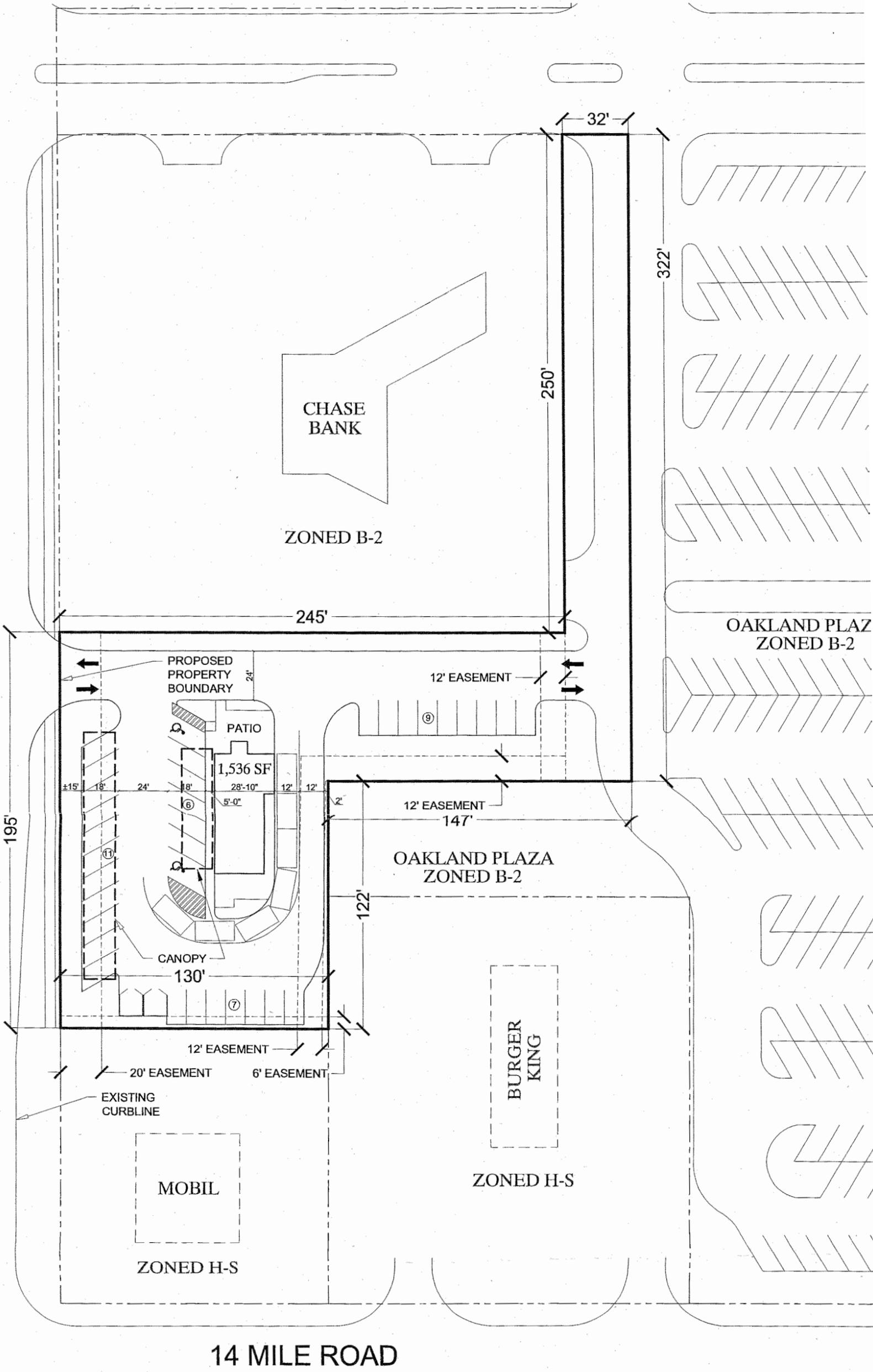
The Applicant further believes that the City should not be concerned that a rezoning to H-S would allow for the development of any other principal uses permitted in H-S zoning. Such permitted uses set forth in Section 23.20.00 include the following:

- Retail establishments and restaurants to service the needs of the highway traveler
- Bus or transit stations, taxicab offices and dispatching centers, emergency vehicle facilities
- Parking garages and off-street parking areas

- Sales, showrooms and incidental repairs of recreational vehicles
- Banks, which may consist solely of drive-up facilities
- Public utility buildings and sub-stations
- Accessory structures

Some of these permitted uses may be detrimental to the surrounding commercial businesses. However, as discussed above, the Parcel is constrained by its small size. All of these permitted uses require an area larger than the size of the Parcel. The applicant believes that this constraint should provide comfort to assure the City that none of these permitted uses can be developed on the Parcel. Instead, the Applicant will need to pursue a Special Use Approval pursuant to Section 23.30.06 to obtain the City's permission to develop the Parcel for a drive-in restaurant.

JOHN R. ROAD



14 MILE ROAD

CONCEPTUAL SITE PLAN FOR SONIC

OAKLAND PLAZA  
TROY, MICHIGAN  
11-12-08



1" = 50'

REC'D

NOV 14 2008

PLANNING DEPT.



**Paula P Bratto**

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**From:** Ron C [chickro1@gmail.com]  
**Sent:** Tuesday, November 25, 2008 9:14 PM  
**To:** Paula P Bratto  
**Subject:** Proposed zoning change -88-20-36-351-008

Dear Planning Department

Please do not change the zoning from B-2 to H-S. The main body of the parcel of land does not meet the 1.0 acre minimum for a H.S. business.

The shape of the proposed parcel makes the long northerly finger of land nearly worthless to a business. It does add sufficient square feet to meet the technical requirements of the zoning classification, but it does not meet the spirit of the 1.0 acre requirement. The people who drafted the 1.0 acre requirement did not consider silly shapes of land. Silly shapes should not be considered in changing the zoning of our land.

Didn't the neighboring Burger King have to meet the 1.0 acre requirement?

Please tell them NO to this rezoning request. Please stick to the zoning plan. Please leave what we have as it is! There is no need to respond to this e-mail.

I live in Section 36.

Ron Chick  
1380 Leafgreen Drive



## CITY COUNCIL REPORT

DATE: December 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Proposed Animal Advocates Veterinary Hospital, North side of Long Lake, East of Rochester Road, Section 11 – B-2 to B-3 (File Number: Z-734)

### Background:

- A public hearing is scheduled for the January 26, 2009 City Council meeting.
- The Planning Commission recommended approval of the request to rezone the parcel to B-3 at the December 9, 2008 Regular meeting.
- The rezoning application is consistent with the Future Land Use Plan in the Master Plan, which calls for a Neighborhood Node at the corner of Long Lake Road and Rochester Road (Neighborhood Node L). The Plan proposes that the node "should remain, predominantly commercial, catering to local needs and regional traffic. New development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development".
- The application is consistent with the general character of the area and is compatible with adjacent zoning districts and land uses.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

Policy Considerations:

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

Options:

- City Council can approve or deny the rezoning application.
- No City Council action until the January 26, 2009 public hearing.

Attachments:

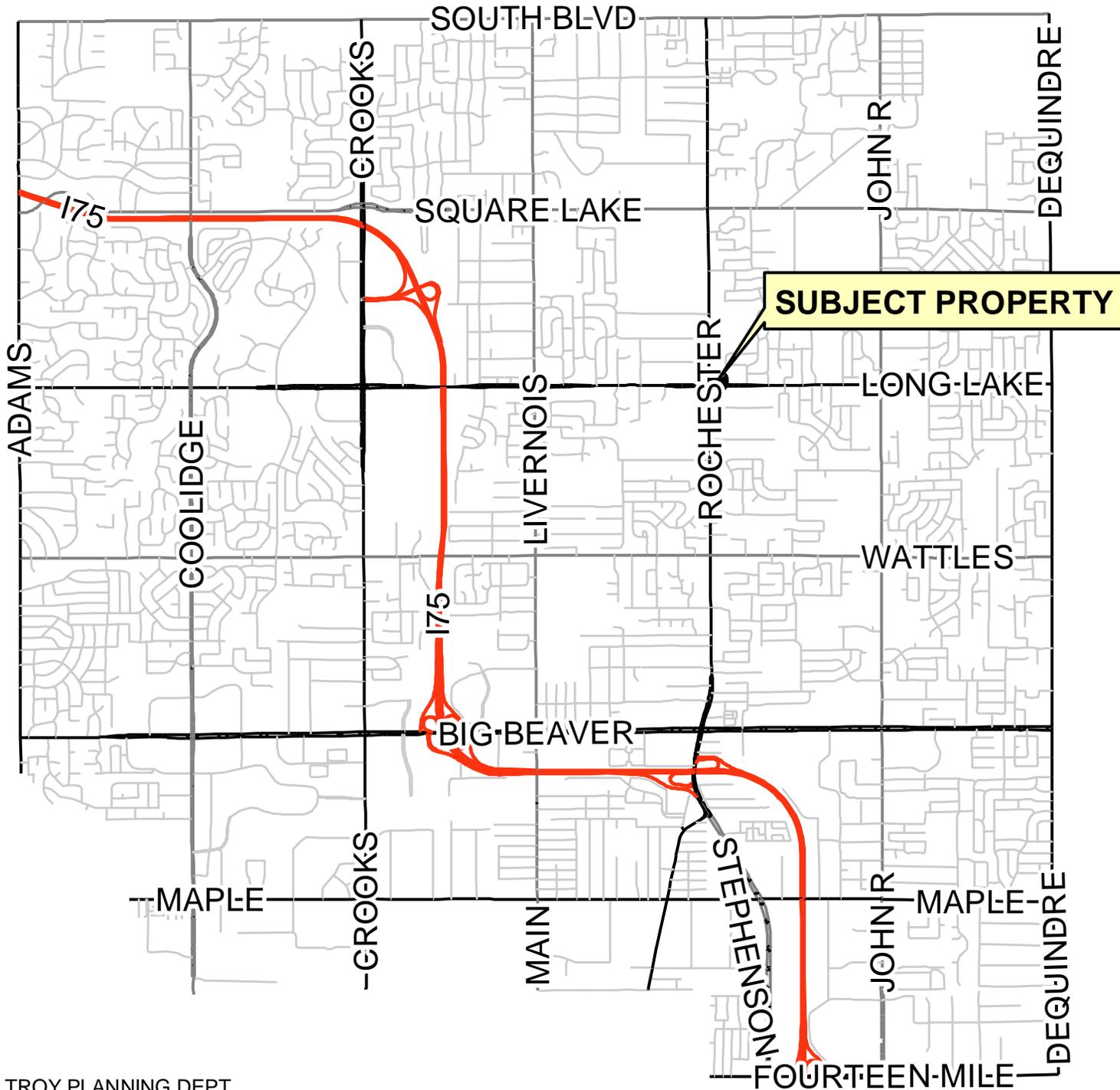
1. Maps.
2. Minutes (draft) from the December 9, 2008 Planning Commission Regular meeting.
3. Planning Commission report dated December 1, 2008.

Prepared by RBS/MFM

cc: Applicant  
File /Z 734

G:\REZONING REQUESTS\Z-734 Animal Advocates Veterinary Hospital Sec 11\Announce CC Public Hearing 01 05 09.docx

# CITY OF TROY



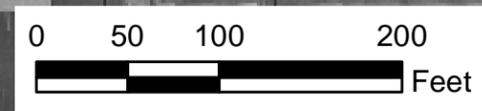
REZONING REQUEST  
FROM B-2 TO B-3  
PROPOSED VETERINARY HOSPITAL  
N SIDE OF LONG LAKE, E OF ROCHESTER RD  
SEC. 11 (Z-734)

SUBJECT PARCEL

ROCHESTER

E LONG LAKE

E Long Lake



REZONING REQUEST  
FROM B-2 TO B-3  
PROPOSED VETERINARY HOSPITAL  
N SIDE OF LONG LAKE, E OF ROCHESTER RD  
SEC. 11 (Z-734)

R-1C

B-2

SUBJECT PARCEL

H-S

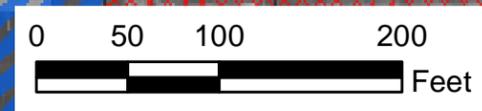
E LONG LAKE

E Long Lake

B-1

B-3

O-1



REZONING REQUEST  
FROM B-2 TO B-2  
PROPOSED VETERINARY HOSPITAL  
N SIDE OF LONG LAKE, E OF ROCHESTER RD.  
SEC. 11 (Z-734)

RECREATION  
& OPEN  
SPACE

Rochester Road

SUBJECT PARCEL

Neighborhood  
Nodes

E Long Lake

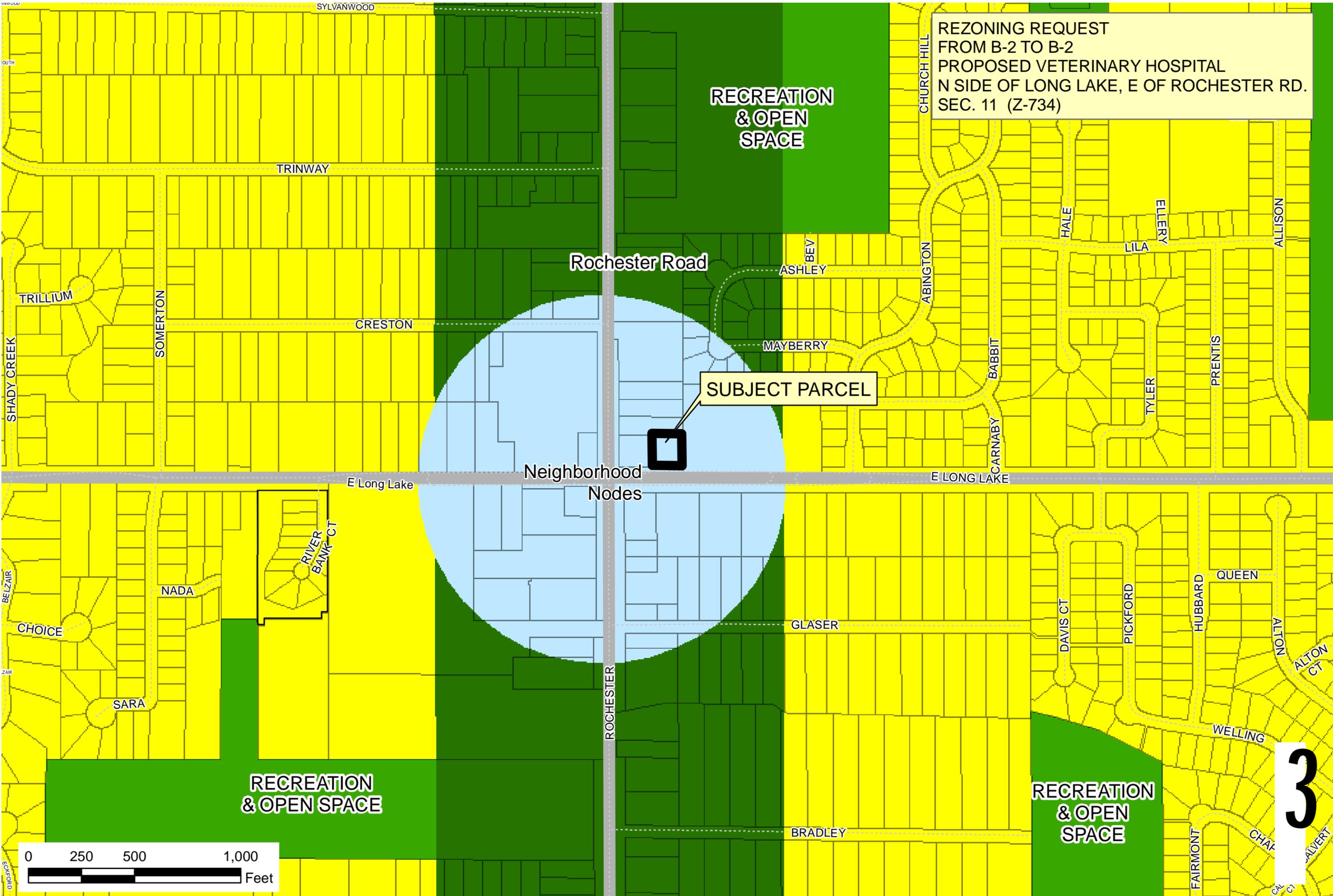
E LONG LAKE

RECREATION  
& OPEN  
SPACE

RECREATION  
& OPEN  
SPACE



3

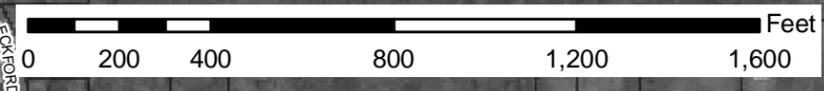


REZONING REQUEST  
FROM B-2 TO B-3  
PROPOSED VETERINARY HOSPITAL  
N SIDE OF LONG LAKE, E OF ROCHESTER RD.  
SEC. 11 (Z-734)

SUBJECT PARCEL



3



REZONING REQUEST  
FROM B-2 TO B-3  
PROPOSED VETERINARY HOSPITAL  
N SIDE OF LONG LAKE, E OF ROCHESTER RD.  
SEC. 11 (Z-734)

CJ-34

SUBJECT PARCEL

H-S

B-1

B-3

P-1

B-2

O-1

M-1

R-1T

CR-1

R-1C

E-P

C-F

SYLVANWOOD

TRINWAY

CRESTON

ROCHESTER

E LONG LAKE

CHURCH HILL

ABINGTON

ASHLEY

MAYBERRY

BABBIT

GARNABY

HALE

LILA

ELLERY

TYLER

PRENTIS

ALLISON

SOMERTON

TRILLIUM

SHADY CREEK

NADA

RIVER BANK CT

CHOICE

SARA

GLASER

DAVIS CT

PICKFORD

HUBBARD

QUEEN

ALTON

ALTON CT

WELLING

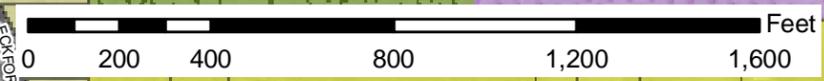
FAIRMONT

CHAPEL

CAVERT

CAVERT CT

3



5. PUBLIC HEARING – REZONING APPLICATION (Z 734) – Proposed Veterinary Office, North side of Long Lake Road, East of Rochester Road (1047-1055 E. Long Lake Road), Section 11, From B-2 (Community Business) to B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning application, and reported it is the recommendation of City Management to approve the rezoning request.

John Hennessey of Hennessey Engineers, 13500 Mack Road, Southgate, was present to represent the petitioner. Mr. Hennessey said the use is harmonious with the neighborhood and would fill a need within the community.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2008-12-145**

Moved by: Maxwell

Seconded by: Hutson

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the B-2 to B-3 rezoning request, located on the north side of Long Lake Road, east of Rochester, within Section 11, being approximately 0.67 acres in size, be granted, because it is consistent with the intent of the Master Plan and is compatible with abutting zoning districts and uses.

Discussion on the motion on the floor.

There was a brief discussion on the principal uses permitted in the B-3 zoning district in relation to the size of the subject property.

Vote on the motion on the floor.

Yes: Hutson, Maxwell, Sanzica, Schultz, Tagle

No: Vleck

Absent: Strat, Ullmann, Wright

**MOTION CARRIED**

Mr. Vleck said he does not disagree with the proposed use, but he would prefer to see a conditional rezoning on the site so there would be more control with the integration of its use with surrounding properties.

DATE: December 1, 2008

TO: Planning Commission

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

SUBJECT: PUBLIC HEARING – REZONING APPLICATION – Proposed Animal Advocates Veterinary Hospital, North side of Long Lake, East of Rochester Road, Section 11 – B-2 to B-3 (Z-734)

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner is Arkan Jonna of AFJ Long Lake, LLC. The applicants are Stephanie Bellisario, Maureen Birley, and Colleen Overla of Animal Advocates Veterinary Hospital.

Location of Subject Property:

The property is located on the north side of Long Lake Road, east of Rochester Road, in section 11.

Size of Subject Property:

The property is approximately 0.67 acres in size.

Current Use of Subject Property:

A small vacant multi-tenant retail building currently sits on the property.

Current Zoning Classification:

B-2 Community Business.

Proposed Zoning of Subject Parcel:

B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes to use the existing building to house a veterinary hospital. The applicant is not proposing any additional construction on the site.

Zoning Classification of Adjacent Parcels:

North: B-2 Community Business.

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

East: B-2 Community Business.

West: H-S Highway Service.

Current Use of Adjacent Parcels:

North: Vacant retail building.

South: Belle Tire and bank.

East: Shopping center.

West: Gas station.

**ANALYSIS**

Range of Uses Permitted in Proposed B-3 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-2 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.

Mortuary establishments.

Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities.

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.

Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up windows or service facilities, as an accessory to restaurants permitted within this district.

Drive-up service facilities, as accessory to principal permitted uses within B-3 Districts, apart from restaurants.

Bowling alley, billiard hall, indoor archery range, indoor skating rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-3 District.

Outside seating of twenty (20) seats or less for restaurants, or other food service establishments.

**USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL**

Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational.

Motel or hotel.

Veterinary hospitals.

Commercial kennels.

Automobile repair garages.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

**Potential Storm Water and Utility Issues:**

The applicant proposes no additional construction on the property.

**Compliance with Location Standards of the B-3 District:**

There are no Location Standards for the B-3 General Commercial District.

**CONSISTENCY WITH CITY OF TROY MASTER PLAN**

**Quality of Life Considerations:**

Rezoning the parcel would expand its development potential as B-3 permits a wider range of uses than does B-2.

**Design and Community Character Considerations:**

The parcel abuts a service station, a shopping center and a vacant retail building. The vacant building on the subject parcel could be re-used under the provisions of the B-3 zoning district. If rezoned from B-2 to B-3, the underlying zoning will remain retail. The B-3 district permits a wider range of uses than B-2 does, however the small parcel size limits its development potential for some of the more intense uses.

**Preservation and Enhancement of Natural Features:**

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

**Low Impact Development Considerations:**

The application indicates the applicants intend to re-use the existing building. There is no indication that the applicant intends to utilize LID techniques.

Non-motorized Access Considerations:

The development will require building perimeter sidewalks and a connection to the public sidewalk on Long Lake Road.

Access Management Considerations:

Access to the property is provided by two curb cuts on Long Lake Road. Access management could be improved in this area through the reduction in the number of curb cuts and the use of cross-access easements and shared parking.

Compliance with Ten Tenets of Smart Growth:

The following is a list of the Ten Tenets of Smart Growth:

1. Create a range of housing opportunities.
2. Create walkable communities.
3. Encourage community and stakeholder collaboration in development decisions.
4. Foster distinctive, attractive communities with a strong sense of place.
5. Make development decisions predictable, fair, and cost effective.
6. Mix land uses.
7. Preserve open space, farmland, natural beauty and critical environment areas.
8. Provide a variety of transportation options.
9. Strengthen and direct development towards existing communities.
10. Take advantage of compact building design.

The application indicates the existing vacant building will be reused. Reusing the building will add a B-3 use within an established Neighborhood Node.

Compliance with Future Land Use Plan of the Master Plan:

The Master Plan calls for a Neighborhood Node at the corner of Long Lake Road and Rochester Road (Neighborhood Node L). The Master Plan proposes that the node "should remain, predominantly commercial, catering to local needs and regional traffic. New development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development".

The rezoning application is consistent with the Future Land Use Plan.

**CITY MANAGEMENT RECOMMENDATION**

The rezoning application is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses.

City Management recommends approval of the rezoning request.

cc: Applicant  
File / Z 734

## Statement of Intent for the City of Troy Rezoning Board

Animal Advocates Veterinary Hospital would like to open our business at 1047-1055 Long Lake Road. We feel our business would greatly benefit the city of Troy in the following ways:

1. We would provide quality veterinary care to Troy residents, as well as bringing in business from surrounding cities, which would aid in boosting Troy's economy.
2. We would become actively involved in the Troy community by participating in Troy Daze and other community events.
3. We would promote the city of Troy by providing veterinary educational tours of our facility to local schools and organizations.
4. We also plan on improving the appearance of the building by refinishing the parking lot and updating its exterior/interior making it aesthetically pleasing to the community.
4. We would occupy a currently vacant building with a successful business.

We do not plan on hindering or impinging upon any existing businesses, and our practice will be a small animal exclusive facility.

1. Our office hours will be 8 AM – 6 PM, M, T, W, and F. Thursdays, we will be open from 8 AM – 8 PM, and Saturdays, from 8 AM – 1 PM. We will be closed on Sundays.
2. We do not plan on having any boarding services at our facility, and there will be no outdoor kennels.
3. We plan on performing approximately 98% outpatient procedures with only overnight stays of hospitalized animals when necessary.
4. We will be diligent in cleaning up pet waste daily.

We look forward to practicing in Troy, and we appreciate your time and consideration in this matter.

Sincerely,

Stephanie Bellisario, D.V.M.

Maureen Birley, D.V.M.

Colleen Overla, D.V.M.

REC'D

NOV 10 2008

PLANNING DEPT.





## CITY COUNCIL REPORT

DATE: December 17, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Street Vacation — Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number: SV 163-C)

### Background:

- A public hearing is scheduled for the January 26, 2009 City Council meeting.
- The Planning Commission recommended approval of the street vacation request at the December 9, 2008 Regular meeting.
- The right-of-way was approved as a platted street (originally platted as “Melita Avenue”) in 1927 as part of the Burgess Bungalow Subdivision. The street is unimproved.
- The subject property is located entirely within the proposed PUD #10, Big Beaver Kilmer Mixed Use Planned Unit Development, which received Concept Development Plan Approval by City Council on December 15, 2008.
- Following vacation, ownership will revert to the applicant, who owns the property within the plat to the north and south of the proposed street vacation.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to act on this application.
- The State of Michigan may require the Burgess Bungalow Subdivision plat to be amended.

Policy Considerations:

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

Options:

- City Council can approve or deny the street vacation request.
- No City Council action until the January 26, 2009 public hearing.

Attachments:

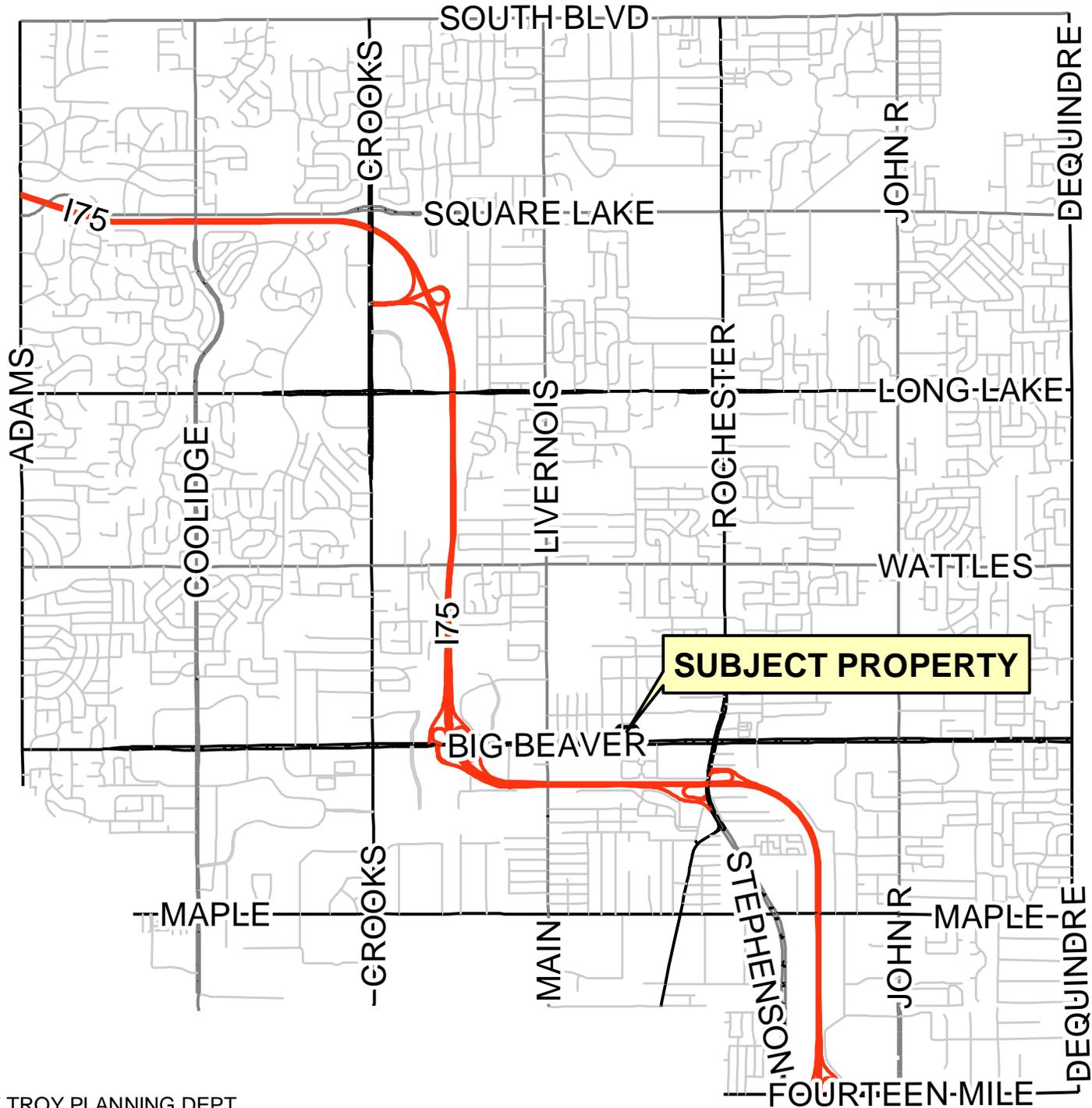
1. Minutes (draft) from the December 9, 2008 Planning Commission Regular meeting.
2. Planning Commission report dated December 2, 2008.

Prepared by RBS/MFM

cc: Applicant  
File /SV 163-C

G:\STREET VACATION\SV 163 C Myrtle Ave Sec 22\Announce CC Public Hearing 01 05 09.docx

# CITY OF TROY



STREET VACATION REQUEST  
MYRTLE AVE. (AKA MELITA AVE) - 50' WIDE STREET  
EXTENDING 272.73' E OF KILMER  
N OF BIG BEAVER, E SIDE OF KILMER  
SEC. 22 (SV 163 C)

LANGSTON

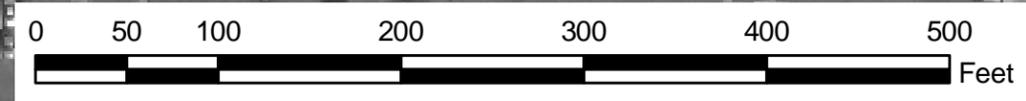
KILMER

EX. MYRTLE AVE (AKA MELITA AVE)  
REQUESTED TO BE VACATED

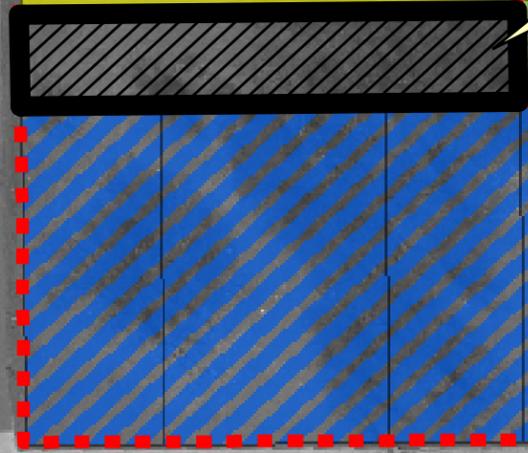
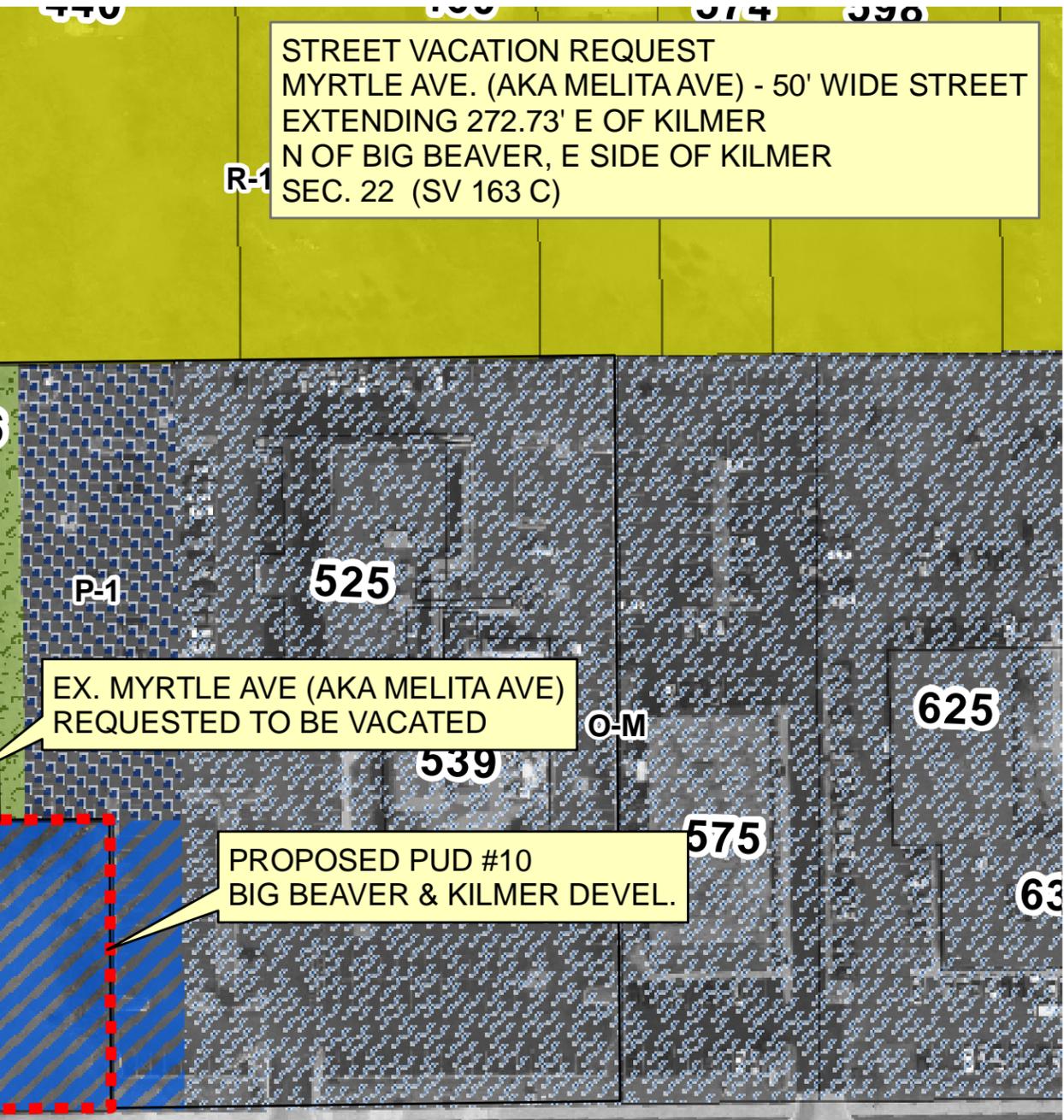
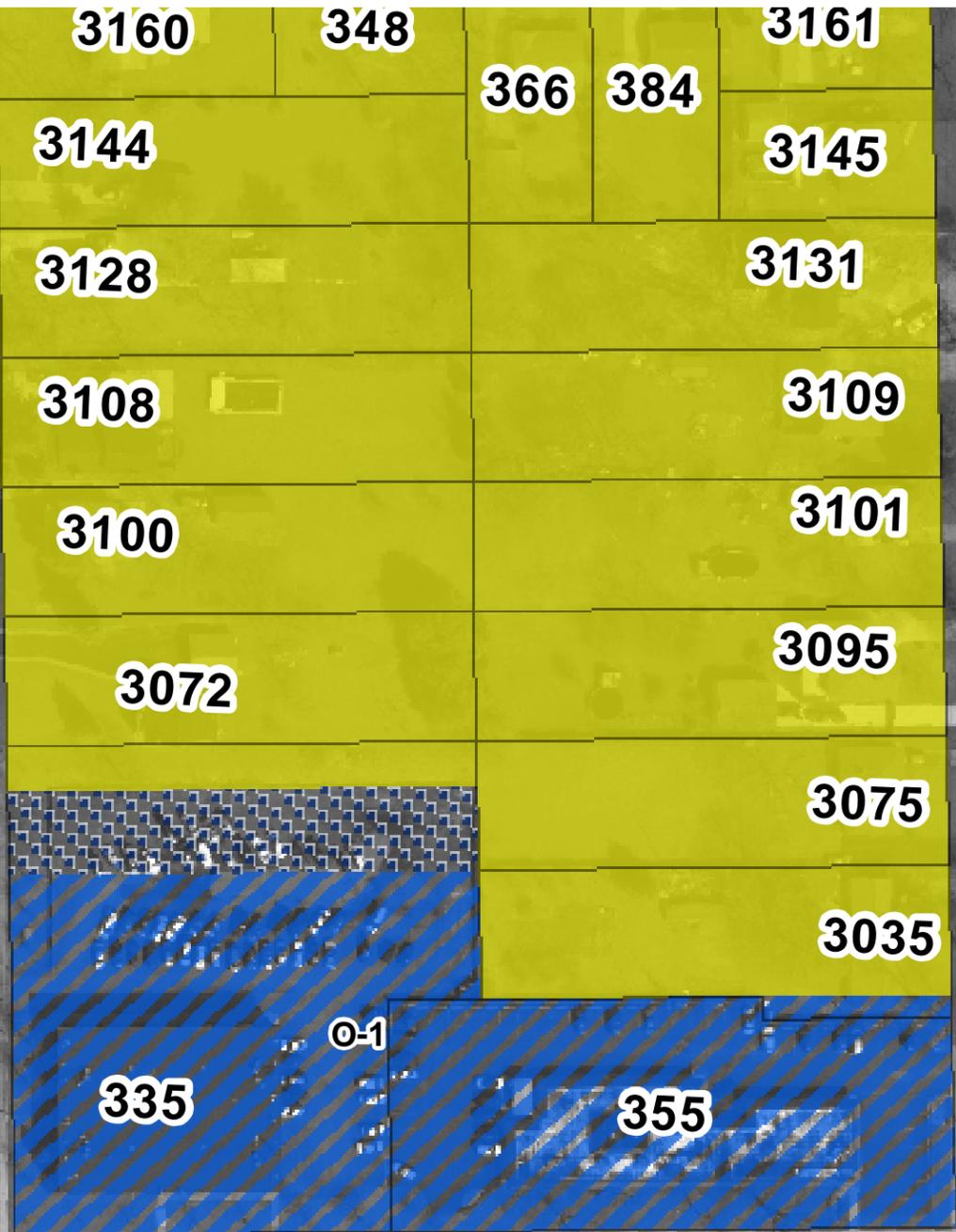
PROPOSED PUD #10  
BIG BEAVER & KILMER DEVEL.

E BIG BEAVER

CHARTER

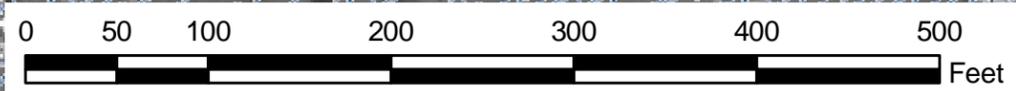


STREET VACATION REQUEST  
MYRTLE AVE. (AKA MELITA AVE) - 50' WIDE STREET  
EXTENDING 272.73' E OF KILMER  
N OF BIG BEAVER, E SIDE OF KILMER  
SEC. 22 (SV 163 C)



EX. MYRTLE AVE (AKA MELITA AVE)  
REQUESTED TO BE VACATED

PROPOSED PUD #10  
BIG BEAVER & KILMER DEVEL.



## STREET VACATION

7. PUBLIC HEARING – STREET VACATION REQUEST (SV 163-C) – Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, 50 feet wide and approximately 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22 (located within proposed PUD #10 BBK)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request.

Cary Gitre of Landus Development, 412 Willits, Birmingham, was present to represent the petitioner.

### PUBLIC HEARING OPENED

No one was present to speak.

### PUBLIC HEARING CLOSED

#### **Resolution # PC-2008-12-147**

Moved by: Sanzica  
Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Myrtle Avenue, located east of Kilmer and north of Big Beaver, approximately 50 feet wide and 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22, be approved.

**BE IT FURTHER RESOLVED**, That the applicant shall cause to be completed a vacated, corrected or revised plat conforming to the requirements of the Land Division Act, MCL 560.221, et. seq., for the areas affected by this vacation request, if required by the State of Michigan.

**BE IT FINALLY RESOLVED**, That the applicant shall deliver a recorded copy of the court judgment regarding the aforesaid vacated, corrected or revised plat, if required, to the City Attorney's Office prior to any construction commencing on the parcel.

Yes: All present (6)  
Absent: Strat, Ullmann, Wright

**MOTION CARRIED**

DATE: December 2, 2008

TO: Planning Commission

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

SUBJECT: PUBLIC HEARING – STREET VACATION APPLICATION (SV 163-C) – Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22

### **GENERAL INFORMATION**

Name of applicant(s):

The applicant is Ryan S. Marsh of Marsh – BBK, LLC.

History of Street:

The property is located entirely within the proposed PUD #10, Big Beaver Kilmer Mixed Use Planned Unit Development. The right-of-way was approved as a platted street (originally platted as “Melita Avenue”) in 1927 as part of the Burgess Bungalow Subdivision. The street is unimproved.

Following vacation, ownership will revert to the applicant, who owns the property within the plat to the north and south of the proposed street vacation.

Length and width of right of way.

The Myrtle Avenue right-of-way is approximately 272.73 feet long by 50 feet wide. The Myrtle Avenue right-of-way abuts lots 19, 20, 21 and 22 of Burgess Bungalow Subdivision to the north, and part of lot 135 of the Replat of Outlot A, Big Beaver Subdivision and lots 1 through 3 of Supervisor’s Plat No. 9 Subdivision to the south.

Zoning of abutting parcels:

North: R-1E One Family Residential.  
South: O-1 Low Rise Office.  
East: E-P Environmental Protection.  
West: Not zoned (Kilmer Avenue).

Use of adjacent parcels:

North: Single family residential.  
South: Vacant.  
East: Landscape buffer for Willow Office Center and Bahama Breeze Restaurant.  
West: Kilmer Avenue.

## **ANALYSIS**

### Reason for street vacation (as stated on the Street/Alley Vacation Application):

The reason given in the application is: "To accommodate Troy PUD 10".

### Impact on utilities:

There are no City-owned public utilities (water, sewer or storm sewer) located within the right of way. Other public utility agencies were notified of the street vacation request in writing.

### Impact on access to existing lots or buildings:

The applicant owns the property on both the north and south sides of the right of way. Access to abutting properties will not be impacted by vacation of the right of way.

### Plat/Land Division Implications

The State of Michigan may require the Burgess Bungalow Subdivision plat to be amended.

## **CITY MANAGEMENT RECOMMENDATION**

City Management recommends approval of the street vacation request for Myrtle Avenue.

### Attachments:

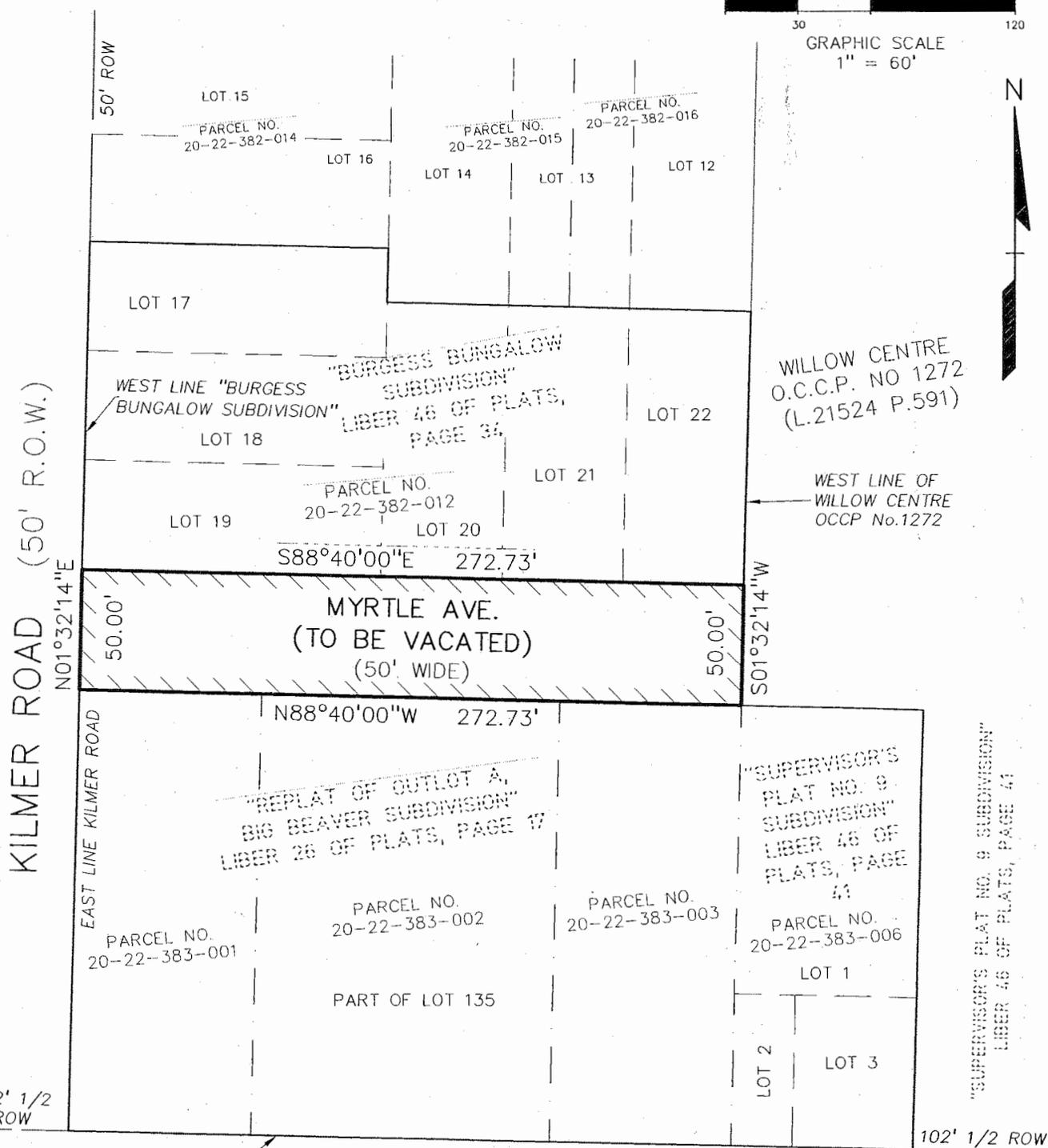
1. Maps.

cc: Applicant  
File/ SV 163-C

G:\STREET VACATION\SV 163 C Myrtle Ave Sec 22\SV 163 C PC Report.docx



SKETCH OF VACATION



KILMER ROAD (50' R.O.W.)  
N01°32'14"E

WILLOW CENTRE  
O.C.C.P. NO 1272  
(L.21524 P.591)

MYRTLE AVE.  
(TO BE VACATED)  
(50' WIDE)

"REPLAT OF OUTLOT A,  
BIG BEAVER SUBDIVISION"  
LIBER 26 OF PLATS, PAGE 17

"SUPERVISOR'S  
PLAT NO. 9  
SUBDIVISION"  
LIBER 46 OF  
PLATS, PAGE 41

"SUPERVISOR'S PLAT NO. 9 SUBDIVISION"  
LIBER 46 OF PLATS, PAGE 41

NORTH LINE OF  
BIG BEAVER ROAD  
BIG BEAVER ROAD  
(102' 1/2 R.O.W.)

**LEGAL DESCRIPTION**

(Myrtle Avenue to be Vacated)

All of Myrtle Avenue (50 feet wide), as platted in "Burgess Bungalow Subdivision" (recorded in Liber 46 of Plats, Page 34, Oakland County Records), lying easterly of the east line of Kilmer Road (50 feet wide) and westerly of the west line of Oakland County Condominium Plan No. 1272, being known as "Willow Centre" (recorded in Liber 21524, Page 591, Oakland County Records).

PROFESSIONAL ENGINEERING ASSOCIATES  2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
--

CLIENT: T.H. MARSH CONSTRUCTION CO. 12725 STARK ROAD LIVONIA, MI., 48150	SCALE: 1" = 60'	JOB No: 2007101
	DATE: 9-24-08	DWG. No: 1 of 1

**TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**

**APRIL 1, 2008**

This meeting of the Troy Historic District Study Committee was held Tuesday, April 1, 2008 at the Troy Museum & Historic Village. The meeting was called to order at 7:34 P.M.

- ROLL CALL**
- PRESENT:** Kevin Lindsey  
Kinda Hupman  
Bob Miller  
Charlene Harris-Freeman
- ABSENT** Linda Rivetto  
Paul Lin
- STAFF:** Loraine Campbell
- GUEST** Ross Nicol  
1718 Rolling Woods Dr.  
Troy, MI

**Resolution #HDSC-2008-04-001**  
**Moved by Harris-Freeman**  
**Seconded by Hupman**

**RESOLVED, That the absence of Rivetto and Lin be excused**  
Yes: 4— Lindsey, Hupman, Miller, and Harris-Freeman  
No: 0

**MOTION CARRIED**

**Resolution #HDSC-2008-04-002**  
**Moved by Miller**  
**Seconded by Harris-Freeman**

**RESOLVED, That the minutes of February 5, 2007 be approved**  
Yes: 4— Lindsey, Hupman, Miller, and Harris-Freeman  
No: 0

**MOTION CARRIED**

**OLD BUSINESS**  
**A. Above Ground Surveys**  
No additional surveys completed.

**A. Request to Delist 5875 Livernois**

Kevin Lindsey will draft the preliminary report for the May meeting.

**PUBLIC HEARING**

The hearing to review the preliminary report to amend the boundaries of the historic district known as The Troy Museum & Historic Village was called to order at 8:20 PM by Kevin Lindsey. The report and comments by the State Historic Preservation Office were reviewed by the committee.

**Resolution #HDSC-2008-04-003**

**Moved by Hupman**

**Seconded by Harris-Freeman**

**RESOLVED, That the Preiminary Report to amend the boundaries of the Historic District known as The Troy Museum & Historic Village be approved as amended and referred to the Historic district Commission and Planning Commission for approval and their recommendations to City Council.**

Yes: 4— Lindsey, Hupman, Miller, and Harris-Freeman

No: 0

**MOTION CARRIED**

The Public Hearing was adjourned at 8:25 PM.

The Troy Historic Study Committee Meeting was adjourned at 8:27 PM. The next meeting will be held Tuesday, May 5, 2008 at 7:30 PM at the Troy Museum & Historic Village.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL MAY 5, 2008**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, May 5, 2008 at the Troy Museum because of lack of quorum.

The next regular meeting will be held, Tuesday, June 2, 2008 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL JUNE 2, 2008**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, June 2, 2008 at the Troy Museum because of lack of quorum.

The next regular meeting will be held, Tuesday, September 2, 2008 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL SEPTEMBER 2, 2008**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, September 2, 2008 at the Troy Museum because of lack of quorum.

The next regular meeting will be held, Tuesday, October 7, 2008 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

## PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, September 25, 2008 at the Troy Community Center. Chairman, Tom Krent called the meeting to order at 7:00 p.m.

Present:	Gary Hauff, member	Pauline Noce, member
	Rusty Kaltsounis, member	Kathy Fejes, member
	Tom Krent, member	Meaghan Kovacs, member
	Stuart Redpath, member	Jeff Stewart, member
	Stuart Alderman, staff	Carol K. Anderson, staff

Absent: Tod Gazetti, Jan Zikakis, Divya Subramanian.

**Resolution # PR - 2008 - 09 - 09**

Moved by Fejes

Seconded by Hauff

RESOLVED, that the minutes from March 27, 2008 are approved as submitted.

Yes: All

Nays: None

MOTION CARRIED

**New Business**

- A. Legal Update – The City Attorney, Lori Bluhm, was unable to attend the Parks and Recreation Advisory Board meeting. She is planning to attend the November meeting to review the open meetings act and the duties of this board.
- B. Trails Masterplan RFP – Recently a request for proposal was sent out for a Masterplan to design a trails/pathway system throughout the City. The proposals are due by October 15, staff will review the proposals and make a recommendation for award.
- C. Raintree Park Path – A new pathway was installed in Raintree Park this past spring. It is a one mile path around the park. One resident has expressed opposition to the path so a berm and landscaping will be installed. The disc golf course at that park will be redesigned in order to accommodate the new pathway.
- D. Troy Youth Football Field Usage – A soccer field at Firefighters Park was redesigned for Troy Youth Football use. Troy Youth Football is a private, citizen run group that is an extension of Parks and Recreation. The Parks and Recreation department supplies the fields and maintenance of the fields while these groups take care of registration, provide insurance certificates, scheduling of games and officials etc. These groups also pay 40% of the field maintenance costs.

**Old Business**

- A. Nature Center Deer – There was an article in the Fall Troy Today regarding the deer population at the Nature Center. So far there have been approximately 20 responses of which most were in favor of a deer management plan. More public education will be done before any plan is implemented.

**Member Comments**

Meaghan Kovacs had three suggestions to offer for consideration.

1. Giving the child of a parent that volunteers to coach a youth program the program without cost. Ms. Anderson explained that it would mean all the other children would pay more for that program.
2. Having a wait list for each school so that a child enrolling late can be on their neighborhood team. Mr. Alderman explained that immediately following the deadline teams are formed. If a parent enrolls a child after the deadline, they are not guaranteed a spot on their neighborhood team but they are put on a waitlist and given the first team available to play on.
3. Creating a pass which would incorporate unlimited use of fitness classes. Ms. Anderson explained that we have contractors that are not employees so they are paid on a per student basis. Secondly, for those patrons that only want to use one feature of the fitness area or will only take a class on certain days of the week, they should not have to pay a part of everything else. We do offer a reduced price for patrons with a pass to the Community Center.

Rusty Kaltsounis asked if there was a park in the area of Livernois and Crooks and Square Lake and South Blvd. North Glen park exists in this area but is largely undeveloped.

**Staff Reports**

- A. Directors Report – Troy Daze was canceled due to inclement weather. The revenues vs. expenses has not been calculated as of yet. Damage to the park was less than in previous years. Park Board members asked for a report on revenue/expenses of the festival.

Golf – The weather in April, May and June did not help with rounds at the golf courses. August had the highest number of rounds at Sanctuary Lake. Staff will continue marketing Sanctuary Lake in order to raise awareness of the golf course.

Aesthetic improvements are being made to Sylvan Glen at the corner of Square Lake Road and Rochester Road. This is a high traffic corner and improving this area gives Sylvan Glen a better identity.

**Resolution # PR 2008 – 9 – 10**

Moved by: Hauff

Seconded by: Fejes

Resolved, that the October meeting is canceled unless an issue arises which necessitates a meeting. The next meeting will be November 20.

Yes: All

No: None

MOTION CARRIED

- B. Recreation Report – the summer season saw the registration numbers for Sports camps and other popular camps down slightly.

The Aquatic Center got off to a slow start due to the weather in the spring. Overall attendance was 3,000 less than last season and revenues were down \$3600 from last year. Not as many season passes were sold however the daily pass attendance was up. Swim lessons saw an increase of approximately \$4,000 over last year.

A new promotional item, a coloring book, has all our facilities in it.

The Nature Center has a new mastodon dig exhibit. Children can walk through the rib cage and there are real fossil bones buried so that kids can dig up the bones. There is also an aqua wall which will house all the aquariums for display of the animals.

Community Center hours will be reduced as of October 6. On Saturdays, the Community Center front desk will close at 1 pm and during the week the front desk will close at 9 pm. The savings will be more than \$10,000 per year. The meeting rooms and recreational area will still be open until 10:30 pm.

The Fitness room will shut down for one week while new flooring is installed. Some equipment will be moved to the cardio rooms and a portion of the gym.

New wallcoverings were installed over the summer in the banquet and fitness areas.

- C. Parks Report – The solar house grand opening will be Friday, October 3 at 1 pm. On October 4, there will be an open house with tours and demonstrations. We will begin using the solar house for various programs as soon as training is complete.

There is a new shelter in the green space at the northeast corner of the Community Center. This area will have a walking path and gardens.

**Resolution # PR – 2008 – 09 – 11**

Moved by Redpath

Seconded by Fejes

RESOLVED, that absent members are excused.

Yes: All

No: None

MOTION CARRIED

The meeting adjourned at 8:30 p.m.

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Tom Krent, Chairman

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Mary Williams, Recording Secretary

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL OCTOBER 7, 2008**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, October 7, 2008 at the Troy Museum because of lack of quorum.

The next regular meeting will be held, Tuesday, November 4, 2008 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 10, 2008, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:20 p.m.

**Trustees Present:** Nancy Bowren  
Mark Calice  
Thomas J. Gordon, II  
Martin F. Howrylak (Arrived at 12:24pm)  
John M. Lamerato  
Phillip L. Nelson

**Trustees Absent:** Michael Geise  
William R. Need (Ex-Officio)

## **Minutes**

### **Resolution # ER – 2008-10-40**

Moved by Lamerato  
Seconded by Nelson

RESOLVED, That the Minutes of the September 10, 2008 meeting be approved.

Yeas: All – 6  
Absent: Geise

### **Other Business – Open Meetings Act and Freedom of Information Act**

Lori Grigg Bluhm, City Attorney reviewed with the Board provisions of the Open Meetings and Freedom of Information Acts.

### **Other Business – MAPER's One Day Seminar**

Members were informed of the one day seminar to be held in Troy. Members wishing to attend are to contact John Lamerato.

**Other Business – Special Meeting**

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**Resolution # ER – 2008-10-41**

Moved by Bowren

Seconded by Howrylak

RESOLVED, That the Board hold a special meeting on Wednesday, October 15<sup>th</sup>, 2008 at 1:30pm in Conference Room C, 500 W. Big Beaver Road, to review investment holdings.

Yeas: All – 6

Absent: Geise

**Investments**

---

**Resolution # ER – 2008-10-42**

Moved by Howrylak

Seconded by Bowren

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

**Buy:** 40 shares Berkshire Hathaway B

**Sell:** American Express  
6,000 Panera Bread  
4,000 Jan 50 calls Panera Bread

Yeas: All – 6

Absent: Geise

**Public Comment**

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None.

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

The meeting adjourned at 1:40 p.m.

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Mark Calice, Chairman

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John M. Lamerato, Secretary

JML/bt\Retirement Board\2008\10.08.08 – Minutes\_Final - Amended

A meeting of the **Troy Youth Council (TYC)** was held on October 22, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. Jason Lee called the meeting to order at 7:05 p.m.

**MEMBERS PRESENT:** Willa Adamo (Secretary)  
Disha Bora  
Jason Lee (Chair)  
Vikram Prasad  
Sevita Rama  
Shaina Sekhri  
Emily Wang

**MEMBERS ABSENT:** Geon Woo Kim, Jennifer Liang, Joseph Niemiec, Neil Shaw  
Rachita Singh, David Wylie

**VISITORS:** Lori Bluhm, City Attorney

**STAFF PRESENT:** Scott Mercer, Recreation Supervisor

### **1. Roll Call**

### **2. Approval of Minutes**

Resolution # TY-2008-10-15

Moved by                Sekhri  
Seconded by            Prasad

RESOLVED, That the minutes of September 24, 2008 be approved.

Yes:                    All – 7

No:                     0

Absent:                6 – Kim, Liang, Niemiec, Shaw, Singh, Wylie

### **3. Attendance Report:**

Report reviewed by council members, no comments.

### **4. Visitors**

Lori Bluhm, City Attorney

Presented information regarding:

City attorney's office

History of Troy Youth Council

Open Meetings Act

Meeting Rules

Sunshine Laws

FOIA

### **5. Teens Taking Action**

No Update

### **6. Troy Daze**

No Update

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

**No Motion**

Resolution # TY-2008-10-16

Moved by           Bora  
Seconded by       Wang

**RESOLVED** that Liang, Niemiec, Shaw and Singh are excused.

Yes:                   7  
No:                    0  
Absent:               6 - Kim, Liang, Niemiec, Shaw, Singh, Wylie

**8. Youth Council Comments – None**

**9. Public Comments – None**

**10. Adjournment – 8:10 p.m.**

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Jason Lee, Co-chair

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Scott Mercer, Recreation Supervisor

Reminder Next Meeting: November 19 at 7:00 P.M.

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL NOVEMBER 4, 2008**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, November 4, 2008 at the Troy Museum because of lack of quorum.

The next regular meeting will be held, Tuesday, December 2, 2008 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, November 12, 2008, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

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

**Trustees Present:**

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

### Minutes

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#### **Resolution # ER – 2008-11-44**

Moved by Lamerato  
Seconded by Nelson

RESOLVED, That the Minutes of the October 15, 2008 special meeting be approved.

Yeas: All – 7

#### **Resolution # ER – 2008-11-45**

Moved by Howrylak  
Seconded by Nelson

RESOLVED, That the investment transactions of the October 8, 2008 board meeting be reviewed.

Yeas: All – 7

### Other Business – September 30, 2008 Investment Performance Report

John Grant and Rebecca Sorensen of UBS reviewed our current corporate bond holdings and the September 30, 2008 investment performance report.

### Other Business – Prior Government Service

---

The board received and filed the prior governmental service request of Roger Lynn.

**Other Business – 2009 Employees' Retirement System Meeting Dates**

**Resolution # ER – 2008-11-46**

Moved by Lamerato  
Seconded by Nelson

RESOLVED, That the board approve the 2009 meeting dates contained on the attached communication.

Yeas:            All – 7

**Other Business – Voluntary Separation Retirement Incentive Programs**

John M. Lamerato reviewed the voluntary separation retirement incentive programs with the board. The reports were received and filed.

**Investments**

**Resolution # ER – 2008-11-47**

Moved by Lamerato  
Seconded by Gordon

RESOLVED, That the board sell the following investments:

**Sell:**                    T Rowe Price  
                              5,000 Goldman Sachs  
                              5,000 calls Goldman Sachs Dec. 65/70  
                              5,000 calls Exxon Dec. 80

Yeas:            All – 7

**Public Comment**

Mark Colombo former employee and retiree had some questions answered regarding the voluntary separation retirement incentive programs.

The next meeting is December 10, 2008 at 1:30 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:10 p.m.

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Mark Calice, Chairman

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John M. Lamerato, Secretary

JML/bt\Retirement Board\2008\11.12.08 – Minutes\_Final

The Vice- Chairman, Glenn Clark, called the special meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Thursday, November 13, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik  
Glenn Clark  
Kenneth Courtney  
Matt Kovacs  
David Lambert  
Tom Strat

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

ABSENT: Marcia Gies

Motion by Courtney  
Supported by Bartnik

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

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

MOTION TO EXCUSE MS. GIES CARRIED

**ITEM #1 – VARIANCE REQUEST. LISA COURY & JAMES STEWART, 924 HANNAH**, for relief of the Ordinance to construct a two-story gambrel style roofed building with a building height of 17' where Section 40.56.02 limits detached accessory buildings to not more than one story and not more than a 14' maximum building height.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a detached accessory building. The plans submitted indicate the construction of a two-story detached garage/storage building. The plans further show this gambrel (barn) style roofed building with a building height of 17' as measured by the Zoning Ordinance. With this style of building there is a storage area located above on the second floor and by definition this is considered to be a two-story building.

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

This item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the petitioners the opportunity of a full Board.

**ITEM #1 – con't.**

Mr. Stewart passed out additional documentation to the Board members and Mr. Stimac explained that the only difference between the original site plan submitted and this site plan, was that the garage is proposed to be 13' from the rear property line rather than the previously submitted request of 8' from the rear property line. That change did not impact the variance requested or the public hearing notices that were sent.

Mr. Kovacs stated that the petitioner is proposing to construct a garage that is 24' x 28', and asked what amount of square footage would be allotted for this property.

Mr. Stimac said that it is most likely to be limited by the square foot area of the ground floor of the existing building. The proposed garage does fall within these limits. The land area may allow additional square footage, but an accessory building cannot exceed a certain percentage of the square footage of the ground floor of the existing building.

Mr. Stewart thanked everyone for coming this evening. Mr. Stewart stated that the Ordinance would allow him to construct a one-story building that is 40' long and 24' wide and all he is asking for is a variance of 3' in height. Mr. Stewart changed the location of the garage due to the location of the trees. One of the trees has a trunk that is approximately 4' wide and the tree located closer to the rear property line does not have as large a spread. Mr. Stewart checked with a water level measurement and the existing garage floor is 2" lower than the street. There is a 7' drop from the center of the existing garage floor to the proposed garage.

Mr. Courtney asked about the house located behind Mr. Stewart's property.

Mr. Stewart stated that the house behind is lower than their house. Mr. Stewart also spoke to the people in the area that objected to this request and explained what he could construct compared to what he is asking for. The homeowner at 951 Deetta stated that he approves of this request as long as Mr. Stewart did not run his business from this location.

Mr. Kovacs stated that he understood that the petitioner was attempting to save the existing trees and asked if Mr. Stimac was able to verify the square footage that would be allowed for an accessory structure on this property.

Mr. Stimac stated that it will, in fact, be regulated by the size of the land, which has 23,150 square feet of area. 2% of that figure is 463 square feet and the petitioner can have an additional 450 square feet, which would equal 913 square feet. Mr. Stimac said that would be slightly smaller than a 40' x 24' square foot building.

Mr. Kovacs said that he believes the Board could limit the amount of the ground floor of an accessory building to 672 square feet. Mr. Kovacs also stated that he did not want to grant a variance for 672 square feet and then have the petitioner come back and

**ITEM #1 – con't.**

request the additional square footage of accessory buildings he would be allowed.

Mr. Stewart said that as long as he could get the size they were requesting they would not come back for a larger variance.

Mr. Courtney asked if the neighbor behind the petitioner understood the height of the proposed building.

Mr. Stewart stated that he had gone to all the neighbors and distributed paperwork showing what the proposed height of the garage was.

Mr. Bartnik asked if there was a fence or vegetation between their house and the property behind them.

Mr. Stewart stated that is the only area of open space between the neighbors. Further to the right there are pine trees that would block the view of this garage.

Mr. Bartnik asked what types of trees were located in the yard.

Mr. Stewart said that he believes they are maples.

Mr. Strat said that he believes there are other locations that this garage could be constructed without affecting existing trees. This garage could be constructed on the west side of the property.

Mr. Stewart said that he did not want to split up the yard and this is the main reason they want the garage in this location.

Mr. Strat said that what the petitioner is showing as a hardship is really their own hardship as to where they want to locate the garage. The doors don't have to necessarily face the north; there are other ways to locate the garage.

Mr. Clark asked for some clarification regarding the restrictions regarding accessory buildings and why only one-story is allowed.

Mr. Stimac stated that the regulations regarding one-story limitations to accessory buildings have been around for at least 28 years. The garage on Alpine is a one-story building and also is attached to the house and therefore has different limitations to it. There are a couple of other accessory buildings in this area that are two-stories and they were granted variances over the years. The one-story 14' height limitation in the Ordinance only applies to detached accessory buildings.

Mr. Clark said that if he had a two-story detached garage in his neighborhood, he could guarantee that his neighbors would have a number of objections to this structure. Mr.

**ITEM #1 – con't.**

Clark also asked what would prevent other people in the neighborhood asking for two-story structures.

Mr. Stewart stated that there are three (3) structures in the neighborhood that are larger than what the Ordinance allows. They purchased this home because it had a large yard and the neighbor right across the street has a larger building on their property. Mr. Stewart stated that they are trying to stay within the intent of the neighborhood and this would be a smaller building than what is allowed by the Ordinance. Mr. Stewart also said that the homes across the street from their home have access to garages at the rear of the property due to the fact that their lots back up to Lovell. This structure will fit the neighborhood. The farther south you go the larger the yards are. Mr. Stewart said that the “monster” garage did not help his case at all.

Mr. Strat said that he did not think the garage at 914 Hannah was as high as this one.

Mr. Stewart said that he was there and it is as high as what he is proposing. The second floor has more space because of the truss that was used. That garage also has a 4' high knee wall.

Mr. Strat asked why they need a two-story structure.

Ms. Coury said that they have two trailers that will take up most of the space and they plan to alter their existing garage into living space, and everything from that garage will have to fit into the new garage.

Mr. Stewart said that it would be used mainly for storage. Mr. Stewart plans to have the garage door go completely over the trailer and because of the height of the trailer the ceiling needs to be a little higher. Mr. Stewart has a lot of equipment and has a lot of stuff at his mother's home that he would like to bring over and store on his property.

Mr. Strat asked if Mr. Stewart was running a business out of his home.

Mr. Stewart said that he is a video operator and also has a business as a “handy man”, although he is phasing that out as he makes more money as a video operator. There is a lot of equipment and some of it is used to rake the leaves on his property. Mr. Stewart said that he does have a business but does not necessarily work out of his home. He has a power washer and saws.

Mr. Kovacs asked if Mr. Stewart had employees that come to the house.

Mr. Stewart said that he has one employee and depending on where they are going he either parks in the driveway or Mr. Stewart picks him up. Mr. Stewart also stated that his business address is 2794 English Drive.

**ITEM #1 – con't.**

Mr. Kovacs said that you cannot run a business out of your home. You can have a home office, but you are not supposed to have employees come to your house.

Mr. Stewart said that he has 10 or 15 customers that he power washes decks for and also did carpet cleaning. Mr. Stewart explained that he is a “handy man” and does odd jobs when people need them done.

Mr. Stimac questioned the fact that the office is located at 2794 English Drive.

Mr. Stewart said that address is his mother’s house and one-half of his equipment is still at that location. She is unable to use her garage and this is one of the reasons he wants to bring his equipment home.

Mr. Courtney asked how long they have been at the present address.

Ms. Coury stated it has been ten (10) years.

Mr. Courtney asked how Mr. Stewart does advertising.

Mr. Stewart said that he doesn’t advertise and uses his mother’s address only because he moved and didn’t change the address. He does not have a lot of mail that comes to him and does not have office equipment.

Mr. Courtney stated that Mr. Stewart has one employee now, but if there were more jobs the number of employees could increase.

Mr. Stewart stated that he is trying to get out of that business as he makes more money doing video and camera work. His employee either picks him up or he goes and picks him up.

Mr. Clark said that he thought that the renderings were very nice; however, he does not see a hardship that runs with the land. Mr. Clark also stated that he thought if this building was only one story the Board would not have a problem with it. Although, he understands Mr. Stewart’s concern regarding storage, he does not believe a two-story building is the answer.

Mr. Stewart stated that he does not believe a hardship applies to a garage and that a hardship should apply to health issues. A garage could be constructed that would be much larger than this structure and all he is asking for is a 3’ variance. A 40’ building would be a “monster” garage in his opinion and he does not believe that anyone would be able to see the fact that this is a two-story building. Mr. Stewart said that he is trying to come up with the most desirable location for this building. The Ordinance would allow a 40’ building and he is bringing it down to 28’.

**ITEM #1 – con't.**

Mr. Clark said that he understands what Mr. Stewart is saying but the Board will either accept or reject this proposal. A large one-story building would be harder to see than a two-story building.

Mr. Courtney explained that the Board cannot consider financial or health issues as a hardship that would allow a variance. A hardship has to run with the land.

Mr. Stewart stated that the garage is smaller than what would be allowed by the Ordinance and he is only asking for a 3' variance. Furthermore, if he attached the garage to his home, it could be constructed at 2 ½ stories and would not look good at all.

A discussion began regarding the possible location and size of the garage that would be allowed as well as putting a condition on approval of this request that would limit the size of any additional accessory buildings.

Mr. Strat explained to the petitioner that this Board could only grant a variance if the petitioner demonstrated a hardship. There are guidelines in place instructing the Board on the conditions that would permit a hardship. The petitioner could put this garage in a different location that would not destroy natural vegetation and would not require any type of variance.

Mr. Clark opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There is one (1) written objection on file.

Mr. Courtney stated that he felt the problem was that Mr. Stewart wanted a two-story building where one story should be sufficient.

Mr. Stewart said that the height of one of the trailers was 7' high and he would want at least an additional foot above that. Mr. Stewart also stated that he didn't want to waste his time and is trying to build something that he can get the most use of. He does not want to move it to another location as they have always wanted a large yard.

Mr. Bartnik said that this is a very large property and he believes that the garage could be constructed in another location without a variance.

Mr. Stewart said that there are telephone wires in the middle of the yard and the reason they chose this location was because of the large yard.

Mr. Bartnik stated that the Ordinance states that detached accessory buildings can only be one-story and the petitioner has not demonstrated a hardship that runs with the land.

**ITEM #1 – con't.**

Mr. Lambert stated that he understands the petitioner's needs, but would like clarification from staff on the natural features provision and how it would justify a variance.

Mr. Stimac stated that the Ordinance does have special findings that state that "...absent a variance natural features would be negatively affected." The petitioner has stated that in order to get a 913 square foot building, he would have to remove existing trees. One of the questions that the Board needs to address is if it is appropriate to build a 913 square foot building? Just because the ordinance allows for a 913 square foot building does not mean that it is appropriate to build one on every site. The second question is if the building could be put in another location that would not impact the existing trees?

Mr. Kovacs stated that if he did approve this variance he would want to put a limit on the size of any additional accessory structures. Mr. Kovacs also stated that he believes that the petitioner could build so much more than what he is asking for.

Motion by Kovacs  
Supported by Lambert

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

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a zoning district.
- Variance would not have an adverse effect to surrounding property.
- Absent a variance natural features would be destroyed.
- Conformance would be unnecessarily burdensome.
- Detached accessory structures would be limited to 672 square feet.
- Attached accessory structures would be limited to 280 square feet, which is what is currently on the property.

A discussion began about moving the garage further back and how the existing trees would be affected.

Mr. Strat stated that the building could be constructed as a one-story building and a variance would not be required.

The orientation of the garage on the property was discussed and there are other solutions available to the petitioner.

**ITEM #1 – con't.**

Mr. Stewart stated that the Ordinance would allow him to build a “monster” garage and this is something he did not want to do.

Mr. Strat stated that the Planning Commission is working on addressing the language in the Ordinance regarding detached accessory buildings, but did not have any idea of when or if that language would be changed.

Motion by Courtney  
Supported by Clark

MOVED, to amend the original motion to include a restriction that once a permit is issued to modify the existing home, that the area of the attached accessory structure would have to be eliminated.

Mr. Clark questioned this amendment and Mr. Courtney stated that if this variance is granted, and the petitioner makes changes to his home, he would not be able to build a second attached garage.

Mr. Kovacs said that he thought this condition would be overly burdensome for the petitioner.

Discussion began regarding this amendment and it was determined that if a Building Permit was issued to change the existing home the attached garage would have to be converted living space or removed.

Vote on the amendment.

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

**MOTION TO AMEND MOTION FAILS**

Vote on original motion to grant variance.

Yeas: 2 – Lambert, Kovacs  
Nays: 4 – Strat, Bartnik, Clark, Courtney  
Absent: 1 – Gies

**MOTION TO GRANT VARIANCE DENIED**

Mr. Kovacs stated that he would like to see the Board state the Special Findings when making a motion to approve or deny a request.

Mr. Clark stated that he would not be at the meeting of November 18, 2008 as he will be out of town.

The Board of Zoning Appeals meeting adjourned at 9:05 P.M.

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Glenn Clark, Vice-Chairman

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Pamela Pasternak, Recording Secretary

Member Lambert called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 18, 2008 in Council Chambers of the Troy City Hall.

Motion by Courtney  
Supported by Strat

MOVED, to have Member Lambert act as Chairman for this meeting as Chairman Kovacs and Vice Chairman Clark are both absent.

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

MOTION TO HAVE DAVID LAMBERT ACT AS CHAIRMAN CARRIED

PRESENT: Kenneth Courtney  
David Lambert  
Tom Strat  
Michael Bartnik

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

ABSENT: Glenn Clark  
Marcia Gies  
Matthew Kovacs

Motion by Courtney  
Supported by Bartnik

MOVED, to excuse Mr. Clark, Ms. Gies and Mr. Kovacs from this meeting for personal reasons.

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

MOTION TO EXCUSE MR. CLARK, MS. GIES AND MR. KOVACS CARRIED

**ITEM #1 – APPROVAL OF MINUTES- MEETING OF OCTOBER 21, 2008 & MEETING OF NOVEMBER 13, 2008**

Motion by Courtney  
Supported by Strat

MOVED, to approve the minutes of the meeting of October 21, 2008 as written.

**ITEM #1 – con't.**

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

MOTION TO APPROVE THE MINUTES OF OCTOBER 21, 2008 AS WRITTEN  
CARRIED

Motion by Courtney  
Supported by Strat

MOVED, to postpone action on the minutes of the meeting of November 13, 2008 until the meeting of December 16, 2008

- To allow Board members an opportunity to review the minutes as they were not distributed until this evening.

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

MOTION TO POSTPONE ACTION ON THE MINUTES OF THE MEETING OF  
NOVEMBER 13, 2008 UNTIL THE MEETING OF DECEMBER 16, 2008 CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5**

Mr. Strat asked that Item #3 be pulled for discussion.

Motion by Courtney  
Supported by Bartnik

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

**RESOLVED**, that Item #4 and Item #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

**ITEM #4 – RENEWAL REQUESTED. COLEMAN'S WRECKER SERVICE, 1871 BIRCHWOOD**, for relief of the Ordinance to maintain a 7' high obscuring fence in lieu of the required 6' high masonry screen wall along Birchwood.

MOVED, to grant Coleman's Wrecking Service, 1871 Birchwood, a three (3) year renewal for relief to maintain a 7' high obscuring fence in lieu of the 6' high masonry screen wall along Birchwood.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. SCHENCK PEGASUS CORP., 2890 JOHN R.,** for relief of the 6' high masonry-screening wall required along the east and portion of the north property line.

MOVED, to grant Schenck-Pegasus, 2890 John R., a three (3) year renewal of relief of the 6' high masonry-screening wall required along the east and a portion of the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #3 – RENEWAL REQUESTED. BURTON-KATZMAN MANAGEMENT, 1100-1174 E. BIG BEAVER,** for relief of the Ordinance to permit parking in the front yard of this industrial site.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. This has been granted a renewable variance based upon the premise that if the drain were to be enclosed that the parking could be relocated to a conforming location. This item last appeared before this Board in 2005 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

Mr. Strat expressed concern that parking right along Big Beaver was not in keeping with what the Planning Commission is trying to accomplish. The Planning Commission would like more shrubbery planted along the road in order to screen the look of the parking lot. Mr. Strat would like to see if the petitioner could add some type of screening.

Mr. Stimac explained that the parking lot in the front of the property goes right to the property line. Mr. Stimac also said that that he does not believe the petitioner would have a lot of room to add this screening. The variance to allow parking in the front setback was granted in part due to the fact that a large drain runs through the back of the property. This variance has been granted until such time as the drain would be enclosed at which time the parking would be moved to the rear of the site. The variance to allow parking in the front setback has been in place for thirty (30) years and as far as he knows, there are not any plans in the immediate future to enclose this drain.

Mr. Strat stated that he had looked at that, but was concerned because the parking abuts the sidewalk, and thought that the petitioner could add some type of trees or landscaping to screen this parking. Mr. Strat also said that there is quite a boulevard between the sidewalk and the road and thought that some type of trees could be planted. Mr. Strat further stated that the Planning Commission is trying to upgrade Big Beaver and would like to see what the petitioner could do to improve this area.

**ITEM #3 – con't.**

Mr. Courtney asked if it was possible to add screening in this area.

Mr. Stimac stated that based on previous case law, he would caution the Board to require improvements by the petitioner outside their property. Also, there are restrictions on what can be planted in the public right of way. Generally we don't have hedgerows that are located between the sidewalk and the curb in the City of Troy. There are properties that have plantings between the sidewalk and the building, but it would be unusual to have plantings between the sidewalk and the curb.

Mr. Courtney asked if they would be allowed to add any plantings in the right of way if the petitioner wanted to do that.

Mr. Stimac stated that any plantings in the City right of way would be subject to approval by the Parks and Recreation Department. There are plant materials that are permitted in the right of way, but are not usually hedgerows.

Pat Briskey, representing Burton-Katzman was present. Ms. Briskey said that she was not sure where they would be able to add shrubbery as the parking is right up to the sidewalk.

Mr. Strat asked if they would be receptive to planter boxes or something similar to that.

Ms. Briskey asked if annual or seasonal flowers would satisfy Mr. Strat in providing screening for the parking.

Mr. Strat said that he felt planter boxes would improve the look of Big Beaver and asked if the petitioner thought they would be willing to do that and asked if the petitioner had any ideas.

Ms. Briskey suggested a flower bed such as begonias.

Mr. Strat said that he was thinking more of a permanent solution and wanted to make sure it would not be something that would be vandalized. The parking right up to the sidewalk is very unattractive.

Ms. Briskey said that she would talk to the owners and see what they could do to help improve this look.

Mr. Stimac cautioned the Board regarding the placement of planter boxes or structures in the right of way and stated that they would not be allowed in this area.

Mr. Strat suggested that the petitioner could designate some of the parking spaces for compact cars and the planter boxes could be put in that area.

**ITEM #3 – con't.**

Mr. Stimac stated that the Zoning Ordinance has no provisions for the parking of compact cars in a public parking lot.

Mr. Strat said that he thought the parking bays were quite generous.

Mr. Stimac said that Building Department staff could go out and take a look at the bays to see if there is any extra space that the petitioner could utilize.

Motion by Courtney  
Supported by Bartnik

MOVED, to grant Burton-Katzman Management, 1100-1174 E. Big Beaver a two-year (2) renewal of relief of the Ordinance to permit parking in the front yard of this industrial site.

- To allow the petitioner the opportunity to determine if additional screening could be added.
- To allow Building Department staff the opportunity to look at the parking bays to see if any additional space could be utilized for screening.
- Conditions remain the same.
- There are no objections on file.

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

MOTION TO GRANT RENEWAL FOR TWO-YEARS (2) CARRIED

**ITEM #6 – RENEWAL REQUESTED. LIFE CHRISTIAN CHURCH INTERNATIONAL, 3193 ROCHESTER ROAD**, for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along a portion of the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 2005 and was granted a three (3) year renewal. Since that time the church property has been sold from Troy Baptist Church to the current owner. Other than that, conditions remain the same and we have no complaints or objections on file.

This Item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the Building Department to send out notices to property owners within 300' of this location to inform them that a renewal was pending. Notices have been sent out.

**ITEM #6 – con't.**

Mr. Bartnik asked what type of notices had been sent out.

Mr. Stimac explained that Public Hearing notices were sent out to property owners and occupants within 300' of this property. They were notices as to the Board's consideration of granting a renewal. It was not published in the newspaper as it is considered to be a renewal and not a public hearing.

There are two (2) written approvals on file.

Mr. Strat stated that he had a problem with screening along Rochester Road and was wondering if the petitioner would be willing to add some type of screening on the north side of Rochester Road. There is an entrance there and he knows there may be a problem with dirt in that area, but thought that if screening was provided it could be kept within a 30" height limit.

Anton Lasala, Pastor of Life Christian Church was present and said that he didn't see a problem adding landscaping but stated that there is not a lot of room in that area and was concerned that it could impair the visibility of on-coming traffic.

Mr. Strat suggested that the Pastor could work with Building Department staff to see what could be done in this area.

Pastor Lasala said that he would be more than willing to work with Building Department staff.

Mr. Stimac stated that the Building Department was always willing to work with property owners, but did not see how additional landscaping on Rochester Road applied to the request to renew this variance for a wall at the other end of their property.

Pastor Lasala stated that he would be more than willing to work with this Board and asked in exactly what location Mr. Strat would like this shrubbery added.

Mr. Strat said that along Rochester Road and perhaps 20' to 30' east of Rochester Road.

Motion by Bartnik  
Supported by Strat

MOVED, to grant Life Christian Church International, 3193 Rochester Road a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

- Variance is not contrary to public interest.
- Variance does not have an adverse effect to surrounding property.

**ITEM #6 – con't.**

- There are no complaints or objections on file.

Yeas: 4 – Bartnik, Courtney, Lambert, Strat

Absent: 3 – Clark, Lambert, Gies

MOTION TO GRANT RENEWAL FOR THREE YEARS CARRIED

**ITEM #7 – VARIANCE REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE**, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2005 and was granted a three (3) year renewal.

This Item first appeared before this Board at the meeting of October 21, 2008 and was postponed to allow the Building Department to send out Public Hearings Notices to property owners within 300' of this location, in order that the Board may consider making this a permanent variance. Notices have been sent out and the Public Hearing Notice was published in the newspaper of record.

Mr. Courtney stated that even though the petitioner was not present and asked for a postponement he did not feel it was necessary and felt that the Board could act on this request. This variance has been approved over and over.

Mr. Bartnik stated that this has been in place for a long time and there are no objections on file.

Mr. Lambert opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Strat

MOVED, to approve the request of Blue Heron Investments, LLC, 2032 E. Square Lake, for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential property.

- This is a permanent variance.
- There are no objections on file.
- Existing landscaping provides screening.

**ITEM #7 – con't.**

Yeas: 4 – Bartnik, Courtney, Lambert, Strat

Absent: 3 – Clark, Gies, Kovacs

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 8:01 P.M.

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David Lambert – Acting Chairman

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Pam Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on November 25, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Philip Sanzica  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.

2. APPROVAL OF AGENDA

**Resolution # PC-2008-11-138**

Moved by: Vleck  
Seconded by: Maxwell

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

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

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2008-11-139**

Moved by: Tagle  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the November 11, 2008 Regular meeting, as presented.

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

**MOTION CARRIED**

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Strat presented the BZA Report. General discussion followed.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller announced there was no DDA meeting in November.

7. PLANNING AND ZONING REPORT

Mr. Miller announced that three items received approval by City Council at the November 24, 2008 Regular meeting:

- McDonald's Restaurant with drive thru (Consent Judgment), located at northwest corner of Rochester and Big Beaver.
- Heartland Health Care Nursing Home and Rehabilitation Facility (Consent Judgment), located at the southeast corner of South Boulevard and Livernois.
- Temporary Merchant Business Ordinance.

Mr. Miller announced upcoming items for the December 1, 2008 and December 15, 2008 City Council Regular meetings.

### STUDY ITEMS

8. ZONING ORDINANCE COMPREHENSIVE REWRITE ZOTA 234 – KICK OFF MEETING

Mr. Miller introduced the item.

Zak Branigan of Carlisle/Wortman Associates, Inc. summarized the Approach and Work Plan from their proposal to rewrite the Zoning Ordinance.

General discussion followed.

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Chairman Schultz called a break at 8:55 p.m.

The meeting reconvened at 9:00 p.m.

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9. MASTER PLAN AND INTERPRETATION CONSISTENCY OF REZONING REQUESTS

Mr. Miller led an informal discussion involving the challenges associated with considering rezoning applications involving property situated in or near "economic nodes" classified in the Master Plan.

General discussion followed.

10. BIRMINGHAM/TROY MULTI-MODAL TRANSIT CENTER JOINT PLANNING / ZONING UPDATE

Mr. Miller provided an update on the Transit Center project.

The Planning Commission discussed joint planning efforts and the upcoming joint meeting on December 2, 2008.

**OTHER ITEMS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one who wished to speak.

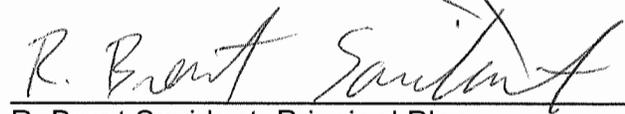
12. PLANNING COMMISSION COMMENT

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10.45 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Robert M. Schultz, Chair

  
\_\_\_\_\_  
R. Brent Savidant, Principal Planner

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, December 3, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Paul Evans, Inspector Supervisor  
Pam Pasternak, Recording Secretary

### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 5, 2008**

Motion by Richnak  
Supported by Kessler

MOVED, to approve the minutes of the meeting of November 5, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUESTED. CITY OF TROY, REPRESENTING TROMBLEY INVESTMENT COMPANY, 3495-3503 ROCHESTER**, for relief of Chapter 85 to install a 12'-5" tall, 38 square foot ground sign near the intersection of Trombley and Rochester.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a new ground sign. This ground sign is proposed to be 12'-5" tall and 38 square feet in area. The proposed sign is to be placed 3' from the front property line along both Trombley and Rochester Road. Section 85.01.05 (B) prohibits signs over 30" tall in the corner clearance area of the intersection of two streets; further Table 85.02.05 requires ground signs measuring over 10' in height to be setback at least 20' from the front property line.

Mr. Stimac further explained that the City is proposing to widen Rochester Road. Based on the purchase of additional Rochester Road right of way at this location the existing sign needs to be relocated. The ultimate configuration of Rochester Road is proposed to be a boulevard and will result in one-way traffic in this area. People exiting on Trombley will be looking north. The proposed sign is to be 6'-6" from ground to the bottom of the sign to allow the vision of pedestrians and the top of the sign is proposed to be 12'-5" in height.

Mr. Dziurman confirmed that the City is involved because of the purchase of some of this property for a right of way acquisition. Mr. Dziurman also asked what the size of the current sign was.

**ITEM #2 – con't.**

Mr. Stimac stated that the existing sign is 4' wide and 7' tall and located 2' from the front property line.

Mr. Richnak asked what the distance of the leading edge was to the sidewalk.

Mr. Stimac stated that he thought it was 2'.

Pat Petitto, representing the City of Troy and James Jablonski one of the managing partners of Trombley Investment Company were present. Mr. Jablonski stated that he thought the edge of the sign was 2' from the sidewalk.

Mr. Stimac stated that based upon the plans submitted the proposed sign would be located 2' from the property line and 3' from the sidewalk.

Mr. Kessler asked if the sign was going to extend over the property line and Mr. Stimac stated that it did not.

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

There are two (2) written objections in file. There are no written approvals in file.

Mr. Kessler stated that the proposed sign is going into a dedicated parking space and asked if the petitioner was planning to put landscaping around it.

Mr. Jablonski stated that there will be parking curbs and gravel around the base of the sign. They do not want to impact visibility for motorists or pedestrians.

Mr. Kessler stated that if there is more than a 4" projection from the base it would lead to a hazardous projection. A person could walk into that object and he would like to see some type of landscaping to prevent that from happening.

Mr. Jablonski said that there would be an island all the way around the base of the sign.

Mr. Richnak asked if there was an issue on the current conditions.

Mr. Stimac stated that with the current configuration of the roads the curb is 30' from where the sign is proposed to be located. The sidewalk at Rochester is at the curb line and the sidewalk at Trombley is 10' to 12' back from the traveled portion of the road. Right now traffic exiting Trombley stops 20' west of the proposed sign location. Once Rochester Road is developed traffic will be only one way.

Motion by Kessler  
Supported by Richnak

**ITEM #2 – con't.**

MOVED, to grant the City of Troy, representing Trombley Investment Company, 3495-3503 Rochester relief of Chapter 85 to install a 12'-5" tall, 38 square foot ground sign 3' from the front property line along both Trombley and Rochester Road.

- Edge detail or curb be provided around the perimeter of the sign.
- Variance is necessary due to the acquisition of right of way property.
- Future one way traffic pattern does not create a vision obstruction.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #3 – VARIANCE REQUESTED. BEAUMONT SERVICES CO., INC., 44201 DEQUINDRE**, for relief of the requirements of Section 1107.2 of the 2006 Michigan Plumbing Code.

Mr. Stimac explained that the petitioners are requesting relief of the requirement that the secondary roof drainage system required by Section 1107.1 of the Michigan Plumbing Code be provided as a separate system discharging above grade as required by Section 1107.2 of the Michigan Plumbing Code. Section 1611.3 of the Michigan Building Code requires that a secondary drainage system be provided to limit the ponding of water on a roof should the primary drainage system become blocked. Section 1107.2 of the Plumbing Code requires that this secondary system be a totally separate system and that the point of discharge be at an above grade location where it can normally be observed by the building occupants.

Mr. Dziurman asked if this request was similar to other requests from Beaumont Hospital.

Mr. Stimac stated that it is basically the same configuration that has come before this Board in the past.

Mr. Dziurman asked if there had been any problems with these systems.

Mr. Kevin Doyle and Mr. Chet Schroeder of Beaumont Services were present. Mr. Doyle stated that the water flow sensors go off even when there is snow melt.

Mr. Richnak asked if this alarm was at a 24-hour manned station.

Mr. Doyle stated that an alarm goes off when there is standing water that rings through to the Security Department, who in turn notifies building maintenance.

Mr. Zuazo asked what would happen if there was a power outage.

Mr. Doyle said that although not 100% sure he does believe that there is a backup power system available.

**ITEM #3 – con't.**

Mr. Kessler asked why they want to go with this system rather than what is required by the Plumbing Code.

Mr. Doyle said that if they were to comply with the Plumbing Code the discharge system would be located in an area where there is a high amount of pedestrian traffic as there is a public walkway located in this area. This has the chance to create a lot of problems. Ideally they would try to locate a discharge system over a green space.

Motion by Richnak  
Supported by Kessler

MOVED, to grant Beaumont Services Co., Inc. 44201 Dequindre, relief of the requirements of Section 1107.2 of the 2006 Michigan Plumbing Code.

Motion by Zuazo  
Supported by Kessler

Moved, to amend the motion to include a requirement that an emergency system be provided in case there is a loss of power.

Vote on Amendment.

Yeas: All – 5

**MOTION TO AMEND MOTION CARRIED**

MOVED, to grant Beaumont Services Co., Inc. 44201 Dequindre, relief of the requirements of Section 1107.2 of the 2006 Michigan Plumbing Code.

- An emergency power system will be provided in case of a power failure.
- The system proposed provides an equivalent level of safety to that required by the code.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

The Building Code Board of Appeals meeting adjourned at 8:55 A.M.

---

Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on December 17, 2008 at 7:00 PM at Troy Community Center, 3179 Livernois. Geon Woo Kim called the meeting to order at 7:03 p.m.

MEMBERS PRESENT: Willa Adamo  
Disha Bora  
Geon Woo Kim (Chair)  
Jason Lee  
Jennifer Liang  
Joseph Niemiec (Secretary)  
Sevita Rama  
Neil Shaw  
Rachita Singh

MEMBERS ABSENT: Vikram Prasad, Shaina Sekhri, Emily Wang and David Wylie  
VISITORS: Cindy Stewart, Community Affairs Director  
STAFF PRESENT: Scott Mercer, Recreation Supervisor

### 1. Roll Call

### 2. Approval of Minutes

Resolution # TY-2008-12-17

Moved by Liang  
Seconded by Shaw

RESOLVED, That the minutes of October 22, 2008 be approved.

Yes: All – 8

No: 0

Absent: 5 – Bora, Prasad, Sekhri, Wang, Wylie

### 3. Attendance Report:

Report reviewed by council members, no comments.

### 4. Visitors

Cindy Stewart, Community Affairs Director

Presented information regarding:

Community Affairs Department

Responsibilities include:

New resident packets, brochures, cable broadcasts, calendar and other communications with the public.

### 5. Teens Taking Action

No Update

### 6. Troy Daze

No Update

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

**No Motion**

Resolution # TY-2008-12-18

Moved by Rama  
Seconded by Adamo

**RESOLVED** that Prasad, Sekhri, Wang and Wylie are excused.

Yes: 9  
No: 0  
Absent: 4 - Prasad, Sekhri, Wang, Wylie

**8. Youth Council Comments – None**

**9. Public Comments – None**

**10. Adjournment – 8:10 p.m.**

---

Geon Woo Kim, Co-chair

---

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: January 28 at 7:00 P.M.

# Customer Solutions

**Customer Solutions**, "At Your Service".

The Customer Solutions Department functioning in the City Manager's office has been developed to enhance service provided by the City of Troy. The new department is designed to be the first point of contact for residents, businesses and visitors to obtain information and assistance from the City of Troy.

We are committed, as always, to achieving the highest level of customer satisfaction and will continually strive to create a positive and enjoyable experience for our customers as they interact with the City of Troy.

Since the official launch of the Customer Solutions department on February 19, 2008 we have received over 1,000 requests for service, information or assistance.

Our web page is ready for your visit at: [www.troymi.gov/CustomerSolutions](http://www.troymi.gov/CustomerSolutions)

This page has been designed as a virtual service center. The easy to navigate page provides you with links to city news and events, frequently asked questions, service directories, maps and more. One of the highlights is the forms and applications tab. You can access forms and applications available from all departments in one convenient location.

From the new page, you can contact the Customer Solutions department with a single mouse click and send us an email with your questions or concerns. You will also find a City of Troy customer service survey; we would love to hear your comments and suggestions.

We look forward to hearing from you!

**Phone:** (248) 524-3337

**Email:** [CustomerSolutions@troymi.gov](mailto:CustomerSolutions@troymi.gov)

**US Mail:** Customer Solutions  
500 W. Big Beaver Rd.  
Troy, MI 48084

**Website:** [www.troymi.gov/CustomerSolutions](http://www.troymi.gov/CustomerSolutions)

**Visit our office at:** 500 W. Big Beaver Rd. \*City Manager's Suite

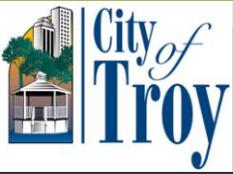
A Customer Solutions Representative is available:

**Monday through Friday 8:00am to 4:30pm**

# Financial Summary

**For the Year Ended  
June 30, 2008**





## Fast Facts

### Residential Population:

87,956

(Planning Department)

### Workday Population:

125,000

(Real Estate & Economic Development)

### Businesses:

5,741

(City Assessor's Office)

### Area:

34.3 square miles

### Taxable Value:

\$5.6 billion

## Council/Manager Form of Government

The Mayor and six members of the City Council are elected to staggered, four-year terms. The Council appoints a City Manager to oversee daily operations and administrative functions.

## Services

Basic community services are the highest priority. These include police and fire protection, refuse collection, water and wastewater collection, street maintenance, public improvements, planning, zoning, and administrative services. Troy's quality of life is also enhanced by recreation and leisure facilities including the Troy Public Library, Troy Museum & Historic Village, Family Aquatic Center, Nature Center, Sylvan Glen and Sanctuary Lake Golf Courses, 900 acres of parkland, and the Community Center.

## Education

Top-rated school systems reinforce Troy's community strength and property values. Troy School District (TSD) serves the majority of households with an enrollment of 12,165. Six other school districts also serve Troy citizens: Avondale, Birmingham, Bloomfield Hills, Lamphere, Royal Oak and Warren Consolidated. Higher education is available through local institutions like Cornerstone College, the Michigan State Management Education Center, University of Phoenix, Walsh College, and nearby Oakland Community College and Oakland University. Central Michigan University, Northwood Institute, Spring Arbor College and University of Michigan-Flint offer satellite courses in Troy.

## Business Connection

Troy's corporate citizens span a full range of financial, retail, automotive, technology, hospitality, service and manufacturing industries.

- Troy Chamber of Commerce: (248)641-8151; [www.troychamber.com](http://www.troychamber.com)
- Real Estate & Economic Development Department: (248)524-3498; [www.troymi.gov/EconomicDevelopment](http://www.troymi.gov/EconomicDevelopment)
- Automation Alley: (248)457-3200; [www.automationalley.org](http://www.automationalley.org)
- Oakland County Planning & Economic Development: (248)858-0720; [www.oakgov.com/peds](http://www.oakgov.com/peds)



# Have you played yet?



Opened in 2004, our **new course** offers one of the most unique golf experiences in all of Oakland County. This par 71 links-style setting has four sets of tees ranging from 4,750 to 6,555 yards, and boasts a course rating of 71.9 with a slope of 133.

**Sanctuary Lake** is built on 190 acres of rolling landscape. The course features approximately 80 strategically placed bunkers, small and undulating bent grass greens, and a vast variety of wildlife species.

The course is located at 1450 E. South Blvd. Between John R. and Dequindre in Troy. For more information call: (248)619-7671

# Community Profile

## Demographics

Year	Population	# of Households	Median Household Buying income	Median Age
1999	84,549	30,434	60,004	*
2000	85,124	30,721	61,806	37.0
2001	80,959	30,872	65,642	38.1
2002	84,531	31,371	70,342	38.1
2003	84,841	31,504	65,625	38.1
2004	85,956	31,944	62,862	38.1
2005	86,740	32,281	64,630	38.0
2006	87,159	32,431	*	38.1
2007	87,594	32,596	*	41.7
2008	87,956	32,802	*	37.0

\*Information not available.

Figure 1

Award for Outstanding Achievement in Popular Annual Financial Reporting

PRESENTED TO

City of Troy  
Michigan

for the Fiscal Year Ended  
June 30, 2007



*Keith R. Pitt*  
President  
*Jeffrey L. Esser*  
Executive Director

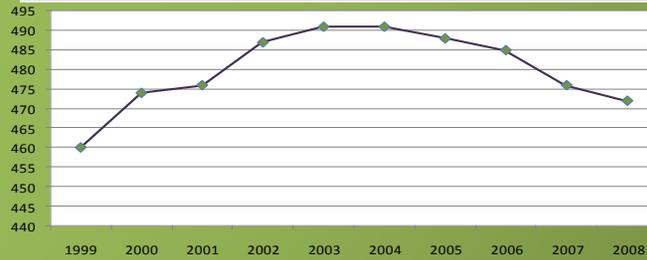
## GFOA Award for Outstanding Achievement

The Government Finance Officers Association of the United States and Canada (GFOA) has given an Award for Outstanding Achievement in Popular Annual Financial Reporting to the City of Troy for its Popular Annual Financial Report for the fiscal year ended June 30, 2007. The award for Outstanding Achievement in Popular Annual Financial Reporting is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government popular reports.

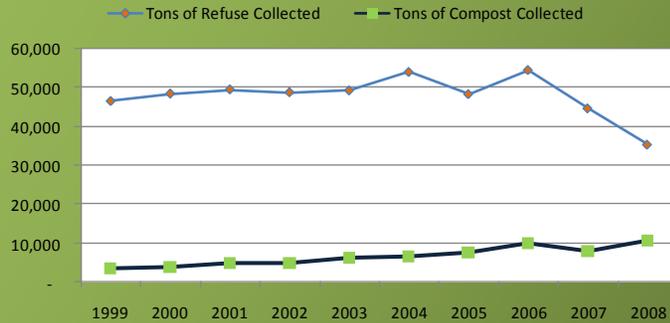
In order to receive an Award for Outstanding Achievement in Popular Annual Financial Reporting, a government unit must publish a Popular Annual Financial Report, the contents of which conform to program standards of creativity, presentation, ease of understanding and reader appeal.

An award for Outstanding Achievement in Popular Annual Financial Reporting is valid for a period of one year only. The City of Troy has received a Popular Award for the last nine consecutive years. We believe our current report continues to conform to the Popular Annual Financial Reporting requirements, and we are submitting it to GFOA.

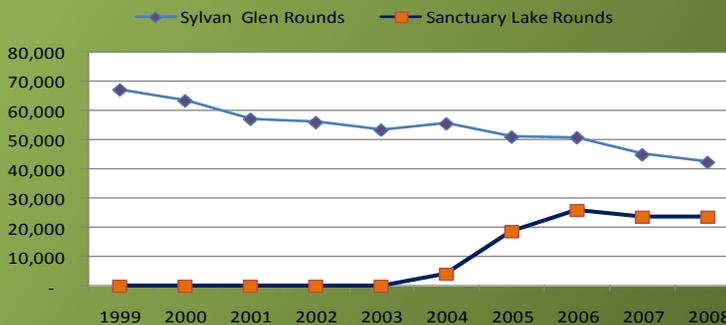
## City Full-Time Staffing



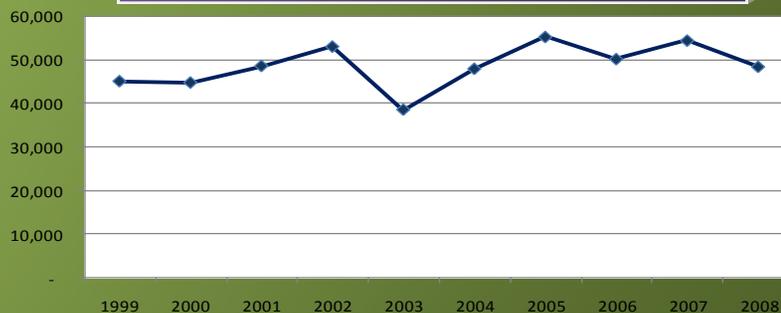
## Refuse/Resource Recovery



## Golf Course



## Aquatic Center Admissions



# City of Troy Economy



## 2008 Millage Rates

Community	Millage Rate	Rank (L=>H)
Troy	09.2800	1
Rochester Hills	09.7060	2
Novi	10.5416	3
Auburn Hills	10.5602	4
Royal Oak	11.4366	5
Farmington Hills	11.6072	6
Wixom	11.6314	7
Rochester	12.4304	8
Berkley	12.9957	9
Keego Harbor	13.1817	10
Birmingham	14.0936	11
Sylvan Lake	14.8179	12
South Lyon	14.8179	13
Farmington	15.4019	14
Pontiac	15.6342	15
Northville	16.3409	16
Southfield	16.3428	17
Clarkston	17.7079	18
Madison heights	18.1616	19
Pleasant Ridge	18.1928	20
Clawson	18.8075	21
Huntington Woods	21.8038	22
Hazel Park	23.4884	23
Ferndale	24.0664	24
Oak Park	24.6704	25

Figure 2

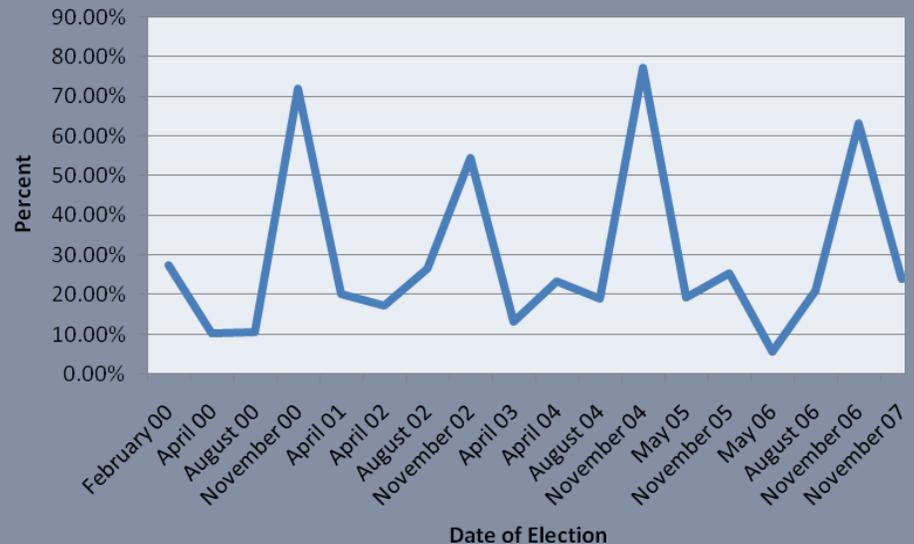
Troy's diversified business community, strong residential market and conservative financial management perpetuates a stable economy through regional and national market fluctuations. A wide range of industries in the business community, well maintained neighborhoods, excellent schools, and continued investment into roads and infrastructure all contribute to Troy's resilience.

With 87,956 residents and the workday population exceeding 125,000, people constitute a strong market for the retail and service industries in Troy. These factors keep the City's unemployment rate below metro Detroit and state averages. See figure 4 to compare unemployment rates.

The community's growth in taxable valuation (TV) from 1995 to 2008 increased by 62% from \$3,425,410,880 to \$5,550,516,437 (see Figure 3). Within the state of Michigan, the city of Detroit is the only municipality with a higher taxable value than Troy.

A State assessed value of \$6.2 billion represents approximately 50% of estimated current market value. Taxable value is determined by the prior year's taxable value plus 5% or the consumer price index (whichever is less). Starting with the 1994 state equalized value as the base taxable value, the taxable value figure is multiplied by the tax rate to determine property tax revenue.

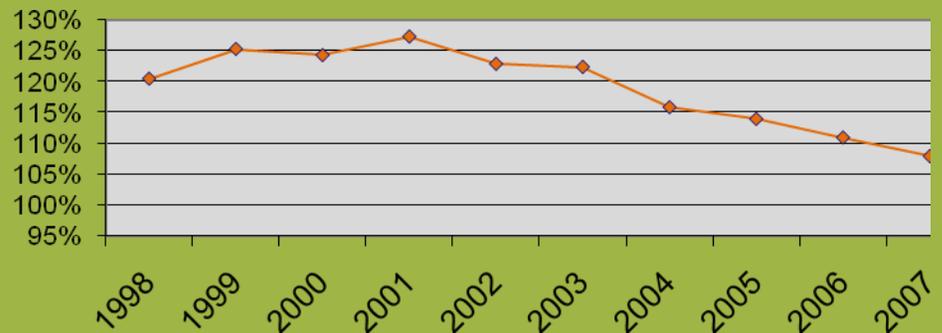
## Voter Turnout



After 50 years of annual City Regular Elections being conducted in April, City Regular Elections were moved to odd-year Novembers in 2005. City Regular Elections in November have shown an increase in voter turnout

Figure 15

## City of Troy Employees Retirement System Schedule of Funding Progress (Pension Benefit)



The above chart expresses the actuarial value of assets as a percentage of the actuarial accrued liability, which provides one indication of the system's funded status on an ongoing concern basis. Analysis of this percentage over time indicates whether the system is becoming financially stronger or weaker.

Figure 17

# Performance Data

## Building Permits and Construction



Figure 14

Troy's Building Department processes a wide range of construction permits each year. Despite some declines in total value of projects being built in Troy, the number of permits being pulled remains fairly high. This can be attributed to many smaller home and business improvement projects taking the place of major developments, as fewer parcels of land are available for large-scale projects.

## Traffic Citations

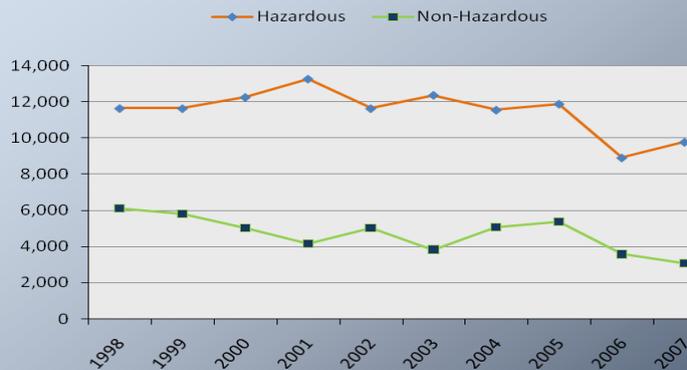


Figure 16

Above and beyond Troy's almost 88,000 residents, a large commuting population that travels our roadways puts a heavy responsibility on Troy Police Road Patrol.

Hazardous Citations are issued for violations that could cause an accident, like speeding. Non-hazardous traffic citations are for minor violations that break ordinances, but do not generally put property or person at risk of damage or injury, for example, out-of-date registration.

## Taxable vs. Assessed Value



Figure 3

## Unemployment Rates

Year	1990	2000	2008 (July)
Troy	3.5%	1.6%	6.4%
Metro Area*	7.6%	4.3%	8.3%
Michigan	7.6%	3.6%	8.4%
National	5.5%	4.0%	6.1%

\*Metro Area includes Lapeer, Macomb, Monroe, Oakland, St. Clair and Wayne Counties

Figure 4

## Millage Rate

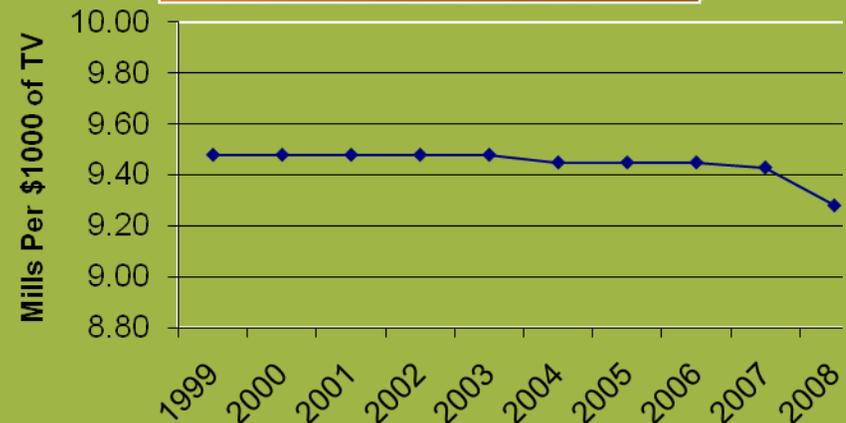


Figure 5

The **General Fund** is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. General Fund activities are financed by revenues from general property taxes, state shared revenues and other sources.

Figure 6 shows the total revenue and expenditures of this fund from 1999 to 2008. An indicator of financial strength and stability is a positive fund balance in the General Fund. Since 1999, the General Fund fund balance had grown from \$17.9 to \$23.6 million. In 2002, 2003, 2007 and 2008 the revenue shortfall was covered by the Fund Balance.

The financial community has recognized the City's solid, diversified tax base and sound management. All three major rating agencies (Fitch IBCA, Moody's and Standard & Poor's) gave the City an "AAA" rating for unlimited tax general obligation bonds. This makes Troy one of the three highest rated municipalities in Michigan. High bond ratings translate to savings for the City and its taxpayers.

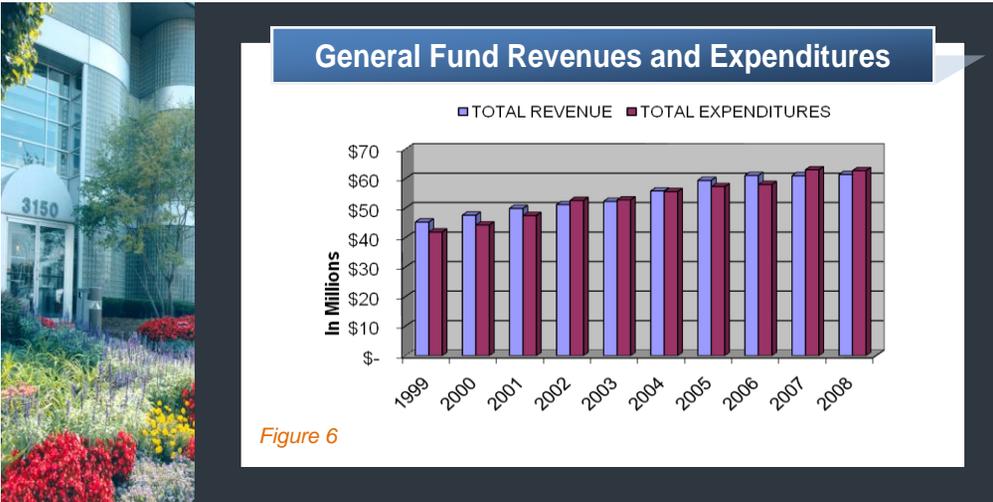


Figure 6

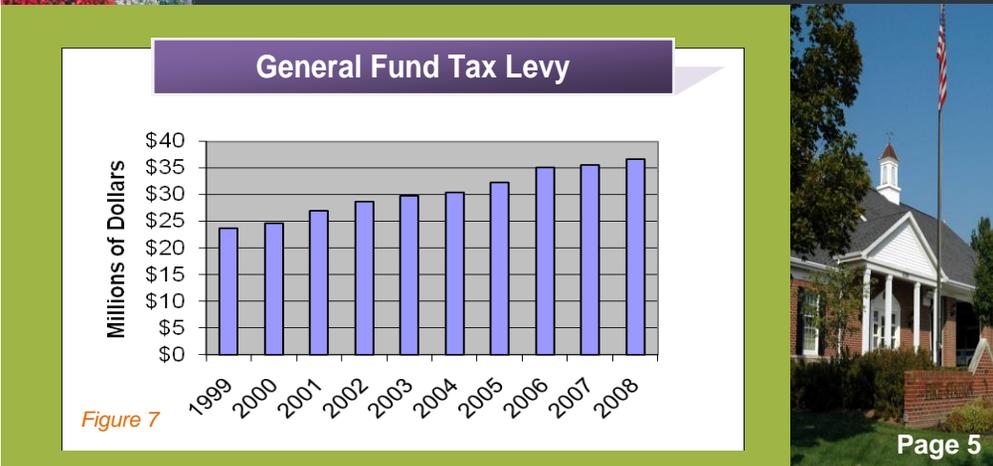


Figure 7



# Getting More Information

## City Awards and Accolades

**Safest City** – In November 2007, Morgan Quitno Press released their 14<sup>th</sup> annual analysis of FBI Crime reports that places Troy as the safest city in Michigan and among the top 25 safest cities in the United States.

**Troy** was one of four local cities identified as top performers for attracting and retaining entrepreneurial firms in a study by the University of Michigan – Dearborn School of Management for the second straight year.

**The Troy Public Library** ranked second in Michigan for public libraries of all sizes based on nationally gathered statistics.

**Excellence in Procurement** – The Troy Purchasing Department received the 2008 Achievement of Excellence in Procurement Award by the National Purchasing Institute for the 6<sup>th</sup> consecutive year.

**GFOA Financial Reporting Awards** – For the 9<sup>th</sup> consecutive year, the City of Troy received all three of the Government Finance Officers Association Awards for the City Budget Document, the Comprehensive Annual Financial Report and the City of Troy 2007 Financial Summary.

Troy has a **AAA bond rating** from Standard & Poor's, Fitch, IBCA and Moody's Investor Service, for its unlimited tax general obligation bonds.

**2007 Life Safety Achievement Award** – The Troy Fire Department has earned 12 Life Safety Achievement Awards, recognizing a continual effort of no fatalities in structure fires, in the past 12 years.

**Outstanding Performance** – Troy's Fleet Maintenance Division was named second best fleet in North America based on outstanding performance for fleet operations. They were also awarded the Blue Seal of Excellence through the Automotive Service Excellence Program, with 15 of the 17 Fleet Maintenance employees being ASE certified, several holding double master certifications in auto and medium/heavy truck.

**Outstanding Commitment** – The American Red Cross recognized the City of Troy's Community Blood Drive and the Troy City Employees with two platinum awards of excellence for outstanding commitment to its blood donation program.

## Community Affairs Department

Community Affairs offers new and prospective residents and businesses information packets. Call to request a packet or other information at (248)524-1147 or email [cindy.stewart@troymi.gov](mailto:cindy.stewart@troymi.gov)

City of Troy website  
[www.troymi.gov](http://www.troymi.gov)

Internet access creates a 24-hour, 7-day-a-week service window for citizens seeking information about the City of Troy.

What's online at  
[www.troymi.gov](http://www.troymi.gov)?

- The ability to check your property tax bill balance
- Current bid items posted by the Purchasing department
- City job postings
- Community calendar
- Webcast of live Council meetings
- City Council meeting agendas & minutes
- Building permit applications
- Business license application forms (City Clerk)
- Troy Today, annual budgets, financial summaries and other City publications
- News releases
- City Code and Charter
- Email access to city administrators

## Comprehensive Annual Financial Report (CAFR)

The information in this document has been drawn from the City of Troy Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2008. Complete financial statements of the City of Troy with additional demographic and economic information are published in the CAFR.

The City was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA) for its CAFR for the fiscal year ended June 30, 2007. The Certificate of Achievement is the highest form of recognition for excellence in state and local government financial reporting.

In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized comprehensive annual financial report, the contents of which conform to program standards. The CAFR must satisfy both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. We believe our CAFR continues to conform to the Certificate of Achievement program requirements and we are submitting our CAFR for the current year to the GFOA.

To request a copy of the CAFR, contact: John M. Lamerato, Assistant City Manager/Finance & Administration by mail at: 500 W. Big Beaver, Troy MI 48084; email at: [lameratojm@troymi.gov](mailto:lameratojm@troymi.gov) or call: (248)524-3330.

Page 13

## Evaluating the City's Financial Condition

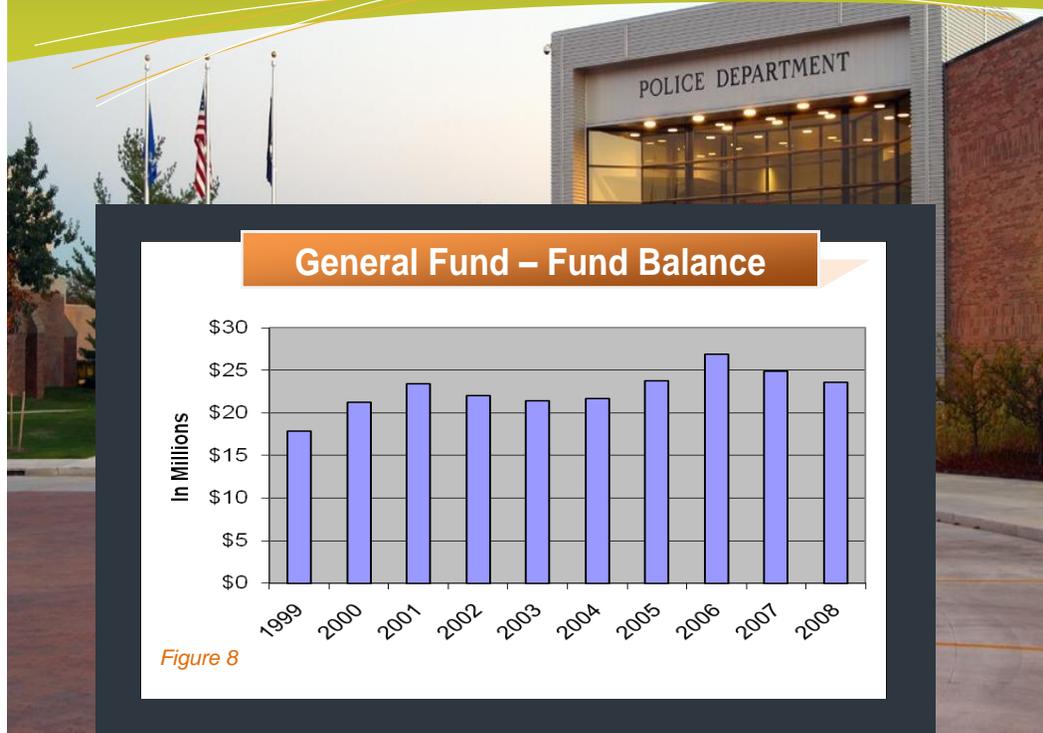


Figure 8

## Revenues and Expenditures (Millions)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total Revenue	\$45.3	\$47.6	\$49.9	\$51.2	\$52.3	\$55.8	\$59.4	\$61.1	\$61.0	\$61.4
Total Expenditures	41.9	44.3	47.5	52.6	52.8	55.6	57.3	58	63	62.7
Excess (Shortfall)	3.4	3.3	2.4	-1.4	-0.5	0.2	2.1	3.1	-2	-1.3
Beginning Equity	14.5	17.9	21.2	23.4	22	21.5	21.7	23.8	26.9	24.9
Ending Equity	\$17.9	\$21.2	\$23.6	\$22.0	\$21.5	\$21.7	\$23.8	\$26.9	\$24.9	\$23.6
As a % of Revenue	39.51%	44.54%	47.29%	42.97%	41.11%	38.89%	40.07%	44.03%	40.82%	38.44%

Figure 9

Page 6

# Revenues

The City of Troy collects funding from five major sources. Beyond property taxes, other revenues include licenses and permits, state shared revenue, charges for services, fines and forfeitures, investments income, miscellaneous receipts, and operating transfers. See Figure 10 for a breakdown of what percentage each element represents of the total revenue.

## Property Taxes: \$36.7 Million

The City's total tax rate of \$9.28 includes the General Fund, Refuse Collection, Debt Service and Capital Projects activities. The City is at its tax rate capacity for general and capital activities. The General Fund tax levy is \$6.50 mills of the 9.28 mills.

As indicated in figure 11, the City's tax rate represents just 27% of the total property tax bill for all taxing jurisdictions. Those tax dollars represent over half of the City's total revenue as illustrated in Figure 10.

## Licenses and Permits: \$1.4 Million

Are mainly made up of building permits and trade licenses and permits.

## State-Shared Revenue: \$6.8 Million

This money is revenue from the State of Michigan, mainly in the form of a return on sales tax revenue.

## Charges for Services: \$7.6 Million

Fees charged for services and sales.

Some examples of charges for services include Community Center fees, cable franchise fees and county reimbursements.

## Investment Income: \$.8 Million

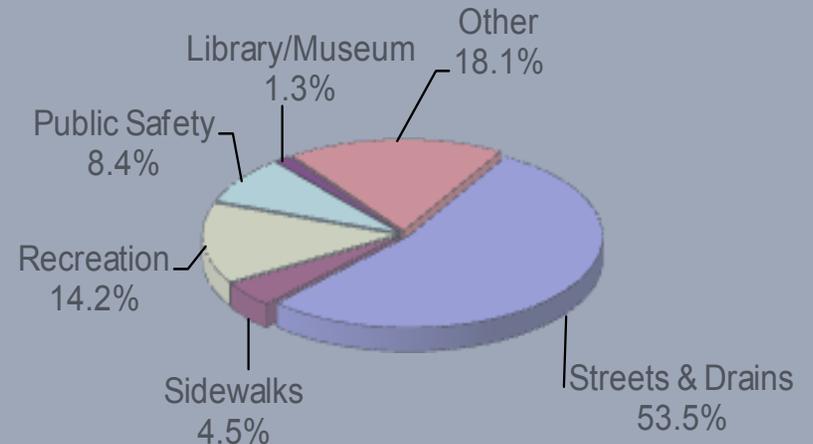
Generated from interest on investments.

## Miscellaneous Revenue: \$1.5 Million

Generated primarily by administrative fees and rent income.



# Capital Expenditures



*Capital expenditures are a disbursement of money that results in the acquisition of, or addition to fixed assets.*

Figure 13

## Streets & Drains: \$8.3 Million

Streets and Drains improvements consisted of major road improvements: \$6.2 million, local roads: \$1.5 million and drains: \$0.6 million.

## Recreation: \$2.2 Million

Park development projects: \$0.6 million, and parkland acquisition: \$1.4 million.

## Public Safety: \$1.3 Million

Expenditures related to communications and Fire Station improvements. The City has developed a plan to reserve funds over several years to accommodate for apparatus replacement due to the significant cost of fire fighting equipment.

## Sidewalks: \$0.7 Million

Expenditures for new and replacement sidewalk programs.

## Other: \$2.8 Million

Expenditures include technology improvements, general building renovations and Transit Center study.

## Library/Museum: \$0.2 Million

Expenditures were for the Historic Green improvement projects and Library general repairs.



# Capital Expenditures

## Other Funds Used to Manage City Dollars

In accordance with Generally Accepted Accounting Principles (GAAP), the City's financial activities are accounted for in a variety of funds other than the General Fund.

**Special Revenue Funds** such as the Downtown Development Authority, Major Street, Local Street, Refuse and Community Development Block Grant Funds are used to account for the proceeds of specific revenue sources (other than major capital projects) that are legally restricted to expenditures for specific purposes.

**Debt Service Funds** account for the accumulation of resources for the annual payment of principal, interest and fees in connection with certain long-term debt other than debt payable from operations of a proprietary fund.

**The Capital Projects Fund** tracks financial resources for the acquisition or construction of major capital facilities other than those financed by the operations of a proprietary fund.

**Enterprise Funds** like Water, Sanitary Sewer, Aquatic Center and Golf Course Funds are used to account for operations that are similar to private business. Tracking the net income of Enterprise Funds helps evaluate programs and direct financial administration.

**Internal Service Funds** are used to account for the financing of goods and services provided by one department to other departments of the government on a cost reimbursement basis.

For more detailed information where the totals are represented by function, you should review the Comprehensive Annual Financial Report (CAFR). Both this summary and the CAFR are available at the Troy Public Library, 510 West Big Beaver and the City's website at: [www.troymi.gov](http://www.troymi.gov). If necessary, call (248)524-3330 to request a copy.

## Where the City Gets its Revenue

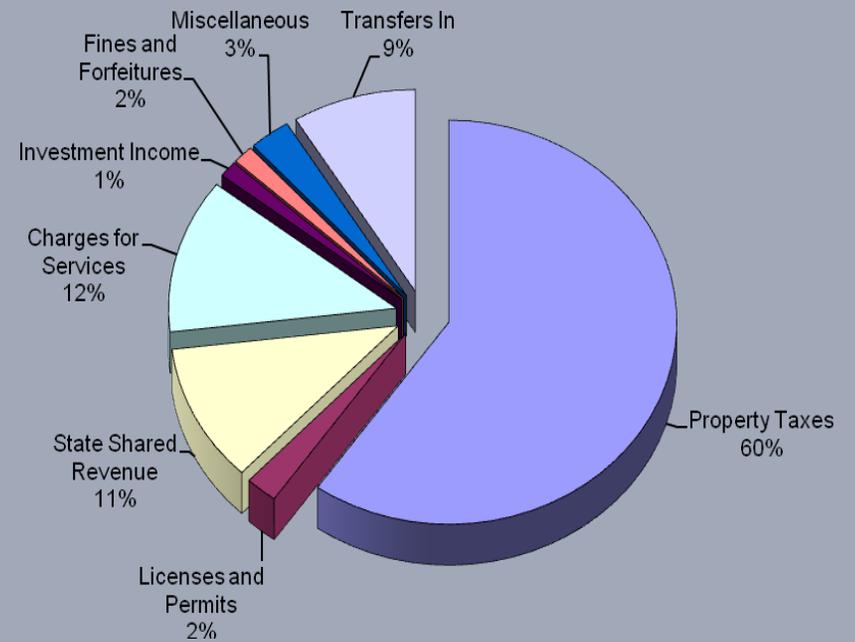


Figure 10

## Where Does Your Tax Dollar Go?



Figure 11

**General Government: \$9.2 Million**

The General Government group of expenditures is broken down into the following areas: City Council, City Manager, City Attorney, City Assessor, City Clerk, Elections, Accounting, Human Resources, Purchasing, Treasurer, Community Affairs, Planning, Real Estate & Economic Development, City Hall and services.

**Public Safety: \$30.8 Million**

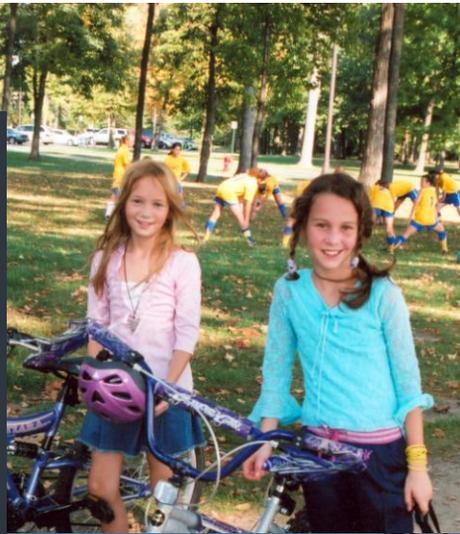
Police, Fire Protection and Building Inspection.

**Public Works: \$8.3 Million**

Maintenance costs for major, local and county roads. Costs associated with Engineering, and Storm Drain Maintenance.

**Recreation & Culture: \$14.4 Million**

Costs to provide recreation, library and museum activities.



# Expenditures

## General Fund Expenditures

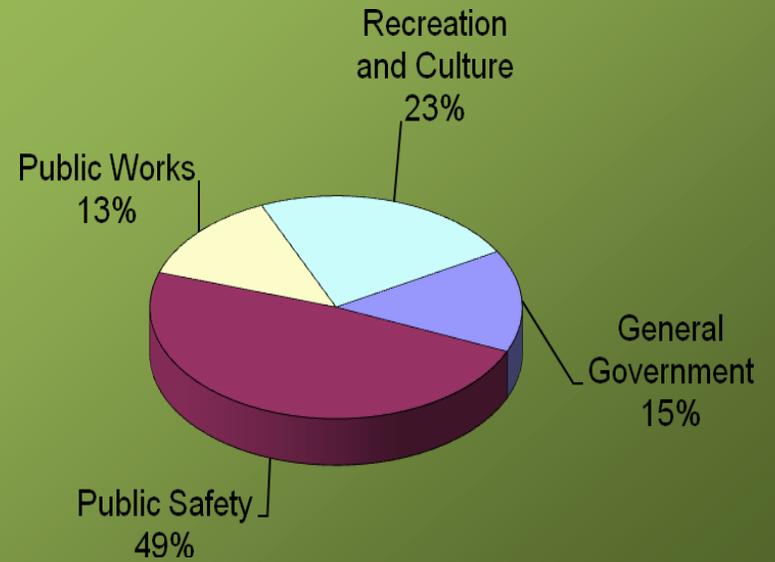


Figure 12

The General Fund major program activities are summarized in four areas: General Government, Public Safety, Public Works and Recreation & Culture. See Figure 12 for a breakdown of their percentages of total expenditure.





U.S. Department of Justice

J-03a

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Detroit Field Division*

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Detroit, Michigan 48207-2602

[www.atf.gov](http://www.atf.gov)

December 2, 2008

Chief Bill Nelson  
Troy Fire Department  
Administration Division  
500 West Big Beaver  
Troy, Michigan 48084

Dear Chief Nelson:

On behalf of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Detroit Field Division, I sincerely thank you for your invaluable assistance in helping us secure a location within the City of Troy for a tactical communications repeater. As you know, on November 13, 2008, ATF conducted a tri-county law enforcement operation that included 150 law enforcement personnel serving 25 Federal search warrants and 18 Federal arrest warrants. Instrumental to the success of that operation was the necessity for secure radio communications; and thanks in large part to you and your can-do spirit, the operation was a success: all search and arrest warrants were served without incident.

Again, I thank you for your cooperation and partnership. If I can ever be of assistance to you and the Troy Fire Department, please do not hesitate to call me: (313) 202-3400.

Sincerely yours,

Thomas E. Brandon  
Special Agent in Charge

cc: Mayor, City of Troy, MI  
Council Members, City of Troy, MI





## CITY COUNCIL REPORT

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Federal Stimulus Package Projects

DATE: December 18, 2008

Climate Communities and ICLEI USA put together their “Empowering Local Government Climate Action: Blueprint for the New President and 111<sup>th</sup> Congress” during Local Climate Action Week, December 8-15. More than 230 local government officials across America have endorsed the Blueprint. President-elect Obama seems likely to tie economic stimulus dollars to clean energy projects as written in the December 4, 2008 New York Times article (see attached).

Attached is a copy of the City of Troy’s current and upcoming projects submitted for the Blueprint. All of this information from across America is to reinforce the Local Climate Action Week message that there are thousands of ready-to-go local government projects that would create jobs, reduce energy consumption and decrease GHG emissions. Projects include transit construction projects; green infrastructure construction; renewable energy projects; and green technology projects.

Climate Communities is a national coalition of cities and counties that is educating federal policymakers about the essential role of local governments in addressing climate change and promoting a strong local-federal partnership to reduce greenhouse gas emissions. ICLEI Local Governments for Sustainability provides expertise, technical support, and innovative tools to help local governments advance their emissions reductions and sustainability goals.

Copies of the Federal Stimulus Package Projects have been sent to the Michigan Municipal League as well as to Congressman-elect Gary Peters.



## Projects for Submittal Federal Stimulus Package

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**Project:** John R Reconstruction and Widening, Long Lake to Square Lake

**Project Description:** Project reconstructs and widens John R Road from two (2) lanes to five (5) lanes. Included with the project are drainage improvements, traffic signal improvements and water main replacement. Eight (8) foot wide sidewalks along both sides of the newly constructed road along with American's with Disabilities Act (ADA) compliant facilities are included as part of the project to provide for non-motorized modes of transportation.

**Cost:** \$8,500,000

**Schedule:** Fall 2009

**Jobs Created:** 121

**Project Benefits:** This section of John R carries approximately 25,000 vehicles per day (vpd). During the peak hours the roadway operates over capacity resulting in long delays and congestion. By widening the road, congestion can be reduced leading to improved air quality levels, reduced fuel consumption and improved travel times for people and goods.

---

**Project:** John R Reconstruction and Widening, Square Lake to South Boulevard

**Project Description:** Project reconstructs and widens John R Road from two (2) lanes to five (5) lanes. Included with the project are drainage improvements, traffic signal improvements and water main replacement. Eight (8) foot wide sidewalks along both sides of the newly constructed road along with American's with Disabilities Act (ADA) compliant facilities are included as part of the project to provide for non-motorized modes of transportation.

**Cost:** \$7,000,000

**Schedule:** Fall 2009

**Jobs Created:** 100

**Project Benefits:** This section of John R carries approximately 22,000 vehicles per day (vpd). During the peak hours the roadway operates over capacity resulting in long delays and congestion. By widening the road, congestion can be reduced leading to improved air quality levels, reduced fuel consumption and improved travel times for people and goods.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Streambank Erosion Corrective Actions – City-Wide

**Project Description:** The City of Troy has over 9000 linear feet of streambanks that are severely eroded, causing critical and sometimes dangerous conditions in our local waterways. In addition, the sediment that is eroding is being displaced and causing sedimentation problems in the waterways, including the destruction of habitat, and turbidity in the water column, diminishing water quality for plants and wildlife.

**Cost:** \$7,000,000

**Schedule:** Summer 2009

**Jobs Created:** 99

**Project Benefits:** By reducing erosion and sedimentation in the areas' water resources, the project will improve wildlife habitat and reduce nonpoint source pollution from runoff sources. Sediment deposition will be decreased in downstream communities, thereby improving the overall health of our local waterways.

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**Project:** Troy/Birmingham Intermodal Transit Center

**Project Description:** The Cities of Birmingham and Troy are collaborating to design and construct an intermodal transit center along the common border which is a CN rail line, in the area of Maple and Coolidge Roads. The feasibility of the project was confirmed by the conceptual and preliminary engineering/design study conducted by Wendel Duchscherer of Amherst, New York. The scope of the project includes a 3,000 to 3,500 square foot building and a tunnel under the CN rail line to connect the Cities of Birmingham and Troy. Since the land was dedicated for the project there is no land acquisition. In addition the City of Troy Planning Commission and City of Birmingham Planning Board are initiating a Joint Planning Commission to plan and create joint development regulations for the Transit Center Area.

**Cost:** \$6,200,000

**Schedule:** Fall 2009

**Jobs Created:** 45

**Project Benefits:** Amtrak train service, SMART bus service, Black Sedan service, taxi service and a connection to both the Troy Oakland Airport will be provided. The regional mass transit efforts of others have also included this Transit Center as a hub of activity for connections from the proposed



## Projects for Submittal Federal Stimulus Package

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Woodward Avenue Light Rail system and the proposed return of commuter rail to the tracks running next to the Transit Center.

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**Project:** Major and Industrial Road Rehabilitation

**Project Description:** Rehabilitate major and industrial roads in poor condition by replacing deteriorated concrete pavement, crack filling and milling and overlaying severely deteriorated pavements with asphalt.

**Cost:** \$6,000,000

**Schedule:** Summer 2009

**Jobs Created:** 85

**Project Benefits:** Reduces future road maintenance costs due to maintenance delay and rapid road deterioration. Reduces vehicle maintenance costs and fuel consumption. Improves aesthetics and promotes new business within existing industrial areas.

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**Project:** Storm Water Detention Pond Retrofits

**Project Description:** Modification of residential storm water detention ponds to improve water quality and reduce downstream stream bank erosion.

**Cost:** \$5,500,000

**Schedule:** Summer 2009

**Jobs Created:** 78

**Project Benefits:** Modifications slow the basin discharge rate to reduce flooding, promote uptake of excess nutrients and pollutants and add native plantings to promote sustainability of the pond's ecosystem.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Wattles Road Reconstruction and Widening, East and West of Rochester

**Project Description:** Project widens and reconstructs Wattles Road from a two (2) lanes to a new four (4) lane concrete boulevard. Included with the project are drainage improvements, traffic signal improvements and water main replacement. Eight (8) foot wide sidewalks along both sides of the newly constructed boulevard along with American's with Disabilities Act (ADA) compliant facilities are included as part of the project to provide for non-motorized modes of transportation. This project is included in the approved Transportation Improvement Program (TIP) in 2010, but is proposed to be advance constructed in 2009 with a \$12,000,000 road improvement project on Rochester Road.

**Cost:** \$3,000,000

**Schedule:** Fall 2009

**Jobs Created:** 43

**Project Benefits:** This project improves the performance of the intersection of Wattles Road and Rochester Road. Traffic volumes at this intersection are approximately 150,000 vehicles per day (vpd). Reduced congestion improves air quality, reduces fuel consumption and facilitates the flow of people and goods.

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**Project:** Big Beaver and I-75 Interchange Enhancement

**Project Description:** Addition of sustainable landscaping, detention basins and walkway improvements within the Big Beaver/I-75 interchange.

**Cost:** \$3,000,000

**Schedule:** Summer 2009

**Jobs Created:** 42

**Project Benefits:** Creates a forested portal from the key I-75 access point to the city's central business and technology corridor. Improvements decrease under bridge noise, enhance day and night time under bridge lighting, improve aesthetics, enhance pedestrian security and mobility within the Big Beaver business corridor.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Emerald Lakes Storm Water System Improvements

**Project Description:** The Emerald Lakes Retention Ponds are a series of storm water wet ponds that have no pretreatment for storm water pollutants, including sediment, leaf litter and direct drainage impacts. The City will install several storm water treatment BMPs that would address pollutants in the retention ponds. The project would also include a directed educational campaign to all residents in the neighborhood, both riparian and those not living on the waterfront.

**Cost:** \$2,000,000

**Schedule:** Summer 2009

**Jobs Created:** 28

**Project Benefits:** This installation of BMPs will improve water quality in local waterways by reducing the impacts of polluted runoff in residential retention ponds. In addition, it educates the residents about the importance of their actions on local waterways. The project will improve habitat for wildlife, including fisheries and waterfowl.

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**Project:** Aquatic Center Pond Dredging, Ecological Improvements and Culvert Replacements

**Project Description:** Dredge ~5,000 cubic yards of sediment from an in-line retention pond, stabilize streambanks both upstream and downstream, and expand stormwater storage to prevent flooding and erosion for downstream properties. Several acres of wildlife habitat will be created with wetlands, and prairie landscapes being utilized as a part of the ecological improvements to the area. In addition to the ecological improvements, the culverts downstream of the pond will be removed and replaced with box culverts.

**Cost:** \$1,600,000

**Schedule:** Summer 2009

**Jobs Created:** 23

**Project Benefits:** This project will provide storm water retention to prevent downstream impacts, including flooding and erosion. In addition, it will significantly increase the aquatic habitat, provide streamside recreational opportunities and improve the Civic Center aesthetics.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Lane Drain Flood Control

**Project Description:** Lane Drain open channel and storm sewer improvements along Livernois, Big Beaver to Civic Center Drive. Peak storm water flows are diverted to new storm sewers for flood control while dry weather flows continue through the open channel drain.

**Cost:** \$1,500,000

**Schedule:** Summer 2009

**Jobs Created:** 22

**Project Benefits:** Peak storm water flow is diverted to the proposed enclosed drain, thereby eliminating flooding downstream in residential areas. The improvements reduce flow within the Lane Drain to levels that are at or below the capacity of the existing open channel drain. This will also help to alleviate stream bank and soil erosion issues along the open channel.

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**Project:** Big Beaver and Rochester Park and Intersection Improvements

**Project Description:** Park development within the Big Beaver business corridor consisting of sustainable landscaping, walkways and seating, detention basin, intersection cross walks and American's with Disabilities Act (ADA) compliant facilities at all corners of the boulevard intersection to provide for non-motorized modes of transportation.

**Cost:** \$1,500,000

**Schedule:** Summer 2009

**Jobs Created:** 21

**Project Benefits:** Improves pedestrian safety at all intersection crosswalks, creates park like setting, improves water quality and aesthetics, and promotes pedestrian security and mobility within the Big Beaver business corridor.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Ferry Drain Habitat Restoration

**Project Description:** Design and construct streambank stabilization and habitat restoration projects for the Ferry-Renshaw Drain. This will include the restoration of the fisheries habitat, streamside habitat and dredging of accumulated sediment in the stream channel. Riparian area improvements include the installation of buffers, trees for increasing shade in the stream channel and lunger structures for habitat creation.

**Cost:** \$1,200,000

**Schedule:** Summer 2009

**Jobs Created:** 17

**Project Benefits:** The project will increase the green infrastructure along one (1) mile of contiguous stream channel. It addresses negative stream impacts, including streambank stabilization, improves the diminished habitat and fisheries, and provides stream cover. The overall health of the local waterways will improve, by decreasing runoff pollution and decreasing in-stream sediment deposition.

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**Project:** Lovington Flood Control

**Project Description:** Storm sewer improvements along Lovington, Minnesota to Dequindre. The project consists of approximately 2,400 feet of forty-eight (48) inch diameter storm sewer along Lovington. This section of the city is a low and moderate income area located largely within the floodplain. This project is the last phase of a large, multi-year drainage improvement project for this area.

**Cost:** \$1,000,000

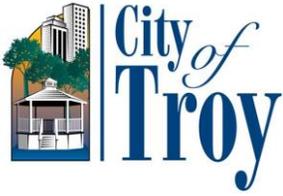
**Schedule:** Summer 2009

**Jobs Created:** 15

**Project Benefits:** The improvements reduce flooding concerns in this residential area. The enclosed drain will also provide for a reduction in the floodplain limits in this area saving low income residents from paying for flood insurance.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Sanitary Sewer Extensions

**Project Description:** Extend sanitary sewers to residential areas of the city currently not served by sewers.

**Cost:** \$1,000,000

**Schedule:** Summer 2009

**Jobs Created:** 14

**Project Benefits:** Eliminates failing septic systems. Reduces pollution from runoff and improves water quality in rivers and streams.

---

**Project:** Section 14 Flood Control – Storm Sewer Improvements along Bradley, Glaser, Lamb and Rockfield

**Project Description:** Improvements are part of a flood control project within a 62 acre localized drainage district in an existing residential area adjacent to Troy Athens High School. During rain events, localized flooding in this area is prevalent. The project will alleviate the flooding through construction of a new storm sewer system consisting of eight (8) inch to twenty-four (24) inch storm sewers.

**Cost:** \$1,000,000

**Schedule:** Summer 2009

**Jobs Created:** 15

**Project Benefits:** The improvements reduce flooding concerns in this residential area as well as adjacent to the high school. The new enclosed drains will carry peak flows to the Vogt Drain, an existing nine (9) foot diameter Oakland County drain.

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## Projects for Submittal Federal Stimulus Package

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**Project:** McCulloch Drain Flood Control

**Project Description:** Storm sewer improvements along Troywood, Rochester to the west end. These improvements are part of a large flood control project within the 3,000 acre McCulloch Drainage District. Several portions of the improvements have been completed to date, with a proposed 2.5 million cubic foot (MCF) storage facility proposed in the future. The project on Troywood consists of approximately 2,600 feet of thirty-six (36) inch diameter storm sewer within the center of the road.

**Cost:** \$750,000

**Schedule:** Summer 2009

**Jobs Created:** 11

**Project Benefits:** The improvements reduce flows within the McCulloch Drainage District to alleviate flooding concerns in the commercial and residential areas within the district. Implementation of the entire project greatly reduces flows, flooding and erosion within the overall district.

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**Project:** City Hall Rainwater Collection System

**Project Description:** Retrofit the existing storm water drainage system from City Hall and surrounding buildings to a central collection system. This cistern will be a collection point for rainwater to be used as irrigation for the Civic Center Grounds.

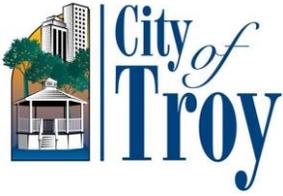
**Cost:** \$500,000

**Schedule:** Summer 2009

**Jobs Created:** 7

**Project Benefits:** By collecting and harvesting the rainwater at the City Hall site, the City will be reducing storm water runoff, and reusing the resource for an additional benefit to the landscape. The City would also reduce the reliance on the DWSD water system, thereby reducing the City's water costs.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Old Stone School Restoration

**Project Description:** Complete necessary repairs and restoration on a municipally- owned, locally- designated, historic resource. The Old Stone School (1860) requires structural repairs to roofs, windows, plumbing, electrical wiring, HVAC, ADA compliant restrooms and entries and exterior and interior painting and parking to make available for public use.

**Cost:** \$500,000

**Schedule:** Summer 2009

**Jobs Created:** 50

**Project Benefits:** This distinctive, historic structure is located at a gateway to the City of Troy at the intersection of Adams Road and South Blvd where the boundaries of Troy, Rochester Hills, Auburn Hills, and Bloomfield Twp. intersect. The structure and location provide excellent opportunities for Troy to partner with Paint Creek Center for the Arts and other public and non-profit organizations to provide excellent community services to enhance the arts and culture for our communities.

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**Project:** Storm Water Detention Pond Retrofits

**Project Description:** Modification of residential storm water detention ponds to improve water quality and reduce downstream stream bank erosion.

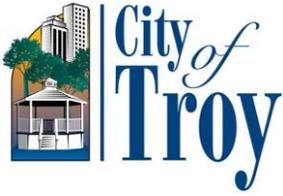
**Cost:** \$300,000

**Schedule:** Summer 2009

**Jobs Created:** 5

**Project Benefits:** Modifications slow the basin discharge rate to reduce flooding, promote uptake of excess nutrients and pollutants and add native plantings to promote sustainability of the pond's ecosystem.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Residential Rain Barrel Program

**Project Description:** To mitigate the increased storm water runoff from pervious surfaces in residential areas (rooftops, sidewalks, driveways), The City of Troy will provide rain barrels for residential use at a decreased costs to all City homeowners. The City will purchase a large quantity of rain barrels, and then disperse them at cost to interested residents. This program will also include a focused educational campaign addressing the importance of storm water runoff and residential impacts.

**Cost:** \$210,000

**Schedule:** Summer 2009

**Jobs Created:** 3

**Project Benefits:** This program will promote sustainable residential storm water practices. Benefits will include decreasing the amount of runoff into the City's storm system and protecting the local water resources from increased runoff impacts. Overall, the reuse of collected rainwater will reduce residential use of DWSD resources.

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**Project:** Stephenson Highway Storm Water Retrofit Project

**Project Description:** Install curb cuts in Stephenson Highway curbs to allow for storm water runoff to enter the medians. Medians will be planted with a wet prairie wildflower mix to enhance the native landscape. Signage and educational materials will be included in this project.

**Cost:** \$80,000

**Schedule:** Summer 2009

**Jobs Created:** 1

**Project Benefits:** These improvements will reduce road runoff, reduce maintenance costs, enhance the ecology of the area, and provide habitat for wildlife.

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## Projects for Submittal Federal Stimulus Package

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**Project:** Rain Gardens in City-Owned Parking Lots

**Project Description:** Installing rain gardens within existing City Hall Parking Lots will function as a demonstration project to visitors to City Hall about the importance of runoff reduction. The City will install a rain garden in the Aquatic Center Parking Lot. Included in this project will be an educational component, including signage and materials.

**Cost:** \$70,000

**Schedule:** Summer 2009

**Jobs Created:** 1

**Project Benefits:** By demonstrating the importance of reducing road runoff, the City of Troy will enhance the ecology of the area, providing habitat for wildlife and increase runoff infiltration. In addition, the demonstration project will be a public statement of how important water quality improvement is to the City of Troy.

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December 4, 2008

## Proposal Ties Economic Stimulus to Energy Plan

By **JOHN M. BRODER**

WASHINGTON — President-elect Barack Obama and leaders in Congress are fashioning a plan to pour billions of dollars into a jobs program to jolt the economy and lay the groundwork for a more energy-efficient one.

The details and cost of the so-called green-jobs program are still unclear, but a senior Obama aide, speaking on the condition of anonymity to discuss a work in progress, said it would probably include the weatherizing of hundreds of thousands of homes, the installation of “smart meters” to monitor and reduce home energy use, and billions of dollars in grants to state and local governments for mass transit and infrastructure projects.

The green component of the much larger stimulus plan would cost at least \$15 billion a year, and perhaps considerably more, depending on how the projects were defined, aides working on the package said.

During the campaign, Mr. Obama supported a measure to address global warming by capping carbon emissions while allowing companies to buy and trade pollution permits. He said he would devote \$150 billion of the revenue from the sale of those permits over 10 years to energy efficiency and alternative energy projects to wean the nation from fuels that are the main causes of the heating the atmosphere.

But the Obama adviser who discussed the green energy project said Mr. Obama would not await passage of a global warming bill before embarking on the new energy and infrastructure spending. House and Senate supporters of a climate bill said they would continue working on legislative language but did not expect quick action on a cap-and-trade law because of the economic emergency.

That means that the green-jobs program would not be financed with pollution credits bought by power generators and other carbon emitters, but instead would be added to the budget deficit.

Congressional officials working with the Obama administration said the stimulus program was also likely to involve tax breaks or direct government subsidies for a variety of clean energy projects, including solar arrays, wind farms, advanced biofuels and technology to capture carbon dioxide emissions from coal-burning power plants.

The programs will be a part of a larger economic stimulus package whose outlines are faint but which is expected to cost \$400 billion to \$500 billion. Mr. Obama has said that his goal is to create or save 2.5 million jobs in the next two years. He has assigned to his economic and environmental advisers the task of devising a proposal that is expected to combine a shot of new federal money into existing federal and state programs and the possible creation of agencies modeled on New Deal public works programs.

“We’ll put people back to work rebuilding our crumbling roads and bridges, modernizing schools that are failing our children, and building wind farms and solar panels, fuel-efficient cars and the alternative energy technologies that can free us from our dependence on foreign oil and keep our economy competitive in the years ahead,” Mr. Obama said in a radio address last month, echoing a campaign promise with a new sense of urgency.

The political climate seems favorable to an economic stimulus plan, but large sums of new money touch off lobbying frenzies and energy projects spur debate between conservationists and those who want to more fully exploit domestic sources of oil, natural gas and coal.

Some experts said the record of government’s intervention in energy markets and new technologies was not promising, citing as a spectacular example the Carter-era Synthetic Fuels Corporation, which spent more than \$3 billion without producing any commercially usable amount of coal-based liquid fuel.

Ethanol and other non-oil-based fuels have also not proved their commercial value, in some cases yielding less energy than was needed to produce them, or, in ethanol’s case, diverting land to corn and driving up food prices.

The plan could also face resistance from fiscal hawks. In 2004, Senator John McCain, Republican of Arizona, almost single-handedly blocked a \$100 billion energy package, saying the billions of dollars in subsidies for ethanol and other alternative fuels were little more than a special-interest boondoggle. The bill was revived a year later at half the cost, and much of the money in it has not been spent.

“Now they’re talking about some large amount of money — what, \$100 billion? — and spending it on windmills, job training, whatever,” said David Kreutzer, who studies energy economics and climate change at the Heritage Foundation, a conservative research group. “But where do you get the \$100 billion in the first place? Are you going to take \$100 billion from some other part of the economy, are you going to tax some people to pay for it? Are you just going to print it or borrow it? The money has to come from somewhere.”

The Obama team and Congressional leaders say they want a plan ready shortly after Congress reconvenes in January.

Mr. Obama has said that, after stabilizing the economy and the markets, putting the nation on the path to a more energy-efficient future is his top priority. The House speaker, Nancy Pelosi of California, said this week that rebuilding infrastructure and creating green jobs was “the first order of business that we will have” when Congress reconvenes in January. Several hearings are planned even before Mr. Obama takes office on Jan. 20.

State officials say a lack of financing has stalled billions of dollars in projects. Gov. Arnold Schwarzenegger of California told Mr. Obama this week that the states were ready to break ground with \$136 billion in infrastructure projects that could provide new jobs within two years.

The American Public Transportation Association, which represents local mass transit authorities, said there were \$8 billion in “ready-to-go” projects that could preserve or create thousands of jobs and provide more energy-efficient transportation.

Beverly A. Scott, the chief executive of Atlanta's transit agency and head of the national association, told Congress in October that the projects included diesel-electric hybrid buses for Chicago; a new bus maintenance shop for Eugene, Ore.; and a set of crossover tracks to allow San Francisco's rapid transit trains to turn around more quickly and carry more riders.

The Obama aide said the residential smart meters were a relatively small project that would not create a large number of jobs, but the aide said they would be an essential building block for the electric grid of the future. The new grid — a multiyear, multibillion-dollar project — would more efficiently move electricity from its source to its destination and would reward those who saved power or used it during off-peak hours.

Senator [Jeff Bingaman](#), Democrat of New Mexico, who heads the Energy and Natural Resources Committee, said he was sympathetic to Mr. Obama's desire to pump up the economy and reduce energy usage. But Mr. Bingaman said he was wary of big government spending programs without sufficient oversight or expertise.

"Just buying smart meters for everybody doesn't really move the ball very far," said Mr. Bingaman, who will hold a hearing next week to gather ideas for energy-related stimulus spending. "Realistically speaking, getting money properly spent in a short period of time requires some degree of competence in the government agency doing it. The best plan is to start with existing programs that work, like weatherization, and build on those."

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December 22, 2008

Louise E. Schilling, Mayor  
City of Troy  
500 W. Big Beaver  
Troy, MI 48084-5285

RECEIVED

DEC 23 2008

CITY OF TROY  
CITY MANAGER'S OFFICE

Dear Mayor Schilling:

The purpose of this letter is to inform you of SEMCOG's efforts to assure that the federal economic stimulus package provides maximum benefits to our member communities. We also seek additional information you think would be helpful after reviewing this letter.

SEMCOG's advocates in Washington, D.C. are tracking development of the stimulus package. While there are still numerous unknowns about details of the package, certain themes are emerging. Most importantly, there is growing widespread support for swift passage of a stimulus package.

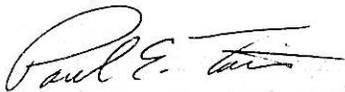
Most likely, funding would be distributed through existing programs, as there is no time for new programs to be created and achieve the goal of quickly stimulating the economy. There is also a high likelihood that much of the funding would be distributed to states on a formula basis. While numerous agencies and organizations are preparing lists of projects, it is unlikely that federal legislation will contain earmarks for specific projects. Initial discussions focused on projects that could be under construction in 90 days. SEMCOG and other organizations have indicated a more realistic timeline for local governments is 180 days.

For transportation projects, SEMCOG has shared the Transportation Improvement Program with funding agencies. This program has been approved by members and we are confident this represents the bulk of transportation projects ready to move in the next three to six months. If you are aware of other projects that should be considered, they must be submitted to SEMCOG.

For water and sewer projects, the projects ready to be implemented are considered by many to be those submitted to MDEQ as part of the low-interest revolving loan programs. We have repeatedly stated that a low interest loan program will not facilitate implementation of water and sewer projects. The stimulus package must provide for 100 percent grants to have the desired effect of moving projects forward.

I want to assure you that SEMCOG is working on your behalf to assure that the stimulus package works for Southeast Michigan. We have already been in contact with the offices of our two Senators and our members of Congress. We have, for example, advocated that the formula for distribution of stimulus funds include fiscal distress...obviously favoring our state. After action is taken at the federal level, we will be working closely with appropriate agencies in Michigan to assure that funding flows to support local government programs as swiftly and seamlessly as possible. Please contact Karen Wieber (313/324-3345 or [wieber@semco.org](mailto:wieber@semco.org)).

Sincerely,



Paul Tait, CAE  
Executive Director  
SEMCOG



**EMPLOYEE RETIREMENT SYSTEM  
ELECTION RESULTS  
December 26, 2008**

<u>CANDIDATE &amp; TERM:</u>	<u># VOTES</u>
<b><u>Term Expiring: December 31, 2009</u></b>	
Michael Geise	133
Thomas Rosewarne	181
<b><u>Term Expiring: December 31, 2011</u></b>	
Steven Pallotta: Unopposed Candidate	<b>N/A</b>

Envelopes not signed:   2  

Ballots voted incorrectly:   1  

Ballots voted correctly:  314 

**Total ballots returned:  317**

**Steven Pallotta** was an unopposed candidate and will serve as a member of the Employees Retirement System Board of Trustees and the Retiree Health Care Benefits Plan & Trust Board to fill the expired term of Thomas Houghton. This term of office will end December 31, 2011. **Thomas Rosewarne** having received 181 votes was elected to serve as a member of the Employees Retirement System Board of Trustees and the Retiree Health Care Benefits Plan & Trust Board to fill the unexpired term of Nancy Bowren. This term will end December 31, 2009.

*Tonni L. Bartholomew*

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Tonni L. Bartholomew, MMC  
City Clerk