

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

FEBRUARY 2, 2009

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Outcome Statements

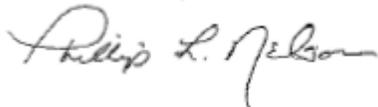
I. Troy enhances the health and safety of the community

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

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

February 2, 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: Cynthia Khan – Faith Lutheran Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) National Children of Alcoholics Week – February 8-14, 2009 Proclamation
Presented to Ann Comiskey, Executive Director Troy Community Coalition..... 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: Board of Zoning Appeals; Cable Advisory Committee; Election Commission; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee 2

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Study Committee; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee 3

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F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public 5

F-2 Approval of City Council Minutes 5

F-3 Proposed City of Troy Proclamation: 5

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a) Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities 2009 Annual Congressional City Conference 5

F-5 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 5

F-6 Request for Authorization to Make Unconditioned Offers to Purchase Property for Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 and Request for Authorization to Institute Court Action 18

F-7 Request for Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit Wattles Road Improvements, Bristol to

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 - b) Advisory Committee for Senior Citizens/Final – November 6, 2008 20
 - c) Traffic Committee/Final – November 19, 2008 20
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 - e) Ethnic Issues Advisory Board/Draft – January 6, 2009 20
 - f) Advisory Committee for Senior Citizens/Draft – January 8, 2009 20
 - g) Planning Commission/Draft – January 13, 2009 20
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J-5	Troy Youth Assistance Board Meeting Final Minutes – November 20, 2008	20
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2. Street Vacation – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26	21

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Cynthia Khan – Faith Lutheran Church

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

- A-1 Presentations:**
 - a)** National Children of Alcoholics Week – February 8-14, 2009 Proclamation Presented to Ann Comiskey, Executive Director Troy Community Coalition

CARRYOVER ITEMS:

- B-1 No Carryover Items**

PUBLIC HEARINGS:

- C-1 No Public Hearings**

POSTPONED ITEMS:

- D-1 No Postponed Items**

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16,

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

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

E-1 **Appointments to Boards and Committees:** a) **Mayoral Appointments:** None Scheduled b) **City Council Appointments:** Board of Zoning Appeals; Cable Advisory Committee; Election Commission; 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 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 #2009-02-

Moved by

Seconded by

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

Board of Zoning Appeals

Appointed by Council (7 Regular) 3-Year Term

Lon Ullmann - **Planning Commission Rep.**

Term Expires 01/31/2010

Philip Sanzica - **Planning Commission Alt. Rep.**

Term Expires 01/31/2010

Cable Advisory Committee

Appointed by (7 Regular) 3 Year Term

Brian J. Wattles

Term Expires 02/28/2012

Election Commission

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

David C. Anderson – **Republican Representative**

Term Expires 01/31/2010

Liquor Advisory Committee

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

Max K. Ehlert

Term Expires 01/31/2012

David S. Ogg

Term Expires 01/31/2012

Timothy P. Payne

Term Expires 01/31/2012

Municipal Building Authority

Appointed by Council (5 Regular) 3-Year Term

Michael J. Chaffee

Term Expires 01/31/2012

Traffic Committee

Appointed by Council (7 Regular) 3-Year Term

Sara Binkowski

Term Expires 01/31/2013

John Diefenbaker

Term Expires 01/31/2013

Gordon A. Schepke

Term Expires 01/31/2012

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: 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 – None Scheduled

(b) City Council Nominations

Suggested Resolution

Resolution #2009-02

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:

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 **or 01/31/2010**

Municipal Building Authority

Appointed by Council (5 Regular) 3-Year Term

Term Expires 01/31/2012

Traffic Committee

Appointed by Council (7 Regular) 3-Year Term

Term Expires 01/31/2012

Yes:

No:

CONSENT AGENDA:

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

been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

F-1a Approval of "F" Items NOT Removed for DiscussionSuggested Resolution

Resolution #2009-02-

Moved by

Seconded by

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

Yes:

No:

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

F-2 Approval of City Council MinutesSuggested Resolution

Resolution #2009-02-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 26, 2009 as submitted.

F-3 Proposed City of Troy Proclamation:

- a) National Children of Alcoholics Week – February 8-14, 2009

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities 2009 Annual Congressional City Conference**

Suggested Resolution

Resolution #2009-02-

RESOLVED, That Troy City Council hereby **AUTHORIZES** Council members to attend the National League of Cities 2009 Annual Congressional City Conference from March 14 -18, 2009 in Washington, DC, in accordance with accounting procedures of the City of Troy.

F-5 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

Suggested Resolution
Resolution #2009-02-

(a) Parcel #2 – Space Station of Troy, Inc. – Sidwell #88-20-23-301-003

(1) Authorization to Make Unconditioned Offer

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 Space Station of Troy, Inc., owners of property having Sidwell #88-20-23-301-003;

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 #88-20-23-301-003 in the amount of \$950.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Space Station of Troy, Inc., owners of property having Sidwell #88-20-23-301-003;

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 #3 – MNAD Property, LLC – Sidwell #88-20-23-301-002

(1) Authorization to Make Unconditioned Offer

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 MNAD Property, LLC, owners of property having Sidwell #88-20-23-301-002;

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 #88-20-23-301-002 in the amount of \$29,100.00, plus closing costs.

(2) Authorization to Institute Court Action

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 MNAD Property, LLC, owners of property having Sidwell #88-20-23-301-002;

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 #8 – RCU Independence, Inc./Sentry, Inc. – Sidwell #88-20-23-156-002

(1) Authorization to Make Unconditioned Offer

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 RCU Independence, Inc./Sentry, Inc., owners of property having Sidwell #88-20-23-156-002;

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 #88-20-23-156-002 in the amount of \$111,300.00, plus closing costs.

(2) Authorization to Institute Court Action

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 RCU Independence, Inc./Sentry, Inc., owners of property having Sidwell #88-20-23-156-002;

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 #12 – Howard and Carolyn Gronow – Sidwell #88-20-23-100-047

(1) Authorization to Make Unconditioned Offer

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 Howard and Carolyn Gronow, owners of property having Sidwell #88-20-23-100-047;

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 #88-20-23-100-047 in the amount of \$79,600.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Howard and Carolyn Gronow, owners of property having Sidwell #88-20-23-100-047;

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.

(e) Parcel #13 – Atto Construction, Inc. – Sidwell #88-20-23-100-061

(1) Authorization to Make Unconditioned Offer

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 Atto Construction, Inc., owners of property having Sidwell #88-20-23-100-061;

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 #88-20-23-100-061 in the amount of \$77,800.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Atto Construction, Inc., owners of property having Sidwell #88-20-23-100-061;

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 #16 – Lukich Realty, LLC – Sidwell #88-20-23-100-083

(1) Authorization to Make Unconditioned Offer

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 Lukich Realty, LLC, owners of property having Sidwell #88-20-23-100-083;

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 #88-20-23-100-083 in the amount of \$2,700.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Lukich Realty, Inc., owners of property having Sidwell #88-20-23-100-083;

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 #18 – Rochester Square Associates – Sidwell #88-20-23-100-070

(1) Authorization to Make Unconditioned Offer

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 Rochester Square Associates, owners of property having Sidwell #88-20-23-100-070;

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 #88-20-23-100-070 in the amount of \$160,415.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Rochester Square Associates, owners of property having Sidwell #88-20-23-100-070;

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 #20 – JLJ Investments, LLC – Sidwell #88-20-14-351-056

(1) Authorization to Make Unconditioned Offer

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 JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056;

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 #88-20-14-351-056 in the amount of \$74,600.00, plus closing costs.

(2) Authorization to Institute Court Action

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 JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056;

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 #22 – Maya’s Meadows – Sidwell #88-20-14-352-001

(1) Authorization to Make Unconditioned Offer

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 Maya’s Meadows, owners of property having Sidwell #88-20-14-352-001;

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 #88-20-14-352-001 in the amount of \$1,800.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Maya’s Meadows, owners of property having Sidwell #88-20-14-352-001;

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.

(j) Parcel #25 – 3385 Rochester Road Associates, LLC – Sidwell #88-20-22-401-067

(1) Authorization to Make Unconditioned Offer

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 3385 Rochester Road Associates, LLC, owners of property having Sidwell #88-20-22-401-067;

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 #88-20-22-401-067 in the amount of \$2,000.00, plus closing costs.

(2) Authorization to Institute Court Action

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 3385 Rochester Road Associates, LLC, owners of property having Sidwell #88-20-22-401-067;

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.

(k) Parcel #26 – Halle-Von Voigtlander – Sidwell #88-20-22-401-019

(1) Authorization to Make Unconditioned Offer

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 Halle-Von Voigtlander, owners of property having Sidwell #88-20-22-401-019;

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 #88-20-22-401-019 in the amount of \$70,140.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Halle-Von Voigtlander, owners of property having Sidwell #88-20-22-401-019;

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.

(l) Parcel #29 – Midwest Master Investment, LLC – Sidwell #88-20-22-277-025

(1) Authorization to Make Unconditioned Offer

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 Midwest Master Investment, LLC, owners of property having Sidwell #88-20-22-277-025;

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 #88-20-22-277-025 in the amount of \$52,100.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Midwest Master Investment, LLC, owners of property having Sidwell #88-20-22-277-025;

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.

(m) Parcel #35 – DePorre Property Investments, LLC – Sidwell #88-20-22-276-046

(1) Authorization to Make Unconditioned Offer

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 DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046;

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 #88-20-22-276-046 in the amount of \$61,200.00, plus closing costs.

(2) Authorization to Institute Court Action

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 DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046;

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.

(n) Parcel #38 – Sentry, Inc. – Sidwell #88-20-22-226-077

(1) Authorization to Make Unconditioned Offer

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 Sentry, Inc., owners of property having Sidwell #88-20-22-226-077;

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 #88-20-22-226-077 in the amount of \$43,900.00, plus closing costs.

(2) Authorization to Institute Court Action

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 Sentry, Inc., owners of property having Sidwell #88-20-22-226-077;

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.

(o) Parcel #39 – UEOS Troy, LLC – Sidwell #88-20-22-226-079

(1) Authorization to Make Unconditioned Offer

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 UEOS Troy, LLC, owners of property having Sidwell #88-20-22-226-079;

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 #88-20-22-226-079 in the amount of \$38,100.00, plus closing costs.

(2) Authorization to Institute Court Action

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 UEOS Troy, LLC, owners of property having Sidwell #88-20-22-226-079;

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.

(p) Parcel #44 – Karen A. Ostdiek – Sidwell #88-20-22-226-044

(1) Authorization to Make Unconditioned Offer

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 Karen A. Ostdiek, owner of property having Sidwell #88-20-22-226-044;

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 #88-20-22-226-044 in the amount of \$24,100.00, plus closing costs.

2) Authorization to Institute Court Action

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 Karen A. Ostdiek, owner of property having Sidwell #88-20-22-226-044;

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.

(q) Parcel #46 – P.G. Equities Cort Limited Partnership – Sidwell #88-20-22-226-042**(1) Authorization to Make Unconditioned Offer**

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 P.G. Equities Cort Limited Partnership, owners of property having Sidwell #88-20-22-226-042:

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 #88-20-22-226-042 in the amount of \$16,800.00, plus closing costs.

2) Authorization to Institute Court Action

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 P.G. Equities Cort Limited Partnership, owners of property having Sidwell #88-20-22-226-042;

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.

(r) Parcel #47 – Surg, LLC – Sidwell #88-20-22-226-041**(1) Authorization to Make Unconditioned Offer**

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 Surg, LLC, owners of property having Sidwell #88-20-22-226-041;

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 #88-20-22-226-041 in the amount of \$17,100.00, plus closing costs.

2) Authorization to Institute Court Action

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 Surg, LLC, owners of property having Sidwell #88-20-22-226-041;

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.

(s) Parcel #49 – CNL Net Lease Funding – Sidwell #88-20-22-226-074**(1) Authorization to Make Unconditioned Offer**

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 CNL Net Lease Funding, owners of property having Sidwell #88-20-22-226-074;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department is hereby authorized to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-074 in the amount of \$120,160, plus closing costs.

2) Authorization to Institute Court Action

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 CNL Net Lease Funding, owners of property having Sidwell #88-20-22-226-074;

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.

(t) Parcel #50 – Comerica Bank – Sidwell #88-20-15-478-015**(1) Authorization to Make Unconditioned Offer**

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 Comerica Bank, owners of property having Sidwell #88-20-15-478-015;

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 #88-20-15-478-015 in the amount of \$356,900.00, plus closing costs.

2) Authorization to Institute Court Action

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 Comerica Bank, owners of property having Sidwell #88-20-15-478-015;

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.

(u) Parcel #53 – Prashant S. and Purnima Chaudhari – Sidwell #88-20-15-477-015**(1) Authorization to Make Unconditioned Offer**

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 Prashant S. and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015;

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 #88-20-15-477-015 in the amount of \$6,000.00, plus closing costs.

2) Authorization to Institute Court Action

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 Prashant S. and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015;

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.

(v) Parcel #57 – Waleed L. and Alhan N. Hadad – Sidwell #88-20-15-426-052**(1) Authorization to Make Unconditioned Offer**

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 Waleed L. and Alhan N. Hadad, owners of property having Sidwell #88-20-15-426-052;

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 #88-20-15-426-052 in the amount of \$8,555.00, plus closing costs.

2) Authorization to Institute Court Action

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 Waleed L. and Alhan N. Hadad, owners of property having Sidwell #88-20-15-426-052;

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.

(w) Parcel #58 – Fountain Park Troy – Sidwell #88-20-14-351-084**(1) Authorization to Make Unconditioned Offer**

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 Fountain Park Troy, owners of property having Sidwell #88-20-14-351-084;

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 #88-20-14-351-084 in the amount of \$800.00, plus closing costs.

2) Authorization to Institute Court Action

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 Fountain Park Troy, owners of property having Sidwell #88-20-14-351-084;

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.

(x) Parcel #60 – Old Troy, LLC – Sidwell #88-20-23-304-016**(1) Authorization to Make Unconditioned Offer**

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 Old Troy, LLC, owners of property having Sidwell #88-20-23-304-016;

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 #88-20-23-304-016 in the amount of \$3,000.00, plus closing costs.

2) Authorization to Institute Court Action

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 Old Troy, LLC, owners of property having Sidwell #88-20-23-304-016;

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-6 Request for Authorization to Make Unconditioned Offers to Purchase Property for Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 and Request for Authorization to Institute Court Action

Suggested Resolution
Resolution #2009-02-

(a) Parcel #3 – Gavril Mosutan and Ligia Mosutan – Sidwell #88-20-15-476-037

(1) Authorization to Make Unconditioned Offer

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Gavril Mosutan and Ligia Mosutan, owners of property having Sidwell #88-20-15-476-037;

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 #88-20-15-476-037 in the amount of \$2,500.00, plus closing costs.

2) Authorization to Institute Court Action

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Gavril Mosutan and Ligia Mosutan, owners of property having Sidwell #88-20-15-476-037;

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 #10 – Firas I. Ibrahim and Reeta Ibrahim – Sidwell #88-20-14-351-061

(1) Authorization to Make Unconditioned Offer

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Firas I. Ibrahim and Reeta Ibrahim, owners of property having Sidwell #88-20-14-351-061;

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 #88-20-14-351-061 in the amount of \$2,800.00, plus closing costs.

2) Authorization to Institute Court Action

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Firas I. Ibrahim and Reeta Ibrahim, owners of property having Sidwell #88-20-14-351-061;

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 #12 – 5 J’s Investment Company – Sidwell #88-20-22-226-023

(1) Authorization to Make Unconditioned Offer

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from 5 J’s Investment Company, owners of property having Sidwell #88-20-22-226-023;

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 #88-20-22-226-023 in the amount of \$3,800.00, plus closing costs.

2) Authorization to Institute Court Action

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from 5 J’s Investment Company, owners of property having Sidwell #88-20-22-226-023;

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-7 Request for Acceptance of Permanent Public Utility Easement and Grading and Temporary Construction Permit Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #13 – Sidwell #88-20-22-226-024 – Michael and Connie Kohn

Suggested Resolution

Resolution #2009-02-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$10,800.00 and the Grading and Temporary Construction Permit in the amount of \$800.00 from Michael and Connie Kohn, owners of property having Sidwell #88-20-22-226-024; and

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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Street Vacation – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26 (File Number: SV 148-D) - February 16, 2009
-

G-2 Memorandums: None Scheduled

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Downtown Development Authority/Final – October 15, 2008
b) Advisory Committee for Senior Citizens/Final – November 6, 2008
c) Traffic Committee/Final – November 19, 2008
d) Historic District Study Committee/Final – December 2, 2008
e) Ethnic Issues Advisory Board/Draft – January 6, 2009
f) Advisory Committee for Senior Citizens/Draft – January 8, 2009
g) Planning Commission/Draft – January 13, 2009
-

J-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – December 2008
-

J-3 Letters of Appreciation: None Submitted

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

J-5 Troy Youth Assistance Board Meeting Final Minutes – November 20, 2008

J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Gas Customers of Consumers Energy Company – Case No. U-15704

STUDY ITEMS:

K-1 Latest Budget Numbers

PUBLIC COMMENT: Address of “K” Items

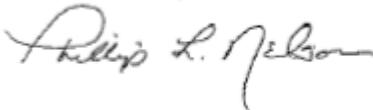
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 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, February 16, 2009

1. Special Assessment Roll for Asphalt Paving of Florence, in Section 9, Project No. 08.108.1
2. Street Vacation – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26

SCHEDULED CITY COUNCIL MEETINGS:

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
Monday, April 6, 2009	Regular City Council

**PROCLAMATION
NATIONAL CHILDREN OF ALCOHOLICS WEEK
FEBRUARY 8 – 14, 2009**

WHEREAS, It is estimated that one in four children in the United States under age 18 is hurt by family alcohol abuse or alcoholism, and that countless others are affected by parental drug use; and

WHEREAS, There is strong scientific evidence that alcoholism runs in families, with children of alcoholics being two- to four-times more likely to develop alcoholism than children of non-alcoholics; and

WHEREAS, Parental alcohol abuse is a significant factor in a large proportion of child abuse and neglect cases; and

WHEREAS, Young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics; and

WHEREAS, Young children of alcoholics often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist; and

WHEREAS, Children of alcoholics, with interest and support from family, friends, health professionals, teachers, clergy and others, can avoid the negative effects of familial alcoholism; and

WHEREAS, The Troy Community Coalition and caring members of our community are committed to helping children of alcoholics;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **February 8-14, 2009 as Children of Alcoholics Week** in the City of Troy, Michigan; and

BE IT FURTHER RESOLVED, That the City Council calls upon all citizens, community agencies, organizations and businesses in Troy to encourage all citizens of Troy to help break the silence often surrounding familial alcoholism and reach out to support the children and their families.

Presented this 2nd day of February 2009.

Regular Meeting of the Troy City Council was held Monday, January 26, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Joanne Blair of Northminster Presbyterian Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Chief Charles Craft introduced two newly appointed City of Troy Police Captains, Gerard S. Scherlinck and Keith A. Frye.
- b) Tom Kaszubski, Senior Home Assistance Repair Program (SHARP) representative, accepted a check in the amount of \$535.01 from Cindy Stewart, Community Affairs Director, on behalf of the City of Troy Employees' *Casual for a Cause* Program for the month of November.
- c) On behalf of the Michigan Recreation and Parks Association (MRPA), Carol Anderson, Parks & Recreation Director, presented MRPA's *Community Service* award to Tom Kaszubski in recognition of SHARP's contribution to the parks and recreation program in the City of Troy.
- d) Tom Duszynski provided a project update for the Troy Trails & Pathways Committee.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-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)

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 #2009-01-008
Moved by Fleming
Seconded by Eisenbacher

WHEREAS, The City is in receipt of a rezoning request, from B-2 to H-S, File Number Z-735, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-2 to H-S; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

MOTION CARRIED

C-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)

The Mayor opened the Public Hearing for public comment.

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

Elaine Yaffey

Resolution #2009-01-009

Moved by Eisenbacher

Seconded by Fleming

WHEREAS, The City is in receipt of a rezoning request, from B-2 to B-3, File Number Z-734, 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;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-2 to B-3; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

MOTION CARRIED

C-3 Street Vacation – Myrtle Avenue (Originally Platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number: SV 163-C)

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 #2009-01-010

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, A request has been received for the vacation Myrtle Avenue (originally platted as Melita Avenue), approximately 272.73 feet long by 50 feet wide, located east of Kilmer and north of Big Beaver Road, in Section 22;

WHEREAS, The portion of Myrtle Avenue proposed to be vacated is described in the attached Sketch of Vacation;

WHEREAS, The property which shall benefit from this requested vacation is lots 19, 20, 21 and 22 of Burgess Bungalow Subdivision to the north (City of Troy Tax Parcels 20-22-382-012) 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 (City of Troy Tax Parcels 20-22-383-001, 002, 003 and 006); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONCURS** in the recommendations of City Management and the Planning Commission, and hereby **VACATES** the Myrtle Avenue right-of-way.

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Paul Beck
Richard Peters
Marvin Reinhardt
Todd Scott

REGULAR BUSINESS:

The meeting **RECESSED** at 9:22 PM.

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

E-9 Preliminary Site Condominium Review – Oak Forest Site Condominium, South Side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C

Resolution
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest Site Condominium, located on the south side of Square Lake Road, between Willow Grove and John R. Road in Section 11, including 76 units on 39.23 acres within the R-1C zoning district, with the following conditions:

- A. All areas noted as mitigation areas on the attached plan shall be included as MDEQ regulated conservation easements, and shall be reflected on the final site condominium plan; and
- B. If feasible in the sole determination of the City Engineer, there shall be an easement granted to the City that shall provide access to City land, and that land that shall be located between Units 70 and 71; and
- C. The walkway between Units 31 and 32 on the attached preliminary site condominium plan is eliminated; and
- D. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- E. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan submitted to City Council; and
- F. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

Vote on Resolution to Amend Resolution to Approve the Preliminary Site Plan for Oak Forest Site Plan Condominium

Resolution #2009-01-011

Moved by Eisenbacher

Seconded by Beltramini

RESOLUTION, That Troy City Council hereby **AMENDS** the resolution to *Approve Preliminary Site Plan for Oak Forest Site Plan Condominiums* by **ADDING** "proposed" before "Units" in Item B and C, and by **STRIKING** "walkway" and **INSERTING** "concrete sidewalk" in Item C.

Yes: All-7

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2009-01-012

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest Site Condominium, located

on the south side of Square Lake Road, between Willow Grove and John R. Road in Section 11, including 76 units on 39.23 acres within the R-1C zoning district, with the following conditions:

- A. All areas noted as mitigation areas on the attached plan shall be included as MDEQ regulated conservation easements, and shall be reflected on the final site condominium plan; and
- B. If feasible in the sole determination of the City Engineer, there shall be an easement granted to the City that shall provide access to City land, and that land that shall be located between proposed Units 70 and 71; and
- C. The concrete sidewalk between proposed Units 31 and 32 on the attached preliminary site condominium plan is eliminated; and
- D. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- E. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan submitted to City Council; and
- F. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

Yes: All-7

MOTION CARRIED

E-10 Preliminary Site Condominium Review – Oak Forest South Site Condominium, East Side of Willow Grove, South of Square Lake Road, Section 11 – R-1C

Resolution #2009-01-013

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest South Site Condominium, located on the east side of Willow Grove, south of Square Lake Road, in Section 11, including 25 units on 10.03 acres within the R-1C zoning district, with the following conditions:

- A. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- B. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan is submitted to City Council; and
- C. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

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

MOTION CARRIED

E-8 Preliminary Site Condominium Review – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A

Resolution #2009-01-014
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, One-Family Cluster Option, known as Adams Road Site Condominium, located on the east side of Adams, south of South Boulevard, in Section 6, including 5 home sites, within the R-1A zoning district, being 4.98 acres in size.

Yes: All-7

MOTION CARRIED

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Board of Review and Planning Commission b) City Council Appointments: Cable Advisory Committee; Election Commission; and Municipal Building Authority

(a) Mayoral Appointments

Resolution #2009-01-015
Moved by Schilling
Seconded by Kerwin

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

Board of Review

Appointed by Mayor (3 Regular) 3-Year Term

Francis X. Kotcher, Jr.

Term Expires 01/31/2012

Planning Commission

Appointed by Mayor (9 Regular) 3-Year Term

Lon Ullmann

Term Expires 12/31/2011

Yes: All-7

MOTION CARRIED

(b) City Council Appointments

Resolution #2009-01-016
Moved by Beltramini
Seconded by Howrylak

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

Cable Advisory Committee

Appointed by (7 Regular) 3 Year Term

W. Kent Voigt Term Expires 02/28/2012

Election Commission

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

Timothy Dewan – Democrat Representative Term Expires 01/31/2010

Municipal Building Authority

Appointed by Council (5 Regular) 3-Year Term

John M. Lamerato - Asst City Mgr/Finance & Administration Term Expires 01/31/2012

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Board of Review (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

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Resolution #2009-017
Moved by Howrylak
Seconded by Broomfield

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

Lon Ullmann – Planning Commission Rep.* Term Expires 01/31/2010

Philip Sanzica – Planning Commission Alt. Rep.* Term Expires 01/31/2010

*NOTE: Planning Commission recommendation received – Refer to Agenda Item J-9

Cable Advisory Committee

Appointed by (7 Regular) 3 Year Term

Brian J. Wattles Term Expires 02/28/2012

Election Commission

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

David C. Anderson – Republican Party Representative Term Expires 01/31/2010

Liquor Advisory Committee

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

Max K. Ehlert Term Expires 01/31/2012

David S. Ogg Term Expires 01/31/2012

Timothy P. Payne Term Expires 01/31/2012

Municipal Building Authority

Appointed by Council (5 Regular) 3-Year Term

Michael J. Chaffee Term Expires 01/31/2012

Traffic Committee

Appointed by Council (7 Regular) 3-Year Term

Sara Binkowski Term Expires 01/31/2013

John Diefenbaker Term Expires 01/31/2013

Gordon A. Schepke Term Expires 01/31/2012

Yes: All-7

MOTION CARRIED

E-3 Standard Resolutions 1, 2 & 3 for Paving of Florence – Section 9, Special Assessment District (SAD) #08.108.1

(a) Standard Resolution #1

Resolution #2009-01-018a
 Moved by Kerwin
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #1 to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Florence in Section 9, Project No. 08.108.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: All-7

MOTION CARRIED

(b) Standard Resolution #2

Resolution #2009-01-018b
 Moved by Kerwin
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #2 to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Florence, in Section 9, Project No. 08.108.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	\$162,800.00
Assessment	<u>77,400.00</u>
City's Share	\$85,400.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ORDERS** and **DIRECTS** the City Assessor to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: All-7

MOTION CARRIED

(c) Standard Resolution #3

Resolution #2009-01-018c
 Moved by Kerwin
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #3 to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Florence, in Section 9,

Project No. 08.108.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for February 16, 2009.

Yes: All-7

MOTION CARRIED

E-4 Kendricks Lawsuit

Resolution #2009-01-019

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy defendants in any and all claims for damages in the matter of *Kendricks v Moore, et al*, United States District Court for the Eastern District of Michigan Court case number 2:08-cv-15193; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City of Troy defendants.

Yes: All-7

MOTION CARRIED

E-5 Reconsideration of Resolution #2009-01-006-F-10 (Item F-10) – Mon Jin Lau Annual Fireworks Use Request

Resolution #2009-01-020

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2009-01-006-F-10, Moved by Eisenbacher and Seconded by Beltramini as it appears below:

*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 27th and January 28th, 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.*

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

No: None

Absent: Howrylak

Yes: All-7

MOTION CARRIED

Vote on Resolution to Amend Reconsidered Resolution #2009-01-006-F-10

Resolution #2009-01-021
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2009-01-006-F-10, *Mon Jin Lau Annual Fireworks Use Request* by **STRIKING** "January 27th and January 28th" and **INSERTING** "February 3rd and February 4th".

Yes: All-7

MOTION CARRIED

Vote on Resolution for Mon Jin Lau Annual Fireworks Use Request as Amended

Resolution #2009-01-006-F-10
Moved by Eisenbacher
Seconded by Beltramini

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 February 3rd and February 4th, 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.

Yes: All-7

MOTION CARRIED

E-6 Library Café Space Renovation

Resolution #2009-01-022
Moved by Kerwin
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to renovate the café space vacated by Steamers Café, for an estimated total project cost of \$47,000.00 as detailed in Appendix A, using in-house personnel, approved contracts and standard purchasing procedures.

Yes: All-7

MOTION CARRIED

E-7 Amendment to Chapter 10 of Troy City Code – Employees Retirement System

Resolution #2009-01-023

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 10 of the Troy City Code (Employees Retirement System) to add Section 61 – Voluntary Separation Program for Retirement and to correct typographical errors in the ordinance, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

E-11 Oakland County Lane Drain Drainage District – Approval of the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District and Execution of Petition for the Cleaning, Widening, Deepening, Straightening and Extending of the Lane Drain – Project No. 07.303.5**(a) Approval of the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District, Project No. 07.303.5**

Resolution #2009-01-024a

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District, Project No. 07.303.5, 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**(b) Execution of Petition for the Cleaning, Widening, Deepening, Straightening and Extending of the Lane Drain, Project No. 07.303.5**

Resolution #2009-01-024b

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, Pursuant to Chapter 8 of Act 40 of the Public Acts of 1956, as amended, MCL 280.191, et seq., the undersigned public corporation petitions the Water Resources Commissioner of the County of Oakland for the cleaning, widening, deepening, straightening and extending of the drain known and designated as the Lane Drain located and established in the City of Troy in the County of Oakland, State of Michigan;

WHEREAS, The proposed maintenance of and improvements to the Lane Drain are necessary for the public health of the City and will consist of removing sediment, repairing the existing control structure (concrete weir), replacing two sets of twin culverts, creating a sediment forebay, stabilizing five streambank failures, creating a landscape buffer and making accommodation for future trails and park amenities; and

WHEREAS, The City has entered into a Contract for the Transfer of Surplus Construction Funds for the transfer of approximately Two Million Thirty Six Hundred (\$2,036,000.00) Dollars for the transfer of surplus construction funds from the Brotherton Drainage District and the Nelson Drainage District to the Lane Drainage District for the purpose of alleviating drainage problems in the Lane Drain;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the petition for and on behalf of the City and to file the same with the Water Resources Commissioner of the County of Oakland, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-01-025
Moved by Eisenbacher
Seconded by Beltramini

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

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-01-025-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 5, 2009 as corrected.

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

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: Western Tel-Com State Contract – Purchase of Cable Materials and Installation Services – Carport Data Drops**

Resolution #2009-01-025-F-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase cable materials and installation services for carport network connectivity from Western Tel-Com Inc of Livonia, MI, through the State of Michigan MiDEAL program for an estimated total cost of \$12,025.00; and

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

b) Standard Purchasing Resolution 8: Best Value Award – New Automation System for Troy Public Library

Resolution #2009-01-025-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide an integrated library system solution for the Troy Public Library to the highest rated bidder, Polaris Library Systems of Syracuse, NY, as a result of a best value process, for an estimated total system cost of \$202,375.00 with ongoing annual maintenance, support, subscription and licensing fees; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the purchase of server hardware and software through the Regional Education Media Center (REMC) or other competitively bid contracts at an estimated cost of \$30,270.00; and hereby **REJECTS** Option #2 for hardware purchases through Polaris; and

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

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Community Center Catering

Resolution #2009-01-025-F-4c

WHEREAS, On February 26, 2007, a contract to provide two-year requirements of Catering Services at the Troy Community Center with an option to renew for two (2) additional years was awarded to Sankofa Housing of Detroit, MI, as a result of a best value process at an 18% return on gross revenue expiring March 31, 2009 (Resolution #2007-02-058-E4d); and

WHEREAS, Sankofa Housing (aka A&S Catering) has agreed to exercise the two-year option to renew their catering contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Sankofa Housing (aka A&S Catering) to provide two-year requirements of Catering Services at the Troy Community Center under the same prices, terms and conditions as outlined in the Agreement expiring March 31, 2011; and

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

F-5 2009 Poverty Exemption Guidelines

Resolution #2009-01-025-F-5

RESOLVED, That, pursuant to MCL 211.7u, Troy City Council hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2009, as presented by the City Assessor in a memorandum dated December 30, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 – Parcel #5 – Sidwell #88-20-23-156-005 – Armand J. Dagenais/Michigan College of Beauty, Inc.

Resolution #2009-01-025-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Armand J. Dagenais/Michigan College of Beauty, Inc., owners of property having Sidwell #88-20-23-156-005, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$55,800.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,000.00 from Armand J. Dagenais/Michigan College of Beauty, Inc., owners of property having Sidwell #88-20-23-156-005; 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-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 – Parcel #6 – Sidwell #88-20-23-156-004 – Mattress & Futon Plaza, LLC

Resolution #2009-01-025-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Mattress & Futon Plaza, LLC, owners of property having Sidwell #88-20-23-156-004, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$99,800.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$2,500.00 from Mattress & Futon Plaza, LLC, owners of property having Sidwell #88-20-23-156-004; and

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

F-9 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 - Parcel #32 – Sidwell #88-20-22-276-051 – T & T Development

Resolution #2009-01-025-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between T & T Development, owners of property having Sidwell #88-20-22-276-051, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$98,060.00, 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 \$5,700.00 from T & T Development, owners of property having Sidwell #88-20-22-276-051; and

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

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

F-8 Park Naming of Section 36 Park Land – No Action Taken

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments Advanced:

Council Member Beltramini commended all of the various community groups and city staff that participated in the *Kaleidoscope* event over the weekend.

Council Member Kerwin recognized the hard work of the Martin Luther King committee and praised the program that they coordinated with the school district.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust/Final – October 8, 2008
 - b) Ethnic Issues Advisory Board/Final – October 14, 2008
 - c) Building Code Board of Appeals/Final – December 3, 2008
 - d) Planning Commission/Draft – December 9, 2008
 - e) Planning Commission/Final – December 9, 2008
 - f) Employees' Retirement System Board of Trustees/Final – December 10, 2008
 - g) Board of Zoning Appeals/Draft – December 16, 2008

 - h) Planning Commission Special/Study/Final – January 6, 2009
 - i) Building Code Board of Appeals/Draft – January 7, 2009
Noted and Filed
-

J-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction and C.Cryderman & Associates Auctioneer Services – November, 2008
 - b) City Attorney's Office – 2008 Fourth Quarter Litigation Report
Noted and Filed
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Nelson from the Grigg Family Regarding the Excellent Service of the Volunteer Fire Fighters
- b) Letter to Carol Anderson from Senator John Pappageorge Commending the Parks and Recreation Department on the Troy Family Aquatic Center and the Troy Community Center Receiving Recognition from *Aquatics International Magazine*
- c) Letter of Appreciation from Iva Shambarger Regarding the Assistance Received from Animal Control Officers

Noted and Filed

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

J-5 Correspondence from Brian Goul, Aquatics Coordinator, to Siegel & Gross, PC Regarding their Donation of Noodles to the Troy Swim Program

Noted and Filed

J-6 Correspondence from Resident Jacquelyn Olson Regarding Printing of City Calendar

Noted and Filed

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Frank Lawrence v. City of Troy

Noted and Filed

J-8 Communication from City Clerk Tonni Bartholomew Regarding Liquor Committee and Traffic Committee Appointments

Noted and Filed

J-9 Communication from Planning Director Mark Miller Regarding Election of Planning Commission Officers and Board of Zoning Appeals Representative Recommendations – 2009

Noted and Filed

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

Resolution #2009-01-026

Moved by Eisenbacher

Seconded by Beltramini

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 1:00 AM.

Yes: Howrylak, Schilling, Beltramini, Eisenbacher, Fleming

No: Kerwin, Broomfield

MOTION CARRIED

STUDY ITEMS:

K-1 Latest Budget Numbers

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 No Closed Session Requested

The meeting **RECESSED** at 11:55 PM

The meeting **RECONVENED** on Tuesday, January 27, 2009 at 12:05 AM.

The meeting **ADJOURNED** at on Tuesday, January 27, 2009 at 12:57 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
NATIONAL CHILDREN OF ALCOHOLICS WEEK
FEBRUARY 8 – 14, 2009**

WHEREAS, It is estimated that one in four children in the United States under age 18 is hurt by family alcohol abuse or alcoholism, and that countless others are affected by parental drug use; and

WHEREAS, There is strong scientific evidence that alcoholism runs in families, with children of alcoholics being two- to four-times more likely to develop alcoholism than children of non-alcoholics; and

WHEREAS, Parental alcohol abuse is a significant factor in a large proportion of child abuse and neglect cases; and

WHEREAS, Young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics; and

WHEREAS, Young children of alcoholics often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist; and

WHEREAS, Children of alcoholics, with interest and support from family, friends, health professionals, teachers, clergy and others, can avoid the negative effects of familial alcoholism; and

WHEREAS, The Troy Community Coalition and caring members of our community are committed to helping children of alcoholics;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby proclaim **February 8-14, 2009 as Children of Alcoholics Week** in the City of Troy, Michigan; and

BE IT FURTHER RESOLVED, That the City Council calls upon all citizens, community agencies, organizations and businesses in Troy to encourage all citizens of Troy to help break the silence often surrounding familial alcoholism and reach out to support the children and their families.

Presented this 2nd day of February 2009.



CITY COUNCIL ACTION REPORT

January 27, 2009

TO: Phillip L. Nelson, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities 2009 Annual Congressional City Conference

Background:

- The National League of Cities 2009 Annual Congressional City Conference is scheduled for March 14 – 18, 2009 in Washington, DC.

Financial Considerations:

- Funds are available in City Council's *Education and Training* account, number 102.7960.

Legal Considerations:

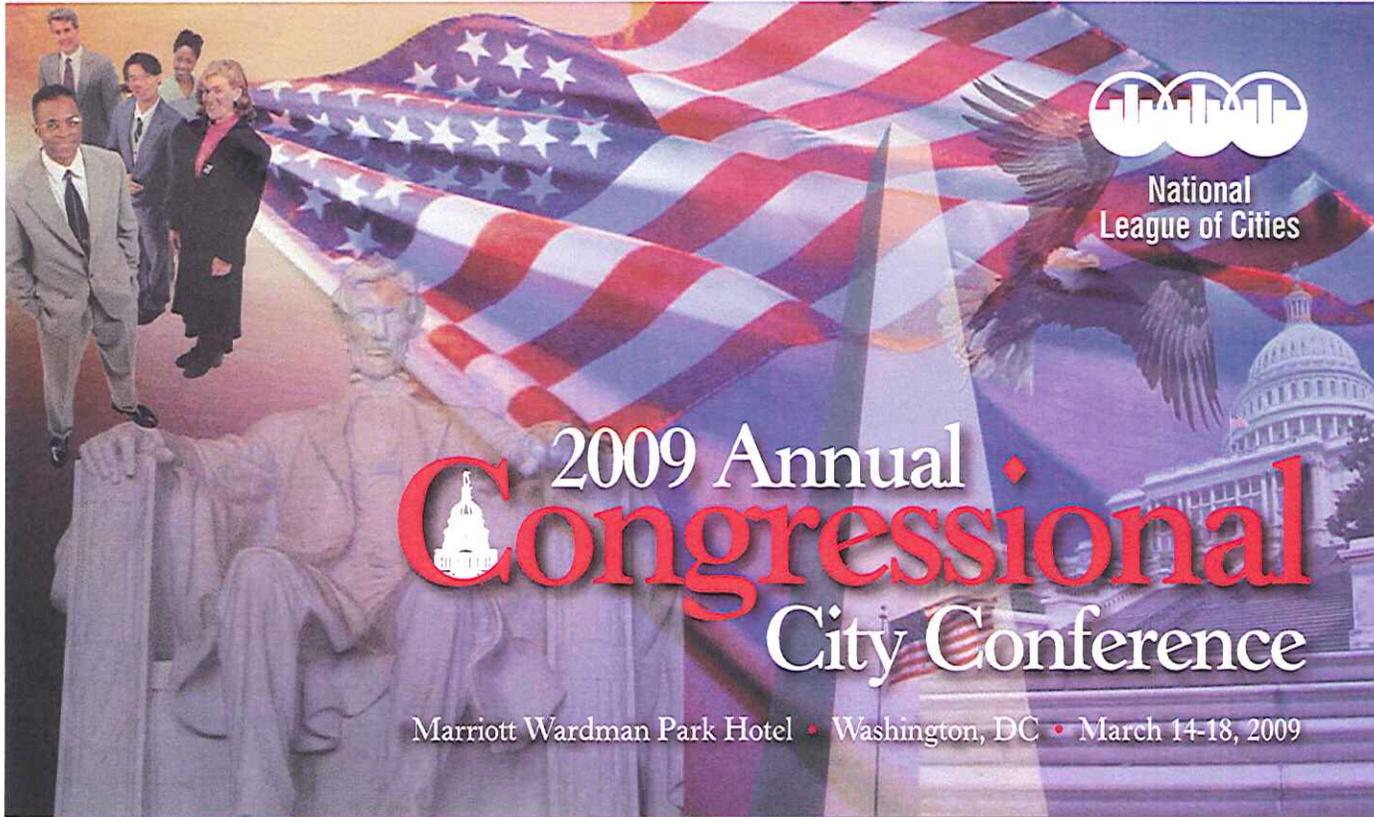
- There are no legal considerations associated with this item.

Policy Considerations:

- Council member attendance of educational conferences potentially impacts all of the established outcomes and outputs for the City.

Options:

- Staff requests authorization and approval to expend funds on travel expenses for Council members interested in attending the 2009 Annual Congressional City Conference.



National
League of Cities

2009 Annual
Congressional
City Conference

Marriott Wardman Park Hotel • Washington, DC • March 14-18, 2009

Lobbying for America's Cities

2009 Congressional City Conference

Opportunities You Will Not Want To Miss

Come to Washington, D.C., March 14 – 18 to join America's cities and towns as we forge new partnerships on behalf of the 225 million people we collectively represent with the new Administration and Congress. With the election behind us, the transition underway, and the economy in a crisis, both the Administration and Congress will have significant impact on the future of our cities and towns.

The National League of Cities Congressional City Conference provides local elected officials and municipal staff a myriad of opportunities you will not want to miss.

There will be opportunities to learn about federal issues important to America's cities and towns, to lobby Congress on those priorities, and to be a part of the clear, unified voice we present to the new Administration and Congress. The program will also include general sessions featuring national leaders, members of the new Administration and Congress, workshops to learn more about the issues and NLC's positions, and a chance to go to Capitol Hill to visit with your representatives on Wednesday, March 18.

The National League of Cities provides the resources, the connections, and the collective power to help city leaders have an impact on Capitol Hill.

The Action Plan

Sunday, March 15

City officials gather at the Marriott Wardman Park Hotel for leadership meetings, policy discussions, and legislative briefings to learn about current federal issues and priorities for America's cities and towns.

Monday, March 16

NLC's leaders and general session speakers set the stage for the action to come by outlining the opportunities and challenges and building capacity to make a difference with Congress on key federal issues.

Tuesday, March 17

The new President and his Cabinet and Congressional leaders are invited to discuss their priorities and ways in which Washington can work with cities and towns to meet the challenges facing the country. The program will wrap up with the opportunity to review NLC's federal legislative agenda and confirm plans for Capitol Hill visits on Wednesday.

Wednesday, March 18 – City Lobby Day

Travel to the Hill for strategic meetings with Congressional leaders to talk about NLC's priorities for federal action and what America's cities and towns want from Congress and the Administration.

Pre-Conference Leadership Training Institute Seminars

Information pertaining to the pre-conference Leadership Training Institute Seminars being held Saturday, March 14 and Sunday, March 15,

will be available on the NLC website at www.nlc.org in late December 2008 or early January 2009. Registered delegates will be notified by e-mail when registration for these seminars is available.

Special Events

Celebrate Diversity Breakfast

Monday, March 16; 7:30 a.m. – 9:00 a.m.; Fee: \$35

The 23rd annual Celebrate Diversity Breakfast will feature a keynote speaker who will provide a perspective on "diversity" issues facing America's cities and towns. The breakfast is sponsored by five NLC constituency groups.

Reception and The Capitol Steps

Tuesday, March 17; 6:30 p.m. – 8:00 p.m.

The Capitol Steps will perform on Tuesday as part of a conference wrap up to energize the delegates for City Lobby Day on Wednesday morning. This troupe of former Congressional employees provides bi-partisan fun for everyone.

Preliminary Schedule

The Conference will provide a range of education, networking, and strategy sessions to maximize the value of this event for city officials. This preliminary schedule provides an outline of major events during the conference to help delegates make travel plans.

Saturday, March 14

9:00 a.m. – 5:00 p.m. Leadership Training Seminars
1:30 p.m. – 5:00 p.m. City Futures Panel Meetings
5:30 p.m. – 6:45 p.m. Orientation to the National League of Cities for First Time Attendees
5:30 p.m. – 7:00 p.m. Constituency and Special Group Meetings

Sunday, March 15

9:00 a.m. – 5:00 p.m. NLC Board of Directors Meeting
NLC Advisory Council Meeting
Leadership Training Seminars
Policy and Advocacy Committee Meetings
12:00 p.m. – 1:30 p.m. Leadership Luncheon
5:15 p.m. – 7:00 p.m. Constituency and Special Group Meetings

Monday, March 16

7:30 a.m. – 9:00 a.m. Celebrate Diversity Breakfast
9:00 a.m. – 10:30 a.m. Opening General Session
10:45 a.m. – 12:15 p.m. Workshop Sessions
12:15 p.m. – 1:30 p.m. Roundtable Networking Lunch
1:45 p.m. – 3:15 p.m. Workshop Sessions
3:30 p.m. – 4:30 p.m. General Session
5:00 p.m. – 6:30 p.m. State League Caucuses and Receptions
Constituency and Special Group Meetings/Events

Tuesday, March 17

7:00 a.m. – 8:30 a.m. Steering Committee Work Sessions
8:45 a.m. – 10:15 a.m. General Session
10:30 a.m. – 11:45 p.m. Workshop Sessions
Noon – 1:30 p.m. Roundtable Networking Lunch
1:45 p.m. – 3:00 p.m. Workshop Sessions
3:15 p.m. – 4:30 p.m. Closing General Session
5:15 p.m. – 6:30 p.m. State League Caucuses and Receptions
6:30 p.m. – 8:00 p.m. Reception and The Capitol Steps

Wednesday, March 18

7:00 a.m. – 11:00 a.m. Shuttle Service to Capitol Hill for Lobbying

Be part of the national voice of America's cities and towns in 2009.

2009 Congressional City Conference

Key ISSUES

The 2009 Congressional City Conference will feature **general sessions, workshops, and strategy meetings** built around NLC's advocacy priorities for the first session of the 111th Congress. Key issues likely to be in play on the federal agenda in 2009 include:

The Economy

The crisis in the nation's financial markets is increasingly curtailing the ability of municipal governments – even those with AAA credit ratings – to borrow funds for ready-to-go projects to serve their citizens. Projects like roads, bridges, schools, hospitals, sewage treatment plants and libraries, the bedrocks of any community, are now at risk of being indefinitely delayed or cancelled because the cost of borrowing is too high. At the same time, housing foreclosures remain at an all-time high in many communities triggering a decline in property values and the property taxes that fund critical services for our citizens. In addition to economic stimulus packages and the \$700 billion economic recovery plan, find out what additional steps the federal government might take to stabilize the economy and help local economies.

Transportation Financing

With the current authorization of the federal transportation funding program set to expire in 2009, Congress will embark upon an important debate over the future of our country's national surface transportation plan. As part of this discussion, Congress will have to make decisions about how to address the shortfall in gas tax revenues for the Highway Trust Fund, how to repair and maintain the nation's aging infrastructure, how to address concerns over the impact of transportation on the environment, and ways to ensure that the program meets local transportation and economic development goals.

Alternative Energy and Climate Change

Energy and environmental issues of concern to local governments continue to be an important congressional issue. Congress continues to discuss and debate the specifics of a comprehensive energy package that would move this country toward greater energy independence. Renewable fuels standard, solar, wind and nuclear energy, tax credits for renewable energy production, elimination of oil and gas tax incentives, energy and environmental block grants for local governments and issues related to climate change will all be topics for this debate.

Immigration Reform

Uncertainty over federal immigration policy continues to impact cities and towns. Until comprehensive action is taken, communities will continue to face the challenges of immigration on their own. Faced with federal inaction, city leaders recognize that local governments cannot wait and are developing new strategies to take constructive action locally to manage growing immigrant populations.

Federal Funding for Local Activities

The federal budget continues to be under intense pressure due to war spending, the federal deficit, the economy, mandatory spending, and renewed emphasis on fiscal restraint. This means that federal programs important to cities and towns, including the Community Development Block Grant program, the Energy Efficiency and Conservation Block Grant program, public safety, and transportation, will continue to be vulnerable to attack.

Housing and Neighborhood Stabilization

With mortgage foreclosures, predatory lending, inadequate financial literacy, and market volatility continuing to threaten family economic self-sufficiency, neighborhood stability and the national economy, Congress continues to identify resources and mechanisms to preserve homeownership and stabilize neighborhoods, including stronger consumer education and protections and market interventions.

Telecommunications

Local government authority to offer municipal broadband services to citizens, to control rights of way, and to collect franchise fees and taxes remain under attack in federal regulatory and legislative arenas. Municipal officials must be knowledgeable about emerging technologies and be prepared to refute industry arguments that local governments are an impediment to competition.

Education Reform

Discussions are underway in Congress regarding education reform programs. An NLC Task Force has developed a set of recommendations for reforming K-12 and adult education programs to make them more responsive to the changing fiscal climate. Local government officials – many of whom have little control over schools but are often blamed when they fail – must be prepared to advocate for needed reforms and for the funding that will be required to meet educational program goals.

Public Safety

Public safety challenges both new and old, are forcing local governments to stretch their dollars farther than ever before. As cities across the country face severe budget shortfalls, a productive partnership that supports our first responders is more important than ever. Federal cooperation with local government is crucial in keeping police patrolling our communities, implementing new strategies against crime, and preparing for natural and man-made disasters.



Visit the NLC website at www.nlc.org for regular updates on key issues and advocacy priorities.

NLC Congressional City Conference Registration and Housing Form
Marriott Wardman Park – Washington, DC – March 14 - 18, 2009 – Advance Registration Deadline: February 2, 2009
For Faster Registration and Housing Reservation, Register On-line at www.NLCCongressionalCityConference.org

No housing or registration will be processed without accompanying payment in full.

Are you a newly elected official? _____ Size of city? _____

Name _____ Sex _____

Title _____

City/Organization _____

Mailing Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

Confirmation Format – HTML: YES NO

Spouse/Partner Name* (\$35 fee) _____

*Spouse/Partner not eligible for a separate hotel room

Child Name (14 and under, no fee) _____ Age _____

Youth Delegate** (15-18, \$100 fee) _____ Age _____

**Local officials are encouraged to register youth as active participants in this conference to contribute to NLC's youth agenda. If the youth delegate requires hotel accommodations separate from yours, attach the registration form with your completed form.

Youth Chaperone Name (\$100 fee) _____

Conference Registration Fees (Postmarked by February 2, 2009)

5	\$360 First Time Attendee		\$ _____
1	\$430 NLC Member City	(On-site rate is \$480 after 2/2/09)	\$ _____
2	\$430 Associate Member	(On-site rate is \$480 after 2/2/09)	\$ _____
3	\$550 SML Member City	(On-site rate is \$610 after 2/2/09)	\$ _____
4	\$655 Non-Member/Other	(On-site rate is \$700 after 2/2/09)	\$ _____

To be eligible for the advanced registration fees registration forms must be postmarked by February 2, 2009. To avoid lines onsite then registration forms must be received by March 9, 2009.

Specialty Registration Rates

SG	\$35 Spouse/Partner (non-refundable)	\$ _____
7	\$100 Youth Delegate	\$ _____
8	\$100 Youth Chaperone (not applicable to elected officials)	\$ _____
22	\$175 Students	\$ _____

Leadership Training Institute Seminars

You must be registered for the conference in order to attend.

Saturday, March 14th, Full Day Seminars

L01	\$175 Who Said Hiring a City Manager would be Easy?	\$ _____
L02	\$175 Why Resilient Leaders Succeed Where Other Fail	\$ _____

Saturday, March 14th, Half Day Seminars

L03	\$115 Building Community Partner Connections and Measuring your Success	\$ _____
L04	\$115 Leadership That Matters: Effective Practices for Local Officials	\$ _____
L05	\$115 Community Change and the New Economy: A Best Practice Approach	\$ _____
L06	\$115 The Rogue Council Member	\$ _____
L07	\$115 Sustainability	\$ _____
L08	\$115 The Dynamics of Critical Conversations	\$ _____

Sunday, March 15th, Full Day Seminars

L09	\$175 Practical Strategic Planning for Local Government	\$ _____
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Sunday, March 15th, Half Day Seminars

L10	\$115 Building Capacity for Financial Success: Beyond the Balance Sheet	\$ _____
L11	\$115 Public Sector Leadership: Stewards of the Common Good	\$ _____
L12	\$115 Effective Media Interviews	\$ _____
L13	\$115 Getting from Conflict to Confrontation to Resolution	\$ _____
L14	\$115 Transforming to a 'Sustainable City'	\$ _____
L15	\$115 Enhancing Council Effectiveness: Manage Conflicts and Differences Constructively	\$ _____
L16	\$115 Speak So They Will Listen	\$ _____
L17	\$115 Leading in Turbulent Times: How Local City Officials can Thrive in Chaos	\$ _____

Special Events

P1	\$35 Celebrate Diversity Breakfast	\$ _____
L18	\$40 Leadership Luncheon (Sunday, March 15, 2009)	\$ _____

Constituency Group Events

You must be registered for the conference in order to attend.

A1	\$45 APAMO Activity Fee	\$ _____
G1	\$45 GLBLO Activity Fee	\$ _____
H1	\$55 HELO Activity Fee	\$ _____
N1	\$140 NBC-LEO Activity Fee	\$ _____
W1	\$50 WIMG Luncheon	\$ _____

Total Registration Fee: \$ _____

Office use only: Payment _____ Check# _____ Amount _____

Hotel Reservations: You must be registered to reserve a hotel room. To guarantee your room, all hotels require one night's deposit plus 14.5% tax, per room 21 days prior to your arrival. This is required even if you plan to arrive before 6:00 p.m. If accommodations are not guaranteed 21 days in advance, the reservation will be cancelled.

- Please make my hotel reservation as indicated below.
- I do not require hotel accommodations at any of the hotels listed below.
- Please contact me regarding suite information.

Room Dates: Arrival Date: ____/____/____ Departure Date: ____/____/____
 Some hotels charge an early departure fee. Please confirm your arrival and departure dates are correct on NLC Meeting Services and Hotel confirmations.

- Room Type Preference:
- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Single (1 person/1 bed) | <input type="checkbox"/> Smoking |
| <input type="checkbox"/> Double (2 people/1 bed) | <input type="checkbox"/> Non-Smoking |
| <input type="checkbox"/> Double/Double (2 people/2 beds) | |
| <input type="checkbox"/> Triple (3 people/2 beds) | |
| <input type="checkbox"/> Quad (4 people/2 beds) | |

Hotels attempt to provide room type preference but it is not guaranteed. Marriott Wardman is a 100% smoke-free hotel!

Sharing My Room With: (This is for hotel rate and check-in purposes.):

1) _____; 2) _____; 3) _____

Special Housing Request (e.g., wheelchair accessible rooms, etc.): If you have special housing or transportation needs, please contact NLC Meeting Services.

Hotel Choices: Indicate your first-choice hotel with the number "1". Marriott Wardman Park is the Headquarter Hotel.

	Room Type	Rate Sgl/Db/Trip/Quad
_____ Marriott Wardman Park	Standard	\$249/\$269/\$289/\$309
_____ Omni Shoreham	Standard	\$229/\$229/\$229/\$229

Hotel Deposit: All major credit cards with expiration date of 03/09 or later are accepted at the conference hotels. All checks, government purchase orders, vouchers or claims must be submitted to the hotel after January 19th but before February 13th and are subject to approval. Please include your 6 digit REG ID # indicated on the NLC Meeting Services confirmation.

Registration Fee Payment Information: [You must check one of the options below.]

- Charge my REGISTRATION FEES to VISA, MasterCard or AMEX listed below
- Check for REGISTRATION FEES made payable to National League of Cities
- Purchase Order for REGISTRATION FEES - copy must be enclosed & payment must be received by February 2, 2009.

Hotel Deposit Payment Information: [You must check one of the options below.]

- Charge my HOTEL DEPOSIT to the credit card listed below
- Check for HOTEL DEPOSIT – please submit to hotel address noted on confirmation after January 19, 2009 and before February 13, 2009 - subject to hotel approval

Credit Card Authorization: NLC Meeting Services is authorized to use the card below to pay all applicable registration fees and guarantee my hotel reservation. I understand that one night's room charge plus tax will be billed through this card if I fail to show up for my assigned housing on the confirmed date, unless I have cancelled my reservation with the hotel at least 72 hours in advance. I also understand some hotels will process the credit card for one night's deposit immediately upon receiving reservation information from NLC Meeting Services.

Visa/MC/AMEX #: _____ Exp. Date _____

Card Holder Name _____

Card Holder Signature _____

Additional Credit Card Authorization: For hotel deposit only if different than the credit card number listed above. (Expiration date must be 03/09 or later, per hotel requirement.)

Visa/MC/AMEX #: _____ Exp. Date _____

Card Holder Name _____

Card Holder Signature _____

Registration Cancellation Policy:

All requests must be received in writing, postmarked by February 2, 2009, and are subject to a \$75 cancellation fee. No partial refunds will be made if you decide not to attend particular functions. No registrations or cancellations will be accepted by telephone. No cancellations will be accepted after February 2, 2009.

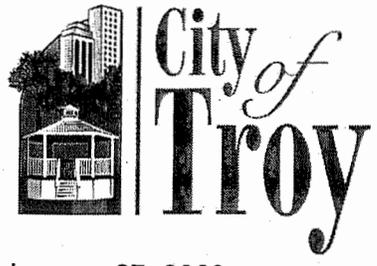
Return Conference Registration and Housing Form to:

Fax: 703-631-6288 (Credit Card and Purchase Orders Only – No Checks)
 Mail: NLC Meeting Services, c/o J. Spargo & Associates,
 11208 Waples Mill Road, Suite 112, Fairfax, VA 22030

For more information and/or changes:

Email: nlcregandhousing@jspargo.com
 Phone: 888-319-3864 or 703-449-6418

Office use only: Hotel _____ Subblk _____ Cate _____ Rate _____



CITY COUNCIL ACTION REPORT

January 27, 2009

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 *PA*

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. We are still working with several of these property owners, but we are requesting these authorizations so that the project can be kept on schedule, in the event that agreements cannot be reached. And some of the property owners 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
2	23-301-003	Space Station of Troy, Inc.	-0-	-0-	\$950	\$950
3	23-301-002	MNAD Property, LLC	\$27,860	\$1,240	-0-	\$29,100
8	23-156-002	RCU Independence, Inc./Sentry, Inc.	\$108,469	\$2,831	-0-	\$111,300
12	23-100-047	Howard & Carolyn Gronow	\$77,400	\$2,200	-0-	\$79,600
13	23-100-061	Atto Construction, Inc.	\$72,200	\$5,600	-0-	\$77,800
16	23-100-083	Lukich Realty, LLC	-0-	\$2,700	-0-	\$2,700
18	23-100-070	Rochester Square Associates	\$154,190	\$6,225	-0-	\$160,415
20	14-351-056	JLJ Investments, LLC	\$21,460	\$48,840	\$4,300	\$74,600
22	14-352-001	Maya 's Meadows	-0-	\$1,500	\$300	\$1,800
25	22-401-067	3385 Rochester Road Associates, L.L.C.	-0-	\$2,000	-0-	\$2,000
26	22-401-019	Halle-Von Voigtlander	\$66,300	\$3,700	\$140	\$70,140

29	22-277-025	Midwest Master Investment, LLC	\$49,400	\$2,700	-0-	\$52,100
35	22-276-046	DePorre Property Investments, L.L.C.	\$54,495	\$6,705	-0-	\$61,200
38	22-226-077	Sentry, Inc.	\$37,600	\$6,300	-0-	\$43,900
39	22-226-079	UEOS Troy, LLC	\$32,000	\$6,100	-0-	\$38,100
44	22-226-044	Karen A. Ostdiek	\$17,120	\$6,980	-0-	\$24,100
46	22-226-042	P.G. Equities Cort Limited Partnership	\$14,700	\$2,100	-0-	\$16,800
47	22-226-041	Surg, LLC	\$15,000	\$2,100	-0-	\$17,100
49	22-226-074	CNL Net Lease Funding	\$79,560	\$39,500	\$1,100	\$120,160
50	15-478-015	Comerica Bank	\$356,200	\$500	\$200	\$356,900
53	15-477-015	Prashant S. & Purnima Chaudhari	-0-	\$6,000	-0-	\$6,000
57	15-426-052	Waleed L. & Alhan N. Hadad	-0-	\$8,555	-0-	\$8,555
58	14-351-084	Fountain Park Troy	-0-	\$500	\$300	\$800
60	23-304-016	Old Troy, LLC	\$3,000	-0-	-0-	\$3,000

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.

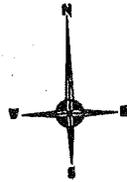
Approved as to Form:

Lori Grigg Bluhm, City Attorney

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 2

NOTE: DESCRIPTION TAKEN FROM RECORD.

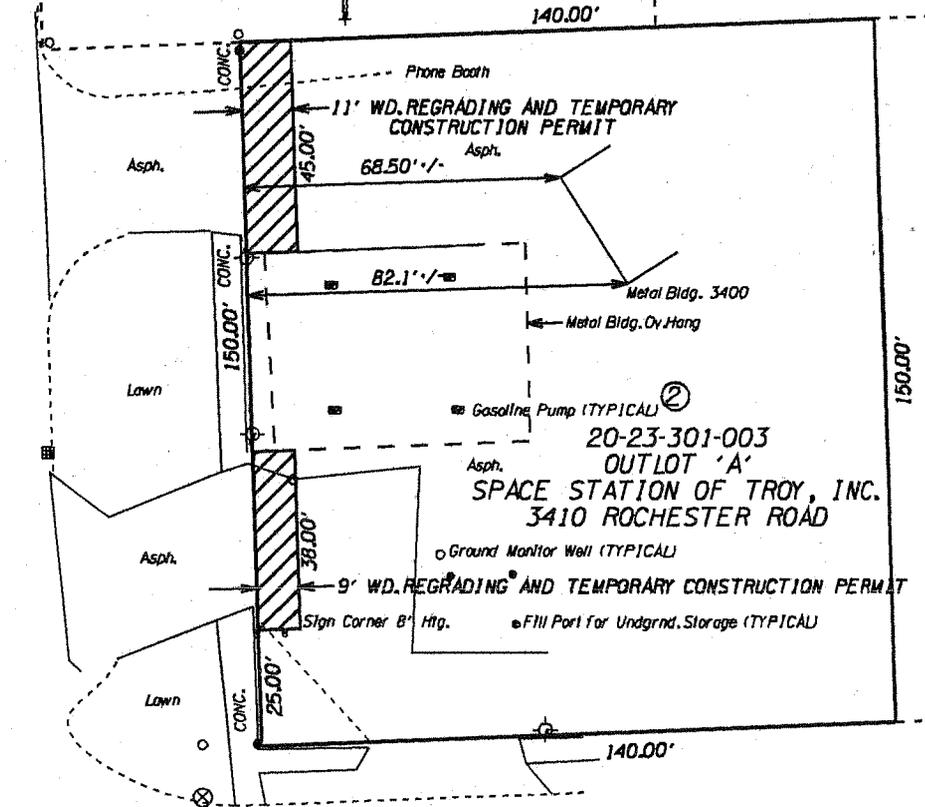


SCALE: 1" = 30'

"DEAN ESTATES SUB."
L. 119, P. 17-18, O.C.R.

ROCHESTER ROAD

CHARRINGTON DRIVE



20-23-301-003
OUTLOT 'A'
SPACE STATION OF TROY, INC.
3410 ROCHESTER ROAD

20-23-301-003
SPACE STATION OF TROY
GRADING PERMIT - 837 SF.



USER NAME: WISEMAN, JAMES
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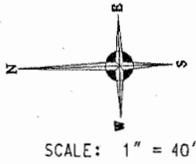
JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 01-29-08 Rev. 11-03-08 (City of Troy)		P.D. BOX 824 48303-0824 OF 2

RIGHT OF WAY ACQUISITION

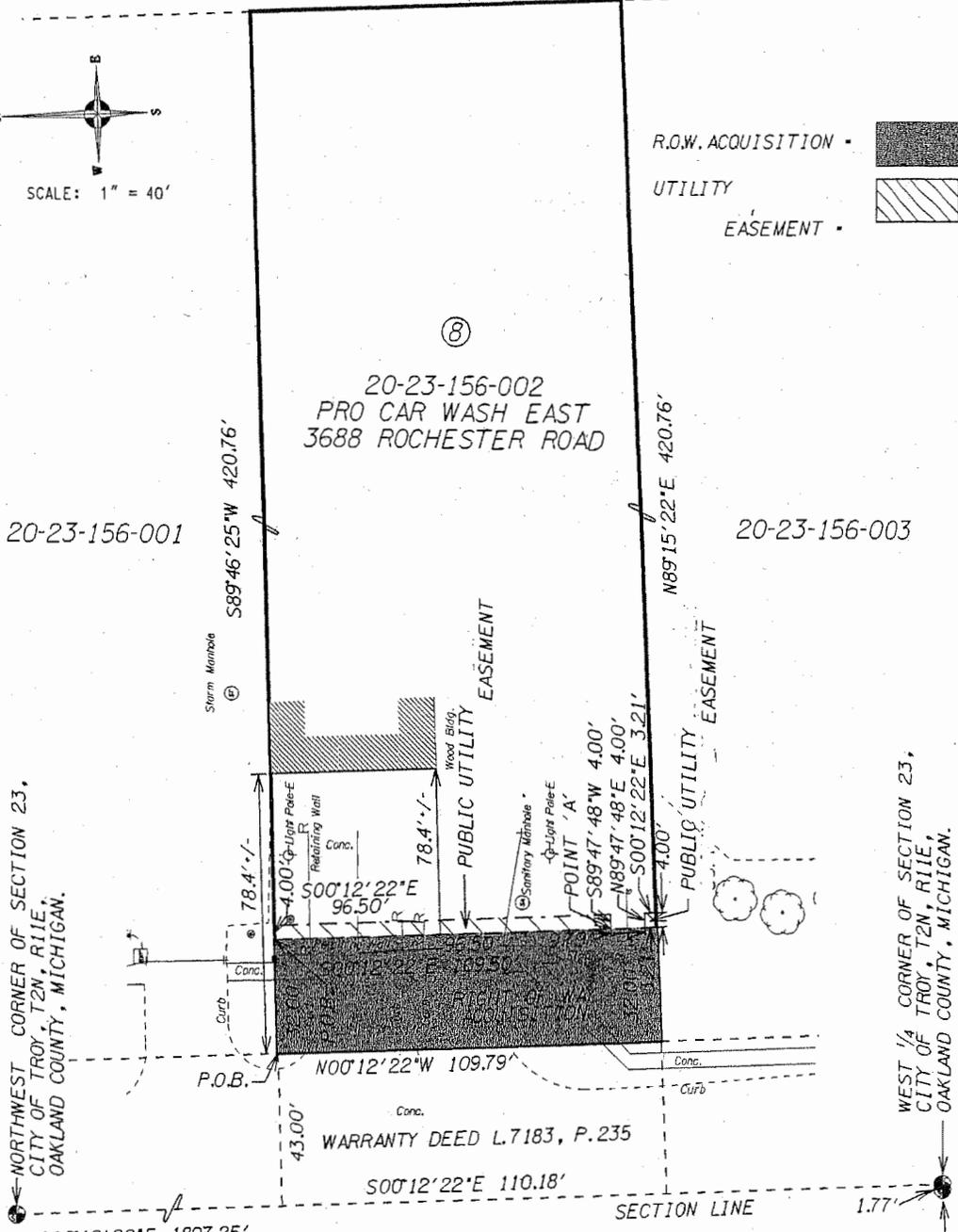
EXHIBIT 'B' PARCEL 8

NOTE: DESCRIPTION TAKEN FROM RECORD.

$N00^{\circ}11'33"W$ 106.38'



R.O.W. ACQUISITION - [Stippled pattern]
 UTILITY - [Hatched pattern]
 EASEMENT - [Dotted pattern]



20-23-156-002
 PRO CAR WASH EAST
 TOTAL AREA • 40,830 S.F.
 R.O.W. ACQUISITION • 3,509 S.F.
 REMAINDER • 37,321 S.F.
 UTILITY EASEMENT • 399 S.F.

ROCHESTER ROAD

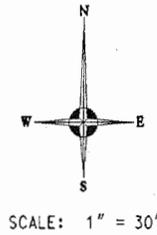
PROPERTY CONTROLLING
 CORNER

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 TIME • 15-FEB-2008 10:09

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

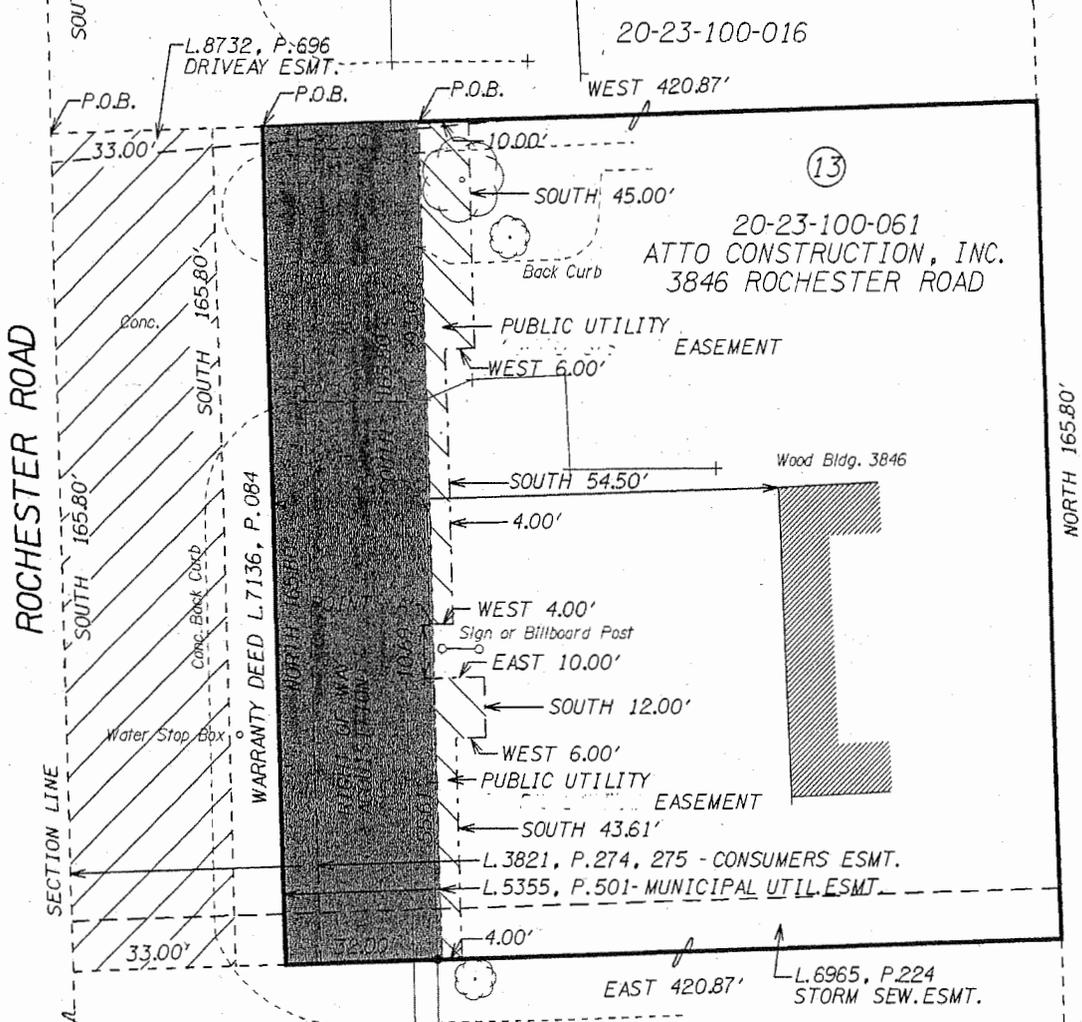
RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 13



NORTHWEST CORNER SECTION 23, 20-23-100-061
 T2N, R11E, CITY OF TROY,
 OAKLAND COUNTY, MICHIGAN.
 ATTO CONSTRUCTION, INC.
 TOTAL AREA - 68,122 S.F.
 R.O.W. ACQUISITION - 5,306 S.F.
 STATUTORY R.O.W. - 5,471 S.F.
 REMAINDER - 57,345 S.F.
 UTILITY EASEMENT - 962 S.F.

DESIGN FILE • F:\1999\19990476\work\19990476.es13_001.dgn
 USER NAME • 076807
 QUEUE • \user\CPBMT\IFF
 CUR: TBL-1\19990476\work\19990476\corner2\1999 TBL-1\19990476\work\19990476.dwg
 TIME • 28-FEB-2008 09:09



ROCHESTER ROAD

NORTH 165.80'

SECTION LINE

WEST 1/4 CORNER SECTION 23,
 T2N, R11E, CITY OF TROY,
 OAKLAND COUNTY, MICHIGAN.
 1.77'
 PROPERTY CONTROLLING CORNER

- 20-23-100-047
- STATUTORY R.O.W. -
- R.O.W. ACQUISITION -
- UTILITY -
- EASEMENT -

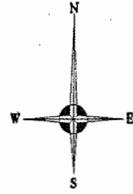
REV. 02-28-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC.		SHEET NO.
DATE 01-28-08	CONSULTING ENGINEERS		2
	555 HULET DRIVE	P.O. BOX 824	OF 2
	BLOOMFIELD HILLS, MICH.	48303-0824	

RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 16

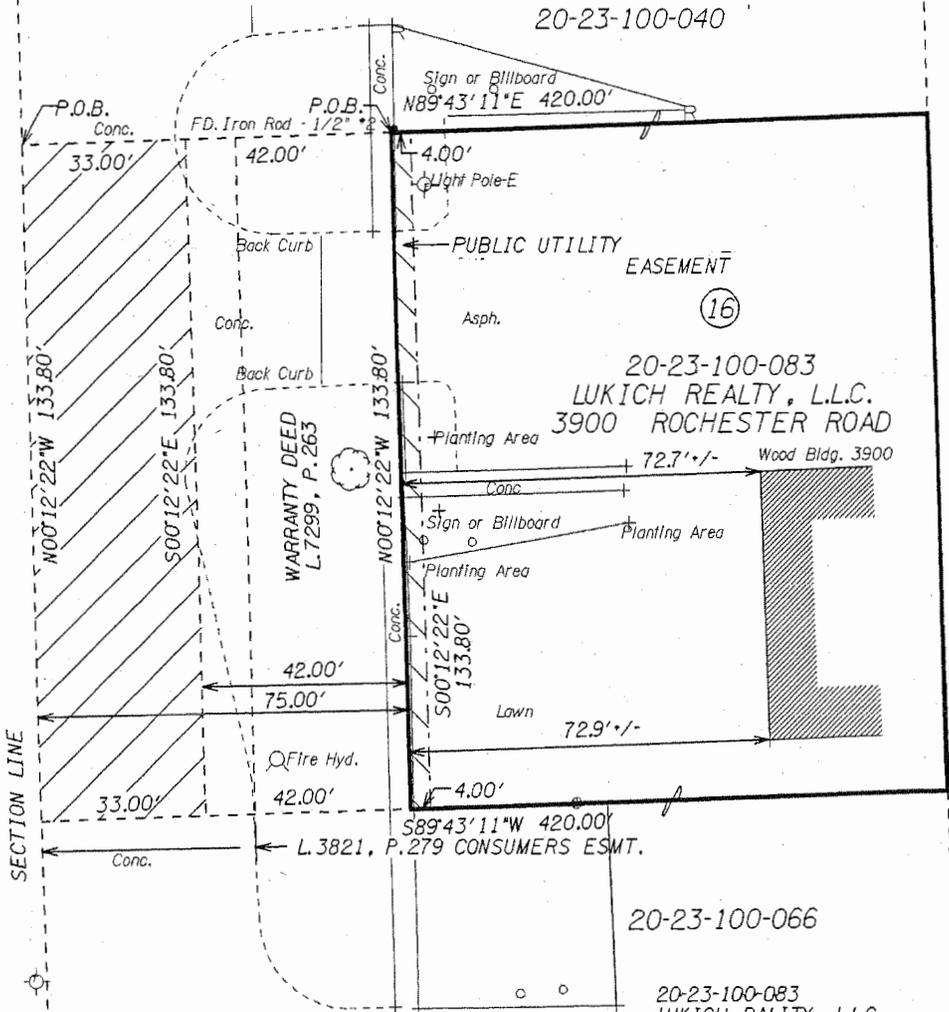
NORTHWEST CORNER SECTION 23,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN.



SCALE: 1" = 30'

USER NAME • chbert
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 CONSULTING ENGINEERS
 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824
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ROCHESTER ROAD



WEST 1/4 CORNER SECTION 23,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN.

1.77'
PROPERTY CONTROLLING CORNER

20-23-100-083
LUKICH REALTY, L.L.C.
3900 ROCHESTER ROAD

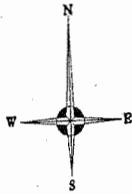
20-23-100-083
LUKICH REALTY, L.L.C.
TOTAL AREA • 50,576 S.F.
STATUTORY R.O.W. • 4,415 S.F.
REMAINDER • 46,161 S.F.
UTILITY EASEMENT • 535 S.F.

- STATUTORY R.O.W. •
- UTILITY •
- EASEMENT •

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	SHEET NO. 2
DATE 01-28-08		OF 2

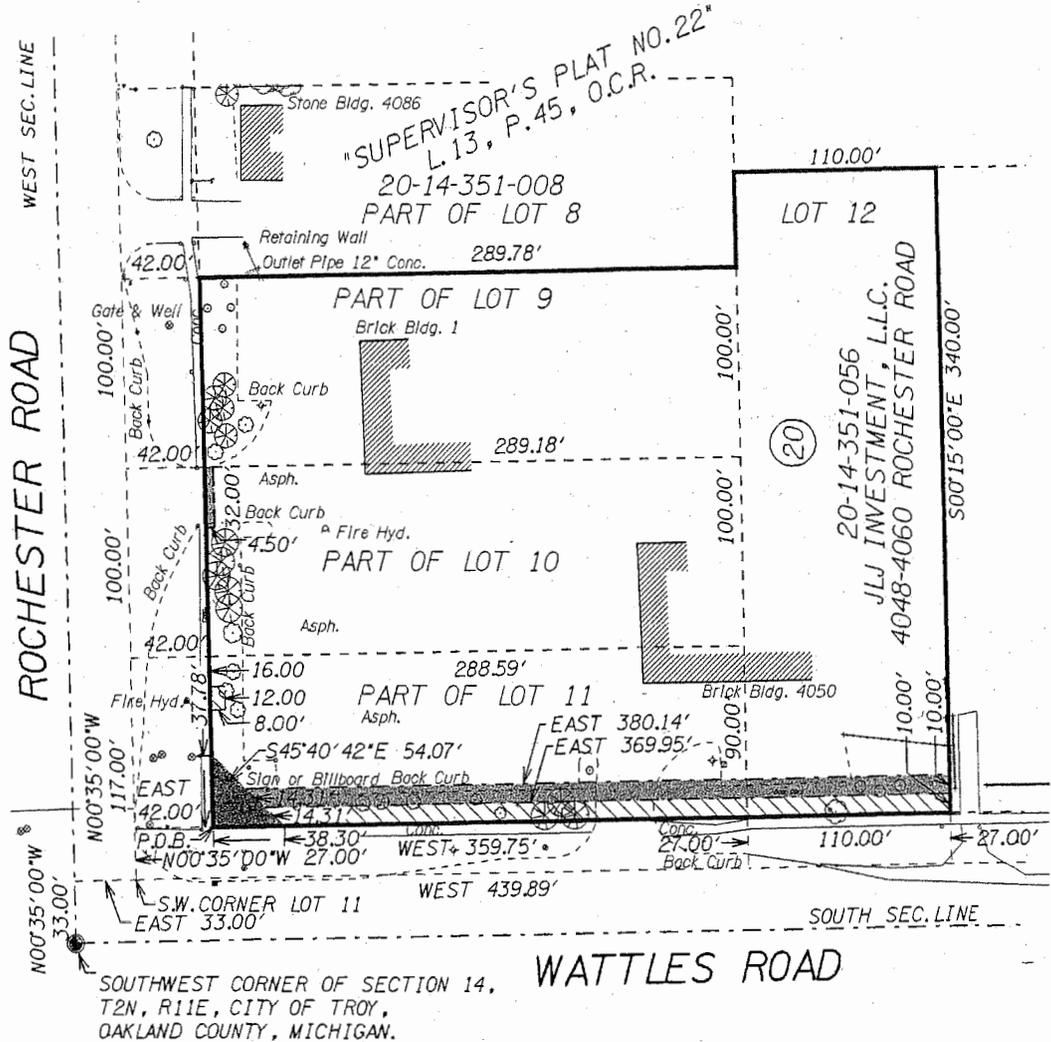
RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 20



NOTE: DESCRIPTION TAKEN FROM RECORD.

SCALE: 1" = 80'



20-14-351-056
JLJ INVESTMENT, L.L.C.
TOTAL AREA • 121,183 S.F.
R.O.W. ACQUISITION • 723 S.F.
REMAINDER • 120,460 S.F.
UTILITY
EASEMENTS • 3,648 S.F.
REGRAVING AND TEMPORARY
CONSTRUCTION PERMIT • 3,750 S.F.

R.O.W. ACQUISITION • 
UTILITY • 
EASEMENT • 
REGRAVING AND TEMPORARY
CONSTRUCTION PERMIT • 

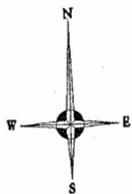
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 DATE • 03-17-08
 DUE DATE • 03-17-08
 JOB NO. • 19990476
 PROJECT • 20-14-351-056
 CLIENT • JLJ INVESTMENT, L.L.C.
 ADDRESS • 4048-4060 ROCHESTER ROAD
 CITY • TROY, MI 48063-1500
 COUNTY • OAKLAND
 STATE • MI
 TIME • 15-MAR-2008 07:42

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE 03-17-08		2
REV. 05-15-08 REV. 03-18-07	P.O. BOX 824 48303-0824	OF 2

SKETCH OF EASEMENT

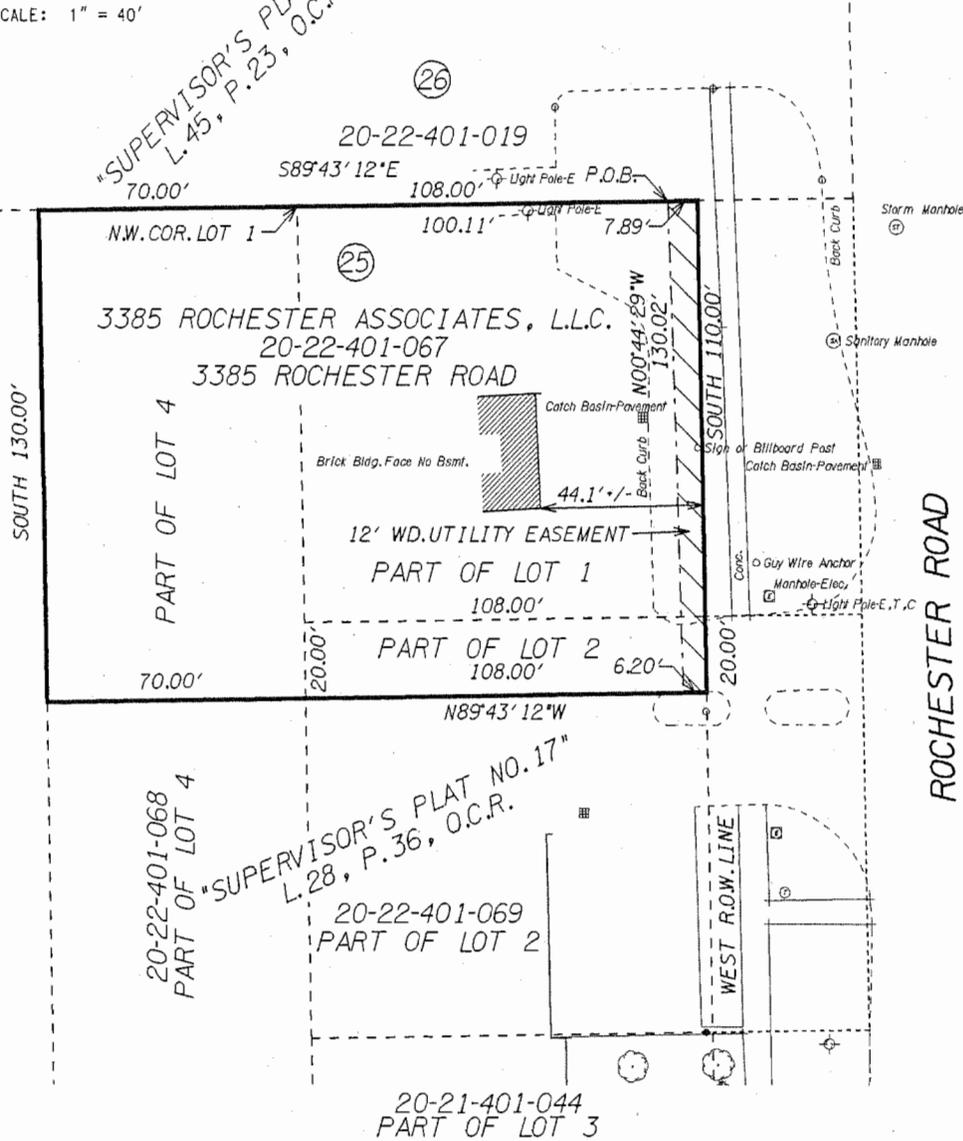
EXHIBIT 'B'
PARCEL 25

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 40'

"SUPERVISOR'S PLAT NO. 6"
L. 45, P. 23, O.C.R.



20-22-401-067
3385 ROCHESTER ASSOCIATES, L.L.C.
TOTAL AREA • 23,140 S.F.
UTILTIY EASEMENT • 915 S.F.

UTILITY EASEMENT •



TIME • 03-JUL-2008 12:23

PEW TBL • J:\M\Working\03black.ztb

CLP, TBL • J:\M\Working\03black.ztb

QUEUE • N:\svr\CP\BNTIFF

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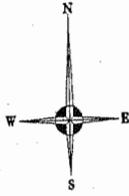
USER NAME • gthbert

REV. 03-03-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 02-29-08		OF 2

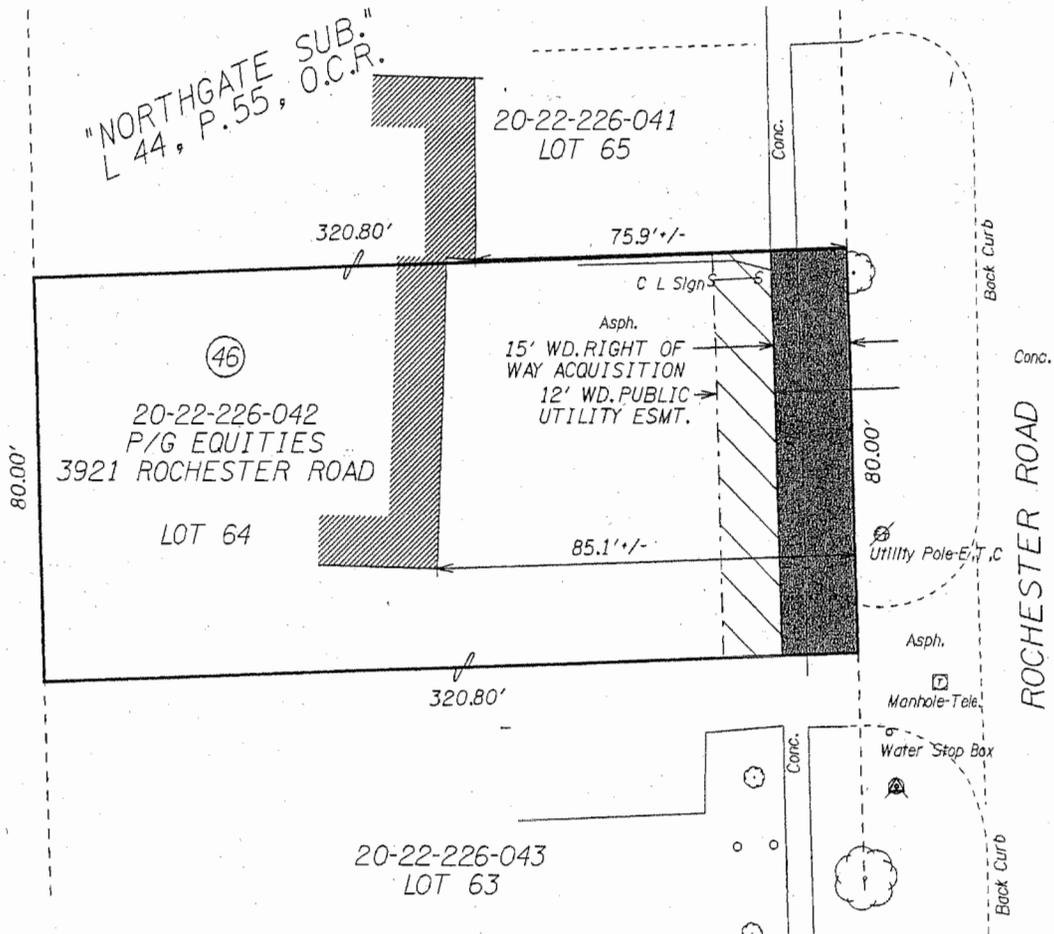
RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 46



SCALE: 1" = 30'

NOTE: DESCRIPTION TAKEN FROM RECORD.



20-22-226-042
P/G EQUITIES
TOTAL AREA • 25,664 S.F.
R.O.W. ACQUISITION • 1,200 S.F.
REMAINDER • 24,464 S.F.
PUBLIC UTILITY EASEMENT • 960 S.F.

R.O.W. ACQUISITION • 
PUBLIC UTILITY EASEMENT • 

USER NAME • dhrbert
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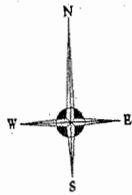
JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE 11-20-07		2 OF 2

REV. 01-03-08

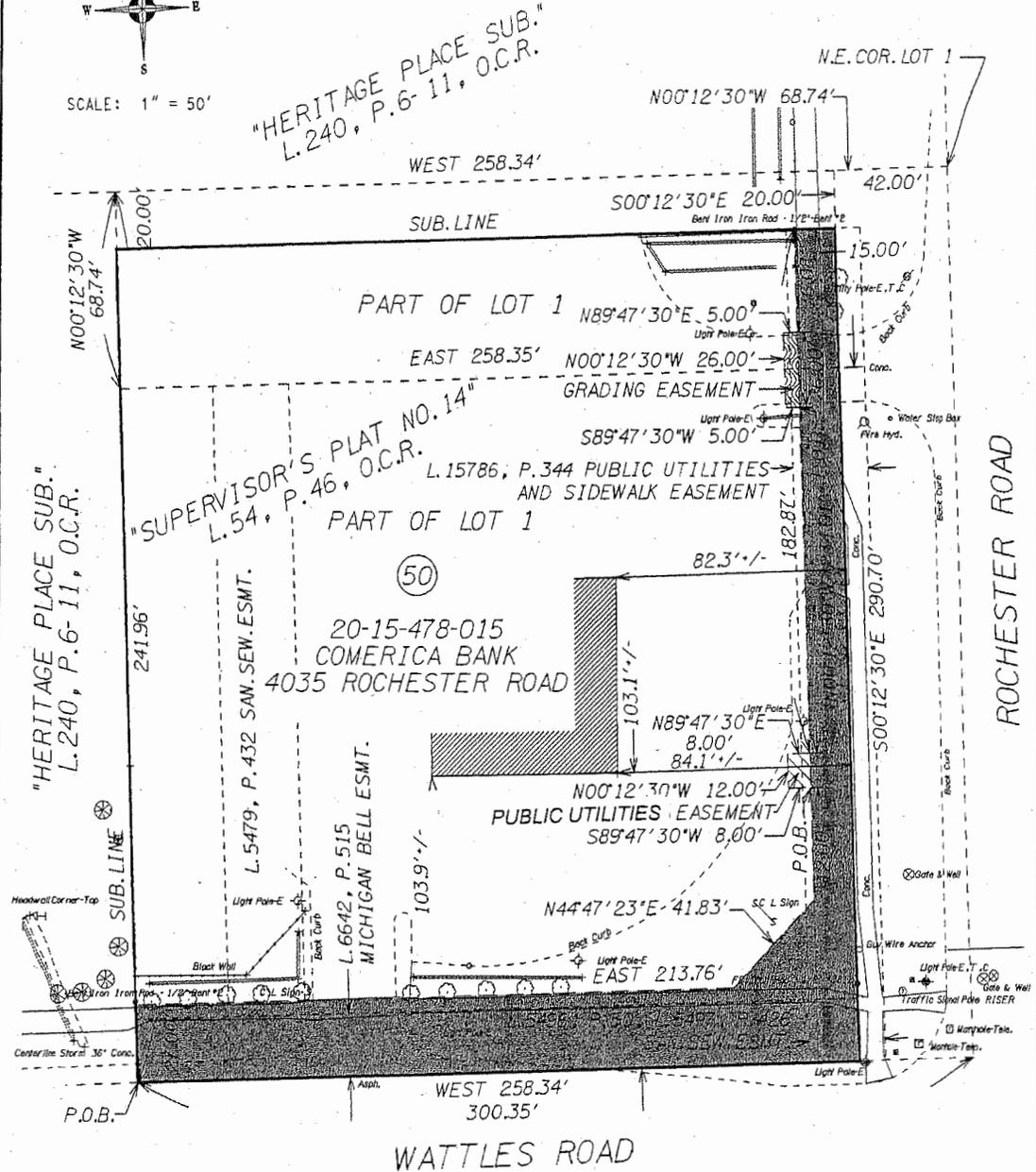
RIGHT OF WAY ACQUISITION

EXHIBIT 'B'
PARCEL 50

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 50'



20-15-478-015
COMERICA BANK
TOTAL AREA - 75,099 S.F.
R.O.W. ACQUISITION - 11,370 S.F.
REMAINDER - 63,729 S.F.
PUBLIC UTILITIES EASEMENT - 96 S.F.
GRADING EASEMENT - 130 S.F.

- R.O.W. ACQUISITION -
- PUBLIC UTILITIES EASEMENT -
- GRADING EASEMENT -

USER NAME: dms2071
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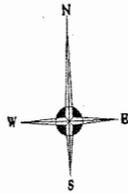
REV. 01-03-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 11-29-07		P.O. BOX 824 48303-0824 OF 2

SKETCH OF EASEMENT

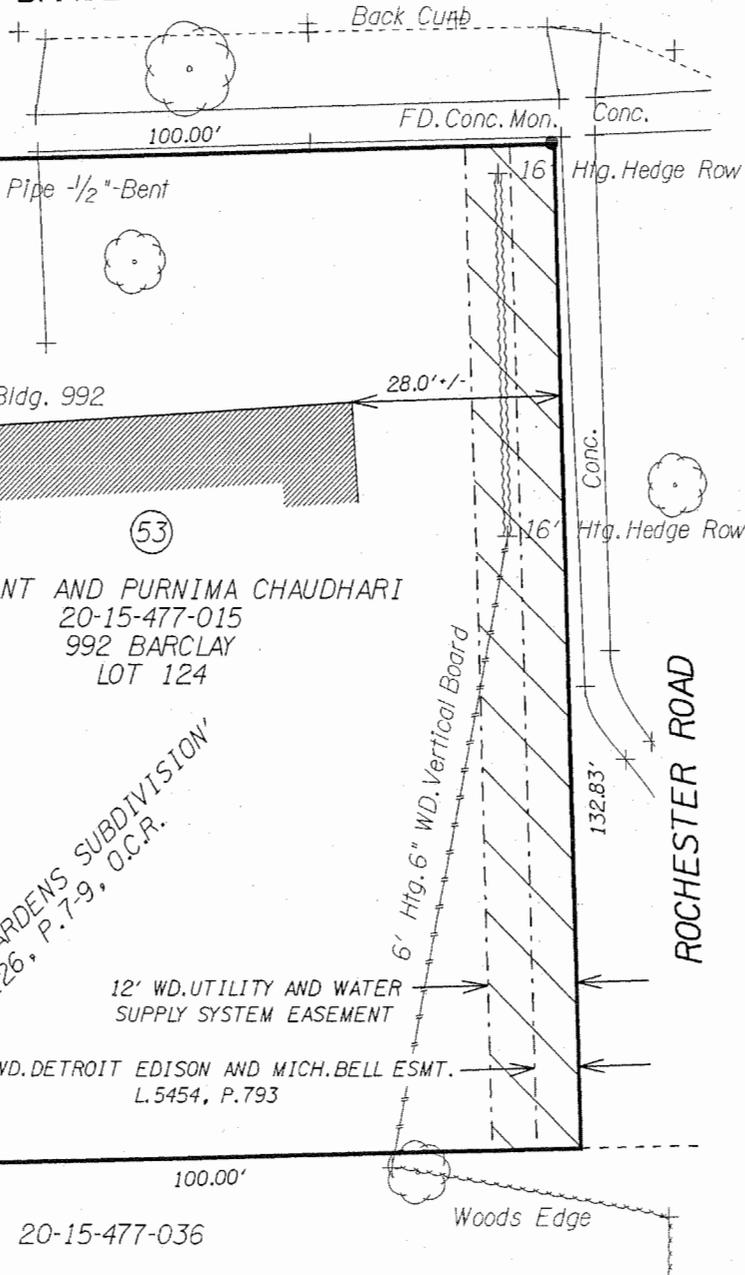
EXHIBIT 'B'
PARCEL 53

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 20'

BARCLAY DRIVE



20-15-477-014
LOT 123

132.14

PRASHANT AND PURNIMA CHAUDHARI
20-15-477-015
992 BARCLAY
LOT 124

"CYPRESS GARDENS SUBDIVISION"
L. 126, P. 7-9, O.C.R.

12' WD. UTILITY AND WATER
SUPPLY SYSTEM EASEMENT

6' WD. DETROIT EDISON AND MICH. BELL ESMT.
L. 5454, P. 793

20-15-477-036

20-15-477-015
PRASHANT AND PURIMA SHAUDHARI.
TOTAL AREA = 13,248 S.F.
UTILITY AND WATER SUPPLY
SYSTEM EASEMENT = 1,593 S.F.

WATER SUPPLY SYSTEM
AND UTILTIY EASEMENT -

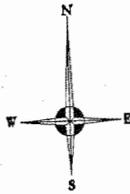
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JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 02-29-08		OF 2

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 57

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 20'

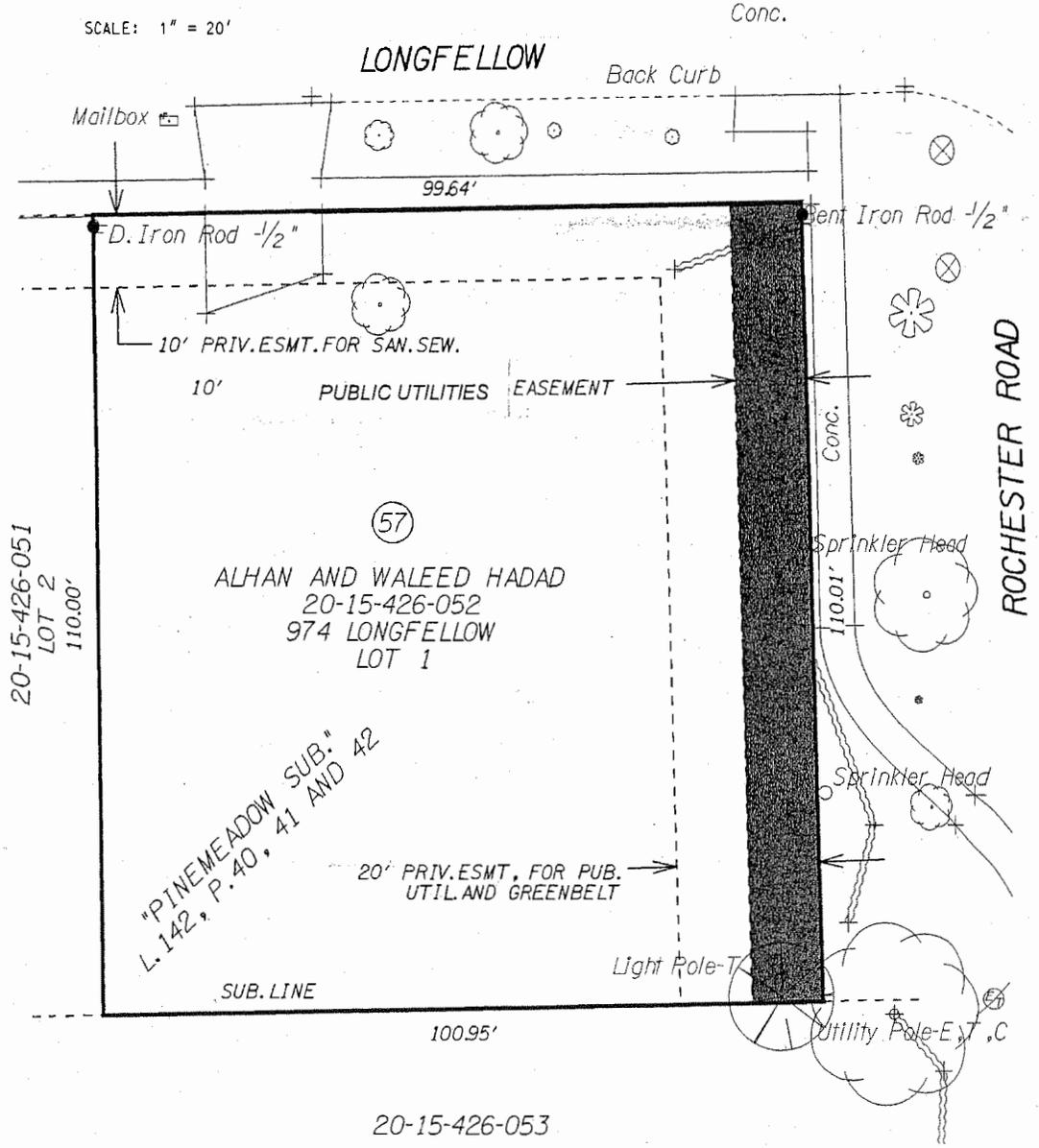
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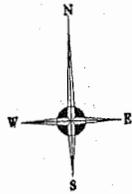
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JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 03-17-08		P.O. BOX 824 48303-0824 OF 2

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 58



SCALE: 1" = 60'

LOT 1

20-14-352-083

EAST 294.57'

ROCHESTER ROAD

LOT 15

S00°15'00"E 356.00'

(58)

FOUNTAIN PARK TROY
O.C.C.P. NO. 1494
20-14-351-084

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

PUBLIC UTILITIES EASEMENT

WEST 292.45'

MAYA MEADOWS O.C.C.P. NO. 1355
20-14-352-001

20-15-351-084
FOUNTAIN PARK TROY O.C.C.P. NO. 1494
PUBLIC UTILITIES EASEMENT - 96 S.F.
REGRAIDING AND TEMPORARY
CONSTRUCTION PERMIT - 945 S.F.

PUBLIC UTILITIES EASEMENT - 
REGRAIDING AND TEMPORARY
CONSTRUCTION EASEMENT - 

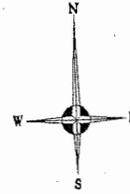
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REV. 05-05-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	SHEET NO. 2
DATE 03-17-08		OF 2	

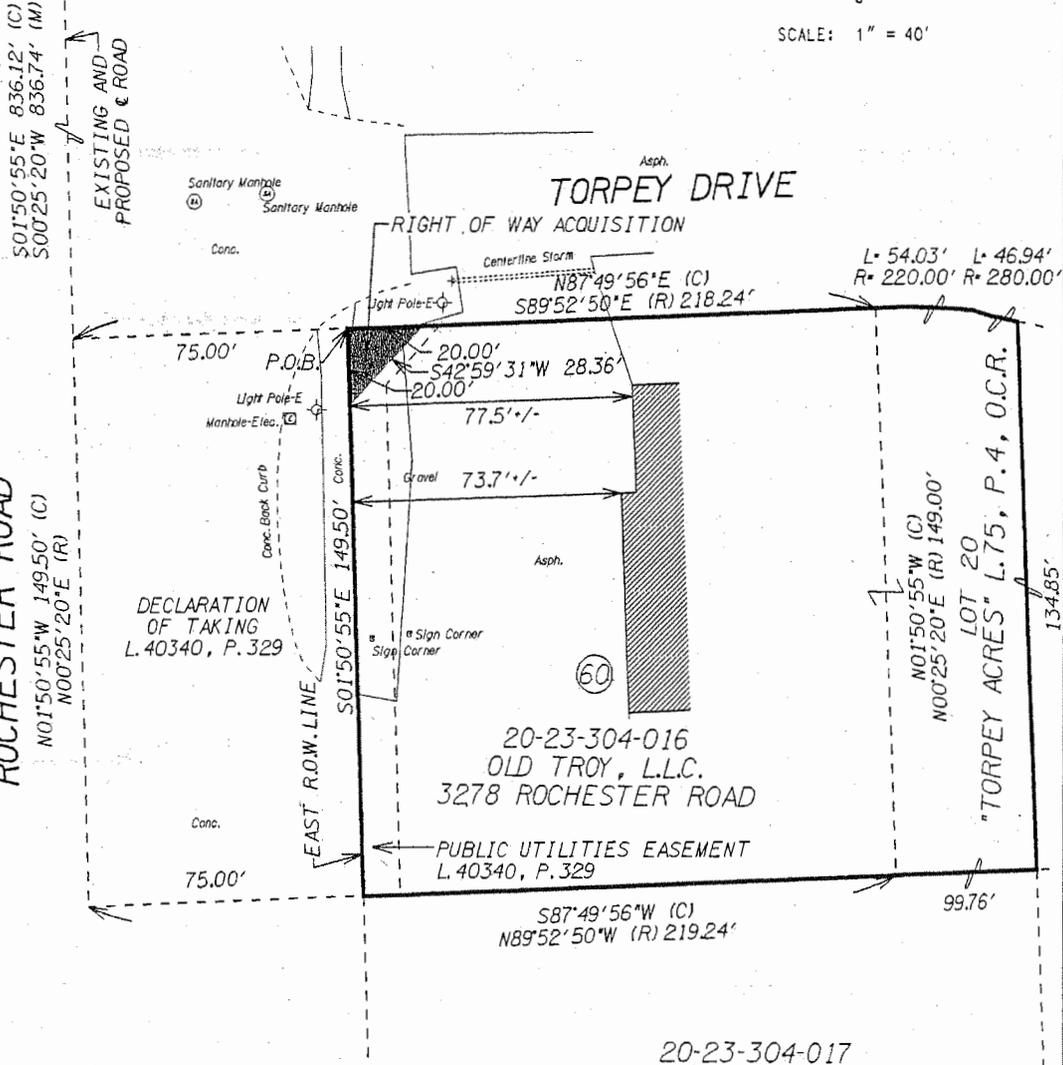
RIGHT-OF-WAY ACQUISITION

EXHIBIT 'B'
PARCEL 60



SCALE: 1" = 40'

WEST 1/4 CORNER OF SECTION 23,
T2N, R11E, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN.

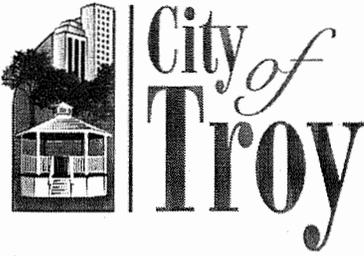


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20-23-304-016
OLD TROY, L.L.C.
R.O.W. ACQUISITION = 200 S.F.
TOTAL AREA = 35,825 S.F.
REMAINDER = 35,625 S.F.

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 05-21-08		OF 2

REV. 07-01-08
REV. 05-22-08



CITY COUNCIL ACTION REPORT

January 27, 2009

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^{PAI}

SUBJECT:

1. Request for Authorization to Make Unconditioned Offers to Purchase Property for Wattles Road Improvements, Bristol to Worthington - Project No. 01.106.5
2. Request for Authorization to Institute Court Action

Background:

In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department is seeking authorization to make unconditioned offers to the property owners listed below. We have not been able to reach an agreement with one of the property owners and we have not had any contact with the other two. We have left several messages and mailed a copy of our offer to the tax roll address. Therefore, it may be necessary to acquire these easements and permits by exercising our power of eminent domain.

PARCEL	SIDWELL	OWNER	FEE	EASEMENT	PERMIT	TOTAL
3	15-476-037	Gavril Mosutan & Ligia Mosutan	-0-	\$2,500	-0-	\$2,500
10	14-351-061	Firas I. Ibrahim & Reeta Ibrahim	-0-	\$2,700	\$100	\$2,800
12	22-226-023	5 J's Investment Company	-0-	\$3,000	\$800	\$3,800

Financial Considerations:

- Appraisals were prepared by Raymond V. Bologna, CRE, MAI, State Certified General 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 401479.7989.011065.

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

PAP\G\MEMOS TO MAYOR & CC\Unconditioned Offers Authorization for Wattles

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 10

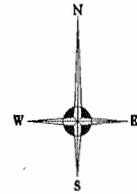
NOTE: DESCRIPTION TAKEN FROM RECORD.

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

20-14-351-068
EAST 90.00'

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

"AMENDED PLAT OF LOT 27
OF SUPERVISOR'S PLAT OF
SQUARE ACRES SUB."
L. 261, P. 36 & 37



SCALE: 1" = 30'

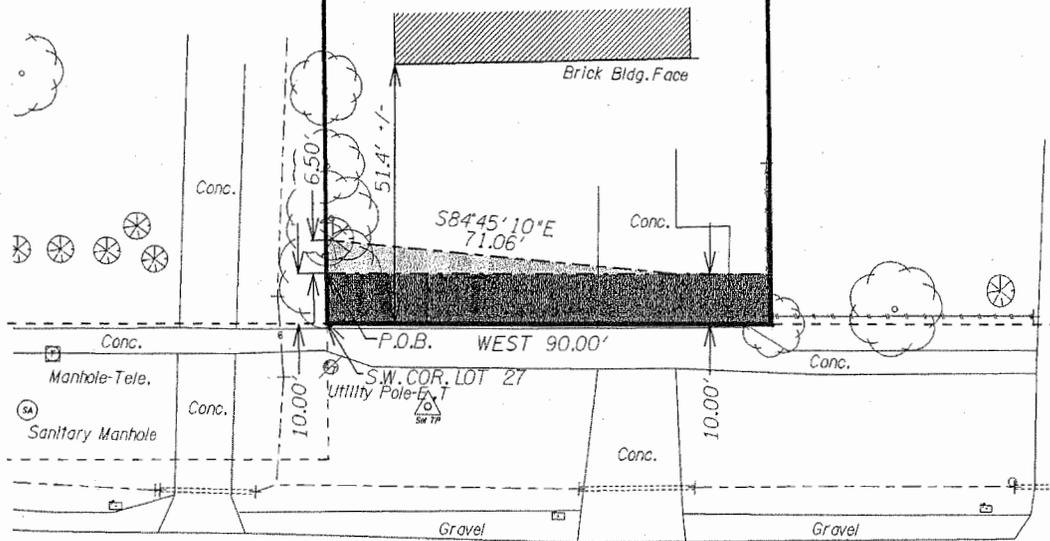
20-14-352-059
PART OF LOT 13

⑩
20-14-351-061
FIRAS AND REETA IBRAHIM
1131 E. WATTLES
PART OF LOT 27

20-14-351-062
PART OF LOT 27

N00°38'30"W 225.00'

S00°38'30"E 225.00'



WATTLES ROAD

20-14-351-061
FIRAS AND REETA IBRAHIM
TOTAL AREA - 20,250 S.F.
PUBLIC UTILITY EASEMENT - 900 S.F.
REGRADING AND TEMPORARY - 229 S.F.
CONSTRUCTION PERMIT

Asph. PUBLIC UTILITY EASEMENT

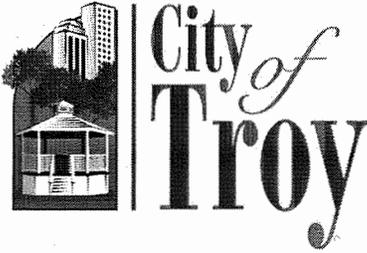
REGRADING AND TEMPORARY -
CONSTRUCTION PERMIT



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REV. 04-23-08

JOB NO. 20010397	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 04-15-08		P.O. BOX 824 48303-0824 OF 2



CITY COUNCIL ACTION REPORT

January 27, 2009

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

SUBJECT: Request for Acceptance of Permanent Public Utility Easement & Regrading and Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #13 – Sidwell #88-20-22-226-024
 Michael and Connie Kohn

Background:

In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Permanent Public Utility Easement and Regrading and Temporary Construction Permit from Michael and Connie Kohn. This parcel is located on the south side of Wattles Road, between Gatwick and Rochester in the northeast ¼ of Section 22.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, and David J. Abraham, SRA, both State Certified Appraisers and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$10,800 for the Permanent Public Utility Easement and \$800 are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.011065.

Legal Considerations:

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

Policy Considerations:

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

Options:

- City Management recommends that City Council accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from Michael and Connie Kohn so that the City can proceed with this project.

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

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-22-226-024
Parcel #13

Michael Kohn and Connie Kohn, husband and wife, Grantors, whose address is: 934 East Wattles, Troy, MI 48085 for and in consideration of the sum of: Ten Thousand, Eight Hundred and no/100 Dollars (\$10,800) 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.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 27th day of January ~~2008~~ 2009



*Michael Kohn (L.S.)

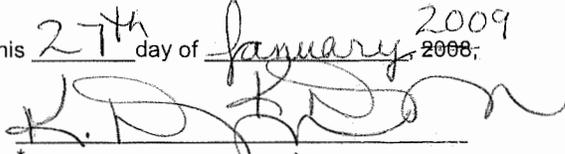


*Connie Kohn (L.S.)

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 27th day of January, ~~2008~~ 2009, by Michael Kohn and Connie Kohn, husband and wife.

K. DEBURGHGRAEVE
Notary Public, Macomb Co., MI
My Commission Expires June 23, 2011



Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 6/23/2011

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

04-17-08
20010397
20-22-226-024

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The North 10.00 feet and the South 12.00 feet of the North 22.00 feet of the East 12.00 feet of Lot 70 of "Northgate Subdivision" a subdivision of part of the Northeast $\frac{1}{4}$ of Section 22, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan as recorded in Liber 44 of Plats, Page 55, Oakland County Records.

Said easement contains 2,416 square feet, or 0.055 acres, more or less.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-22-226-024
Project # 01.106.5
Parcel #13

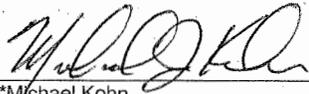
Michael Kohn and Connie Kohn, husband and wife, Grantor(s), whose address is 934 E. Wattles, Troy, MI 48085, for and in consideration of the sum of Eight Hundred and no/100 Dollars (\$800.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

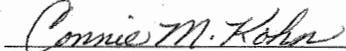
SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 27 day of January, ~~2008~~ 2009

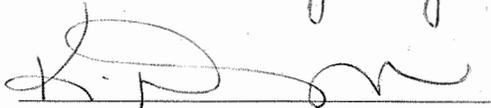
 (L.S.)
*Michael Kohn

 (L.S.)
*Connie Kohn

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 27th day of January, ~~2008~~ 2009 by Michael Kohn and Connie Kohn, husband and wife.

K. DEBURGH CRAEVE
Notary Public, Macomb Co., MI
My Commission Expires June 23, 2011



Notary Public, _____ County, Michigan
Acting in Oakland County, Michigan

My Commission Expires _____

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

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

04-17-08
20010397
20-22-226-024

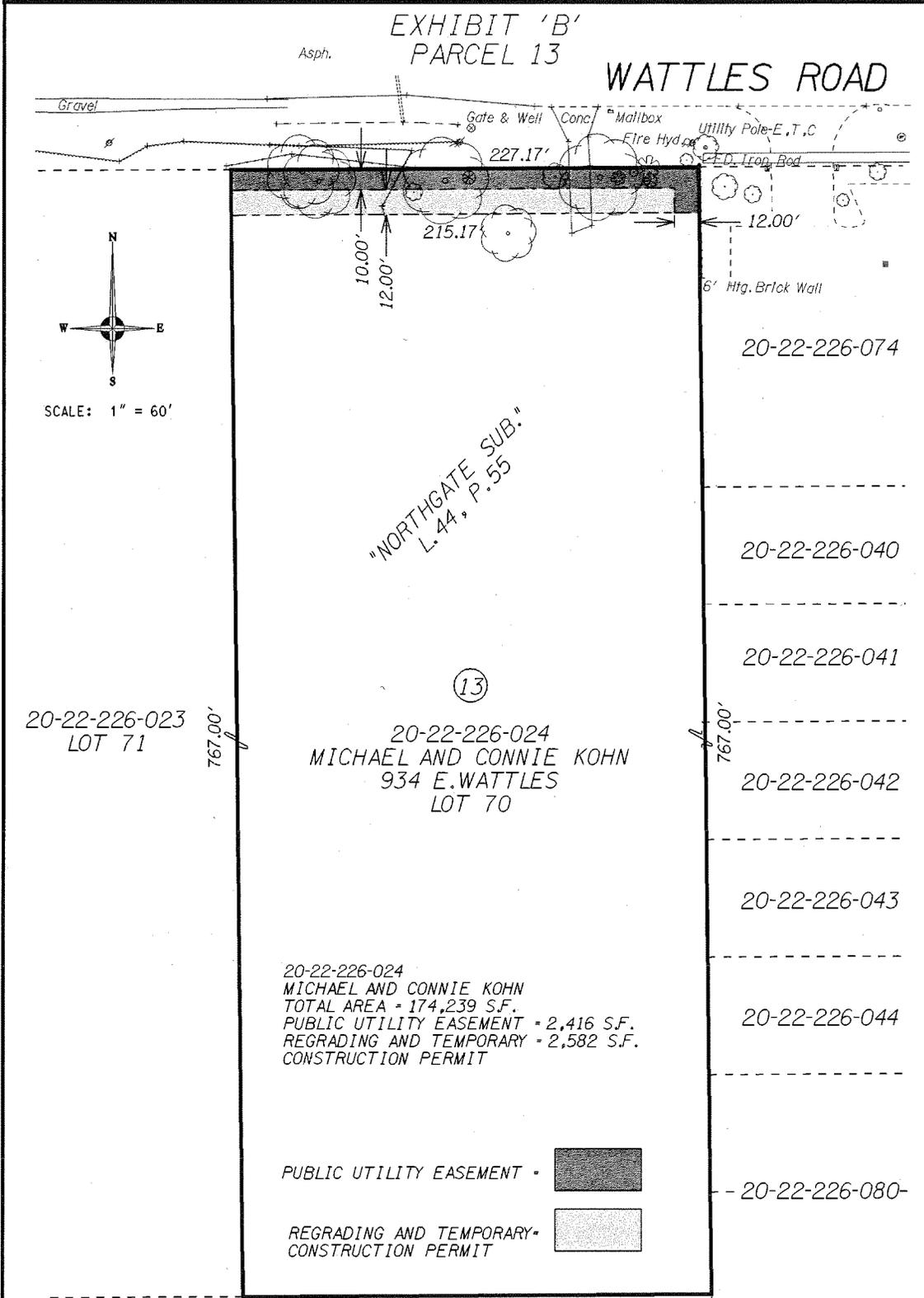
EXHIBIT 'A'

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The South 12.00 feet of the North 22.00 feet of the West 215.17 feet of Lot 70 of "Northgate Subdivision" a subdivision of part of the Northeast $\frac{1}{4}$ of Section 22, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan as recorded in Liber 44 of Plats, Page 55, Oakland County Records.
Said permit contains 2,582 square feet, or 0.059 acres, more or less.

SKETCH OF EASEMENT

TIME - 23-APR-2008 16:31
 CUR_TBL - J:\standards\MAN\B\data\recolor2\HUFEN_TBL - h.v.m\working\86\hblack.plt
 QUEUE - \nosy\VP\PIW\TIF
 DESIGN FILE - w:\200103\20010397\FY010397_ea13.dgn
 USER NAME - ghsb01



NOTE: DESCRIPTION TAKEN FROM RECORD.

REV. 04-23-08	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">JOB NO. 20010397</td> <td rowspan="3" style="text-align: center; padding: 5px;"> HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. </td> <td style="padding: 2px;">SHEET NO.</td> </tr> <tr> <td style="padding: 2px;">DATE 04-15-08</td> <td style="text-align: center; padding: 5px;">2</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="text-align: center; padding: 5px;">OF 2</td> </tr> </table>	JOB NO. 20010397	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.	DATE 04-15-08	2		OF 2	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">P.O. BOX 824 48303-0824</td> </tr> </table>	P.O. BOX 824 48303-0824
JOB NO. 20010397	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.								
DATE 04-15-08		2								
		OF 2								
P.O. BOX 824 48303-0824										



CITY COUNCIL REPORT

DATE: January 27, 2009

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 — Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26 (File Number: SV 148-D)

Background:

- A public hearing is scheduled for the February 16, 2009 City Council meeting.
- The Planning Commission recommended approval of the street vacation request at the January 13, 2009 Regular meeting.
- The attached report prepared for the Planning Commission dated January 8, 2009 summarizes the application.
- Vacating the portions of Daley Street is required by the State of Michigan Department of Energy, Labor and Economic Growth, Office of Land Survey and Remonumentation, which is the office responsible for approving subdivision amendments. It is necessary to vacate the small portion of the Daley Street right-of-way easement previously requested by Behr America, Inc. so that the gap between prior vacated properties can be eliminated and to eliminate the previously reserved public turnaround on the vacated property.
- Following vacation, ownership of the vacated portions of Daley Street will revert to Behr America.

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 requires that Supervisor's Plat No. 11 be amended in order to vacate portions of Daley Street.

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 February 16, 2009 public hearing.

Attachments:

1. Minutes from the January 13, 2009 Planning Commission Regular meeting.
2. Planning Commission report dated January 8, 2009.
3. Public comment.

Prepared by RBS/MFM

cc: Applicant
File /SV 148-D

G:\STREET VACATION\SV 148-D Daley Street Sec 26\Announce CC Public Hearing 02 02 09.docx

STREET VACATION

5. **PUBLIC HEARING – STREET VACATION REQUEST (SV 148-D)** – A portion of the Daley Street Easement (50 feet wide), South of Big Beaver Road, East of Rochester Road, approximately 29 feet long and 724 square feet in area, part of Lot 28 of Supervisor’s Plat No. 11 Subdivision and an easement for public turnaround on Lots 28 and 33 of Supervisor’s Plat No. 11 Subdivision, Section 26

Mr. Miller addressed the error identified during the plat approval process. A small portion of the right-of-way easement was inadvertently not included in the legal description in Resolutions passed by City Council in 2000 and 2001 to approve the Daley Street vacation. Mr. Miller also addressed the public utility easement in the vacated property as relates to the turnaround.

Discussion followed.

PUBLIC HEARING OPENED

The following persons were present and addressed the Commission.

William Hart of Artisans Protofab, 2835 Daley, Troy.

Ken Demark of Bold Enterprises, 2873 Daley, Troy.

Olaf Maly of Behr America, 2700 Daley, Troy.

PUBLIC HEARING CLOSED

Assistant City Attorney Forsyth stated State law prohibits the building or placement of structures, permanent or temporary, on public utility easements, and said the public utility easement would continue to be used as a mechanism for vehicular maneuverability.

Discussion continued on:

- The terms “maneuverability” versus “turnaround”.
- Wording of the proposed Resolution that would administratively correct the error relating to the street vacation and public turnaround easement.

Resolution # PC-2009-01-005

Moved by: Hutson

Seconded by: Tagle

RESOLVED, To table the proposed Resolution until later this evening.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED

[Item previously tabled – see pages 2-3]

Resolution # PC-2009-01-007

Moved by: Hutson

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request for a portion of the Daley Street Easement (50 feet wide), South of Big Beaver Road, East of Rochester Road, approximately 29 feet long and 724 square feet in area, part of Lot 28 of Supervisor's Plat No. 11 Subdivision be approved; and

BE IT FURTHER RESOLVED, That the Planning Commission hereby recommends to the City Council that the easement for public turnaround on Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be vacated and replaced with a public vehicular maneuverability easement as depicted in the attached Daley Street Roadway Easement sketch, dated January 9, 2009; and

BE IT FINALLY RESOLVED, That the Planning Commission hereby recommends to the City Council that said public vehicular maneuverability easement be approved as a condition of the street vacation.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED

Big Beaver Rd. (204' Wide)

NW Cor.
Sec. 26
T2N-R11E

N 1/4 Cor.
Sec. 26
T2N-R11E

West 2610.20

899.31

Daley St. (50' Wide)

DETAIL 'A'



Road Easement Area
See Detail 'A'

Lot 28

Lot 29

Lot 32

Lot 33

Lot 34

Lot 27

POB

N89° 20' 48" W
356.67
NE Cor. Lot 34

NW Cor. Lot 34

N00° 17' 00" E
234.67

N73° 50' 20" W
180.05

N67° 10' 00" W
255.00

"Supervisors Plat
No. 11"
L.46, P.46

S00° 10' 00" E
1127.61



Graphic Scale: 1"=200'



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Daley St. Roadway Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 01-09-09	DATE	VIEW *1
SHEET No.		JOB No.	
STEVEN J. VANDETTE CITY ENGINEER		10F1	

DATE REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

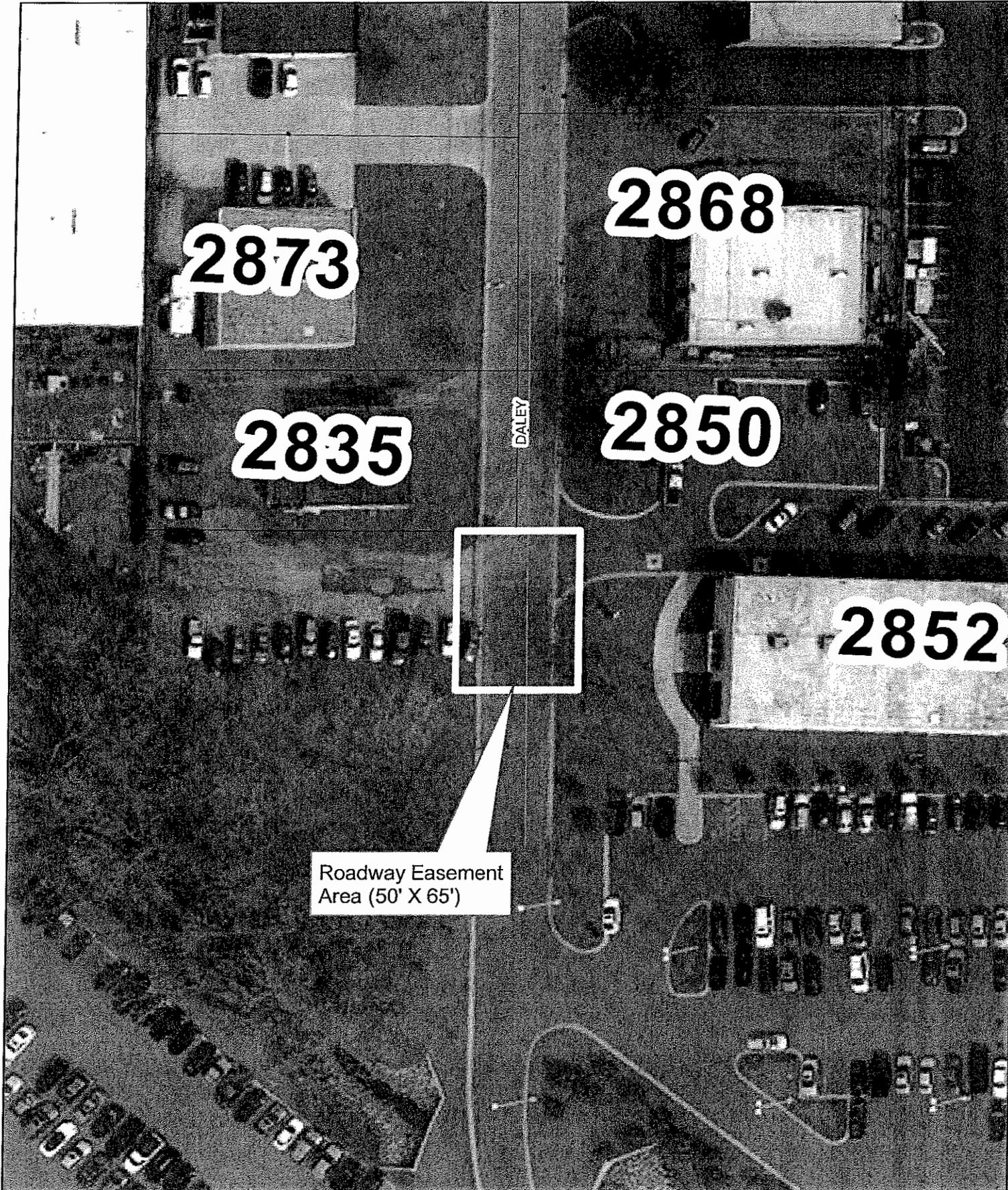
Agenda Item #5
SV 148.

Friday, January 09, 2009

Section 26, Part of the NW 1/4
Parcel: Daley Street Roadway Easement

Description of Roadway Easement:

Part of Lots 28 and 33 of "Supervisor's Plat No. 11", a subdivision of part of the Southwest ¼ of the Southwest ¼ of Section 23 and part of the Northwest ¼ of the Northwest ¼ of Section 26, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 46, Page 46, being more particularly described as: Commencing at the North ¼ Corner of said Section 26; thence West 899.31 feet; thence South 00 degrees 10 minutes 00 seconds East 1127.61 feet; thence North 67 degrees 10 minutes 00 seconds West 255.00 feet; thence North 73 degrees 50 minutes 20 seconds West 180.05 feet to the east line of said "Supervisor's Plat No. 11"; thence North 00 degrees 17 minutes 00 seconds East, along said east line, 234.67 feet to the northeast corner of Lot 34 of said plat; thence North 89 degrees 20 minutes 48 seconds West, along the north line of Lot 34, 356.67 feet to the west line of Daley Street; thence North 00 degrees 24 minutes 00 seconds East, along said west line, 28.80 feet to the Point of Beginning; thence North 00 degrees 24 minutes 00 seconds East, along the said west line, 65.01 feet; thence South 89 degrees 59 minutes 44 seconds East 50.00 feet to the east line of Daley Street; thence South 00 degrees 24 minutes 00 seconds West, along said east line, 65.00 feet; thence Due West 50.00 feet to the Point of Beginning. Containing 3,250 square feet or 0.075 acres, more or less.



Daley Street Roadway Easement Sketch

1 inch = 50 feet

DATE: January 8, 2009

TO: The 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 148-D) –
Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11
Subdivision, South of Big Beaver, North of I-75, Section 26

In 2000, Behr America, Inc. purchased property for its corporate headquarters on the south side of Big Beaver, near I-75 and Rochester Road. Since that time, Behr has also acquired additional property for its corporate headquarters. This property is within Supervisor's Plat No. 11, which has a designated 50 foot wide public street right-of-way easement (Daley Street). Prior to Behr's construction of the headquarters, Behr requested that the southernmost 400 feet of Daley Street be vacated. At the June 19, 2000 City Council meeting, City Council, after receiving a favorable recommendation from the Planning Commission, conditionally granted the requested street vacation (Resolution #2000-277). On March 5, 2001, after specific conditions were met, City Council officially vacated the Daley Street right-of-way easement (Resolution #2001-03-137-E-12) and reserved a public utility easement. In approximately 2006, Behr acquired additional property and made a second request to increase the Daley Street right-of-way easement vacation, which was approved by the Troy City Council on November 13, 2006 (Resolution #2006-11-330). A public utility easement and a public turn-around were reserved by the City.

Although there are City Council resolutions approving the requested vacation of Daley Street, Supervisor's Plat No. 11 must also be amended before any permanent structures can be located on the vacated property. Since additional construction is proposed, Behr was required to initiate a re-plat action in Oakland County Circuit Court to remove the designated 50 foot right-of-way easement on the vacated Daley Street. The City of Troy with other governmental and public utility entities are named defendant to that action as mandated by the Land Division Act, MCL 560.101, et.seq. The City has already filed an answer.

During the course of discovery in the re-plat lawsuit, it has been determined that a small portion of the right-of-way easement traversing Lot 28 in Supervisor's Plat No. 11 was inadvertently not included in the legal description of the resolutions of June 19, 2000 or March 5, 2001 although that portion was included in Behr America's request for vacation. Attached is a sketch which indicates the portion of the right-of-way easement that was not included. Failure to include that portion of Lot 28 results in a gap between the two portions

of the Daley Street right-of-way easement which were previously vacated. Without the adoption of a new resolution, the re-plat action cannot go forward.

Additionally, although the City is reserving the public utility easement in the vacated property, it is necessary to vacate the previously reserved public turn around on the property. It has been determined by City Management that there is inadequate radius for a public turn around in the vacated property. Use of the property designated for a public turn around might result in personal injury or property damage at the location. The vacation of the public turnaround is included in the resolution.

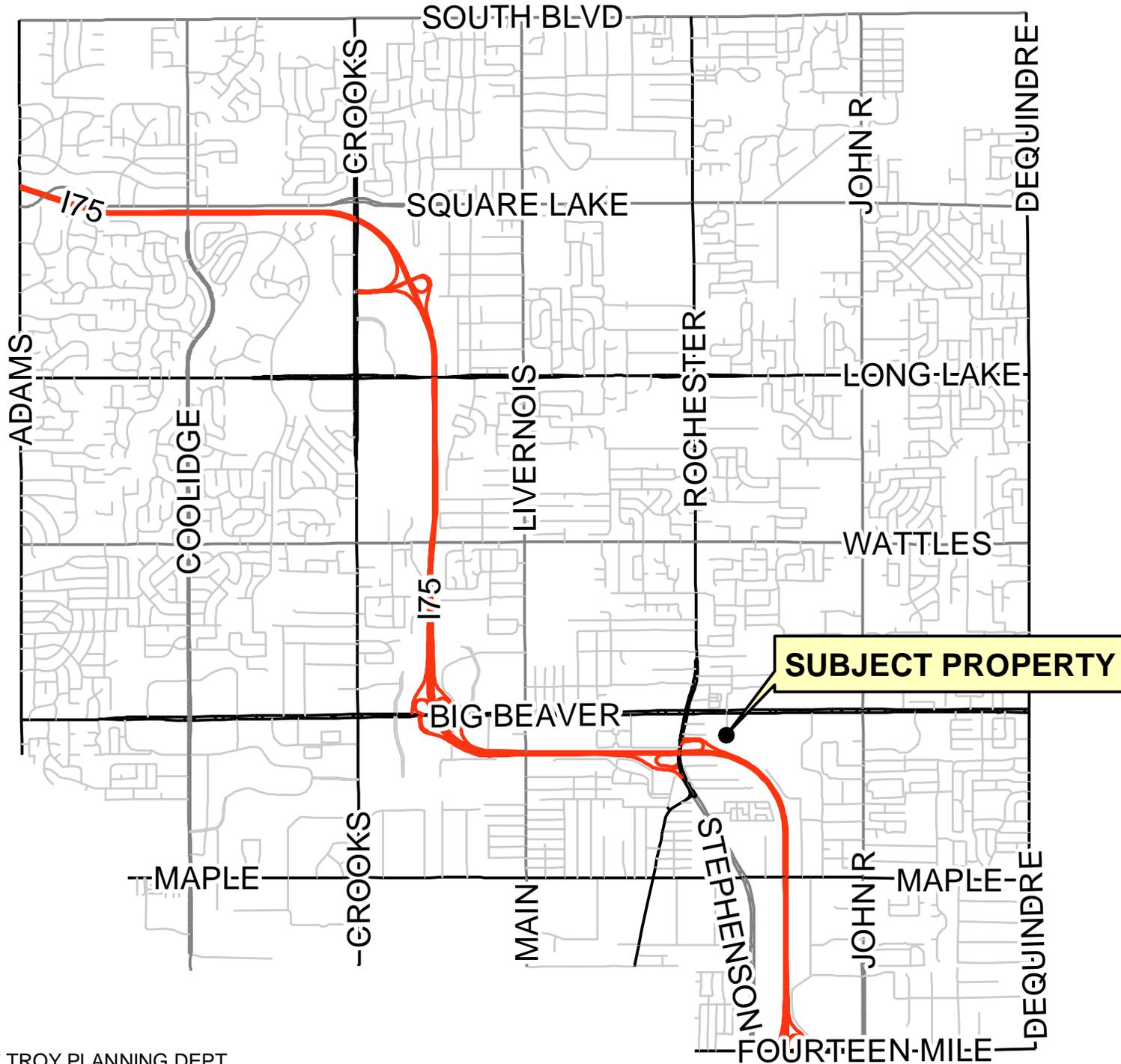
It is necessary to vacate the small portion of the Daley Street right-of-way easement on Lot 28 previously requested by Behr America, Inc. so that the gap between prior vacated properties can be eliminated and to eliminate the previously reserved public turnaround on the vacated property.

At the October 10, 2006 Planning Commission public hearing, Bill Hart of Prototfab (2835 Daley) expressed his opposition to vacation of the portion of Daley Street located south of 2835 Daley. He stated that if that portion of Daley were to be vacated, trucks pulling semi trailers would no longer be able to utilize that portion of Daley Street for maneuvering into and out of his driveway, which is located on the north side of the Prototfab building. For this reason, it is proposed that the language reserving a public turnaround on the vacated portion of Daley be vacated and a new condition placed on the granting of the 2006 vacation requiring Behr America to execute an easement for a legally described portion of the vacation for the purposes of turning maneuvers only.

cc: Applicant
File/ SV 148-D

G:\STREET VACATION\SV 148-D Daley Street Sec 26\Daley Street Vacation PC Report 01 13 09.docx

CITY OF TROY

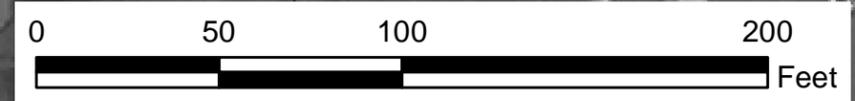


STREET & EASEMENT VACATION REQUEST
DALEY STREET
S OF BIG BEAVER, E OF ROCHESTER RD.
SEC. 26 (SV-148 D)

DALEY

PUBLIC TURNAROUND EASEMENT
TO BE VACATED (CC RES 2006-11-330)

STREET EASEMENT
TO BE VACATED



6. PUBLIC HEARING – STREET VACATION REQUEST (SV 148-C) – Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26 – Zoned M-1 (Light Industrial) District (the abutting parcels)

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 with two conditions. The conditions are to retain all public and private utility easements and to retain a public access easement for turnaround purposes. Mr. Miller said a turnaround in this situation might be more accurately described as an area for maneuvering.

Ms. Lancaster addressed the pending lawsuit and indicated a court action would have no affect on the Planning Commission's determination. Ms. Lancaster also addressed the retention of a public access easement for turnaround purposes.

The petitioner, Phil Tocco of 5645 Winslow Court, Pittsfield Twp, was present. Mr. Tocco distributed color-coded diagrams to the members that clarified the street vacation request, and provided a brief history of the situation. Mr. Tocco said the easement would enable maneuverability in the right of way and provide additional parking for Behr employees. Mr. Tocco indicated the project engineers were available for questions.

PUBLIC HEARING OPENED

Robert Easterly of 189 E. Big Beaver, Troy, was present. Mr. Easterly, an attorney, represents Protofab located at 2835 Daley, Troy. He addressed the concerns of his client and the pending lawsuit. Mr. Easterly indicated the lawsuit should be resolved before the City makes a determination on the street vacation. He asked that property rights of the citizens be protected and that the members deny the request.

Bill Hart of 5685 Indian Trail, East China Township, was present. Mr. Hart, an officer of Protofab, addressed the property dimensions of 2835 Daley and the concern with essential truck deliveries to the business. He also addressed the existing problem with parking in the area.

Ms. Lancaster explained that nothing physically would change the City property, and the City would retain the right for maneuverability in the roadway.

A brief discussion continued with respect to the turnaround access and maneuverability.

Ken Demark of 2611 Colby, Bloomfield Hills, was present. Mr. Demark is the owner of 2873 Daley. He addressed specifications of the turnaround, green space, a parking variance, existing parking problems and undeveloped land to the west that could be used by Behr for additional parking. Mr. Demark said cars from Behr park in his lot and in the fire lanes. He indicated that cars from Behr would invariably use the turnaround for parking.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-170

Moved by: Khan

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be approved, subject to the following conditions:

1. Retention of all public and private utility easements.
2. Retention of a public turnaround easement.
3. Roadway will be kept clear of parked vehicles at all times.

Discussion on the motion on the floor.

Mr. Littman questioned the street vacation, should it be granted by City Council, with respect to the outcome of ownership determined by Court action.

Ms. Lancaster clarified the pending lawsuit is a claim of adverse possession on the property. She indicated the action taken by City Council would remain, Behr would retain the property and the conditions would remain on the property. Ms. Lancaster also stated the conditions would remain should the property be sold.

Ms. Kerwin indicated she would not support the motion. She foresees problems with the enforcement of keeping the roadway clear of parked cars, as stipulated in the third condition of the motion.

Vote on the motion on the floor.

Yes: Drake-Batts, Khan, Strat, Vleck, Waller

No: Kerwin, Littman, Schultz

Absent: Wright

MOTION CARRIED

Mr. Littman believes the request should be considered after Court action on the pending lawsuit. He sees no reason to rush through the approval process because it is going to work the same either way. Mr. Littman said he does not think there will be enough room for trucks to turn around.

Mr. Schultz said he would rather wait until the litigation is complete, so you know who owns property on both sides.

Ms. Kerwin did not support the motion based on the third condition.

Mr. Khan said decisions should not be based on future litigation.

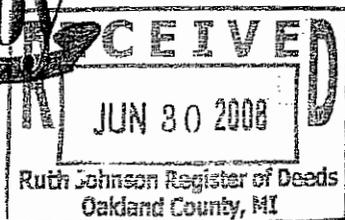
Chair Strat said supported the motion because a landlocked situation would not be created with the vacation



LIBER 40423 PG 740

26987
LIBER 40423 PAGE 740
\$13.00 MISC RECORDING
\$4.00 RECONUMENTATION
06/30/2008 11:41:28 A.M. RECEIPT# 5811
[Barcode]

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov



PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

RESOLUTIONS

STREET EASEMENT VACATION - SOUTH END OF DALEY,
SOUTH OF BIG BEAVER, SECTION 26

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

- Area code (248)
- Assessing
524-3311
- Bldg. Inspections
524-3344
- Bldg. Maintenance
524-3368
- City Clerk
524-3316
- City Manager
524-3330
- Community Affairs
524-1147
- Engineering
524-3383
- Finance
524-3411
- Fire-Administration
524-3419
- Human Resources
524-3339
- Information Services
619-7279
- Law
524-3320
- Library
524-3545
- Parks & Recreation
524-3484
- Planning
524-3364
- Police-Administration
524-3443
- Public Works
524-3370
- Purchasing
524-3338
- Real Estate & Development
524-3498
- Treasurer
524-3334
- General Information
524-3300

At the Regular meetings of the Troy City Council held on Monday, June 19, 2000, and Monday, March 5, 2001, the following Resolutions were passed:

Resolution #2000-277
Moved by Pallotta
Seconded by Allemon

WHEREAS, A request has been received from Behr America, Inc., for the vacation of the following described portion of the 50 foot wide Daley Street Easement lying within Supervisor's Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) in order to enable development of the subject street area in conjunction with the abutting portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11:

(Description of Street Easement Area)

Beginning at the North ¼ Corner of Section 26, T. 2N., R. 11E., West 899.31 feet; thence S 00D 10M 00S E, 1127.61 feet; thence N 67D 10M 00S W, 184.93 feet; thence N 67D 10M 00S W, 70.07 feet; thence N 73D 50M 20S W, 180.05 feet; thence N 00D 17M 00S E, 243.67 feet; thence N 89D 20M 48S W, 306.67 feet to the Point of Beginning; thence S 00D 24M 00S W, 408.03 feet; thence N 88D 51M 17S W, 49.75 feet; thence N 00D 24M 00S E, 407.87 feet, thence S 89D 20M 48S E, 50.00 feet to the Point of Beginning;

and

O.K.-A.N.

WHEREAS, The properties which shall benefit from the vacation include portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11 (City of Troy Tax Parcels 20-26-103-009 and 017, and Parcel 20-26-104-013); now part of 20-26-104-020

NOW THEREFORE, BE IT RESOLVED, That this request for vacation of a portion of the Daley Street Easement be granted, subject to the following conditions:

- A. Verification by the City Engineer of the accuracy of the description of the area to be vacated;
- B. Determination by the City Engineer of the nature and extent of easements to be retained and/or conveyed in conjunction with this vacation action;

- C. Response from the Oakland County Drain Commissioners Office as to the nature of easements to be retained and/or conveyed in conjunction with this vacation action;
- D. Action by Behr America to assure that they will dedicate a street right-of-way to the City, within the same described area as the area now proposed for vacation in the event that their proposed building project does not proceed; and

BE IT FURTHER RESOLVED, That final action shall be taken by the City Council to vacate said portion of the platted Daley Street easement, after receipt of the above described information from the City Engineer and the Oakland County Drain Commissioners Office, along with the required action by Behr America through a document acceptable to the City Attorney.

Yes: All-7

Resolution #2001-03-137-E-12
 Moved by Pallotta
 Seconded by Kaszubski

WHEREAS, All of the conditions have now been satisfied relative to vacating that portion of Daley Street identified in the attached memorandum;

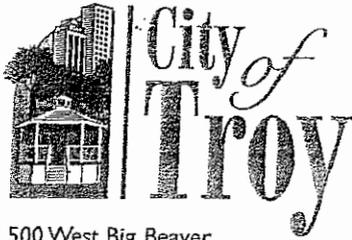
NOW, THEREFORE, BE IT RESOLVED, That final vacation of any interest that the City of Troy has in the Daley Street platted street easement is granted for the described portion of Daley Street; and

BE IT FURTHER RESOLVED, That the City of Troy will retain an easement for public utilities over the entire area to be vacated. The City Clerk shall record this Resolution in accordance with Sections 256 and 257 of Act 288 of the Michigan Public Acts of 1967, as amended.

Yes: All-6

I, Tonni L. Bartholomew, duly appointed City Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at Regular Meetings duly called and held on Monday, the 19th day of June, 2000 and Monday, the 5th day of March, 2001.

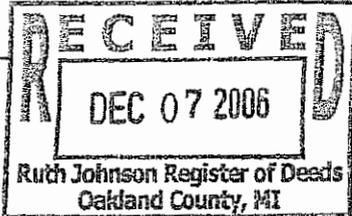

 Tonni L. Bartholomew
 City Clerk



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

295485
LIBER 38484 PAGE 481
\$13.00 MISC RECORDING
\$4.00 REDEMPTION
12/07/2006 03:25:54 P.M. RECEIPT# 137

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS



CITY OF TROY
OAKLAND COUNTY, MICHIGAN
RESOLUTION

- Area code (248)
- Assessing
524-3311
- Bldg. Inspections
524-3344
- Bldg. Maintenance
524-3368
- City Clerk
524-3316
- City Manager
524-3330
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524-1147
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524-3383
- Finance
524-3411
- Fire-Administration
524-3419
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524-3339
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619-7279
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524-3484
- Planning
524-3364
- Police-Administration
524-3443
- Public Works
524-3370
- Purchasing
524-3338
- Real Estate & Development;
524-3498
- Treasurer
524-3334
- General Information

C-3 Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26

At a Regular meeting of the Troy City Council held on Monday, November 13, 2006 the following Resolution was passed:

Resolution #2006-11-330
Moved by Fleming
Seconded by Beltramini

Handwritten signature/initials

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted Daley Street right-of-way, located south of Big Beaver Road, and abutting lots 28 and 33 of Supervisors Plat No. 11;

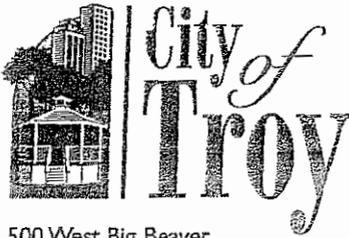
WHEREAS, The property which shall benefit from this requested vacation is Lot 28 and 33 of Supervisors Plat No. 11, Section 26 (City of Troy Tax Parcels 20-26-103-024 and 20-26-104-019); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted with the retention of public and private utility easements and public turnaround easement;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Planning Commission, and **VACATES** the portion of the Daley Street right-of-way; and

Exhibit 4

O.K. - LG



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated Daley Street right-of-way.

Yes: Stine, Beltramini, Broomfield, Fleming, Howrylak
No: Lambert
Absent: Schilling

MOTION CARRIED

I, Tonni L. Bartholomew, duly appointed City Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the 13th day of November, 2006.

Tonni L. Bartholomew, MMC
City Clerk

When recorded return to:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084



E-Mail: protofabcorp@att.net www.protofabcorp.com
Phone: 248-689-3730 Fax: 248-689-3215
2835 Daley Dr. Troy, MI 48083

December 29, 2008

Protofab Corp. protests a vacant request on Daley Dr. Furthermore, the condition of Daley Street last year was that BEHR had to maintain turn-around access. If they renege on the turn around access I feel the city should renege on the vacated portion of Daley Dr.

Thank you,

William H. Hart IV

REC'D

JAN - 6 2009

PLANNING DEPT.



To: Planning Commission of the City of Troy

Date: January 12, 2009

Re: SV-148 D Daley Street Easement/Vacation

To Whom It May Concern:

There are two separate issues here that are being combined into one issue. This issues need to be separated, and re-scheduled until all the facts are in.

1. First Issue: Correcting the "small portion of the right-of-way easement traversing lot 28 in Supervisors Plat N. 11" that was inadvertently not included in the legal description. Is NOT under dispute and is a separate issue unto it self.
2. Second Issue: Attempting to reverse the approved language/stipulation and replace it with "turning maneuvers only"

What are "turning maneuvers only"? If you don't know....how can you vote on it? I have asked for the definition but no one knows. The best answer received was that "maybe someone at the meeting will know and can explain it". The burden being asked of taxpayers to come to a meeting so that "maybe" someone can explain it is ridiculous and a waste of taxpayers time. And gives the impression that the city is attempting to obscure some other potential agenda by keeping the facts and definitions from the public until the last minute, maybe.

It would seem that this issue has neither been planned nor presented to the public correctly and should simply be postponed until all the facts are in. No one will be damaged by a postponement to allow the Commission and the public get the facts. Or the vacation should simply be completely reversed.

Thank you for your time.

Sincerely,

Ken Demark
CEO
BOLD Technologies, Inc.

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL October 15, 2008

A meeting of the Downtown Development Authority was held on Wednesday, October 15, 2008 in the Lower Level Conference Room, City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:32 a.m.

PRESENT: Stuart Frankel
David Hay
William Kennis
Alan Kiriluk
Daniel MacLeish
Ernest Reschke
Douglas Schroeder (arrived @ 7:37 a.m.)
Louise Schilling

ABSENT: Al Aceves
Mike Culpepper
Michele Hodges
Harvey Weiss
G. Thomas York

ALSO PRESENT: Phil Nelson
Brian Murphy
John Lamerato
Lori Bluhm
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-08-23
Moved by: Schilling
Seconded by: Hay

RESOLVED, that the minutes of the July 23, 2008 regular meeting be approved.

Yeas: All (7)
Absent: Aceves, Culpepper, Hodges, Schroeder, Weiss, York

OLD BUSINESS

None

NEW BUSINESS

A. Election of Officers

Resolution: DD-08-24

Moved by: MacLeish

Seconded by: Kennis

RESOLVED, that Alan Kiriluk and G. Thomas York remain chair and vice chair respectively.

Yeas: All (7)

Absent: Aceves, Culpepper, Hodges, Schroeder, Weiss, York

B. Big Beaver Design Guidelines

A presentation was given by Carlisle/Wortman Associates

C. Legal Updates

Lori Bluhm explained legal updates for DDA's

D. Meeting Dates

Resolution: DD-08-25

Moved by: Schilling

Seconded by: Hay

RESOLVED, that the agenda for October 15, 2008 be amended to include the 2009 meeting schedule.

Yeas: All (8)

Absent: Aceves, Culpepper, Hodges, Weiss, York

Resolution: DD-08-26

Moved by: Kennis

Seconded by: Schilling

RESOLVED, that the meeting dates be accepted as stated on handout.

Yeas: All (8)
Absent: Aceves, Culpepper, Hodges, Weiss, York

PUBLIC COMMENT

None

MEMBER COMMENT

Stuart Frankel would like to make sure there is a timeframe and sunset provision on the incentives given to the Pavilion's project.

Louise Schilling announced that there will be a forum on the Charter Amendment Ballot proposal tonight from 6:30 p.m. – 8:00 p.m. at the Community Center.

Membership agrees there is a need to have a couple study sessions to discuss the new laws presented as well as a need to speak with Oakland County on all other possible incentives.

Mark Miller announced the passage of the Master Plan through the Planning Commission, he will make copies and distribute the next meeting.

The meeting was adjourned at 8:55 a.m.

Next Meeting: November 19, 2008 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary

JL/ph

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Nov. 6, 2008 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:10 PM.

Present: Jo Rhoads, Member
 Frank Shier, Member
 Bud Black, Member
 Betty Coven, Member
 Merrill Dixon, Member

James Berar, Member
 David Ogg, Member
 JoAnn Thompson, Member,
 Pauline Noce, Member
 Carla Vaughan, Staff

Absent: Frank Shier, JoAnn Thompson, Pauline Noce

Visitors: Paula Fleming, Lori Bluhm, Richard Kucejko

Approval of Minutes

Resolution # SC-2008-11-001

Moved by Jo Rhoads

Seconded by Betty Coven

RESOLVED, That the Minutes of Sept. 4, 2008 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS

None

NEW BUSINESS

Suggestion Box: Carla reported that there were no suggestions.

Reference Manual: City Attorney Lori Bluhm distributed copies of the **Advisory Board for Senior Citizens Reference Book**. It contains information about the formation of the Committee, the bylaws, and the requirements of the Open Meeting Act and Freedom of Information Act. She discussed these items as they pertain to the Committee.

REPORTS

Park Board: No report.

Senior Program: Carla reported that the National Senior Center Month events were well attended and that over two dozen groups participated. Our first speed dating event was full

and it went well. A second one is being offered in December. **Anyone Can Paint** is a new class taught by television painting show host Steve Wood. The first three sessions were full.

Medi-Go: Jo Rhoads reported that they participated in the Troy Daze parade. Ron Ristau is the new president. One van has needed major repairs and they hope to get a new van in January.

OLHSA: No report.

Oakland County Senior Advisory Board: No report.

Comments

Jim Berar commented that in 1938, gas was 20 gallons for \$1.

Merrill brought up some questions about property taxes. It will be added as new business to the January agenda.

Jo Rhoads stated that she has received some comments indicating that people are watching the meeting on TV.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

A regular meeting of the Troy Traffic Committee was held Wednesday, November 19, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. **Roll Call**

PRESENT: Sarah Binkowski
 Ted Halsey
 Jan Hubbell
 Gordon Schepke
 Pete Ziegenfelder
 Sam Jiang

ABSENT: John Diefenbaker
 Richard Kilmer

Also present: Bill Huotari, Deputy City Engineer
 Lt. David Livingston, Troy Police Dept.
 Lt. Eric Caloia, Troy Fire Dept.
 Judy Cholette, 1115 Torpey
 Andrea Cholette, 1110 Torpey
 Dale Zygnowicz, 6370 Elmoor
 Joyce Mann, 1206 Torpey
 William Cinader, 1096 Torpey
 Brenda Krcek, 3330 Rochester
 Burt Kassab, 31000 Northwestern, Farm. Hills
 Denny Torpey, 12830 Rattalee, Davisburg
 Peter Glasier, 3334 Rochester
 Kathleen Novetsky, 3289 Mirage
 Gary Abitheira, 3201 Mirage
 Mike & Kari Messina, 3302 Mirage
 Erin Maten, 1975 Enterprise
 Stuart Glasier, 3334 Rochester
 Bassem Basha, 767 Coachman

RESOLUTION #2008-11-35

Moved by Halsey
 Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Kilmer.

YES: All-5
 NO: None
 ABSENT: 2 (Diefenbaker and Kilmer)
 MOTION CARRIED

2. Minutes – August 20, 2008

RESOLUTION #2008-11-36

Moved by Hubbell

Seconded by Binkowski

To approve the August 20, 2008 minutes.

YES: All-5

NO: None

ABSENT: Diefenbaker and Kilmer

MOTION CARRIED

PUBLIC HEARING

3. Request for Sidewalk Waiver at 3331-3339 Rochester Road

Burt Kassab, on behalf of Troy-Rochester Properties, LLC, requests a waiver for the sidewalk at 3331-3339 Rochester Road, on the Vanderpool side. The Sidewalks and Driveway Approaches (Chapter 34) ordinance requires that sidewalk be installed as part of the development of this parcel. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing. There are utility poles and a ditch which would make sidewalk installation difficult (photos attached). He mentioned that there is a perforated storm drain pipe alongside Vanderpool, and the Planning Department was in favor of the waiver.

Residents within 300 feet of the Rochester/Vanderpool intersection have been notified of the Public Hearing. One letter of objection (attached) to the waiver was received from Kraft Chiropractic Clinic, 3283 Rochester Road, which has since been rescinded. The writer was against a waiver on Rochester Road.

RESOLUTION #2008-11-37

Moved by Binkowski

Seconded by Hubbell

WHEREAS, City of Troy Ordinances, Chapter 34, Section 34.07.01 (D) allows the Traffic Committee to grant waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Burt Kassab has requested a waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area and there are physical conditions hindering sidewalk installation; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a waiver of the sidewalk requirement for the property at 3331-3339 Rochester Road, on the Vanderpool side of the property, which is owned by Troy-Rochester Properties, LLC, until such time as physical conditions change.

YES: All-5
 NO: None
 ABSENT: Diefenbaker and Kilmer
 MOTION CARRIED

REGULAR BUSINESS

RESOLUTION #2008-11-08-38

Moved by Binkowski
 Seconded by Schepke

To consider Item 7 first.

YES: All-5
 NO: None
 ABSENT: Diefenbaker and Kilmer
 MOTION CARRIED

7. Install a NO LEFT TURN sign on Torpey Drive at Rochester Road

The Troy Police Department requests a NO LEFT TURN sign at this intersection to alleviate significant backups due to vehicles trying to turn left from Torpey to Rochester (see Mr. Huotari's report attached).

Lt. Livingston has observed the traffic and has seen backups, worse at the afternoon school dismissal times. The situation will be worse in the future when the new academy adds more grades. Currently it only has ninth graders.

Judy Cholette, 1115 Torpey, is very much against the left turn prohibition, as is Joyce Mann, of 1206 Torpey. She says it is often easier to turn left, as northbound traffic will stop and let drivers through to the center lane.

Property and business owners at that corner, Denny Torpey, Brenda Krcek, and Peter Glasier, believe they will all lose business if left turns are prohibited. It would be so inconvenient for their customers that they would shop elsewhere. Denny Torpey observed traffic last Friday and Monday, and said there was only about seven minutes of moderate inconvenience for motorists exiting Torpey onto Rochester.

All the residents who spoke said going north to go south is inconvenient and dangerous. There is no way to head south except by turning around in a side street or parking lot.

Mr. Huotari said Rochester Road reconstruction utility work will start in February of 2009, and actual construction early in 2010. The Rochester Road boulevard will be extended to Barclay, and the traffic signal currently at Charrington will be moved to the Torpey intersection.

Mr. Halsey thinks the schools could recommend that parents use an alternate route, such as Boyd Street, to access Rochester Road.

RESOLUTION #2008-11-08-39

Moved by Binkowski

Seconded by Schepke

Recommend no changes at Torpey Drive and Rochester Road.

YES: All-5

NO: None

ABSENT: Diefenbaker and Kilmer

MOTION CARRIED

4. Rescind Traffic Control Order 08-07-MR

At the August Traffic Committee meeting, Res. 2008-08-33 recommended installation of a DO NOT BLOCK DRIVEWAY sign on Maple Road, with yellow lights (if possible) blinking from 6:00 a.m. to 9:00 a.m., Monday-Friday, on the east side of the west driveway of Fire Station #4 (with the approval of the Road Commission for Oakland County).

RCOC will not permit the proposed yellow blinking lights on the DO NOT BLOCK DRIVEWAY sign, as it is not a typical installation as shown in the Michigan Manual of Uniform Traffic Control Devices. Therefore, TCO #08-07-MR should be rescinded.

RCOC will relocate the DO NOT BLOCK DRIVEWAY sign because installation information has to be recorded their inventory. (RCOC does not like to install these DO NOT BLOCK DRIVEWAY" signs because they are not enforceable. There is nothing in the Michigan Vehicle Code (MVC) that allows for a Traffic Control Order to be written in reference to them.) They prefer to install the Stop Bar so it is done in accordance with their material specifications. After the initial installation (\$500) is paid for by the city, RCOC will maintain it in the future at no cost to the City.

RESOLUTION #2008-11-40

Moved by Hubbell

Seconded by Halsey

Recommend that Traffic Control Order #08-07-MR be rescinded.

YES: All-5

NO: None

ABSENT: Diefenbaker and Kilmer

MOTION CARRIED

5. Install Stop Signs on Ellenboro at Trombley

Kari Messina, 3302 Mirage, has requested that the YIELD signs on Ellenboro at Trombley be replaced by STOP signs. She and her neighbors are concerned for the safety of students walking to Wattles Elementary School, and also for the middle-schoolers who wait for the school bus at that corner. There are no sidewalks in the area, and the residents feel that making traffic come to a complete stop at the corner would improve safety. Our consultants recommend no changes at the intersection (see attached report).

Gary Abithiera, 3201 Mirage, is concerned about safety because in winter it's dark and often icy when the children are walking to school and to the bus stop.

Kathleen Novetsky 3289 Mirage, said that Wattles Elementary School is the only one in Troy without a 4-way STOP near it. She mentioned that this Ellenboro/Trombley intersection is offset, not completely straight, which makes it trickier to maneuver. She also reports that motorists use Trombley as a cut-through between Rochester Road and Big Beaver.

Mike Messina, 3302 Mirage, would like all-way STOP signs at this intersection. He thinks there is too long a stretch of Trombley without any STOP signs to slow down traffic. MMUTCD does not recommend the use of STOP signs to slow traffic.

Mr. Schepke reported that two of his friends who live near the intersection support installation of STOP signs instead of the YIELD signs.

Mr. Halsey believes the schools need to educate the children about safety while walking to school. He has seen the kids walking on both sides and the middle of the street. Lt. Livingston will contact the school regarding a safety program for students who walk to school.

RESOLUTION #2008-11-41

Moved by Halsey

Seconded by Schepke

Recommend that the YIELD signs on Ellenboro at Trombley be replaced by STOP signs.

YES: All-5

NO: None

ABSENT: Diefenbaker and Kilmer

MOTION CARRIED

6. Install STOP Signs on Robinwood at Enterprise

Erin Maten of 1975 Enterprise requested that STOP signs be placed on Robinwood at Enterprise to replace the existing YIELD sign on Enterprise to improve safety for school children crossing Robinwood. Our traffic engineering consultant reviewed the request and recommends that the existing YIELD sign on Enterprise be changed to a STOP sign (see attached report).

Ms. Maten said that there are around 40 homes on Enterprise where children live, most of them fourth graders or younger. Children are not bussed to school. There is no sidewalk on the south side of Robinwood, so kids must cross Robinwood to reach the sidewalk on the north side. Kids also have to use the same route to reach Robinwood Park. Ms. Maten would like to have sidewalks on the south side of Robinwood, or at least a crosswalk.

Lt. Livingston will contact Troy's elementary school principals to develop a plan to educate teachers and students about safety while walking to school.

RESOLUTION #2008-11-42

Moved by Halsey
Seconded by Hubbell

Recommend installation of a STOP sign instead of the YIELD sign on Enterprise at Robinwood.

YES: All-5
NO: None
ABSENT: Diefenbaker and Kilmer
MOTION CARRIED

8. Establish Fire Lanes at 2477 West Maple Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2008-11-43

Moved by Hubbell
Seconded by Halsey

Recommend establishing fire lanes/tow away zones at 2477 West Maple, as recommended by the Fire Department.

YES: All-5
NO: None
ABSENT: Diefenbaker and Kilmer
MOTION CARRIED

9. Public Comment

Joyce Mann, 1206 Torpey, expressed gratitude for the additional speed limit signs and police patrols on Torpey. She believes they are helping to slow traffic.

10. Other Business

Mr. Huotari reported on Baker Middle School. The school has made significant changes to improve safety and traffic flow in their parking lot.

Joyce Mann expressed a wish for more lighting in the parking lot, as she has seen vehicles hit the divider. Mr. Huotari said that the school would be responsible for lighting.

RESOLUTION #2008-11-44

Moved by Binkowski

Seconded by Hubbell

To not meet in December.

YES: All-5

NO: None

ABSENT: Diefenbaker and Kilmer

MOTION CARRIED

11. Adjourn

The meeting adjourned at 8:48 p.m.



Pete Ziegenfelder, Chair



Laurel Nottage, Recording Secretary

TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**DECEMBER 2, 2008**

This meeting of the Troy Historic District Study Committee was held Tuesday, December 2, 2008 at the Troy Museum & Historic Village. The meeting was called to order at 7:32 P.M.

ROLL CALL

PRESENT: Kevin Lindsey
Kinda Hupman
Bob Miller
Charlene Harris-Freeman
Linda Rivetto

ABSENT Paul Lin

STAFF: Loraine Campbell

Resolution #HDSC-2008-12-001
Moved by Harris-Freeman
Seconded by Hupman

RESOLVED, That the absence of Lin be excused

Yes: 5— Lindsey, Hupman, Miller, Harris-Freeman and Rivetto
No: 0

MOTION CARRIED

Resolution #HDSC-2008-12-002
Moved by Miller
Seconded by Harris-Freeman

RESOLVED, That the minutes of April 1, 2008 be approved

Yes: 5— Lindsey, Hupman, Miller, Harris-Freeman and Rivetto
No: 0

MOTION CARRIED

OLD BUSINESS

A. Above Ground Surveys

No additional surveys completed.

A. Request to Delist 5875 Livernois

The preliminary report was reviewed by the committee.

Resolution #HDSC-2008-12-003
Moved by Rivetto
Seconded by Harris-Freeman

RESOLVED, That the Preliminary Report to de-list the historic resource at 5875 Livernois be approved for distribution for review and to the Michigan Department of History Arts and Libraries, the Michigan Historical Commission, and the State Historic Preservation Review Board. The preliminary report will also be submitted as an information item to the Planning Commission and City Council.

Yes: 5— Lindsey, Hupman, Miller, Harris-Freeman and Rivetto

No: 0

MOTION CARRIED

The Troy Historic Study Committee Meeting was adjourned at 8:07 PM. The next meeting will be held Tuesday, January 6, 2009 at 7:30 PM at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, January 6, 2009

I. Call to Order 7:10 pm

II. Roll Call

Present Kelly Jones
 Grigore Buia
 Cathy Francois
 John Witt
 Reuben Ellis
 Michelle Haight
 Lily Huang, student rep
 Aries Tao, student rep
 Cindy Stewart, City Liaison

Absent Karen Yelder
 Veena Rao
 Mayada Fakhouri

III. Approval of Minutes – October 14, 2008

Motion by Kelly Jones
 Seconded by Michelle Haight to approve the October 14, 2008 minutes.

IV. New Business

a. Correspondence/Articles

School District Tries to Lure Asian Parents – New York Times, 11/12/08

Michigan Roundtable sponsoring a luncheon – “Opportunity for All” – Inequity, Linked Fate and Social Justice in Michigan – Friday, January 30 at Charles Wright Museum of African American History.

Celebration of Freedom to Honor the Spirit and Memory of Dr. Martin Luther King, Jr. on Monday, January 19 at 8:30 am. All are invited.

b. Introduction of new Board Members

John Witt has been a resident since 2000. Starting WSU for a Masters in Public Administration, member of Troy Optimist Club and Troy Toastmasters.

Aries Tao is a senior at Troy High School and hopes to attend University of Pennsylvania or University of Michigan majoring in business.

V. Old Business

a. Troy Daze – EthniCity Discussion.

Serious thoughts on this topic – EIA Board needs to make a firm commitment if they decide to do this project.

Cathy – would be willing to participate that weekend on a larger scale.

Kelly – Organizations that participate do a great job, but it's a lot of work for a few people. Have we measured what the community gets out of it?

Cathy – poster contest seemed important.

Reuben – if we lose EthniCity, will it be missed?

Michelle – Is there another way to embrace our diversity within the community? We might not need the tent but keep ethnic entertainment

Kelly – Vendors are important to this event. Participation has declined over the years. This board has gotten more involved with the school district which goes with our goals.

Michelle – propose the EIAB do the poster contest and promote themselves as a resource to Troy Daze Committee.

Kelly & Cathy agreed. They will leave themselves open to help the committee.

Motion made by Michelle Haight that the Ethnic Issues Advisory Board sponsors a poster contest to celebrate/embrace diversity during the Troy Daze Festival and not coordinate the EthniCity tent. Seconded by John Witt. Motion approved unanimously.

Further discussion – look at what other cities do and research if something on a smaller scale to fill void of EthniCity Tent. Come back with ideas at the February 10th meeting. Reuben will research Indianapolis, East Pointe, Southfield and Ann Arbor. John will research Arizona. Other Board members will find communities with diversity events

- b. African American Support Group – next meeting will be Jan. 12, 2009. Board members will try to attend.
- c. Troy School District updates. Kelly met with Costello PTO related to Diversity in Troy. She encouraged more diverse activities at the school. Principal very supportive but not a lot of reaction from the parents. They have a school fair in March with one room that has Ethnic tables (run by one parent).

As a Board, Kelly would like to see more connectivity among the schools. Tim McAvoy is emailing Michelle's cultural newsletter (Cultural Connections)..

Cultural Connections – Team Troy: Michelle and Padma Kuppa (Troy Interfaith Group) coordinated the second professional development program (administration, principals, vice principals) on Wednesday, December 10. There were 50 people held at congregation Shir Tikvah. The Jewish voice (Rabbi Arnie and Michael Silverstein) spoke about their customs, traditions. The Chinese voice was Tai Chan retired from Gm/Troy resident – very dynamic and Heather Zhou (Hill/Larson parent).

Mr. Chan shared *Global Journeys in Metro Detroit*– a multicultural guide to the Motor City. www.globaldetroit.com.

Next program: March 18 at Islamic Ctr. Muslim (AIGD) & African American voices. Evaluations have been outstanding towards the program. They also liked visiting many new places of worship.

(1st October Program was Arab America & India voices)
Last program is April – Hindu voice.

Michelle will provide handouts to the EIAB from the program at our next meeting.

Cathy will bring information on an Interfaith Retreat planned for the near future

d. Cultural Brochures

Michelle will e-mail Cindy info she has collected for the brochures (Arab American, Asian American, Slavic, Indian). Cindy she will format and bring copies to next meeting in February.

VI. Member Comment

Willie DeChavez (NAFA) invited Kelly to awards dinner Oct 2008 at Somerset Inn. Honored Filipino Americans who contribute to their community. Kelly was honored to represent EIAB.

VII. Adjournment 8:30 pm

Motion by Kelly Jones, seconded by Cathy Francois. Meeting adjourned.

Next Meeting Tuesday, February 10, 2009 at 7 pm

Kelly Jones, EIAB Vice Chair

Cindy Stewart, EIAB Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Jan. 8, 2009 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:05PM.

Present: James Berar, Member
Frank Shier, Member
David Ogg, Member
Bud Black, Member
Betty Coven, Member
JoAnn Thompson, Member
Carla Vaughan, Staff

Excused: Jo Rhoads, Pauline Noce, Merrill Dixon

Visitors: Paula Fleming, Nino Licari

Approval of Minutes

Resolution # SC-2009-01-001

Moved by Betty Coven

Seconded by Frank Shier

RESOLVED, That the Minutes of Nov. 6, 2008 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS

Traffic: Mr Berar informed the committee about Senator Pappageroge's proposed bill that will give drivers with minor traffic citations an alternative to points on their driver's license. They would be required to complete a certified basic driver improvement course and pay all fees associated with the course.

NEW BUSINESS

Suggestion Box: Carla reported that there were two suggestions to air the chair exercise class on cable TV. She is checking with the cable department to see if this can be done. There were two suggestions to list the benefits of the Senior Fitness class in the newsletter to get more participants. Carla reported that she does include articles about the benefits of exercise at least a couple of times a year in the newsletter although not specific to that class.

We have printed testimonials about specific classes and she will talk to the Senior Fitness class participants about that. There was one suggestion for evening senior programs and Carla handed out a flyer detailing the 15 programs for seniors that are offered in the evening. This person wanted a current events discussion group in particular. A similar daytime group folded last year, but Carla will see if there is interest in an evening group. There was one comment that the snow and ice is not cleared from the handicapped parking spaces. This was forwarded to the parks superintendent and he has addressed the issue.

Property Taxes: The Committee invited City Assessor Nino Licari to talk about property taxes, specifically if they could be paid by the month. He said that they could be paid by the month, but he does not recommend it as people tend to fall behind. He also discussed how seniors can defer their taxes, how they can qualify for a poverty exemption, how they can dispute their assessment, and how foreclosures in the neighborhood affect home values. He encouraged seniors to call him if they had any additional questions.

Advisory Board Reference Book: Mr. Berar brought up some questions as to whether certain guidelines outlined in that book were being followed, and it was determined that they were.

Bylaw Amendment: The Committee decided to revert to monthly meetings except July, August and December and the following resolution was passed:

Resolution # SC-2009-01-002
Moved by Betty Coven
Seconded by Jim Berar

RESOLVED, That the Advisory Committee for Senior Citizens meet every month except July, August and December.

Yes: 6
No: 0

MOTION CARRIED

REPORTS

Park Board: No report.

Senior Program: Carla reported that HAP is sponsoring the aquatic exercise class again this winter. An intergenerational pickleball tournament was held on December 28 and it was full with 32 teams. SHARP is helping seniors install their digital TV boxes. SHARP has received a community service award from the Michigan Recreation and Parks Association.

Medi-Go: No report.

OLHSA: No report.

Oakland County Senior Advisory Board: No report.

Comments

Jim Berar read highlights from a newspaper article about tax changes.

David Ogg announced that Beaumont has a new oncology hospice.

Frank Shier announced that the Heart of the Hills Players have a show called ***Funny Stuff*** coming up at the Troy Community Center.

JoAnn Thompson expressed frustration about her driveway being plowed in when the streets are plowed.

Betty coven announced that those over age 70.5 do not have to take the required minimum distribution out of their IRA in 2009.

The meeting was adjourned at 2:25 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on January 13, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Bradley Raine, Student Representative
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-01-003

Moved by: Strat
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2009-01-004

Moved by: Tagle
Seconded by: Strat

RESOLVED, To approve the minutes of the January 6, 2009 Special/Study Meeting as submitted.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

STREET VACATION

5. PUBLIC HEARING – STREET VACATION REQUEST (SV 148-D) – A portion of the Daley Street Easement (50 feet wide), South of Big Beaver Road, East of Rochester Road, approximately 29 feet long and 724 square feet in area, part of Lot 28 of Supervisor’s Plat No. 11 Subdivision and an easement for public turnaround on Lots 28 and 33 of Supervisor’s Plat No. 11 Subdivision, Section 26

Mr. Miller addressed the error identified during the plat approval process. A small portion of the right-of-way easement was inadvertently not included in the legal description in Resolutions passed by City Council in 2000 and 2001 to approve the Daley Street vacation. Mr. Miller also addressed the public utility easement in the vacated property as relates to the turnaround.

Discussion followed.

PUBLIC HEARING OPENED

The following persons were present and addressed the Commission.

William Hart of Artisans Prototfab, 2835 Daley, Troy.
Ken Demark of Bold Enterprises, 2873 Daley, Troy.
Olaf Maly of Behr America, 2700 Daley, Troy.

PUBLIC HEARING CLOSED

Assistant City Attorney Forsyth stated State law prohibits the building or placement of structures, permanent or temporary, on public utility easements, and said the public utility easement would continue to be used as a mechanism for vehicular maneuverability.

Discussion continued on:

- The terms “maneuverability” versus “turnaround”.
- Wording of the proposed Resolution that would administratively correct the error relating to the street vacation and public turnaround easement.

Resolution # PC-2009-01-005

Moved by: Hutson

Seconded by: Tagle

RESOLVED, To table the proposed Resolution until later this evening.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED*[See pages 4-5 for final action]***SITE PLAN REVIEW**

6. **SITE PLAN REVIEW (SP 735-H)** – Proposed Parking Lot Expansion and Entry Modification of Existing Industrial Building, Northwest corner of Crooks Road and Equity Drive, Section 32, Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan subject to a provision for an 8-foot wide sidewalk on the west side of Crooks Road.

The petitioner, Josh Suardini of Etkin Equities, 29100 Northwestern Hwy, Southfield, was present. Mr. Suardini displayed a color rendering and addressed the two construction phases.

There was discussion on providing additional landscaping that would buffer the parking lot from Crooks Road.

The project landscape architect was present also.

The petitioner agreed to look into providing low plantings and/or hedges to provide a buffer along Crooks Road.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Resolution # PC-2009-01-006

Moved by: Tagle
 Seconded by: Strat

RESOLVED, That the proposed Parking Lot Expansion and Entry Modification of the Existing Industrial Building, located on the northwest corner of Crooks Road and Equity Drive, Section 32, on approximately 22.47 acres, within the M-1 (Light Industrial) zoning district, be granted, subject to the following conditions:

1. Provide an 8-foot wide sidewalk on the west side of Crooks Road.

Yes: All present (8)
 Absent: Vleck

MOTION CARRIED

OTHER BUSINESS

7. PRELIMINARY REPORT TO DE-LIST 5875 LIVERNOIS (88-20-09-232-005)

Mr. Savidant gave a brief report on agenda item. No action was required by the Planning Commission.

Chair Schultz requested a recess at 8:25 p.m.

The meeting reconvened at 8:39 p.m.

STREET VACATION

5. PUBLIC HEARING – STREET VACATION REQUEST (SV 148-D) – A portion of the Daley Street Easement (50 feet wide), South of Big Beaver Road, East of Rochester Road, approximately 29 feet long and 724 square feet in area, part of Lot 28 of Supervisor’s Plat No. 11 Subdivision and an easement for public turnaround on Lots 28 and 33 of Supervisor’s Plat No. 11 Subdivision, Section 26

[Item previously tabled – see pages 2-3]

Resolution # PC-2009-01-007

Moved by: Hutson
 Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request for a portion of the Daley Street Easement (50 feet wide), South of Big Beaver Road, East of Rochester Road, approximately

29 feet long and 724 square feet in area, part of Lot 28 of Supervisor's Plat No. 11 Subdivision be approved; and

BE IT FURTHER RESOLVED, That the Planning Commission hereby recommends to the City Council that the easement for public turnaround on Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be vacated and replaced with a public vehicular maneuverability easement as depicted in the attached Daley Street Roadway Easement sketch, dated January 9, 2009; and

BE IT FINALLY RESOLVED, That the Planning Commission hereby recommends to the City Council that said public vehicular maneuverability easement be approved as a condition of the street vacation.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

8. ELECTION OF OFFICERS

Chair Schultz asked for nominations from the floor for Chair and Vice Chair.

Mr. Maxwell nominated Robert Schultz for Chair and Michael Hutson for Vice Chair.

Hearing no further nominations, Chair Schultz declared the nominations for the position of Chair and Vice Chair closed.

ROLL CALL VOTE

Yes: All present (8)
Absent: Vleck

Chair Schultz asked for nominations from the floor for Board of Zoning Appeals (BZA) Representative and Board of Zoning Appeals (BZA) Alternate.

Mr. Hutson nominated John Tagle for BZA Representative.

Mr. Tagle declined the position.

Mr. Hutson nominated Lon Ullmann for BZA Representative and Philip Sanzica for BZA Alternate.

Hearing no further nominations, Chair Schultz declared the nominations for BZA Representative and BZA Alternate closed.

ROLL CALL VOTE

Yes: All present (8)
Absent: Vleck

MOTION CARRIED9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

10. **PLANNING COMMISSION COMMENTS**

Mr. Miller briefly addressed the process of site plan applications in relation to BZA variances.

Mr. Sanzica asked for a verbal or written status/summary of Planning Department projects.

Mr. Miller said he would produce an update on recent projects.

Chair Schultz thanked members for the vote of confidence in continuing to Chair the Planning Commission, and welcomed the newly elected officers.

The Regular Meeting of the Planning Commission adjourned at 8:55 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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CITY COUNCIL REPORT

January 23, 2009

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services –
December 2008

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) commercial fan, two Lots (2) of gas containers, one (1) HP Business Inkjet printer, tires, one (1) Motorola MT 1000 hand-held radio, one lot (1) MSA combustible gas indicators, one (1) Motorola P100 hand-held radio, one lot (1) Motorola speakers, one lot (1) Sony video cameras, one lot (1) Uniden Bearcat scanners, one (1) mini grille/strobe lights, one (1) Optimizer for Motorola batteries, one lot (1) Motorola MT 600 hand-held radios, one lot (1) Motorola system 9000 mics, one lot (1) Motorola Minitor II SV pagers, and one lot (1) Motorola system 9000 control heads that were auctioned on-line through BidNet, the City's e-procurement website, on December 9, 2008 and closed on, December 21, 2008.

January 23, 2009

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – December 2008

Financial Considerations - continued

Final sale amounts and fees are listed below:

SUMMARY	PROCEEDS	SUB-TOTAL	NET INCOME
BidNet Auction	\$895.94		
SUB-TOTAL:		\$895.94	
	FEES:		
5% - Tires, Hand-held Radios, Cameras, Printer & etc.	(\$44.79)		
SUB-TOTAL:		(\$44.79)	
Sales Tax +6% (Tires, Radios, Cameras, & etc):	\$53.76		
SUB-TOTAL:		\$53.76	
			\$ 904.91

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of December 2008 auctions to the City management.
- No action required



[MITN Auctions](#)
[National Auctions](#)
[Auctions Main Menu](#)
[HELP/FAQ](#)
[Contact Support](#)
[MITN Admin Menu](#)

Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 1/8/2009

From: 12/15/2008 To: 12/31/2008

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
4190	12/16/2008	72.00	4.32	3.60	Sale	FAN	Bockstanz
4194	12/16/2008	14.50	0.87	0.72	Sale	3 - Gas Containers	Bockstanz
4192	12/16/2008	15.50	0.93	0.78	Sale	Single Tire	Bockstanz
4193	12/16/2008	16.00	0.96	0.80	Sale	4 - Gas Containers	Bockstanz
4015	12/16/2008	10.00	0.60	0.50	Sale	HP Business Inkjet 2600 Printer	Bockstanz
4191	12/16/2008	203.50	12.21	10.18	Sale	4 Tires	Bockstanz
4212	12/21/2008	16.50	0.99	0.82	Sale	Motorola MT 1000 Handheld Radio	Bockstanz
4222	12/21/2008	89.00	5.34	4.45	Sale	MSA Combustible Gas Indicators	Bockstanz
4211	12/21/2008	36.00	2.16	1.80	Sale	Motorola Radio - P110	Bockstanz
4219	12/21/2008	21.94	1.32	1.10	Sale	Motorola Speakers	Bockstanz
4210	12/21/2008	51.00	3.06	2.55	Sale	Sony Video Cameras	Bockstanz
4215	12/21/2008	81.25	4.88	4.06	Sale	Uniden Bearcat Scanners	Bockstanz
4221	12/21/2008	54.50	3.27	2.73	Sale	Mini Grille - Strobe/Lights	Bockstanz
4214	12/21/2008	10.50	0.63	0.51	Sale	Optimizer for Motorola Batteries	Bockstanz
4213	12/21/2008	42.25	2.54	2.11	Sale	Motorola MT 600 Handheld Radio	Bockstanz
4218	12/21/2008	13.50	0.81	0.68	Sale	Motorola System 9000 mics	Bockstanz
4216	12/21/2008	56.00	3.36	2.80	Sale	Motorola Minitor II SV	Bockstanz
4220	12/21/2008	92.00	5.52	4.60	Sale	Motorola System 9000 Control Head	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$895.94	\$53.77	\$44.79	\$0.00	\$44.79	\$44.79

Troy Youth Assistance Board Meeting

November 20, 2008

Final Minutes

Present: Leonette Ciepielowski, Robin Beltramini, Robin Lilly, George Zielinski, Nancy Piotrowski, Charlene Krupitzer, Ann Comiskey, Dale Zygnowicz, Nancy Groves, Bruce Baxter, Beth Nowinski, Daniella Youhan, Jeanne Stine, John Hug, Paul Scobie.

Call to order: Leonette called the meeting to order at 6:01 p.m. All rose for the Pledge of Allegiance. Leonette introduced Nancy Groves, a guest at tonight's meeting and John Hug from the Troy Recreation Department filling in for Brian Goul.

Minutes: Nancy P moved to approve the minutes of October 16, 2008. George seconded; so moved.

Treasurer's Report: George Zielinski:

- George presented October 2008 Treasurers Report. Ann moved to approve report. Charlene seconded; so moved.

Communications:

- Discussion took place on TYA By the Numbers and updating recent efforts for Troy City Council.

Caseworker's Report:

- SPONSORSHIP-Our "TYA By the Numbers" fact sheet was updated and sent this week to our elected officials from the City of Troy and the Troy Board of Education. This is a great piece to keep the important work that we do on the "front burner." Copies are available for members to distribute to interested friends, neighbors, or potential new volunteers.
- TROY NON-PROFIT LUNCHEON-I attended the Troy Chamber of Commerce Non-Profit Network's Change For The Better Luncheon on November 12. This was an excellent opportunity to meet other members, speak briefly about TYA, and say thanks to the Chamber for their support of TYA and other non profits in the community.
- OCYA COORDINATING COUNCIL ANNUAL BREAKFAST- The Oakland County YA Coordinating Council held its yearly Sponsor Appreciation Breakfast on November 14 at the Iroquois Club in Bloomfield Hills. Many thanks to Leonette Ciepielowski and Troy City Councilwoman Mary Kerwin for ably representing TYA at this event
- SCHOOL VIOLENCE CONFERENCE-I attended a daylong workshop in Lansing on November 19 looking at the larger issue of school violence, including bullying behavior. This was a very eye opening day with great presenters and information. Also in attendance were Officers Nikki Kaptur and Andy Breidenich from the Troy Police Department. Please see me if interested in some excellent websites and resources on this topic.
- CASEWORK-During October, eight new referrals came into TYA-seven from school sources and one from a parent. Our caseload as of October 31, 2008 stood at 39-27 boys and 12 girls

Executive Committee Report:

- Discussed issues related to membership and recruitment: Nancy P spoke of the timeline that was developed which will be revisited at our next meeting.
- New Beginnings Scholarship Committee could use additional members.

Committee Reports:

A. Camp/Skill Building: Brian Goul:

- Paid out check for CYO residential campers early in the fall.

B. Family Education:

- Finishing up Active Parenting Now.
- Meeting date change: November meeting has been rescheduled to December 3, 2008 @ 3:30 p.m..

C. Fundraising- Vacant:

D. Mentors Plus-Bruce Baxter:

- Bruce distributed flyers to recruit volunteers for Mentors PLUS. Committee members were asked to post in places of interest. Nancy G will check with past associates about mentoring.

E. Membership- Nancy Piotrowski:

- Nancy looking for folks to assist with creation of a Board Manual.
- Non-Profit Network- Submitted two "success stories" on TYA recently.

F. Publicity- :

- No Report

E. Youth Involvement-

- Annual candy collection took in 391lbs. Charlene will take some to the prison ministry. Leonette and Paul will distribute to Baldwin center, St. Anastasia. Leonette will also pass on to an associate who is collecting for soldiers.

H. Youth Recognition-Committee

- Will be meeting after Board meeting tonight to start plans.

School Reports:

- Danielle reports that Athens High School held a blood drive and collected 85 pints. Held a food drive competition between Athens and Troy High Schools. Raised money for Cystic Fibrosis.
- Beth Reports- Troy High held a penny war, had a field day, and is planning a winter ball.

Old Business:

- Showed the New TYA Banner

New Business:

- Safe Homes-Nancy P reports on House Bill 4163 seeking to make Michigan bars and restaurants smoke free.
- Troy Community Coalition Meeting- DEA agent visited, Troy Explorers visited.

Community Information From Organization/Agencies Liaisons:

- Robin B reports- December 12, 2008 will be Troy's tree lighting ceremony. Community Kaleidoscope will be January 25, 2009.
- John Hug reports-There will be a blood drive at the Troy Community Center, competing with Ohio Community Center. New Year's Eve Celebration will be held.
- Ann Reports- Celebrity night dinner went well in October; Jamie Martone was honored.

Adjourned: 7:35 p.m.

Next meeting will be January 15, 2009 @ 6:00 p.m.

Respectively submitted,
Robin Lilly, Secretary
Final draft

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE GAS CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-15704**

- Consumers Energy Company plans to use a base ceiling gas cost recovery factor of not less than \$8.1016 per thousand cubic feet (Mcf), plus additional amounts contingent on future events, for the 12-month period of April 2009 through March 2010, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

DATE/TIME: February 10, 2009, at 9:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Mark D. Eyster

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, Michigan

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the December 30, 2008 application of Consumers Energy Company (Consumers Energy), which seeks approval of its 2009-2010 gas cost recovery (GCR) plan and monthly GCR factors. Consumers Energy is asking the Commission to approve its GCR plan, including proposed modifications to its quartile fixed price triggers guideline, which modify percentages of purchases and provide for purchases in GCR years 4 and 5 in addition to year 1 (the 2009-2010 GCR year) and years 2 and 3.

Consumers Energy is also requesting authorization of its monthly GCR factors for the period April 2009 through March 2010 consisting of the sum of two parts: (i) a base ceiling factor of not less than \$8.1016 per Mcf, plus (ii) additional amounts contingent upon future events, determined using the GCR Factor Ceiling Price Adjustment Mechanism, or such higher factors as may be lawful and reasonable. The company is also requesting that the Commission review its plans and projections through March 2014.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 3, 2009. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, H. Richard Chambers, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's Web site, and subject to disclosure.

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

A copy of Consumers Energy's request may be reviewed on the Commission's Web site at michigan.gov/mpscedockets, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Energy, Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

[CONSUMERS ENERGY COMPANY HAS REQUESTED

**THE GAS COST RECOVERY FACTORS DESCRIBED
IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE
COMMISSION MAY APPROVE, REJECT, OR AMEND
THE FACTORS.]**

January 16, 2009



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB* *RN*
DATE: January 28, 2009
SUBJECT: Ability of DDA to exempt inflation capture

At the January 26, 2009 City Council meeting, a question was asked about the feasibility of excluding property growth resulting solely from inflation from the taxes captured by the Troy Downtown Development Authority (TDDA).

Although it is not often used, MCL 125.1664 (1) does allow for inflationary growth to be excluded from the captured value of a Downtown Development Authority. However, this exclusion must be expressly detailed in the approved Tax Increment Financing Plan and the Development Plan. Troy's approved plans do not meet this requirement. Under Troy's approved plans, a significant amount of the capture is inflationary growth, since there has been limited new construction in the TDDA to date. There are outstanding debt obligations and contracts that were issued based on the predicted growth of the TDDA, which is set forth in these plans. Any retroactive amendment to capture the inflationary growth could significantly impair the TDDA debt obligations, and could be unlawful. In addition, any amendments could provide a window of opportunity for other taxing jurisdictions (county, school, etc.) to opt out of the tax capture.

Future TDDA plans could expressly incorporate MCL 125.1664, and the capture from Troy, as well as the capture from the other taxing jurisdictions, would be proportionally reduced.

Please let me know if you have any questions.



City of Troy

TO: The Mayor and City Council
FROM: ^{PN} Phil Nelson, City Manager
SUBJECT: Latest Budget Numbers
DATE: January 21, 2009

After the last Council workshop on the budget, staff continued working on determining the potential level of funding available for the fiscal year 2009/10 budget.

The Council made some tough decisions concerning revenues and expenditure changes and reduced a potential deficit of approximately \$5.5 million to approximately \$935,000. As you recall, a significant portion of the deficit reduction was based on several employees taking early retirement, and the transfer of excess special assessment funding that provided a total amount of approximately \$2.3 million. There is a good news—bad news scenario in the two elements. The bad news is that there are probably not going to be a sufficient number of retirees to get enough funding from the projected early retirement figures. The good news is that we should be able to return a significant amount of salary and benefit funding to the General Fund balance as a result of the employees who will take advantage of the retirement package. There still is, however, a total gap of approximately \$539,000 in the estimated amount of savings from early retirements and the \$1.3 million that was originally proposed.

As a reminder of revenue enhancements and expenditure cuts the Council took action on, staff is providing the following charts for your review. As indicated in the disposition phase, staff noted that actions were favored, deleted, or postponed so that Council could take additional time to consider final action on the items. Included for your consideration is additional information requested on specified items. Staff needs to have final direction from the Council on these items so the budget can be compiled as soon as is possible.

Latest Budget Numbers
 January 21, 2009
 Page Two

Potential New Revenues

Program (Objective)	Estimated Dollar Value	Strongly Consider	Consider	Outcome Connection	Council Action
Transfer excess Special Assessment funds	\$ 1,000,000	7		1,2,3	Favor
Increase DDA charge for charge for services	175,000	5	2	1,2,3	Favor
Implement Police arrest booking fee	158,600	5	2	1,2,3	Favor
Implement downed wire fire response fee (electric co. pays)	10,000	5	2	1	Delete
\$1.00 service charge on all parks and recreation transactions	100,000	4	2	1,2,3	Favor
Charge admission to museum grounds (currently donation is requested)	20,000	4	2	1,2,3	Favor
Charge non-resident fee for Internet usage at Library	20,000	4	2	2	Favor
Implement property damage auto crash recovery fee	135,000	3	1	1,2,3	More Info
Increase building permit fees by 5%	70,000	3	2	1,3	Favor
Charge non-profit groups for use of Community Center meeting rooms	30,000	3	1	2,3	Favor
Increase shelter fees	10,000	3	3	2,3	Favor
Charge seniors the full cost of all programs	100,000	2	3	1,3	Favor
Implement auto injury accident cost recovery fee	61,500	2	3	1,3	More Info
Implement structure fire response fee	12,500	2	4	1,2,3	Favor
Implement fire re-inspection and revised plan review fee	18,750	2	5	1	Favor
Implement a fuel surcharge on traffic tickets	100,000	2	4	1,2,3	More Info
Implement suspicious fire response and investigation fee	12,500	1	3	1,2,3	Favor
Potential Revenue Enhancement	2,033,850				

Running Total of "favored" items

1,727,350

Note: The transfer of excess Special Assessment funds is a "one-time" revenue enhancement meaning that subsequent years would require either additional revenues or additional expenditure reductions.

Potential Expenditure Savings	Estimated Dollar Value	Strongly Consider	Consider		Council Action
Freeze positions through retirement incentives (2009/2010)	\$ 1,300,000	6	1		Favor
Eliminate City Calendar	35,000	4	1		Favor
Eliminate all irrigation except athletic fields, DDA and City Hall	100,000	3	2		Favor
Reduce part-time staff in the parks by 25%	85,000	3	2		Favor
Reduce number of right of way mowing from 6 to 3 cuttings per year	39,000	3	1		More Info
Eliminate annual plantings, mulch, street maint. except DDA & Civic Center	8,000	3	3		Favor
Reduce Civic Center maintenance levels	30,000	2	4		Favor
Eliminate employee tuition reimbursement	25,000	2	3		Favor
Negotiate hiring part-time in lieu of full-time		2	3		Favor
Reduce mowing in parks/public grounds	15,000	2	2		Favor
Limit snow plowing of subdivisions to straight time, with min. overtime	30,000	2	2		RC
Eliminate Family Festival	6,800	1	4		Favor
No snow removal on overtime (City Property)	100,000	1	3		Delete
Eliminate annual boards and committees appreciation banquet	15,000	1	3		Postpone
Estimated Expenditure Savings	1,788,800				

Other Ideas	Estimated Dollar Value	Strongly Consider	Consider	Outcome Connection	Council Action
Consider benefits of alternative fuel vehicles		6	1	1,2	Favor
Develop and promote energy saving policy		6	1	1,2,3	Favor
Direct city manager & department heads to cut lowest priority services		5	2	1,2,3	Favor
Promote Troy to the film industry-reap the benefits		5	2	1,2,3	Favor
Reevaluate Troy Daze event- including size, location, duration, purpose		2	2		RC
Buy distressed property in Troy and use to rebuild for the future		2	2	1,2,3	More Info
Operate the Nature Center as a park	300,000	2	2		Fee Offset

Running Total
 Grand Totals

1,619,800
 3,347,150

The Council also looked at the following items, but took no definitive action pending additional information.

Item	Estimated Dollar Value	Strongly Consider	Consider	Neutral	Council Action
Implement business occupancy permit and annual renewal fee	75,000	2	1	3	More Info
Implement a single-family residential rental inspection program	25,000	1	2		More Info
Charge youth groups full cost for field usage	10,000	1	2	1	Change formula
Eliminate community agency contributions:			3	1	More Info
Troy Youth Assistance	40,000				
Troy Community Coalition	97,000				
The Haven	4,370				
Troy Boys/Girls Club	76,320				
Eliminate Citizens Academy	3,000	2	1	1	members pay
Operate City Hall on a four-ten hour day schedule, closing one day per week					
Privatize City Attorney's Office					
Total Estimated Savings	330,690				

If the Council was to take affirmative action on the “postponed or more information or RC” (requires Council consideration) categories, the estimated budget deficit could almost be eliminated. However, if the City does not realize total estimated savings from the early retirement package, the Council would need to take action to reduce the budget in an estimated amount of about \$500,000.

As stated, the two largest sum items that are being used to reduce the budget deficit are one-time solutions. Coupled with increasing costs, decreasing property values and one-time enhancements or reductions, the City could be faced with another \$5 million dollar deficit for the 2010/11 budget.

If the Council chooses to not implement the remaining expenditure cuts or revenue enhancement the City could be looking at a total deficit of \$1,474,000. Without the additional revenue enhancements or expenditure cuts, the Council still has the following options available to balance the budget.

1. Reduce expenditures in highest priority departments including Police, Fire and Public Works. These additional savings could be made in areas such as reducing overtime, or reducing service levels offered by the departments.
2. Moving .25 mills from the Capital Construction Fund mill levy to the General Fund. Preliminary estimates indicate a .25 mill shift could generate approximately \$1.2 million in additional revenue for the General Fund.
3. The other option that has to be explored is additional layoffs of employees. Staff has placed a hiring freeze on non-high priority department job openings. Staff has also initiated a merger of the Engineering, Building Inspection, Planning and Real Estate and Economic Development Departments into the Community Development Department.

Staff size will be reduced, but even so, staff is estimating that an additional 6 to 10 people will have to be laid off this fiscal year, with significant additional layoffs required during the following fiscal year. In keeping with the Council's wishes, planning for staff layoffs will not include personnel in the highest priority services for the coming fiscal years.

4. While the Council has stated that staff is not to utilize cash reserves to balance the budget, the Council could utilize approximately \$2.3 million dollars of the uncommitted General Fund cash reserve balance and keep a 10% reserve total.

January 21, 2009

TO: ^{PN} Phil Nelson, City Manager
FROM: Charles T. Craft, Chief of Police
SUBJECT: Potential Revenue Sources



In response to Council's request for additional information regarding potential revenue sources and cost recovery possibilities, the following has been determined:

- **Property Damage/Injury Traffic Crash Cost Recovery** – A specific cost recovery ordinance is required assessing a fee to ticketed at fault drivers. If such an ordinance is enacted, the 52-4 Court indicates that they will comply with it and collect the money. Department policy requires that at fault crash drivers be cited for the hazardous action that caused the crash; assessing the cost recovery fee with the citation payment is the most efficient, effective, and fair manner of collecting the revenue.
- **Booking Fee** – State law allows for the recovery of up to \$60.00 per day from detainees who are ultimately convicted. This requires a cost recovery ordinance and assistance from the City Attorney's Office.
- **Traffic Citation Vehicle/Fuel Cost Recovery** – Like traffic crash cost recovery, a specific cost recovery ordinance is required. The fee would be assessed on each citation, collected by the court and returned to the City.

Each of the above listed actions requires City Council to implement specific cost recovery ordinances. If so directed, the Police Department will undertake the development of the ordinances.

In addition to those areas already considered by Council, the following revenue enhancements are being implemented or are under consideration:

- **Traffic Citation Fine Increase** – The 52-4 District Court expects to have a \$10.00 increase on all traffic fines in place by April of 2009. This will yield approximately \$36,000 annually in increased revenue. No action is required on our part.
- **OWI (Drunk Driving) Forfeiture Recovery** – The Oakland County Prosecutors Office has created an Economic Recovery Unit and they are proposing the use of forfeiture procedures on OWI 2nd and 3rd offense vehicles. This program is being used in other jurisdictions and will require the approval of the District Court

Judges. Potential revenue is approximately \$60,000 annually. No action is required on our part.

- **Motor Carrier Enforcement** – State law allows for the recovery of 70% of commercial vehicle fines if the Commercial Vehicle Code is adopted as city ordinance. We are working with the City Attorney on this and hope to have something for City Council in February 2009. Revenue amounts are unknown.

We continue to investigate cost recovery possibilities and ready to move forward on these upon direction. As for the specific amount of the fees, the figures provided (traffic crashes, vehicle/fuel cost recovery) are estimates and are probably on the low end. Prior to proposing an ordinance we will develop a fee that is based to some degree on the cost of service rendered.



**City of
Troy**

Charles T. Craft, Chief of Police
Troy Police Department
500 West Big Beaver Road
Troy, Michigan 48084

OPERATIONS DIVISION
248-524-3426

MEMORANDUM

DATE: January 20, 2009
TO: Captain Colleen Mott
FROM: Lieutenant David Livingston
RE: Cost Recovery Status Report for City Council

The following is a summary of some options I feel are worth implementing for cost recovery purposes:

Citation Fine Schedule Increase

Recently I spoke with the 52/4 District Court Administrator, Jim VerPlugg, regarding cost recovery programs. Mr. VerPlugg indicated he hoped to increase the fine schedule for each traffic infraction by an amount of \$10.00.

Mr. VerPlugg has a meeting with the judges on Friday, January 23, 2009, to discuss this. He is hopeful the increase will be approved. He will let me know the results of his meeting. Mr. VerPlugg said that if the proposal is approved the increases would probably begin sometime in April 2009.

If in fact an increase in the fine schedule is approved, it would mean an additional cost recovery of about \$36,000.00, based on 12,000 annual citations at the \$ 3.00 (30%) amount the court would send to us for each citation.

Property Damage and Personal Injury Crash Fees

I also spoke with Mr. VerPlugg regarding additional fees attached to citations written to those at fault in traffic crashes. I told him about one city (Livonia) that adds an additional surcharge to the citation fine schedule on those citations issued to drivers found at fault in traffic crashes. Mr. VerPlugg indicated that if the Troy City Council enacted an ordinance and **phrased the ordinance as a cost recovery measure,**

the 52-4 District Court would comply with it. The amount of the surcharge decided on by the City Council would then be given entirely to the City, similar to how the OWI cost recovery program works now in the court.

If the ordinance only called for an increase in the fine schedule for those found at fault at traffic crashes, the City would only get 30% of the fine and costs associated with the citation.

I spoke with Sue Lancaster about this possibility. Sue told me that she was working on an ordinance that would call for repayment for services rendered at crash scenes where additional personnel were needed, either for traffic control, wash downs using fire equipment, or other services such as vehicle extractions, Haz-Mat situations, etc. I sent Sue some information I had regarding the research I have already done on that cost recovery venture.

It appears that the work being done by the Legal Department on the cost recovery program involving emergency personnel (police and fire) is something the Legal Department is putting together in lieu of the surcharge option I posed to Mr. VerPlugg. The Legal Department is also developing a form to be used at the scenes of these calls for service to document the number of additional personnel and extra equipment that were used to service the call to make it easier for billing purposes.

I got the feeling in speaking with Sue that the Legal Department is going ahead with work on developing a cost recovery ordinance that will provide cost recovery options for emergency responses to calls for service involving emergency personnel and equipment.

If, for the sake of argument, we were to get an ordinance that placed a \$50.00 surcharge on all traffic crash citations issued at crash scenes, it could generate anywhere from \$150,000.00 to \$200,000.00, based on over 4,000 traffic crashes in the City of Troy last year.

I am not sure what cost figures or presumptions are being made with regard to the cost recovery program being developed by the Legal Department.

OWI Forfeiture Recovery

The Oakland County Prosecutors Office has a new Economic Recovery Unit (forfeiture) headed by Kim Mitseff. I am going to meet with her on Thursday, January 22, 2009, to discuss the program and find out what we need to do, as an agency, to get involved in this process. The program itself is basically ready to roll. The only delay right now would come if the District Court judges do not want to participate in the program. Kim indicated most District Court judges she has had contact with have no problems with it.

Basically, the way the forfeiture program works is that when a subject is arrested for OWI 2nd or OWI 3rd, they are issued an "Intent to Forfeit" letter from the arresting

officer. The vehicle is seized and towed to the impound yard and held there until the case is disposed of.

For OWI 2nd offenses, the forfeiture is \$ 900.00. For OWI 3rd offenses, the forfeiture is for \$ 1,800.00. Kim indicated that in 99 out of 100 cases the owner pays the sum rather than have the vehicle permanently seized.

Of the forfeiture sum, the arresting agency will get one-half of the sum. Twenty-five percent goes to a county program and the other twenty-five percent goes to the prosecutor's office.

The only time a forfeiture proceeding can be done on an OWI 1st is if the driver is involved in a crash that leads to a death or serious injury.

Last year the Troy Police Department made sixty-four (64) OWI 2nd arrests. Using that figure, the City would have received over \$28,000.00 in forfeiture funds. We also made thirty-six (36) OWI 3rd arrests. Using that figure the City would have received over \$32,000.00 for a total of over \$60,000.00. This total would be in addition to the OWI cost recovery figure we currently receive from the 52-4 District Court.

This forfeiture program has been very successful in Macomb County for the past two to three years. St. Clair Shores is one city that uses the program.

I believe this is a **very good** avenue to pursue for cost recovery considerations. I will work closely with the Oakland County Prosecutors Office to try to get this type of program going for the Troy Police Department. As long as the District Court judges agree to this program, we could conceivably be up and running with it in a short period of time because, according to Kim, the forms are already available.

I will keep you informed on the progress of our January 22, 2009, meeting.

Motor Carrier

Another cost recovery avenue that I believe we should pursue involves the creation of a full-time Motor Carrier Officer. This officer will concentrate on safety inspections of commercial vehicles that travel within the City of Troy. The fines for some of the equipment violations are much higher than those associated with passenger vehicles. The State of Michigan also **allows cities to obtain 70% of the fines** associated with these commercial violations.

The only problem we have now is to get the City to adopt the commercial vehicle laws as written in the Motor Vehicle Code and the Uniform Traffic Code. Once the City of Troy adopts those laws the Motor Carrier officer, and the other three commercial vehicle inspectors we have in the Traffic Safety Unit, can write the violations under **CITY ORDINANCE**, which means the 70% cost of the fines would go to the City of Troy.

Sue Lancaster, in the Legal Department, is working on this and hopes to have an ordinance proposal ready for City Council approval by February 2009. She is hoping to have it ready by February 2, 2009.

I believe that if we concentrate our efforts on enacting laws/ordinances that would enable the Troy Police Department to recoup costs utilizing the programs listed above, we could generate a significant amount of revenue.

It is difficult to pinpoint an exact figure of how much we could recover based on the unknowns associated with the Motor Carrier venture and the cost recovery program being authored by the Legal Department, but I AM confident that the amount would be substantially more than what we are getting now for providing these services.

Please let me know if you have any questions or concerns regarding this information.



Charles T. Craft, Chief of Police
Troy Police Department
500 West Big Beaver Road
Troy, Michigan 48084

SERVICES DIVISION
248-680-7224

MEMORANDUM

DATE: January 21, 2009
TO: Chief Craft
FROM: Lieutenant Lyczkowski
RE: The Inmate Reimbursement to Municipalities Act
CC: Deputy Chief Mayer; Captain Frye

The Inmate Reimbursement to Municipalities Act (Act 88 of 2006) allows a municipality to seek reimbursement from any person, who is ultimately convicted, for the costs associated with that person's pretrial detention. A summary of the law is as follows:

- The municipal treasurer may determine the amount due to the municipality.
- The municipality shall develop a form to determine the financial status of the inmate.
- Reimbursement shall not exceed \$60 per day.
- Reimbursement may be ordered as a condition of probation.
- The municipal attorney may file a civil action to seek reimbursement in the district court.
- Reimbursement shall be credited to the municipality's general fund.

In 2008, we processed 2750 prisoners in Lockup. The number of prisoners has been relatively consistent for several years. This represents a potential for an approximate annual revenue of \$165,000, if we collect the maximum fee from each person.

Assistant City Attorney Sue Lancaster is assisting us with this project. It is the City Attorney's intent to pursue reimbursement through restitution orders from the applicable courts of jurisdiction. The Statute appears to grant that authority to the courts. Sue Lancaster is currently working to establish a protocol for determining the

financial status of our pretrial detainees and seeking reimbursement through restitution with the appropriate courts.



Fire Department

MEMORANDUM

January 16, 2009

TO: Phil Nelson, City Manager

FROM: William Nelson, Fire Chief *WLN*
 David Roberts, Fire Marshal *DR*

RE: Business Occupancy Permits

Purpose

The purpose for business occupancy permits is to ensure potential new occupants in existing commercial and industrial businesses an orderly and informative process by which to occupy without violating the requirements of the Fire Prevention Ordinance, Troy City Code Chapter 93.

Reason

The Fire Prevention Division has encountered countless occasions where a business either unknowingly occupies a building or tenant space in violation of the Fire Prevention Ordinance, or seeks input from the City but is not properly informed of the appropriate requirements for occupancy. In either case, the result is a business in violation of the ordinance, potential business interruption and additional expenditures in order to comply with the ordinance, and the embarrassment of having to explain why the business was misinformed by "the City" to begin with. Oftentimes, the business being conducted contains materials and processes that are of a hazardous nature to the occupants, their neighbors, and to responding firefighters in the event of a fire.

Proposal

We believe that a business occupancy permit requirement, with a one-time initial fee to help defer the cost of the permitting process, would help to alleviate fire safety concerns. Working in conjunction with other departments such as the building department, real estate & development, planning, and community affairs; and agencies like the Chamber of Commerce and local realtors, would help publicize this requirement in a pro-active manner thereby saving the potential hassles of an after-the-fact remedy. We anticipate being able to administer this requirement with existing staff.

Revenue

According to information provided by the assessing department, there were 464 new commercial occupants who moved into the City from 2007 to 2008. If the permit fee were \$100.00, for example, this would yield \$46,400 in revenue for that time frame.

Conclusion

We believe a one-time business occupancy permit and fee will; 1) Help alleviate potential hazards as a result of unregulated business occupancies; 2) Provide a customer-friendly relationship with new occupancies; 3) Avoid costly after-the-fact remedies; and 4) generate a modest yet helpful source of revenue to address the City's current economic situation.



TO: The Mayor and City Council

FROM: ^{PLN} Phil Nelson, City Manager

SUBJECT: Additional Information Requested by City Council Regarding
 Potential New Revenue Sources/Expenditure Savings:
Buy Distressed Property in Troy and Use to Rebuild for the Future

DATE: January 21, 2009

As part of the overall budgeting process, staff provided a listing of possible revenue enhancements as well as possible expenditure cuts in an effort to balance the next fiscal year budget. One of the options listed was the purchase of distressed properties to rebuild for the future.

The basic premise is to purchase properties in areas that are identified in the Comprehensive Development Plan for changes in longer-term land use. By purchasing the homes now, or within the capital improvement 6-year timeframe, the City could keep the costs of acquiring the properties to today's prices, or, in some cases, the City could purchase and raze the property, re-designate the property to a higher land use and zoning classification and prepare for future changes in land uses. The City or the Downtown Development Authority (DDA), where applicable, could also use ownership of the land as leverage should a developer plan something in the areas that have been purchased. The land could either be sold to the developer, or the City or DDA could go into partnership with the City or DDA holding additional leverage in what is constructed and to make sure that the development would fit the concepts of the Comprehensive Plan or the Big Beaver Corridor Study.

Areas that could be considered for possible redevelopment could include: Big Beaver Road within the DDA boundaries, Rochester Road, and Maple Road.

The up side of the proposal is that the City starts the redevelopment process to provide some conformance with longer-range policy documents, could either be partners in future development, or could have leverage as to what is built so as to get the highest potential uses and value on the property.

The down side of the proposal is that purchasing the properties and changing land uses or zoning could impact remaining adjacent properties with increased valuations that could mean higher property tax payments. Vacant properties owned by the city would also mean additional maintenance responsibilities, and would take the properties from the tax rolls.

January 20, 2009

PN



To: John M. Lamerato, Assistant City Manager/Finance and Administration

From: Carol K. Anderson, Parks and Recreation Director

Subject: Nature Center Budget Reductions

This memo provides an informational update to the proposed changes (increased revenues/decreased expenses) for the 09-10 Nature Center budget.

Proposed decreases in budget expenses:

Contractual Services	2,000
Supplies for Resale	2,000
Computers	8,580
Part-time personnel hours - 750	<u>9,708</u>
Total	\$22,288

Proposed revenue increases:*

Admission charge @ \$1	\$10,000
Annual admission pass	7,600
\$10 individual/\$25 family	
Adopt NC animals	1,300
Group Hayride tours at farm	1,480
Antique flea market at farm	<u>2,600</u>
Total	\$24,180

*Proposed revenues are net.

The proposed reductions and increases to the Nature Center are intended to keep the experience of the user intact but impact the budget. The Nature Center programs and activities along with the building and trails/grounds are utilized by many people in our community. The opportunity to experience the out of doors and the educational opportunities at the Nature Center are unique in the community. However, there is an awareness that changes to the budget be made for long term viability.



CITY COUNCIL REPORT

DATE: January 20, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item – Additional Information
Potential New Revenues
Implementation of Single-Family Rental Inspection Program

Background:

- At the City Council Study Session of November 24, 2008, City Council asked for additional information regarding the potential new revenue item for implementing an inspection program for single-family residential homes that are used as rental property.
- The inspections are intended to be done to insure the health and safety of residents that do not have direct control over the condition and maintenance of the dwelling in which they live.
- The exact number of homes that are used for rental property is not exactly known.
- We do, however, know that approximately 1,900 single-family homes in the City of Troy do not claim a homestead exemption on their property tax.
- We also have approximately 120 dwelling units in duplex structures.
- If we require an inspection of these structures every other year, the same frequency that we use for multifamily units, then we would be inspecting approximately 1,000 units per year.
- Other cities such as Madison Heights, Royal Oak, Southfield, Birmingham, already have such an inspection program in place.
- At a projected fee of \$75 per inspection to cover the costs of administering the program, this would generate approximately \$75,000 annually.
- This revenue would cover staff time, vehicle expense, computer expense, office supplies, postage, and clerical costs.
- A review of fees from other the cities that already have a program in place show that they range from \$65 to \$200 biannually.
- Based upon current workloads, the inspections would be conducted utilizing current staffing levels.
- The initial implementation of this program would inherently require a substantial informational program and education of the public on the new requirements.

- Also the initial round of inspections would undoubtedly reveal a number of code violations and instances of work that was done without permits. These would result in a number of new permits that would be required to legitimate and correct faulty work.

Financial Considerations:

- Implementation of an inspection program for single-family residential rental homes would potentially result in annual revenues of \$75,000.

Legal Considerations:

- The adoption of a program of inspection of single-family rental dwellings is permitted by PA 408 of 2008.

Policy Considerations:

- G. Continue inspection services
- K. Continue code enforcement
- M. Investigate funding options that reduce demand on the City's budget.

Options:

- City Council can direct staff to prepare ordinance language to implement an inspection program for single-family residential rental dwellings.
- City Council can choose not to direct staff to prepare language.

SINGLE FAMILY RESIDENTIAL RENTAL INSPECTION PROGRAM SURVEY

CITY	PROGRAM YES OR NO	FEE	COMMENTS	REQUIRED INSPECTIONS
Berkley	YES	\$200.00		EVERY 2 YEARS
Birmingham	YES	\$125.00		EVERY 2 YEARS
Bloomfield Hills	NO			
Bloomfield Twp	NO			
Farmington Hills	NO			
Ferndale	YES	\$65.00		EVERY 2 YEARS
Hazel Park	YES	\$200.00		EVERY 2 YEARS
Madison Heights	YES	\$90.00	\$30 reinsp fee beyond 1 reinsp.	EVERY 2 YEARS
Novi	NO			
Orion Twp	NO			
Pittsfield Twp.	YES	\$150.00		
Plymouth	NO			
Rochester Hills	NO			
Royal Oak	YES	\$100.00		EVERY 2 YEARS
Southfield	YES	\$200.00		
Sterling Heights	NO			
Warren	YES	\$125.00	\$40 reinsp fee	EVERY 2 YEARS

Survey Conducted January 2009



CITY COUNCIL REPORT

January 21, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Additional Information Requested by City Council Regarding
Potential New Revenue Sources/Expenditure Savings:

- 1) Limit Snow Plowing of Subdivisions to Straight Time, with Minimum Overtime
- 2) Reduce Number of Right-of-Way Mowing from 6 to 3 Cuttings Per Year

1) Plowing subdivisions on straight time with minimal overtime hours would result in the following:

- Subdivisions plowed with a 4" plus snowfall generally take 24 hours of plowing. Without overtime this operation would take three 8-hour days in addition to any days that would fall on a weekend. It would be possible that it could be 5 days before all subdivision streets would be cleared.
- Subdivisions plowed with an 8" plus snowfall generally take 48 hours of plowing. Without overtime this operation would take six 8-hour days in addition to at least 2 weekend days. It would be possible that it could be 8 days before all subdivisions would be cleared.
- Cost reductions would vary from \$13,000 to \$38,000 per event based on the depth of the snow and the timing (weekends and Holidays or weekdays) of the event.

Currently the Road Commission for Oakland County employs this schedule and, due to storms subsequent to the 10" snowstorm on December 19, 2009, there are subdivisions that they still have not plowed as of January 12, 2009. If we were to employ this same operation, subsequent storms would extend the time it would take to clear all subdivision streets.

2) Reduction of right of way mowing from 6 cuttings to 3 cuttings would have the following effect:

- When mowing is performed 6 times per year the vegetation ranges between 6 to 9 inches tall at the time of mowing. With a reduction in mowing to 3 times per year the vegetation would be 12 to 18 inches tall at the time of mowing, much like what you see on vacant properties that we mow 3 times per year. This would reflect in a reduction in the budget of \$26,000.

The Road Commission for Oakland County only sends out a mowing crew to cut grass and weeds for sight distance problems at intersection with their county roads. Due to our higher standard of mowing, location on all major roads including the county roads are generally cut before the county crews get out on the roads in Troy. When the county does mow they only make one pass with the mower (approximately 5') they do not mow the entire area between the curb and sidewalk.