

# **AGENDA**

**Regular Meeting**

**of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**FEBRUARY 16, 2004**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, 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 goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

#### Goals

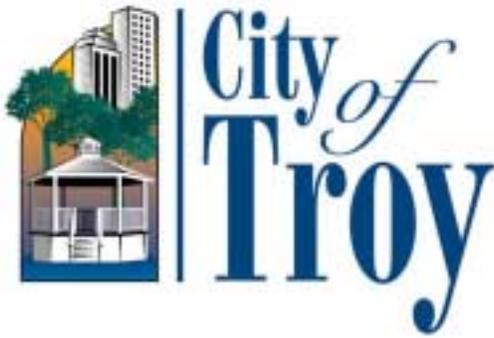
1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag", is written over a light gray grid background.

John Szerlag, City Manager



## CITY COUNCIL

### AGENDA

February 16, 2004 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

<b>CALL TO ORDER</b>	<b>1</b>
<b>INVOCATION &amp; PLEDGE OF ALLEGIANCE – Pastor Jack L. Mannschreck – Big Beaver United Methodist Church</b>	<b>1</b>
<b>ROLL CALL</b>	<b>1</b>
<b>PRESENTATION:</b>	<b>1</b>
A-1 (a) Civic Center Priority Task Force (CCPTF) Report to City Council	1
<b>PUBLIC HEARINGS</b>	<b>1</b>
C-1 Michigan NextEnergy Exemption	1
<b>PUBLIC COMMENT:</b>	<b>2</b>
A. Items on the Current Agenda	2
B. Items Not on the Current Agenda	2
<b>CONSENT AGENDA</b>	<b>2</b>
E-1 Approval of Consent Agenda	3
E-2 Minutes: Study Session of January 31, 2004, Regular Meeting of February 2, 2004, and Special Meetings of February 9, 2004	3

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

E-3	Proposed City of Troy Proclamation(s): None proposed.	3
E-4	Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – 2004 NLC Annual Congressional City Conference	3
E-5	Standard Purchasing Resolution 3: Exercise Renewal Option – Printing 2004 Summer/Winter Tax Bills	3
E-6	Request for Acceptance of Permanent Storm Sewer Easement – Sidwell #88-20-03-277-021 – Project No. 03.925.3 – Averhill Development II, L.L.C.	4
E-7	Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-25-101-025 – Project No. 03.916.3 – TCF National Bank	4
E-8	Standard Purchasing Resolution #1: Bid Award – Mowers and Miscellaneous Equipment Less Trade-Ins	5
E-9	Request for Acceptance of Permanent Watermain Easement – Sidwell #88-20-26-200-085 – Project No. 03.934.3 – NBS Headquarters Building	5
E-10	Standard Purchasing Resolution 3: Option to Renew – Outdoor Lighting Maintenance Contract	5
E-11	Standard Purchasing Resolution 3: Option to Renew – Original Equipment Manufacturers Replacement Parts Contracts for Golf Course, Lawn, and Turf Maintenance Equipment	6
E-12	Private Agreement for Rochester Office Parc – Project No. 03.925.3	6
E-13	Request for Acceptance of Permanent Easements and Reimbursement for Landscaping in the Easement Areas – Maplelawn Road Reconstruction Project – Maple to Crooks - Project #90.903.1	6
E-14	Standard Purchasing Resolution 11: Rejection of Request for Proposals – Wellness Center Operation and Management	7
<b><u>REGULAR BUSINESS</u></b>		<b>7</b>
F-1	Appointments to Boards and Committees: (a) Mayoral Appointments(1) Economic Development Corporation and (2) Planning Commission: (b) City Council	

Appointments: (1) Advisory Committee for Persons with Disabilities; (2) CATV Advisory Board; (3) Historic District Study Committee; and (4) Troy Daze	7
F-2 Closed Session	13
F-3 Approval of 2004 Poverty Exemption Guidelines	13
F-4 Planning Commission Resolution in Support of Thomas Strat Attending the Annual American Planning Association (APA) Conference in Washington, D.C.	13
F-5 Approval of the On-Line Auctioning with Bidcorp Through Our E-Procurement Provider, Bidnet	14
F-6 Request for National Day of Prayer	14
F-7 Traffic Committee Recommendations	14
F-8 Troy v. Marilyn Kay Miller Living Trust (2356 E. Long Lake)	16
<b><u>COUNCIL COMMENTS/COUNCIL REFERRALS</u></b>	<b>16</b>
Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda: No items advanced.	16
<b><u>COUNCIL REFERRALS</u></b>	<b>16</b>
<b><u>REPORTS AND COMMUNICATIONS</u></b>	<b>16</b>
G-1 Minutes – Boards and Committees:	16
(a) Election Commission/Final – December 4, 2003.....	16
(b) Civic Center Priority Task Force/Final – December 10, 2003.....	16
(c) Planning Commission/Final – January 6, 2004 .....	16
(d) Advisory Committee for Persons with Disabilities/Draft – January 7, 2004 .....	16
(e) Advisory Committee for Persons with Disabilities/Final – January 7, 2004 .....	16
(f) Advisory Committee for Senior Citizens/Final – January 8, 2004.....	16
(g) Liquor Advisory Committee/Final – January 12, 2004 .....	16
(h) Planning Commission/Final – January 13, 2004 .....	16
(i) Employees Retirement System Board of Trustees/Draft – January 14, 2004 ....	16
(j) Planning Commission Special-Study/Draft – January 27, 2004 .....	16
(k) Civic Center Priority Task Force/Draft – January 28, 2004 .....	16
(l) Election Commission/Draft – January 29, 2004 .....	16
(m) Planning Commission Special-Study/Draft – February 3, 2004.....	16

	(n) Advisory Committee for Senior Citizens/Draft – February 5, 2004 .....	16
G-2	Department Reports:	17
	(a) Projects Approved for FY 2007 in the Transportation Improvement Program (TIP) .....	17
	(b) Monthly Financial Report – January 31, 2004 .....	17
	(c) Permits Issued During the Month of January 2004 .....	17
	(d) 2003 Fourth Quarter Litigation Report.....	17
G-3	Announcement of Public Hearings:	17
	(a) Parking Variance Request – 1845 Livernois – Scheduled for February 23, 2004 .....	17
G-4	Green Memorandums:	17
	(a) Museum Physical Maintenance and Conservation Summary Report.....	17
	(b) 2004 Sylvan Glen Rates.....	17
	(c) Section 22 Park Site .....	17
	(d) Aquatic Center Fee Request and 2002/3 – Year End Report.....	17
	(e) Ladd’s, Inc. 5-Acre Parcel Appraisal .....	17
	(f) General Direction Received at Study Session of Monday, February 9, 2004; Budget Development .....	17
	(g) Letter from Law Firm of Clark Hill Asking Council if There is an Interest in The Development of a Minor League Baseball Stadium on Parkland Property Across from the Community Center In Section 22 .....	17
G-5	Proposed Proclamations/Resolutions from Other Organizations: None proposed	17
G-6	Calendar	17
G-7	Letters of Appreciation:	17
	(a) Letter from the U.S. Department of Justice to Police Chief Craft Thanking Sergeant Bjork, Officer Salter and Training Assistant Lynn McDaniel for Their Assistance with the State and Local Anti-Terrorism Training Program .....	17
	(b) Chesterfield Police Department to Police Chief Craft Thanking the Troy Police Department for Their Assistance With Apprehending a Tri-County Armed Robbery Suspect.....	17
	(c) Letter from Walenda Green to DPW Director Richnak Thanking His Department for the Great Job Removing Snow After the Recent Snow Storm ..	17
	(d) A Declaration of Special Tribute from Jennifer M. Granholm, Governor State of Michigan and Shirley Johnson, State Senator – 13 <sup>th</sup> District – Commemorating the Selection of the City of Troy as the <i>Sports Illustrated</i> 50 <sup>th</sup> Anniversary Sportstown for the State of Michigan.....	17
	(e) Letter from L. Brooks Patterson, County Executive – Oakland County Michigan, to John Szerlag for His Interest in Serving on the 2004 Business Roundtable – Transportation Committee.....	17

(f) Letter of Appreciation to Officers Warzeua and Mairorano from Dana Cochran Thanking Them for Their Professional Advice in Regard to Her Fourteen Year Old Son.....	17
(g) Letter of Appreciation and Recognition from Kimberly A. Woodard – Assistant Prosecuting Attorney – Oakland County, to Chief Charles Craft in Regard to the Professionalism Displayed by detective Lisa Rockafellow .....	18
(h) Letter of Appreciation to Officers Beckman and Wieg from Don & Penny Little for Their Compassion in Responding to a 911 Call to Their Mother and Sister’s Home .....	18
<b>G-8</b> Travel Expense Report – Matt Pryor	18
<b>G-9</b> Memorandum, Re: Article Discussing State Pre-emption of Local Ordinances	18
<b>G-10</b> Memorandum, Re: Governmental Immunity Article for OCBA Laches	18
<b>G-11</b> Letter from John V. Kessler, Re: Religious Displays on City Property	18
<b>G-12</b> Report, Re: Southeaster Oakland County Resource Recovery Authority – Quarterly Report	18
<b>G-13</b> Appointment of Historic District Commission Study Committee	18
<b>G-14</b> Memorandum, Re: Evaluation of City Council/Traffic Committee Action to Restrict Left Turns at the Gas Station – Rochester and Wattles	18
<b>G-15</b> Memorandum, Re: Election to Institute Transportation Engineers’ Board	18
<b>G-16</b> Memorandum, Re: Governor’s “Cool” Cities Initiative: Summary of Report	18
<b>G-17</b> Memorandum, Re: Law Day 2004	18
<b>G-18</b> Memorandum, Re: Junk Vehicle Violation Enforcement	
<b>G-19</b> Memorandum, Re: Cricket Site Update: <i>Related to this issue is a request from the Michigan Cricket Association to use Boulan Park (See Item G-20)</i>	18
<b>G-20</b> Letter, Re: Reconsideration of Boulan Park Site for the Cricket Field – Venkat Mallya – Chairman, Michigan Cricket Association	18

**PUBLIC COMMENT**

**18**

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**STUDY ITEMS – No study items submitted.**

**19**

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**CALL TO ORDER**

**INVOCATION & PLEDGE OF ALLEGIANCE** – Pastor Jack L. Mannschreck – Big Beaver United Methodist Church

**ROLL CALL**

Mayor Matt Pryor  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

**PRESENTATION:**

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**A-1 (a) Civic Center Priority Task Force (CCPTF) Report to City Council**

**PUBLIC HEARINGS**

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**C-1 Michigan NextEnergy Exemption**

Suggested Resolution  
Resolution #2004-02-  
Moved by  
Seconded by

**(a) Resolution A: Affirming Michigan Next Energy Exemption as Certified by the City Assessor; As Recommended by City Management**

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the three (3) Michigan NextEnergy Exemption proposals for alternative energy personal property located at 1707 Northwood, 1621 Northwood, and 1100 W. Maple, all located in the City of Troy, as certified by the City Assessor; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this Resolution to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, Michigan 48913.

**OR**

**(b) Resolution B: Resolution to "Opt Out" of the Proposed Michigan Next Energy Exemption as Certified by the City Assessor**

RESOLVED, That the City Council of the City of Troy **CHOOSES TO EXERCISE** its option as provided for in Public Act 549 of 2002, to **NOT** grant three (3) Michigan NextEnergy Exemption proposals for alternative energy personal property located at 1707 Northwood, 1621 Northwood, and 1100 W. Maple, all located in the City of Troy, as certified by the City Assessor

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this Resolution to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, Michigan 48913.

Yes:

No:

**PUBLIC COMMENT:****A. Items on the Current Agenda**

*Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.*

**B. Items Not on the Current Agenda**

*After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)*

**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 remove 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 business portion of the agenda have*

*been heard. (Rules of Procedure for the City Council, Article 13, as amended September 22, 2003)*

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**E-1 Approval of Consent Agenda**

Suggested Resolution

Resolution #2004-02-

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 (E) items, as printed.

Yes:

No:

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**E-2 Minutes: Study Session of January 31, 2004, Regular Meeting of February 2, 2004, and Special Meetings of February 9, 2004**

Suggested Resolution

Resolution #2004-02-

RESOLVED, That the Minutes of the 1:00 PM Study Session of January 31, 2004, the Minutes of the 7:30 PM Regular Meeting of February 2, 2004, the Minutes of the 6:30 PM Special Meeting of February 9, 2004 and the Minutes of the 7:30 PM Special Meeting of February 9, 2004 be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation(s): None proposed.**

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**E-4 Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – 2004 NLC Annual Congressional City Conference**

Suggested Resolution

Resolution #2004-02-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the 2004 NLC Annual Congressional City Conference in Washington, D.C. on March 5-9, 2004 in accordance with accounting procedures of the City of Troy.

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**E-5 Standard Purchasing Resolution 3: Exercise Renewal Option – Printing 2004 Summer/Winter Tax Bills**

Suggested Resolution

Resolution #2004-02-

WHEREAS, On February 17, 2003, a contract with an option to renew for one additional tax year to provide printing services for the 2003 Summer/Winter Tax Bills was awarded to the low bidder, CDCI/SourceLink (Resolution #2003-02-092); and

WHEREAS, CDCI/SourceLink has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with CDCI/SourceLink to provide printing services for the 2004 Summer/Winter Tax Bills for an estimated cost of \$9,510.00, plus the actual cost of first class postage, under the same prices, terms and conditions, expiring on December 31, 2004.

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**E-6 Request for Acceptance of Permanent Storm Sewer Easement – Sidwell #88-20-03-277-021 – Project No. 03.925.3 – Averhill Development II, L.L.C.**

Suggested Resolution  
Resolution #2004-02-

RESOLVED, That the permanent easement for storm sewer from Averhill Development II, L.L.C., having Sidwell #88-20-03-277-021, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement for storm sewer with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-7 Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-25-101-025 – Project No. 03.916.3 – TCF National Bank**

Suggested Resolution  
Resolution #2004-02-

RESOLVED, That the permanent easement for water main from TCF National Bank, having Sidwell #88-20-25-101-025, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

**E-8 Standard Purchasing Resolution #1: Bid Award – Mowers and Miscellaneous Equipment Less Trade-Ins**Suggested Resolution

Resolution #2004-02-

RESOLVED, That a contract to purchase mowers and miscellaneous golf course equipment less trade-ins for Sylvan Glen Golf Course is hereby **AWARDED** to the sole bidder, W.F. Miller Company, for an estimated net total cost of \$47,902.00, at unit prices contained in the bid tabulation opened November 12, 2003; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That bids to purchase Item #3, a self-contained turf sprayer less trade-in of Item #1, the 1991 Toro/Hahn Turf Sprayer are hereby **REJECTED**.

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**E-9 Request for Acceptance of Permanent Watermain Easement – Sidwell #88-20-26-200-085 – Project No. 03.934.3 – NBS Headquarters Building**Suggested Resolution

Resolution #2004-02-

RESOLVED, That the permanent easement for watermain from RCPS, L.L.C., a Michigan Limited Liability Company, having Sidwell #88-20-26-200-085, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement with Oakland County Register of Deeds; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-10 Standard Purchasing Resolution 3: Option to Renew – Outdoor Lighting Maintenance Contract**Suggested Resolution

Resolution #2004-02-

WHEREAS, ON July 8, 2002, a two-year contract to provide Outdoor Lighting Maintenance with an option to renew for two (2) additional years was awarded to the low bidder, Allied Signs Inc., (Resolution #2002-07-399-E-5); and

WHEREAS, Allied Signs Inc., has agreed to exercise the option to renew the contract for two (2) additional years under the same pricing structure, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Allied Signs Inc., to provide Outdoor Lighting Maintenance for an estimated two-year cost of \$52,350.00, plus 25% of the annual contract total each year for changes in the quantity of work, under the same prices, terms, and conditions, expiring June 30, 2006.

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**E-11 Standard Purchasing Resolution 3: Option to Renew – Original Equipment Manufacturers Replacement Parts Contracts for Golf Course, Lawn, and Turf Maintenance Equipment**

Suggested Resolution  
Resolution #2004-02-

WHEREAS, On April 9, 2001, three-year contracts with the option to renew for one additional year to provide original equipment manufacturers replacement parts for golf course, lawn, and turf maintenance equipment was awarded to the lowest acceptable bidders, Spartan Distributors, Weingartz Supply Co., Inc., and W.F. Miller Company (Resolution #2001-04-188-E-9); and

WHEREAS, All the above named vendors have agreed to exercise the one-year option to renew the contracts under the same price discounts, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are hereby **EXERCISED** with Spartan Distributors, Weingartz Golf and Turf, and W.F. Miller Company to provide original equipment replacement parts at an estimated total cost of \$30,000.00 per year under the same pricing structure, terms, and conditions as the original contracts, and shall expire on April 9, 2005.

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**E-12 Private Agreement for Rochester Office Parc – Project No. 03.925.3**

Suggested Resolution  
Resolution #2004-02-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Averhill Development, L.L.C., is hereby **APPROVED** for the installation of storm sewer, detention and sanitary sewer on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-13 Request for Acceptance of Permanent Easements and Reimbursement for Landscaping in the Easement Areas – Maplelawn Road Reconstruction Project – Maple to Crooks - Project #90.903.1**

Suggested Resolution  
Resolution #2004-02-

RESOLVED, That the permanent easements for roadway, sidewalk, and public and private utilities for the Maplelawn Road Reconstruction Project/Maple to Crooks, for the following properties as indicated by Sidwell Numbers:

20-29-401-010,	20-29-401-024,	20-29-401-018,	20-29-401-017,	20-29-401-006,
20-29-401-016,	20-29-401-021,	20-29-401-020,	20-29-401-003,	20-29-401-026,
20-29-401-027,	20-29-401-013,	20-29-426-047,	20-29-426-021,	20-29-426-026,

20-29-426-030, 20-29-426-052, 20-29-426-053, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That payments be **AUTHORIZED** for the reimbursement of landscaping in the total amount of \$34,486.75; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easements with the Oakland County Register of Deeds; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-14 Standard Purchasing Resolution 11: Rejection of Request for Proposals – Wellness Center Operation and Management**

Suggested Resolution  
Resolution #2004-02-

RESOLVED, That all requests for proposal for RFP 02-52, Community Center Wellness Center, opened December 4, 2002, are hereby **REJECTED** and will be **RE-BID**.

## **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 (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. 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.*

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**F-1 Appointments to Boards and Committees: (a) Mayoral Appointments(1) Economic Development Corporation and (2) Planning Commission: (b) City Council Appointments: (1) Advisory Committee for Persons with Disabilities; (2) CATV Advisory Board; (3) Historic District Study Committee; and (4) Troy Daze**

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 recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

**(a) Mayoral Appointments**Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

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

**Economic Development Corporation****Mayor, Council Approval (9) – 6 years****Stuart F Redpath - Does not seek reappointment****Term expires 04-30-2009****Term expires 04-30-2009****Term expires 04-30-2009****CURRENT MEMBERS**

<b>NAME</b>	<b>TERM EXPIRES</b>
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

**INTERESTED APPLICANTS**

<b>NAME</b>	<b>DATE APPLIED</b>	<b>DATE SENT TO COUNCIL</b>
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	6/03/03-05/2005	6/16/03

**Planning Commission**

Mayor, Council Approval (9) – 3 years

**Mr. Storrs seeks reappointment****Term expires 12-31-2006****CURRENT MEMBERS**

NAME	TERM EXPIRES
Gary G. Chamberlain	12/31/05
Lynn Drake-Batts	12/31/06
Larry Littman	12/31/04
Amalfi Parker ( <b>Student</b> )	07/01/04
Robert M. Schultz	12/31/05
Walter A. Storrs, III	12/31/03
Thomas Strat	12/31/05
Mark J Vleck	12/31/04
David T. Waller	12/31/06
Wayne C. Wright	12/31/04

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bertin, Leonard G.	10/10/02	11/04/02
Culpepper, Michael	12/97	
D'Anna, Philip	02/08/99	
Deel, Ryan	05/17/01-06/25/01- <b>05/2003</b>	05/21/01/7/09/01
Drake-Batts, Lynn	05/13/03-05/2005	06/02/03/12/15/03
Gauri, Kul	07/03/03-07/2005	07/21/03
Hall, Patrick C	01/26/01-03/10/03-03/2005	02/05/01/3/17/03
Hanna, Atef A	10/28/02-10/2004	11/04/02
Hoef, Paul V	08/14/02- <b>08/2004</b>	
Hyun, Yul Woong (Jeff)	09/26/03- <b>09/2005</b>	10/06/03
Joseph, Luke	03/10/03- <b>03/2005</b>	03/17/03
Kohut, Gary L	02/17/03- <b>02/2005</b>	03/03/03
Lakin, David	01/13/04- <b>01/2006</b>	02/02/04
Lang, Victoria	07/09/01-06/16/03- <b>06/2005</b>	07/23/01
Lin, Paul Chu	05/22/00-06/17/03- <b>06/2005</b>	06/05/00-07/07/03
Manetta, Pauline	11/26/01	12/03/01
Milia, Carmelo	06/14/01-06/4/03- <b>05/2005</b>	07/09/01-06/16/03
Nelson, Albert Taylor		
Ogg, David	02/9/99-04/16/01-06/09/03- <b>05/2005</b>	04/23/01-06/16/03
Peard, James R	11/25/02-06/9/03- <b>05/2005</b>	12/02/02-06/16/03
Pritzloff, Mark	04/17/03- <b>04/2005</b>	04/28/03
Rocchio, James	04/16/01	04/23/01
Sawyer, Thomas G	10/04/02-06/9/03- <b>05/2005</b>	11/04/02-06/16/03
Shah, Jaysree	01/12/04- <b>01/2006</b>	02/02/04
Shier, Frank	02/18/03- <b>02/2005</b>	03/03/03
Ullmann, Lon M	03/19/01	04/09/01

Wattles, Brian J	07/10/01	07/23/01
Wilberding, Bruce	08/05/99-06/17/03-06/2005	07/07/03
Yousif, Gary	11/24/03-11/2005	01/05/04

Yes:

No:

### (b) City Council Appointments

#### Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

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

#### Advisory Committee for Persons with Disabilities

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

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)

#### **CURRENT MEMBERS**

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
Angela Done	11/01/05
Nancy Johnson	11/01/06
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/0
Grace Yau (Student)	07/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb (Student)	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Jayshree Shah (Alternate)	11/01/03

#### **INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

**CATV Advisory Committee**

**Appointed by Council (7) – 3 years**

**Mr. Minnick resigned to serve on the Traffic Comm      Unexpired term expires 9-30-2006**

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Jerry L. Bixby	11/28/06
Shazad Butt	11/30/05
Richard Hughes	02/28/06
Penny Marinos	02/28/04
Richard D Minnick II <b>(Resigned)</b>	09/30/06
Fan Lin <b>(Student)</b>	07/01/04
W. Kent Voigt	02/28/04
Bryan H. Wehrung	02/28/05

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kuschinsky, Dick	10/11/01-06/19/03-06/2005	11/05/01
Godlewski, W.S.	12/28/01-07/01/03-07/2005	01/07/02-07/07/03
Kuchinsky, Dick	10/11/01-06/19/03-06/2005	11/05/01
Manzon, Alan	06/04/02-06/2004	06/17/02
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Victor, Robert	06/03/03-06/2005	
Wattles, Brian J	07/10/01	07/23/01
Weisgerber, William	07/14/03-07/2005	07/21/03

**Historic District Study Committee**

**Appointed by Council (Member of the Historic District Commission) – Ad Hoc**

**Term expires: Ad Hoc**

**Term expires: Ad Hoc**

**Term expires: Ad Hoc**

**Term expires: Ad Hoc**

**CURRENT MEMBERS**

NAME	TERM EXPIRES
	Ad Hoc

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Harris, Charlene	12/26/03	02/16/04
Hupman, Kinda	01/13/04	02/16/04
Lin, Paul Chu	12/22/03	02/16/04
Lindsey, Kevin	01/12/04	02/16/04
Miller, Bob	12/27/03	02/16/04
Miller, Marilyn	12/27/03	02/16/04
Rivetto, Linda	01/13/04	02/16/04

**Troy Daze**

Appointed by Council (9) – 3 years

Term expires 11-30-2004

Term expires 07-01-2003 Student

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Robert A. Berk	11/30/03
Sue Bishop Deceased	11/30/04
Jim D. Cyrulewski.	11/30/04
Cecile Dilley	11/30/04
Kessie Kaltsounis	11/30/05
Michael Gonda	11/30/06
William F Hall	11/30/05
Jeffrey Stewart (Rep to Parks/Rec Board)	09/30/04
Robert S. Preston	11/30/05
Cheryl A Whitton-Kaszubski	11/30/03
Jessica Zablocki (Student)	07/01/03

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00-07/09/01
Musick, Marilyn K	12/01/03-12/2005	12/15/01

Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Wells, Alexandra	08/22/02-08/2004	09/09/02

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:  
No:

**F-2 Closed Session**

Suggested Resolution  
Resolution #2004-02-  
Moved by  
Seconded by

BE IT RESOVLED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); City of Troy v. Premium Construction, L.L.C. and Roy Rathka v. City of Troy, after adjournment of this meeting.

Yes:  
No:

**F-3 Approval of 2004 Poverty Exemption Guidelines**

Suggested Resolution  
Resolution #2004-02-  
Moved by  
Seconded by

RESOLVED, That pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2004 as presented by the City Assessor in a memorandum dated January 21, 2004 a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

**F-4 Planning Commission Resolution in Support of Thomas Strat Attending the Annual American Planning Association (APA) Conference in Washington, D.C.**

Suggested Resolution  
Resolution #2004-02-  
Moved by  
Seconded by

RESOLVED, That a City of Troy Planning Commission member may attend the 2004 American Planning Association Annual Conference in Washington, D.C.

Yes:

No:

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**F-5 Approval of the On-Line Auctioning with Bidcorp Through Our E-Procurement Provider, Bidnet**

Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

RESOLVED, That the agreement is hereby **APPROVED** to provide on-line auction services with Bidcorp, a partner of Bidnet, the provider of E-procurement on-line processes for the Michigan Intergovernmental Trade Network (MITN) of which Troy is a member, with the fee for the auction service established at 5%; and

BE IT FURTHER RESOLVED, That staff is **AUTHORIZED** to post auction items on the website for sale as the items are deactivated from service with final auction reporting presented to City Council on a monthly basis.

Yes:

No:

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**F-6 Request for National Day of Prayer**

Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

RESOLVED, That the request from the National Day of Prayer Committee, requesting permission to hold an observance for National Day of Prayer in front of City Hall on Thursday, May 6, 2004 from 12:00 pm – 1:00 pm be **APPROVED**; and

BE IT FURTHER RESOLVED, That **APPROVAL IS GRANTED** to place a vinyl banner 3 ft. x 10 ft. which reads “Annual National Day of Prayer – 1<sup>st</sup> Thursday of May” in front of City Hall for seven days from Friday, April 30 through Thursday, May 6, 2004.

Yes:

No:

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**F-7 Traffic Committee Recommendations**

**(a) Proposed Resolution A: Requesting the Road Commission for Oakland County to Retain the Traffic Signal on Big Beaver at Wrenwood**

Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

WHEREAS, The City received a letter from the Road Commission for Oakland County (RCOC) recommending installation of a traffic signal at the intersection of South Boulevard and High Oaks to improve progression and provide for gaps in South Boulevard traffic; and

WHEREAS, The Road Commission for Oakland County (RCOC) is willing to improve South Boulevard at the intersection with the necessary tapers to facilitate installation of a traffic signal.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **APPROVES** the Road Commission for Oakland County (RCOC) recommendation to install a traffic signal at the intersection of South Boulevard and High Oaks.

Yes:

No:

(b) **Proposed Resolution B: Requesting the Road Commission for Oakland County to Install a Traffic Signal on South Boulevard at High Oaks**

Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

WHEREAS, The City of Troy received a letter from the Road Commission for Oakland County (RCOC) recommending the removal of the traffic signal at the intersection of Wrenwood and Big Beaver Road because the signal does not meet warrants; and

WHEREAS, The City Traffic Committee, and the majority of residents in the area believe that the removal of the traffic signal at the intersection of Wrenwood and Big Beaver Road will cause traffic concerns in the area; and

WHEREAS, The traffic signal at the intersection of Wrenwood and Big Beaver Road provides gaps in the Big Beaver traffic facilitating safer, easier ingress and egress to residential streets and driveways in this mile section of Big Beaver; and

WHEREAS, The traffic signal at the intersection of Wrenwood and Big Beaver Road serves a City designated and marked bike route, and provides for pedestrians/bikers to safely cross Big Beaver for after school activities and other recreational purposes.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **REQUESTS** the Road Commission for Oakland County (RCOC) to retain the traffic signal at the intersection of Big Beaver and Wrenwood.

Yes:

No:

**F-8 Troy v. Marilyn Kay Miller Living Trust (2356 E. Long Lake)**Suggested Resolution

Resolution #2004-02-

Moved by

Seconded by

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment in the City of Troy v. Marilyn Kay Miler Living Trust condemnation case, and **AUTHORIZES** payment in the amounts stated therein, and further authorizes the City Attorney's Office to **EXECUTE** the consent judgment, which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**COUNCIL COMMENTS/COUNCIL REFERRALS**

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Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda: No items advanced.

**COUNCIL REFERRALS****REPORTS AND COMMUNICATIONS**

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

- (a) Election Commission/Final – December 4, 2003
- (b) Civic Center Priority Task Force/Final – December 10, 2003
- (c) Planning Commission/Final – January 6, 2004
- (d) Advisory Committee for Persons with Disabilities/Draft – January 7, 2004
- (e) Advisory Committee for Persons with Disabilities/Final – January 7, 2004
- (f) Advisory Committee for Senior Citizens/Final – January 8, 2004
- (g) Liquor Advisory Committee/Final – January 12, 2004
- (h) Planning Commission/Final – January 13, 2004
- (i) Employees Retirement System Board of Trustees/Draft – January 14, 2004
- (j) Planning Commission Special-Study/Draft – January 27, 2004
- (k) Civic Center Priority Task Force/Draft – January 28, 2004
- (l) Election Commission/Draft – January 29, 2004
- (m) Planning Commission Special-Study/Draft – February 3, 2004
- (n) Advisory Committee for Senior Citizens/Draft – February 5, 2004

**G-2 Department Reports:**

- (a) Projects Approved for FY 2007 in the Transportation Improvement Program (TIP)
  - (b) Monthly Financial Report – January 31, 2004
  - (c) Permits Issued During the Month of January 2004
  - (d) 2003 Fourth Quarter Litigation Report
- 

**G-3 Announcement of Public Hearings:**

- (a) Parking Variance Request – 1845 Livernois – **Scheduled for February 23, 2004**
- 

**G-4 Green Memorandums:**

- (a) Museum Physical Maintenance and Conservation Summary Report
  - (b) 2004 Sylvan Glen Rates
  - (c) Section 22 Park Site
  - (d) Aquatic Center Fee Request and 2002/3 – Year End Report
  - (e) Ladd's, Inc. 5-Acre Parcel Appraisal
  - (f) General Direction Received at Study Session of Monday, February 9, 2004; Budget Development
  - (g) Letter from Law Firm of Clark Hill Asking Council if There is an Interest in The Development of a Minor League Baseball Stadium on Parkland Property Across from the Community Center In Section 22
- 

**G-5 Proposed Proclamations/Resolutions from Other Organizations: None proposed**

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**G-6 Calendar**

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**G-7 Letters of Appreciation:**

- (a) Letter from the U.S. Department of Justice to Police Chief Craft Thanking Sergeant Bjork, Officer Salter and Training Assistant Lynn McDaniel for Their Assistance with the State and Local Anti-Terrorism Training Program
  - (b) Chesterfield Police Department to Police Chief Craft Thanking the Troy Police Department for Their Assistance With Apprehending a Tri-County Armed Robbery Suspect
  - (c) Letter from Walenda Green to DPW Director Richnak Thanking His Department for the Great Job Removing Snow After the Recent Snow Storm
  - (d) A Declaration of Special Tribute from Jennifer M. Granholm, Governor State of Michigan and Shirley Johnson, State Senator – 13<sup>th</sup> District – Commemorating the Selection of the City of Troy as the *Sports Illustrated 50<sup>th</sup> Anniversary Sportstown* for the State of Michigan
  - (e) Letter from L. Brooks Patterson, County Executive – Oakland County Michigan, to John Szerlag for His Interest in Serving on the 2004 Business Roundtable – Transportation Committee
  - (f) Letter of Appreciation to Officers Warzeua and Mairorano from Dana Cochran Thanking Them for Their Professional Advice in Regard to Her Fourteen Year Old Son
-

- (g) Letter of Appreciation and Recognition from Kimberly A. Woodard – Assistant Prosecuting Attorney – Oakland County, to Chief Charles Craft in Regard to the Professionalism Displayed by detective Lisa Rockafellow
- (h) Letter of Appreciation to Officers Beckman and Wieg from Don & Penny Little for Their Compassion in Responding to a 911 Call to Their Mother and Sister’s Home

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**G-8 Travel Expense Report – Matt Pryor**

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**G-9 Memorandum, Re: Article Discussing State Pre-emption of Local Ordinances**

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**G-10 Memorandum, Re: Governmental Immunity Article for OCBA Laches**

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**G-11 Letter from John V. Kessler, Re: Religious Displays on City Property**

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**G-12 Report, Re: Southeaster Oakland County Resource Recovery Authority – Quarterly Report**

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**G-13 Appointment of Historic District Commission Study Committee**

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**G-14 Memorandum, Re: Evaluation of City Council/Traffic Committee Action to Restrict Left Turns at the Gas Station – Rochester and Wattles**

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**G-15 Memorandum, Re: Election to Institute Transportation Engineers’ Board**

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**G-16 Memorandum, Re: Governor’s “Cool” Cities Initiative: Summary of Report**

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**G-17 Memorandum, Re: Law Day 2004**

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**G-18 Memorandum, Re: Junk Vehicle Violation Enforcement**

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**G-19 Memorandum, Re: Cricket Site Update: *Related to this issue is a request from the Michigan Cricket Association to use Boulan Park (See Item G-20)***

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**G-20 Letter, Re: Reconsideration of Boulan Park Site for the Cricket Field – Venkat Mallya – Chairman, Michigan Cricket Association**

## **PUBLIC COMMENT**

*Public Comment is limited to people who have not addressed Council during the 1<sup>st</sup> Public Comment section (Rules of Procedure for the City Council, Article 5 (15), as amended May 6, 2002).*

**STUDY ITEMS – No study items submitted.**

*It is City Management's recommendation to recess the Regular meeting at this time and to immediately reconvene it in the Council Board Room to provide for a study environment. Additionally, it would be recommended that the Mayor request the City Clerk to post notice that the City Council meeting has been relocated to the Council Board Room.*

Respectfully submitted,

John Szerlag, City Manager

February 11, 2004

TO: John Szerlag, City Manager  
FROM: Laura Fitzpatrick, Assistant to the City Manager  
SUBJECT: Agenda Item: CCPTF Report to City Council

Attached is the report of the Civic Center Priority Task Force (CCPTF). They are scheduled to present their work to City Council at the regular meeting of February 16, 2004.

#### *Report Components*

The report consists of three main components: a text document, a map of elements and presentation slides that include a photo narrative. Due to the very large file size of the latter two elements (over 10MB combined), they are included as attachments to the Agenda Packet and are saved on the agenda CD as separate files. The map and slides can be viewed electronically by opening each file. Additionally, a hard copy of the 11X17 map is enclosed, as it is better viewed in this format.

#### *Copies for the Public*

Hard copies of the report are available at the Library and City Clerks Office. They are also available on the CCPTF section of the City web site (<http://www.troy.mi.gov/CCPTF/>).



## Civic Center Priority Task Force

### Report to City Council

February, 2004

# CONTENTS

Introduction Letter .....	Section 1
Task Force Members .....	Section 1
Map of Elements .....	Section 1
Presentation to City Council .....	Section 2
Report .....	Section 3
Appendices	
Resolution Establishing CCPTF .....	Section 4
Resolution re: CCPTF Members .....	Section 4
Memo re: Establishment .....	Section 4

## **SECTION 1 INTRODUCTION**

*Note: Due to its large file size, the electronic version of the map must be accessed outside of this document via a separate file.*

February 2004

To the Honorable Mayor and City Council:

On behalf of the thirteen members of the Troy Civic Center Priority Task, it is with pride and honor that I present you with our report per the requirements of your resolution.

Since being appointed to the Task Force in August, the group has worked hard for over five months to meet the requirements of the enabling resolution. Despite initial doubt from many that such a large ad hoc group could come to an agreement on anything, the Task Force was able to achieve a unanimous consensus. The group worked through many issues that required compromise from everyone to achieve the goal of a vision for the Civic Center that would meet the current and future needs of the community.

The report consists of two parts. The first is a PowerPoint presentation to be presented to the City Council in public session. This portion includes a number of photographs that were very carefully chosen to convey the vision of the Task Force plan and the evolutionary nature of that vision. The second part is a text report detailing the recommendations and the supporting assumptions for those recommendations.

The difference between the Civic Center Priority Task Force plan and previous plans is the concept of evolution. This is not a plan that is for one year, five years or even a ten year cycle. We viewed the site for today's needs and with an eye toward starting a legacy to which our grandchildren could contribute.

The report details the methodology we adopted for reviewing past recommendations and current needs. It describes the process we used to work to the consensus we achieved.

A key component of the report is the element of programming. The Task Force worked to put together not just physical elements but recommendations for activities to bring our diverse community to a common place where all can celebrate our community or just take a leisurely stroll on a quiet path along a creek.

Brian J. Wattles  
Chairman  
Troy Civic Center Priority Task Force

## **Civic Center Priority Task Force Members**

Mary Ann Bernardi  
*Troy Citizens United*

Leonard Bertin  
*Advisory Committee for Persons with Disabilities*

Ann Partlan  
*Historic District Commission*

Ryan Deel  
*Traffic Committee*

Catherine Herzog  
*Troy Youth Council*

Michelle Hodges, Vice-chair CCPTF  
*Troy Shareholders*

Jeff Biegler  
*Superintendent of Parks*

Tom Krent  
*Parks and Recreation Advisory Board*

Mark Maxwell  
*Board of Zoning Appeals*

David Ogg  
*Advisory Committee for Senior Citizens*

Carol Price  
*Downtown Development Authority*

Walter Storrs  
*Planning Commission*

Brian Wattles, Chair CCPTF  
*Historical Commission*

## **SECTION 2 PRESENTATION**

*Note: Due to its large file size, the electronic version of the presentation slides must be accessed outside of this document via a separate file.*

**SECTION 3  
REPORT**

## **Introduction**

Prepared by Michele Hodges

Remarkable. The City of Troy has never been anything less than that. The opportunity beholden today at the Civic Center site, if orchestrated well, only stands to further Troy's remarkable success as a location to live, work, learn and play.

The Civic Center Priority Task Force (CCPTF) has worked diligently since its inaugural meeting of 3 September 2003. Its charge, as defined by City Council in Resolution #2003-07-356 of 7 July 2003, was to identify and prioritize public site plan elements minus the following area: existing usage, and acreage set aside for voters to determine the City has the authority to convey.

Building from significant efforts of the Troy Futures Group, and its report completed in 1992, and embracing fact finding initiatives hitherto, the CCPTF's efforts have culminated in an exciting vision for the Civic Center site; details of which are conveyed in this document, and include priority elements for further consideration. The priorities comprise the diverse interests represented on the CCPTF, and are presented in a united fashion. They are intended for utilization by citizens, both residential and business, as well as by visitors.

The CCPTF seeks to epitomize Troy's spirit, the fabric comprising it, its rich history, and grand future. With the presentation of this document, the CCPTF hopes to inspire, motivate, and define a signature for Troy. Implementation beyond these priorities is outside the CCPTF's authority. It hopes, however, the process will continue and implementation will occur et al, or as an evolution. An important opportunity exists. It must be seized. Please read on.

---

## **Civic Center Goals**

Prepared by Mark Maxwell

Goal 1 – Increase the residential and business utilization of the Civic Center

The Civic Center must be brought to life. It should be a vibrant place that is used by all members of our community. Current buildings and amenities are islands of separation. Many open areas are barren and unappealing. The Civic Center layout should be designed to encourage gathering, meeting, spending time, and enjoying. Our primary goal is to create a Civic Center that benefits and is utilized by all segments of Troy's residential and business community.

Goal 2 – Develop park and campus setting

The Civic Center should be a pleasant and comfortable place. An active Civic Center that attracts people must also accommodate people. It must give them a reason to stay, gather, and use multiple amenities. A campus setting with pathways and resting areas will provide the framework for connectivity that the civic center desperately needs.

Goal 3 – Immediate implementation with a long-term growth path

Our goal is to see implementation begin immediately to the highest quality possible with an evolution that will ultimately result in a world-class civic center. Amenities must be chosen today with the future in mind. Troy is growing and changing daily with an increasingly diverse citizenry. The placement and scope of amenities should allow for modification and expansion when necessary. Amenities must be designed to mesh with any future alterations in infrastructure.

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## **Background**

Prepared by Brian Wattles

Several citizen, staff and professional reviews and studies of the Troy Civic Center area have been done since the Troy Futures report was completed in May of 1993. Some of the elements in the Troy Futures report included walkways, outdoor ice rink, skateboard area and a cultural/activity center.

In 1997, the Old Troy High Task Force in conjunction with Gensler, Palladia and Beebe, presented their briefing book and preliminary master plan. Some of the elements of the Briefing book included areas for concerts and rallies, gardens and park space, meeting spaces, and outdoor exhibition space. The master plan submitted later in 1997 included open water elements, winter ice skating, and a fountain plaza.

In 2000, Rosetti and Associates prepared a master plan. Suggestions included an arts park, Civic and Community greens, skating rink, water features, amphitheater, gathering spaces, activity spaces and plazas

The Troy Planning Commission drafted a master plan concept in 2000 and submitted it to Council. Included in the report were suggestions for enhanced pathways.

In June 2003, Council Member Robin Beltramini submitted a suggestion to Council and staff that a Civic Center Priority Committee be formed to review the options and opportunities available on the Civic Center site. The memo stipulated that the committee be composed of members from a selection of citizen committees.

On July 7, 2003, the Troy City Council passed the following resolution, which established the Civic Center Priority Task Force.

BE IT RESOLVED, That a Civic Center Priority Task Force is hereby ESTABLISHED whose membership consists of one member from each of the following committees: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Advisory Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, and the Advisory Committee for Senior Citizens, Troy Youth Council, Historic District Commission, Troy Shareholders, and Troy Citizens United.

The full memo and the enabling resolution are included in the appendices of this report.

The Troy Civic Center Priority Task Force reviewed the summary conclusions of all the groups described above and in several instances, incorporated the same recommendations as the previous groups.

---

## **Methodology**

Prepared by Mary Ann Bernardi

Except for the second meeting, which was not televised due to a mistake, all CCPTF meetings were televised weekly, both during the day and in the evening.

Input from the community was sought by individual members on their own, and also through public comment at the beginning and the end of every meeting. Public comment was added to

the beginning of the meeting to allow high school students to have the opportunity to speak earlier in the meeting.

CCPTF began its task by examining and discussing reports of prior groups - The Troy Futures Report, 1992; Troy City Center Briefing Book, 1997; Troy City Center Preliminary Master Plan, 1997; Civic Center Master Plan Draft Concept (as prepared by the Planning Commission), 2000; and Troy Civic Center Master Plan (prepared by Rosetti & Associates), 2000.

The task force members then took a bus tour of the Civic Center campus. A round table discussion of ideas and suggestions from all members followed. Elements for the site were selected by dividing an erase board into twelve zones, each representing a desired element to be located on the Civic Center site. Since it was felt that restrooms and pathways were required elements, they were not listed as elements for the task force members to rate.

Each task force member then assigned a priority rating from 1-12 for each of the twelve elements. All of the ratings for each element were then tabulated to provide each element with an overall priority rating. The highest rated elements were chosen. A site map was utilized to mark up the element and path placement on the site.

Photos of the elements were then obtained and placed into a power point presentation. Photo selection was achieved by round table discussion and voting, via a simple majority. The accompanying text document was developed as each individual task force member was given a specific portion of the text document to write. Task force members could email documents to each other for comments in between meetings. The order of the presentation and editing of the text document were accomplished by round table discussion and voting, via a simple majority.

The method of achieving final approval was by a majority consensus by the CCPTF.

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## **Youth Utilization of The New Civic Center Site**

Prepared by Catherine Herzog

The City of Troy is always trying to integrate its youth. The construction of this new site will provide the youth with something new and exciting to experience. As representatives from the Troy Youth Council we have been able to voice our opinions and provide the Task Force with suggestions to address our interests.

The elements of the new site will attract the youth from Troy, as well as teens from other local communities. One of the most admired elements is the amphitheater. This theater will be able to provide the youth with a place where they can come together and enjoy local entertainers. An idea that our council expressed was to have a Battle of The Bands held at the amphitheater. This is because recently the location at which it was previously held closed. Similar to the Jam Fest at the Aquatic Center, the area would meet parental approval and offer the youth with a safe place to congregate. The amphitheater could also provide not only the youth, but all ages, with the opportunity to experience a film outdoors.

The second element that appealed to the youth was the outdoor skating rink. The rink has the capability to become a place where teens can enjoy a unique winter activity in our fine city.

Lastly, the remains of the open site can also further enhance the youth's options in the city and supply them with an interesting, aesthetic area to get together. By keeping the youth involved in the development and activities at the Civic Center, our legacy can influence its continued use through the future.

# **Senior Utilization of the Civic Center Site**

Prepared by David Ogg

The pathways, benches, amphitheater, fountain plaza, enhanced ethnic gardens and other amenities will be of great interest to the seniors of Troy. This will give them a safe place to meet and greet friends, read a book or have a nice quiet picnic. It will be an area in which they can relax and enjoy the tranquility of a beautiful parkland. Troy will finally be able to offer a Central Park like setting to attract seniors as well as other residents to a place that is much more attractive than tall, cold office buildings. It will also encourage them to use our Community Center and Library.

For our senior drivers there will be safe and convenient streets for them to use with plenty of nearby, easy to access parking. They will enjoy the pathways and covered bridges over the waterways as they are walking from one area to another. Never a long or difficult walk or by noisy, dusty sports areas as in other parks in the city.

Troy will soon be known as *"The city with the beautiful Civic Center."*

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## **Paths and Walkways**

Prepared by Walter Storrs

The Civic Center Path and Walkway System represents the string in a strand of pearls. By connecting and providing form; this string allows a result much greater than the mere sum of the individual pearls. Likewise the Path and Walkway System will be:

- ❖ By itself, an amenity for fitness and pleasure.
  - walking and jogging
  - strolling
  - bicycling
- ❖ A pedestrian connection around and within the individual amenities and services of the Civic Center.
- ❖ A pedestrian connection for nearby homes and businesses to the Civic Center Site.
- ❖ A destination element in Troy's planned Safety Path System.
- ❖ A pedestrian connection to the Big Beaver and Livernois proposed transit corridors.

All members of the CCPTF viewed Paths and Walkways as essential. Also, all five of the background studies included walkways for the Civic Center.

Choice of the surface material is critical to the intended function. Dirt, wood chips, and crushed gravel present difficulties for wheelchairs, scooters, canes, and anyone with an unconfident step; while concrete is aesthetically harsh and uncomfortable to the knees of a mature jogger. In addition, concrete frost and settling damage and subsequent repairs often leave a raised edge that at best causes a harsh ride and at worst provides a tripping opportunity for walkers and joggers.

The System needs to create an accurately measured (every ¼ mile) and marked fitness loop to fulfill the needs of walkers and joggers from the Community Center, the Hotels and Businesses on Big Beaver as well as individuals coming to the site specifically to walk or jog for health purposes. The path would attract patrons to the nearby hotels. The pathway needs to have a centerline to separate opposing traffic and have a 3 – 4 foot grassy area on each side to prevent pathway congestion. Sharp turns cause hazards for faster joggers and therefore need to be eliminated if at all possible. The path must be cleared during the winter and selectively sanded to

allow year round use. The path around Stony Creek Lake in Stony Creek Metro Park should be used as a prototype starting point for the design.

The system should include both informal and formal resting and seating areas. Items such as a bench, a large bolder or a large log would provide areas to simply sit, enjoy, and observe in a quiet setting. The informality would add to the remote feeling and the sense of variety along the way. More formal facilities are also required; such as a gazebo overlooking one of the water amenities or an area offering a panoramic view, or a mini covered bridge with integral seating crossing the water. Differing views would be provided by seating areas at rest room facilities, the Aquatic Center, the Community Center, in the woods, at Lake Kehoe in the winter Sports area, and on the summit of Mount Gerstenecker.

The Path and Walkway System is expected to be a work in progress over years to come. Detailed planning for the perimeter portion of the system needs to take place early in order to provide a continuous loop as a starting point, complete with pre-planned areas for benches, artwork displays and connections to existing Huber Park trails for example. Connecting elements would then be designed and put in place along with the evolution of other Civic Center amenities. Nighttime lighting and emergency call stations are long-term growth ideas that have surfaced and more opportunities will be identified in the future. Major consideration should be given to placement of walkways along creeks and water features.

A major element of the City Center/Big Beaver Corridor Urban Design Plan, Oct. 1987 was improved pedestrian space in the entire Big Beaver Corridor. As we construct walkways and biking paths in the Civic Center we need to keep in mind that they are only a start. They need to be tied to a greater plan, with linkages to improved pedestrian space in the Big Beaver Corridor. Providing easy and inviting access to businesses along the Corridor will enhance the vitality of the Civic Center area and the quality of life of workers in Troy.

Pathway interconnectivity is an interest item at the National, State, County, and Community levels. The Rails to Trails initiative to convert unused railroad right of way into pathways in Oakland, Macomb, and Wayne counties are regularly covered in the Press. The Paint Creek Trail from Rochester to Lake Orion is the earliest example in Our Area. Troy's Transportation Plan includes a 10-ft wide Safety Path System designed by the Traffic Engineer. This system is designed with the Civic Center as its hub, to interconnect (avoiding major roads as much as possible) the Community and also allow access (through neighboring communities) to the Rails to Trails developing system.

Paths and Walkways are critical to Troy's Civic Center. Impacts are far reaching.

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## **Accessibility**

Prepared by Leonard Bertin

"As with all other development within the City, the Troy Civic Center must be developed in a manner that provides for ease of access for all members of the community. "

This statement means much more than the simple words actually say. Of course every component that is built or installed must meet the requirements of the Americans with Disabilities Act (ADA). And this is also true of all the programming that takes place in any of the new amenities that are offered. But accessibility does not end there.

The real test is how we, as a community, welcome and invite all members from all sectors of our society. We must open the use of our Civic Center to everyone. Universal access to the facilities

and programming must be available regardless of income, ability level, ethnic origin, religious belief or political affiliation. It is the differences found in individuals that shape our society. Diversity promotes dialogue, creates change, stimulates growth and sustains hope for the future. There is no place here for elitism, segregation, or denial of basic human need.

This is true at all stages of development. Access for everyone must be available throughout the development process. Getting around to fixing it later means someone is being denied now. This must be kept in mind as development moves from one stage to the next. The spirit of the ADA should be followed, not just the letter of the law.

As we move forward, facilities should be designed in a manner consistent with universal design practices. The need for access should be anticipated for people of all ages, abilities and interests. Planning should be done to minimize the necessity to retrofit. Flexibility of purpose should be a major result of the design process. Unless all members of the community are welcome and feel that way, we have failed our charge.

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## **Winter Activities Area**

Prepared by Tom Krent

Location: Hill and pond area south of the Family Aquatic Center  
Activities: 

- Ice skating on the pond,
- Sledding on the hill

Description: Both are outdoor activities and will initially be weather dependent. Since the sledding hill is not very high, it would attract young children and their parents.  
Amenity: A gathering place  
Parking: Utilize the existing Aquatic Center parking lot

### **OUTLINE FOR DEVELOPMENT PHASES**

#### **Skating Pond**

The pond would be reshaped to provide more surface area with approximately the same amount of water. That is, make it an even, shallow depth (1 to 2 feet) and enlarge the area it covers. Lights and seating would be needed along with information signs on how it's to be used. Future development could include freezing coils.

#### **Sledding Hill**

A simple sledding area could be developed with snow fencing, lights, and informational signs on how it's to be used. If snow is lacking, the snow could be brought in from clearing the parking lot using existing City equipment. Future development could include reshaping the hill for multiple runs.

#### **Gathering Place**

Initially, no structure needs to be built, but a grouping of benches would provide a gathering place. The restrooms and food service at the Family Aquatic Center could be available for skaters and sledders. Later, as the area gains popularity, a shelter with a fireplace or two could be added. Eventually, a warming building could be built. It should include restrooms, hot drinks and light snacks service, a fireplace or two, and large windows to view those having fun in the cold.

#### **Use in warmer months**

A water fountain could be placed in the pond. There was a fountain in this pond, but because a proper concrete tank was not installed to prevent mud sediment from entering the pump, the pump filled with mud. If designed properly, the fountain could enhance this area in warmer months, and possibly form an ice sculpture in the center of the ice rink.

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## **Amphitheater**

Prepared by Jeff Biegler

A principle goal in development of any park or open space is to provide groups, individuals, residents and visitors with opportunities to experience new activities not otherwise available.

The introduction of an outdoor amphitheater on the Civic Center site will open up possibilities for programming of concerts, dance, theatrical performances, and public events. It may also serve as an additional meeting space for clubs, classes, and business groups.

The amphitheater envisioned for the southwest corner of Civic Center Drive and Town Center Drive will ultimately feature a permanent covered stage and seating for 200+ spectators. The orientation of the amphitheater takes full advantage of the naturally sloping contour of the area with the stage facing west toward a terraced seating area. Any sounds coming from the stage will be directed away from residential areas to the northeast. A restroom would be located nearby for the comfort of those utilizing the facility.

The outdoor amphitheater area can be developed in phases. Utilizing a portable stage, the site can be used immediately for concerts and events, giving way to construction of the permanent stage and accompanying infrastructure as funding becomes available.

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## **Public Art**

Prepared by Leonard Bertin

Public art acquisitions and installations should be important parts of the Civic Center planning process. The presence and appreciation of art have been hallmarks of society and civilization throughout the history of man. Art chronicles the accomplishments and triumphs of man. Art satirizes, glorifies, questions and mirrors the world from countless angles and perspectives. It celebrates life. The inspiration of the artist sparks the imagination of others. The true value of public art is that reminds us all that beauty can be found and preserved in every man's life.

The City of Troy has a modest start to an impressive collection of public sculpture. The sculptures of the peace garden, the Veterans Memorial Monument, artworks on display inside the Troy Public Library, the sculpture of Motherhood, donated to the City by our Sister City, Aley, Lebanon on display inside City Hall, and the latest acquisition, Michael Ayrton's "Reflective Head" all provide diversion from daily routines and bring beauty and contemplative thought to those that view them.

Additions to the collection will add to the intellectual wealth of our community. They will enhance the beauty found here and will create another destination point within the Civic Center for residents of and visitors to Troy.

Installations should not be isolated to a single location. Rather, they should be integrated throughout the development. Some large, some small, each would be a visual treat and fuel for inspiration, conversation and enjoyment. Works can be acquired, commissioned or accepted as donations. They can celebrate or commemorate the people of Troy. They could depict our heroes or loved ones, illustrate fantasy, or be abstract in nature.

The designs of gardens, walkways, seating areas, gazebos, fountains and every other component will be enhanced by the presence of art. In fact, their very designs should be thought of as interactive artwork for the community as well as venues for art installations.

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## **The Maze**

Prepared by Leonard Bertin

The theme of the Reflective Head is not only literal with its reflective glass panel, but also provokes viewers to engage in inner reflection about the mysterious labyrinth of the human mind. The human brain has physical twists and turns that pale in comparison to the complexity to the thoughts, memories and ideation of any one human being. Installation of a maze or labyrinth is proposed at the Civic Center, adjacent to the Reflective Head. The installation of a vegetative maze as a complement to the sculpture accomplishes several things:

- It continues the proposed green belt on the southern side of Town Center Dr.
- It adds an esthetically pleasing environment to the sculpture's installation.
- It becomes a pedestrian destination within the Civic Center complex.
- It provides a recreational opportunity for visitors who wish to explore its twists and turns.
- It will provide a visual treat when viewed from above at the proposed amphitheatre, the Troy Public Library, the new Police Department headquarters, the Troy Marriot Hotel and the Troy City Hall.
- It pays homage to the ancient city for which our hometown is named. The ancient City of Troy was itself surrounded by a labyrinth to protect itself and its citizens from invasion by confounding those who would lay siege upon her.

Construction of the maze should be an on-going process that will take decades to complete. The initial phase would consist of layout and plant selection. The type of vegetation selected must be able to withstand crowd contact, easy to maintain and care for, and provide foliage without thorns to minimize any safety threat to those that come in casual contact with it.

Immediate installation of mature plants would be a massive undertaking and cost prohibitive. Instead the process should begin with smaller plantings that would grow to maturity. Care should be taken to provide enough room for Plants to mature and still leave ample room for two-way pedestrian travel.

The interior destinations in the maze could house changing or seasonally rotating attractions a sundial, or floral displays that would make the maze more viable as a destination for repeat visitors. Seating at various points within it would provide respite opportunities and places to enjoy nature, blue skies, sunlight, the excitement of a child's discovery, or quiet personal reflection.

The maze could be a unique design. Or it could be a re-creation of another. Its design could even be patterned after one designed by Michael Ayrton (The Arkville Christian Maze, a private installation in Arkville, New York). Similar installations draw repeat visitors to experience and revel in their mysteries and would surely do so here in Troy.

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## **Fountain Plaza**

Prepared by Carol Price

The people of Troy in the 1993 Futures Community Report envisioned a city center for Troy. The 2000 Troy Civic Center Master Planning report recommended water features and plazas. We agree! The Fountain plaza is a key element of the vision for a city center, a place where people meet, stay and socialize.

Another goal of the Master Plan is to create a pedestrian friendly environment that encourages people to walk from building to building. The plaza assists in that goal. It would be a draw, giving people a reason to walk between the various buildings and locations on the Civic Center site and possibly even from the Big Beaver corridor.

We recommend it be located behind and to the South of the Community Center, between the Community Center and the proposed location of the Convention Center. This location has the potential to attract many people, a necessary element of a successful plaza.

It can be a main gathering place as well as a place for festivals and events. There need to be reasons for people to come and stay, not only programmed events, but also possibly gaming tables as in Central Park in NYC.

To ensure our plaza attracts people we need to base it on the principles of good plaza design established by William Whyte, starting in the 1970's. Whyte investigated why some parks and plazas in NYC attracted a lot of people while others remained almost empty.

He found several major elements, among them:

- The water element must be accessible, touchable, and splashable. People should be able to stick at least their hands and maybe even their feet in the water, though we do not envision it as a children's play area.
- Seating must be plentiful.
  - o With planning seating can be built into the basic landscape design
  - o Ledges and spaces are better if they are accessible from both sides
  - o Movable chairs and tables work wonderfully allowing flexibility for groupings and following the sun or shade
- There must be food. Food attracts people who attract more people.
  - o It can be of the casual take away variety
  - o Or it can be, in consideration of our weather, more permanent cafes, possibly under glass enclosures, operated in conjunction with the proposed convention center.

Whyte found most of the people who use plazas are young office workers from near by buildings. And that what attracts people most is other people. The fountain plaza will be a destination point. It will be Troy's challenge to draw people from the Big Beaver Corridor to the Civic Center, with integrated pedestrian paths, shuttle service, and programmed events.

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## **Enhanced Gardens**

Prepared by Mary Ann Bernardi

The Civic Center Priority Task Force would like to be the impetus to the creation of a welcoming and charming atmosphere at the Troy Civic Center site, and what better way to accomplish this than with the pleasant visions and fragrances of gardens and greens? The gardens and greenery would create peaceful places designed to be lived in, enjoyed, and used by people. We envision the civic center site as a series of connected outdoor spaces ornamented by plants, trees, shrubs and hedges, and works of art where public recreation and relaxation are facilitated.

Seating would be ubiquitous throughout the civic center site, as would be walking and jogging paths, like a web connecting all of the elements to one another, and working within the matrix, decorated themselves with gardens and greenery, inviting all those who pass there to take a leisurely stroll or a high-spirited jog along the paths and lanes.

In the Northwest section, we would come to an area where picnic tables and benches would be

dispersed amongst the trees. Trees and shrubs would be trimmed to allow for easy access to the area. As time goes on, and money is available, plots for enhanced gardens can be made available.

Water elements could be interlaced with the gardens. The vegetation along the existing creeks would be trimmed to allow for paths and seating along their course. A more formal fountain would be created in the proposed plaza area, just west of the community center. Here too, we envision more formal gardens. The fountain and formal gardens have the potential for heralding the entrance to the civic center site from Big Beaver.

Again, seating all around the fountain, both close and further from it, would be essential to beacon the public to stop and enjoy the sights and sounds of the water and the gardens.

On the westerly portion of the Civic Center, ring road will evolve into a place of elegance to capture the interest of all by the placement of art objects, hedges and greenery.

Thus, we have it -- a special place for all people residing in, working in, or just visiting Troy. A place, which welcomes all.

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## **Town Center Drive Greenbelt**

Prepared by Ann Partlan

Enhancing the greenbelt that surrounds the Civic Center will contribute to the desire to utilize the amenities by the residents and local businesses. Reclaiming parts of the "Old Troy High" parking lot with the planting of new vegetation and reforestation coupled with continuous pathways and seating will encourage usage. The Town Center Drive greenbelt could be further enlarged with the elimination of a portion of Civic Center Drive and thus creating a connection with all the amenities such as continuous pathways, water elements, gardens, and plazas. Reseeding of grasses, clearing of brush along the waterways, and general maintenance will result in an increase of interest of the Civic Center. Let's face...it's easier to hug a tree than a parking lot.

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## **Traffic Issues**

Prepared by Ryan Deel

One of the desires of the Civic Center Priority Task Force ("CCPTF") is to improve the continuity of the Civic Center campus. While the overall Civic Center campus is quite large, most of the available land is divided up into small parcels ranging between 1.55 and 6.77 acres. One large division of land is caused by Civic Center Drive, which runs north and south near the center of the campus. Considering the above factors, it is the recommendation of the CCPTF that the section of Civic Center Drive between the library entrance and the intersection of Civic Center and Town Center Drives be eliminated.

The CCPTF recommends that Town Center Drive be expanded to a boulevard with a landscaped median beginning at Livernois. The CCPTF also recommends that enhancements be made to the entrances at Livernois and Big Beaver Road. Specifically, the CCPTF recommends gateways at the Livernois and Big Beaver Road entrances welcoming visitors to the Civic Center campus and signage directing visitors to the various amenities on the site.

The CCPTF understands that any change to the surface streets would have an impact on traffic patterns on the campus. As such, this recommendation should be subject to a staff analysis with regard to the traffic impact, cost, engineering and feasibility of such a modification. It is worth noting that one of the benefits of this change will be increased pedestrian traffic.

Finally, it is anticipated that the other elements may require additional parking facilities. As such, it should be noted that staff should study and make any necessary improvements to parking that may be required to accommodate the other elements contained in this report.

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## **Programming**

Prepared by Michele Hodges

Physical amenities are key to successful public spaces. Equally important, however, are the activities associated with them. Subsequent to the construction of this public space, it is the strong recommendation of this Task Force that heavy emphasis be placed on the programming of it.

Programming should be purposeful, substantive and, ideally, coordinated in tandem with relevant city organizations (e.g. garden clubs, historical societies, school district interests, etc.). The ultimate goal should be a strong sense of place that possesses an alive, vivacious, and enriching atmosphere reflective of Troy.

Examples include puppet shows, historically oriented activities, seasonal activities (e.g. sledding, farmers markets, hayrides, kite flying, miniature boating, fishing, trick or treating, egg hunts), tournaments, timely presentations/demonstrations, curriculum driven events, public art contests, adopt a brick/pathway/garden, botanical references, petting farms, wireless access, community policing, art fairs, movies, picnics, clowns, theme oriented events, international/cultural activities, weddings, etc.

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## **Conclusion**

Prepared by Michele Hodges

With the delivery of these priorities to City Council today, an important step in securing Troy's future has occurred. The most important steps, however, remain. This community must commit itself to implementation.

The CCPTF strongly believes an advisory board of stakeholders must be formed to insure implementation of the proposed elements; which, in summary, include an amphitheatre, ice rink, fountain plaza, hedge maze, gardens, complementary programming, and pathways. The City Council must create and empower this group with the necessary tools, in a timely fashion.

The CCPTF seeks superior quality, within available resources, so that a legacy can be left for future generations. This community must go beyond what is being done elsewhere. It must lead, and not follow.

Together, we can insure Troy remains a remarkable community. With your continued support for the process, this Task Force looks forward to success.

Respectfully submitted by

**Brian Wattles**  
**Chairman, Troy Civic Center Priority Task Force**  
**February 16, 2004**

**SECTION 4  
APPENDICES**

*Excerpt from City Council Minutes July 7, 2003*

*Resolution Establishing the CCPTF*

**COUNCIL COMMENTS**

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**B. Civic Center Property Task Force Establishment to Identify and Prioritize Public Site Plan Elements - Proposed by Council Member Robin Beltramini**

Resolution #2003-07-  
Moved by Beltramini  
Seconded by Pryor

BE IT RESOLVED, That a Civic Center Priority Task Force is hereby **ESTABLISHED** whose membership consists of one member from each of the following committees: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Advisory Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, Advisory Committee for Senior Citizens, and the Troy Youth Council; and

BE IT FURTHER RESOLVED, That the main objective of this task force is to **IDENTIFY AND PRIORITIZE** public site plan elements minus the following areas:

1. Existing usage.
2. Acreage set aside for voters to determine the City has the authority to sell.

BE IT FURTHER RESOLVED, That staff liaison to this task force will be **APPOINTED** by the City Manager.

BE IT FINALLY RESOLVED, That the Civic Center Task Force will **ENDEAVOR** to meet timelines established in the memorandum from Council Member Robin Beltramini.

**Vote on Amendment #1**

Resolution #2003-07-351  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "Historic District Commission, Troy Shareholders, and Troy Citizens United".

Yes: Broomfield, Eisenbacher, Howrylak, Lambert  
No: Pryor, Beltramini  
Absent: Stine

**MOTION CARRIED**  
**Vote on Amendment #2**

Resolution #2003-07-352  
Moved by Howrylak  
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “Proposed appointments to the Civic Center Priority Task Force be submitted to City Council at their Regular Meeting scheduled for Monday, August 4, 2003.”

Yes: All-6  
No: None  
Absent: Stine

**Amendment #3**

Resolution #2003-07-  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “The Civic Center Priority Task Force will have the authority to present a second option which will include the 11 acres.”

**Vote on Amendment to Amendment**

Resolution #2003-07-353  
Moved by Pryor  
Seconded by Lambert

RESOLVED, That the proposed amendment to the Resolution be **AMENDED** by **INSERTING**, “after the election” **AFTER** “option” and **BEFORE** “which”.

Yes: Broomfield, Eisenbacher, Lambert, Pryor, Beltramini  
No: Howrylak  
Absent: Stine

**MOTION CARRIED**

#### **Vote on Amended Amendment #4**

Resolution #2003-07-354  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That the proposed amendment to the Resolution be **AMENDED** by **INSERTING** the Civic Center Priority Task Force will have the authority to present a second option after the election which will include the 11 acres.

Yes: All-6  
No: None  
Absent: Stine

#### **Vote on Amendment #5**

Resolution #2003-07-355  
Moved by Eisenbacher  
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "All meetings will be subject to the Open Meetings Act, including a generous "Public Comment" portion where individuals can offer input. These meetings will be recorded and televised on WTRY at least once every two weeks."

Yes: All-6  
No: None  
Absent: Stine

#### **Vote on Amended Resolution**

Resolution #2003-07-356  
Moved by Beltramini  
Seconded by Pryor

BE IT RESOLVED, That a Civic Center Priority Task Force is hereby **ESTABLISHED** whose membership consists of one member from each of the following committees: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Advisory Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, and the Advisory Committee for Senior Citizens, Troy Youth Council, Historic District Commission, Troy Shareholders, and Troy Citizens United; and

BE IT FURTHER RESOLVED, That the main objective of this task force is to **IDENTIFY AND PRIORITIZE** public site plan elements minus the following area:

1. Existing usage.
2. Acreage set aside for voters to determine the City has the authority to sell.

BE IT FURTHER RESOLVED, That staff liaison to this task force will be **APPOINTED** by the City Manager.

BE IT FURTHER RESOLVED, That the proposed appointments to the Civic Center Priority Task Force be **SUBMITTED** to City Council at their Regular Meeting scheduled for Monday, August 4, 2003.

BE IT FURTHER RESOLVED, That the Civic Center Priority Task Force will have the **AUTHORITY** to present a second option after the election which will include the 11 acres.

BE IT FURTHER RESOLVED, That all meetings will be **SUBJECT TO** the Open Meetings Act, including a generous "Public Comment" portion where individuals can offer input. These meetings will be **RECORDED AND TELEVISED** on WTRY at least once every two weeks.

BE IT FINALLY RESOLVED, That the Civic Center Task Force will **ENDEAVOR** to meet timelines established in the memorandum from Council Member Robin Beltramini.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert  
No: Pryor  
Absent: Stine

**MOTION CARRIED**

*Excerpt from City Council Minutes August 4, 2003*

*Resolution Appointing CCPTF Members*

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**F-10 Appointment of Civic Center Priority Task Force**

Resolution #2003-08-  
Moved by Lambert  
Seconded by Beltramini

RESOLVED, That the following members are appointed to serve on the Civic Center Priority Task Force:

Mary Ann Bernardi (Troy Citizens United)  
Leonard Bertin (Advisory Committee for Persons with Disabilities)  
Ann Partlan (Historic District Commission)  
Ryan Deel (Traffic Committee)  
Catherine Herzog (Troy Youth Council)  
Michelle Hodges (Troy Shareholders)  
Tom Krent (Parks and Recreation Advisory Board)  
Mark Maxwell (Board of Zoning Appeals)  
David Ogg (Advisory Committee for Senior Citizens)  
Carol Price (Downtown Development Authority)  
Walter Storrs (Planning Commission)  
Brian Wattles (Historical Commission)

BE IT FURTHER RESOLVED, That the following members will serve as alternates:

Gary Chamberlain (Planning Commission)  
Debbie DeBacker (Troy Citizens United)  
Rosemary Kornacki (Historical Commission)  
Matthew Kovacs (Board of Zoning Appeals)  
Manessa Shaw (Troy Youth Council)  
Charles Solis (Traffic Committee)

**Vote on Amendment**

Resolution #2003-08-396  
Moved by Howrylak  
Seconded by Lambert

RESOLVED, That Resolution be **AMENDED** by **INSERTING** “Deane Blythe (Historic District Commission)” as an alternate.

Yes: All-6  
No: None  
Absent: Broomfield

**Vote on Amended Resolution**

Resolution #2003-08-397  
Moved by Lambert  
Seconded by Beltramini

RESOLVED, That the following members are appointed to serve on the Civic Center Priority Task Force:

Mary Ann Bernardi (Troy Citizens United)  
Leonard Bertin (Advisory Committee for Persons with Disabilities)  
Ann Partlan (Historic District Commission)  
Ryan Deel (Traffic Committee)  
Catherine Herzog (Troy Youth Council)  
Michelle Hodges (Troy Shareholders)  
Tom Krent (Parks and Recreation Advisory Board)  
Mark Maxwell (Board of Zoning Appeals)  
David Ogg (Advisory Committee for Senior Citizens)  
Carol Price (Downtown Development Authority)  
Walter Storrs (Planning Commission)  
Brian Wattles (Historical Commission)

BE IT FURTHER RESOLVED, That the following members will serve as alternates:

Gary Chamberlain (Planning Commission)  
Debbie DeBacker (Troy Citizens United)  
Deane Blythe (Historic District Commission)  
Rosemary Kornacki (Historical Commission)  
Matthew Kovacs (Board of Zoning Appeals)  
Manessa Shaw (Troy Youth Council)  
Charles Solis (Traffic Committee)

Yes: All-6  
No: None  
Absent: Broomfield

# Council Comments B

To: Mayor and City Council  
Cc: John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Council Member

Subject: The rest of the Civic Center site

Date: June 19, 2003

In January, Council committed to looking at the whole Civic Center site, with citizen input, concurrent with the proposal for using some acreage for a conference center and hotel. I believe that it is important to begin that process as soon as possible. It is absolutely imperative that we, as a community, know that there is enough land for all venues of interest. If there is not, there must be a prioritization of those interests. Without this knowledge, any vote to allow land use for a conference center and hotel is taken in a vacuum. Also, should the voting public believe that a conference center and hotel is in the best interests of the City, any RFP responder would be well served to offer us a partnership in development toward these ancillary, resident-based amenities. I propose the following process:

**July 7** – Council formally asks for suggestions of delegates to the Civic Center Priority Committee. I would suggest one member (suggested by these respective boards) from each of: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, and the Advisory Committee for Senior Citizens. Additionally, I would recommend a youth member, but hesitate to make this a member of the TYC because of the problems that group has had getting quorum to their own meetings.

Originally, I had thought that we should appoint community members at large as well. However, upon reflection, deciding who would be objectively representative of the community in the process would be an impossible task for us. And, those groups that have been vocal throughout this process, such as Troy Citizens United and Troy Shareholders, hold memberships on the boards/committees included above. Therefore, I believe that all voices can be heard by utilizing members of the representative city boards and committees already in place with experience and training in land use, circulation, preservation, recreation, and special needs.

**July 21**—Council appoints the Civic Center Priority Committee. Staff liaison is appointed by the City Manager. Upon appointment, all members of the CCPC will be furnished a copy of the Troy Futures Report and the report of the OTHSTF.

**August 2003**—The CCPC begins meetings, at least monthly. All meetings will be subject to the OMA, including a generous “Public Comment” portion where individuals can offer input. These meetings need to be recorded and televised on WTRY at least once every two weeks.

**February 2004**—CCPC report of priorities returned to City Council for publication and comment.

January 27, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration  
Nino Licari, City Assessor

Re: Agenda Item – Public Hearing on February 16, 2004, For Michigan NextEnergy Exemptions

The Michigan NextEnergy Authority (MNEA) was created by Public Act 549 of 2002. They are charged with certifying alternative energy businesses, and alternative energy personal property.

Under the provisions of the Act, alternative energy personal property (as certified by the local Assessor) purchased between 2002 and 2011, may be exempt from taxation, through the process of eliminating some, or all millages from being levied against the property,

Also under provisions of the Act, local taxing authorities may 'opt out' of the exemption process. In order to 'opt out', these local authorities (schools, community college, county, city, intermediate school districts) must pass a resolution within 60 days of receipt of the MNEA Resolution certifying the alternative energy company's proposal (pending final certification by the local Assessor). Barring a resolution to opt out, the property is exempt from that local units millage rate.

Energy Conversion Devices, and two of its subsidiaries, have received certification from MNEA as alternative energy companies, with alternative energy personal property. While the vast majority of the property is in Rochester Hills, some of it is located in Troy.

I have made corrections to all three (3) of the exemptions applied for by the petitioner, which now become the Assessing Officer's Certified Exemption values (certifications attached).

At 1621 Northwood I did not certify a Lochinvar Hot Water Heater, it is considered part of the Real Property. This reduces the requested exemption amount from \$271,087.80 to \$252,320.80.

At 1707 Northwood, I did not certify two heating, ventilating, and air conditioning (HVAC) units, as they are also considered part of the Real Property. This reduces the amount of the requested exemption from \$195,560.69 to \$176,084.69.

At 1100 W Maple, I did not certify the repaving of the parking lot, and an additional HVAC upgrade, both assessable as Real Property. This reduces the amount of the requested exemption from \$73,561.49 to \$13,041.31.

Attached is a sheet that details the estimated amount of taxes the City of Troy and all other taxing authorities would be forfeiting by granting the exemption.

I have estimated that the City would forfeit approximately \$1,900.00 in the first year, and a nine (9) year total of \$12,000.00 (including lost administration fees).

Energy Conversion devices is a pioneer in alternative energy research and development. They have been a valued member of the Troy Community for many years. Another of their subsidiaries has an IFT Exemption for high tech Personal Property. They are involved in much needed work that can be extremely beneficial to the entire country, and world.

I would request that you present staff's recommendation that the City Council of the City of Troy grant the exemptions as certified.

**City of Troy - Assessing Department  
NextEnergy Exempted Tax Calculation**

Taxing Authority	Mills	Estimated	Total	Taxing Authority								
		Exempt Taxes 2004	Exempt Taxes 2005	Exempt Taxes 2006	Exempt Taxes 2007	Exempt Taxes 2008	Exempt Taxes 2009	Exempt Taxes 2010	Exempt Taxes 2011	Exempt Taxes 2012		
City of TROY	9.4500	1,877.25	1,689.53	1,520.58	1,368.52	1,231.67	1,108.50	997.65	897.88	808.10	11,499.67	City of TROY
Administration Fee	0.3738	74.26	66.83	60.15	54.13	48.72	43.85	39.46	35.52	31.96	454.88	Administration Fee
Transportation	0.5974	118.67	106.81	96.13	86.51	77.86	70.08	63.07	56.76	51.09	726.97	Transportation
Oakland County	4.6497	42.72	38.45	34.61	31.15	28.03	25.23	22.70	20.43	18.39	261.72	Oakland County
Oakland Intermediate	3.3991	675.24	607.71	546.94	492.25	443.02	398.72	358.85	322.96	290.67	4,136.35	Oakland Intermediate
Community College	1.5983	317.50	285.75	257.18	231.46	208.31	187.48	168.73	151.86	136.68	1,944.97	Community College
Troy School Debt	3.1400	623.76	561.39	505.25	454.72	409.25	368.33	331.49	298.34	268.51	3,821.05	Troy School Debt
School Operating	18.0000	3,575.72	3,218.15	2,896.33	2,606.70	2,346.03	2,111.43	1,900.28	1,710.26	1,539.23	21,904.13	School Operating
State Education Tax	6.0000	1,191.91	1,072.72	965.44	868.90	782.01	703.81	633.43	570.09	513.08	7,301.38	State Education Tax
<b>Totals by Year</b>		<b>8,497.04</b>	<b>7,647.33</b>	<b>6,882.60</b>	<b>6,194.34</b>	<b>5,574.91</b>	<b>5,017.42</b>	<b>4,515.67</b>	<b>4,064.11</b>	<b>3,657.70</b>	<b>52,051.12</b>	<b>Grand Total</b>
Estimated Taxable Value ==>		<b>198,651</b>	<b>178,786</b>	<b>160,907</b>	<b>144,817</b>	<b>130,335</b>	<b>117,302</b>	<b>105,571</b>	<b>95,014</b>	<b>85,513</b>		
		<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>		

**City of TROY - Assessing Department  
Local Assessing Officer's Certification of NextEnergy eligible Personal Property**

**Energy Conversion Devices, Inc.  
Alternative Energy Technology**

**School District: Troy  
Taxing Authority: Troy**

**Address for 2003  
1621 Northwood  
Troy, MI 48084  
FEIN: 38-1749884**

<b>Michigan NextEnergy Authority</b>	
<b>Resolution #</b>	<b>2003-08</b>

\*  
(new  
column V)  
\*

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

<b>Dates Acquired</b>	<b>Serial No. for Exempt Personal Property</b>	<b>Description of Property</b>	<b>Total Capitalized Cost</b>	<b>ID #</b>	<b>Exempt Under Another Statute</b>	<b>Real Property NOT Personal</b>	<b>Final Cost for Next Energy Exemption</b>
09/30/03	CIP	Dovebid-Gas Cabinets	22,000.00				22,000.00
09/30/03	CIP	Dovebid-Gas Cabinets	52,690.00				52,690.00
03/28/03		Lochinvar Hot Water Heater	18,767.00	#1490		x	0.00
07/29/03		Model 979 Leak Detector	21,109.50	#1515			21,109.50
03/28/03		Prototrak Lathe	36,175.00	#1492			36,175.00
01/01/03		Safe Enclosure #2	101,716.85	#169			101,716.85
02/06/03		Model 4600-3 Electronic Load	8,400.00	#170			8,400.00
05/12/03		Analytical Balance Chamber	5,064.83	#182			5,064.83
06/12/03		Glove Box	5,164.62	#187			5,164.62
			<u>271,087.80</u>				<u>252,320.80</u>

**2003 Certified Personal Property Cost ==>**

<b>252,320.80</b>
-------------------

\_\_\_\_\_  
(signature of Assessing Officer) Leger A. (Nino) Licari CMAE IV #6345

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

01/09/04

**City of TROY - Assessing Department  
Local Assessing Officer's Certification of NextEnergy eligible Personal Property**

Ovonic Battery Company, Inc.  
Alternative Energy Technology

School District: Troy  
Taxing Authority: Troy

Address for 2003  
1707 Northwood  
Troy, MI 48084  
FEIN: 38-3017723

<b>Michigan NextEnergy Authority</b>	
<b>Resolution #</b>	<b>2003-10</b>

\*  
(new  
column V)  
\*

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of Property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Real Property NOT Personal	Final Cost for Next Energy Exemption
03/26/03		HVAC - PLT 9 Offices	9,738.00	#1488		x	0.00
03/26/03		HVAC - PLT 10 Offices	9,738.00	#1489		x	0.00
03/11/03		ARC Melting Furnace	22,207.35				22,207.35
05/27/03		Stand Alone Press for Electrodes	32,800.00				32,800.00
06/30/03		PCT System	121,077.34	#1512			121,077.34
11/14/03		Suburban Toyota Volvo	25,676.56		x		0.00
10/22/03		Suburban Toyota Volvo	26,849.48		x		0.00
			<u>248,086.73</u>				<u>176,084.69</u>

**2003 Certified Personal Property Cost ==>** **176,084.69**

\_\_\_\_\_  
(signature of Assessing Officer) Leger A. (Nino) Licari CMAE IV #6345

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

**City of TROY - Assessing Department  
Local Assessing Officer's Certification of NextEnergy eligible Personal Property**

**United Solar Ovonc Corp - Troy  
Alternative Energy Technology**

**School District: Troy  
Taxing Authority: Troy**

**Address for 2003  
1100 W Maple  
Troy, MI 48084-5352  
FEIN: 38-2940103**

<b>Michigan NextEnergy Authority Resolution #</b>	<b>2003-12</b>
---	----------------

\*  
(new  
column V)  
\*

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

<b>Dates Acquired</b>	<b>Serial No. for Exempt Personal Property</b>	<b>Description of Property</b>	<b>Total Capitalized Cost</b>	<b>ID #</b>	<b>Exempt Under Another Statute</b>	<b>Real Property NOT Personal</b>	<b>Final Cost for Next Energy Exemption</b>
02/28/03	SJPGGP11749	HP Laser Jet	664.31	FAS 907			664.31
06/30/03		Repaving of Parking Lot	6,900.00	FAS 913		x	0.00
07/01/03	48351 PR-36	Roots Vacuum Pump	8,500.00	FAS 920			8,500.00
08/11/03		HVAC Upgrade	53,620.18	FAS 922		x	0.00
08/11/03		Enclosed Pan Rack	647.00	FAS 923			647.00
09/15/03		Electrical Upgrade	3,230.00	FAS 924			3,230.00
			<u>73,561.49</u>				<u>13,041.31</u>
					<b>2003 Certified Personal Property Cost ==&gt;</b>		<b>13,041.31</b>

(signature of Assessing Officer) Leger A. (Nino) Licari CMAE IV #6345

Date:



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

January 5, 2004

300 N. WASHINGTON SQ.  
ANN ARBOR, MI 48103

CUSTOMER  
CONTACT CENTER  
87373 9608

WWW.MICHIGAN.ORG

Leger A. Licari  
Assessor  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

EXECUTIVE COMMITTEE  
MATTHEW P. CULLEN  
Chair  
General Motors

PHILIP H. POWER  
Vice Chair  
HomeTown Communications  
Network

DONALD E. JAKWAY  
President & CEO

RICHARD E. BLOUSE JR., CCE  
Detroit Regional Chamber

RICUNDO BRAVO  
Lufkin Spring Co., Inc.

JOHN W. BROWN  
Stryker Corporation

DR. DAVID E. COLE  
Center for  
Automotive Research

JOHN CRARY  
Saginaw Future Inc.

STEVEN K. HAMP  
The Henry Ford

HAYDEN K. HARRIS  
EBF Ventures

PAUL HILLEGONDS  
Detroit Renaissance

DAVID HOLLISTER  
Michigan Department of  
Labor & Economic Growth

GEORGE JACKSON JR.  
Dir. of Economic Growth  
Cooperation

MICHAEL J. JANDERNOA  
Bridge Street Capital  
Partners, LLC

ALYCE ROBERT B. JONES  
City of Kalamazoo

ERIC M. KLOHS  
The Right Place, Inc.

DR. IRVING D. REID  
Wayne State University

DR. MARTIN TAYLOR  
DTE Energy Company

GARY TORGOW  
Sterling Group

PETER S. WALTERS  
Guardian Industries Corp

The enclosed resolution, certifying Energy Conversion Devices, Inc. as an Alternative Energy Technology Business and certifying the attached list of personal property as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 16, 2003. As indicated in the enclosed resolution, the maximum value of the exempted property in Troy is \$271,088 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

The enclosed State Tax Commission Bulletin No. 18 of 2002 provides further information about the alternative energy certifications and the opt-out provisions. Also enclosed is a copy of Public Act 549 of 2002 which created the new exemption.

Personal property acquired by Energy Conversion Devices, LLC prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman  
Secretary to the MNEA Board

Enclosures



350 N. WASHINGTON SQ.  
LANSING, MI 48913

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973 73 9808

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Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2003-08

Energy Conversion Devices, Inc.

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN  
Chair  
General Motors

PHILIP H. POWER  
Vice Chair  
HomeTown Communications  
Network

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Uni-Boring Co., Inc.

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Saginaw Future Inc.

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Wayne State University

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DTE Energy Company

GARY TORGOW  
Sterling Group

PETER S. WALTERS  
Guardian Industries Corp.

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA at a meeting on December 16, 2003, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 23<sup>rd</sup> day of December, A.D. 2003.

Karen Ammarman  
Secretary to the MNEA Board

Carol Knobloch Johns, Recording Secretary  
MNEA

**Resolution 2003-08**  
**Michigan NextEnergy Authority**

**Energy Conversion Devices, Inc.**

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 16, 2003 in Lansing, Michigan.

WHEREAS, Energy Conversion Devices, Inc. (the "Company"), EIN 38-1749884, is a business entity located at 2956 Waterview Drive, Rochester Hills, Michigan 48309, that also has property located at 1621 Northwood, Troy, Michigan 48084,

WHEREAS, the Company has applied for certification as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company is engaged solely in the research, development or manufacturing of the alternative energy technology described as the storage or generation of hydrogen for use in an alternative energy system,

WHEREAS, the alternative energy technology is related to two alternative energy systems; photovoltaic energy systems and battery cell energy systems,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided lists of such property, at each of its locations, valued at a total of \$6,548,179 that are attached to this resolution,

BE IT RESOLVED, that the MNEA certifies that Energy Conversion Devices, Inc. is an Alternative Energy Technology Business.

BE IT FURTHER RESOLVED that the property listed on the attached schedules is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local assessors determine that the property listed:

- 1) is properly classified as personal rather than real property,
- 2) has not been previously subject to taxation under the general property tax act, and
- 3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notices of these certifications will be forwarded to the Company, the secretaries of the local school districts, and the treasurers and assessors of the local tax collecting unit in which the Company and the Alternative Energy Personal Property are located.

ADOPTED:

AYES: Baldomero Garcia, David Hollister, Donald Jakeway, Jay Rising, Jackie Shinn (acting for and on behalf of Gloria Jeff, authorization attached).

NAYS: None.

December 16, 2003  
Lansing, Michigan

Energy Conversion Devices, Inc.  
 Alternative Energy Technology  
 2983 Waterview Dr  
 Rochester Hills, MI 48309  
 FEIN: 38-1749884

School District: Rochester Hills  
 Taxing Authority: Rochester Hills

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
9/30/2003	CIP	CVD Room Expansion	21,614.80			21,614.80
9/30/2003	CIP	Strasbaugh - Quick Change Table	17,870.00	#1390		17,870.00
9/30/2003	CIP	Stanton industries - CVD Equipme	27,900.00			27,900.00
9/30/2003		Vapor Deposition System	1,447,400.00			1,447,400.00
3/14/2003		Zone Controls for SRO Office	28,066.00	#1491		28,066.00
4/1/2003		Scooter Development Lab	98,064.67	#1495		98,064.67
4/1/2003		Hydrogen Storage Mezzanine	642,298.87	#1496		642,298.87
3/10/2003		Wafer Lab Ductwork	12,564.00	#1497		12,564.00
5/30/2003		Plant 3 Hydrogen Detection System	459,944.92	#1506		459,944.92
2/20/2003		LPCVD Furnace System	538,320.00	#1476		538,320.00
2/25/2003		Stackable convection ovens	20,620.00	#1477		20,620.00
4/29/2003		Probe Station	103,950.00	#1498		103,950.00
5/1/2003		Plasma Cleaning System	48,811.00	#1499		48,811.00
5/1/2003		Wet Process Hood	11,167.15	#1500		11,167.15
6/13/2003		150MM Track Conversion	13,382.00	#1507		13,382.00
5/1/2003		High Temp Cure Oven	78,640.00	#1511		78,640.00
7/28/2003		Optical Media Embossing Press	22,185.00	#1513		22,185.00
8/15/2003		Oberlin Pressure Filter	20,500.00	#1514		20,500.00
9/26/2003		Vapor Adhesion oven	15,400.00	#1516		15,400.00
8/22/2003		Thermal Conductivity Instrument	26,000.00	#1519		26,000.00
8/7/2003		Precision Screen Print Machine	7,950.00	#1517		7,950.00
1/21/2003		Dell Inspiron 8200	3,380.00	#1479		3,380.00
3/24/2003		ECD Network Enhancements	52,770.94	#1493		52,770.94
10/16/2003		Shelving	10,500.00			10,500.00
11/13/2003		Eastwood Electric	59,000.00			59,000.00
10/22/2003		Environmental Engineering	19,000.00			19,000.00
9/24/2003		Double D Fire Protection	5,965.00			5,965.00
10/23/2003		ML Schonherr Construction	5,385.00			5,385.00
1/1/2003		Utility Piping/Ductwork	2,141,890.70	#173		2,141,890.70
1/1/2003		Drywall Installation	572,827.00	#174	X	0.00
3/10/2003		Fire Suppression System	32,135.47	#175		32,135.47
1/1/2003		Wiring blue prints	3,216.24	#176	X	0.00
1/7/2003		Painting	44,981.54	#178	X	0.00
1/9/2003		Tube Tailor Storage Area	50,991.00	#177		50,991.00
1/28/2003		Sound Attenuating Unit	7,742.50	#179		7,742.50
4/16/2003		Install Hot Water tank	5,439.00			5,439.00
4/16/2003		Hydrogen piping	11,036.00			11,036.00
2/15/2003		Fuel Cell Generator	5,995.00	#171		5,995.00
3/15/2003		Industrial Batch Oven	8,364.00	#180		8,364.00
4/9/2003		PCT Auto Measuring System	103,680.00	#181		103,680.00
2/15/2003		Fuel Cell Generator #2	5,275.00	#183		5,275.00
2/18/2003		Potable Helium Leak Detector	7,950.00	#186		7,950.00
5/27/2003		2X3 Channel Portable Charge/Disc	54,577.84	#189		54,577.84
3/10/2003		Exhaust Hood	11,787.00	#172		11,787.00
5/6/2003		Weld Heads for Orbital Weilder	11,578.00	#184		11,578.00
			<u>6,898,115.64</u>			<u>6,277,090.86</u>

Energy Conversion Devices, Inc.  
 Alternative Energy Technology  
 1621 Northwood  
 Troy, MI 48084  
 FEIN: 38-1749884

School District: Troy  
 Taxing Authority: Troy

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
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6/12/2003		Glove Box	5,164.62	#187		5,164.62
			<u>271,087.80</u>			<u>271,087.80</u>

*NOT CERT'D, REAL*



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

January 5, 2004

200 N. WASHINGTON SQ.  
LANSING, MI 48912

CUSTOMER  
CONTACT CENTER  
HP 373 9808

WWW.MICHIGAN.ORG

Leger A. Licari  
Assessor  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

EXECUTIVE COMMITTEE  
MATTHEW P. CULLEN  
Chair  
General Motors

PHILIP H. POWER  
Vice Chair  
HomeTown Communications  
Network

RONALD E. JAKEWAY  
President & CEO

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SPIN W. BROWN  
Stryker Corporation

DR. DAVID E. COLE  
Center for  
Automotive Research

JOANN CRAAY  
Saginaw Future Inc.

STEVEN K. HAMP  
The Henry Ford

HAYDEN H. HARRIS  
EDF Ventures

PAUL HILLEGONDS  
Detroit Renaissance

DAVID HOLLISTER  
Michigan Department of  
Labor & Economic Growth

GEORGE JACKSON JR.  
Detroit Economic Growth  
Cooperation

MICHAEL J. JANDERNOA  
Bridge Street Capital  
Partners, LLC.

MAYOR ROBERT B. JONES  
City of Kalamazoo

ERGIT M. KLOHS  
The Right Place, Inc.

DR. IRVIN D. REID  
Wayne State University

MARTIN TAYLOR  
DTE Energy Company

CHRIS TORSGOW  
Sterling Group

PETER S. WALTERS  
Guardian Industries Corp.

The enclosed resolution, certifying Ovonic Battery Company as an Alternative Energy Technology Business and certifying the attached list of personal property as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 16, 2003. As indicated in the enclosed resolution, the maximum value of the exempted property located in Troy is \$195,561 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

The enclosed State Tax Commission Bulletin No. 18 of 2002 provides further information about the alternative energy certifications and the opt-out provisions. Also enclosed is a copy of Public Act 549 of 2002 which created the new exemption.

Personal property acquired by Ovonic Battery Company prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman  
Secretary to the MNEA Board

Enclosures



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

360 N. WASHINGTON SQ.  
LANSING, MI 48913

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57 173 9608

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Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2003-10

Ovonic Battery Company

- EXECUTIVE COMMITTEE
- MATTHEW P. CULLEN  
Chair  
General Motors
- PHILIP H. POWER  
Vice-Chair  
HoweTown Communications Network
- RICHARD E. BLOUSE JR., CCE  
Detroit Regional Chamber
- RONDO BRAVO  
UniBoring Co., Inc.
- JOHN W. BROWN  
Stryker Corporation
- DAVID E. COLE  
Center for  
Automotive Research
- DAN CRAIG  
Saginaw Future Inc.
- STEVEN K. HAMP  
The Henry Ford
- RYDEN HARRIS  
EDF Ventures
- PAUL HILLEGONDS  
Detroit Renaissance
- DAVID HOLLISTER  
Michigan Department of  
Consumer & Industry Services
- EDRIDGE JACKSON JR.  
Detroit Economic Growth  
Corporation
- MICHAEL J. JANDERNOA  
Petriga Company
- MAYOR ROBERT B. JONES  
City of Kalamazoo
- REGIT M. KLOHS  
TheRightPlace, Inc.
- FRANK D. REID  
Wayne State University
- MARTIN TAYLOR  
DTE Energy Company
- ARY TORGOW  
Sterling Group
- PETER S. WALTERS  
Guardian Industries Corp.

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA at a meeting on December 16, 2003, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 23<sup>rd</sup> day of December, A.D. 2003.

Karen Ammarman  
Secretary to the MNEA Board

Carol Knobloch Johns, Recording Secretary  
MNEA

**Resolution 2003-10**  
**Michigan NextEnergy Authority**

**Ovonic Battery Company**

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 16, 2003 in Lansing, Michigan.

WHEREAS, Ovonic Battery Company, (the "Company"), EIN 38-3017723, is a business entity located at 1707 Northwood Drive, Troy, Michigan 48084, that also has property located at 2956 Waterview, Rochester Hills, Michigan 48309,

WHEREAS, the Company has applied for certification as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company is engaged solely in the research, development or manufacturing of the alternative energy technology described as the process of generating and putting into usable form the energy generated by an alternative energy system,

WHEREAS, the alternative energy technology is related to the alternative energy system that is a battery cell energy system,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided lists of such property, at each of its locations, valued at a total of \$1,244,435 that are attached to this resolution,

BE IT RESOLVED, that the MNEA certifies that Ovonic Battery Company is an Alternative Energy Technology Business.

BE IT FURTHER RESOLVED that the property listed on the attached schedules is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local Assessor determines that the property listed:

- 1) is properly classified as personal rather than real property
- 2) has not been previously subject to taxation under the general property tax act, and
- 3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notices of these certifications will be forwarded to the Company, the secretaries of the local school districts, and the treasurers and assessors of the local tax collecting units in which the Company and the Alternative Energy Personal Property are located.

ADOPTED:

AYES: Baldomero Garcia, David Hollister, Donald Jakeway, Jay Rising, Jackie Shinn (acting for and on behalf of Gloria Jeff, authorization attached).

NAYS: None.

December 16, 2003  
Lansing, Michigan

Ovonic Battery Company, Inc.  
 Alternative Energy Technology

School District: Troy  
 Taxing Authority: Troy

Address for 2003  
 1707 Northwood  
 Troy, MI 48084  
 FEIN: 38-3017723

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
3/26/2003		HVAC - PLT 9 Offices	9,738.00	#1488		9,738.00
3/26/2003		HVAC - PLT 10 Offices	9,738.00	#1489		9,738.00
3/11/2003		ARC Melting Furnace	22,207.35			22,207.35
5/27/2003		Stand Alone Press For Electrodes	32,800.00			32,800.00
6/30/2003		PCT System	121,077.34	#1512		121,077.34
11/14/2003		Suburan Toyota Volvo	25,676.56		x	0.00
10/22/2003		Suburan Toyota Volvo	26,849.48		x	0.00
			<u>248,086.73</u>			<u>195,560.69</u>

*NOT CERT'D, RSN*

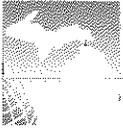
Ovonic Battery Company, Inc.  
Alternative Energy Technology

School District: Rochester Hills *Acordale*  
Taxing Authority: Rochester Hills

Address:  
2956 Waterview  
Rochester Hills, MI 48309  
FEIN: 38-3017723

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
2/1/2003		Install carpeting	26,604.00	#1480	X	0.00
2/1/2003		PLT 12 Renovations	115,470.00	#1481		115,470.00
4/16/2003		Plant 12 Mezzanine #1	56,504.60	#1503		56,504.60
6/30/2003		Plant 12 Renovations	115,348.00	#1508		115,348.00
5/22/2003		Plant 12 Front Office Circuits	3,725.00	#1509		3,725.00
4/28/2003		Plant 12 Painting	4,700.00	#1510		4,700.00
8/15/2003		Plant 12 Lab Trench/Piping	49,468.00	#1520		49,468.00
2/1/2003		PLT 12 Cubicles	60,242.19	#1487		60,242.19
6/30/2003		Plant 12 Cubicles	22,993.20	#1505		22,993.20
9/30/2003	CIP	Shelving Inc-Plant 12 Mezzanine #2	147,142.27			147,142.27
9/30/2003	CIP	Environmental Engr-Mechanical/Pluml	318,541.00			318,541.00
9/30/2003	CIP	Double D Fire - Sprinkler System	21,520.00			21,520.00
9/30/2003	CIP	Crucible Exhaust System	51,797.00			51,797.00
7/11/2003		OBC - Plant 3 Cubicles	4,896.00	#1518		4,896.00
3/21/2003		OBC Network Enhancements	27,826.36	#1494		27,826.36
4/8/2003		Plant 12 Phone Systems	48,700.40	#1502		48,700.40
			<u>1,075,478.02</u>			<u>1,048,874.02</u>



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

January 5, 2004

1000 N. WASHINGTON SQ.  
LANSING, MI 48913

CUSTOMER  
CONTACT CENTER  
973 73 9808

WWW.MICHIGAN.ORG

Leger A. Licari  
Assessor  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

EXECUTIVE COMMITTEE  
MATTHEW P. CULLEN  
Chair  
General Motors

PHILIP H. POWER  
Vice Chair  
HomeTown Communications  
Network

RONALD E. JAKWAY  
President & CEO

RICHARDE BLOUSE JR., COE  
Detroit Regional Chamber

RICARDO BRAVO  
Eli Barrig Co., Inc.

JOHN W. BROWN  
Stryker Corporation

DR. DAVID E. COLE  
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Automotive Research

DANN CRARY  
Sigma Future Inc.

STEVEN K. HAMP  
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Bridge Street Capital  
Partners, LLC

MAYOR ROBERT B. JONES  
City of Kalamazoo

ERIGIT M. KLOHS  
The Right Place, Inc.

DR. IRVING D. REID  
Wayne State University

DR. MARTIN TAYLOR  
DTE Energy Company

DAVID TORROW  
Spring Group

PETER S. WALTERS  
Guardian Industries Corp

The enclosed resolution, certifying United Solar Ovonic Corp. as an Alternative Energy Technology Business and certifying the attached list of personal property as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 16, 2003. As indicated in the enclosed resolution, the maximum value of the exempted property located in Troy is \$66,661 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

The enclosed State Tax Commission Bulletin No. 18 of 2002 provides further information about the alternative energy certifications and the opt-out provisions. Also enclosed is a copy of Public Act 549 of 2002 which created the new exemption.

Personal property acquired by United Solar Ovonic Corp. prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman  
Secretary to the MNEA Board

Enclosures



200 N. WASHINGTON SQ.  
LANSING, MI 48913

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573 373 9808

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Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2003-12

United Solar Ovonic Corp.

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN  
Chair  
General Motors

RICHARD H. POWER  
Vice Chair  
HomeTown Communications  
Network

DONALD E. JAKWAY  
President & CEO

RICHARD E. BLOUSE JR., CCE  
Detroit Regional Chamber

RICARDO BRAVO  
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JOHN CRARY  
Saginaw Future Inc.

STEVEN K. HAMP  
The Henry Ford

ANDREW H. HARRIS  
EF Ventures

ROD HILLEGONDS  
Detroit Renaissance

DAVID HOLLISTER  
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Planners, LLC

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City of Kalamazoo

BRIGIT M. KLOHS  
The Right Place, Inc.

DR. IRVIN D. REID  
Wayne State University

SMARTIN TAYLOR  
DTE Energy Company

MICHAEL TORCOW  
Settling Group

CHRISTOPHER S. WALTERS  
Guardian Industries Corp

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA at a meeting on December 16, 2003, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 23<sup>rd</sup> day of December, A.D. 2003.

Karen Ammarman  
Secretary to the MNEA Board

Carol Knobloch Johns, Recording Secretary  
MNEA

**Resolution 2003-12**  
**Michigan NextEnergy Authority**

**United Solar Ovonic Corp.**

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 16, 2003 in Lansing, Michigan.

WHEREAS, United Solar Ovonic Corp. (the "Company"), EIN 38-2940103, is a business entity located at 3800 Lapeer Road, Auburn Hills, Michigan 48326, that also has property located at 1100 W. Maple, Troy, Michigan 48084,

WHEREAS, the Company has applied for certification as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company is engaged solely in the research, development or manufacturing of the alternative energy technology described as the process of generating and putting into usable form the energy generated by an alternative energy system,

WHEREAS, the alternative energy technology is related to the alternative energy system known as a photovoltaic energy system,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided lists of such property, at each of its locations, valued at a total of \$102,882 that are attached to this resolution,

BE IT RESOLVED, that the MNEA certifies that United Solar Ovonic Corp. is an Alternative Energy Technology Business.

BE IT FURTHER RESOLVED that the property listed on the attached schedules is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local Assessors determine that the property listed:

- 1) is properly classified as personal rather than real property
- 2) has not been previously subject to taxation under the general property tax act, and
- 3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notices of these certifications will be forwarded to the Company, the secretaries of the local school districts, and the treasurers and assessors of the local tax collecting units in which the Company and the Alternative Energy Personal Property are located.

ADOPTED:

AYES: Baldomero Garcia, David Hollister, Donald Jakeway, Jay Rising, Jackie Shinn (acting for and on behalf of Gloria Jeff, authorization attached).

NAYS: None.

December 16, 2003  
Lansing, Michigan

United Solar Ovonic Corp  
 Alternative Energy Technology  
 38000 Lapeer Rd  
 Auburn Hills, MI 48326  
 FEIN: 38-2940103

School District: Pontiac  
 Taxing Jurisdiction: Auburn Hills

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
2/6/2003		Wire Mobile Shelving	551.61	FAS 905		551.61
2/10/2003		Picture Map Software	665.00	FAS 906	X	0.00
3/24/2003		Furniture for Control	12,891.19	FAS 908		12,891.19
4/7/2003		Air-Powered Pail and Can	2,108.14	FAS 910		2,108.14
4/30/2003		Ladder-Tilt and Roll	1,452.20	FAS 909		1,452.20
5/15/2003	DL-44TTP	Label Printer - Durable	916.67	FAS 911		916.67
5/21/2003	724-2274,2282,2290	3 Workbenches	1,415.90	FAS 912		1,415.90
6/30/2003		Cabinets/Storage Bin	1,587.10	FAS 914		1,587.10
6/30/2003		Hydraulic Hand Jack	691.06	FAS 915		691.06
6/30/2003		Microwave Cart	530.00	FAS 917		530.00
6/30/2003	8L494638	Nobilis Base Sys	1,961.90	FAS 918		1,961.90
6/30/2003	19109451824	Nobilis Laptop	2,432.96	FAS 919		2,432.96
8/1/2003		Roof Blower - HVAC	8,800.00	FAS 921		8,800.00
9/23/2003		Bin Box Storage	881.62	FAS 925		881.62
			<u>36,885.35</u>			<u>36,220.35</u>

United Solar Ovonic Corp - Troy  
 Alternative Energy Technology  
 1100 W. Maple  
 Troy, MI 48084-5352  
 FEIN: 38-2940103

School District: Troy  
 Taxing Jurisdiction: Troy

**\*\*Attachment to the 2003 Alternative Energy Technology Business Personal Property Listing**

Dates Acquired	Serial No. for Exempt Personal Property	Description of property	Total Capitalized Cost	ID #	Exempt Under Another Statute	Final Cost for Next Energy Exemption
2/28/2003	SJPGGP11749	HP LaserJet	664.31	FAS 907		664.31
6/30/2003		Repaving of Parking Lot	6,900.00	FAS 913	X	0.00
7/1/2003	48351 RP-36	Roots Vacuum Pump	8,500.00	FAS 920		8,500.00
8/11/2003		HVAC Upgrade	53,620.18	FAS 922		53,620.18
8/11/2003		Enclosed Pan Rack	647.00	FAS 923		647.00
9/15/2003		Electrical Upgrade	3,230.00	FAS 924		3,230.00
			<u>73,561.49</u>			<u>66,661.49</u>

*NOT CERT'D, REAL*  
*NOT CERT'D, REAL*

A Study Session of the Troy City Council was held Saturday, January 31, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 1:08 P.M.

## **ROLL CALL**

**PRESENT:** Mayor Matt Pryor (left at 2:53 P.M.)  
 Robin E. Beltramini  
 Cristina Broomfield  
 David Eisenbacher  
 Martin F. Howrylak  
 David A. Lambert (left at 4:00 P.M.)  
 Jeanne M. Stine

**ALSO PRESENT:** John Szerlag, City Manager  
 Lori Grigg-Bluhm, City Attorney  
 Doug Smith, Director Real Estate and Development  
 Nino Licari, City Assessor  
 Laura Fitzpatrick, Assistant to the City Manager

---

### **1 Discussion of Content Neutral Informational Brochures for Ballot Issues**

City Council and staff reviewed ballot question with yes/no answer as well as language for the proposed brochure. Language was modified in Microsoft Word and projected overhead. Consensus of the City Council is to move this item forward to the meeting on Monday, February 2, 2004 for final consideration.

Mayor Pryor left at 2:52 P.M. Mayor Pro Tem Lambert left at 4:00 P.M.

Recess at 3:30 P.M.  
 Reconvene at 3:45 P.M.

## **PUBLIC COMMENT**

The meeting adjourned at 4:43 P.M.

---

Matt Pryor, Mayor

---

Laura A. Fitzpatrick, Assistant to the City Manger

A Regular Meeting of the Troy City Council was held Monday, February 2, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:36 P.M.

The Invocation was given by Pastor Fimion Timbuc – Bethesda Romanian Pentecostal Church and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

**PRESENT:** Mayor Matt Pryor  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

## PRESENTATION:

---

A-1 Troy Community Coalition Anti-Drug Mural Art Project

**PUBLIC HEARINGS** – No Public Hearings scheduled.

## POSTPONED ITEM

---

D-1 **Content Neutral Informational Brochures for Ballot Issues**

Resolution  
Moved by Howrylak  
Seconded by Eisenbacher

WHEREAS, Informational brochures were developed addressing ballot issues that will be placed before the voters on April 5, 2004.

BE IT RESOLVED, That all portions of the brochure dealing with the potential advance of seven acres of Civic Center land be **REMOVED**; and

NOW, THEREFORE, BE IT RESOLVED, That the portion of the brochure dealing with proposed Charter Amendments be **PUBLISHED** and **DISSEMINATED**; and

BE IT FINALLY RESOLVED, That City Management is **AUTHORIZED** to publish and disseminate the informational brochures to all Troy households and additional copies will be available at City Hall, the Library, the Community Center or any other appropriate sites.

### Substitution Resolution

Resolution  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That the following motion be **SUBSTITUTED** for the postponed motion:

WHEREAS, Informational brochures were developed addressing ballot issues that will be placed before the voters on April 5, 2004;

WHEREAS, The information contained within these brochures is intended to educate the public so that they may make an informed decision; and

WHEREAS, The information contained in these brochures meets the test of content neutrality.

NOW, THEREFORE, BE IT RESOLVED, That City Management is **AUTHORIZED** to publish and disseminate the informational brochures that are included as an attachment to the memorandum from the City Manager dated February 2, 2004 at an estimated cost not to exceed \$8,500.00.

BE IT FINALLY RESOLVED, That these informational brochures will be **DISSEMINATED** to all Troy households, and additional copies will be **AVAILABLE** at City Hall, the Library, the Community Center, and any other appropriate sites.

### Vote on Amendment

Resolution #2004-02-035

Moved by Beltramini

Seconded by Pryor

RESOLVED, That the substitution motion be **AMENDED** to insert direction to staff to **EDIT** the brochure language to **DELETE** the words "Those that support a YES vote believe that" and **SUBSTITUTE** with the words "A YES vote means that" under the Charter Amendment portion of the informational brochure.

Yes: All-7

### Vote On Amended Substitution Resolution

Resolution #2004-02-036

Moved by Beltramini

Seconded by Howrylak

WHEREAS, Informational brochures were developed addressing ballot issues that will be placed before the voters on April 5, 2004;

WHEREAS, The information contained within these brochures is intended to educate the public so that they may make an informed decision; and

WHEREAS, The information contained in these brochures meets the test of content neutrality.

NOW, THEREFORE, BE IT RESOLVED, That staff is directed to **EDIT** the language of the brochure to **DELETE** the words "Those that support a YES vote believe that" and

**SUBSTITUTE** with the words "A YES vote means that" under the Charter Amendments in the Ballot Informational Brochure.

BE IT FURTHER RESOLVED, That City Management is **AUTHORIZED** to publish and disseminate the informational brochures that are included as an attachment to the memorandum from the City Manager dated February 2, 2004 at an estimated cost not to exceed \$8,500.00.

BE IT FINALLY RESOLVED, That these informational brochures will be **DISSEMINATED** to all Troy households, and additional copies will be **AVAILABLE** at City Hall, the Library, the Community Center, and any other appropriate sites.

Yes: All-7

### **Vote on Amended Main Motion**

Resolution #2004-02-037

Moved by Howrylak

Seconded by Eisenbacher

WHEREAS, Informational brochures were developed addressing ballot issues that will be placed before the voters on April 5, 2004;

WHEREAS, The information contained within these brochures is intended to educate the public so that they may make an informed decision; and

WHEREAS, The information contained in these brochures meets the test of content neutrality.

NOW, THEREFORE, BE IT RESOLVED, That staff is directed to **EDIT** the language of the brochure to **DELETE** the words "Those that support a YES vote believe that" and **SUBSTITUTE** with the words "A YES vote means that" under the Charter Amendments in the Ballot Informational Brochure.

BE IT FURTHER RESOLVED, That City Management is **AUTHORIZED** to publish and disseminate the informational brochures that are included as an attachment to the memorandum from the City Manager dated February 2, 2004 at an estimated cost not to exceed \$8,500.00.

BE IT FINALLY RESOLVED, That these informational brochures will be **DISSEMINATED** to all Troy households, and additional copies will be **AVAILABLE** at City Hall, the Library, the Community Center, and any other appropriate sites.

Yes: All-7

**PUBLIC COMMENT:**

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**A. Items on the Current Agenda**

---

**G-14 Memorandum, Re: Cricket Site Development**

Resolution

Moved by Broomfield

Seconded by Eisenbacher

RESOLVED, That City Management is to **PROVIDE** a scope of work along with associated costs that meets the minimum elements for a functional cricket field; and

BE IT FURTHER RESOLVED, That input from interested resident groups will be **OBTAINED**; and

BE IT FURTHER RESOLVED, That the cost difference between a minimal field and an excellent field with minimal amenities will be **OBTAINED**; and

BE IT FINALLY RESOLVED, That the Michigan Cricket Association will further **EXAMINE** their funding commitment.

**Vote on Amendment**

Resolution #2004-02-038

Moved by Beltramini

Seconded by Stine

RESOLVED, That the motion be **AMENDED** to **INSERT** that "City Management work with the Troy School District to gage interest in Cricket in Troy and that the number of residents that participate in Cricket, as participants, in the Troy Leagues be gathered from the Michigan Cricket Association".

Yes: Eisenbacher, Howrylak, Lambert, Stine, Beltramini, Broomfield

No: Pryor

**MOTION CARRIED****Vote On Amended Resolution**

Resolution #2004-02-039

Moved by Broomfield

Seconded by Eisenbacher

RESOLVED, That City Management is to **PROVIDE** a scope of work along with associated costs that meets the minimum elements for a functional cricket field; and

BE IT FURTHER RESOLVED, That input from interested resident groups will be **OBTAINED**;  
and

BE IT FURTHER RESOLVED, That the cost difference between a minimal field and an  
excellent field with minimal amenities will be **OBTAINED**; and

BE IT FURTHER RESOLVED, That City Management **WORK** with the Troy School District to  
**GAGE INTEREST** in Cricket in Troy and that the number of residents that participate in Cricket,  
as participants, in the Troy Leagues be **GATHERED** from the Michigan Cricket Association;  
and

BE IT FINALLY RESOLVED, That the Michigan Cricket Association will further **EXAMINE** their  
funding commitment.

Yes: All-7

Meeting recessed at 9:47 PM.  
Meeting reconvened at 10:10 PM.

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**E-18 Release of Retained Public Utility Easement at 94 Hickory – Sidwell #88-20-27-156-029 – Daniel Bousho - Owner**

Applicant requests that Item E-18 be withdrawn at this time.

---

**B. Items Not on the Current Agenda**

**CONSENT AGENDA**

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**E-1 Approval of Consent Agenda**

Resolution #2004-02-040  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as  
presented with the exception of Item E-18, which was considered under Public Comment, A.  
Items on the Current Agenda.

Yes: All-7

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**E-2 Minutes: Regular Meeting of January 26, 2004**

Resolution #2004-02-040-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of January 26, 2004 be  
**APPROVED** as submitted.

**E-3 City of Troy Proclamation:**

Resolution #2004-02-040-E-3

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:(a) Kindness Week – February 14-21, 2004

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**E-4 Amendment No. 1 to the Preliminary Engineering Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for Services for John R, Long Lake to Square Lake – Project No. 02.203.5**

Resolution #2004-02-040-E-4

RESOLVED, That the First Amendment to Preliminary Engineering Agreement No. 02.5178/S1, between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Long Lake and Square Lake is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$49,996.23, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the amendment; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-5 Private Agreement for NBS Headquarters – Project No. 03.934.3**

Resolution #2004-02-040-E-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Work Stage, L.L.C., is hereby **APPROVED** for the installation of storm sewer and water main on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-6 Standard Purchasing Resolution 3: Option to Renew – Office Supplies**

Resolution #2004-02-040-E-6

WHEREAS, On March 19, 2001, a cooperative contract for Office Supplies was approved with Office Depot as a result of a bid process conducted by Los Angeles County and made available through the National Cooperative Purchasing Program, also known as, U.S. Communities Program (Resolution #2001-03-1060-E-4); and

WHEREAS, Office Depot has agreed to exercise an option to renew the contract under the same discount structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Office Depot under the same discount structure, terms, and conditions for a 14-month period expiring April 4, 2005.

---

Core List – Frequently Ordered Items – 300	Up to 80% off List
Catalog of Frequently Ordered Items – 3,000	List less 63% with a 15% GP Floor*
Office Furniture	List less 52% with a 10% GP Floor*
Remainder of BSD Catalog	List less 45% with a 15% GP Floor*
Business Machines	Retail Store Pricing
Paper	Cost + 18% (15% GP); floats with market

---

## E-7 Transfer of Class C License by Fox & Hound of Michigan, Inc.

### (a) License Transfer

Resolution #2004-02-040-E-7(a)

RESOLVED, That the request from Fox & Hound of Michigan, Inc., to **TRANSFER OWNERSHIP** of 2003 Class C licensed business located at 1937 W. Maple, Troy, MI 48084 – Oakland County, from Housefield, L.L.C.; **TRANSFER LOCATION** to 1965 W. Maple, Troy, MI 48084 – Oakland County; and requests a new entertainment permit and a new official permit (food) [MLCC REQ ID #233626], be considered for **APPROVAL**. It is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

### (b) Agreement

Resolution #2004-02-040-E-7(b)

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Fox & Hound of Michigan, Inc. which shall become effective upon approval of the request to transfer ownership of 2003 Class C licensed business, located at 1937 W. Maple, Troy, MI 48084 – Oakland County, from Housefield, L.L.C.; transfer location to 1965 W. Maple, Troy, MI 48084 – Oakland County; and requests a new entertainment permit and new official permit (food); and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

## E-8 Private Agreement for Minnesota Spec Bldg. – Project No. 01.935.3

Resolution #2004-02-040-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Kemp & Co. is hereby **APPROVED** for the installation of storm sewer, watermain and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-9 Standard Purchasing Resolution 1: Award to Low Bidder – Pavement Seam and Fracture Sealing Program**

Resolution #2004-02-040-E-9

RESOLVED, That a contract for the Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the low bidder, Michigan Joint Sealing, Inc., at an estimated cost of \$139,230.00, at unit prices contained in the bid tabulation opened January 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work is required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total annual cost for each year.

---

**E-10 Load Restrictions**

Resolution #2004-02-040-E-10

RESOLVED, That axle load limits of 6,000 pounds per axle and 8,500 pounds per tandem assembly are hereby **ESTABLISHED AND IMPOSED** upon vehicles traveling upon streets and roads of the City of Troy, during periods prescribed in Chapter 94, Axle Load Ordinance, of the Code of the City of Troy for "frost law" limitations, which streets are listed in Attachment "A" of a report from the Public Works Director dated January 21, 2004; a copy of said report and attachments shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-11 Standard Purchasing Resolution 3: Option to Renew – Ice Melts Compounds**

Resolution #2004-02-040-E-11

WHEREAS, On October 30, 2002 a one-year contract with an option to renew for one additional year for Ice Melt Compounds was awarded administratively to Washington Elevator Co., Inc. for an estimated cost of \$8,750.00; and

WHEREAS, Washington Elevator Co., Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Washington Elevator Co., Inc. to provide Ice Melt Compounds for an estimated annual cost of \$15,000.00 under the same contract prices, terms, and conditions expiring October 31, 2004.

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**E-12 Acceptance of Permanent Watermain Easement – Sidwell #88-20-35-226-098 – Project No. 03.924.3 – Metropolitan Detroit Plumbing Industry Training Trust Fund**

Resolution #2004-02-040-E-12

RESOLVED, That the Permanent Easement for watermain from Metropolitan Detroit Plumbing Industry Training Trust Fund, having Sidwell #88-20-35-226-098 is hereby **ACCEPTED**, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement with Oakland County Register of Deeds; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-13 Announcement of a Public Hearing Regarding Acceptance of a Local Law Enforcement Block Grant**

Resolution #2004-02-040-E-13

RESOLVED, That a Public Hearing regarding the Local Law Enforcement Block Grant designated to purchase Web-EOC be **HELD** on Monday, February 23, 2004.

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**E-14 Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Solar Emergency Electrical Power Supply**

Resolution #2004-02-040-E-14

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a grant for the purchase of a solar generated electrical power supply system through the State of Michigan Energy Office from Uni-Solar Corporation for an estimated \$37,248.00; and

BE IT FURTHER RESOLVED, That if the grant is approved, the expenditure of matching City funds in the amount of \$6,833.00 is hereby **AUTHORIZED**.

---

**E-15 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Printing the Senior Newsletter**

Resolution #2004-02-040-E-15

RESOLVED, That a contract to provide printing of the Senior Citizen newsletter for one (1) year with an option to renew for one (1) additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Johnston Lithograph, Inc., for an estimated annual cost of \$8,832.00, plus additional charges when needed not to exceed 25% of the total contract cost or \$2,208.00, at unit prices contained in the bid tabulation opened January 7, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-16 Amendment No. 1 to the Preliminary Engineering Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for Services for John R, Square Lake to South Boulevard – Project No. 02.204.5**

Resolution #2004-02-040-E-16

RESOLVED, That the First Amendment to Preliminary Engineering Agreement No. 02-5179/S1, between the City of Troy and Orchard, Hiltz & McCliment, Inc. (OHM) for the reconstruction of John R, between Square Lake and South Boulevard is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$5,292.91, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the amendment; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-17 Standard Purchasing Resolution #2: Bid Award – Lowest Acceptable Bidder Meeting Specifications - Scoreboards**

Resolution #2004-02-040-E-17

RESOLVED, That a contract to furnish and install five (5) Nevco Baseball/Softball Scoreboards, Model 1510 is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Troy Electric, Inc., at an estimated total cost of \$21,500.00; and

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

---

**E-19 Barnard Drain Special Assessment Roll**

Resolution #2004-02-040-E-19

WHEREAS, The Oakland County Drain Commissioner is responsible for administration of maintenance for the Barnard Drain, a Chapter 20 Drain.

WHEREAS, Based on apportionment, maintenance records and projected maintenance costs through 2006, a Special Assessment Roll was assembled by the Oakland County Drain Commissioner and approved by the Drain Board.

NOW, THEREFORE, BE IT RESOLVED, That payment by the City of Troy for that apportionment of the Special Assessment Roll to the Oakland County Drain Commissioner in the amount of \$30,157.73 for the maintenance of the Barnard Drain, is hereby **APPROVED**.

---

**E-20 Standard Purchasing Resolution 1: Award to Low Bidder – Spring Opening and Fall Winterizations of the Troy Family Aquatic Center**

Resolution #2004-02-040-E-20

RESOLVED, That a three (3) year contract to furnish the Spring Opening and Fall Winterization of the City of Troy Family Aquatic Center is hereby **AWARDED** to the sole bidder, Clearwater Pools and Service of Ann Arbor, Inc., for a three-year contract cost of \$22,125.00, at annual unit prices contained in the bid tabulation opened January 14, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

---

**E-21 Acceptance of Permanent Water Main Easement – Sidwell #88-20-36-451-047 – Project No. 01.935.3 – Minnesota Ventures, L.L.C.**

Resolution #2004-02-040-E-21

RESOLVED, That the Permanent Easement for water main from Minnesota Ventures, L.L.C., having Sidwell #88-20-36-451-047 is hereby **ACCEPTED**, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement with the Oakland County Register of Deeds; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**REGULAR BUSINESS**

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**F-1 Appointments to Boards and Committees - City Council Appointments: Election Commission**

<b>(b) City Council Appointments</b>
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Resolution #2004-02-041  
 Moved by Lambert  
 Seconded by Stine

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

**Election Commission**

Appointed by Council (3) – 1 year

Timothy Dewan

Term expires 01-31-2004

Yes: All-7



BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); Antony v. City of Troy and Troy v. Marilyn Kay Miller Trust (2356 E. Long Lake), after adjournment of this meeting.

Yes: All-7

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**F-3 Rescheduling of Liquor Violation Hearing Scheduled for Wednesday, February 25, 2004**

Resolution #2004-02-043  
Moved by Howrylak  
Seconded by Lambert

RESOLVED, That the City Council of the City of Troy, in observance of Ash Wednesday, shall **RESCHEDULE** their Regular Meeting – Liquor Violation Hearings scheduled for Wednesday, February 25, 2004 at 7:30 PM to Wednesday, March 3, 2004 at 7:30 PM in the Council Chambers of City Hall.

Yes All-7

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**F-4 LED Traffic Signals – Maple Road – Expense Revision to Council Resolution #2001-05-271**

Resolution #2004-02-044  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That the City of Troy City Council **APPROVES** an increase of \$20,377.34 for the Light Emitting Diode (LED) Traffic Signal Project completed on Maple Road by the Road Commission for Oakland County (RCOC).

Yes: All-7

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**F-5 Resolution to Set a Public Hearing on Monday, February 16, 2004 for a Michigan NextEnergy Exemption**

Resolution #2004-02-045  
Moved by Lambert  
Seconded by Howrylak

RESOLVED, That a Public Hearing be **ESTABLISHED** for Monday, February 16, 2004 to consider three (3) Michigan NextEnergy Exemption proposals for alternative energy personal property located at 1707 Northwood, 1621 Northwood, and 1100 W. Maple, all located in the City of Troy.

Yes: All-7

**F-6 Revisions to Chapter 10: Employee Retirement System**

Moved by Stine  
Seconded by Beltramini

RESOLVED, That the ordinance to amend Chapter 10 of the City Code, Employees Retirement System, is hereby **ADOPTED** as recommended by the City Attorney; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

**Amendment**

Resolution  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That the motion be **AMENDED** to require that all of the acronyms within the ordinance be spelled out.

**Vote on the Amendment to the Amendment**

Resolution #2004-02-046  
Moved by Howrylak  
Seconded by Beltramini

RESOLVED, That the motion be **AMENDED** to strike as “appointed by City Manager” and insert “appointed by City Council”.

Yes: All-7

**Vote on the Amended Amendment**

Resolution #2004-02-047  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That the motion be **AMENDED** to require that all of the acronyms within the ordinance be spelled out and with the striking of “appointed by City Manager” and insertion of “appointed by City Council”.

Yes: All-7

**Vote on Amended Resolution**

Resolution #2004-02-048  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That the ordinance to amend Chapter 10 of the City Code, Employees Retirement System, is hereby **ADOPTED** as recommended by the City Attorney with the acronyms being

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replaced with the spelled out words and with the striking of "appointed by City Manager" and insertion of "appointed by City Council"; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

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**F-7 Streambank Inventory and Detention Basin Inventory Grant**

Resolution #2004-02-049  
Moved by Eisenbacher  
Seconded by Stine

WHEREAS, The City of Troy has applied for and received its Certificate of Coverage from the Michigan Department of Environmental Quality for the Watershed Based Stormwater Permit; and

WHEREAS, The City of Troy, along with the Oakland County Drain Office and the other communities in the Rouge River Main 1-2 Subwatershed, is committed to improving water quality in the Rouge River Watersheds; and

WHEREAS, The Oakland County Drain Office has obtained a federal grant to fund a Detention Basin Inventory and a Streambank Inventory for the entire Rouge River Main 1-2 Subwatershed; and

WHEREAS, An Interagency Agreement has been prepared by the Oakland County Drain Office to act as the lead agency in implementing the studies.

NOW, THEREFORE, BE IT RESOLVED, That the Interagency Agreement, as attached to the original Minutes of this meeting, is **APPROVED** and the Mayor and the City Clerk are **AUTHORIZED TO EXECUTE** the agreement on behalf of the City of Troy.

Yes: All-7

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**F-8 Old Troy, L.L.C. v. City of Troy, et. al**

Resolution  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That the Consent Judgment in the matter of Old Troy, L.L.C. v. City of Troy, et. al., (Oakland County Circuit Court Case No. 03-051726-Howrylak) is hereby **APPROVED**; the Assistant City Attorney is **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy; a copy of the Consent Judgment shall be **ATTACHED** to the original Minutes of this meeting.

**Vote on Amendment**

Resolution #2004-02-050  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That the motion be **AMENDED** to **STRIKE** "Howrylak" and **INSERT** "CH" within the parentheses.

Yes: All-7

**Vote on Amended Resolution**

Resolution #2004-02-051  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That the Consent Judgment in the matter of Old Troy, L.L.C. v. City of Troy, et. al., (Oakland County Circuit Court Case No. 03-051726-CH) is hereby **APPROVED**; the Assistant City Attorney is **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy; a copy of the Consent Judgment shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**COUNCIL COMMENTS/COUNCIL REFERRALS**

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

**COUNCIL REFERRALS**

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**G-2 Department Reports:**

(b) Concession Stand Operations Report

Resolution #2004-02-052  
Moved by Eisenbacher  
Seconded by Pryor

RESOLVED, That the parks concession stand operations contract be **RE-BID**.

Yes: All-7

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**REPORTS AND COMMUNICATIONS**

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

- (a) Civil Service Commission (Act 78)/Final – September 25, 2003
- (b) Planning Commission-Study/Final – December 2, 2003
- (c) Advisory Committee for Persons with Disabilities/Draft – December 3, 2003
- (d) Advisory Committee for Persons with Disabilities/Final – December 3, 2003
- (e) Advisory Committee for Senior Citizens/Final – December 4, 2003
- (f) Planning Commission Regular/Final – December 9, 2003
- (g) Employees' Retirement System Board of Trustees/Final – December 10, 2003
- (h) Library Board/Final – December 11, 2003
- (i) Downtown Development Authority/Final – December 17, 2003
- (j) Youth Council/Final – December 17, 2003
- (k) Ethnic Issues Advisory Board/Draft – January 6, 2004
- (l) Planning Commission Special-Study/Draft – January 6, 2004
- (m) Building Code Board of Appeals/Draft – January 7, 2004
- (n) Advisory Committee for Senior Citizens – January 8, 2004
- (o) Library Board/Draft – January 8, 2004
- (p) Parks and Recreation Advisory Board/Draft – January 8, 2004
- (q) Liquor Advisory Committee/Draft – January 12, 2004
- (r) Planning Commission/Draft – January 13, 2004
- (s) Board of Zoning Appeals/Draft – January 20, 2004
- (t) Youth Council/Draft – January 21, 2004
- (u) CATV Advisory Board/Draft – January 22, 2004
- (v) Civil Service Commission (Act78)/Draft – January 22, 2004

Noted and Filed

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**G-2 Department Reports:**

- (c) Quarterly Financial Report – December 31, 2003
- (d) Concession Stand Operations Report
- (e) Auction, December 6, 2003 – St. Clair, Michigan – Vehicle Sale Report

Noted and Filed

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**G-3 Announcement of Public Hearings:**

- (a) Request for Commercial Vehicle Appeal – 3769 Meadowbrook – Alternative Plan Submitted by Petitioner – **Scheduled for February 23, 2004**
- (c) Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments and Repeal of Chapter 40 (ZOTA #203) – **Scheduled for February 23, 2004**

Noted and Filed

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**G-4 Green Memorandums: None submitted.**

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**G-5 Proposed Proclamations/Resolutions from Other Organizations: None proposed.**

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**G-6 Calendar**

Noted and Filed

**G-7 Letters of Appreciation:**

- (a) 8<sup>th</sup> Annual Achievement of Excellence in Procurement 2003 Award Recipients – Jeanette Bennett – Purchasing Director taken from *Government Procurement – December 2003*
- (b) Letter of Appreciation from Alicia Wahls – Health Educator, Smith Middle School Thanking Officer N. Kaptur for Speaking to Her Class About the Effects of Drugs
- (c) Letter of Appreciation from Fr. Emanuel Shaleta, Pastor of St. Joseph Catholic Chaldean Church, and Sam Younis and Davin Sesi, Parking Enforcement Committee to Chief Craft Thanking the Troy Police Department for Their Assistance With Parking During the Holidays
- (d) Letter of Appreciation from a Proud Troy Citizen Thanking Police Officers Barton and Zagacki for Explaining the Importance of the 911 System to His 9-Year Old Son Who Misused the Phone by Calling 911

Noted and Filed

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**G-8 Travel Expense Report – Robin Beltramini**

Noted and Filed

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**G-9 Memorandum, Re: Election of Planning Commissioner Officers for 2004**

Noted and Filed

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**G-10 Letter to John Szerlag from Gary A. Shripka, Re: Announcement of His Retirement**

Noted and Filed

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**G-11 Memorandum, Re: Youth Council's Intent to Further Reduce Membership Size**

Noted and Filed

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**G-12 Memorandum , Re: Report on Traffic Signal Operation – Intersection of Charrington and Rochester**

Noted and Filed

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**G-13 Memorandum, Re: Parks and Recreation Program Changes**

Noted and Filed

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**G-15 Memorandum, Re: City Owned Surplus Parcels**

Noted and Filed

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**PUBLIC COMMENT**

**STUDY ITEMS – No Study Items submitted.**

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The meeting **ADJOURNED** at 11:59 PM.

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Matt Pryor, Mayor

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Tonni L. Bartholomew, MMC – City Clerk

A Special Meeting of the Troy City Council was held Monday, February 9, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Lambert called the Meeting to order at 6:38 P.M.

## **ROLL CALL**

**PRESENT:** Mayor Matt Pryor (Arrived approx~6:45 P.M.)  
 Robin E. Beltramini  
 Cristina Broomfield  
 David Eisenbacher  
 Martin F. Howrylak  
 David A. Lambert  
 Jeanne M. Stine

**ALSO PRESENT:** John Szerlag, City Manager  
 Lori Grigg-Bluhm, City Attorney  
 John Lamerato, Assistant City Manager/Finance

### **Resolution to Adjourn into Closed Session**

Resolution #2004-02-053  
 Moved by Beltramini  
 Seconded by Eisenbacher

RESOLVED, That the City Council of the City of Troy shall **ADJOURN** into closed session, in the Lower Level Conference Room of Troy City Hall as permitted by State Statute MCL 15.268, Section 8 (a), for the purpose of conducting personnel evaluations of the City Manager and City Attorney.

Yes: All-6  
 No: None  
 Absent: Pryor

The meeting recessed at 6:40 P.M.

The meeting reconvened at 8:54 P.M.

### **Resolution to Schedule a Special Meeting**

Resolution #2004-02-054  
 Moved by Beltramini  
 Seconded by Stine

RESOLVED, That the Troy City Council **SCHEDULE** a Special Meeting on Monday, February 16, 2004 at 6:00 P.M. in the Council Board Room of Troy City Hall for the purpose of **CARRYING OVER** the annual personnel evaluations of the City Manager and City Attorney.

Yes: All - 7

**PUBLIC COMMENT**

The meeting adjourned at 8:57 P.M.

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Matt Pryor, Mayor

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Laura A. Fitzpatrick,  
Assistant to the City Manger

A Special Meeting of the Troy City Council was held Monday, February 9, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 8:57 P.M.

## **ROLL CALL**

**PRESENT:** Mayor Matt Pryor  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

## **Discussion Regarding Council Members' Responses During Individual Meetings with City Manager**

A variety of topics were discussed related to the January 22, 2004 memo from John Szerlag. Specifically questions #2 (transferring debt service millage to operating millage), #3 (fund balance) and the possibility of using a dedicated millage for Parks and Recreation and a dedicated millage for the Library.

## **PUBLIC COMMENT**

The meeting adjourned at 10:29 P.M.

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Matt Pryor, Mayor

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Laura A. Fitzpatrick,  
Assistant to the City Manger

January 30, 2004

TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator

SUBJECT: Agenda Item – Standard Purchasing Resolution 10  
Travel Authorization and Approval to Expend Funds  
for Troy City Council Members' Travel Expenses -  
2004 NLC Annual Congressional City Conference

Attached are registration materials for the 2004 NLC Annual Congressional City Conference in Washington, D.C. from March 5 – 9, 2004.

Authorization for Council attendance of the conference is requested.

Council Members may send completed registration forms and travel arrangements to me and I'll take care of payment using our department's procurement card.

2004 Congressional City Conference

# Lobbying for America's Cities

## The Opportunity

**M**arch 2004 will mark the real beginning of the campaign for national office – a campaign that has significant implications for America's cities and towns. With most of the major primaries scheduled in February and early March, the Democratic front runner for President will emerge and the races for the House and Senate will begin to heat up.

The National League of Cities Congressional City Conference provides a great opportunity to learn about the federal issues that matter to America's cities and towns, to lobby Congress on short-term issues that will be on the Congressional agenda in 2004, and to make sure cities and towns have a clear, consistent voice in the national campaign.

Come to Washington, DC, March 5-9, 2004, to join the voice of America's cities in launching our national campaign on behalf of the 5 million people we collectively represent.

The program will include general sessions featuring national leaders, strategy sessions to shape the NLC message, workshops to learn about the issues and NLC's positions, and a city lobby day on Capitol Hill on Wednesday, March 9.

The Congressional City Conference offers an important opportunity to maximize the impact of 3,000 local officials together to demand a renewed federal-local partnership built on trust, collaboration, and shared commitments for 2004 and beyond.

## The Action Plan

### Saturday, March 6

City officials gather at the Hilton Washington and Towers for leadership meetings, policy discussions, and legislative briefings to learn about current federal issues and priorities for America's cities and towns.

### Sunday, March 7

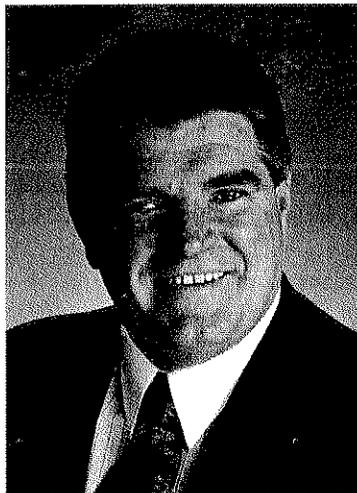
NLC's leaders and general session speakers set the stage for the action to come by describing the environment in Washington on the front end of the campaign and examining how local priorities intersect with national political agendas.

### Monday, March 8

Congressional leaders, President Bush, and leading candidates are invited to discuss their priorities and their reactions to the National League of Cities agenda. The program will wrap up with a closing general session to review the agenda and confirm plans for City Lobby Day. And, the ever-popular Capitol Steps will end the day by providing their unique perspective on the Washington scene as city leaders prepare to converge on Capitol Hill.

### Tuesday, March 9

Buses take all conference delegates to the Capitol for a national rally followed by strategic meetings with Congressional leaders to talk about NLC's priorities for federal action and expectations of Congress and the Administration.

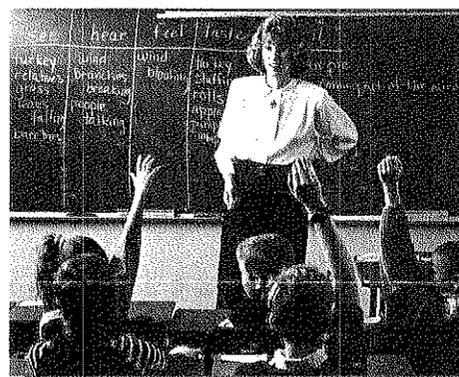
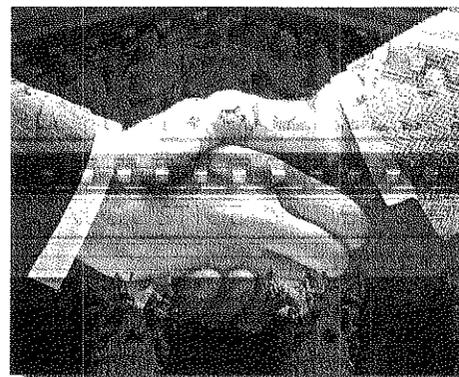
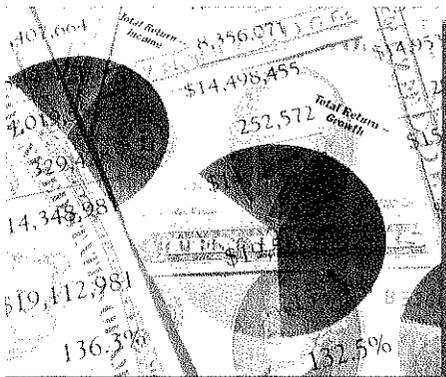


Be part of the national voice

SA... .. 2004



The 2004 Congressional City Conference will feature general sessions, workshops, and strategy meetings built around NLC's lobbying priorities for the year. The NLC Officers will define the lobbying priorities at their early January leadership meeting. Watch for updates on the NLC web site and in *Nation's Cities Weekly* to learn about the specific issues that will be covered once the priorities are set. Among the topics that are important to cities and towns that are likely to be on the federal agenda in 2004 are:



### The Federal Budget

The budget and appropriations process is the foundation for the federal-local relationship. The process will get underway in February when the president submits his budget request. For cities and towns, the focus will be on protecting funding for critical local priorities including public safety, affordable housing, transportation, and education.

### Transportation

With the temporary extension of the Transportation Equity Act for the 21st Century (TEA-21) scheduled to expire in February 2004, transportation will be an early and essential priority. The law provides the framework for investing in transportation infrastructure and creating a successful intergovernmental partnership in transportation decision making. City leaders are seeking more funding, more flexibility, more authority, and a federal commitment to reducing congestion in a new law.

### The Economy

The health of the national economy and its impact on local economies and state and local budgets is likely to be a major campaign issue and a major concern for cities and towns. How federal actions affect local financial health is a top priority for NLC and the cities and towns it represents.

### Hometown Safety and Security

Continued federal funding to support both traditional public safety programs and homeland security responsibilities will be a top budget priority in the coming year. A strong federal commitment—including funding to ensure interoperable public safety communication—is long overdue and essential to real homeland and hometown security.

### Affordable Housing

Debate about federal support for a long-term strategy to ensure affordable housing and the opportunity to build wealth through

homeownership will continue in 2004. An affordable home is part of the American dream and an adequate supply of affordable housing is essential to sustaining economic growth.

### Education

Full federal funding for the laws Congress has passed to improve education in America is essential—including the much hailed but seriously underfunded *No Child Left Behind Act*.

### Intergovernmental Partnership

The intergovernmental partnership is unraveling as evidenced by a continuing retreat from federal programs that helped make cities strong, new unfunded mandates, and recurring federal actions that preempt state and local authority. A strong commitment to restoring this vital partnership will be a top priority for NLC.

Visit the Congressional City Conference section of the NLC web site at [www.nlc.org](http://www.nlc.org) for regular updates on key issues and specific NLC advocacy priorities. And come to Washington prepared to be part of a unified voice calling for action on clearly

# 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. Visit the NLC website at [www.nlc.org](http://www.nlc.org) and read *Nation's Cities Weekly* every Monday for updates on specific program plans.

## Friday, March 5

30 a.m. - 5:00 p.m. Leadership Training Seminars  
15 p.m. - 6:30 p.m. Orientation Session for First Time Attendees  
30 p.m. - 7:00 p.m. Constituency and Special Group Meetings

## Saturday, March 6

30 a.m. - Noon Policy Committee Meetings and Advocacy Training  
30 a.m. - 5:00 p.m. NLC Board of Directors Meeting  
NLC Advisory Council Meeting  
Leadership Training Seminars  
20 p.m. - 5:15 p.m. Policy Committee Meetings and Advocacy Training  
15 p.m. - 7:00 p.m. Constituency and Special Group Meetings

## Sunday, March 7

30 a.m. - 9:00 a.m. Steering Committee Work Sessions  
45 a.m. - 10:15 a.m. Celebrate Diversity Breakfast  
1:30 a.m. - Noon Opening General Session  
Noon - 1:30 p.m. Roundtable Networking and Lunch  
Noon - 1:30 p.m. Steering Committee Work Sessions - *with payoff*  
45 p.m. - 2:45 p.m. General Session on Key Priorities  
30 p.m. - 4:15 p.m. Workshops on Lobbying Priorities  
30 p.m. - 6:30 p.m. State League Caucuses and Receptions  
Constituency and Special Group Meetings/Events

## Monday, March 8

30 a.m. - 11:45 a.m. General Session  
Noon - 1:30 p.m. Roundtable Networking and Lunch  
45 p.m. - 3:30 p.m. Workshops on Lobbying Priorities  
30 p.m. - 5:00 p.m. Closing General Session  
15 p.m. - 6:30 p.m. State League Caucuses and Receptions  
30 p.m. - 8:00 p.m. Reception and The Capitol Steps

## Tuesday, March 9

30 a.m. - Noon City Lobby Day on Capitol Hill

## Constituency Group Fees and Events

Network with colleagues with similar interests at NLC's constituency group meetings. Several special opportunities will occur among various groups who invite their members and new colleagues to collaborate in their caucuses. All of their meetings and events are open to members, interested new members and all NLC delegates. Some events require advance ticket purchase.

The six constituency and member groups are:

- ★ Asian, Pacific American Municipal Officials (APAMO)
- ★ Gay, Lesbian and Bisexual Local Officials (GLBLO)
- ★ Hispanic Elected Local Officials (HELO)
- ★ National Black Caucus of Local Elected Officials (NBC-LEO)
- ★ National Caucus of City Officials (NCCO)
- ★ National Caucus of County Officials (NCCO)

## Special Events

Sunday, March 7

Celebrate Diversity Breakfast  
8:45 a.m. - 10:15 a.m.  
Fee: \$40 (\$50 on site)

The 18th 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.

Monday, March 8

The Capitol Steps  
7:00 p.m. - 8:00 p.m.

The Capitol Steps will perform on Monday this year (instead of Sunday) as part of a conference wrap up to energize the delegates for City Lobby Day on Tuesday morning. This troupe of Congressional employees provides bi-partisan fun for everyone.

## Dates to Remember

February 6, 2004 Deadline for advance registration and housing requests. All requests must be postmarked by this date. After this date, all delegates must register onsite at higher rates.

February 6, 2004 Deadline for Cancellations. Cancellation letters must be postmarked by this date and are subject to a \$50 cancellation fee. There are no refunds for cancellations after this date.

## How to Register

To register for the 2004 Congressional City Conference, fill out the registration form and return it with your check, city purchase order, or credit card information to the NLC Meeting Services, postmarked by February 6, 2004 or register online at [www.nlc.org](http://www.nlc.org)

- ★ Each delegate, guest, speaker, member of the press, and any other conference participant must register. There is a \$75 youth delegates fee. There is no charge for press registrations with proper press credentials.
- ★ No telephone registrations or cancellations will be accepted.
- ★ Payment (check, city purchase order, or credit card) must be included with advance registrations.
- ★ People unable to meet the February 6 deadline will have to register onsite at the meeting and make their own hotel reservations.

Refunds will be made for cancellations received by February 6, 2004, subject to a \$50 cancellation charge. Cancellation letters must be postmarked by this date. No telephone cancellations will be accepted. No partial refunds will be made if you decide not to attend particular functions.

## Hotels

- ★ If you need hotel accommodations, please check the appropriate box on the registration form.
- ★ NLC will make a hotel reservation for you when you register for the conference.
- ★ Rooms will be assigned on a first come, first served basis.
- ★ All conference sessions will be held at the Hilton Washington and Towers.

# Leadership Training Institute Seminars

Congressional City Conference March 5-6, 2004

These special institute seminars are offered to conference delegates for a separate registration fee. Space is limited and available on a first come first served basis.

## FULL-DAY SEMINARS

Friday, March 5, 2004

### eGovernment Leadership Institute

9:00 am- 5:00 pm

Registration Fee: \$150

Competency: Competent Practitioner

Learn and understand how the effective use of technology can serve the needs of your constituents and help improve city government performance. With a focus on mid-size cities, explore the public-policy concerns that the Internet and technology raises.

Session will be held at the IBM Institute for Electronic Government on K St. - Buses will leave Hilton Hotel Lower Entrance at 8:30 AM.

Instructors: Bradley L. Westpfahl, G. Wayne Goeller

### Speak So They Will Listen

9:00 am- 5:00 pm

Registration Fee: \$150

Competency: Communicator

Learn how preparation, presentation and persuasion can expand your leadership and help you set positive change in motion within your community. Enhance your ability to influence and persuade others. Learn and practice presenting from an audience viewpoint. Learn how to improve your presentation abilities and realize how clear communication serves your constituents to better identify with your leadership.

Instructor: Lindsay Strand

### Ensuring Good Jobs and Smart Growth in Economic Development

9:00 am- 5:00 pm

Registration Fee: \$150

Competency: Catalyst

Learn the best toolkit practices for making sure that economic development expenditures are effective for your community. Learn about new innovations including job quality standards, clawbacks, disclosure and monitoring. Understand the role of development incentives in suburban sprawl and proposals for making incentives 'location efficient' by integrating them with public transportation.

Instructors: Greg LeRoy, Alyssa Talanker

### Catalyzing Participatory Governance That Works

9:00 am- 5:00 pm

Registration Fee: \$150

Competency: Collaborator

Localities have taken significant steps to work collaboratively and inclusively with citizens, businesses, community based organizations, and faith communities to achieve better outcomes. Learn key strategies to help you develop a high per-

effective collaborative processes that strengthen capacity in government and intergovernmental coordination.

Instructors: William Potapchuk, Joan Kennedy

## AFTERNOON SEMINARS

Friday, March 5, 2004

### Hiring and Evaluating the City Manager

1:30 - 5:00 pm

Registration Fee: \$95

Competency: Competent Practitioner

Hiring and supervising your City Manager is probably the most important role that an elected official must serve. What questions do you face when hiring? How should a performance evaluation process work and what should you expect from it? Learn effective practices that make for successful hires along with practical techniques for supervising performance.

Instructors: Gerald Newfarmer, Julia Novak

### Facilitating Transformative Community Change

1:30 - 5:00 pm

Registration Fee: \$95

Competency: Collaborator

Discover essential strategies, tools and techniques for involving the public in land use and transportation decisions, as well as, development approvals. Learn how to get projects approved promptly with public support. Learn how the tools and techniques of 'Dynamic Planning and Charrettes' can apply to your community's growth challenges and how these processes will lead to long-term public trust.

Instructor: Bill Lennertz

### Are You Listening?

1:30 - 5:00 pm

Registration Fee: \$95

Competency: Communicator

Listening is not a spectator sport. The 'art of listening' is to become totally involved. Become a better communicator with everyone around you as you appreciate how to build relationships based on trust through good listening skills. Avoid mistakes and sharpen your perception of others as you learn how to pay attention to both verbal and nonverbal communication.

Instructor: Judith L. Lewis

## FULL-DAY SEMINAR

Saturday, March 6, 2004

### The High Performance Governing Body

9:00 am- 5:00 pm

Registration Fee: \$150

Competency: Cornerstone

Successful governing bodies recognize the basic values that come together in public

Dealing successfully with these values represents the core of the governing body's work. Understanding the different perspectives that elected officials and professional staff bring to the values is critical. Learn what it takes to become a 'high performing governing body,' along with the obstacles to high performance and how to overcome them.

Instructor: John Nalhandian

## MORNING SEMINARS

Saturday, March 6, 2004

### Mr. Jefferson Speaks to the 'Public' in Public Policy

9:00 am- 12:00 Noon

Registration Fee: \$95

Competency: Cornerstone

Thomas Jefferson appears in person to speak on his ideas of leadership, citizenship and the public good. Engage in a unique learning experience as historical interpreter Bill Parker presents Thomas Jefferson in a dialogue with participants. Mr. Jefferson reminds us that the people are the foundation of public policy. As today's local leaders, participants will be reminded of their obligations to the public as administrators and public servants in public policy.

Instructor: Bill Barker, Thomas Jefferson

### The Ten Lenses: Building Personal Cultural Competence

9:00 am- 12:00 Noon

Registration Fee: \$95

Competency: Collaborator

Are stereotypes an ingrained part of the thinking of most Americans? We make assumptions and take actions regarding others who are different than ourselves based on the 'isms' programmed into our minds when we were children. Look at the impact of ethnocentric behavior on our ability to build effective cross-cultural relationships and gain tips on how to avoid 'cultural collisions' when dealing with diverse others. Discover the 'Ten Lenses' that Americans tend to use to view diversity issues.

Instructors: Louis Vincent, Rita Rizzo

### Building Democratic Capacity: Mobilizing Citizens for Community Problem-Solving

9:00 am - 12:00 Noon

Registration Fee: \$95

Competency: Catalyst

Learn how communities have used action forums and study circles to engage groups of diverse citizens in productive dialogue, sound decision-making, and collaborative efforts to solve community problems. Projects have often been launching pads for citizen action on a wide range of issues, including crime, education, community-police relations, race & diversity, growth & sprawl, and the 'achievement gap.'

Instructors: Matt Leighninger, Gwen Wright

## LEADERSHIP LUNCHEON

Saturday, March 6, 2004

### Leadership Training Institute Participant & Recognition

Leadership Luncheon

12:00 noon - 1:30 pm

Registration Fee: \$35

Platinum, Gold, Silver, and Bronze

Certificates of Achievement

program will be recognized.  
Facilitators: Leadership Training Council

## AFTERNOON SEMINARS

Saturday, March 6, 2004

### Dealing with the Media:

Techniques to Control the Story

1:30 - 5:00 pm

Registration Fee: \$95

Competency: Communicator

Take control of the news you generate by understanding how to prevent mistakes, how to prepare for, conduct and follow up interviews to gain positive coverage. Learn practical tips, tools and strategies for working with the media in a political environment. Increase your confidence in your ability to control the final story as you strengthen your ability to work with the media and disseminate vital information and policy accurately and effectively.

Instructor: Stephen Friedman

### Conflict Resolution: Converting the Negative into the Positive

1:30 - 5:00 pm

Registration Fee: \$95

Competency: Communicator

The negative stuff severely impairs your productivity, self-confidence, and emotional control, as well as of those around you. Learn how to resolve conflict and convert all the negatives into the positives of collaboration, cooperation, optimism, productivity, control motivation and results. If you are open to relearning new ways to respond to negative situations and people, you can learn how to resolve the conflict.

Instructor: Dr. Elliott B. Jaffa

### The Power to Lead: A Personal Blueprint for Leadership

1:30 pm - 5:00 pm

Registration Fee: \$95

Competency: Cornerstone

To lead a city takes power: to produce results for your community takes power; to make courageous decisions takes power; and to work with your community takes power. Understand the four critical power sources: simple, future, relationships, and results. Explore actions that city leaders can take to tap these four critical power sources and identify specific actions that city leaders can take to turn a 'power drain' into a 'power source'.

Instructor: Lyle Sumek

## CERTIFICATE OF ACHIEVEMENT IN LEADERSHIP

program allows local elected officials to organize their professional development around critical skills necessary for effective leadership. The program is built around five core leadership competencies for local elected officials, with each Leadership Training Institute Seminar addressing one of the following competency areas...

- (1) Cornerstone;
- (2) Competent Practitioner;
- (3) Communicator;
- (4) Collaborator;
- (5) Catalyst.

To obtain more information or enroll in the Certificate of Achievement in Leadership program, contact the

# Registration and Housing Form

housing or registration will be processed without accompanying payment in full  
 you a newly elected official? \_\_\_\_\_ Size of city? \_\_\_\_\_  
 me \_\_\_\_\_ Sex \_\_\_\_\_  
 le \_\_\_\_\_  
 y/Organization \_\_\_\_\_  
 iling Address \_\_\_\_\_  
 y \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
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ouse/Partner Name\* (\$25 fee) \_\_\_\_\_  
 ouse/Partner not eligible for a separate hotel room \_\_\_\_\_  
 ild Name (14 and under, no fee) \_\_\_\_\_ Age \_\_\_\_\_  
 uth Delegate\*\* (15-18, \$75 fee) \_\_\_\_\_ Age \_\_\_\_\_

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

th Chaperone Name (\$75 fee) \_\_\_\_\_

**Special Conference Rates**

\$325 Congress of Cities On-Site (MUST TURN IN FORM at COC)	\$ _____
\$25 Spouse/Partner (non-refundable)	\$ _____
\$75 Youth Delegate	\$ _____
\$75 Youth Chaperone (not applicable to elected officials)	\$ _____

**Advance Registration Fees (Postmarked by February 6, 2004)**

\$325 First Time Attendee	\$ _____
\$385 NLC Member City (On-site rate is \$435 after 2/6/04)	\$ _____
\$385 Associate Member (On-site rate is \$435 after 2/6/04)	\$ _____
\$495 SML Member City (On-site rate is \$555 after 2/6/04)	\$ _____
\$585 Non-Member/Other (On-site rate is \$625 after 2/6/04)	\$ _____

**Registration for Leadership Training Institute Seminars**  
 iday, March 5, 2004)

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

\$150 eGovernment Leadership Institute	\$ _____
\$150 Speak So They Will Listen	\$ _____
\$150 Ensuring Good Jobs and Smart Growth in Economic Development	\$ _____
\$150 Catalyzing Participatory Governance That Works	\$ _____
\$95 Hiring and Evaluating the City Manager	\$ _____
\$95 Facilitating Transformative Community Change	\$ _____
\$95 Are You Listening?	\$ _____

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\$95 The Ten Lenses: Building Personal Cultural Competence	\$ _____
\$95 Building Democratic Capacity: Mobilizing Citizens for Community Problem-Solving	\$ _____
\$95 Dealing with the Media: Techniques to Control the Story	\$ _____
\$95 Conflict Resolution: Converting that 'Negative' Stuff into the 'Positive' Stuff	\$ _____
\$95 The Power to Lead: A Personal Blueprint for Leadership	\$ _____

**Special Events**

\$40 Celebrate Diversity Breakfast (On-site rate is \$50 after 2/6/04)	\$ _____
\$35 Leadership Training Institute Participant & Recognition Luncheon	\$ _____

**Constituency Group Dues and Events**  
 u must be registered for the conference in order to attend.

\$25 APAMO Activity Fee	\$ _____
\$25 GLBLO Activity Fee	\$ _____
\$40 HELO Activity Fee	\$ _____
\$65 NBC-LEO Activity Fee	\$ _____
\$50 WIMG Luncheon	\$ _____

tal Registration Fee: \$ \_\_\_\_\_

**Registration Cancellation Policy:**  
 All requests must be received in writing, postmarked by February 6, 2004, and are subject to  
 a \$50 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 6, 2004.

**Hotel Reservations:**  
 You must be registered to reserve a hotel room. To guarantee your room, all hotels require one  
 night's deposit plus 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 canceled.

- 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. Confirm your arrival and departure dates  
 are correct on NLC Meeting Services and Hotel confirmations.

- Room Type Preference:**
- Single (1 person/1 bed)
  - Double (2 people/1 bed)
  - Double/Double (2 people/2 beds)
  - Smoking
  - Non-Smoking
- Hotels attempt to provide room type preference but it's not guaranteed.

Sharing My Room With: \_\_\_\_\_

**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". Number the other hotels from "2" to "14" in  
 order of your preference. The hotels below are listed in order of proximity to host hotel.

	Sgl/Dbl		Sgl/Dbl
___ Hilton Washington	\$193/213	___ Radisson Barcelo	\$146/146
___ and Towers (Club Level)	\$223/243	___ Jurys Washington	\$170/170
___ Churchill	\$178/198	___ Hotel Madera	\$159/159
___ Courtyard by Marriott	\$165/165	___ Omni Shoreham	\$189/189
___ Jurys Normandy	\$145/145	___ Mayflower	\$206/206
___ Westin Embassy Row	\$185/205	___ St. Gregory	\$184/184
___ Hilton Wash Embassy Row	\$178/178	___ Capital Hilton	\$182/182
		___ and Towers	\$212/212

**Hotel Deposit:**  
 All major credit cards with expiration date of 03/04 or later are accepted at the conference hotels.  
 All checks, government purchase orders, vouchers or claims must be submitted to the hotel with 6  
 digit REG ID indicated on NLC Meeting Services confirmation FOUR WEEKS prior to your  
 arrival but are subject to hotel approval.

**Registration Fee Payment Information:**

- 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 March 1, 2004

**Hotel Deposit Payment Information:**

- Charge my HOTEL DEPOSIT to the credit card listed below
- Check for HOTEL DEPOSIT - please submit to hotel address noted on confirmation  
FOUR WEEKS prior to your arrival - subject to hotel approval
- Purchase Order for HOTEL DEPOSIT - submit to hotel address noted on confirmation  
FOUR WEEKS prior to your arrival - 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 will be billed through this  
 card if I fail to show up for my assigned housing on the confirmed date, unless I have canceled my  
 reservation with the hotel at least 72 hours in advance.

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 03/04 or later, per hotel requirement.)

Visa/MC/AMEX #: \_\_\_\_\_ Exp. Date \_\_\_\_\_

Card Holder Name \_\_\_\_\_

Card Holder Signature \_\_\_\_\_

**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,  
 11212 Waples Mill Road, Suite 104, Fairfax, VA 22030

**For more information:**  
 Phone: 888-319-3864 or 703-449-6418  
 Email: [nlcceregandhousing@jspargo.com](mailto:nlcceregandhousing@jspargo.com)

**ITALIAN CIABATTA (PITA)  
SANDWICHES**

Toasted, Grilled or Cold

- Turkey & Swiss ..... 4.50  
*Tender smoked breast of turkey, topped with Swiss cheese, fresh lettuce, tomatoes and Buscemi's Special Dressing.*
- Ham & Swiss ..... 4.50  
*Thinly sliced ham, stacked high and covered with Swiss cheese, lettuce, tomatoes and Buscemi's Special Dressing.*
- Roast Beef & Cheddar ..... 4.50  
*Juicy roast beef, smothered with cheddar cheese, tomatoes, lettuce and Buscemi's Special Dressing.*
- Vegetarian ..... 4.50  
*All fresh veggies - lettuce, tomatoes, green peppers, mushrooms, onions and hot pepper rings, with Provolone, Swiss and Cheddar cheese, and Buscemi's Special Dressing.*
- Tuna ..... 4.50  
*Tuna with mayo, celery, lettuce and tomatoes.*

PITA SANDWICHES

**APPETIZERS ON THE SIDE**

- Pizza Sauce ..... Small .85 / Large 1.44
- Ranch Dressing ..... .85
- Fried Cheese Stix (with ranch dressing) ..... 3.19
- Jalapeno Poppers ..... 3.19
- Potato Wedges ..... 1.49
- Bread Stix (8 per order) ..... 2.29
- Hot Wings (8 per order - with ranch dressing) ..... 4.49
- Cheese Bread (Small - 9" round size) ..... 3.34

APPETIZERS

*Ask about our Candy Bars, Snacks, Nuts, Chips, Pop, Liquor and Convenience Items*

*Buscemi's*

**CHICKEN**

- Seasoned Chicken & Chips ..... 5.19  
*3 tender battered chicken strips served with fries. Choice of Ranch, BBQ, Sweet & Sour or Pizza Sauce.*
- Chicken Fajita Sub ..... half 4.79 / whole 8.69  
*Seasoned grilled chicken topped with sour cream, covered with lettuce, tomato, green pepper and onion (hot pepper by request).*
- Fried Chicken Pita ..... 4.50  
*Juicy Italiano breast of fried chicken covered with lettuce, tomato and mayonnaise.*
- Grilled Chicken Pita ..... 4.50  
*Grilled breast of chicken covered with melted cheddar, lettuce, tomato and mayonnaise.*
- Chicken Parmigiana Pita ..... 4.50  
*Juicy breast of chicken smothered in our Italian sauce topped off with mozzarella cheese.*
- Chicken Fajita ..... 4.50  
*Seasoned grilled chicken topped with sour cream, covered with lettuce, tomato, green pepper and onion (hot pepper by request).*

CHICKEN

*Buscemi's*

**FRESH GARDEN SALADS**

*All salads include Bread Stix, Choice of Dressings: Ranch, French, Italian, Greek, 1000 Island, Lite Ranch or Lite Italian. Extra Dressing - add .55*

- Tossed Salad ..... sm. 2.49 / med. 3.99 / lg. 5.59  
*Lettuce, cucumbers, and tomatoes.*
- Pasta Salad ..... sm. 3.79 / med. 5.49 / lg. 7.10  
*Fresh vegetables and pasta tossed with Ranch or Italian.*
- Chef Salad ..... sm. 3.99 / med. 5.49 / lg. 7.10  
*Lettuce, carrots, cucumbers, tomatoes, egg, smoked turkey, ham, swiss and cheddar.*
- Antipasto Salad ..... sm. 3.99 / med. 5.49 / lg. 7.10  
*Lettuce, carrots, cucumbers, tomatoes, black olives, green olives, pepperchinis, ham, salami, and provolone.*
- Grilled Chicken Salad ..... sm. 3.99 / med. 5.49 / lg. 7.10  
*Grilled chicken, cheddar, black olives, hot peppers, tomato, cucumber on a bed of lettuce.*
- Greek Salad ..... sm. 3.99 / med. 5.49 / lg. 7.10  
*Lettuce, black olives, feta cheese, beets, red onions and hot peppers.*

SALADS

**\*\*Prices are subject to change without notice\*\***

SUBMARINES • PITAS • PIZZA



**"WE SELL PKG. LIQUOR"**

**3296 ROCHESTER ROAD**

*just north of 16 mile Road*

**TROY, MI 48083**

**248-689-5959**

**Since 1954**

*All Buscemi's Independently Owned & Operated*

**ASK ABOUT OUR CATERING MENU!**

**We offer corporate accounts.**

**We now accept**



**We Deliver In the Troy Area**

*with \$10 minimum order  
(\$2.00 delivery charge)*

LIQUOR • SALADS • PASTAS • CHICKEN • BURGERS

LIQUOR • SALADS • PASTAS • CHICKEN • BURGERS

SUBMARINES • PITAS • PIZZA

*Buscemi's*

**FAMOUS SICILIAN  
DEEP DISH SQUARE PIZZA**

*Toppings: Cheese, Pepperoni, Onions, Black Olives, Italian Sausage, Ham, Bacon, Hot Peppers, Tomatoes, Mushrooms, Green Peppers, Feta, Anchovies, Pineapple*

Sicilian Square Slice (cheese and pepperoni only).....	1.35
<i>New!</i> Jumbo Round Slice .....	2.05

	cheese only	cheese 1 item	cheese 2 items	cheese 3 items	everything
8 piece Square	5.64	6.44	7.44	8.44	9.44
12 pc. Square (family tray)	10.74	12.24	13.74	15.24	16.74
24 pc. Square (party tray)	17.44	19.44	21.44	23.44	25.44

*Buscemi's*

**DEEP DISH ROUND  
For the Round Pizza Lovers!**

	cheese only	cheese 1 item	cheese 2 items	cheese 3 items	everything
9" Small 6 slices	4.49	5.49	6.49	7.49	8.49
12" Medium 8 slices	5.49	6.49	7.49	8.49	9.49
14" Large 12 slices	7.79	8.79	9.79	10.79	11.79

**Two Great ROUND DEEP DISH Pizzas...  
One Low Price!**

	cheese only	cheese 1 item	cheese 2 items	cheese 3 items	everything
Two 9" Small	7.79	8.79	9.79	10.79	11.79
Two 12" Medium	9.79	10.79	12.79	13.79	15.79
Two 14" Large	13.29	14.29	15.29	17.29	19.29

**CALZONE**

(serves one)

cheese 1 item	cheese 2 items	cheese 3 items	everything
2.84	2.99	3.34	3.59

PIZZA

**ORIGINAL ITALIAN SUBMARINE**

*Seeded sub bun toasted, grilled or cold. Our special sauce, imported salami, Italian hot ham, provolone cheese, tomatoes, lettuce, onion, hot banana pepper rings, salt and oregano.*

	regular	Extra meat
The Super® (20") The Whole Thing! .....	7.34	9.29
The Torpedo® (10") World Famous Half Super .....	4.49	5.29
The Baby® (7") For Smaller Appetites .....	3.20	4.19

*Buscemi's*

**SPECIALTY SUBS**

*Rolled sandwiches available upon request.*

	10" half	20" whole
Italian Sausage .....	4.49	7.34
<i>Imported Italian sausage, green pepper, onions, mushrooms, cheese with marinara.</i>		

Turkey & Swiss .....	4.49	7.34
<i>Tender smoked breast of turkey, topped with Swiss cheese, fresh lettuce and tomatoes.</i>		

Ham & Swiss .....	4.49	7.34
<i>Thinly sliced ham, stacked high and covered with Swiss Cheese, lettuce and tomatoes.</i>		

Roast Beef & Cheddar .....	4.49	7.34
<i>Juicy roast beef, smothered with cheddar cheese, and finished with tomatoes and lettuce.</i>		

Philly Beef & Cheese .....	4.49	7.34
<i>Grilled juicy roast beef, smothered with Provolone cheese and topped with green peppers and onions.</i>		

Vegetarian .....	4.49	7.34
<i>All fresh veggies: lettuce, tomatoes, green peppers, mushrooms, onions and hot pepper rings, with Provolone, Swiss and cheddar cheese, and our special dressing.</i>		

Eastsider .....	4.49	7.34
<i>Imported ground Italian sausage, Provolone cheese, lettuce, onions, tomatoes, topped with sour cream and our special dressing.</i>		

Meatball .....	4.49	7.34
<i>Homemade juicy meatballs, marinara and Provolone cheese.</i>		

Tuna .....	4.49	7.34
<i>With mayo, celery, lettuce &amp; tomatoes.</i>		

<i>New!</i> Homemade Egg Salad .....	3.10	
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SPECIALTY SUBS

**STEAK SUBS**

*All Buscemi's Steak Subs are made from real choice rib-eye steak, sliced wafer-thin and topped with fresh lettuce, red ripe tomatoes, grilled onions and Buscemi's Special Dressing.*

STEAK SUBS

	10" half	20" whole
Steak & Cheese .....	4.59	7.79
Double Meat Steak & Cheese .....	5.60	9.75
Mushroom Steak & Cheese .....	4.49	7.95
Pizza Steak & Cheese .....	4.69	7.95
Buscemi's Steak Special .....	4.85	8.45
<i>Mushrooms, green peppers, onion, pizza sauce.</i>		
Steak Supreme .....	4.85	8.45
<i>Everything plus sour cream.</i>		

**PASTA ITALIANO**

*Imported From Italy*

Spaghetti or Mostaccioli Special .....	3.59
<i>With Marinara sauce &amp; garlic stix</i>	

PASTA

Imported Spaghetti Dinner With Tossed Salad and Stix ....	4.79
Imported Mostaccioli Dinner With Tossed Salad and Stix .	4.79
Imported Beef Ravioli With Tossed Salad and Stix .....	6.44
Meatballs (Three per order) .....	1.34
Chicken Parmigiana With Tossed Salad .....	6.44
<i>Italian seasoned chicken breast smothered in our special sauce covered with melted mozzarella cheese, served with garlic stix and a side of imported spaghetti or mostaccioli.</i>	
Veal Parmigiana .....	6.44
<i>Italian breaded veal in marinara, smothered in mozzarella cheese, served with garlic stix, tossed salad and a side of imported spaghetti or mostaccioli.</i>	
Add Melted Cheese .....	1.00

**SUPER BURGER PLATTERS**

*A Whole Meal - All Platters Include Potato Wedges & Ketchup*

BURGERS

Hamburger (1/4 lb.) .....	4.25
Cheeseburger (1/4 lb.) .....	4.49
Bacon Cheeseburger (1/4 lb.) .....	4.79
Mushroom Burger (1/4 lb.) .....	4.79
Double Burger .....	5.49

January 28, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Jeanette Bennett, Purchasing Director  
Sandra Kasperek, City Treasurer

Re: Agenda Item – Standard Purchasing Resolution 3: Exercise Renewal Option – Printing 2004 Summer/Winter Tax Bills

### **RECOMMENDATION**

On February 17, 2003, City Council approved a contract to provide printing services for the 2003-summer/winter tax bills with an option to renew for one additional tax year to the low bidder, CDCI / SourceLink (Council Resolution #2003-02-092). It is recommended that the City exercise the option to renew for one (1) additional tax year with CDCI / SourceLink, for an estimated total cost of \$9,510.00, plus the actual cost of first class postage, under the same prices, terms and conditions to expire December 31, 2004.

<b>DESCRIPTION</b>	<b>PRICE/BILLING</b>
TAX BILLS:	
Information Statement	\$245.00
Tax Statement	\$710.00
Laser Imprint Face of Statement	\$1,375.00
#10 Standard Window Envelope	\$750.00
#9 Reply Envelope	\$515.00
FULFILLMENTS:	
Information Statement	\$300.00
Tax Statement	\$780.00
Set-Up & Transmission Charge	\$ 80.00
<b>ESTIMATED GRAND TOTAL</b>	<b>\$9,510.00</b>

### **MARKET SURVEY**

A market survey conducted by the Purchasing Department indicates no change in market conditions from last year and concurs with the recommendation to exercise the option to renew for one additional year.

### **BUDGET**

Funds will be available to complete this project in the Treasurer's operating budget for postage and printing.

January 27, 2004

TO: Jeanette Bennett  
Purchasing Director

FROM: Susan Leirstein, CPPB *SL*  
Purchasing Systems Administrator

RE: MARKET SURVEY – SUMMER / WINTER TAX BILLS

**WHITLOCK BUSINESS SYSTEM      LAWRENCE WERNER      (248) 548-1040**

Per my conversation with Larry on Tuesday, January 27, 2004, he indicated the market is comparable to 2003, prices are stagnant, and there have been no processing changes.

**J&M REPRODUCTION      GARY HOFFMAN      (248) 588-8100**

Gary stated there would be very little change in the processing of variable data printed in black ink. His niche is variable color capacity and duplex capability. There have been no great innovations and additional savings to be derived in the way the City processes its tax bills.

Based upon the above comments, the Purchasing Department recommends the City pursue the option to renew the contract to provide printing services for the summer/winter tax bills to the lowest bidder, Commercial Data Center, Inc. under the same prices, terms, and conditions as the 2003 contract, expiring December 31, 2004.

**Susan A Leirstein**

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**From:** Marla S Moseley  
**Sent:** Tuesday, January 20, 2004 8:25 AM  
**To:** Susan A Leirstein  
**Subject:** FW: tax bills

-----Original Message-----

**From:** Jeannine Peters [mailto:jpeters@commdata.com]  
**Sent:** Monday, January 19, 2004 11:11 AM  
**To:** moseleym@ci.troy.mi.us  
**Cc:** Karen Ravas; Amy Williams; James Beckman  
**Subject:** tax bills

Marla,

This is to verify our conversation this morning regarding the renewal of order number 20200779 000 OB (Summer/Winter Tax Bills). SourceLink would be happy to renew this contract for one additional year with the same pricing and terms as contained in the original order.

***Jeannine M. Peters***

CDCl/SourceLink  
3303 West Tech Rd.  
Miamisburg, OH 45342  
P. (937) 885-8000 X139  
F. (937) 885-8010  
[www.cdcisourcelink.com](http://www.cdcisourcelink.com)  
[jpeters@commdata.com](mailto:jpeters@commdata.com)

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**E-10 Acceptance of (5) Permanent Easements – Robertson East, L.L.C. (Chatfield Commons)**

Resolution #2003-02-091-E-10

RESOLVED, That the permanent easements for emergency road access, clear vision, site clearance, drainage, water main, storm sewer, sanitary sewer, and sidewalk, all being part of the Chatfield Commons Condominium Development are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to **RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-11 Standard Purchasing Resolution 3: Exercise Renewal Option – Wiring Contract**

Resolution #2003-02-091-E-11

WHEREAS, On August 6, 2001, a two-year contract with an option to renew for two additional years to provide voice/data cabling services was awarded to Hi-Tech Systems Service, Inc. (Resolution #2001-08-394-E-2); and

WHEREAS, Hi-Tech Systems Service, Inc. has agreed to exercise the two-year option to renew under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Hi-Tech Systems Service, Inc. to provide voice/data cabling services under the same contract prices, terms, and conditions expiring March 19, 2005.

**ITEMS TAKEN OUT OF ORDER**

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**E-4 Rejection of Bids – 2003 Summer & Winter Tax Bills**

Resolution #2003-02-092

Moved by Lambert

Seconded by Pryor

RESOLVED, That a contract to provide Printing Services for the 2003 Summer/Winter Tax Bills with an option to renew for one additional tax year is hereby **AWARDED** to the low bidder, CDCI / SourceLink at unit prices contained in the bid tabulation opened December 17, 2002, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated cost of \$9,510.00, plus the actual cost of first class postage.

Yes: Pryor, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

Absent: Pallotta

**MOTION CARRIED**

February 17, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director  
Nancy L. Aguinaga, City Treasurer

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder  
2003 Summer/Winter Tax Bills

**EXPLANATION**

Upon clarifying the different postal rates used by the vendors, we were able to determine the actual postage cost contained in their bid. By removing the postage cost in each bid, we were able to isolate the cost of the printing services for the tax bills. Based upon this re-calculation, CDCI / SourceLink is the low bidder.

It is recommended that the contract be awarded to CDCI / SourceLink at an estimated cost of \$9,510.00 per year, plus the actual cost of postage.

February 7, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director  
Nancy L. Aguinaga, City Treasurer

SUBJECT: Rejection of Bids – 2003 Summer & Winter Tax Bills

### **RECOMMENDATION**

On Tuesday, December 17, 2002, three completed bids were received for Printing Services of the 2003 Summer & Winter Tax Bills. This project included forms, laser printing, folding and inserting in envelopes, presorting and postage. It is recommended the bids be rejected and the project be re-bid immediately under revised specifications.

### **BACKGROUND**

It has been determined that a misunderstanding resulted from the postage specifications in the bid document. Therefore, confusion resulted and the three bidders quoted the project differently. Staff recommends revising and clarifying the bid document to eliminate any confusion by the bidders. It should be noted that postage could not be isolated without materially changing bid prices. Therefore, the process could not be salvaged. Staff has concluded that a re-bid is necessary.

108 Bids Sent  
3 Bid Responses Rec'd  
9 No Bids

Prepared by Marla Moseley, Account Clerk II

VENDOR NAME:

* COMMERCIAL	WHITLOCK	J&M REPRODUCTION
DATA CENTER INC	BUSINESS SYSTEMS	
7838		650150167
\$3,000	ON FILE	\$3,000

CHECK #:  
 CHECK AMOUNT:

**PROPOSAL-- PRINTING SERVICES FOR THE 2003 SUMMER/WINTER TAX BILLS WITH OPTION TO RENEW FOR ONE ADDITIONAL TAX YEAR.**

LASER PRINTED TAX BILLS FOR JULY & DECEMBER  
 EST QTY (Per Billing)

Information Statement			
10,000 <b>Complete for the sum of:</b>	\$245.00 /BILLING	\$285.00 /BILLING	\$494.00 /BILLING
Tax Statement			
29,000 <b>Complete for the sum of:</b>	\$710.00 /BILLING	\$827.00 /BILLING	\$901.00 /BILLING
Laser Imprint Face of Statement			
35,000 <b>Complete for the sum of:</b>	\$1,375.00 /BILLING	\$1,505.00 /BILLING	\$1,653.75 /BILLING
<b>ENVELOPES</b>			
35,000 #10 Standard Window Envelope			
<b>Complete for the sum of:</b>	\$750.00 /BILLING	\$ 840.00 /BILLING	\$1,206.00 /BILLING
25,000 #9 Reply Envelopes			
<b>Complete for the sum of:</b>	\$515.00 /BILLING	\$595.00 /BILLING	\$794.00 /BILLING
<b>FULFILLMENTS</b>			
10,000 Information Statement			
<b>Complete for the sum of:</b>	\$300.00 /BILLING	\$350.00 /BILLING	\$337.50 /BILLING
25,000 Tax Statement			
<b>Complete for the sum of:</b>	\$780.00 /BILLING	\$900.00 /BILLING	\$843.75 /BILLING
<b>SET-UP &amp; TRANSMISSION CHARGE</b>			
<b>Complete for the sum of:</b>	\$80.00 /BILLING	\$125.00 /BILLING	\$945.00 /BILLING
<b>PRESORT, POSTAGE, &amp; DELIVER TO POST OFFICE</b>			
35,000 <b>Complete for the sum of:</b>	\$7,950.00 /BILLING	\$9,200.00 /BILLING	\$10,225.25 /BILLING
	.227/PC	.263/PC	.28/PC
LESS: POSTAGE	(\$7,950.00) BULK RATE	(\$9,200.00) FIRST CLASS	(\$9,800.00) FIRST CLASS
ESTIMATED TOTAL:	\$4,755.00	\$5,427.00	\$7,600.25
<b>ESTIMATED GRAND TOTAL:</b>	* <b>\$9,510.00</b>	<b>\$10,854.00</b>	<b>\$15,200.50</b>
<b>(plus first class postage)</b>			
<b>COMPLETION SCHEDULE:</b>			
CAN MEET	X	X	X
CANNOT MEET			
SIMILAR PROJECT: ATTACHED	X	X	X
NOT ATTACHED			
<b>TERMS:</b>	1% 10 DAYS	NET 30 DAYS	NET 30
<b>WARRANTY:</b>	BLANK	BLANK	BLANK
<b>DELIVERY/COMPLETION</b>	10 CALENDAY DAYS		
<b>EXCEPTIONS:</b>	BLANK	BLANK	BLANK

NO BIDS:

- University Lithoprinters
- Gemini Systems Inc
- RB Printing
- Dearborn Lithograph Inc
- Arbor Press Inc
- Johnston Lithograph Inc
- Print Pro
- Mirror Newspaper
- International Minute Press

\* DENOTES LOW BIDDER

*Jeanette Bennett*  
 Jeanette Bennett

ATTEST:

Marla Moseley  
 M Aileen Bittner  
 Linda Bockstanz

360 SERVICES  
12623 NEWBURGH ROAD  
LIVONIA MI 48150

A&R TECH INC  
19500 MIDDLEBELT RD STE 112W  
LIVONIA MI 48152

ACCELERATED PRESS INC  
1337 PIEDMONT DRIVE  
TROY MI 48083

ADVANCE PRINT AND DESIGN  
1026 MAPLELAWN DRIVE  
TROY MI 48084

ADVANCE PRINTERY  
28832 JOHN R  
MADISON HEIGHTS MI 48071

ADVANCE REPRODUCTION COMPANY  
5808 ST JEAN  
DETROIT MI 48213

ALLEGRA PRINT & IMAGING  
1800 W MAPLE RD  
SUITE 400  
TROY MI 48084-7104

ALPHA SERVICES  
22967 WOODWARD  
FERNDALE MI 48220

AMERICAN PRINTING SERVICES INC  
4838 CLIFFSIDE DRIVE  
WEST BLOOMFIELD MI 48323

AMERICAN SPEEDY PRINTING  
34266 WOODWARD AVENUE  
BIRMINGHAM MI 48009

AMERICAN SPEEDY PRINTING CENTER  
7510 HIGHLAND RD  
WATERFORD MI 48327

AMERICAN SPEEDY PRINTING CENTER  
28841 SOUTHFIELD ROAD  
LATHRUP VILLAGE MI 48076

ANGELOSANTE PRINT & GRAPHICS  
4095 EMERALD PINES DRIVE  
WALLED LAKE MI 48390

ARBOR PRESS INC  
4303 NORMANDY CT  
ROYAL OAK MI 48073

CALDWELL PRINTING  
33490 GROESBECK  
FRASER MI 48026

CDCI  
3303 WEST TECH ROAD  
MIAMISBURG OH 45342

COLOR EXPRESS  
5365 CROOKS ROAD  
TROY MI 48098

COLOR SOURCE GRAPHICSS  
2820 INDUSTRIAL ROW  
TROY MI 48084

COMMERCIAL GRAPHICS INC  
42712 MOUND ROAD  
STERLING HEIGHTS MI 48314

COMPTON PRINTING COMPANY  
23689 RESEARCH DRIVE  
FARMINGTON HILLS MI 48335

COMPUTER COMPOSITION CORPORATION  
1401 W GIRARD  
MADISON HEIGHTS MI 48071

CPI GRAPHICS INC  
3366 REMY DRIVE  
LANSING MI 48906

CREATIVE HOUSE MARKETING  
222 MAIN STREET  
SUITE 111  
ROCHESTER MI 48307

CSW DESIGNS INC  
1719 SYCAMORE  
ROYAL OAK MI 48073

CUSTOM PRINTING  
32701 JOHN R  
MADISON HEIGHTS MI 48071

DE ANGELIS PRINTING  
209 PARK ST  
TROY MI 48083

DEARBORN LITHOGRAPH INC  
12380 GLOBE  
LIVONIA MI 48140

DELTA PRINTING COMPANY INC  
1200 E OAKLAND  
LANSING MI 48906

DIVERSIFIED DATA & COMMUNICATIONS INC  
10811 NORTHEND  
FERNDALÉ MI 48220

DORRS REPRODUCTIONS  
ROBERT DORR SR  
900 CHICAGO  
TROY MI 48083

ECON MARKETING SERVICES INC  
1825 BIRCHWOOD DRIVE  
TROY MI 48083

EFFECTIVE MAILERS INC  
28510 HAYES ROAD  
ROSEVILLE MI 48066-2314

EGT GROUP  
32031 TOWNLEY  
MADISON HEIGHTS MI 48071

ENTIRE REPRODUCTIONS  
2950 TECHNOLOGY DRIVE  
ROCHESTER HILLS MI 48309

FIDLAR DOUBLEDAY INC.  
6255 TECHNOLOGY AVENUE  
KALAMAZOO MI 49009

FIRST EDITION GRAPHICS  
1847 N MAIN  
ROYAL OAK MI 48073

FUDGE BUSINESS FORMS INC  
1163 CENTRE ROAD  
AUBURN HILLS MI 48326

GEMINI FORMS & SYSTEMS INC  
1902 ROCHESTER INDUSTRIAL  
ROCHESTER HILLS MI 48309

GOODWILL PRINTING COMPANY  
2000 W 8 MILE RD  
FERNDALÉ MI 48220

GRACON WESSERLING INC  
20768 HARPER AVE  
HARPER WOODS MI 48225

GRAND RIVER PRINTING  
22153 TELEGRAPH  
SOUTHFIELD MI 48034

GRAYWOLF PRINTING  
757 SOUTH ETON  
BIRMINGHAM MI 48009

HORIZON HEALTH SYSTEMS  
1 FORD PL  
DETROIT MI 48202-3450

IBS  
ATTN: CHRIS CROWDER  
P.O. BOX 11608  
PENSACOLA FL 32524-1608

ICON CORPORATION  
202 E HURON STE 100  
ANN ARBOR MI 48104

IMP PRINTING - WALLED LAKE  
3718 MARTIN ROAD  
WALLED LAKE MI 48390

IMPACT GRAPHICS & PRINTING  
408 OLIVER  
TROY MI 48083

INHOUSE PRINTER  
1061 BADDER  
TROY MI 48083

INNOVATIVE COMPUTER SERVICES INC  
P O BOX 24192  
LANSING MI 48909-4192

INTERNATIONAL MINUTE PRESS  
1800 WEST FOURTEEN MILE  
ROYAL OAK MI 48073

IT UNLIMITED  
29350 SOUTHFIELD  
SOUTHFIELD MI 48076

J & M REPRODUCTION CORPORATION  
1200 ROCHESTER ROAD  
TROY MI 48083

J & M REPRODUCTIONS  
1200 ROCHESTER RD  
TROY MI 48083

JOHNSTON LITHOGRAPH INC  
11334 HUNT ST  
ROMULUS MI 48174-0424

K & H SPECIALTIES CO  
4520 W WARREN  
WARREN MI 48210

LAKESHORE PRINTING  
46912 NORTH GRATIOT  
CHESTERFIELD TWP MI 48051

LASERTEC  
33472 STERLING PONDS BLVD  
STERLING HEIGHTS MI 48312-5808

LASON SYSTEMS INC  
1305 STEPHENSON HIGHWAY  
TROY MI 48083

LITHO PHOTO INC  
19795 MERIDIAN ROAD  
GROSSE ILE MI 48138

MALOVER INK INC  
330 E MAPLE RD SUITE 1  
TROY MI 48083-2706

MARY FOUNTAS BESHARA  
4760 WHITE OAKS  
TROY MI 48098

MASTRO GRAPHICS INC  
1026 MAPLELAWN  
TROY MI 48084

MATRIX PRINTING  
4785 25TH MILE  
SHELBY TWP MI 48316-1600

MAYS PRINTING  
15800 LIVERNOIS  
DETROIT MI 48238

METRO PROMOTIONAL SPECIALTIES  
1219 E LINCOLN  
ROYAL OAK MI 48067

MIAMI SYSTEMS CORPORATION  
29200 SOUTHFIELD ROAD  
SUITE 100-A  
SOUTHFIELD MI 48076

MORAN GRAPHICS  
1888 THUNDERBIRD  
TROY MI 48084

MSX INTERNATIONAL TECHNOLOGY SERVICES  
1464 JOHN A PAPALAS DR  
LINCOLN PARK MI 48146

MSX INTL TECHNOLOGY SERVICES INC  
1464 JOHN A PAPALAS DRIVE  
DETROIT MI 48146

NEALSON BUSINESS SYSTEMS INC  
21415 CIVIC CENTER DR  
SUITE 116  
SOUTHFIELD MI 48076

NORTH STAR GRAPHICS GROUP LLC  
47010 MAIN STREET  
NORTHVILLE MI 48167

NORTHWESTERN PRINTING COMPANY  
17825 RYAN  
DETROIT MI 48212

NUTECH GRAPHICS  
2660 AUBURN ROAD  
AUBURN HILLS MI 48326

OAKLAND PRINTING SERVICES, INC  
1754 MAPLELAWN  
TROY MI 48084

PHOENIX PRESS  
1775 BELLINGHAM DRIVE  
TROY MI 48083-2056

PLS PRINTING AND LABEL SPECIALISTS  
145 E PIKE STREET  
PONTIAC MI 48342

POPCORN PRESS  
2719 ELLIOTT STREET  
TROY MI 48083

PREMIER DESIGN STUDIO  
123 S MAIN STE 260  
ROYAL OAK MI 48067

PRINT MAX dba BCI GROUP  
1734 CROOKS ROAD  
TROY MI 48084

PRINTING BY MARC  
26595 FRANKLIN POINTE DRIVE  
SOUTHFIELD MI 48034

PRINTPRO  
2211 COLE STREET  
BIRMINGHAM MI 48009-7073

PRINTWELL ACQUISITIONS INC  
26975 NORTHLINE ROAD  
TAYLOR MI 48180

RB PRINTING SERVICE  
P O BOX 36  
TROY MI 48099

REYNOLDS & REYNOLDS CO  
24800 DENSO DRIVE STE 170  
SOUTHFIELD MI 48034

ROBOT PRINTING INC  
12085 DIXIE  
REDFORD MI 48239

ROCKET IMAGING SERVICES  
445 ELMWOOD DRIVE  
TROY MI 48083-4802

SEIFERT CITY-WIDE PRINTING CO  
24640 TELEGRAPH RD  
SOUTHFIELD MI 48034

SELECT GRAPHICS CORPORATION  
24024 GIBSON  
WARREN MI 48089

SIR SPEEDY COMMERCIAL PRINTING DIVISION  
1270-A RANKIN STREET  
TROY MI 48083

SPECTRUM 3 ADVERTISING AND DESIGN  
15570 OPORTO STREET  
LIVONIA MI 48154-6225

STEPHEN'S NU-AD INC  
17630 E 10 MILE  
EASTPOINTE MI 48021

THE MIRROR NEWSPAPERS  
1523 N MAIN  
ROYAL OAK MI 48067

THE PRINT FACTORY  
329 PARK STREET  
TROY MI 48083

TOTAL BUSINESS SYSTEMS, INC  
30800 MONTPELIER  
MADISON HEIGHTS MI 48071

TRANSWORLD PRINTING  
1179 SYLVERTIS RD  
WATERFORD MI 48328

UNIVERSITY LITHOPRINTERS  
4150 VARSITY DR  
ANN ARBOR MI 48108

WALLACE COMPUTER SERVICES  
3290 W BIG BEAVER #250  
TROY MI 48084

WEB LITHO INC  
6580 COTTER  
STERLING HEIGHTS MI 48314

WEST METRO PRINTING CO  
33100 INDUSTRIAL  
LIVONIA MI 48150

WHITLOCK BUSINESS SYSTEMS  
275 E 12 MILE RD  
MADISON HEIGHTS MI 48071-2557

WINTOR-SWAN ASSOCIATES INC  
1614 CLAY AVENUE  
DETROIT MI 48211

WOLVERINE MAILING INC  
1601 CLAY STREET  
DETROIT MI 48211

WRIGHT COMMUNICATIONS  
1233 CHICAGO  
TROY MI 48083

YATES OFFICE SUPPLY CO  
18225 W 8 MILE ROAD  
DETROIT MI 48219

February 2, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate and Development Director  
Dennis C. Stephens, Right of Way Representative

SUBJECT: AGENDA ITEM – REQUEST FOR ACCEPTANCE OF  
PERMANENT STORM SEWER EASEMENT  
Sidwell # 88-20-03-277-021, Project No. 03.925.3  
Averhill Development II, LLC

In connection with the construction of a new building at the northwest corner of Rochester Road and DeEtta Avenue, in the northeast ¼ of Section 3, the Real Estate and Development Department has acquired a permanent easement for storm sewer from Averhill Development II, LLC, who is the owner of the property. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

PERMANENT EASEMENT

Sidwell #88-20-03-277-021  
Project No. 03.925.3

Averhill Development II, LLC, a Michigan Limited Liability Company, Grantors, whose address is 47858 Van Dyke, Suite 410, Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, 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 his signature(s) this 30th day of January A.D. 2004

AVERHILL DEVELOPMENT II, LLC,  
a Michigan Limited Liability Company

By [Signature] (L.S.)  
\*FRANCO C. MANCINI  
Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 30th day of January,  
by FRANCO C. MANCINI, Managing Member of Averhill  
Development II, L.L.C., a Michigan Limited Liability Company.

[Signature]  
\*DENNIS C. STEPHENS  
Notary Public, Oakland County, Michigan

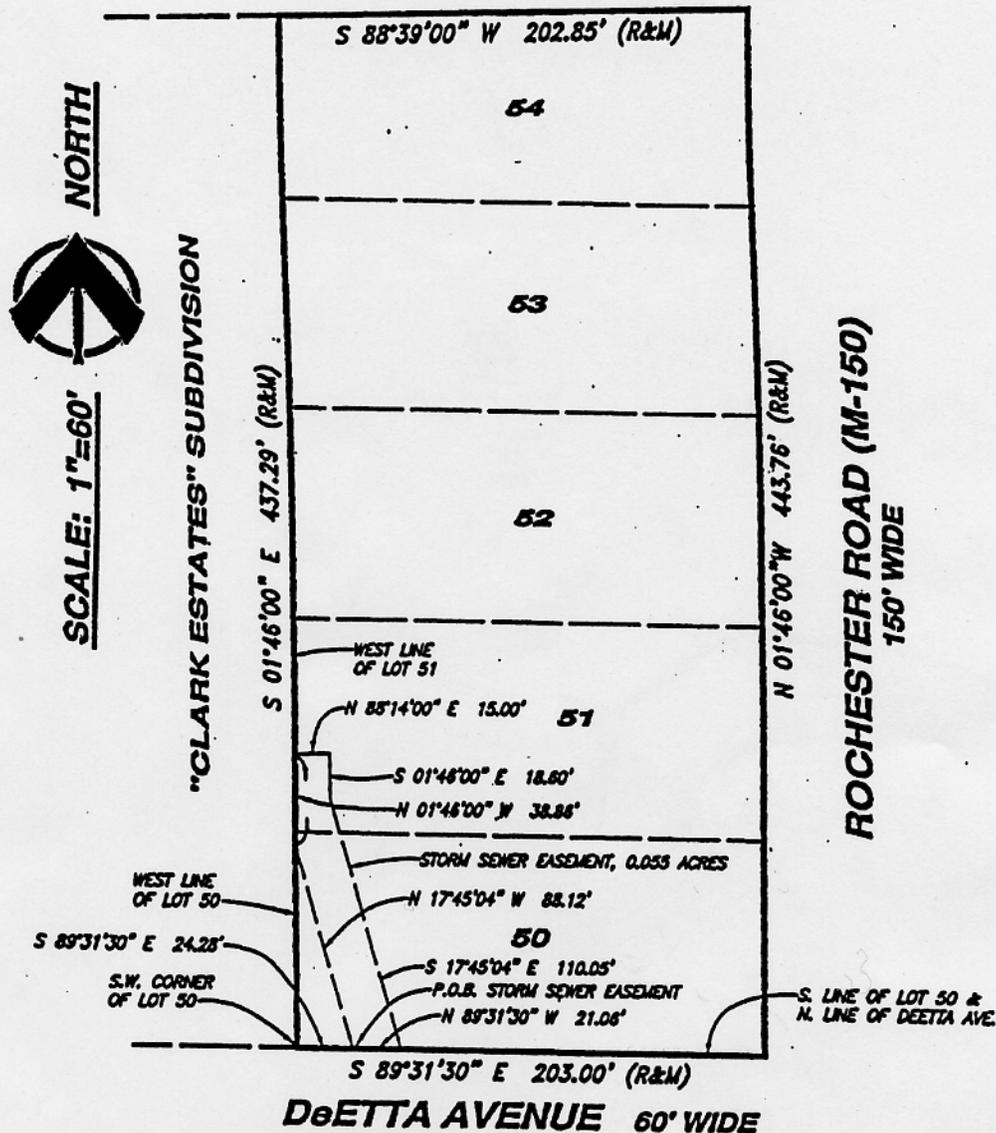
My Commission Expires 10-20-2004

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

**EXHIBIT "A"**  
**HANNAH AVENUE 60' WIDE**



**PROPERTY DESCRIPTION**

LOTS 50, 51, 52, 53 AND 54, CLARK ESTATES, PART OF NORTHEAST 1/4 SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 82, PAGE 9 OF PLATS, OAKLAND COUNTY RECORDS.

**STORM SEWER EASEMENT**

AN EASEMENT FOR STORM SEWER IS DESCRIBED AS: PART OF NORTHEAST 1/4 SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 50 OF CLARK ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 82, PAGE 9 OF PLATS, OAKLAND COUNTY RECORDS; THENCE ALONG THE SOUTH LINE OF LOT 50 & THE NORTH LINE OF DEETTA AVENUE S.89°31'30"E., 24.28 FEET TO THE POINT OF BEGINNING; THENCE N.17°45'04"W., 88.12 FEET TO A POINT ON THE WEST LINE OF LOT 50; THENCE PARTIALLY ALONG THE WEST LINE OF LOT 50 AND PARTIALLY ALONG THE WEST LINE OF LOT 51 N.01°46'00"W., 38.88 FEET; THENCE N.85°14'00"E., 15.00 FEET; THENCE S.01°46'00"E., 18.80 FEET; THENCE S.17°45'04"E., 110.05 FEET TO A POINT ON THE SOUTH LINE OF LOT 50 & THE NORTH LINE OF DEETTA AVENUE; THENCE ALONG SAID LINE N.89°31'30"W., 21.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.055 ACRES.

**APEX**  
**ENGINEERING GROUP INC.**  
 CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE  
 SHELBY TOWNSHIP, MI 48317

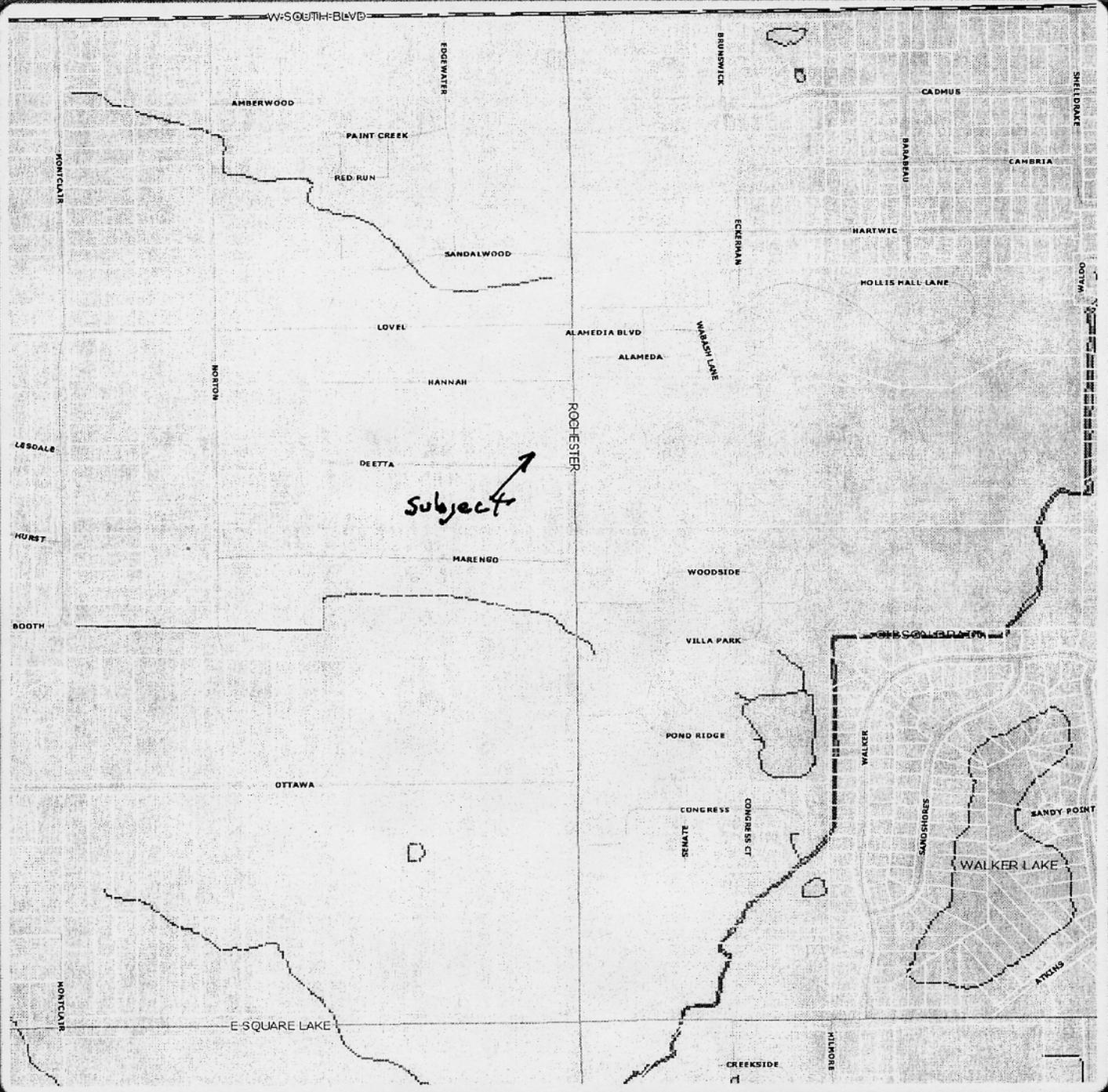
PHONE: 586-730-8208  
 FAX: 586-254-8314

PROJECT  
**"ROCHESTER  
 OFFICE PARC"  
 STORM SEWER EASEMENT**

PT. N.E. 1/4 SEC. 3, T.2N., R.11E.,  
 CITY OF TROY, OAKLAND CO., MI

CLIENT  
 MR. FRANK C. MANNING  
 47982 VAN DYKE AVENUE  
 SUITE 400  
 SHELBY TWP., MI 48317  
 (586) 786-1261

JOB NO: 03-008  
 DATE: 1/19/04  
 DRAWN BY: N.P.R.  
 CHECKED BY: W.E.M.



**Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.**



January 29, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate and Development Director  
Dennis C. Stephens, Right of Way Representative

SUBJECT: AGENDA ITEM – REQUEST FOR ACCEPTANCE OF  
PERMANENT WATER MAIN EASEMENT  
Sidwell # 88-20-25-101-025, Project No. 03.916.3  
TCF National Bank

In connection with the construction of a new building on the north side of Big Beaver Road, between Livernois Road and Rochester Road, in the southeast ¼ of Section 22, the Real Estate and Development Department has acquired a permanent easement for water main from TCF National Bank, who is the owner of the property. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

---

PERMANENT EASEMENT

Sidwell #88-20-25-101-025

TCF National Bank a National Banking Association, Grantor, whose address is 401 East Liberty Street, 604-05-E, MI for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Water Main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF

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 his signature(s) this 1st day of DECEMBER, 2003

In presence of:  
WITNESS

TCF National Bank, a National Banking Association

By Luis J. Campos (L.S.)  
Its: Executive Vice President

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

(STATE OF MICHIGAN)  
(COUNTY OF WASHINGTON)

Its:

On this 1st day of DECEMBER, 2003, personally appeared LUIS J. CAMPOS, who, being by me duly sworn, did say that He is the EXECUTIVE VICE PRESIDENT, of TCF National Bank a National Banking Association; and that ~~they have~~ He has been duly authorized to sign the foregoing easement on behalf of, TCF National Bank, and that the execution of such easement is the free act and deed of such corporation.

Sallie B. Stader  
SALLIE B. STADER

WASHINGTON  
Notary Public, Oakland County,

(Corporations)

My Commission Expires 4/13/05

Prepared by:

Return to:

Dennis C. Stephens  
500 West Big Beaver  
Troy, Michigan 48084

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

# EXHIBIT "A"

## 20' WIDE WATER MAIN EASEMENT

A TWENTY (20) FEET WIDE WATER MAIN EASEMENT LYING TEN (10) FEET ON BOTH SIDES OF, PARALLEL WITH AND ADJACENT TO THE FOLLOWING DESCRIBED CENTERLINE:

PART OF LAND IN "SUPERVISOR'S PLAT NO. 20", ACCORDING TO PLAT THEREOF AS RECORDED IN LIBER 6, PAGE 50 OF PLATS, OAKLAND COUNTY RECORDS, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE FULLY DESCRIBED AS:

BEGINNING AT A POINT WHICH IS S89°46'00"E, ALONG THE NORTH LINE OF SECTION 25 A DISTANCE OF 501.53 FEET AND S00°14'00"E, 102.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BIG BEAVER ROAD (16 MILE) (204' WIDE) AND S89°46'00"E ALONG SAID SOUTH RIGHT-OF-WAY LINE , 311.96 FEET FROM THE NORTHWEST CORNER OF SECTION 25; THENCE FROM SAID POINT OF BEGINNING S00°14'26"W, 309.66 FEET; THENCE S45°14'26"W, 31.21 FEET; THENCE N89°45'34"W, 232.93 FEET TO THE POINT OF ENDING.

NORTHWEST CORNER  
SECTION 25  
T2N - R11E

S 89°46'00" E 501.53'

S 00°14'00" E  
102.00'

BIG BEAVER (16 MILE) ROAD

S 89°46'00" E 311.96'

POINT OF BEGINNING

S 00°14'26" W  
309.66'

20' WIDE WATER MAIN EASEMENT

10'

N 00°14'00" W 206.51'

N 89°31'00" E 150.00'

OFFICE BUILDING

TCF BANK

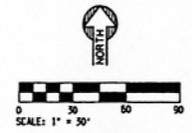
N 89°45'34" W  
252.95'

S 45°14'26" W  
31.21'

S 89°31'00" W 476.88'

N 00°14'00" W 232.00'

EXHIBIT  
DRAWING



NO.	DATE	REVISION

NO.	DATE	REVISION

DESIGNED BY	SADELLA
CHECKED BY	GARDNER
DESIGNED	GARDNER
DEPT.	CIVIL
PROJECT	18 MILE ROAD

**TCF BANK**  
18 MILE ROAD, CITY OF TROY, OAKLAND COUNTY, MICHIGAN  
20' WIDE WATER MAIN EASEMENT

PROJECT TITLE  
18 MILE ROAD, CITY OF TROY, OAKLAND COUNTY, MICHIGAN  
20' WIDE WATER MAIN EASEMENT

DATE: 03/20/01  
DRAWN BY: [blank]  
SCALE: 1" = 30'

EASI

February 3, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Director of Parks and Recreation

SUBJECT: Agenda Item- Standard Purchasing Resolution #1: Bid Award –  
Mowers and Miscellaneous Equipment Less Trade-Ins

**RECOMMENDATION**

Bid proposals were opened November 12, 2003, to furnish mowers and miscellaneous golf course equipment less trade-ins. City management recommends that a contract be awarded to the sole bidder, W. F. Miller Company for an estimated net total cost of \$47,902.00, at unit prices contained in the attached bid tabulation.

In addition, staff recommends rejection of Item #3, self-contained turf sprayer, due to budgetary limitations. A qualified trade-in bid was received for Item #1, the 1991 Toro/Hahn Turf Sprayer. However, this unit shall be omitted from the optional trade-in allowance. The sprayer unit will be left in service to address our seasonal spraying needs, until funds are available to initiate the purchase of a replacement unit.

**W. F. Miller Company, P. O. Box 605, Novi, Michigan 48376-0605**

**Item #1**

QTY	Description	Price
1	Triplex Riding Greensmower	\$15,952.00

**Item #2**

QTY	Description	Price
5	Medium Duty Utility Vehicles @ \$6,860 each	\$34,300.00
	<b>TOTAL</b>	<b>\$50,252.00</b>

**Optional Trade-in Equipment Allowances:**

QTY	Description	Price
1	1985 Cushman Turf Truckster w/100 gallon Turf Sprayer	-\$750.00
3	1995 EZ-Go Model 804-D Utility Vehicles	-\$900.00
1	1996 EZ-Go Model 804-D Utility Vehicle	-\$400.00
1	1986 Cushman Turf Truckster	-\$300.00
	<b>TOTAL TRADE-INS</b>	<b>-\$2350.00</b>
	<b>NET TOTAL ALL AWARDED ITEMS</b>	<b>\$47,902.00</b>

February 3, 2004

To: John Szerlag, City Manager

Re: Bid Award – Mowers & Misc Golf Course Equipment Less Trade-Ins

**SUMMARY**

Even though only one bid was received, a brief overview of the market and review of previous purchases of like equipment indicate the prices bid are at fair market value. The purchases will replace equipment due to come out of service from Sylvan Glen Golf Course. In addition, qualified bids were received for all optional equipment being traded-in. It is therefore in our best interest to accept the trade-in allowances for the used equipment with the exception of the turf sprayer.

The purchase of Item #3, a self-contained turf sprayer unit, shall be rejected due to limited available capital funds. The optional trade-in allowance offered on the 1991 Toro/Hahn Turf Sprayer unit shall also be rejected. Our presently owned turf sprayer unit will be left in service to handle our seasonal spraying needs. Procurement of a replacement unit shall be budgeted in the next fiscal year capital equipment account.

**BUDGET**

Funds for these purchases are currently available in the Sylvan Glen Golf Course Capital Account #788.7978.010.

33 Vendors Notified on MITN System

1 Bid Response Received

Prepared by: Marvin Ash, Superintendent of Greens

Opening Date -- 11-12-03  
 Date Prepared -- 2/2/04

CITY OF TROY  
 BID TABULATION  
 MISC GOLF EQUIPMENT - LESS TRADE INS

VENDOR NAME:

* WF MILLER CO			

**PROPOSAL-- FURNISH MOWER AND MISCELLANEOUS GOLF COURSE EQUIPMENT LESS OPTIONAL TRADE-IN EQUIPMENT IN ACCORDANCE WITH THE SPECIFICATIONS**

**ITEM #1**

QTY DESCRIPTION

1 TRIPLEX RIDING GREENSMOWER  
**COMPLETE FOR THE SUM OF:**

\* \$ 15,952.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

G-PLEX III  
 JACOBSEN

**ITEM #2**

QTY DESCRIPTION

5 MEDIUM-DUTY UTILITY VEHICLES  
**UNIT PRICE**  
**COMPLETE FOR THE SUM OF:**

\$ 6,860  
 \* \$ 34,300.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

2200 G-SE GAS  
 CUSHMAN

**ITEM #3**

QTY DESCRIPTION

1 SELF-CONTAINED 160 GALLON TURF SPRAYER  
**COMPLETE FOR THE SUM OF:**

\$ 24,832.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

1602-P  
 SMITH COMPANY

**RECOMMEND REJECTION ITEM #3**

TRADE-INS

1. One (1) Ea 1991 Toro/Hahn Model 418 Multi-Pro 160 Gallon Turf Sprayer
2. One (1) Ea 1985 Cushman Three-Wheel Turf Truckster w/1979 Smithco Model 109, 100 Gallon Turf Sprayer
3. Three(3) Ea 1995 E Z-Go Model 804-D Gas Utility Vehicles
4. One (1) Ea 1996 E Z-Go Model 804- Gas Utility Vehicle w/Dump Box
5. One (1) Ea 1986 Cushman Three-Wheel Turf Truckster w/Hydraulics & Dump Box

\$ (1,000.00)	- RECOMMEND REJECTION TURF SPRAYER
\$ (750.00)	
\$ (900.00)	
\$ (400.00)	
\$ (300.00)	

NET TOTAL ALL TRADE-INS:

\* \$ (2,350.00)

NET TOTAL AWARDED ITEMS:

\* \$ 47,902.00

Opening Date -- 11-12-03  
 Date Prepared -- 2/2/04

CITY OF TROY  
 BID TABULATION  
 MISC GOLF EQUIPMENT - LESS TRADE INS

VENDOR NAME:		*	WF MILLER CO			
DESCRIPTIVE LITERATURE		Yes or No Marked ___	BLANK			
SERVICE/PARTS:		Location:				
		Inventory of Replacement:				
		Hrs of Operation	MISSING			
		Commence within	PAGE			
TERMS:			30			
WARRANTY:			2 YEARS			
DELIVERY DATE:			BLANK			
EXCEPTIONS:			BLANK			

ATTEST:  
 Marvin Ash  
 Cheryl Morrell  
 Linda Bockstanz

\* DENOTES SOLE BIDDER

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



[Click Here to Return to the MITN Administration Main Menu](#)

## Downloading History for ITB-COT 03-30 Course Eqm

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 2/2/2004.

<b>Document Title:</b>	Golf Course Equipment w/ Trade-Ins
<b>Date Issued:</b>	10/22/2003
<b>Close Date:</b>	11/12/2003

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12964	Ajax Materials Corporation	E-mail	10/27/2003	
10549	Automated Mailing Solutions	Free	11/3/2003	
14182	B2 INC	Free	10/30/2003	
11697	BILLINGS LAWN EQUIPMENT	E-mail		
10869	CES	Free	10/29/2003	
14019	Cornerstone Landscape Design, Inc.	E-mail		
10330	D&G EQUIPMENT	E-mail	11/12/2003	
10123	Dean Sellers Ford	Free	10/28/2003	
12478	Foote Tractor, Inc.	Free	10/28/2003	
12684	HEIGHTS MACHINERY	E-mail		
14226	Hersch's Wholesale	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail		
12648	Husqvarna Forest & Garden Company	E-mail	10/29/2003	
11604	Hyde Equipment Co.	Fax		
10253	Industrial Vehicle & Turf Sales	E-mail	10/24/2003	
14568	J & R FARM TRACTOR CO	E-mail	10/23/2003	
14945	John Deere Landscapes	E-mail	11/11/2003	
12290	Kent Power Inc.	E-mail		
10767	Lesco Inc.	E-mail		

13464	Loch Le Monde Landscapes	Free	10/24/2003	
13084	MER-WIL INDUSTRIES	E-mail		
10255	MUNN TRACTOR SALES, INC	E-mail		
11936	Northside True Value Hardware	Fax		
14125	Perfection Plus Landscaping & Snow Removal	E-mail		
10472	ROCHESTER LAWN EQUIPMENT	E-mail		
13730	SMART Management Group, LLC	E-mail		
12969	stokes&stokessnowremoval&landscapingco.	E-mail		
10113	Sullivan Corporation	Free	10/24/2003	
10817	The Grasshopper Company	E-mail		
14709	Thesier Equipment Company	Free	10/27/2003	
12398	United Rentals	Free	11/9/2003	
11913	W.F. MILLER COMPANY	E-mail	10/23/2003	
14785	Weingartz	E-mail	11/11/2003	

[Return to Main Menu](#)

[Return to Report Menu](#)

February 6, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF  
PERMANENT WATERMAIN EASEMENT  
Sidwell #88-20-26-200-085, Project No. 03.934.3  
NBS Headquarters Building

In connection with the construction of the new NBS Headquarters Building on Bellingham, in the Northeast ¼ of Section 26, the Real Estate and Development Department has acquired a permanent easement for watermain from RCPS, LLC, a Michigan Limited Liability Company. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #88-20-26-200-085  
Project No. 03.934.3

RCPS, LLC, a Michigan Limited Liability Company, Grantors, whose address is 2139 Austin, Rocheter Hills, MI 48309 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, 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 1 signature(s) this 4<sup>th</sup> day of February A.D. 2004

RCPS, LLC,  
a Michigan Limited Liability Company

By Robert C. Shepard (L.S.)  
\* Robert C. Shepard  
Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF oakland

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February, 2004, by Robert C. Shepard, Managing Member of RCPS, L.L.C., a Michigan Limited Liability Company.

Tami Lynn Reynolds  
\*  
Notary Public, Macomb County, Michigan

My Commission Expires TAMI LYNN REYNOLDS  
Notary Public, Macomb County, MI  
My Commission Expires Nov. 9, 2007

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

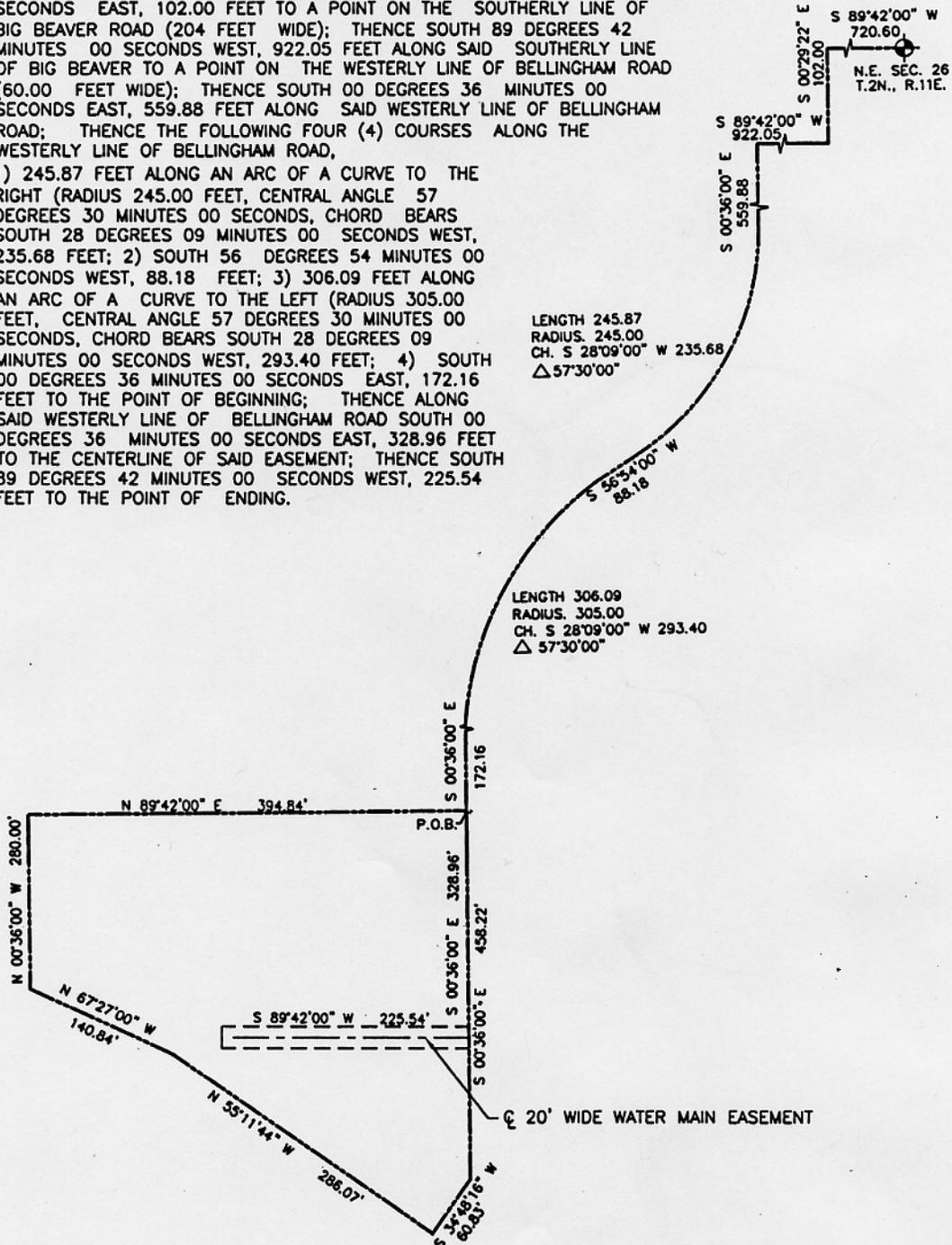
PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

20' WIDE WATER MAIN EASEMENT

PART OF THE N.E. ¼ OF SECTION 26, T.2 N., R.11 E., CITY OF TROY, OAKLAND COUNTY, WHOSE CENTERLINE IS DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS WEST, 720.60 FEET ALONG THE NORTH LINE OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 29 MINUTES 22 SECONDS EAST, 102.00 FEET TO A POINT ON THE SOUTHERLY LINE OF BIG BEAVER ROAD (204 FEET WIDE); THENCE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS WEST, 922.05 FEET ALONG SAID SOUTHERLY LINE OF BIG BEAVER TO A POINT ON THE WESTERLY LINE OF BELLINGHAM ROAD (60.00 FEET WIDE); THENCE SOUTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 559.88 FEET ALONG SAID WESTERLY LINE OF BELLINGHAM ROAD; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE WESTERLY LINE OF BELLINGHAM ROAD,

- 1) 245.87 FEET ALONG AN ARC OF A CURVE TO THE RIGHT (RADIUS 245.00 FEET, CENTRAL ANGLE 57 DEGREES 30 MINUTES 00 SECONDS, CHORD BEARS SOUTH 28 DEGREES 09 MINUTES 00 SECONDS WEST, 235.68 FEET; 2) SOUTH 56 DEGREES 54 MINUTES 00 SECONDS WEST, 88.18 FEET; 3) 306.09 FEET ALONG AN ARC OF A CURVE TO THE LEFT (RADIUS 305.00 FEET, CENTRAL ANGLE 57 DEGREES 30 MINUTES 00 SECONDS, CHORD BEARS SOUTH 28 DEGREES 09 MINUTES 00 SECONDS WEST, 293.40 FEET; 4) SOUTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 172.16 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY LINE OF BELLINGHAM ROAD SOUTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 328.96 FEET TO THE CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89 DEGREES 42 MINUTES 00 SECONDS WEST, 225.54 FEET TO THE POINT OF ENDING.



January 30, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol Anderson, Parks & Recreation Director  
Timothy Richnak, Public Works Director

Re: Agenda Item – Standard Purchasing Resolution 3: Option to Renew –  
Outdoor Lighting Maintenance Contract

### **RECOMMENDATION**

On July 8, 2002, the Troy City Council approved a two-year contract to provide Outdoor Lighting Maintenance with an option to renew for two additional years to the low bidder, Allied Signs Inc., for an estimated total contract cost of \$52,350.00 plus (25%) of the contract amount for changes in the quantity of work. (Resolution # 2002-07-399-E-5 and #2003-11-571).

City management recommends renewing the contract for outdoor lighting maintenance for an additional two (2) years. Allied Signs Inc. has agreed to the renewal through mutual consent of both parties under the same prices, terms, and conditions as years 2002-2004. (Letter attached) The contract would expire June 30, 2006. The quality and service provided by Allied Signs Inc. meets or exceeds the bid specifications.

### **SUMMARY** Pricing Structure –

DESCRIPTION	UNIT PRICE
Call Out	\$95.00
Replace Lamp	\$25.00
Replace Ballast	\$65.00
Replace Starter	\$35.00
Replace Fuse	\$30.00
Replace Lens	\$35.00
Replace Photo Cell	\$30.00
Replace Breakers	\$30.00
Tighten & Lubricate Anchor Bolts, Horizontal Refractors, Glass etc	\$60.00

### **MARKET SURVEY**

A market survey was not deemed necessary, as the overall pricing structure for Allied Signs Inc., is 35% less than the next low bidder.

### **BUDGET**

Funds are available in the Public Works Street Light Maintenance account # 448.7802.150, and Parks account #759.7802.070 for any lighting work done on the athletic fields.



500 West Big Beaver  
Troy, Michigan 48064  
Fax: (248) 524-0851  
www.ci.troy.mi.us

December 17, 2003

Area code (248)

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Operations  
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 Technology  
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

ATTN: Randy Schmitt  
Allied Signs Inc.  
33650 Giftos Drive  
Clinton Township, Mi 48035

Dear Mr. Schmitt:

On July 8, 2002, the City of Troy entered into contract 20300056-OB with Allied Signs, Inc to provide two (2) year requirements of street, parking lot, and athletic field light maintenance. This contract contained an option to renew for an additional two (2) years through mutual consent of both parties, within 60 days of contract termination under the same prices, terms, and conditions as year 2003-2004.

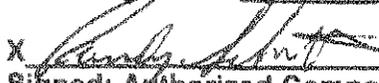
Please fax this letter back indicating if Allied Signs, Inc. wishes to renew this contract until June 30, 2006. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

**CHECK ONE:**

**Allied Signs Inc. is interested in renewing the contract under the same prices, terms, and conditions:**

**Allied Signs Inc. is not interested in renewing the contract:**

X   
Signed: Authorized Company Representative

Date: December 19, 2003

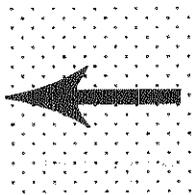
Thank you,  
Marina Basta Farouk  
Project Construction Manager

No: None  
Absent: Stine

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**F-4 Amendment #1 – Allied Signs, Inc. – Outdoor Lighting Maintenance Contract**

Resolution #2003-11-571  
Moved by Lambert  
Seconded by Beltramini



WHEREAS, A two-year contract to provide Outdoor Lighting Maintenance with an option to renew for an additional two years was awarded to the low bidder, Allied Signs, Inc. on July 8, 2002, at an estimated total cost of \$52,350.00 for the two years plus (25%) of the contract for changes in the quantity of work (Resolution #2002-07-399-E-5); and

WHEREAS, It is recommended that the contract be amended to include amounts over the authorized 25% for work to be completed by June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** to provide for additional Outdoor Lighting Maintenance at an estimated cost of \$25,489.00.

Yes: All-6  
No: None  
Absent: Stine

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**F-5 Troy v. Livernois Road Partners (3450 Livernois)**

Resolution #2003-11-572  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the proposed consent judgment in the City of Troy v. Livernois Road Partners condemnation case, and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney's Office to **EXECUTE** the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Stine

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**F-6 Troy v. Nawrocki et. al. (39155 Dequindre Road)**

Resolution #2003-11-573  
Moved by Eisenbacher  
Seconded by Beltramini

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**E-3 City of Troy Proclamation:**

Resolution #2002-07-399-E-3

RESOLVED, That the following City of Troy Proclamation, be approved:

(a) 8<sup>th</sup> Annual Troy Food Fight on Big Beaver and Beyond

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**E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Gap Program**

Resolution #2002-07-399-E-4

RESOLVED, That a contract to provide construction for the Sidewalk Gap Program is hereby awarded to the low bidder, Lacaria Construction, Inc., at unit prices contained in the bid tabulation opened June 5, 2002 at an estimated total cost of \$236,335.00, which includes \$168,230.00 for South Blvd/Beach Road and \$68,105.00 for the John R Project; a copy of which shall be attached to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work required is either additive or deductive, such changes are authorized in an amount not to exceed 25% of the total project cost.

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**E-5 Standard Purchasing Resolution 1: Award to Low Bidder – Outdoor Lighting Maintenance Contract**

Resolution #2002-07-399-E-5

RESOLVED, That a contract to furnish all labor, tools, equipment, transportation services, and traffic controls to provide Outdoor Lighting Maintenance including repair with an option to renew for two (2) additional years is hereby awarded to the low bidder, Allied Signs, Inc., at unit prices contained in the bid tabulation opened June 12, 2002 at an estimated grand total of \$52,350.00, a copy of which shall be attached to the original Minutes of this meeting.

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

---

**E-6 Renegotiated Ameritech Local Service Contract**

Resolution #2002-07-399-E-6

RESOLVED, That the renegotiated 3-year contract with Ameritech for local and intralata telephone service is hereby approved at the following unit prices:

June 18, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol K Anderson, Park and Recreation Director  
William R. Need, Public Works Director

Re: Standard Purchasing Resolution 1: Award to Low Bidder –  
Outdoor Lighting Maintenance Contract

**RECOMMENDATION:**

On June 12, 2002, bids were received to provide two (2) year requirements of street, parking lot, and athletic field light maintenance with an option to renew for two additional years. The Public Works Department recommends awarding the contract to the low total bidder, Allied Signs Inc., at an estimated grand total of \$52,350.00, at unit prices contained in the bid tabulation opened 6/12/02.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including insurance certificates and all specified requirements. Due to the nature of the contract and accountability of the contractor, the program was bid on a low total award basis.

**BUDGET:**

Funds are available in the Public Works Street Light Maintenance account # 448.7802.150 and Parks account #759.7802.070 for any lighting work done on the ball diamonds.

27 Bids Sent  
5 Bid Responses Rec'd  
1 No Bid

Prepared by: Marina Basta-Farouk, Project Construction Manager

				CITY OF TROY					SBP 02-21
Opening Date -- 6/12/02			BID TABULATION						Pg 1 of 4
Date Prepared -- 6/17/02			OUTDOOR LIGHTING MAINTENANCE						
VENDOR NAME:			**	ALLIED SIGNS	RELIABLE SIGN	HARLAN			
				INC	SERVICE INC	ELECTRIC CO			
	EST			02-03	03-04	02-03	03-04	02-03	03-04
ITEM #	QTY/YR	DESCRIPTION		UNITS	UNITS	UNITS	UNITS	UNITS	UNITS
1.	75	Call Out & Determination of		\$ 95.00	\$ 95.00	\$ 210.00	\$ 221.00	\$ 280.00	\$ 290.00
		cause of outage							
2.	200	Replace Lamp		\$ 25.00	\$ 25.00	\$ 40.00	\$ 42.00	\$ 20.00	\$ 21.00
3.	40	Replace Ballast		\$ 65.00	\$ 65.00	\$ 65.00	\$ 68.00	\$ 95.00	\$ 98.00
4.	30	Replace Starter		\$ 35.00	\$ 35.00	\$ 48.00	\$ 50.00	\$ 45.00	\$ 47.00
5.	100	Replace Fuse		\$ 30.00	\$ 30.00	\$ 30.00	\$ 32.00	\$ 95.00	\$ 98.00
		(per pole per electric box)							
6.	10	Replace Lens		\$ 35.00	\$ 35.00	\$ 40.00	\$ 42.00	\$ 50.00	\$ 52.00
7.	25	Replace Photo Cell		\$ 30.00	\$ 30.00	\$ 40.00	\$ 42.00	\$ 25.00	\$ 26.00
8.	10	Replace Breakers		\$ 30.00	\$ 30.00	\$ 40.00	\$ 42.00	\$ 62.00	\$ 64.00
9	100	Tighten & Lubricate Anchor Bolts		\$ 60.00	\$ 60.00	\$ 70.00	\$ 73.00	\$ 95.00	\$ 98.00
		Horizontal Refractors, Glass etc							
		ESTIMATED TOTAL :		\$ 26,175	\$ 26,175	\$ 39,590	\$ 41,585	\$ 50,895	\$ 52,690
ESTIMATED GRAND TOTAL (2 YEARS):			**	\$ 52,350		\$ 81,175		\$103,585	
ADDITIONAL ITEMS, IF REQUIRED									
10.	6	Remove & Replace Fixture		\$ 60.00		\$ 1,500.00		\$ 195.00	
11.	6	Remove & Replace Ornamental Pole	ONE FIXTURE	\$ 650.00		\$ 3,600.00		\$ 1,580.00	
			TWO FIXTURE	\$ 700.00		\$ 3,750.00		\$ 1,830.00	
12.	1	Remove & Replace Wood Pole		\$ 1,200.00		\$ 1,200.00		\$ 1,850.00	
13.	2	Installation of Concrete Foundation		\$ 1,500.00		\$ 2,600.00		\$ 2,335.00	
				PRICE/HR/CREW		PRICE/HR/CREW		PRICE/HR/CREW	
14.	Hourly labor rate per crew								
		A) Regular Time		\$ 110.00		\$ 90.00		\$ 155.00	
		B) Overtime		\$ 155.00		\$ 135.00		\$ 210.00	
		C) Holiday Time		\$ 200.00		\$ 180.00		\$ 265.00	
				\$/HR/Electrician		\$/HR/Electrician		\$/HR/Electrician	
15.	Journeyman Electrician								
		A) Regular Time		\$ 68.00		\$ 50.00		\$ 65.00	
		B) Overtime		\$ 95.00		\$ 75.00		\$ 95.00	
		C) Holiday Time		\$ 130.00		\$ 100.00		\$ 125.00	
				CITY OF TROY			SBP 02-21		
Opening Date -- 6/12/02			BID TABULATION			Pg 2 of 4			
Date Prepared -- 6/17/02			OUTDOOR LIGHTING MAINTENANCE						

	VENDOR NAME:		**	ALLIED SIGNS INC	RELIABLE SIGN SERVICE INC	HARLAN ELECTRIC CO
16.	Hourly rate for Backhoe/Operator			\$/HR/Inc Operator	\$/HR/Inc Operator	\$/HR/Inc Operator
		A) Regular Time		\$ 115.00	\$ 110.00	\$ 90.00
		B) Overtime		\$ 165.00	\$ 165.00	\$ 110.00
		C) Holiday Time		\$ 205.00	\$ 220.00	\$ 130.00
17.	Non-Contract Replacement Parts					
		Discount + % or - %		+30% or - 25%	25%	+10%
		Parts List Dated		Listed in Bid	BLANK	BLANK
		or Invoiced Price		Yes	BLANK	BLANK
	INSURANCE: Can Meet			XX	XX	XX
	Cannot Meet					
	TERMS			NET 10th	1/2 DOWN	NET 30 DAYS
	WARRANTY			LABOR ONLY	ONE YEAR	1 YEAR LABOR
	DELIVERY DATE			48 HR AWO	BLANK	PER REQUEST
	EXCEPTIONS			LISTED IN BID	BLANK	PERFORMANCE BOND EXCLUDED IN PRICING
PROPOSAL -- TWO (2) YEAR REQUIREMENTS TO FURNISH ALL LABOR, TOOLS, EQUIPMENT, TRANSPORTATION SERVICES AND TRAFFIC CONTROLS TO PROVIDE OUTDOOR LIGHT MTNCE						
<b>** DENOTES LOW TOTAL BIDDER</b>						
<u>ATTEST:</u>						
Marina Basta-Farouk						
M. Aileen Dickson						
Linda Bockstanz						
_____ Jeanette Bennett Purchasing Director						
H:StreetLtMtnce						





ALLIED SIGNS INC  
33650 GIFTOS DRIVE  
CLINTON TWP MI 48035

ALPHA ELECTRIC INC  
39349 MOUND ROAD  
STERLING HEIGHTS MI 48310

CITY SIGN COMPANY, INC  
101 E WALTON  
PONTIAC MI 48340

CMTS INC  
20111 JAMES COUZENS STE 201  
DETROIT MI 48235-1844

COFFMAN ELECTRICAL EQUIPMENT CO  
3300 JEFFERSON AVENUE SE  
GRAND RAPIDS MI 49548

DIRECT RESOURCES  
P O BOX 442  
NOVI MI 48376

GREAT LAKES DETROIT INC  
13506 HELEN ST  
DETROIT MI 48212

GREAT LAKES SIGN & ELECTRICAL CONTRACTOR  
13506 HELEN ST  
DETROIT MI 48212

HALL INDUSTRIES  
43677 UTICA ROAD  
UTICA MI 48314

HARLAN ELECTRIC CO  
2695 CROOKS ROAD  
ROCHESTER HILLS MI 48309-3658

JACOBS ELECTRICAL CONSTRUCTION INC  
1813 AUSTIN  
P O BOX 395  
TROY MI 48083

JAN INDUSTRIAL ELECTRONICS CO INC  
6630 S CRESCENT BLVD  
U S ROUTE 130 S  
PENNSAUKEN NJ 08109-1403

K B EQUIPMENT & SERVICE  
12733 UNIVERSAL  
TAYLOR MI 48180

KNIGHT CONSTRUCTION COMPANY INC  
1931 AUSTIN  
TROY MI 48083

METRO SWEEP  
4557 HIGHLAND RD  
WATERFORD MI 48328

MICHIGAN LIGHT POLE MAINTENANCE CO  
211 SHERMAN STREET  
HIGHLAND MI 48357

MICHIGAN PUMP COMPANY  
25125 W OUTER DRIVE  
MELVINDALE MI 48122-1939

MTI LIGHTING SPECIALISTS INC  
7965 KENSINGTON CT STE A-2  
BRIGHTON MI 48116

PARKS OUTDOOR MAINTENANCE LLC  
6871 MONTCLAIR DRIVE  
TROY MI 48085

RAUHORN ELECTRIC INC  
51997 SCHOENHERR  
UTICA MI 48315

RELIABLE SIGN SERVICE INC  
49660 LEONA  
CHESTERFIELD MI 48051

ROLAR INC  
ATTN BOB CIEPIELOWSKI  
33333 DEQUINDRE STE B  
TROY MI 48083

ROSCOE'S ENTERPRISE INC  
P O BOX 934  
INKSTER MI

SUBURBAN ELECTRIC CONTRACTORS INC  
1410 GLENWOOD  
TROY MI 48084

TILLMAN ELECTRICAL SERVICES INC  
907 IRVIN  
PLYMOUTH MI 48170

TRANSFORMER INSPECTION COMPANY  
2704 NORMANDY  
ROYAL OAK MI 48073

February 3, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Director of Parks and Recreation

SUBJECT: Agenda Item- Standard Purchasing Resolution #1: Bid Award –  
Mowers and Miscellaneous Equipment Less Trade-Ins

**RECOMMENDATION**

Bid proposals were opened November 12, 2003, to furnish mowers and miscellaneous golf course equipment less trade-ins. City management recommends that a contract be awarded to the sole bidder, W. F. Miller Company for an estimated net total cost of \$47,902.00, at unit prices contained in the attached bid tabulation.

In addition, staff recommends rejection of Item #3, self-contained turf sprayer, due to budgetary limitations. A qualified trade-in bid was received for Item #1, the 1991 Toro/Hahn Turf Sprayer. However, this unit shall be omitted from the optional trade-in allowance. The sprayer unit will be left in service to address our seasonal spraying needs, until funds are available to initiate the purchase of a replacement unit.

**W. F. Miller Company, P. O. Box 605, Novi, Michigan 48376-0605**

**Item #1**

QTY	Description	Price
1	Triplex Riding Greensmower	\$15,952.00

**Item #2**

QTY	Description	Price
5	Medium Duty Utility Vehicles @ \$6,860 each	\$34,300.00
	<b>TOTAL</b>	<b>\$50,252.00</b>

**Optional Trade-in Equipment Allowances:**

QTY	Description	Price
1	1985 Cushman Turf Truckster w/100 gallon Turf Sprayer	-\$750.00
3	1995 EZ-Go Model 804-D Utility Vehicles	-\$900.00
1	1996 EZ-Go Model 804-D Utility Vehicle	-\$400.00
1	1986 Cushman Turf Truckster	-\$300.00
	<b>TOTAL TRADE-INS</b>	<b>-\$2350.00</b>
	<b>NET TOTAL ALL AWARDED ITEMS</b>	<b>\$47,902.00</b>

February 3, 2004

To: John Szerlag, City Manager

Re: Bid Award – Mowers & Misc Golf Course Equipment Less Trade-Ins

### **SUMMARY**

Even though only one bid was received, a brief overview of the market and review of previous purchases of like equipment indicate the prices bid are at fair market value. The purchases will replace equipment due to come out of service from Sylvan Glen Golf Course. In addition, qualified bids were received for all optional equipment being traded-in. It is therefore in our best interest to accept the trade-in allowances for the used equipment with the exception of the turf sprayer.

The purchase of Item #3, a self-contained turf sprayer unit, shall be rejected due to limited available capital funds. The optional trade-in allowance offered on the 1991 Toro/Hahn Turf Sprayer unit shall also be rejected. Our presently owned turf sprayer unit will be left in service to handle our seasonal spraying needs. Procurement of a replacement unit shall be budgeted in the next fiscal year capital equipment account.

### **BUDGET**

Funds for these purchases are currently available in the Sylvan Glen Golf Course Capital Account #788.7978.010.

33 Vendors Notified on MITN System

1 Bid Response Received

Prepared by: Marvin Ash, Superintendent of Greens

Opening Date -- 11-12-03  
 Date Prepared -- 2/2/04

CITY OF TROY  
 BID TABULATION  
 MISC GOLF EQUIPMENT - LESS TRADE INS

VENDOR NAME:

	*	WF MILLER CO			

**PROPOSAL-- FURNISH MOWER AND MISCELLANEOUS GOLF COURSE EQUIPMENT LESS OPTIONAL TRADE-IN EQUIPMENT IN ACCORDANCE WITH THE SPECIFICATIONS**

**ITEM #1**

QTY DESCRIPTION

1 TRIPLEX RIDING GREENSMOWER  
**COMPLETE FOR THE SUM OF:**

\* \$ 15,952.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

G-PLEX III  
 JACOBSEN

**ITEM #2**

QTY DESCRIPTION

5 MEDIUM-DUTY UTILITY VEHICLES  
**UNIT PRICE**  
**COMPLETE FOR THE SUM OF:**

\$ 6,860  
 \* \$ 34,300.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

2200 G-SE GAS  
 CUSHMAN

**ITEM #3**

QTY DESCRIPTION

1 SELF-CONTAINED 160 GALLON TURF SPRAYER  
**COMPLETE FOR THE SUM OF:**

\$ 24,832.00

QUOTING ON MODEL:  
 MANUFACTURED BY:

1602-P  
 SMITH COMPANY

**RECOMMEND REJECTION ITEM #3**

TRADE-INS

1. One (1) Ea 1991 Toro/Hahn Model 418 Multi-Pro 160 Gallon Turf Sprayer
2. One (1) Ea 1985 Cushman Three-Wheel Turf Truckster w/1979 Smithco Model 109, 100 Gallon Turf Sprayer
3. Three(3) Ea 1995 E Z-Go Model 804-D Gas Utility Vehicles
4. One (1) Ea 1996 E Z-Go Model 804- Gas Utility Vehicle w/Dump Box
5. One (1) Ea 1986 Cushman Three-Wheel Turf Truckster w/Hydraulics & Dump Box

		\$ (1,000.00)	- RECOMMEND REJECTION TURF SPRAYER		
		\$ (750.00)			
		\$ (900.00)			
		\$ (400.00)			
		\$ (300.00)			

NET TOTAL ALL TRADE-INS:

\* \$ (2,350.00)

NET TOTAL AWARDED ITEMS:

\* \$ 47,902.00

Opening Date -- 11-12-03  
 Date Prepared -- 2/2/04

CITY OF TROY  
 BID TABULATION  
 MISC GOLF EQUIPMENT - LESS TRADE INS

VENDOR NAME:		*	WF MILLER CO			
DESCRIPTIVE LITERATURE		Yes or No Marked ____	BLANK			
SERVICE/PARTS:		Location:				
		Inventory of Replacement:				
		Hrs of Operation	MISSING			
		Commence within	PAGE			
TERMS:			30			
WARRANTY:			2 YEARS			
DELIVERY DATE:			BLANK			
EXCEPTIONS:			BLANK			

ATTEST:  
 Marvin Ash  
 Cheryl Morrell  
 Linda Bockstanz

\* DENOTES SOLE BIDDER

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



[Click Here to Return to the MITN Administration Main Menu](#)

## Downloading History for ITB-COT 03-30 Course Eqm

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 2/2/2004.

<b>Document Title:</b>	Golf Course Equipment w/ Trade-Ins
<b>Date Issued:</b>	10/22/2003
<b>Close Date:</b>	11/12/2003

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12964	Ajax Materials Corporation	E-mail	10/27/2003	
10549	Automated Mailing Solutions	Free	11/3/2003	
14182	B2 INC	Free	10/30/2003	
11697	BILLINGS LAWN EQUIPMENT	E-mail		
10869	CES	Free	10/29/2003	
14019	Cornerstone Landscape Design, Inc.	E-mail		
10330	D&G EQUIPMENT	E-mail	11/12/2003	
10123	Dean Sellers Ford	Free	10/28/2003	
12478	Foote Tractor, Inc.	Free	10/28/2003	
12684	HEIGHTS MACHINERY	E-mail		
14226	Hersch's Wholesale	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail		
12648	Husqvarna Forest & Garden Company	E-mail	10/29/2003	
11604	Hyde Equipment Co.	Fax		
10253	Industrial Vehicle & Turf Sales	E-mail	10/24/2003	
14568	J & R FARM TRACTOR CO	E-mail	10/23/2003	
14945	John Deere Landscapes	E-mail	11/11/2003	
12290	Kent Power Inc.	E-mail		
10767	Lesco Inc.	E-mail		

13464	Loch Le Monde Landscapes	Free	10/24/2003	
13084	MER-WIL INDUSTRIES	E-mail		
10255	MUNN TRACTOR SALES, INC	E-mail		
11936	Northside True Value Hardware	Fax		
14125	Perfection Plus Landscaping & Snow Removal	E-mail		
10472	ROCHESTER LAWN EQUIPMENT	E-mail		
13730	SMART Management Group, LLC	E-mail		
12969	stokes&stokessnowremoval&landscapingco.	E-mail		
10113	Sullivan Corporation	Free	10/24/2003	
10817	The Grasshopper Company	E-mail		
14709	Thesier Equipment Company	Free	10/27/2003	
12398	United Rentals	Free	11/9/2003	
11913	W.F. MILLER COMPANY	E-mail	10/23/2003	
14785	Weingartz	E-mail	11/11/2003	

[Return to Main Menu](#)

[Return to Report Menu](#)

February 10, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Steven Vandette, City Engineer 

SUBJECT: Agenda Item - Private Agreement for Rochester Office Parc  
Project No. 03.925.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, detention and storm sewer.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 2003\03.925.3\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

Prepared by: G. Scott Finlay, P.E.  
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. <b>03.925.3</b>	PROJECT LOCATION:	NE 1/4 Sec. 3
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:	

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Averhill Development LLC** whose address is **47858 Van Dyke, Suite 410, Shelby Twp., MI** and whose telephone number is **586-726-1231** hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of **Sanitary sewer, Storm sewer and Detention system** in accordance with plans prepared by **Apex Engineering Group Inc.** whose address is **47745 Van Dyke Ave., Shelby Twp., MI 48317** and whose telephone number is **586-739-5200** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

**SECOND:** That the Owners agree to contribute the approximate contract price of **\$ 48,500.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% Cash

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	3,928.50
Engineering Review Fee (Private Improvements)	\$	4,840.50
Water Main Testing Fee	\$	
Street Cleaning/Road Maintenance (Refundable)	\$	2,000.00
<b>TOTAL:</b>	<b>\$</b>	<b>10,769.00</b>

\* 8.1% (.081) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

<b>PROJECT NO. 03.925.3</b>	<b>PROJECT LOCATION: NE 1/4 Sec. 3</b>
<b>RESOLUTION NO.</b>	<b>DATE OF COUNCIL APPROVAL:</b>

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 59,269.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)

PROJECT NO. 03.925.3

PROJECT LOCATION:

NE 1/4 Sec. 3

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

By:

*FRANCO C. MANCINI*  
FRANCO C. MANCINI

Please Print or Type

Matt Pryor, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 10<sup>th</sup> day of February, A.D. 2004, before me personally appeared FRANCO C. MANCINI known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

*Laurel Nottage*

Laurel Nottage  
Notary Public  
State of Michigan  
My Comm. Exp. 10-12-04

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: \_\_\_\_\_



**IRREVOCABLE STANDBY LETTER OF CREDIT**

**Letter of Credit**

Date: February 5, 2004  
Number: 99-100078  
Amount (USD): \$48,500.00  
Expiration Date: February 5, 2005

**Bank**

Name: Warren Bank  
Address: 30068 Schoenherr  
Warren, MI 48088

**Beneficiary:**

City of Troy  
C/O Engineering Department  
500 W. Big Beaver  
Troy, MI 48084

**Customer**

Name: Averhill Development II, LLC  
Address: 47858 Van Dyke, Ste. 410  
Shelby Township, MI 48317

We, Warren Bank, hereby issue our **IRREVOCABLE STANDBY LETTER OF CREDIT**, Number 99-100078 in your favor for the account of Averhill Development II, LLC up to the aggregate amount of Forty Eight Thousand Five Hundred Dollars & 00/100 (\$48,500.00).

This Amount is available upon presentation of your sight drafts or drafts drawn upon us, and accompanied by the following:

Signed statement by an authorized representative of the City of Troy, as follows: "We certify that Averhill Development II, LLC has failed to complete the work for the City of Troy for the installation of sanitary sewer, storm sewer and Detention Systems in accordance with plans prepared by Apex Engineering Group Inc. for project number 03.925.3, therefore we are demanding payment. We further certify that Averhill Development II, LLC has been notified of our intent to draw under the credit here involved."

This Letter of Credit expires on February 5, 2005.

All drafts drawn under this Letter of Credit must contain the following statement: "Drawn under Warren Bank Irrevocable Letter No. 99-100078 dated February 5, 2004." If the credit is available by negotiation, each presentation must be noted on the reverse of the advice by the bank where the credit is available.

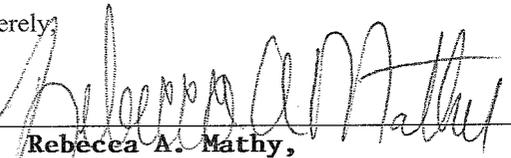
We hereby agree with the drawers, endorsers, and holders in due course of all drafts drawn under and in compliance with the terms of this Letter of Credit that such drafts will be duly honored by us upon presentation.

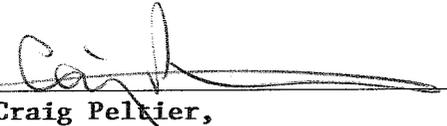
Warren Bank  
30068 Schoenherr  
Warren, MI 48088

This Letter of Credit is irrevocable, unconditional, nontransferable and non-assignable.

Unless otherwise expressly stated, this Letter of Credit is subject to the International Chamber of Commerce, Uniform Customs and Practice for Commercial Documentary Credits, 1993 revision- International Chamber of Commerce Publication No. 500.

Sincerely,

By:   
Its: Rebecca A. Mathy,  
Commercial Loan Operations Officer

By:   
Its: Craig Peltier,  
Bank Officer

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES  
PRIVATE AGREEMENT FOR ROCHESTER OFFICE PARC  
PROJECT NO. 03.925.3

The estimated costs of public improvements for the aforementioned project are as follows:

**Escrow Deposits:**

<b>Storm Sewer</b>	<b>15,000.00</b>
<b>Detention</b>	<b>31,080.00</b>
<b>Sanitary</b>	<b>2,420.00</b>

**Total Escrow Deposits:** (letter of credit) **\$ 48,500.00**

**Cash Fees:**

Review & Inspection	\$3,928.50
Engineering Review	4,480.50
Water Main Testing Fee	
Street Cleaning/Road Maintenance	<u>2,000.00</u>

**Total Cash Fees:** (check) **\$ 10,769.00**



TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF PERMANENT EASEMENTS AND REIMBURSEMENT FOR LANDSCAPING IN THE EASEMENT AREAS  
Maplelawn Road Reconstruction Project – Maple to Crooks, Project #90.903.1

In connection with the reconstruction and widening of Maplelawn Road, between Maple and Crooks, located in the Southeast ¼ of Section 29, the Real Estate and Development Department has acquired the following permanent easements for roadway, sidewalk, and public and private utilities. The consideration on each document is \$1.00. The City will reimburse several of the property owners for landscaping located in the easement areas in the amounts listed below.

Parcel #	Sidwell	Owner	Consideration Amounts	Compensation for Landscaping
1	20-29-401-010	Mansoor's Property Investments	\$1.00	\$0.00
2	20-29-401-024	Lebow Product, Inc.	\$1.00	\$1,973.71
3	20-29-401-018	Wright Investment Co.	\$1.00	\$7,675.20
4	20-29-401-017	Premier Investment, LLC	\$1.00	\$0.00
5	20-29-401-006	William Products, Inc.	\$1.00	\$0.00
6	20-29-401-016	Harry Neely & Joanne Neely	\$1.00	\$3,933.62
7	20-29-401-021	Suburban Maplelawn, LLC	\$1.00	\$787.14
8	20-29-401-020	Suburban Maplelawn, LLC	\$1.00	\$942.53
9	20-29-401-003	LYJ Properties, LLC	\$1.00	\$4,158.04
10	20-29-401-026	Suburban Maplelawn 2, LLC	\$1.00	\$6,935.10
11	20-29-401-027	David T. Fischer Living Trust u/a/d June 4, 1981	\$1.00	\$0.00
12	20-29-401-013	William Beaumont Hospital	\$1.00	\$0.00
19	20-29-426-047	Elder Land Development Corporation	\$1.00	\$0.00

20	20-29-426-021	Suburban Maplelawn 3, LLC	\$1.00	\$553.20
21	20-29-426-026	Orland Park Properties, LLC	\$1.00	\$0.00
22	20-29-426-030	Suburban Maplelawn 4, LLC	\$1.00	\$2,912.18
23	20-29-426-052	Nical Enterprises, LLC	\$1.00	\$4,616.03
24	20-29-426-053	Nical Enterprises, LLC	\$1.00	\$0.00
			<b>TOTAL</b>	<b>\$34,486.75</b>

Management recommends that City Council accept the attached permanent easements and authorize compensation for landscaping. Monies for landscape reimbursement will come from the 2003/04 Major Road and Water Funds accounts.

PERMANENT EASEMENT

Sidwell #88-20-29-401-010

Mansoor's Property Investments , L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 29777 Stephenson Hwy., Madison Heights, MI 48071 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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 26th day of January, A.D. 2004.

In presence of:  
WITNESS

\_\_\_\_\_

\_\_\_\_\_

Mansoor's Property Investments, LLC  
A Michigan Limited Liability Company

By [Signature] (L.S.)  
\*Mansoor Ahmad, Managing Member

By [Signature] (L.S.)  
\*Ann O'Brien, Managing Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 26th day of January, 2004, by Mansoor Ahmad, Managing Member and Ann O'Brien, Managing Member, on behalf of Mansoor's Property Investments, LLC, a Michigan Limited Liability Company.

[Signature]  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006

Prepared by: Larysa Figol  
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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-401-010**

**Owner: Lewco Products Co.**

**Parcel #1**

**Parent Parcel Description (Title Commitment #63-503302)**

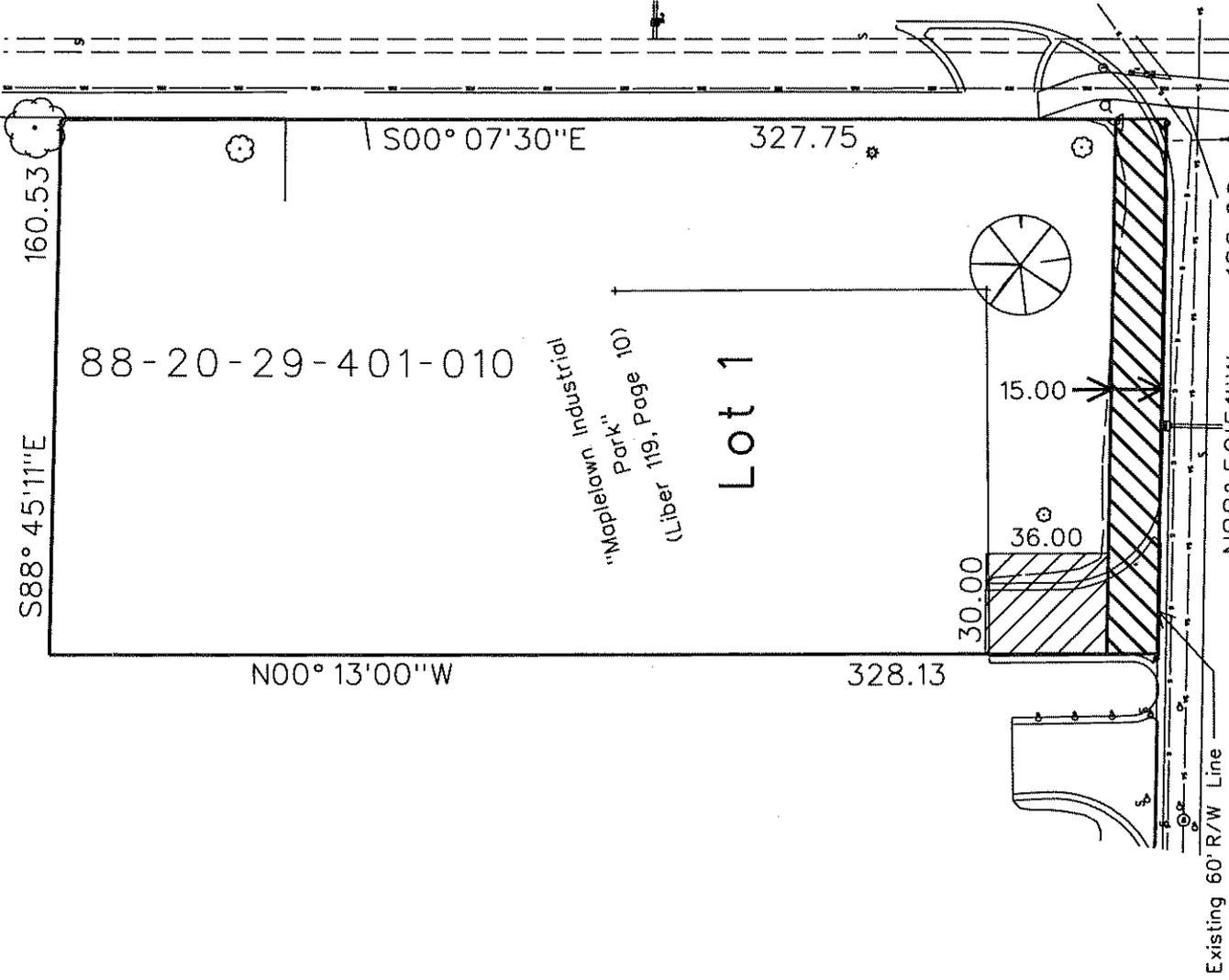
Situated in the City of Troy, Oakland County, Michigan, described as:

Lot 1, "MapleLawn Industrial Park", according to the plat thereof as recorded in Liber 119, Page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of Lot 1 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,400 Square Feet or 0.055 Acres.

# 2145 Crooks Rd.

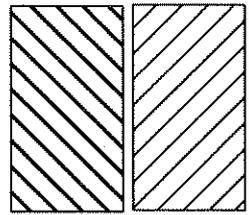
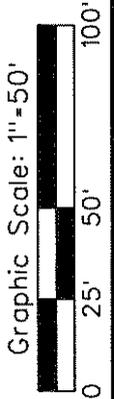


Maplelawn (60' Wide)



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2400 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=1080 Sq.Ft.



Parcel #1

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III		See Below
VER.	DATE 9-30-03	DATE	VIEW *1
DATE		REV.	
CONTRACT No.		SHEET No.	JOB No.
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		STEVEN J. VANDETTTE CITY ENGINEER	
		1 of 1	

PERMANENT EASEMENT

Sidwell #88-20-29-401-024

LEBOW PRODUCTS, INC. a California Corporation, Grantor(s), whose address is 1728 Maplelawn Drive, Troy, MI 48084, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) 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 the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B).

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 1 signature(s) this 16<sup>th</sup> day of January A.D. 2004.

In presence of:  
WITNESS

K S Hayes

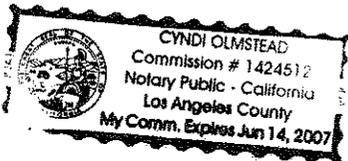
M J Zouka

LEBOW PRODUCTS, INC.,  
a California Corporation

By [Signature] (L.S.)  
\*Michael Katz  
Its President

STATE OF California  
COUNTY OF Los Angeles

The foregoing instrument was acknowledged before me this 16 day of January, 2004, by Michael Katz, President of LEBOW PRODUCTS, INC., a California Corporation, on behalf of the said Corporation.



Cyndi O Commission # 1424512  
Notary Public, State of CA County, Los Angeles  
My Commission Expires June 14, 2007

Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-024  
Owner: Lebow Products, Inc.  
Parcel #2

**Parent Parcel Description (Title Commitment #63-503301)**

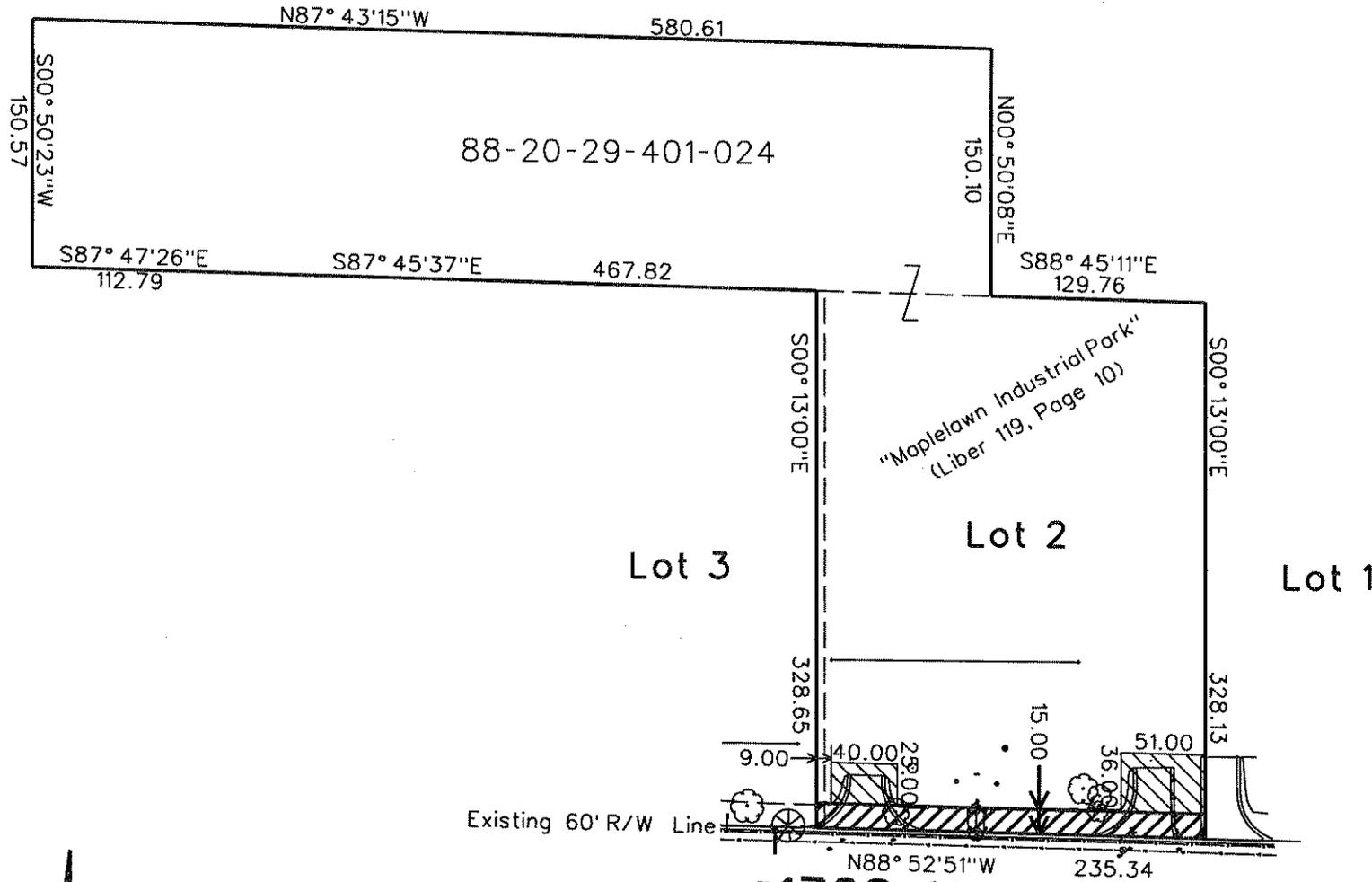
Situated in the City of Troy, Oakland County, Michigan, described as:

Lot 2 and the East 5 feet of Lot 3, also part of the southeast  $\frac{1}{4}$  beginning at point distant North 00 degrees 53 minutes 00 seconds East 2375.07 feet and North 87 degrees 43 minutes 15 seconds West 350.08 feet from the southeast section corner; thence North 87 degrees 43 minutes 15 seconds West 580.61 feet; thence South 00 degrees 50 minutes 23 seconds West 150.57 feet; thence South 87 degrees 47 minutes 26 seconds East 112.79 feet; thence South 87 degrees 45 minutes 37 seconds East 467.82 feet; thence North 00 degrees 50 minutes 08 seconds East 150.10 feet to the beginning, Section 29, Town 2 North, Range 11 East, Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of Lot 2 and the South 15.00 feet of the East 5.00 feet of Lot 3 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 3,530 Square Feet or 0.081 Acres

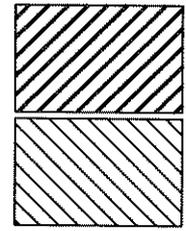




•1728 Maplelawn Parcel #2

Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=3530 Sq.Ft.

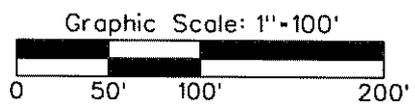
Driveway Regrading  
 Permit  
 Area=2836 Sq.Ft.



CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 9-30-03	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. JOB No.
STEVEN J. VANDETTE CITY ENGINEER		1 of 1	



PERMANENT EASEMENT

Sidwell #88-20-29-401-018

WRIGHT INVESTMENT COMPANY, a Michigan Co-Partnership, Grantor(s), whose address is 1738 Maplelawn, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 20th day of January A.D. 2004.

In presence of:
WITNESS

WRIGHT INVESTMENT COMPANY,
a Michigan Co-Partnership

By [Signature] (L.S.)
\*Wayne W. Wright
Its: Partner

By [Signature] (L.S.)
\*William C. Wright
Its: Partner

STATE OF MICHIGAN )
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 20th day of January, 2004, by Wayne W. Wright and William C. Wright, Partners of Wright Investment Company, a Michigan Co-Partnership, on behalf of the said Co-Partnership

[Signature]
Notary Public, Macomb County, Michigan
ALLYNE C. QUATRINE
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Mar 7, 2005

Prepared by: Larysa Figol
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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**  
**Parcel: 88-20-29-401-018**  
**Owner: Wright Investment Co.**  
**Parcel #3**

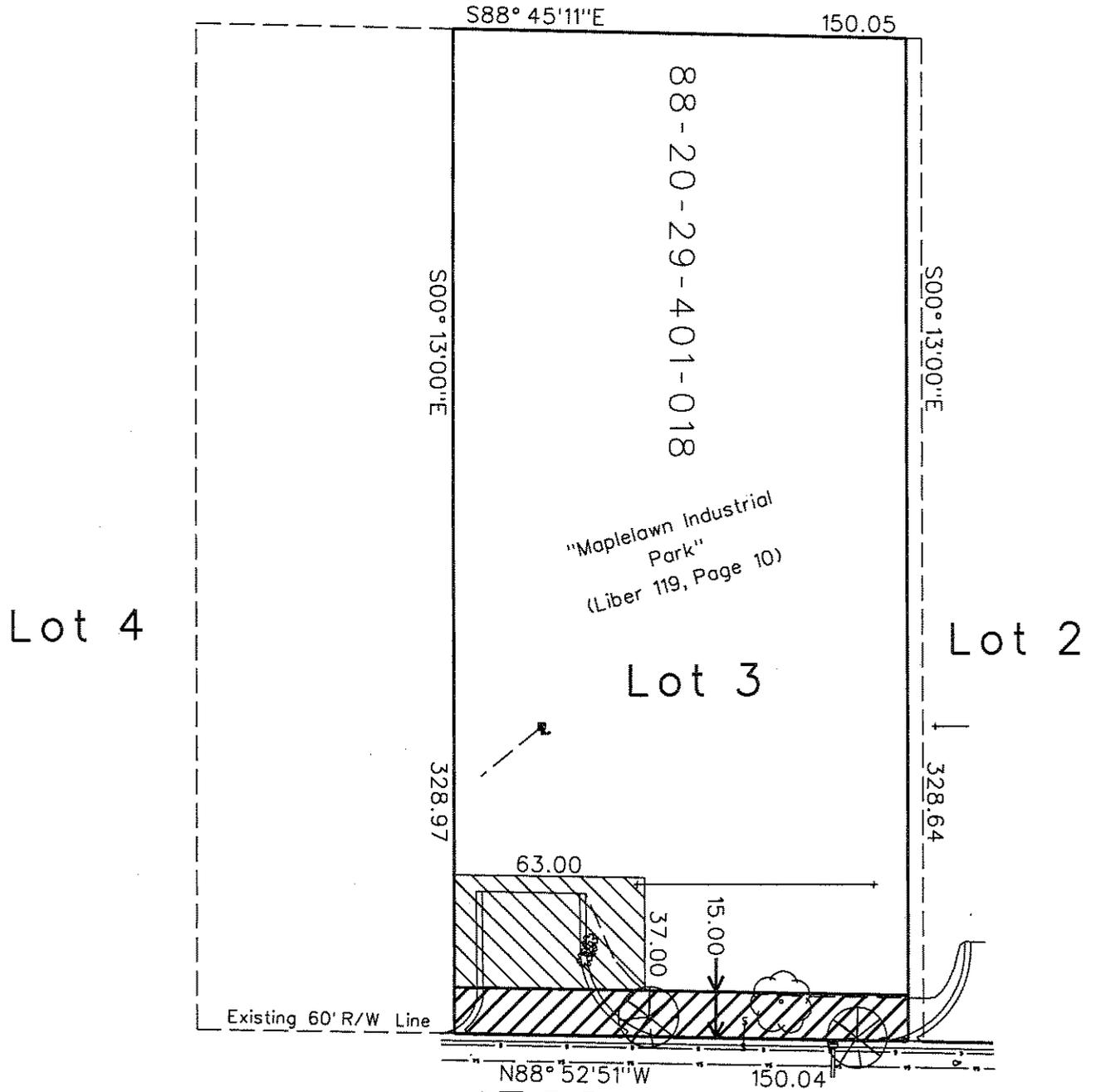
**Parent Parcel Description (Title Commitment #63-503299)**

Situated in the City of Troy, Oakland County, Michigan, described as: West 150 feet of east 155 feet of Lot 3, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the West 150.00 feet of the East 155.00 feet of Lot 3 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,251 Square Feet or 0.052 Acres.





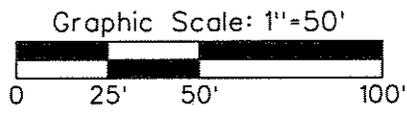
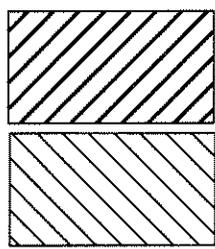
**#1738 Maplelawn  
 (60' Wide)**

**Parcel # 3**



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2251 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=2330 Sq.Ft.



**CITY OF TROY**  
 OAKLAND COUNTY, MICHIGAN

**Proposed Easement  
 Sketch**

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 9-30-03	DATE	VIEW *1

DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR	DATE	REV.	CONTRACT No.	SHEET No. <b>1 of 1</b>	JOB No.
			STEVEN J. VANDETTE CITY ENGINEER		

PERMANENT EASEMENT

Sidwell #88-20-29-401-017

PREMIER INVESTMENT PROPERTY, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 1744 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B"). *Repair and/or replace drinker damage. to 03/24/04*  
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 3 signature(s) this 8th day of January, A.D. 2004.

In presence of  
WITNESS

PREMIER INVESTMENT PROPERTY, LLC  
A Michigan Limited Liability Company

\_\_\_\_\_

By [Signature] (L.S.)  
\*Henry J. Crawford, Member

\_\_\_\_\_

By [Signature] (L.S.)  
\*Edna S. Crawford, Member

By [Signature] (L.S.)  
\*Craig S. Zimmerman, Member

STATE OF MICHIGAN )  
COUNTY OF OKLAHOMA )

The foregoing instrument was acknowledged before me this 8th day of January, 2004, by Henry J. Crawford, Member, Edna S. Crawford, Member and Craig S. Zimmerman, Member, on behalf of Premier Investment Property, LLC, a Michigan Limited Liability Company.

[Signature]  
\*  
Notary Public, OKLAHOMA County, Michigan

My Commission Expires MAR 2, 2006

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-401-017**

**Owner: Premier Investment Property, L.L.C.**

**Parcel #4**

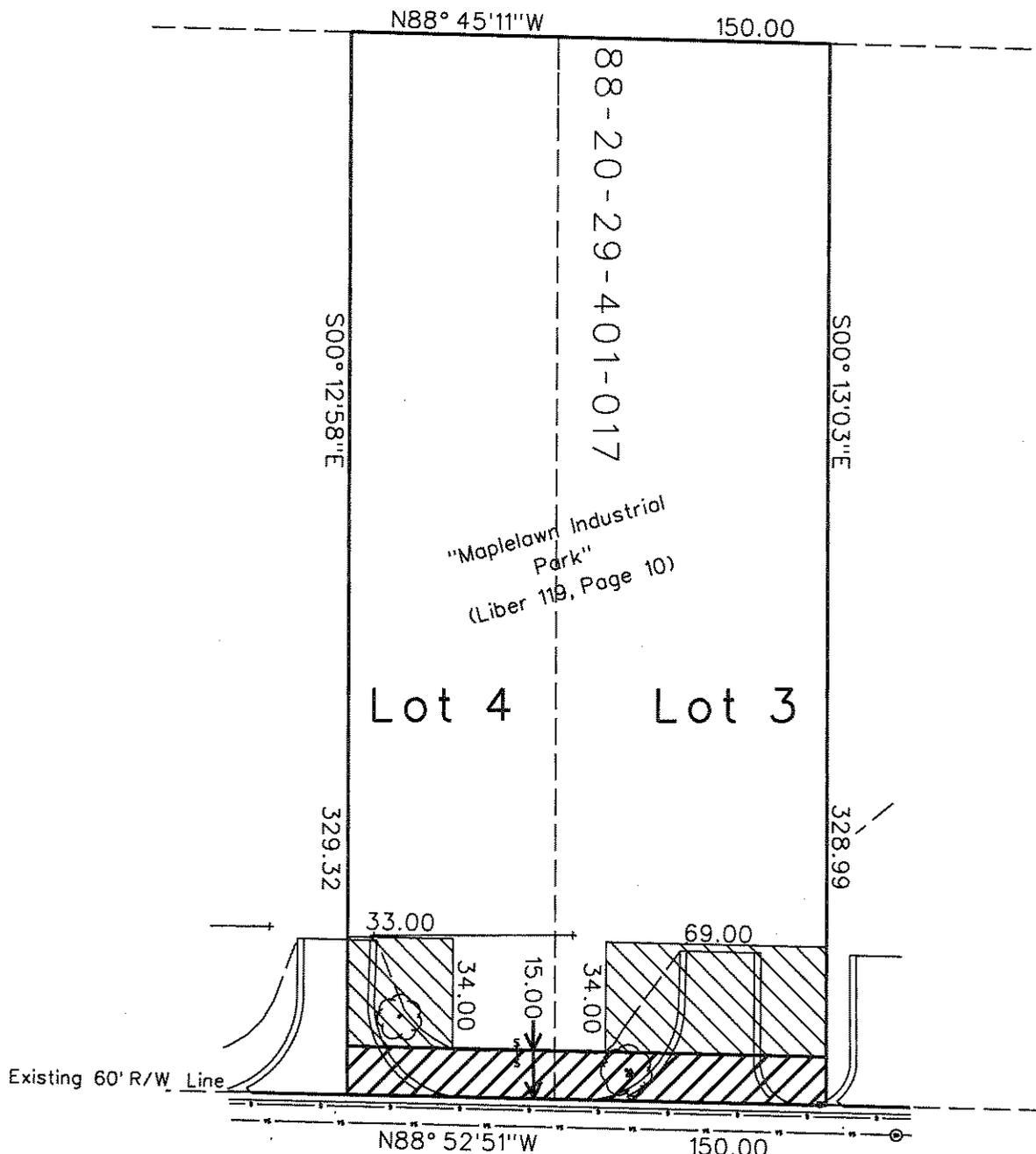
**Parent Parcel Description (Title Commitment #63-503298)**

Situated in the City of Troy, Oakland County, Michigan, described as: West 85 feet of Lot 3 and East 65 feet of Lot 4, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the West 85.00 feet of Lot 3 and the South 15.00 feet of the East 65.00 feet of Lot 4 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,250 Square Feet or 0.052 Acres.



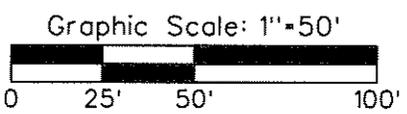
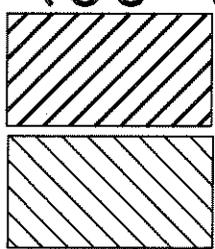


**#1744 Maplelawn  
 (60' Wide)**



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2250 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=3467 Sq.Ft.



**Parcel #4**

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
<b>Proposed Easement Sketch</b>			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 9-30-03	DATE	VIEW #1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. 1 of 1
DATE		REV.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER			

PERMANENT EASEMENT

Sidwell #88-20-29-401-006  
Resolution #

WILLIAM PRODUCTS, INC., a Michigan Corporation, Grantors, whose address is 1750 Mapfelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

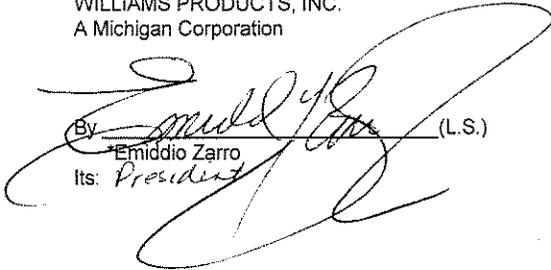
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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 his signature(s) this 8th day of January A.D. 2004.

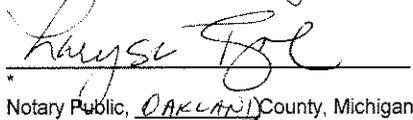
In presence of:  
WITNESS

WILLIAMS PRODUCTS, INC.  
A Michigan Corporation

By  (L.S.)  
Emiddio Zarro  
Its: President

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 8th day of January, 2004, by Emiddio Zarro, President of WILLIAMS PRODUCTS, INC., a Michigan Corporation, on behalf of the Corporation.

  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR 2, 2006

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

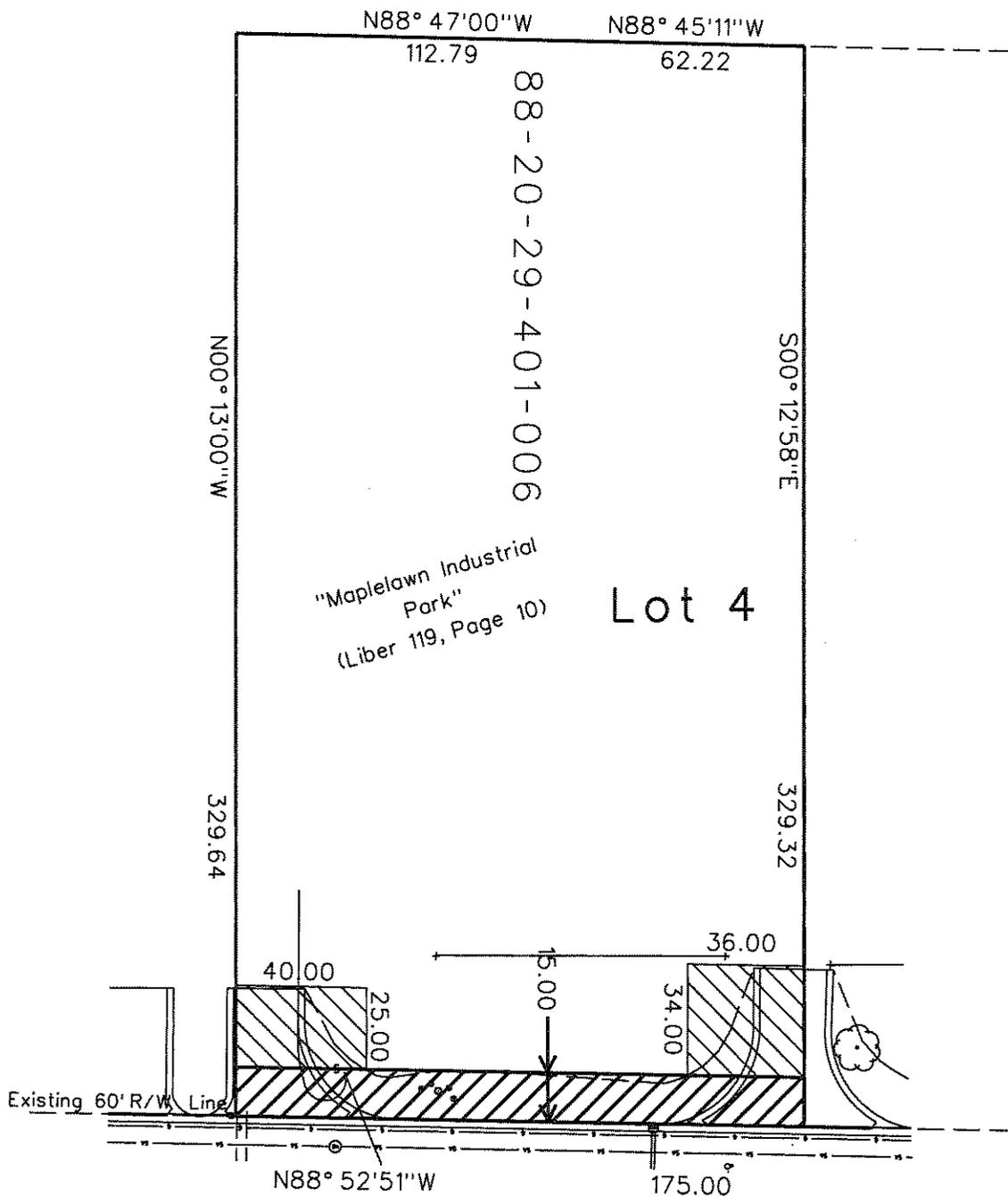
**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-006  
Owner: William Products, Inc.  
Parcel #5**

Parent Parcel Description (Title Commitment #63-503297)

Situated in the City of Troy, Oakland County, Michigan, described as: West 175 feet of Lot 4, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records.

Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities

**Part of the Southeast ¼ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the West 175.00 feet of Lot 4 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,625 Square Feet or 0.060 Acres.**



**#1750 Maplelawn  
 (60' Wide)**

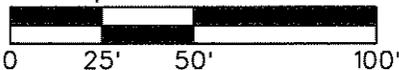
**Parcel #5**



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2625 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=2224 Sq.Ft.

Graphic Scale: 1"=50'



DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

DATE	REV.
CONTRACT No.	

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
<b>Proposed Easement Sketch</b>			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW #1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No.	JOB No.
		1 of 1	

PERMANENT EASEMENT

Sidwell #88-20-29-401-016

Harry Neely and Joanne Neely, husband and wife, whose address is 1754 Mapelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 23 day of January A.D. 2004.

In presence of: WITNESS

\_\_\_\_\_  
\*  
\_\_\_\_\_

By [Signature] (L.S.)  
\* Harry Neely  
By [Signature] (L.S.)  
\* Joanne Neely

STATE OF MICHIGAN )  
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by Harry Neely and Joanne Neely, husband and wife.

[Signature]  
Notary Public, Oakland County, Michigan  
My Commission Expires 3-17-08

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-401-016**

**Owner: Harry Neely**

**Parcel #6**

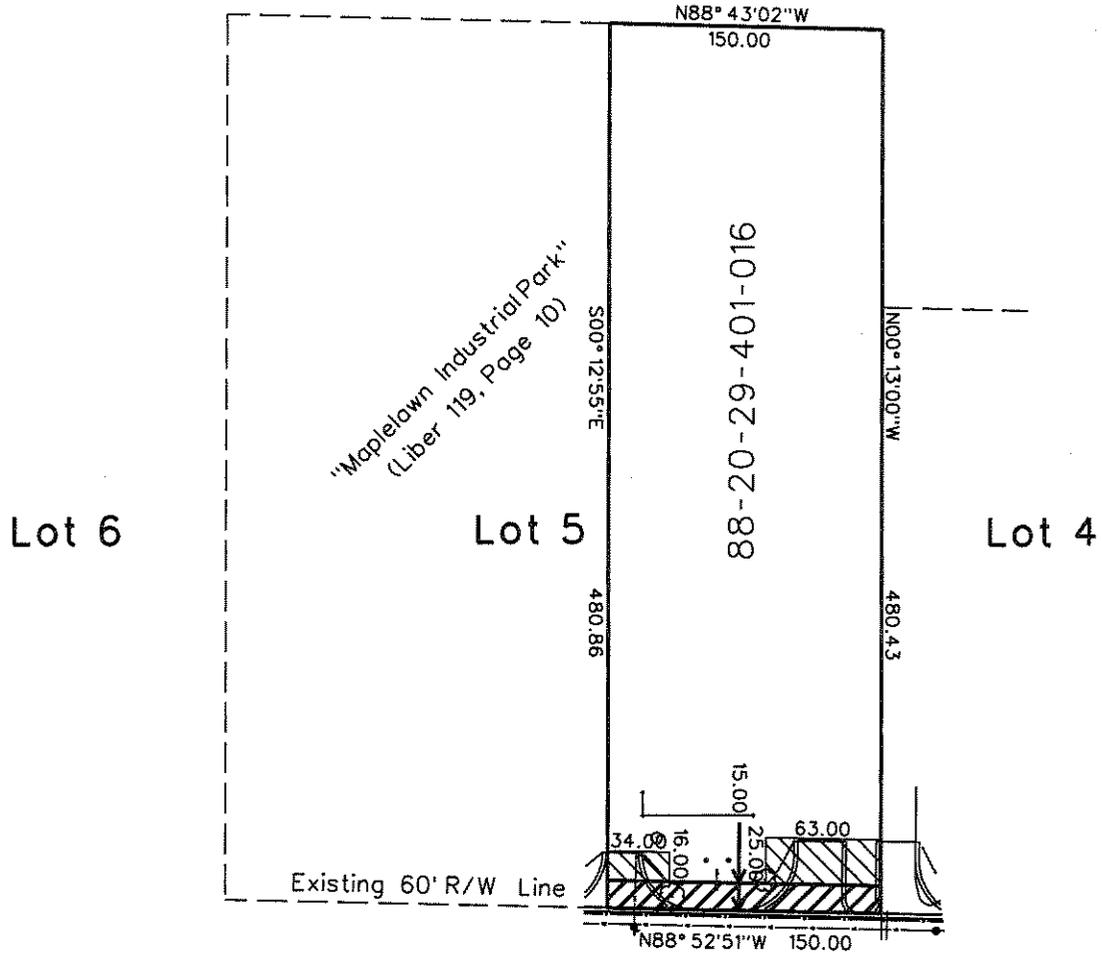
**Parent Parcel Description (Title Commitment #63-503296)**

Situated in the City of Troy, Oakland County, Michigan, described as: Easterly 150 feet of Lot 5, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the Easterly 150.00 feet of Lot 5 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,250 Square Feet or 0.052 Acres.

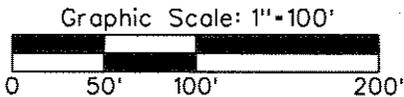
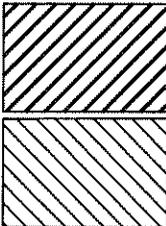




**•1754 Maplelawn  
 (60' Wide)**



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2250 Sq.Ft.  
 Driveway Regrading  
 Permit  
 Area=2119 Sq.Ft.



**Parcel #6**

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
<b>Proposed Easement Sketch</b>			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. JOB No.
		STEVEN J. VANDETTE CITY ENGINEER	1 of 1

PERMANENT EASEMENT

Sidwell #88-20-29-401-020<sup>021</sup>  
Resolution #

SUBURBAN MAPLELAWN, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 1 signature(s) this 23<sup>rd</sup> day of January A.D. 2004.

In presence of:  
WITNESS

Timothy J. Leary  
\* David Parker  
\* David Parker

SUBURBAN MAPLELAWN, LLC  
A Michigan Limited Liability Company

By David T. Fischer (L.S.)  
\*David T. Fischer  
Its: Managing Member

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, Managing Member of Suburban Maplelawn, LLC, a Michigan Limited Liability Company, on behalf of the Company.

Adrienne Keelin  
Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires \_\_\_\_\_

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver  
Troy, MI 48064  
ADRIENNE KEELIN  
NOTARY PUBLIC STATE OF MICHIGAN  
OAKLAND COUNTY  
COMMISSION EXP. NOV. 3, 2004

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-021  
Owner: Suburban Maplelawn L.L.C.  
Parcel #7**

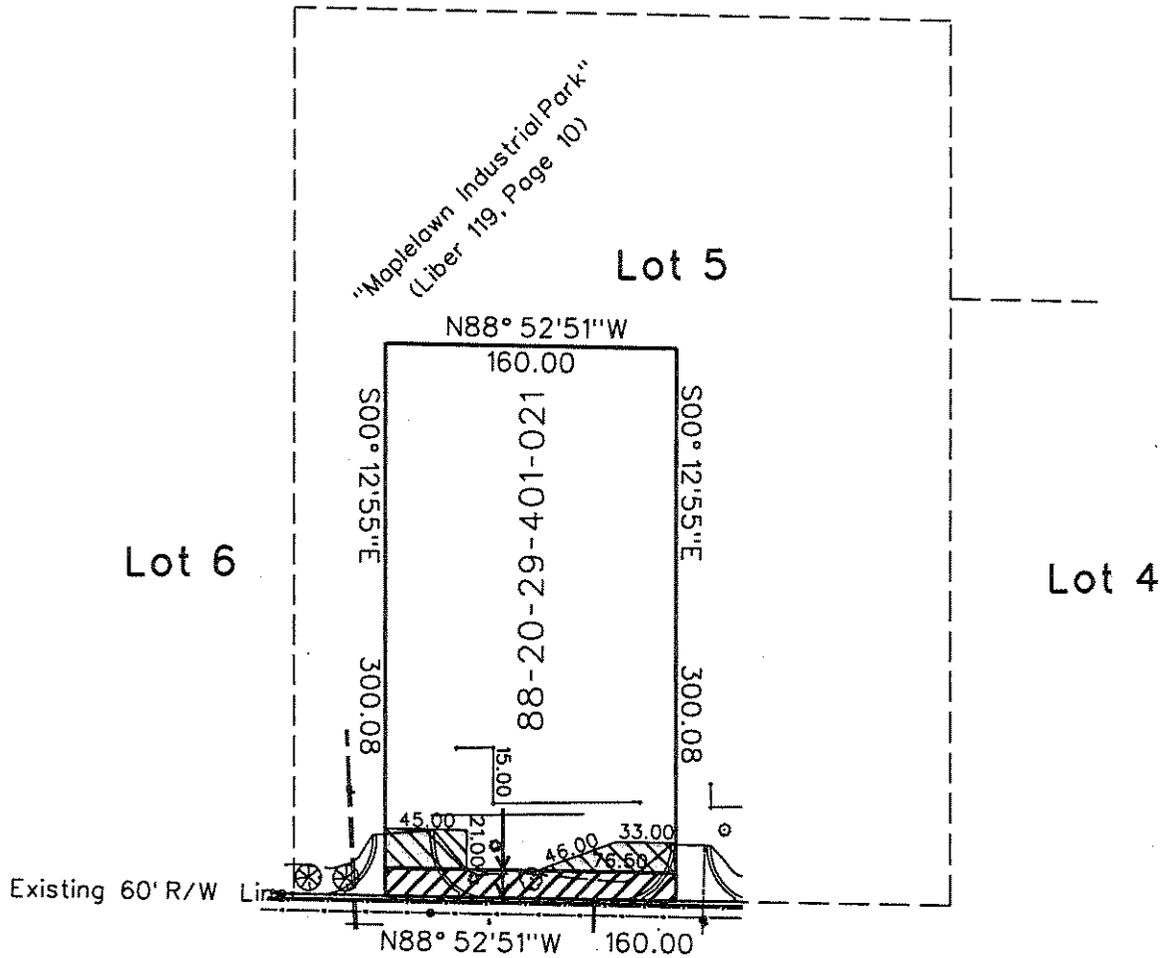
**Parent Parcel Description (Title Commitment #63-503294)**

Situated in the City of Troy, Oakland County, Michigan, described as: South 300 feet of East 160 feet of West 210 feet of Lot 5, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in Liber 119, Page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

**Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the South 300.00 feet of the East 160.00 feet of the West 210.00 feet of Lot 5 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 2,400 Square Feet or 0.055 Acres.**

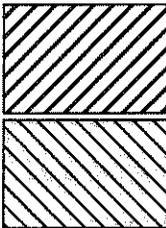




• 1760 Maplelawn  
 (60' Wide)



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=2400 Sq.Ft.  
 Driveway Regrading  
 Permit  
 Area=1821 Sq.Ft.



Graphic Scale: 1"=100'



Parcel # 7

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW #1
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER		1 of 1	

1-14 Permit Area  
 DATE REV.

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

PERMANENT EASEMENT

Sidwell #88-20-29-401-020  
Resolution #

SUBURBAN MAPLELAWN, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 \_\_\_\_\_ signature(s) this 23<sup>rd</sup> day of January A.D. 2004.

In presence of:  
WITNESS

SUBURBAN MAPLELAWN, LLC  
A Michigan Limited Liability Company

By [Signature] (L.S.)  
\*David T. Fischer  
Its: Managing Member

\* [Signature]  
\* [Signature]  
David Parker

STATE OF MICHIGAN )  
COUNTY OF Oakland )

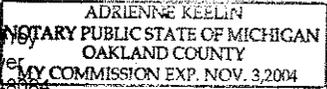
The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, Managing Member of Suburban Maplelawn, LLC, a Michigan Limited Liability Company, on behalf of the Company.

[Signature]  
\*  
Notary Public, Oakland County, Michigan

My Commission Expires:

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver  
Troy, MI 48064



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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-020  
Owner: Suburban Maplelawn L.L.C.  
Parcel #8**

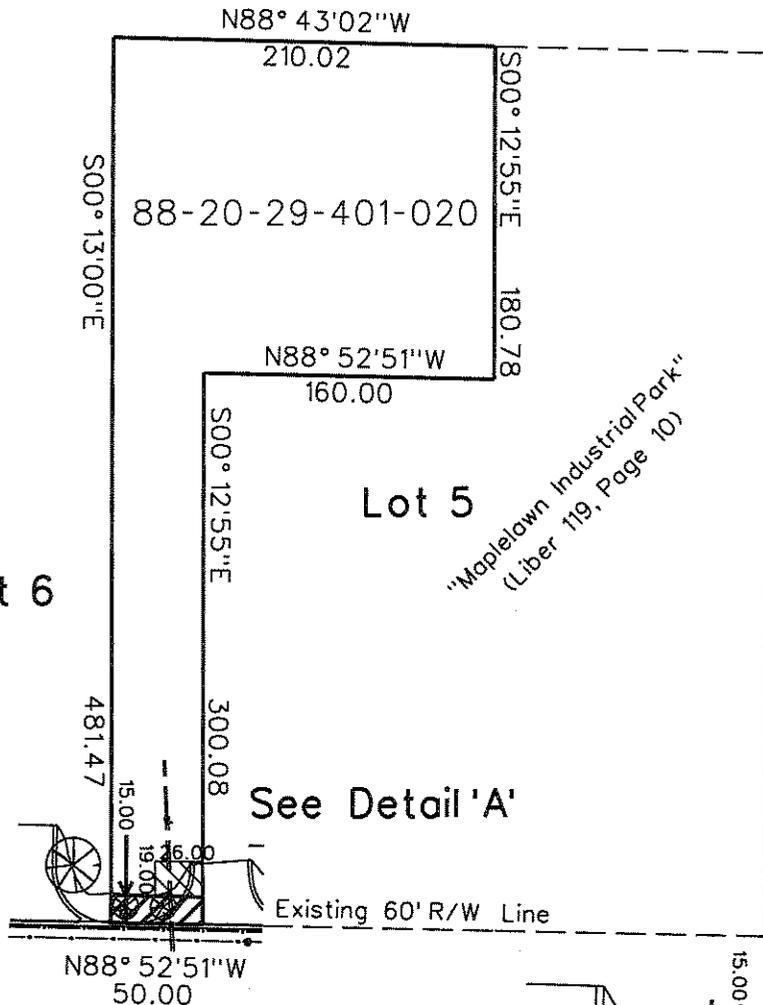
**Parent Parcel Description (Title Commitment #63-503292)**

Situated in the City of Troy, Oakland County, Michigan, described as: The westerly 210 feet of Lot 5, except the South 300 feet of East 160 feet, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in Liber 119, Page 10 of Plats, Oakland County Records.

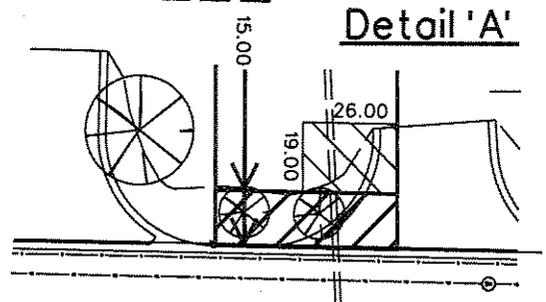
**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

**Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of the West 210.00 feet of Lot 5, except the South 300.00 feet of the East 160.00 feet of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 750 Square Feet or 0.017 Acres.**





Maplelawn (60' Wide)



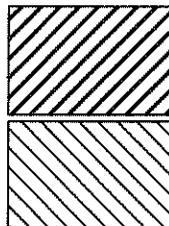
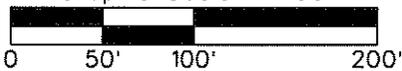
Parcel #8



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=750 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=494 Sq.Ft.

Graphic Scale: 1"=100'



DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
<b>Proposed Easement Sketch</b>			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW #1
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER		1 of 1	

**PERMANENT EASEMENT**

Sidwell #88-20-29-401-003  
Resolution #

LYJ PROPERTIES, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1770 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 26th day of January A.D. 2004.

In presence of:  
WITNESS

\_\_\_\_\_  
\*  
  
\_\_\_\_\_

LYJ PROPERTIES, LLC  
A Michigan Limited Liability Company

By [Signature] (L.S.)  
\*Kaz Jackow  
Its: Managing Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 26th day of January, 2004, by Kaz Jackow, Managing Member of LYJ Properties, LLC, a Michigan Limited Liability Company, on behalf of the Company.

[Signature]  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-003  
Owner: LYJ Properties, L.L.C.  
Parcel #9**

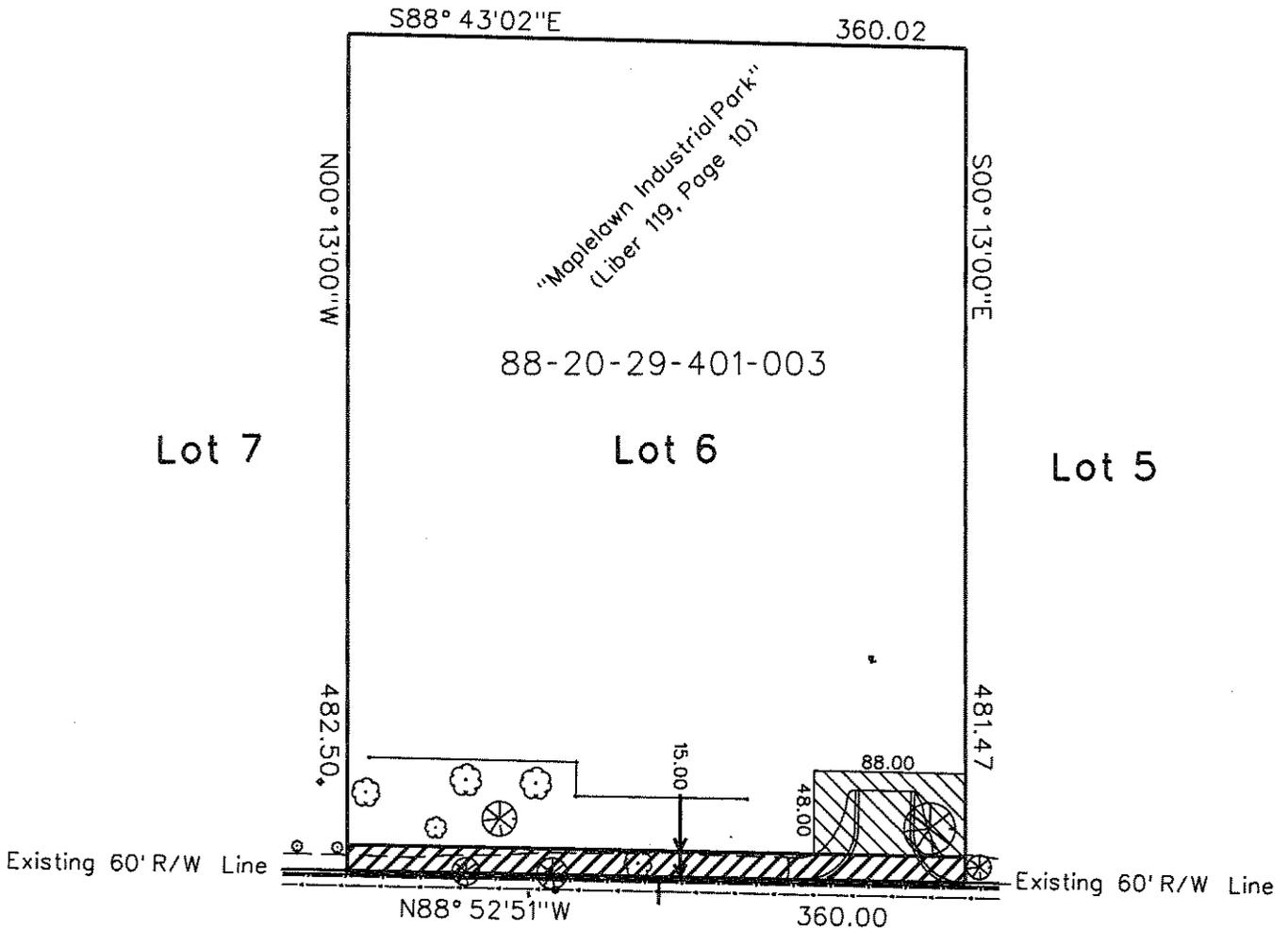
**Parent Parcel Description (Title Commitment #63-503291)**

Situated in the City of Troy, Oakland County, Michigan, described as: Lot 6, Maplelawn Industrial Park Subdivision, according to the plat thereof as recorded in Liber 119, Page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The South 15.00 feet of Lot 6, "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 5,400 Square Feet or 0.124 Acres.





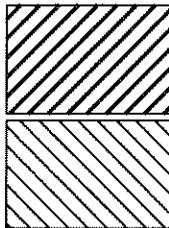
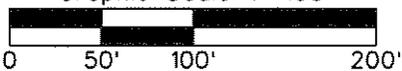
•1770 Maplelawn  
 (60' Wide)



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=5400 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=4223 Sq.Ft.

Graphic Scale: 1"=100'



Parcel #9

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW *1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 1	JOB No.

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

DATE REV.  
 CONTRACT No.

PERMANENT EASEMENT

Sidwell #88-20-29-401-026  
Resolution #

SUBURBAN MAPLELAWN 2, INC., a Michigan Corporation, Grantors, whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project.

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 1 signature(s) this 23rd day of January A.D. 2004.

In presence of:  
WITNESS

SUBURBAN MAPLELAWN 2, INC.  
A Michigan Corporation

By [Signature] (L.S.)  
\*David T. Fischer  
Its: President

\* [Signature]  
\* [Signature]  
David Parker

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, President of Suburban Maplelawn 2, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
Notary Public, Oakland County, Michigan

My Commission Expires \_\_\_\_\_

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver  
Troy, MI 48064



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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-401-026**

**Owner: Suburban Maplelawn 2, Inc.**

**Parcel #10**

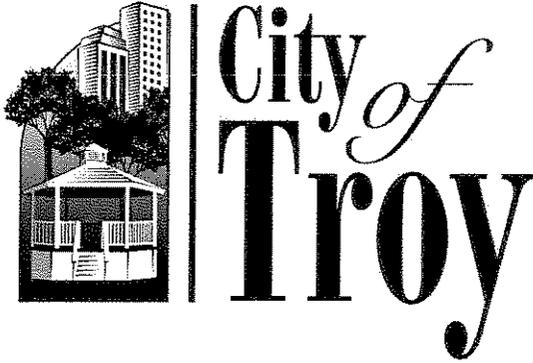
**Parent Parcel Description (Title Commitment #63-503290)**

Situated in the City of Troy, Oakland County, Michigan, described as:

Part of Lots 7 and 8, Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10, of Plats, Oakland County Records, described as follows: Beginning at a point distant North 00 degrees 08 minutes 34 seconds West 611.18 feet from the southwest corner of Lot 8, thence North 00 degrees 08 minutes 34 seconds West 224.73 feet, thence South 88 degrees 30 minutes 34 seconds East 53.34 feet, thence South 88 degrees 42 minutes 04 seconds East 1027.96 feet, thence South 00 degrees 12 minutes 15 seconds East 482.42 feet, thence North 88 degrees 52 minutes 51 seconds West 110.77 feet, thence along a curve to the left, radius 310 feet, chord bears South 68 degrees 39 minutes 12 seconds West 237.29 feet, distance of 243.47 feet, thence North 43 degrees 52 minutes 53 seconds West 151.19 feet, thence along a curve to the right, radius 230 feet, chord bears North 40 degrees 08 minutes 29 seconds West 30 feet, distance of 30.02 feet, thence North 89.87 feet, thence North 33 degrees 48 minutes 20 seconds West 175.86 feet, thence South 89 degrees 51 minutes 26 seconds West 528.43 feet to the beginning.

**Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities**

The South 15.00 feet of the following described parcel: Part of the Southeast ¼ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Situated in the City of Troy, Oakland County, Michigan, described as: Part of Lots 7 and 8, Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10, of Plats, Oakland County Records, described as follows: Beginning at a point distant North 00 degrees 08 minutes 34 seconds West 611.18 feet from the southwest corner of Lot 8, thence North 00 degrees 08 minutes 34 seconds West 224.73 feet, thence South 88 degrees 30 minutes 34 seconds East 53.34 feet, thence South 88 degrees 42 minutes 04 seconds East 1027.96 feet, thence South 00 degrees 12 minutes 15 seconds East 482.42 feet, thence North 88 degrees 52 minutes 51 seconds West 110.77 feet, thence along a curve to the left, radius 310 feet, chord bears South 68 degrees 39 minutes 12 seconds West 237.29 feet, distance of 243.47 feet, thence North 43 degrees 52 minutes 53 seconds West 151.19 feet, thence along a curve to the right, radius 230 feet, chord bears North 40 degrees 08 minutes 29 seconds West 30 feet, distance of 30.02 feet, thence North 89.87 feet, thence North 33 degrees 48 minutes 20 seconds West 175.86 feet, thence South 89 degrees 51 minutes 26 seconds West 528.43 feet to the beginning. Containing 5,400 Square Feet or 0.124 Acres.

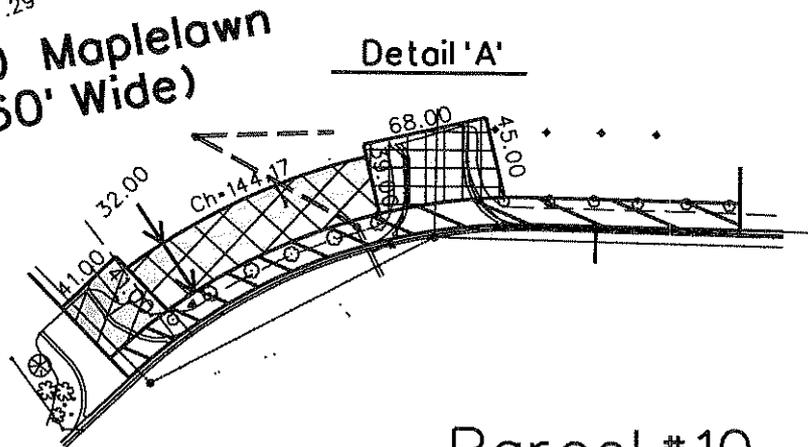
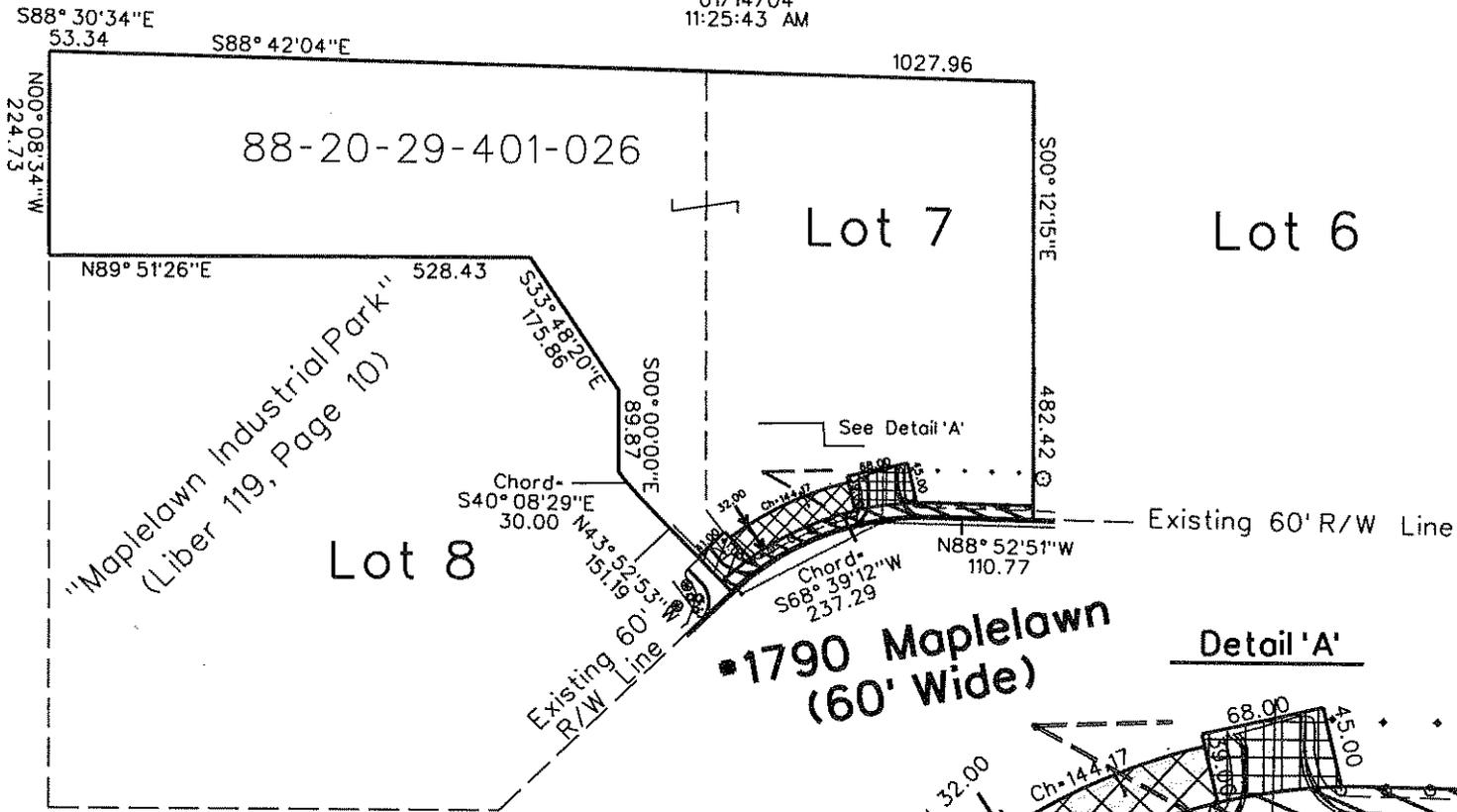


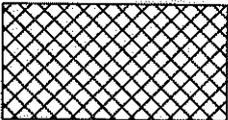
**Memo**

Date: January 21, 2004  
 To: Pat Petitto, Senior Right of Way Representative  
 From: Timothy Richnak, Public Works Director  
 Re: Tree & Shrub Evaluation for  
 1790 Maplelawn

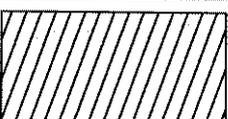
On January 21, 2004 I visited the location indicated above and evaluated the plant materials described below.

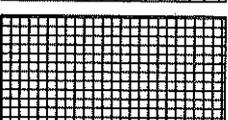
Quantity	Botanical Name	Common Name	Size	Total Value
3	Gleditsia triacanthos inermis	Honeylocust	6" DBH	\$1,262.88
6	Gleditsia triacanthos inermis	Honeylocust	7" DBH	\$3,437.82
3	Gleditsia triacanthos inermis	Honeylocust	8" DBH	\$2,234.40
	Total			\$6,935.10



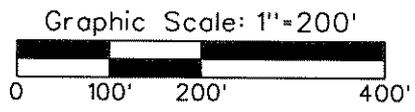
- 

Temporary Grading Permit  
 Area=4371 Sq.Ft.
- 

Permanent Easement for Roadway, Sidewalk, and Public Utilities  
 Area=5400 Sq.Ft.
- 

Driveway Regrading Permit  
 Area=1600 Sq.Ft.
- 

Driveway Regrading & Temporary Cul-De-Sac Construction Permit  
 Area=2774 Sq.Ft.



## Parcel #10

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

### Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW *1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. <b>1 of 1</b>	JOB No.

1-14	Temp. Grading Permit
10-20	Temp. CulDeSac Construction
DATE	REV.
CONTRACT No.	

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

PERMANENT EASEMENT

Sidwell #88-20-29-401-027  
Resolution #

DAVID T. FISCHER LIVING TRUST, under agreement dated June 4, 1981, as amended and restated, Grantor(s), whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project.

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 \_\_\_\_\_ signature(s) this 23<sup>rd</sup> day of January A.D. 2004.

In presence of:  
WITNESS

[Signature]  
\* [Signature]  
[Signature]  
David Parker

DAVID T. FISCHER LIVING TRUST,  
under agreement dated June 4, 1981, as  
amended and restated

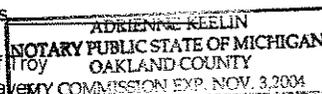
By [Signature] (L.S.)  
\*David T. Fischer  
Its: Trustee

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, Trustee of the David T. Fischer Living Trust, under agreement dated June 4, 1981, as amended and restated, on behalf of the Trust.

[Signature]  
\*  
Notary Public, Oakland County, Michigan

My Commission Expires



Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-027  
Owner: David T. Fischer Living Trust  
Parcel #11**

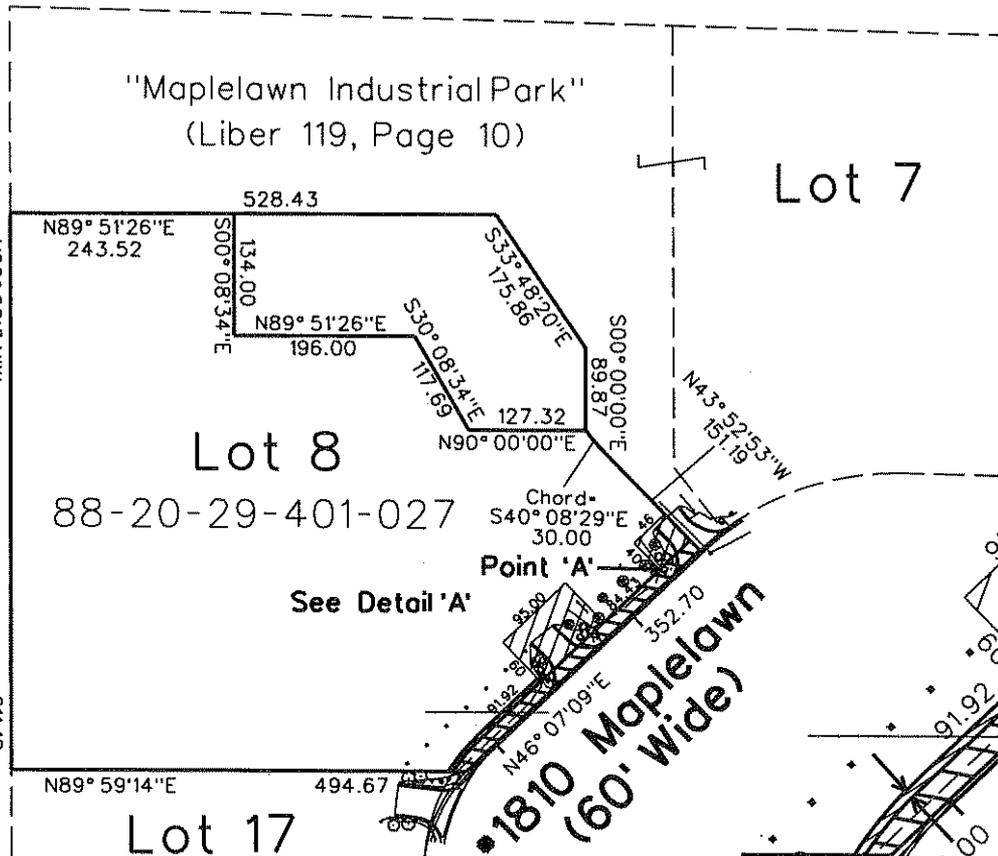
**Parent Parcel Description (Title Commitment #63-503289)**

Situated in the City of Troy, Oakland County, Michigan, described as:

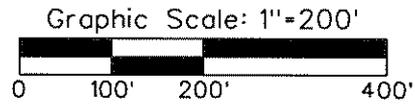
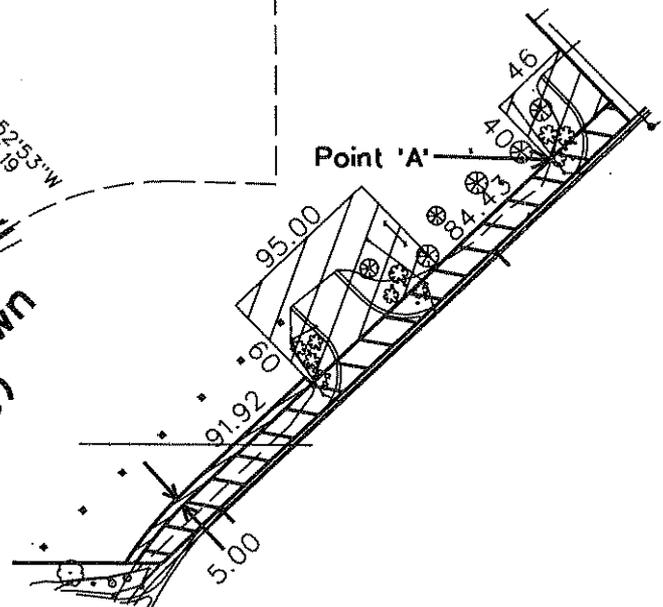
Part of Lot 8, Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10, of Plats, Oakland County Records, Town 2 North, Range 11 East, Section 29, beginning at the southwest lot corner; thence North 00 degrees 08 minutes 34 seconds West 611.18 feet; thence North 89 degrees 51 minutes 26 seconds East 243.52 feet; thence South 00 degrees 08 minutes 34 seconds East 134 feet; thence North 89 degrees 51 minutes 26 seconds East 196 feet; thence South 30 degrees 08 minutes 34 seconds East 117.69 feet; thence East 127.32 feet; thence along a curve to the left, radius 230 feet, chord bears South 40 degrees 08 minutes 29 seconds East 30 feet, distance of 30.02 feet; thence South 43 degrees 52 minutes 53 seconds East 151.19 feet; thence South 46 degrees 07 minutes 09 seconds West 352.70 feet; thence South 89 degrees 59 minutes 14 seconds West 494.67 feet to beginning.

**Description of Variable width Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Part of Lot 8 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Commencing at the most easterly corner of said Lot 8; thence on a curve to the left having a radius of 310.00 feet, a delta angle of 06 degrees 13 minutes 21 seconds, and a chord bearing and distance of South 49 degrees 15 minutes 41 seconds West 33.65 feet to the Point of Beginning; thence South 46 degrees 07 minutes 09 seconds West 352.70 feet to the southeast corner of said Lot 8; thence South 89 degrees 59 minutes 14 seconds West 14.11 feet; thence on a curve to the right having a radius of 199.20 feet, a delta angle of 13 degrees 10 minutes 25 seconds, and a chord bearing and distance of North 39 degrees 31 minutes 26 seconds East 45.70 feet; thence North 46 degrees 07 minutes 09 seconds East 317.34 feet; thence South 43 degrees 52 minutes 53 seconds East 15.00 feet to the Point of Beginning. Containing 5,313 Square Feet or 0.122 Acres.



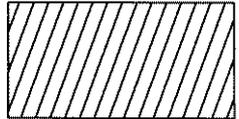
Detail 'A'



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=5313 Sq.Ft.



Driveway Regrading  
 Permit  
 Area=7540 Sq.Ft.



Temporary Grading  
 Permit  
 Area=699 Sq.Ft.



"Maplelawn Industrial  
 Park No. 2"  
 (Liber 119, Page 35 & 36)

Parcel #11

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

1-14	Temp. Grading Permit	SCALE	DRAWN BY	CHECKED	FILE
DATE	REV.	HOR. 1"=200'	NAME GJB III	NAME	See Above
		VER.	DATE 10-01-03	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR	CONTRACT No.	STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 1	JOB No.

PERMANENT EASEMENT

Sidwell #88-20-29-401-013

WILLIAM BEAUMONT HOSPITAL, a Michigan Non-Profit Corporation, Grantor(s), whose address is 3601 West Thirteen Mile Road, Royal Oak, Michigan 48073 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48083, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, public and private utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

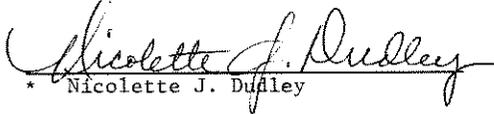
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 \_\_\_\_\_ signature(s) this 27th day of January A.D. 2004.

In presence of:  
WITNESS

  
\_\_\_\_\_  
\* Thomas R. McAskin  
  
\_\_\_\_\_  
\* Nicolette J. Dudley

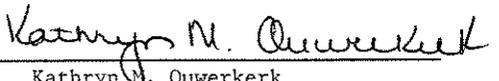
WILLIAM BEAUMONT HOSPITAL  
a Michigan Non-Profit Corporation

By  (L.S.)  
\_\_\_\_\_  
\*  
Its Senior VP and Hospital Director  
\_\_\_\_\_  
\*  
~~He~~

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 27th day of January, 2004, by John D. Labriola, Senior VP and Hospital Director of WILLIAM BEAUMONT HOSPITAL., a Michigan Non-Profit Corporation, on behalf of the said Corporation.

KATHRYN M. OUWERKERK  
Notary Public, Oakland County, MI  
My Commission Expires June 18, 2007

  
\_\_\_\_\_  
\* Kathryn M. Ouwerkerk  
Notary Public, Oakland County, Michigan  
My Commission Expires 6/19/07

Prepared by: Larysa Figol  
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

**EXHIBIT "A"**

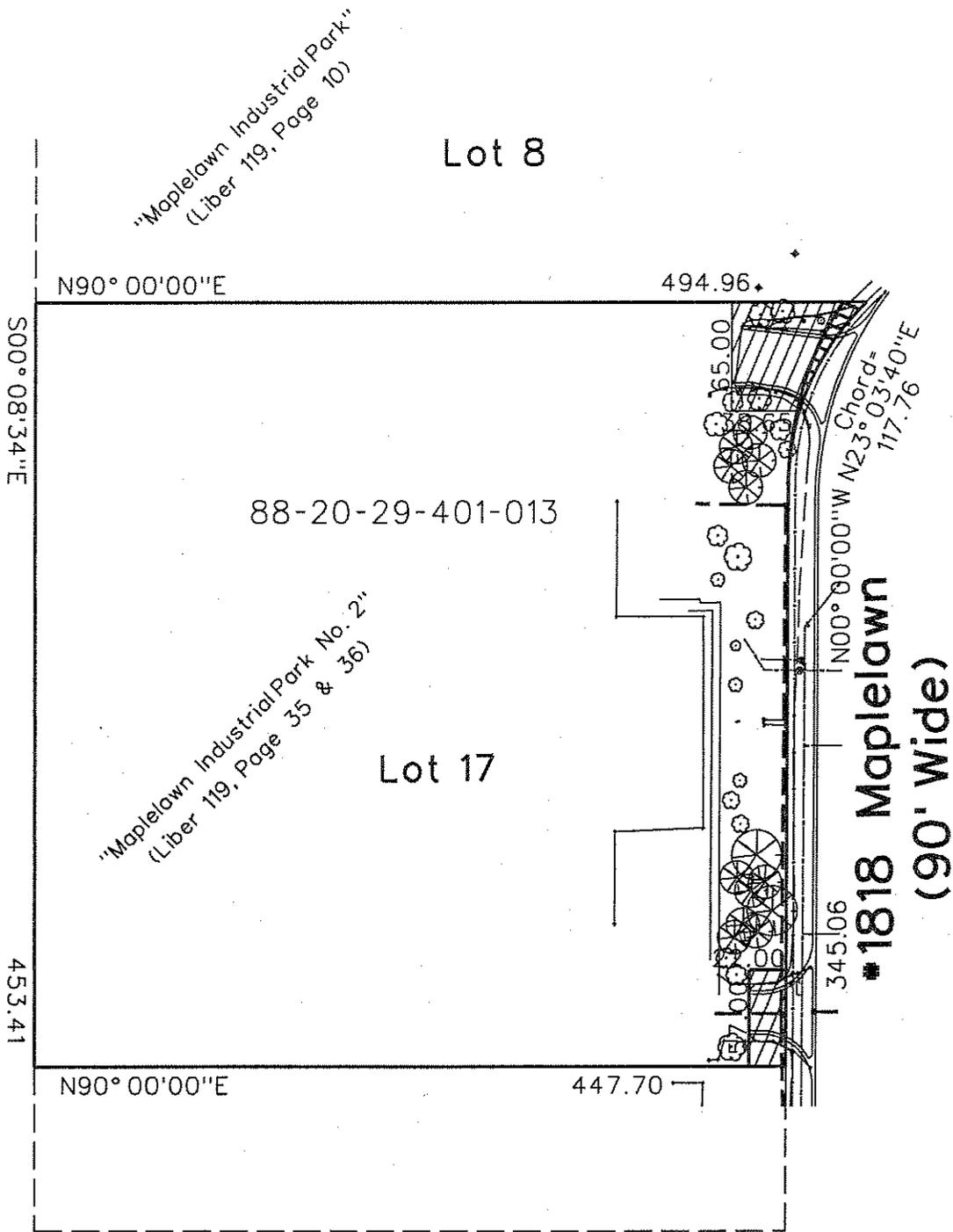
**Section 29, Maplelawn Road Reconstruction Project  
Parcel: 88-20-29-401-013  
Owner: William Beaumont Hospital  
Parcel #12**

**Parent Parcel Description (Title Commitment #63-503287)**

Situated in the City of Troy, Oakland County, Michigan, described as: Lot 17, except the southerly 97.32 feet, Maplelawn Industrial Park No. 2, according to the plat thereof as recorded in liber 119, pages 35 & 36 of Plats, Oakland County Records.

**Description of Variable width Permanent Easement for  
Roadway, Sidewalk, Public and Private Utilities**

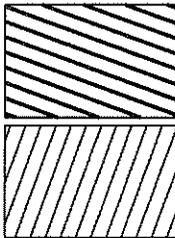
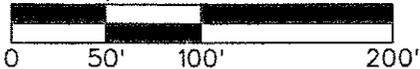
Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Part of Lot 17 of "Maplelawn Industrial Park No. 2", as recorded in Liber 119, Pages 35 & 36, of Oakland County Michigan records. Beginning at the Northeast corner of said Lot 17; thence on a curve to the left having a radius of 150.32 feet, a delta angle of 46 degrees 07 minutes 13 seconds, and a chord bearing and distance of South 23 degrees 03 minutes 40 seconds West 117.76 feet; thence on a curve to the right having a radius of 199.20 feet, a delta angle of 32 degrees 57 minutes 05 seconds, and a chord bearing and distance of North 16 degrees 28 minutes 31 seconds East 112.99 feet; thence East 14.08 feet to the Point of Beginning. Containing 431 Square Feet or 0.010 Acres.



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=431 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=4504 Sq.Ft.

Graphic Scale: 1"=100'



DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

DATE REV.

CONTRACT No.

Parcel #12

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW * 1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 1	JOB No.

PERMANENT EASEMENT

Sidwell #88-20-29-426-047  
Resolution #

ELDER LAND DEVELOPMENT CORPORATION, a Michigan Corporation, Grantors, whose address is 777 John R, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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 3rd day of FEBRUARY A.D. 2004.

In presence of:  
WITNESS

ELDER LAND CORPORATION  
A Michigan Corporation

By Irma B. Elder (L.S.)  
\*Irma B. Elder  
Its: President

[Signature]  
\_\_\_\_\_  
\*  
\_\_\_\_\_

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 3rd day of February, 2004, by Irma B. Elder, President of Elder Land Corporation, a Michigan Corporation, on behalf of the Corporation.

JEAN-ANNE BAKER  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Nov 1, 2008

Jean-Anne Baker  
Notary Public, Oakland County, Michigan  
My Commission Expires 11/1/08

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**  
**Parcel: 88-20-29-426-047**  
**Owner: Elder Land Development Corporation**  
**Parcel #19**

**Parent Parcel Description (Title Commitment #63-503307)**

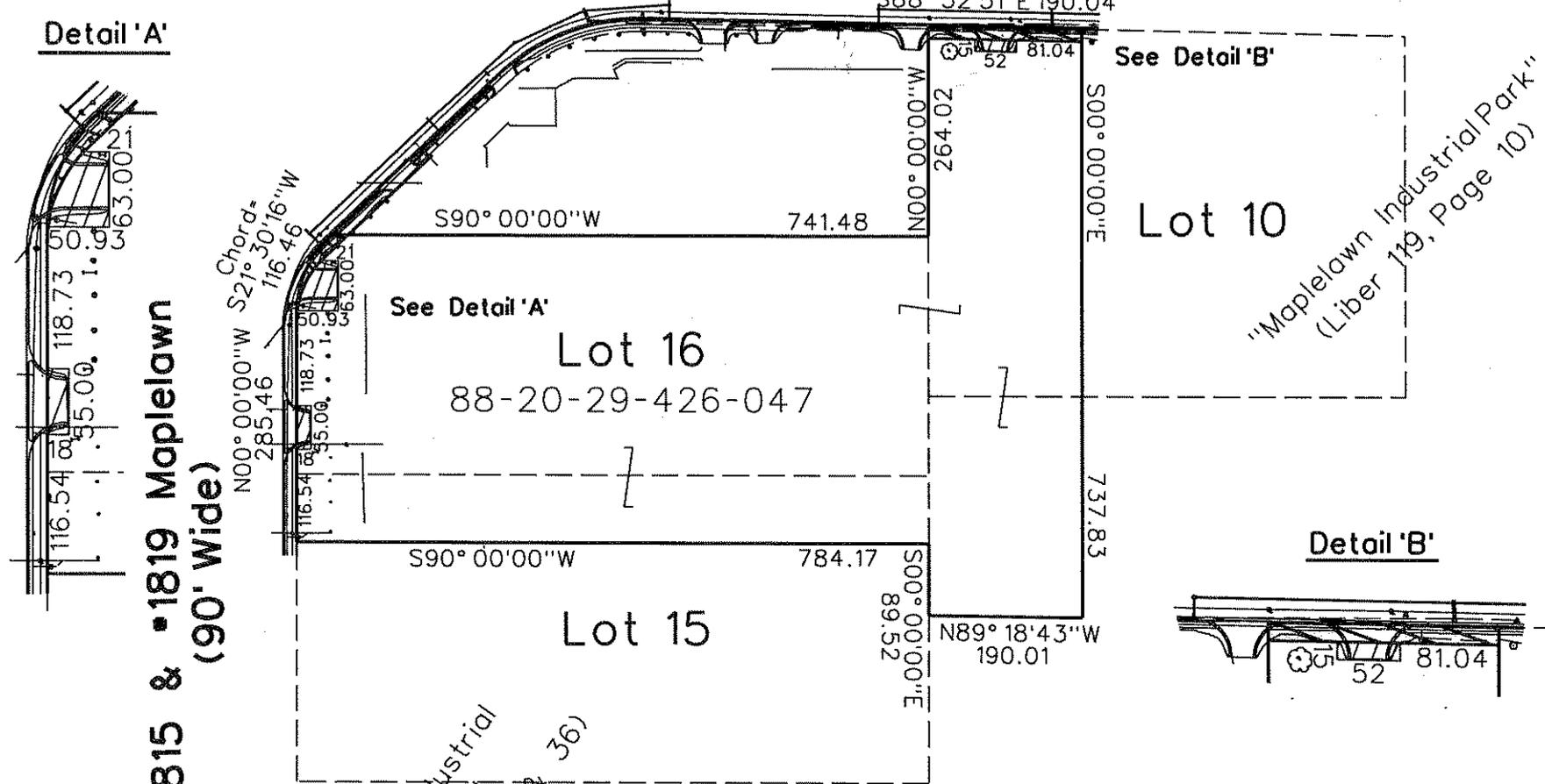
Situated in the City of Troy, Oakland County, Michigan, described as:

Part of Lot 10, Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10 of Plats, Oakland County Records; also Part of Lot 11 Maplelawn Industrial Park No. 2, according to the plat thereof as recorded in liber 119, pages 35 & 36 of Plats, Oakland County Records, all described as beginning at the northwest corner of said Lot 10; thence South 88 degrees 52 minutes 51 seconds East 190.04 feet; thence South 737.83 feet; thence North 89 degrees 18 minutes 43 seconds West 190.01 feet, thence North 739.26 feet to the beginning, also Lot 15 except the South 300 feet, also all of Lot 16, Maplelawn Industrial Park No. 2, according to the plat thereof as recorded in liber 119, pages 35 & 36 of Plats, Oakland County Records.

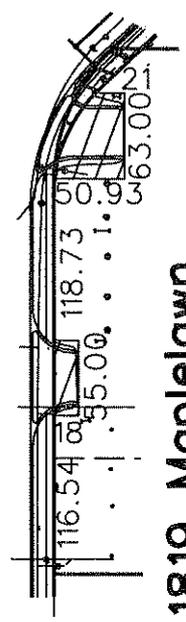
**Description of Variable width Permanent Easements for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of the West 190.04 feet of Lot 10 of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. And also Part of Lot 16 of "Maplelawn Industrial Park No. 2", as recorded in Liber 119, Pages 35 & 36 of Oakland County, Michigan records described as: Beginning at the Northwest corner of said Lot 16; thence East 21.64 feet; thence South 46 degrees 07 minutes 09 seconds West 42.76 feet; thence on a curve to the left having a radius of 109.20 feet, a delta angle of 46 degrees 06 minutes 59 seconds, and a chord bearing and distance of South 23 degrees 03 minutes 37 seconds West 85.54 feet; thence on a curve to the right having a radius of 139.11 feet, a delta angle of 49 degrees 29 minutes 28 seconds, and a chord bearing and distance of North 21 degrees 30 minutes 16 seconds East 116.46 feet to the Point of Beginning. Containing 3,792 Square Feet or 0.087 Acres.

# Maplelawn (60' Wide)

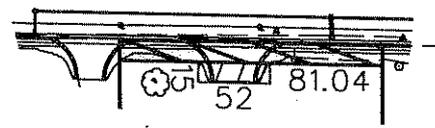


**Detail 'A'**



**See Detail 'B'**

**Detail 'B'**



**•1815 & •1819 Maplelawn  
 (90' Wide)**

*"Maplelawn Industrial  
 Park No. 2"  
 (Liber 119, Page 35 & 36)*

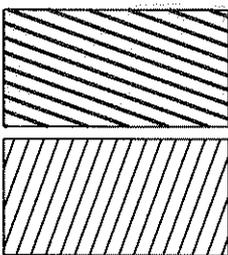


Graphic Scale: 1"=200'



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=3792 Sq.Ft.

Driveway Regrading  
 Permit  
 Area=4303 Sq.Ft.



## Parcel #19

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed Easement Sketch			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. JOB No.
STEVEN J. VANDETTE CITY ENGINEER			1 of 1

PERMANENT EASEMENT

Sidwell #88-20-29-426-021  
Resolution #

SUBURBAN MAPLELAWN 3, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 1 signature(s) this 23rd day of January A.D. 2004.

In presence of:  
WITNESS

SUBURBAN MAPLELAWN 3, LLC  
A Michigan Limited Liability Company

By David T. Fischer (L.S.)  
\*David T. Fischer  
Its: Managing Member

Frank J. Lefebvre  
\*  
David Parker  
\*  
David Parker

STATE OF MICHIGAN  
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, Managing Member of Suburban Maplelawn 3, LLC, a Michigan Limited Liability Company, on behalf of the Company.

Adrienne Keelin  
\*  
Notary Public, Oakland County, Michigan  
My Commission Expires \_\_\_\_\_

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

ADRIENNE KEELIN  
NOTARY PUBLIC STATE OF MICHIGAN  
OAKLAND COUNTY  
MY COMMISSION EXP. NOV. 3, 2004

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-426-021**

**Owner: Suburban Maplelawn 3, L.L.C.**

**Parcel #20**

**Parent Parcel Description (Title Commitment #63-503305)**

Situated in the City of Troy, Oakland County, Michigan, described as:

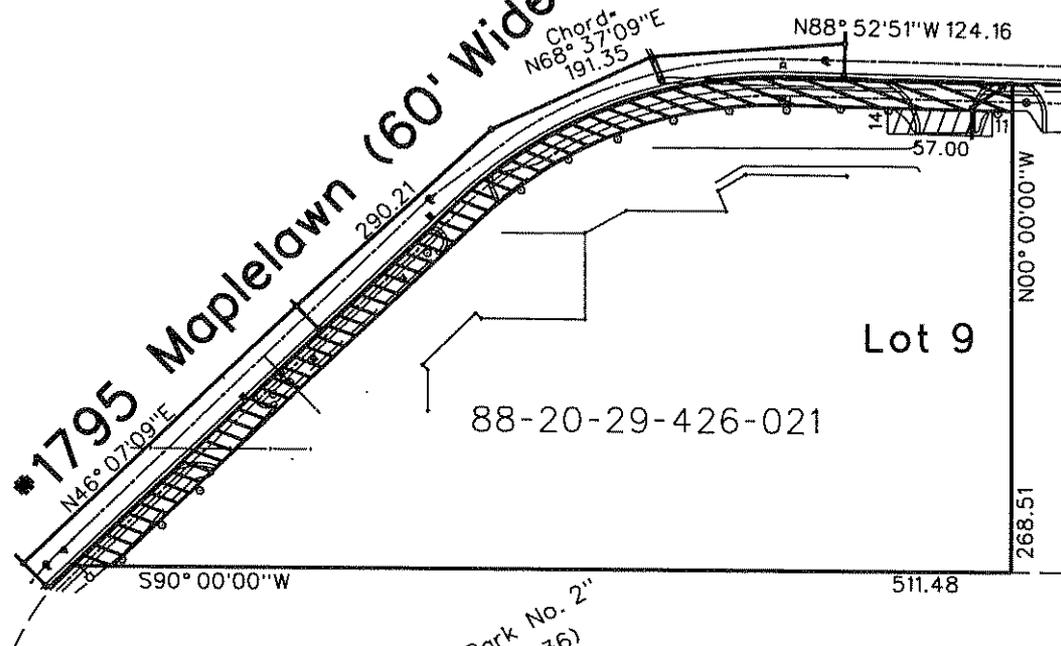
Lot 9, except east 230 feet, Maplelawn Industrial Park, according to the plat thereof as recorded in Liber 119, page 10 of Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of Lot 9, except the East 230.00 feet of "Maplelawn Industrial Park", as recorded in Liber 119, Page 10, of Oakland County, Michigan records. Containing 8,958 Square Feet or 0.206 Acres.



• 1795 Maplelawn (60' Wide)



88-20-29-426-021

Lot 9

"Maplelawn Industrial Park"  
 (Liber 119, Page 10)

Lot 10

"Maplelawn Industrial Park No. 2"  
 (Liber 119, Page 35 & 36)

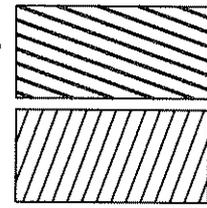
Lot 16



Graphic Scale: 1"=100'



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=8958 Sq.Ft.  
 Driveway Regrading  
 Permit  
 Area=798 Sq.Ft.



Parcel #20

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-01-03	DATE	VIEW #1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No.	JOB No.
		1 of 1	

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

DATE REV.  
 CONTRACT No.

PERMANENT EASEMENT

Sidwell #88-20-29-426-026  
Resolution #

ORLAND PARK PROPERTIES, L.L.C., An Illinois Limited Liability Company, Grantors, whose address is 1835 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids.

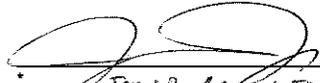
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 29<sup>th</sup> day of JAN A.D. 2004.

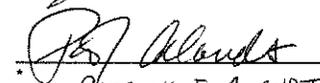
In presence of:  
WITNESS

ORLAND PARK PROPERTIES, L.L.C.  
An Illinois Limited Liability Company

By: WILLIAM E. FULLER TRUST under agreement dated JAN 13, 1977 as amended  
Its: Member

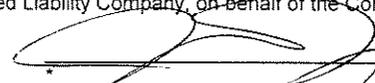
  
\_\_\_\_\_  
JOHN B. CARLIN JR

By William E. Fuller (L.S.)  
\*William E. Fuller  
Its: Trustee

  
\_\_\_\_\_  
PATRICK J. ARANDT

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of JAN, 2004, by William E. fuller, Trustee of the William e. Fuller Trust under agreement dated JAN 13, 1977, as amended, a Member of Orland Park Properties, L.L.C., an Illinois Limited Liability Company, on behalf of the Company.

  
\_\_\_\_\_  
Notary Public, OAKLAND County, Michigan  
My Commission Expires 7-28-06

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

EXHIBIT "A"

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-426-026**

**Owner: Orland Park Properties, L.L.C.**

**Parcel #21**

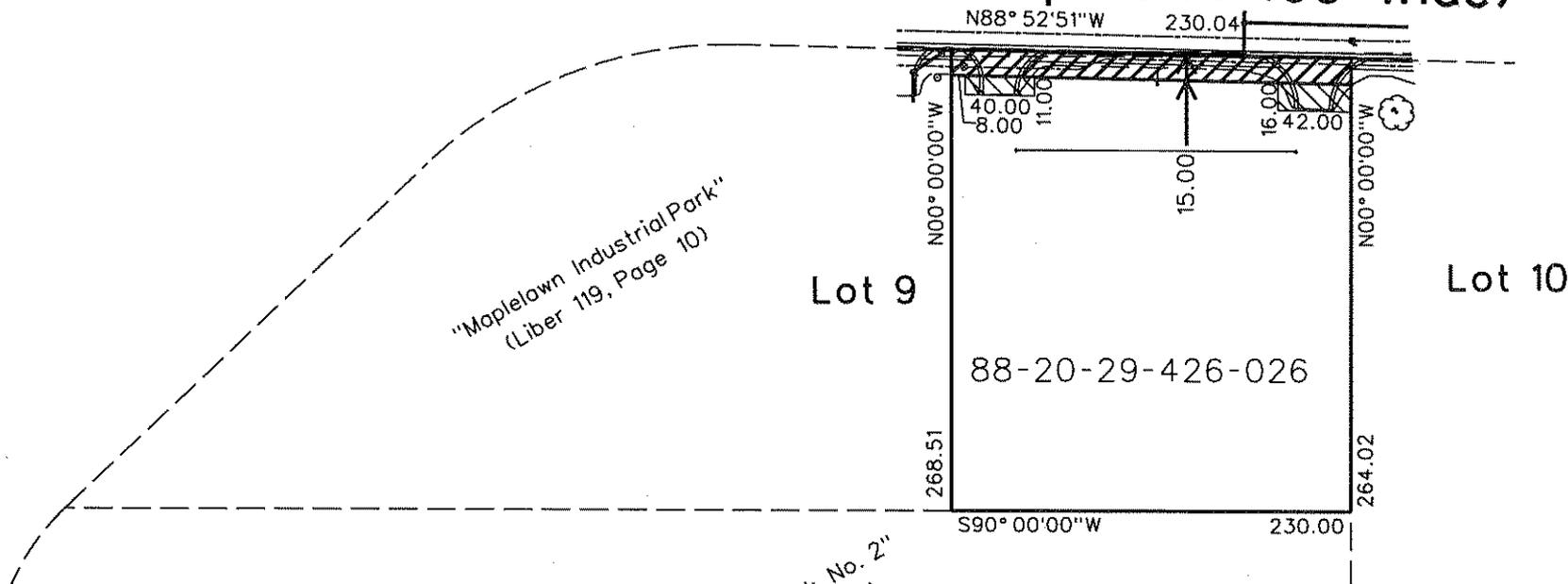
**Parent Parcel Description (Title Commitment #63-503306)**

Situated in the City of Troy, Oakland County, Michigan, described as:  
East 230 feet of Lot 9, Maplelawn Industrial Park, according to the plat thereof as recorded in Liber 119, page 10 of  
Plats, Oakland County Records.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

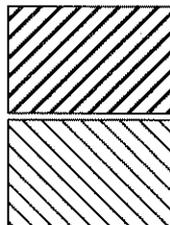
Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan,  
described as: The North 15.00 feet of the East 230.00 feet of Lot 9 of "Maplelawn Industrial Park", as recorded in  
Liber 119, Page 10, of Oakland County, Michigan records. Containing 3,451 Square Feet or 0.079 Acres.

# •1785 Maplelawn (60' Wide)



Lot 16  
 "Mopelawn Industrial Park No. 2"  
 (Liber 119, Page 35 & 36)

Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=3451 Sq.Ft.  
 Driveway Regrading  
 Permit  
 Area=1112 Sq.Ft.



## Parcel #21

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

### Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 10-02-03	DATE	VIEW *1

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

DATE REV.  
 CONTRACT No.

STEVEN J. VANDETTE  
 CITY ENGINEER

SHEET No. JOB No.

1 of 1



Graphic Scale: 1"=100'



PERMANENT EASEMENT

Sidwell #88-20-29-426-030  
Resolution #

SUBURBAN MAPLELAWN 4, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1810 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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 1 signature(s) this 23rd day of January A.D. 2004.

In presence of:  
WITNESS

[Signature]  
\* Trinity J. Kelly  
[Signature]  
\* David Parker

SUBURBAN MAPLELAWN 4, LLC  
A Michigan Limited Liability Company

By [Signature] (L.S.)  
\*David T. Fischer  
Its: Managing Member

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 23 day of January, 2004, by David T. Fischer, Managing Member of Suburban Maplelawn 4, LLC, a Michigan Limited Liability Company, on behalf of the Company.

[Signature]  
\*  
Notary Public, Oakland County, Michigan

My Commission Expires \_\_\_\_\_

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver  
Troy, MI 48084  
ADRIENNE KEELIN  
NOTARY PUBLIC STATE OF MICHIGAN  
OAKLAND COUNTY  
MY COMMISSION EXP. NOV. 3, 2004

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-426-030**

**Owner: Suburban Maplelawn 4, L.L.C.**

**Parcel #22**

**Parent Parcel Description (Title Commitment #63-503309)**

Situated in the City of Troy, Oakland County, Michigan, described as:

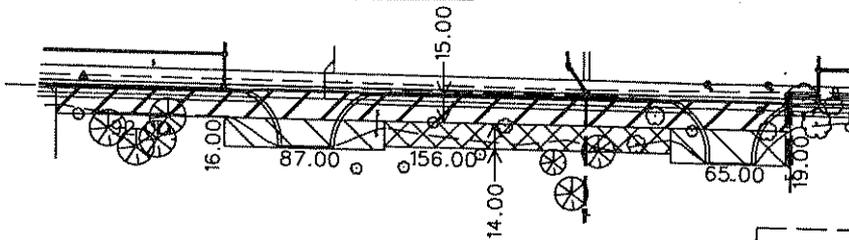
Part of Lot 10 Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10, Oakland County Records, and Part of Lot 11 of Maplelawn Industrial Park No. 2, according to the plat thereof as recorded in liber 119, pages 35 & 36, Oakland County Records, all described as beginning at the northeast corner of Lot 10 of Maplelawn Industrial Park, thence South 00 degrees 06 minutes 00 seconds East 738.40 feet, thence South 89 degrees 55 minutes 30 seconds West 11.24 feet, thence along a curve concave to the west radius 759.22 feet, chord bears South 16 degrees 09 minutes 08 seconds West 67.52 feet, distant of 67.54 feet, thence North 40 degrees 35 minutes 03 seconds West 86.58 feet, thence North 89 degrees 18 minutes 43 seconds West 314.81 feet, thence North 741.54 feet, thence South 88 degrees 52 minutes 51 seconds East 399.93 feet along north line of Lot 10 to beginning.

**Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast  $\frac{1}{4}$  of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of the following described parcel: Situated in the City of Troy, Oakland County, Michigan, described as: Part of Lot 10 Maplelawn Industrial Park, according to the plat thereof as recorded in liber 119, page 10, Oakland County Records, and Part of Lot 11 of Maplelawn Industrial Park No. 2, according to the plat thereof as recorded in liber 119, pages 35 & 36, Oakland County Records, all described as beginning at the northeast corner of Lot 10 of Maplelawn Industrial Park, thence South 00 degrees 06 minutes 00 seconds East 738.40 feet, thence South 89 degrees 55 minutes 30 seconds West 11.24 feet, thence along a curve concave to the west radius 759.22 feet, chord bears South 16 degrees 09 minutes 08 seconds West 67.52 feet, distant of 67.54 feet, thence North 40 degrees 35 minutes 03 seconds West 86.58 feet, thence North 89 degrees 18 minutes 43 seconds West 314.81 feet, thence North 741.54 feet, thence South 88 degrees 52 minutes 51 seconds East 399.93 feet along north line of Lot 10 to beginning. Containing 6,001 Square Feet or 0.138 Acres.



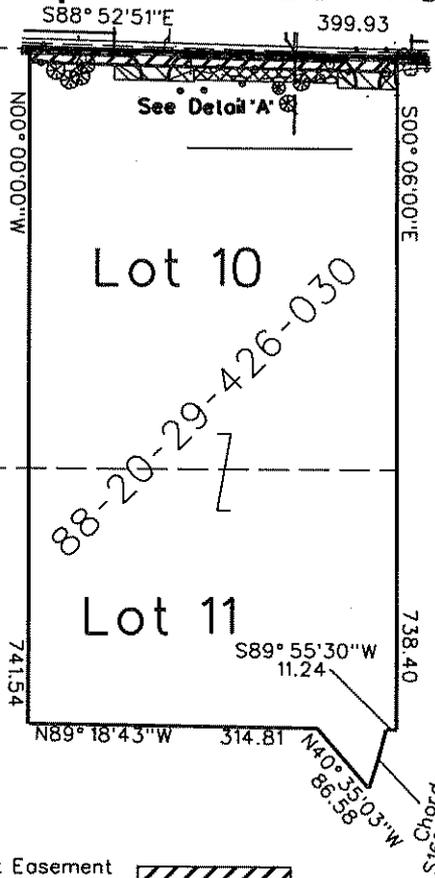
**Detail 'A'**



**•1755, •1757, & •1759  
 Maplelawn (60' Wide)**

"Maplelawn Industrial Park"  
 (Liber 119, Page 10)

Lot 9



Lot 10

Lot 16

Lot 11

Lot 15

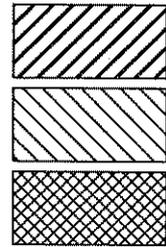
"Maplelawn Industrial  
 Park No. 2"  
 (Liber 119, Page 35 & 36)



Graphic Scale: 1"=200'



- Permanent Easement for Roadway, Sidewalk, and Public Utilities Area=6001 Sq.Ft.
- Driveway Regrading Permit Area=2627 Sq.Ft.
- Temporary Grading Permit Area=2183 Sq.Ft.



**Parcel #22**

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

**Proposed Easement Sketch**

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 10-02-03	DATE	VIEW #1
DOCUMENT PREPARED BY George J. Balford III CITY SURVEYOR		CONTRACT No.	SHEET No. 1 of 1
STEVEN J. VANDETTE CITY ENGINEER		JOB No.	

PERMANENT EASEMENT

Sidwell #88-20-29-426-052  
Resolution #

NICAL ENTERPRISES, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1831 Austin Drive, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

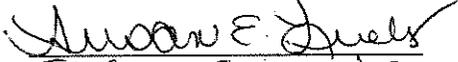
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

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.

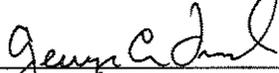
IN WITNESS WHEREOF, the undersigned hereunto affixed ~~the~~ signature(s) this 19<sup>th</sup> day of January A.D. 2004.

In presence of:  
WITNESS

  
\_\_\_\_\_  
Tim Frisitt

  
\_\_\_\_\_  
Susan E. Luebs

NICAL ENTERPRISES, LLC  
A Michigan Limited Liability Company

By  (L.S.)  
George A. Frisch  
Its: Managing Member

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 19 day of January, 2004, by George A. Frisch, Managing Member of Nical Enterprises, LLC, a Michigan Limited Liability Company, on behalf of the Company.

CHARLENE LUDEMAN  
Notary Public, Oakland County, MI  
My Commission Expires Jun. 16, 2007

  
\_\_\_\_\_  
Notary Public, Oakland County, Michigan  
My Commission Expires June 16, 2007

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-426-052**

**Owner: Nical Enterprises L.L.C.**

**Parcel #23**

**Parent Parcel Description (Title Commitment #63-503310)**

Situated in the City of Troy, Oakland County, Michigan, described as:

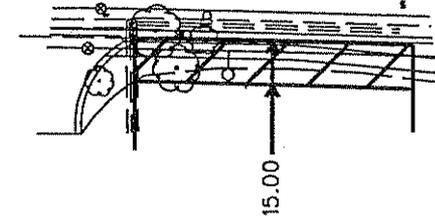
Section 29, Town 2 North, Range 11 East, Part of the Southeast ¼ beginning at a point distant North 00 degrees 41 minutes 00 seconds East 1116.54 feet and North 89 degrees 10 minutes 00 seconds West 762.96 feet and North 00 degrees 42 minutes 45 seconds East 366.51 feet from the Southeast Section corner; thence North 00 degrees 42 minutes 45 seconds East 371.67 feet; thence South 88 degrees 01 minutes 29 seconds East 96.09 feet; thence South 00 degrees 42 minutes 45 seconds West 299.50 feet; thence South 89 degrees 19 minutes 11 seconds East 38 feet; thence South 00 degrees 42 minutes 45 seconds West 70 feet; thence North 89 degrees 19 minutes 11 seconds West 134.07 feet to beginning.

**Description of 15 feet wide Permanent Easement for Roadway, Sidewalk, and Public and Private Utilities**

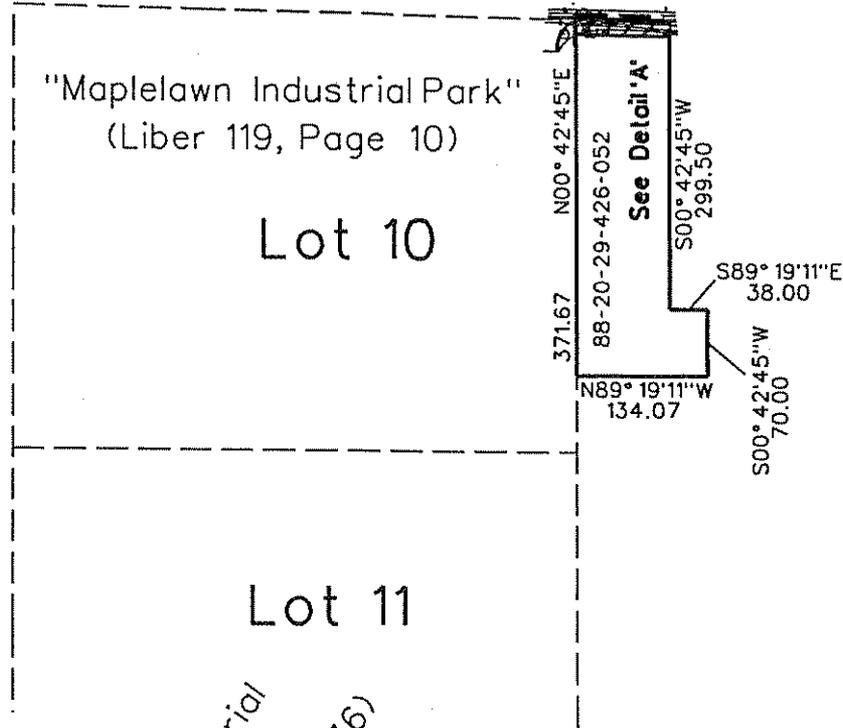
Part of the Southeast ¼ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of the following described parcel: Beginning at a point distant North 00 degrees 41 minutes 00 seconds East 1116.54 feet and North 89 degrees 10 minutes 00 seconds West 762.96 feet and North 00 degrees 42 minutes 45 seconds East 366.51 feet from the Southeast Section corner; thence North 00 degrees 42 minutes 45 seconds East 371.67 feet; thence South 88 degrees 01 minutes 29 seconds East 96.09 feet; thence South 00 degrees 42 minutes 45 seconds West 299.50 feet; thence South 89 degrees 19 minutes 11 seconds East 38 feet; thence South 00 degrees 42 minutes 45 seconds West 70 feet; thence North 89 degrees 19 minutes 11 seconds West 134.07 feet to beginning. Containing 1,441 Square Feet or 0.033 Acres.



Detail 'A'

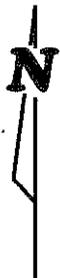
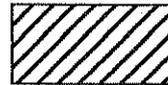


Maplelawn (60' Wide)



"Maplelawn Industrial  
 Park No. 2"  
 (Liber 119, Page 35 & 36)

Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area-1441 Sq.Ft.



Graphic Scale: 1"=200'



Parcel #23

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 10-02-03	DATE	VIEW *1

DOCUMENT PREPARED BY  
 George J. Ballard III  
 CITY SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE  
 CITY ENGINEER

SHEET No.	JOB No.
1 of 1	

PERMANENT EASEMENT

Sidwell #88-20-29-426-053  
Resolution #

NICAL ENTERPRISES, LLC, a Michigan Limited Liability Company, Grantors, whose address is 1831 Austin Drive, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The City of Troy will reimburse the property owner for the relocation of their sign based on the lowest of three bids.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 19th day of January A.D. 2004.

In presence of:  
WITNESS

[Signature]  
\* Tim Frisch

[Signature]  
\* Susan E. Cuelbs

NICAL ENTERPRISES, LLC  
A Michigan Limited Liability Company

By [Signature] (L.S.)  
\* George A. Frisch  
Its: Managing Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 19 day of January, 2004, by George A. Frisch, Managing Member of Nical Enterprises, LLC, a Michigan Limited Liability Company, on behalf of the Company.

CHARLENE LUDEMAN  
Notary Public, Oakland County, MI  
My Commission Expires Jun. 16, 2007

[Signature]  
\*  
Notary Public, OAKLAND County, Michigan  
My Commission Expires June 16, 2007

Prepared by: Larysa Figol, City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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

**EXHIBIT "A"**

**Section 29, Maplelawn Road Reconstruction Project**

**Parcel: 88-20-29-426-053**

**Owner: Nical Enterprises L.L.C.**

**Parcel #24**

Parent Parcel Description (Title Commitment #63-503312)

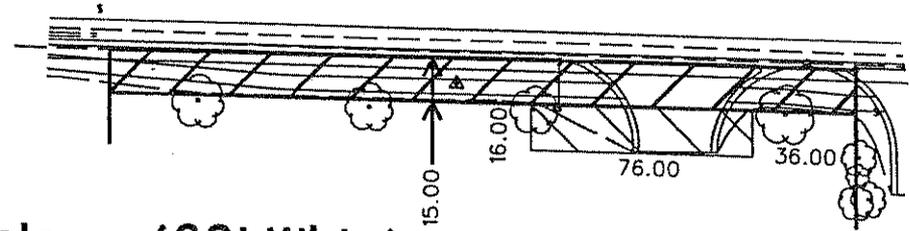
Situated in the City of Troy, Oakland County, Michigan, described as:

Section 29, Town 2 North, Range 11 East, Part of the Southeast ¼ beginning at a point distant North 00 degrees 41 minutes 00 seconds East 1116.54 feet and North 89 degrees 10 minutes 00 seconds West 762.96 feet and North 00 degrees 42 minutes 45 seconds East 366.51 and South 89 degrees 19 minutes 11 seconds East 134.07 feet from the Southeast Section corner; thence North 00 degrees 42 minutes 45 seconds East 70.00 feet; thence North 89 degrees 19 minutes 11 seconds West 38 feet; thence North 00 degrees 42 minutes 45 seconds East 299.50 feet; thence South 88 degrees 01 minutes 29 seconds East 257.87 feet; thence South 00 degrees 35 minutes 00 seconds West 363.67 feet; thence North 89 degrees 19 minutes 11 seconds West 220.62 feet to the beginning.

**Description of 15 feet wide Permanent Easement for  
Roadway, Sidewalk, and Public and Private Utilities**

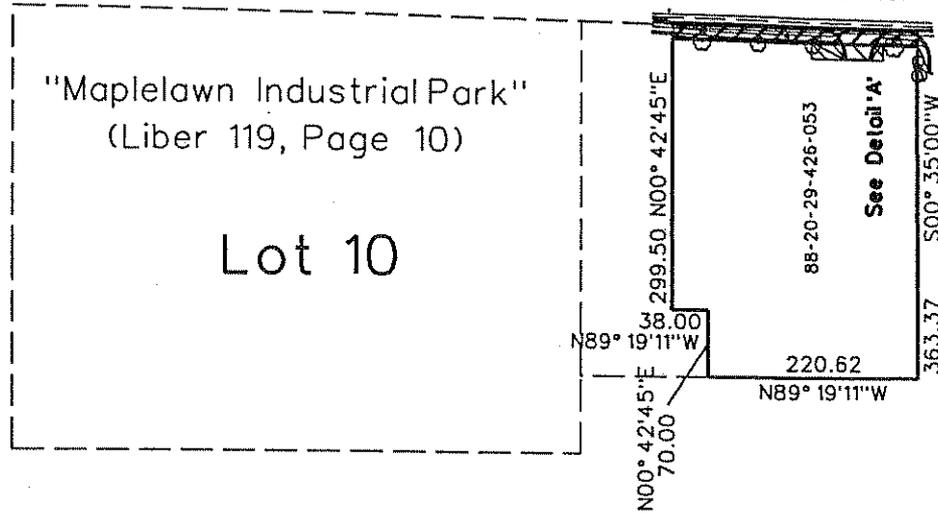
Part of the Southeast ¼ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of the following described parcel; Beginning at a point distant North 00 degrees 41 minutes 00 seconds East 1116.54 feet and North 89 degrees 10 minutes 00 seconds West 762.96 feet and North 00 degrees 42 minutes 45 seconds East 366.51 and South 89 degrees 19 minutes 11 seconds East 134.07 feet from the Southeast Section corner; thence North 00 degrees 42 minutes 45 seconds East 70.00 feet; thence North 89 degrees 19 minutes 11 seconds West 38 feet; thence North 00 degrees 42 minutes 45 seconds East 299.50 feet; thence South 88 degrees 01 minutes 29 seconds East 257.87 feet; thence South 00 degrees 35 minutes 00 seconds West 363.67 feet; thence North 89 degrees 19 minutes 11 seconds West 220.62 feet to the beginning. Containing 3,868 Square Feet or 0.089 Acres.

Detail 'A'



•1743 Maplelawn (60' Wide)

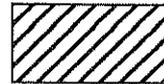
S88° 01' 29" E 257.87



Graphic Scale: 1"=200'



Permanent Easement  
 for Roadway, Sidewalk,  
 and Public Utilities  
 Area=3868 Sq.Ft.



Driveway Regrading  
 Permit  
 Area=1216 Sq.Ft.



Parcel #24

CITY OF TROY  
 OAKLAND COUNTY, MICHIGAN

Proposed Easement  
 Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 9-26-03	DATE	VIEW = 1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. 1 of 1
DATE		REV.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER			

February 6, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
John M. Lamerato, Assistant City Manager/Finance Administration  
Jeanette Bennett, Purchasing Director  
Carol Anderson, Parks and Recreation Director

SUBJECT: Agenda Item: Standard Purchasing Resolution 11: Rejection Of  
Request For Proposals – Wellness Center Operation And  
Management

### **RECOMMENDATION**

On Wednesday, December 4, 2002, two requests for proposals were received for the operation of a Wellness Center at the Troy Community Center. City management recommends that the Request for Proposals to develop a Wellness & Physical Therapy Center within the Community Center be rejected, as specifications in the Request for Proposal could not be met.

### **BACKGROUND**

Two bidders submitted proposals that met minimum qualifications. Only the Detroit Medical Center - The Rehabilitation Center of Michigan provided a cost per square foot per year and, therefore, was the only provider where an actual amount of revenue could be calculated yearly. Staff accepted the proposal, provided a contract could be agreed upon and insurance requirements could be met. During the past year, we unsuccessfully attempted to develop a contract and finalize insurance.

42 Proposals Sent  
2 Proposals Rec'd

January 21, 2004

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration  
Nino Licari, City Assessor

Re: Agenda Item – Regular Business – Approval of 2004 Poverty Exemption Guidelines

**Recommendation:** Staff recommends that you present the attached 2004 Poverty Exemption Guidelines to City Council, along with the attached resolution, for approval.

**Detail:** MCL 211.7u states: *“The real property of persons who in the opinion of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this act.”*

The Assessing Department has updated the guidelines that assist in determining if a person qualifies for an exemption from real property taxation for a one year period.

The Michigan Tax Tribunal has ruled that income guidelines may not be set below the Federal Poverty guidelines. As is the case since 2001, our guidelines still average approximately \$4,000 higher, per category, than the 2004 Federal guidelines.

Staff, again, recommends no change to our established income guidelines, until the Federal income guidelines catch up to ours.

Staff again proposes increasing the maximum assessed value limit of the homestead by the average increase in residential values in the City (2.84%). This will set the 2004 Assessed Value limit at \$108,900 (from \$105,900).

Staff proposes no change to the total asset limit of \$250,000 (including the home, excluding an automobile).

There were 23 Poverty Exemptions applied for in 2003, and 18 of them were approved (exemptions may also be applied for at the July and December Boards of Review). This number is relatively constant over the last 10 years. Approximately \$1,000,000 in Taxable Value was exempted, at an estimated cost of \$9,450 to the City of Troy.

**POVERTY EXEMPTION GUIDELINES  
INCOME STANDARDS 2004**

The following are the Poverty thresholds as of 12-31-03 for use in setting poverty exemption guidelines for 2004 assessments:

Number of Persons Residing in Homestead	Poverty Threshold
1 person	13,959
2 persons	16,531
3 persons	18,470
4 persons	22,761
5 persons	26,419
6 persons	29,636
7 persons	33,347
8 persons	36,704
9 persons (or more) add 3,140 for each additional person	

**CITY OF TROY**  
**POVERTY EXEMPTION GUIDELINES – 2004**

**MCL 211.7u** *The real property of persons who in the judgment of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this Act.*

The City of Troy's standard for approving an exemption under the statute is based on an individual determination of hardship.

This is an exemption from taxes. If you claim poverty under the statute, you must file your claim with a Poverty Exemption Affidavit. This exemption is good for one year.

- STANDARD #1** Applicants must file a Poverty Exemption Affidavit in order to be considered for any exemption. Documentation such as, Income Tax Forms, W-2 Forms, Deeds or Land Contracts and personal identification is **mandatory**, and must be attached to the Affidavit.
- STANDARD #2** A Poverty Exemption will not be granted if the household income is greater than the Income Standards Guideline.
- STANDARD #3** A Poverty Exemption will not be granted if the Assessed Value of the home exceeds \$108,900.
- STANDARD #4** Applicants total assets cannot exceed \$250,000. This includes the value of your home.

\*The Board of Review may require a home audit and inspection, done by the Assessing Department, as part of the exemption process.

**POVERTY EXEMPTION AFFIDAVIT (for 2004 A/V Year)**

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Sidwell #)

**1. Household Income:** List all prior year income from:

- a) Wages/Tips \_\_\_\_\_
- b) Social Security \_\_\_\_\_
- c) Soc. Sec. for resident minors \_\_\_\_\_
- d) Pensions \_\_\_\_\_
- e) Interest/Dividends \_\_\_\_\_
- f) Unemployment Compensation \_\_\_\_\_
- g) Sub-Pay \_\_\_\_\_
- h) Workman's Compensation \_\_\_\_\_
- i) Aid to Dependent Children \_\_\_\_\_
- j) Medical Disability Benefits \_\_\_\_\_
- k) Lottery/Contest/Raffle \_\_\_\_\_
- l) Annuities \_\_\_\_\_
- m) Governmental Assistance \_\_\_\_\_
- n) Insurance/Lawsuit Payouts \_\_\_\_\_
- o) Alimony/Child Support \_\_\_\_\_
- p) Rental Income \_\_\_\_\_

**2. Supplemental Assistance:** List monthly amount of:

- a) Food Stamps \_\_\_\_\_
- b) Surplus Food \_\_\_\_\_
- c) Transportation \_\_\_\_\_

**3. Residence Information:**

Is your home paid for? Yes\_\_\_\_ No\_\_\_\_  
If No:  
What is your mortgage/land contract balance? \_\_\_\_\_  
What is your monthly payment? \_\_\_\_\_  
Who holds your mortgage/land contract? \_\_\_\_\_  
Do you own any other property? Yes\_\_\_\_ No\_\_\_\_  
If Yes: Attach a copy of your last tax bill.

**4. Employment information:**

Are you or your spouse currently employed?  
Self: Yes\_\_\_\_ No\_\_\_\_ Spouse: Yes\_\_\_\_ No\_\_\_\_  
Are your or your spouse unable to work (disability, etc.) ?  
Self: Yes\_\_\_\_ No\_\_\_\_ Spouse: Yes\_\_\_\_ No\_\_\_\_  
If Yes: Is this condition permanent?  
Self: Yes\_\_\_\_ No\_\_\_\_ Spouse: Yes\_\_\_\_ No\_\_\_\_  
Provide medical documentation of the disability.

**5. Children/Relatives/Boarders:**

How many children, relatives, or non-related boarders share your home? \_\_\_\_\_

Do any of the above, or anyone outside of your home, contribute Financially to your living expenses? Yes \_\_\_ No \_\_\_

If Yes: How much: per month \_\_\_\_\_ year \_\_\_\_\_

**6. Transportation:**

Do you own any automobiles? Yes \_\_\_ No \_\_\_

If Yes: Please provide the following information:

Year & Make	Price to you	Balance	Monthly payment
_____	_____	_____	_____
_____	_____	_____	_____

**7. Additional Assets:**

Please provide information about any additional assets listed.

Checking Account: Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Savings Account: Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

I.R.A. Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Keogh Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Deferred Comp Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Annuities Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Stocks/Bonds/Funds Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Money Market Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Treasury Bills Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

Savings Bonds Yes \_\_\_ No \_\_\_ Current Balance \_\_\_\_\_

**8. Attach copies of the following:**

- a) Federal Income Form
- b) State Income Tax Form
- c) Property Tax Credit Form
- d) W-2 Forms
- e) Copy of Deed or Land Contract
- f) Identification: Driver's License
- g) A listing of your household living expenses for the prior year. (examples: heat, electric, insurance, etc.)

You must provide proof of income and other records to be considered for an exemption.

I (We), \_\_\_\_\_ [print name(s)]  
the undersigned, do hereby affirm that the above information is,  
to the best of my (our) knowledge, true.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Signed)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
My commission expires \_\_\_\_\_  
Notary Public \_\_\_\_\_

APPROVED:	NOT APPROVED:
Assessor: _____	Assessor: _____
Board Chairperson _____	Board Chairperson _____
Board Member _____	Board Member _____
Board Member _____	Board Member _____

Year \_\_\_\_\_ Assessment \_\_\_\_\_ Board of Review A/V \_\_\_\_\_

February 12, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM - Planning Commission Resolution in Support of Thomas Strat Attending the Annual American Planning Association (APA) Conference in Washington, D.C.

The Planning Commission passed the following resolution at its February 10, 2004 Regular Meeting. The 2004 Conference will be held April 24-28 in Washington, D.C.

**Resolution # PC-2004-02-021**

Moved by: Chamberlain  
Seconded by: Schultz

**RESOLVED**, That the Planning Commission recommend that Mr. Strat be our representative at the Washington conference; and

**FURTHER BE IT RESOLVED**, That at the conclusion of the conference he attends that at the earliest possible date of one of our study meetings, that he gives us a report back on what he learned at that conference, so thereby we also learn something.

Yes: All present (8)  
No: None  
Absent: Vleck

**MOTION CARRIED**

The intent of the Education and Training line item in the Planning Commission budget is to send Planning Commissioners to the Michigan Society of Planning (MSP) Annual Conference. It is also used for attendance at local planning and zoning related seminars. Council has approved attendance at out-of-state conferences when monies were available in the budget.

Line item number 405-7960 of the Planning Commission Budget is for Education and Training. As of December 31, 2003, the Planning Commission has already exceeded their annual \$5,000 budget for Education and Training by \$165.04. Note that the fiscal year ends June 30, 2004. A budget transfer would be required to fund additional travel for Mr. Strat to attend the conference in Washington, D. C. The estimated cost for Mr. Strat to attend this conference is approximately \$2,500.

Attachments: Planning Commission Draft Minutes Excerpt  
David Waller e-mail

cc: Planning Commission  
File / Planning Commission

## GOOD OF THE ORDER

Chair Waller said he has a request from Mr. Strat to attend the American Planning Association Annual Conference to be held April 24-28, 2004, in Washington, D.C. He said the Commission should discuss the request and vote on Mr. Strat's attendance. Chair Waller said that the activity of Mr. Strat attending the conference would be very much to the benefit of the City and Planning Commission. Chair Waller cited his two years of attendance [Chicago in 2002 and Denver in 2003] offered an amount of information that is almost overwhelming. Mr. Waller opened the floor to entertain a motion for Mr. Strat to attend the conference.

### **Resolution # PC-2004-02-021**

Moved by: Chamberlain

Seconded by: Schultz

**RESOLVED**, That the Planning Commission recommend that Mr. Strat be our representative at the Washington conference; and

**FURTHER BE IT RESOLVED**, That at the conclusion of the conference that he attends that at the earliest possible date of one of our study meetings, that he gives us a report back on what he learned at that conference, so thereby we also learn something.

Yes: All present (8)

No: None

Absent: Vleck

**MOTION CARRIED**

## Kathy Czarnecki

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**From:** Mark F Miller  
**Sent:** Thursday, February 12, 2004 1:44 PM  
**To:** Kathy Czarnecki  
**Subject:** FW: Agenda Item for 2/16/04 Council meeting

-----Original Message-----

**From:** Wallerdt@aol.com [mailto:Wallerdt@aol.com]  
**Sent:** Wednesday, February 11, 2004 8:19 AM  
**To:** szerlagaj@ci.troy.mi.us  
**Cc:** chamberlain@outdrs.net; RMSchultzTROY@aol.com; wstorrs1@comcast.net; WCWright218@aol.com; littmanassoc@wideopenwest.com; mark@dragnetco.com; jtstrat@wowway.com; amalpip@comcast.net; ldb@lmcab.com; millermf@ci.troy.mi.us; savidantb@ci.troy.mi.us; motznyat@ci.troy.mi.us  
**Subject:** Agenda Item for 2/16/04 Council meeting

On Tuesday, February 10, 2004 Regular Meeting, the Troy Planning Commission voted 8-0-1 to have Tom Strat attend the American Planning Association (APA) Annual Conference in Washington, DC., April 24-24, 2004. Mark Vleck was absent.

For the agenda of the February 16, 2004 City Council meeting, please place an action item for their vote requesting approval of the Planning Commissions authorization for Mr. Strat to attend the APA Annual Conference.

Due to the precedence established during the past two years of City Council voting approval for a Planning Commission member to attend the APA Annual Conference, it is appropriate for this request to be placed on the Council agenda.

As a reminder, I attended the 2003 APA Annual Conference in Denver and the 2002 APA Annual Conference in Chicago. The seminars, meetings, field visits, contacts and learning from these two Conference is valuable, both to the Planning Commission and myself as we serve the citizens of the City of Troy as Planning Commissioners.

Please acknowledge this item will be placed on the 2/16/04 City Council Agenda.

David T. Waller  
Chairman  
Troy Planning Commission

February 4, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration  
Jeanette Bennett, Purchasing Director

SUBJECT: Agenda Item - Approval of the On-Line Auctioning with Bidcorp through our E-procurement Provider, Bidnet

**Summary:**

Currently, Resolution #2002-12-644-E-9, approves auction services at a City site or at an auction house site provided by Mid-Thumb Auctioneers SVC, LLC, the City's awarded auctioneer, which allows for automatic auction participation with final auction reporting to be submitted to the City Council at the next scheduled meeting after final reporting has been received. In an effort to proceed with **on-line auctioning** and to streamline the auction approval process, staff recommends approval of an agreement with Bidnet's partner, Bidcorp, to provide on-line auction services for the Michigan Intergovernmental Trade Network (MITN) of which Troy is a member at a sales commission fee of 5%. Also, it is crucial that on-line auctions occur continually with final reporting occurring monthly after auctions are complete.

**Agreement:**

The BidCorp agreement was reviewed and modified by the Law Department. Bidcorp accepted the changes at their Board of Directors Meeting on Thursday, January 29, 2004.

**Background:**

MITN has been on-line and working efficiently since March 3, 2003, and can be accessed through the website at [www.govbids.com](http://www.govbids.com). The MITN system has grown to 15 entities from the original 9 members, with 3,428 vendors registered of which 1,522 vendors have paid the fee for automatic notification by email or fax. Other agencies have requested entry to the system and will be added over time.

As a value added service to MITN members, Bidnet worked with Bidcorp to provide auctioning through the one website. Bidcorp is a recognized provider of auction services for governmental agencies. Both Oakland County and the State of Michigan use their auction service. Bidnet and Bidcorp were identified as potential providers during a RFP process conducted by the MITN membership as a sub-group of the Tri-County Purchasing Cooperative. The auction service became available through MITN this month, although the City used Bidcorp directly to auction a Police radio console in September 2003. We had access to Bidcorp services as part of the membership fee paid to access Oakland County contracts. The fee for the auction service is 5%. By Bidcorp partnering with Bidnet, all purchasing functions can be accessed through one centralized website which is a benefit to all outside users – goal and objective #3 of the Council to effectively and professionally communicate internally and externally.

BidCorp Agreement reviewed and approved with changes by Susan M. Lancaster 1/16/04 \_\_\_\_\_



*"Revolutionizing the way government does business."*

## **Surplus Auction User Agreement**

### **BIDCORP.COM, INC. TERM AND CONDITIONS**

THE FOLLOWING DESCRIBES THE TERMS AND CONDITIONS UNDER WHICH BIDCORP.COM OFFERS YOU ACCESS TO ITS SURPLUS AUCTION SERVICES. BY USING BIDCORP.COM'S SURPLUS AUCTION SERVICES, YOU AGREE TO BE BOUND BY THE FOLLOWING TERMS AND CONDITIONS. THE TERMS OF THIS AGREEMENT ARE FROM TIME TO TIME AMENDED. EACH TIME YOU LOG-ON YOU AGREE TO THE FOLLOWING CURRENT TERMS AND CONDITIONS.

By using the services, you agree to be bound by the terms of this Agreement. IF YOU DO NOT AGREE TO ALL OF THE TERMS AND CONDITIONS OF THIS AGREEMENT, DO NOT USE THE SERVICES.

### **ELIGIBILITY**

The BidCorp.com Surplus Auction Service is available only to persons, business or government entities that, with an e-mail address that can enter into legally binding contracts under applicable law. If User does not qualify under the foregoing, User may not use these services. By accepting this Agreement, you represent and warrant that you are legally competent to enter into this contract and further if you are entering into this Agreement for a business or government entity, you represent and warrant that you are fully authorized and empowered by said entities' controlling and governing body to enter into this Agreement for said entity and to legally bind said entity. If you do not have authority from the entity you are contracting for, or your entity is not legally formed or organized, you will have "personal" contractual liability under this Agreement.

BidCorp.com acts as an electronic market place for buyers and sellers with regard to Surplus items. BidCorp.com acts as the venue for sellers and buyers. BidCorp.com is not involved in the actual transaction between buyers and sellers. As a result, we have no control over the quality, safety or legality of the items advertised, the truth or accuracy of the listings, the ability of sellers to sell items or the ability of buyers to buy items. We cannot ensure that a buyer or seller will actually complete a transaction. BidCorp.com is not a party to the buy-sell contract between the buyer and the seller. BidCorp.com is not therefore, liable to either buyer or seller for any claim of breach of contract or breach of warranty.

Because user authentication on the Internet is difficult, BidCorp.com cannot and does not confirm each user's purported identity. Thus, we have established a user-initiated feedback system to help you evaluate with whom you are dealing. We also encourage you to communicate directly with potential trading partners. You may also wish to consider using a third party escrow service or services that provide additional user verification. BidCorp.com does not approve, pre-approve or screen any users of our Surplus Auction software. Each party contracts with another party at their own risk.

We do not control the information provided by other users which is made available through our system. You may find other user's information to be offensive, harmful, inaccurate, or deceptive. Please use caution, common sense, and practice safe trading when using our Surplus Auction software. Please note that there are also risks of dealing with foreign nationals, underage persons or people acting under false pretense.

BidCorp.com cannot and does not control whether or not sellers will complete the sale of products or services they offer or buyers will complete the purchase of products or services. You should conduct your own independent research to investigate the information placed on the BidCorp.com Surplus Auction Engine by its Users and Bidders, and obtain independent professional advice, as you deem appropriate. In addition, note that there are risks of dealing across national borders, with underage persons, or with people acting under false pretense. Because user authentication on the Internet is difficult, BidCorp.com cannot and does not confirm that users are who they claim to be.

39555 Orchard Hill Place, Suite 600, Novi, MI 48375  
Phone (888) 525-7971 • Fax (248) 692-0358

[www.bidcorp.com](http://www.bidcorp.com)

## **AUCTION SERVICE FEES**

BidCorp.com does not charge Listing Members to list auction items. BidCorp.com does not charge Bidders to register and bid on auction items. A fee is assessed only when a Listing Member successfully sells an auction item. The fee charged for the Auction Service is 5% of the sale price. There is no minimum or maximum fee. All fees charged are based on the currency in which the transaction is facilitated. The Listing Member pays all fees. Fees are due within 30 days of the close of a successful auction. Under no circumstances should the Listing Member add the Auction Service Fee to the sale price agreed to by the Successful Bidder.

## **AUCTION TERMS FOR BIDDERS- BIDDING AND BUYING**

If your bid is the highest bid, and it exceeds reserve requirements and your bid is accepted by the Listing Member, you are obligated to complete the transaction with the Listing Member unless transaction is prohibited by law or by this Agreement. By bidding on an item you agree to be bound by the conditions of sale included in the item's description (or linked to from the description) so long as those conditions of sale are not in violation of this Agreement or unlawful. Bids are not retractable except in exceptional circumstances such as when the Listing Member materially changes the item's description after you bid a clear typographical error is made, or you cannot authenticate the Listing Member's identity.

## **AUCTION TERMS FOR LISTING MEMBERS- LISTING AND SELLING**

Listings may only include text descriptions, graphics and pictures you supply (or that you link to) that describe your item for sale (or as appropriate, for which are soliciting offers to buy). All listed items must be listed in an appropriate category.

If you receive at least one bid at or above your stated minimum price (or in the case of reserve auctions, at or above the reserve price), you are obligated to complete the transaction with the highest bidder upon the auction's completion, unless there is an exceptional circumstance, such as: (a) the bidder fails to meet the terms of your listing (such as payment method), or (b) you cannot authenticate the bidder's identity. Based upon the terms of this Agreement and particular conditions of each bid, the Bidder or Listing Member may have a breach of contract claim against you if you fail to complete the sale.

Without limiting any other remedies, BidCorp.com may suspend or terminate your account if you are found (by conviction, settlement, insurance or escrow investigation, or otherwise) to have engaged in fraudulent activity in connection with BidCorp.com.

Neither bidders nor sellers may manipulate the price of any item nor may you interfere with other user's listings or auctions.

## **YOUR INFORMATION**

"Your Information" is defined as any information you provide to BidCorp.com or other users in the registration, bidding or listing process, in any public message area (including the feedback area) or through any email feature. You are solely responsible for Your Information, and we act as a passive conduit for your online distribution and publication of Your Information. With respect to Your Information:

Your Information (or any items listed therein): (a) shall not be false, inaccurate or misleading; (b) shall not be fraudulent or involve the sale of counterfeit or stolen items; (c) shall not infringe any third party's copyright, patent, trademark, trade secret or other proprietary rights or rights of publicity or privacy; (d) shall not violate any law, statute, ordinance or regulation (including without limitation those governing export control, consumer protection, unfair competition, anti-discrimination or false advertising); (e) shall not be defamatory, trade libelous, unlawfully threatening or unlawfully harassing; (f) shall not be obscene; (g) shall not contain any viruses, Trojan horses, worms, time bombs, cancelbots or other computer programming routines that are intended to damage, detrimentally interfere with surreptitiously intercept or

expropriate any system, data or personal information; (h) shall not create liability for us or cause us to lose (in whole or in part) the services of our ISPs or other suppliers; and (i) shall not link directly or indirectly to or include descriptions of goods or services that: (as) are prohibited under this Agreement; (bb) are identical to other items you have up for auction but are priced lower than said item's reserve or minimum bid amount; (cc) are concurrently listed for auction on a website other than which is powered by the BidCorp.com Engine; or (dd) you do not have a right to link to or include. Furthermore, you may not list any item on the BidCorp.com Engine (or consummate any transaction that was initiated using our service) that, by paying to us the listing fee or the final value fee, could cause us to violate any applicable law, statute, ordinance or regulation, or that violates our current Prohibited, Questionable and Infringing Items.

Solely to enable BidCorp.com to use the information you supply us with, so that we are not violating any rights you might have in that information, you agree to grant us a non-exclusive, worldwide, perpetual, irrevocable, royalty-free, sub-licensable (through multiple tiers) right to exercise the copyright and publicity rights (but no other rights) you have in Your Information, in any media now known or not currently known, with respect to your information. BidCorp.com will only use Your Information in accordance with our Privacy Policy.

### **MARKETPLACE AND SYSTEM INTEGRITY**

Listing Members may not manipulate the price of their product or service, either by using a shell (either a secondary account or third party), by bidding themselves, or by any other means. User may not consummate a transaction outside of the BidCorp.com Engine that occurs using the BidCorp.com Engine to avoid fees. User may not use any device, software, or routine to interfere or attempt to interfere with the proper working and security of the BidCorp.com Auction Service or any transaction being conducted in conjunction with BidCorp.com. User may not take any action, which imposes an unreasonable or disproportionately large load on the BidCorp.com infrastructure. User may not disclose to or share its login or password for the Surplus Auction Software provided by BidCorp.com with any third parties or use its login or password for any purpose not permitted by these Terms and Conditions of Use.

### **OWNERSHIP OF BIDCORP.COM INFORMATION**

The BidCorp.com website, database engine, and other content including, without limitation, text, graphics, software and all HTML, CGI, ASP and other codes and scripts in any format used to implement the BidCorp.com Surplus Auction Software Engine is copyrighted and protected by United States copyright laws. User may print and download portions of the materials contained on the BidCorp.com website for User's non-commercial use provided User maintains the copyright notice and any other notices that appear on any such copies. Any other copying, redistribution, publication or retransmission of any portion of the materials on the BidCorp.com website is strictly prohibited without the express written permission of BidCorp.com. User agrees not to change or delete any proprietary notices from any materials copied from BidCorp.com website. All information generated as a result of establishing or operating the BidCorp.com website shall be the property of BidCorp.com and may be sold, distributed or otherwise disseminated by BidCorp.com for any purpose whatsoever, provided BidCorp.com shall not sell, distribute or otherwise disseminate specific information about Listing Members and Bidders in such a way that would identify the Listing Member or Bidder, except to the extent authorized in writing by the Listing Member or Bidder.

### **LINKS TO THIRD-PARTY SITES**

BidCorp.com may contain links to third-party websites that are not under the control or operation of BidCorp.com. BidCorp.com provides any such links only as a convenience and does not endorse and is not responsible for the contents of any linked site or any site linked to from a linked site. BidCorp.com does not warrant or guarantee any product or service offered through any such websites and will not be a party to any transaction between you and the providers of any third-party product or service, or be liable for any cost or damages arising either directly or indirectly from any action or inaction by those parties' providers.

## **ACCESS AND INTERFERENCE**

BidCorp.com contains robot exclusion headers and you agree that you will not use any robot, spider, other automatic device, or manual process to monitor or copy our web pages or the content contained herein without our prior expressed written permission. You agree that you will not use any device, software or routine to interfere or attempt to interfere with the proper working of the BidCorp.com site or any auction being conducted on our engine. You agree that you will not take any action that imposes an unreasonable or disproportionately large load on our infrastructure. Much of the information contained in our engine is updated on a real time basis and is proprietary or is licensed to BidCorp.com by our users or third parties. You agree not to copy, reproduce, alter, modify, create derivative works, or publicly display any content (except for Your Information) from BidCorp.com.

## **FEEDBACK**

BidCorp.com is in the process of implementing a Listing Member Feedback and Bidder Feedback area. The purpose of this feature is to provide a value to both the Listing Member and the Bidder. You acknowledge that your feedback consists of comments left by other users and a composite feedback number compiled by BidCorp.com, and that the composite number without comments does not convey your full user profile. By accepting this Agreement you agree that BidCorp.com is a venue only, and is not responsible for the text or numerical ratings entered by other Listing Members or Bidders into your profile.

## **BREACH**

Without limiting other remedies, we may immediately issue a warning, temporarily suspend, indefinitely suspend or terminate your membership and refuse to provide our services to you: (a) if you breach this Agreement or the documents it incorporates by reference; (b) if we are unable to verify or authenticate any information you provide to us; or (c) if we believe that your actions may cause legal liability for you, our users or us.

## **PRIVACY**

The BidCorp.com, Inc. Privacy Policy is attached as Amendment A to this agreement.

## **NO WARRANTY**

WE AND OUR SUPPLIERS PROVIDE BIDCORP.COM AND SERVICES "AS IS" AND WITHOUT ANY WARRANTY OR CONDITION, EXPRESS, IMPLIED OR STATUTORY. WE AND OUR SUPPLIERS SPECIFICALLY DISCLAIM ANY IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. Some states do not allow the disclaimer of implied warranties, so the foregoing disclaimer may not apply to you. This warranty gives you specific legal rights and you may also have other legal rights which vary from state to state.

## **LIABILITY LIMIT**

IN NO EVENT SHALL WE OR OUR SUPPLIERS BE LIABLE FOR LOST PROFITS OR ANY SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH BIDCORP.COM, OUR SERVICES OR THIS AGREEMENT (~~HOWEVER ARISING, INCLUDING NEGLIGENCE~~). except in those circumstances where BidCorp.com is negligent in its actions. ~~OUR LIABILITY, AND THE LIABILITY OF OUR SUPPLIERS, TO YOU OR ANY THIRD PARTIES IN ANY CIRCUMSTANCE IS LIMITED TO THE GREATER OF: A) THE AMOUNT OF FEES YOU PAY TO US IN THE 12 MONTHS PRIOR TO THE ACTION GIVING RISE TO LIABILITY. AND (B) \$100. Some states do not allow the limitation of liability, so the foregoing limitation may not apply to you.~~

## **INDEMNITY**

You agree to indemnify and hold BidCorp.com, Inc. and our subsidiaries, affiliates, officers, directors, agents, and employees, harmless from any claim or demand, including reasonable attorneys fees, made by any third party due to or arising out of your breach of this Agreement or the documents it incorporates by reference, or your violation of any law or the rights of a third party.

## **LEGAL COMPLIANCE**

You shall comply with all applicable laws, statutes, ordinances and regulations regarding your use of our service and your bidding on, listing, purchase, solicitation of offers to purchase, and sale of items.

## **NO AGENCY**

You and BidCorp.com are independent contractors, and no agency, partnership, joint venture, employee-employer or franchiser-franchisee relationship is intended or created by this Agreement.

## **NOTICES**

Except as explicitly stated otherwise, any notices shall be given by postal mail to ATTN: LEGAL DEPT, BidCorp.com, Inc., 39555 Orchard Hill Place, Ste. 600, Novi, MI 48375 or to the email address you provide during the registration process (in your case). Notice shall be deemed given 24 hours after email is sent, unless the sending party is notified that the email address is invalid. Alternatively, we may give you notice by certified mail, postage prepaid and return receipt requested, to the address provided during the registration process. In such case, notice shall be deemed given 3 days after the date of mailing.

## **~~ARBITRATION~~**

~~Any controversy or claim arising out of or relating to this Agreement or our services shall be settled by binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association. Any such controversy or claim shall be arbitrated on an individual basis, and shall not be consolidated in any arbitration with any claim or controversy of any other party. The arbitration shall be conducted in Novi, Michigan, and judgment on the arbitration award may be entered into any court having jurisdiction thereof. Either you or BidCorp.com may seek any interim or preliminary relief from a court of competent jurisdiction in Novi, Michigan necessary to protect the rights or property of you or BidCorp.com pending the completion of arbitration.~~

## **ADDITIONAL TERMS**

### **DEFINITIONS**

Listing Member- This is public entity or pseudo-public entity that registers as a Listing Member with BidCorp.com. Listing Members are authorized to list Auction Items. The Listing Member acts as the seller when they are listing an Auction item for sale. Listing Members can bid on other Listing Member's Auction Items.

Bidder- This is the vendor or individual that registers with BidCorp.com as a Bidder. Bidder's can be a company or individual that wishes to purchase items in the Surplus Auction Service.

Successful Bidder- In the Surplus Auction Service, the Successful Bidder is the highest bidder for the auction item.

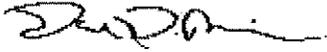
User- Any registered user of BidCorp.com (Listing Members and Bidders).

Agreement- This contract is referred to as "Agreement" and "User Agreement" and "Contract" interchangeably throughout this document.

BidCorp.com:

USER:

BidCorp.com, Inc.



BY: Douglas Merriam, VP Sales

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

Name: \_\_\_\_\_

Representing: \_\_\_\_\_

Address1: \_\_\_\_\_

Address2: \_\_\_\_\_

Address3: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

## **AMENDMENT A: PRIVACY POLICY**

We are publishing this policy to advise you what information we collect at BidCorp.com and how we intend to use that information. If you have any questions or concerns regarding this policy or BidCorp.com, please contact us at support@bidcorp.com or write to us via postal mail at BidCorp.com, 39555 Orchard Hill Place, Ste. 600, Novi, MI 48375, Attention: Privacy Director.

### **Does BidCorp.com, Inc. collect personal information about me when I access the Surplus Auction Software Engine?**

No. In general, you can visit the Surplus Auction areas without telling us who you are or revealing any personal information.

Our web servers collect general information about each visit--such as the domain name of the originating server and the type of browser--and aggregate this information with similar information from other site visits to generate website logs. These logs show, for example, the number of visits within a specific time frame and the average time spent on our Sites, as well as the frequency particular pages are viewed. We use these web site logs to evaluate and improve our Sites. We may share this information with our affiliates; or our advertisers or sponsors for the same purpose.

We do not collect information from web visits that is personally identifiable (such as email addresses), and we do not attempt to link the information our servers collect to individual visitors.

### **What does BidCorp.com do with the personal information I voluntarily furnish by, for example, registering for the Surplus Auction Service, or sending email to BidCorp.com?**

We use this information for the purposes for which you furnish it to us. Where we request personal information, our online forms indicate the purposes for which we intend to use your personal information, and we will use the personal information you provide only for those purposes.

For example, we use the personal information (such as your name and e-mail address) when you for the Surplus Auction Service for fulfilling transactions and prizes and for providing you promotional material regarding BidCorp.com and its affiliates. Similarly, if you send us an inquiry via email, we use the information you provide to analyze and respond to your email.

If you do not express a preference in an online form, email or other communication with us, we may include you on mailing lists for our products and services (including products and services of our affiliates or their advertisers or sponsors) if we believe you might find this information interesting or useful. If you would prefer not to be included on our lists, please advise us at the time you submit the online form, email or other communication. You may, of course, ask us to remove you from our mailing lists at any time.

We strongly urge you NOT to submit to us sensitive information, such as your Social Security number or credit card information, unless it is absolutely necessary for the purposes of your communication. Even though we strive to protect your personal information and privacy, we cannot guarantee the security of information you disclose online and you do so at your own risk.

### **Does BidCorp.com encourage minors to provide personal information?**

No. We believe that minors should not submit personal information without the consent of their parent or guardian.

Unfortunately, there is no way for us to prevent minors from voluntarily furnishing us this information. Emails sent to us, for example, will automatically include the sender's return email address. Also, a person will sometimes furnish us a home address so that we may send him or her material in response to his or her request. In these situations, we do not know whether or not the sender is a minor when deciding how to handle the information provided.

#### **Who has access to the personal information I provide?**

BidCorp.com employees, partners and contractors will have access to the personal information we collect or receive online if they require this information in order to perform their jobs. These people are subject to obligations to BidCorp.com that can restrict dissemination of the information to third parties. We have also established appropriate physical, electronic and managerial practices aimed at protecting the information we collect online from unauthorized access, maintaining data accuracy and ensuring the appropriate use of the information.

There are also circumstances in which we will share information with one of our affiliates or others --such as other companies within the BidCorp organization, joint venture partners, suppliers, sponsors and advertisers--because we determine that the person is in a better position to respond or it is important for that person to be aware of the information. If you would prefer that we not furnish your information in this manner, please advise us in advance. You should be aware, however, that this type of instruction may impair our ability to properly respond to you or process the information you provide.

We do not otherwise distribute, sell, trade or license any information collected or received online, including email lists.

#### **Does the BidCorp.com Surplus Auction Software use cookies?**

Yes, we use cookies to recognize you and your access privileges, to facilitate the interaction between you and BidCorp.com, and to track engine usage. Please note, however, that BidCorp.com sets cookies only for BidCorp.com, and not for our advertisers, sponsors, affiliates, or others. You may receive cookies from these other parties by virtue of accessing their websites, but we do not control these cookies.

You, of course, have the option of refusing to accept cookies from BidCorp.com or any other site by, for example, changing your browser preferences or using commercially-available software. However, if you refuse the cookies from the BidCorp.com Engine, you may find that some services do not function properly or may be considerably slower.

"Cookies" are small bits of computer code that are transmitted to a user's computer when the user accesses a website, and then stored on the user's computer for future access by the cookie provider. Cookies are part of the flow of information between a user's computer and web servers, and are widely used on the Web for, among other things, customizing user interaction with websites.

#### **Does this policy apply to BidCorp.com's affiliates or other sites that are linked from BidCorp.com?**

No, this policy applies only to BidCorp.com. As described above, we may share information with our affiliates or others. While we expect that these affiliates or others will respect your privacy in a manner consistent with our policies, we cannot guarantee that they will do so.

October 2, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/ Finance and Administration  
Charles Craft , Police Chief  
Jeanette Bennett, Purchasing Director

SUBJECT: Report and Communication  
Bidcorp On-Line Auction – Closing September 30, 2003  
One (1) used Motorola Centracom Gold Elite Radio Console with Five (5)  
Workstations

**Summary:**

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, radio equipment was auctioned on-line through Bidcorp and closed Tuesday, September 30, 2003 at 11:42:10 a.m (EST).

The auction reserve was established at \$15,000.00. The high bid was submitted by Grand Traverse County in the amount of \$20,600.00. The City will be billed a 5% commission for the sale by Bidcorp. The following is the summary of the sale.

Total gross sales	\$20,600.00
Costs: Auction Fee (5%)	\$1,030.00
<b>Net Income</b>	<b>\$19,570.00</b>

It should be noted that this is our first on-line auction. Due to the efforts of Police staff that found two (2) interested parties to bid on this item, the auction was very successful.

September 16, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director

Re: Report and Communication  
Status Report – E-procurement Initiative  
Third Party Vendor Registration and On-Line Auctioning

### **CURRENT STATUS**

Upper Level Management has asked staff to update City Council on the City's E-procurement Initiative with special emphasis relating to On-Line Auctioning.

### **Third Party Vendor Registration**

Third Party Vendor Registration that includes a vendor's ability to register for commodities on-line and includes Internet posting of bids, awards, and tabulations went live March 3, 2003. The mass-mailing letter sent to the vendors of MITN's (Michigan Intergovernmental Trade Network) membership of participating cities by Bidnet (MITN'S host) is attached. Currently the MITN website has registered 2,881 vendors. Troy has posted 21 formal bids, 14 quotes, and 18 awards with tabulations. The quotation process allows bidders to both download the quotation and respond to the quotation on-line with the System tabulating the pricing. Staff finds the system to be very efficient. Most vendor comments have been very positive and we have experienced better vendor participation than in past years with the Snow Plowing and Museum Painting bids being cases in point. It should be noted that computer illiterate vendors who have not kept up with advances in computer technology and the Internet have experienced some difficulties. Although, a fax option to obtain documents is available to those vendors who wish to pay a nominal annual fee of \$29.95. Vendors can still obtain a hard copy of a document in person at the Purchasing office.

### **Internet Auctioning**

Purchasing has been working to implement the Internet Auctioning feature of the Bidcorp System over the last few months. By the time this item appears on the agenda, a Motorola Radio Console will have been posted for auction on the Bidcorp website. Shortly, street signs should also be ready to post. Over the last few months, Purchasing staff has been attempting to identify items that will be successful and efficient to post in our current environment. Purchasing has been working with the Information Technology Department (IT) to devise a process to include computer equipment. IT has a few pieces of equipment that we will test on the Bidcorp website soon.

Although not an impossible task, difficulties are experienced due to the lack of personnel or physical areas available at this time to handle this type of operation on a large-scale basis like the County and State who have whole divisions to handle the disposition of equipment. At this time, the few confined storage areas used should not be accessible to non-employees. Staff is usually located at distances from these areas.

**(b) Agreement**

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy Paradise, Inc., which shall become effective upon approval of the request for a new Specially Designated Distributor (SDD) licensed business located at 5945 John R, Troy, MI 48085, Oakland County, to be held in conjunction with Proposed New Specially Designated Merchant License, and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-8 Standard Purchasing Resolution 1: Award to Low Bidder – Annual Flowers & Bedding Plants**

Resolution #2002-12-644-E-8

RESOLVED, That a contract to provide seasonal requirements of annual flowers and bedding plants is hereby **AWARDED** to the low bidder, Dinser's Greenhouse and Flowers, at unit prices contained in the bid tabulation opened November 26, 2002, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$9,532.00.

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are authorized in an amount not to exceed 20% of the estimated quantities.

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**E-9 Standard Purchasing Resolution 3: Exercise Renewal Option – Auction Services**

Resolution #2002-12-644-E-9

WHEREAS, On March 19, 2001, a two-year contract with a two-year option to renew to provide Auctioneering Services was awarded to Mid-Thumb Auctioneers SVC, L.L.C. (Resolution #2001-03-160-E-9); and

WHEREAS, Mid-Thumb Auctioneers SVC, L.L.C. has agreed to exercise the option to renew the contract for an additional two-year period with the addition of a 6% commission rate for off-site vehicle auctions when the vehicles are cleaned and transported to the auction site.

NOW, THEREFORE, BE IT RESOLVED, That the two-year option to renew the contract with Mid-Thumb Auctioneers SVC, L.L.C. is hereby **EXERCISED** to provide auction services under the same commission rates, terms, and conditions expiring on March 19, 2005, which includes

the additional commission rate of 6% to be charged for off-site vehicle auction when vehicles are cleaned and transported.

BE IT FURTHER RESOLVED, That staff is **AUTHORIZED** to participate in auctions with other entities with final reporting submitted to Council at the next scheduled Council meeting after auction reporting is received.

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**E-10 Acceptance of Permanent Water Main Easement for Storm Drain/ Sewer – Sidwell # 88-20-14-278-017, The Archdiocese of Detroit/St. Anastasia Catholic Church**

Resolution #2002-12-644-E-10

RESOLVED, That the permanent water main easement from the Archdiocese of Detroit, St. Anastasia Church having Sidwell #88-20-14-278-017, is hereby **ACCEPTED** for the construction, operation, maintenance and repair of water main.

BE IT FURTHER RESOLVED That the City Clerk is hereby **DIRECTED** to record said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-11 Loan of Art Works to Hope College**

Resolution #2002-12-644-E-11

RESOLVED, That the City Council **APPROVE** the loan of three (3) bronze sculptures and six (6) drawings given to the City by K-mart in 2000 to Hope College, Holland, MI for the purpose of inclusion in an exhibition of the works by artist Michael Aryton at the DePree Gallery from January 13, 2003 to February 7, 2003.

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**E-12 Acceptance of Warranty Deeds and Easements – Troy Pines Condominiums and Troy Pines #2 Condominiums – Troy Pines, L.L.C., Premium Construction, L.L.C., Kent & Pam Clark and Pietro & Victoria Arena**

Resolution #2002-12-643-644-12

RESOLVED, That the Warranty Deeds and Permanent Easements for the Troy Pines and Troy Pines #2 Site Condominium Developments listed below are hereby **ACCEPTED**:

**GRANTOR**

**TYPE OF DOCUMENT**

Troy Pines, L.L.C.	Warranty Deed – Blue Spruce Dr., Scotch Dr., and Douglas Fir Dr.
Troy Pines, L.L.C.	Warranty Deed – John R Road
Troy Pines, L.L.C.	Warranty Deed – Detention Area
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities and Sanitary Sewer
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities and Storm Sewer
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities

February 3, 2004

TO: John Szerlag, City Manager

FROM: John Lamerato, Asst. City Manager/Finance & Admin  
Cindy Stewart, Community Affairs Director

SUBJECT: AGENDA ITEM - Request for National Day of Prayer

We have received a request from Lori Wagner, coordinator for National Day of Prayer program. The committee would like permission to hold an observance for National Day of Prayer in front of City Hall on Thursday, May 6, 2004 from 12 – 1 pm.

They also request permission to place a vinyl banner 3 ft. x 10 ft., which reads “Annual National Day of Prayer – 1<sup>st</sup> Thursday of May” in front of City Hall for seven days from Friday, April 30 through Thursday, May 6, 2004.

Attached is the request letter. A copy of the tentative program will be forthcoming pending Council approval.

Dear Cynthia,

My name is Lori Wagner, and Theresa Ozias has requested that I take over for her as the City Coordinator for the National Day of Prayer. We will be working closely together this first year of transition. If you should need to reach me by phone, my number is (248) 608-1755.

We would like to request to be added to the agenda for the next Council meeting. Our desire is to obtain approval to observe the National Day of Prayer in front of City Hall on Thursday, May 6, 2004, from 12:00 p.m. to 1:00 p.m.

As in previous years, we would like to request:

1. To place the banner on the lawn in front of 16 Mile Road one week prior to the observance.
2. Weather permitting, to have the City's sound system set up.

Please e-mail me with the date of the Council meeting so that I can be present. You have been a tremendous help.

Thanks ... and God bless you,  
Lori Wagner

cc: Theresa Ozias

February 9, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Asst. City Manager/Services  
Steven J. Vandette, City Engineer   
John K. Abraham, Traffic Engineer 

SUBJECT: Agenda Item – Traffic Committee Recommendations

At the Traffic Committee meeting of January 21, 2004, the following recommendations were made for City Council approval:

1. Recommend requesting the Road Commission for Oakland County retain the traffic signal on Big Beaver at Wrenwood (Item 4).
2. Recommend requesting that the Road Commission for Oakland County install a traffic signal on South Boulevard at High Oaks (Item 3).

JKA/ln

**TRAFFIC COMMITTEE 1/21/04**

**SUGGESTED RESOLUTIONS:**

RESOLVED, that the City request that the Road Commission for Oakland County retain the traffic signal on Big Beaver at Wrenwood.

RESOLVED, That the City requests that the Road Commission for Oakland County install a traffic signal on South Boulevard at High Oaks.

**DRAFT**

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on January 21, 2004 by Charles Solis.

**1. Roll Call**

PRESENT: Ryan Deel  
Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Kaveri Korgavkar, Student Rep. (arrived 7:35)  
Richard Minnick  
Charles Solis

ABSENT: John Diefenbaker

Also present: John Abraham, Traffic Engineer  
Lt. Scott McWilliams, Police Department  
Lt. Robert Matlick, Fire Department

and

Item 4 Michael Partin, 1537 Wrenwood  
Gregory Murphy 3650 West Big Beaver

Item 6

(Visitors' Time) Bob Leslie, Alvarado Homes, 422 E. Square Lake

**2. Motion to Excuse**

RESOLUTION #TC-2004-01-01

Motion by Halsey

Seconded by Hubbell

To excuse Mr. Diefenbaker as he is out of the City.

YEAS: All-6

NAYS: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**3. Minutes – November 19, 2003**

RESOLUTION #TC-2004-01-02

Motion by Hubbell

Seconded by Kilmer

To approve the November 19, 2003 minutes as printed.

YEAS: All-6

NAYS: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**Motion to Take Items Out of Order**

RESOLUTION #TC-2004-01-03

Motion by Hubbell  
Seconded by Kilmer

To take items out of order: Item 6-Visitors' Time first, then Item 4, then Item 3.

YEAS: All-6

NAYS: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**6. Visitors' Time**

Bob Leslie, partner of Mike Johnson, requested that the Committee place on the next agenda a rehearing of their requests for sidewalk waivers at 143 Evaline and 6728 Eckerman. These waiver requests were originally heard at the October meeting, which neither Mr. Leslie nor Mr. Johnson attended. At that time the committee felt that if there is to be further building on these streets, sidewalks should be installed. They postponed a decision so Mr. Johnson could attend the next meeting to address their concerns. Mr. Johnson was notified by letter that his presence was requested at the November meeting, but he failed to attend. At that time the Committee denied the requests for waivers.

After a short discussion, the Committee felt that since the issues were on two previous agendas and no one appeared to address their concerns, a third Public Hearing was not warranted. They also feel that since there appear to be plans for further development on those streets, installation of sidewalks should be required from now on.

RESOLUTION #2004-01-04

Motion by Kilmer

Seconded by Halsey

To deny reconsideration of the request for sidewalk waivers at 143 Evaline and 6728 Eckerman.

YEAS: All-6

NAYS: None

ABSENT: 1 (Diefenbaker)

## MOTION CARRIED

Although petitioners have always been sent agendas in advance of Public Hearings, the Committee requested that a specific notice should be sent to future petitioners stating that they **must** appear at the Public Hearing to have their requests considered.

**4. Remove Traffic Signal at Big Beaver and Wrenwood (for information/discussion)**

There is currently a signalized school crossing on Big Beaver at Wrenwood to allow Pembroke Elementary School students in the northeast quadrant of Adams-Big Beaver to cross safely. The Birmingham School District has notified the Road Commission that students in that area are being bussed and the school crosswalk is no longer required. Further, RCOC took traffic counts at this intersection and determined the warrants for traffic signals are not met; therefore, they suggest that this signal be removed. Big Beaver is a County road and if the County Board approves, this signal may be removed. City staff has contacted the RCOC and placed this on hold.

This signal was installed in 1971. In 1983 there was a request to remove the signal, but the Traffic Committee and City Council resolved to RETAIN the signal and keep it operational. In 1994 there was a request to move the signal from its location at Wrenwood to Caswell. This request did not go through due to concerns that the signal would increase cut-through traffic in the residential neighborhoods north of Big Beaver Road. This intersection is around 1500 feet east of Adams and around 1700 feet west of the existing signal at Golfview. Residents in the subdivisions north and south of Big Beaver have reported that this signal helps in creating gaps in Big Beaver traffic between Golfview and Adams facilitating turns into and out of residential streets such as Cedar Ridge, Caswell, Brooklawn, Oakhill, Kingsley and Henhawk.

The Traffic Engineer received an email from Frank and Nancy Winay, who live at 3640 West Big Beaver Road. The traffic light at Wrenwood and Big Beaver is very important to them because of safety concerns. The traffic light monitors the traffic flow, making it easier for them to enter and exit their driveway. They definitely do not want the traffic light removed.

Michael Partin, 1537 Wrenwood, expressed his concerns about the possibility of the signal removal at the intersection of Big Beaver and Wrenwood. His home is on the corner of Big Beaver and Wrenwood, and he stated that all the motorists from the area north of Big Beaver, including school buses, use Wrenwood to access Big Beaver. Without the traffic signal, there would be insufficient gaps in traffic. He indicated that with the sidewalks complete on Big Beaver, there are a lot more people walking and biking and the Wrenwood signal provides a safe area to cross the road. He also mentioned after-school activities and a swim club that require a considerable number of pedestrians to cross Big Beaver.

Mr. Partin also mentioned that the Road Commission for Oakland County moved his driveway to Wrenwood from its former position on Big Beaver along with the widening and spent in excess of \$120,000 recently for upgrading the traffic signal, and felt it makes no sense to remove it now.

Mr. Murphy had the same concerns as Mr. Partin. He feels the traffic signal is necessary for residents in the area to safely enter Big Beaver traffic or walk across.

Mr. Minnick stated that Wrenwood is a marked bike route, which is especially busy on weekends. Residents going to Beachwood Swim Club also must cross there or walk all the way to Coolidge to cross, which would cause many of them to try to run across Big Beaver through traffic gaps.

Lt. McWilliams said the City used to provide a crossing guard at the corner to help school children cross, but the school principal informed the Police Department that all students are driven by parents or bussed, and a guard was no longer necessary.

Ms. Korgavkar inquired as to the reason the Road Commission wants to remove the signal. Dr. Abraham explained traffic signal warrants are not met for this intersection, and in addition to energy and maintenance costs, unwarranted signals can increase crashes.

RESOLUTION #2004-01-05

Motion by Hubbell

Seconded by Minnick

To request that the RCOC retain the traffic signal on Big Beaver at Wrenwood.

YEAS: All-6

NAYS: None

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**3. Install Traffic Signal on South Boulevard at High Oaks**

The Traffic Engineering office received a letter from Winston Myrie, Traffic Engineer at the Road Commission for Oakland County, suggesting installation of a signal on South Boulevard at High Oaks.

A gap study was conducted on South Boulevard at High Oaks, which indicates that there are insufficient acceptable gaps in the South Boulevard traffic to accommodate side street traffic and pedestrian crossings. High Oaks is approximately the mid-mile point on South Boulevard, and provides the best location for platooning traffic and optimizing traffic progression. However, before a signal can be installed the tapers on South Boulevard would need to be extended.

Mr. Myrie reports that the signal is warranted as per warrants 5 and 7. This signal is expected to improve gaps for traffic exiting residential streets and driveways onto South Boulevard and improve progression with better platooning.

If approved, some physical improvements may be necessary at the intersection that includes turn lanes on South Blvd. Mr. Myrie has indicated that since South Boulevard is a County road, the improvements will be included in their budget.

Mr. Kilmer feels a signal at High Oaks will slow down South Boulevard traffic and possibly cause congestion. Ms. Hubbell stated that traffic signals are standard at half-mile intersections.

**RESOLUTION #2004-01-06**

Motion by Hubbell

Seconded by Halsey

Recommend that the Road Commission for Oakland County install a traffic signal on South Boulevard at High Oaks.

YEAS: 5

NAYS: 1 (Kilmer)

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

Mr. Kilmer stated that the reason for his vote is that he wants to keep traffic moving on South Boulevard.

## 5. **Sidewalk Program**

This is an informational/discussion item to discuss the City's sidewalk program. We have been trying to fill in all gaps in our sidewalk system and the budget for sidewalks has been increased substantially. Please review the following information and the attached map and provide input on the same. Specifically, do you have any recommendations for sidewalk gaps that need to be completed, any other priorities? Following is a brief summary of the program:

City sidewalks are installed in a number of ways. Through the subdivision ordinance, new developments are required to have sidewalks put in before a certificate of occupancy is issued. Businesses/property owners along the major roadways that do major renovations requiring a certificate of occupancy or site plan would also have to put in sidewalks. The City may grant temporary sidewalk waivers to the property owners at places where it is not practical at that time to put in sidewalks. The property owners requesting a sidewalk waiver also sign an irrevocable petition, such that they participate in the costs for installing a sidewalk when the City Engineer deems it necessary.

Sidewalks are also included on both sides of major roadways as a part of any road widening or reconstruction project. The policy used for the width of sidewalks has eight-foot sidewalks on both sides of the major roadways. Variances for this width and for installation are determined by the Traffic Committee and the City Engineer, based on physical constraints on field and other hardships demonstrated.

City staff continually inventory all sidewalks installed on major roads. Measurements are taken by walking existing sidewalks and by locating them with respect to existing streets/permanent objects. This inventory contains data on location of sidewalk gaps, their estimated length and the side of roadway.

This data was then used to update the existing sidewalk map to show both the existing sidewalks and the sidewalk gaps. The attached map shows this data.

### **Cost Estimate:**

The cost estimates were separated into construction costs and cost of acquiring right of way. The construction cost estimate is based on installing 8-foot sidewalk on both sides of all streets. Unit prices used were derived from what was quoted to the City by contractors for the year 2002 sidewalk construction projects. Table 1 presents a summary of the breakup of estimated costs for each roadway and the total cost estimate to fill all sidewalk gaps.

Roadway Name	Side of Street	Total Gaps-ft	Construction Cost Estimate	Yr 2000 Right-of-Way Estimate	Total Cost Estimate
Maple	South	6177.6	\$494,208	\$40,000	\$534,208
Maple	North	2217.6	\$177,408	\$40,000	\$217,408
Wattles	South	13358.4	\$1,068,672	\$1,730,000	\$2,798,672
Wattles	North	5375.04	\$430,003	\$690,000	\$1,120,003
Long Lake	South	2481.6	\$198,528	\$100,000	\$298,528
Square Lake	South	18321.6	\$1,465,728	\$2,870,000	\$4,335,728
Square Lake	North	5913.6	\$473,088	\$2,255,000	\$2,728,088
South Blvd.	South	20275.2	\$1,622,016	\$2,890,000	\$4,512,016
Adams	East	12883.2	\$1,030,656	\$1,675,000	\$2,705,656
Beach	East	10049.6	\$502,480	\$1,495,000	\$1,997,480
Beach	West	17846.4	\$892,320	\$2,205,000	\$3,097,320
Coolidge	East	3590.4	\$287,232	\$600,000	\$887,232
Coolidge	West	3115.2	\$249,216	\$310,000	\$559,216
Crooks	East	4012.8	\$321,024	\$300,000	\$621,024
Livernois	East	3854.4	\$308,352	\$615,000	\$923,352
Livernois	West	7708.8	\$616,704	\$1,365,000	\$1,981,704
Rochester	East	11510.4	\$920,832	\$2,240,000	\$3,160,832
Rochester	West	7075.2	\$566,016	\$1,465,000	\$2,031,016
Stephenson	West	1953.6	\$156,288	\$0	\$156,288
John R.	East	2956.8	\$236,544	\$325,000	\$561,544
John R.	West	4646.4	\$371,712	\$890,000	\$1,261,712
Dequindre	West	6124.8	\$489,984	\$760,000	\$1,249,984
<b>TOTAL</b>		<b>171,448.6</b>	<b>\$12,879,011</b>	<b>\$24,860,000</b>	<b>\$37,739,011</b>

**Table 1 Summary of Costs for Filling Sidewalk Gaps Along Major Roadways**

Note: This includes all sidewalk gaps that exist today and does not take into account any sidewalks that may be installed by a developer/property owner, or as a part of a major road project 2004+

**Priorities for yearly sidewalk projects:**

- Connections to schools and school district priorities
- Connections to City parks
- Homeowners associations' priorities
- To finish sidewalks on few major roadways completely
- Consider City mile sections that can have a continuous loop of sidewalks internally
- Individual requests from residents
- One-mile segments with small gaps

**Sidewalk projects in the near future:**

Projects being looked at for next 2 years based on above priorities (contingent upon availability of right-of-way):

- Coolidge north of Wattles – east side one parcel (church)
- North side of Maple between John R and I-75
- Livernois west side - Woodland School to Lovell
- Livernois east side – Lovell to Wildwood
- South side of Maple east of John R
- South side of South Blvd. from John R to Dequindre (connecting the new golf course and Flynn Park)
- Eastside of Rochester from Square Lake to Congress
- John R east side - Saxony and Lakeside- could be a scenic sidewalk (boardwalk) project since there are some wetlands on the eastside
- West side of Dequindre from South Blvd. to the hospital (may involve some boardwalk)

**Sidewalk gaps that may be completed in the next 5 years as a part of major road construction:**

Following are some of the road widening projects that have partial federal funding. Contingent on receiving federal funds for construction, these sections will have sidewalks on both sides when the widening projects are completed:

- a. Crooks Road – Square Lake to South Boulevard
- b. John R Road from Long Lake to South boulevard
- c. Dequindre – From Long Lake to South Boulevard

**Other parallel efforts to improve pedestrian facilities:**

City of Troy Safety Pathway Program proposal: The City hired James Scott and Associates to develop a safety pathway system in 1999. The consultant developed four pathway systems radiating from the Civic Center and going to the four quadrants of the City. City staff also prepared funding application for this project that was not submitted as the local match commitment ranged up to 6 million dollars.

There was general discussion of the sidewalk programs. Mr. Halsey's opinion is that the existing sidewalks are poorly maintained. Dr. Abraham explained that maintenance is a function of the Department of Public works, and that their inspection schedule covers different areas of the City each year, covering the entire City every seven years. He will request that Tim Richnak, Director of Public Works, furnish a report on the sidewalk maintenance program, including what was done in 2003.

Mr. Minnick mentioned that there is a new cricket field on the east side of Livernois between Big Beaver and Wattles, and there are no sidewalks to accommodate players and spectators. The nearest place to cross Livernois is at Town Center. He also recommended that new park sites be considered for sidewalk connections.

## 7. Other Business

- a. Dr. Abraham and the Committee had a general discussion of future road projects and the costs involved.

Dr. Abraham updated the Committee on a past agenda item. In 2002 the Committee and City Council approved installation of NO LEFT TURN signs from the Shell gas station on Rochester Road just south of Wattles. In the first year after the signs were installed, there has been only one crash related to the driveway exiting the gas station. Previously there were 12 crashes in 2000, and 15 in 2001 related to the gas station driveway. According to the National Safety Council, the reduction of 8 broadside crashes, three of which resulted in injuries, and 2 head-on crashes, would result in a cost savings of \$181,700 per year considering wage and productivity losses, medical expenses, administrative expenses, motor vehicle damages and employer costs. This was an evaluation by the Traffic Committee and City Council and their decision resulted in considerable benefit.

- b. Lt. McWilliams reported that he received some calls regarding traffic in the Troy High School area. He had Sgt. Redmond go out and take a look at the situation, who reported traffic concerns on Northfield Parkway and Long Lake. There was also discussion of the ongoing traffic problems around Troy High School. Many ideas were presented, but there seemed to be difficulties with all of them. Ms. Korgavkar will obtain the names of people at Troy High for Dr. Abraham to contact for discussion. Perhaps in the future those responsible for parking and traffic decisions can meet with the Traffic Committee.

Ms. Korgavkar indicated that the school implemented some changes recently to parking areas that may have caused some concerns. She also mentioned that many motorists make illegal left turns from Northfield Parkway onto the school property using the northern driveway on Northfield Parkway.

Mr. Kilmer feels that the situation needs to be examined. Dr. Abraham and Lt. McWilliams will take a look at traffic operations near the school, in conjunction with school officials, and report back at the next meeting.

### RESOLUTION #2004-01-07

Motion by Kilmer  
Seconded by Deel

To study the Troy High parking and traffic issues and discuss again at the next meeting.

YEAS: All-6

NAYS: 0

ABSENT: 1 (Diefenbaker)

MOTION CARRIED

**8. Adjourn**

The meeting was adjourned at 8:45 p.m. The next meeting is scheduled for February 18, 2004.

SIGNED: \_\_\_\_\_  
Charles Solis, Chairman

November 3, 2003

Mr. John Abraham  
Traffic Engineer  
City of Troy  
500 West Big Beaver Road  
Troy, MI. 48084-5285

Dear Mr. Abraham,

As a result of a request concerning the lack of acceptable gaps on South Boulevard between Crooks Road and Livernois a study was conducted to determine the need for a traffic signal.

A gap study was conducted on South Boulevard at High Oaks and the result indicates that there are several instances during the peak traffic period when there are insufficient acceptable gaps in the South Boulevard traffic to accommodate the side street traffic or pedestrian crossings. Therefore, a traffic signal may be installed under Warrant 7, Systems Warrant. High Oaks is located at approximately the mid-mile point and provides the best location for platooning traffic and optimizing traffic progression. However, before a signal may be installed it is necessary that the tapers on South Boulevard be extended.

Kindly inform me if you wish to pursue this project.

Very truly yours,



Winston J. Myrie, P.E.  
Traffic Engineer  
Traffic-Safety Department

WJM/ch

C: James J. Bird

**RECEIVED**

NOV 3 2003

**ENGINEERING**



QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE"

*Board of Road Commissioners*

*Richard G. Skarritt*  
Chairman

*Rudy D. Lozano*  
Vice-Chairman

*Larry P. Crake*  
Commissioner

*Brent O. Bair*  
Managing Director

*Gerald M. Holmberg*  
Deputy Managing Director  
County Highway Engineer

**Traffic Safety Department**

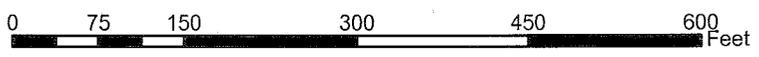
2420 Pontiac Lk. Rd.  
Waterford, MI  
48328

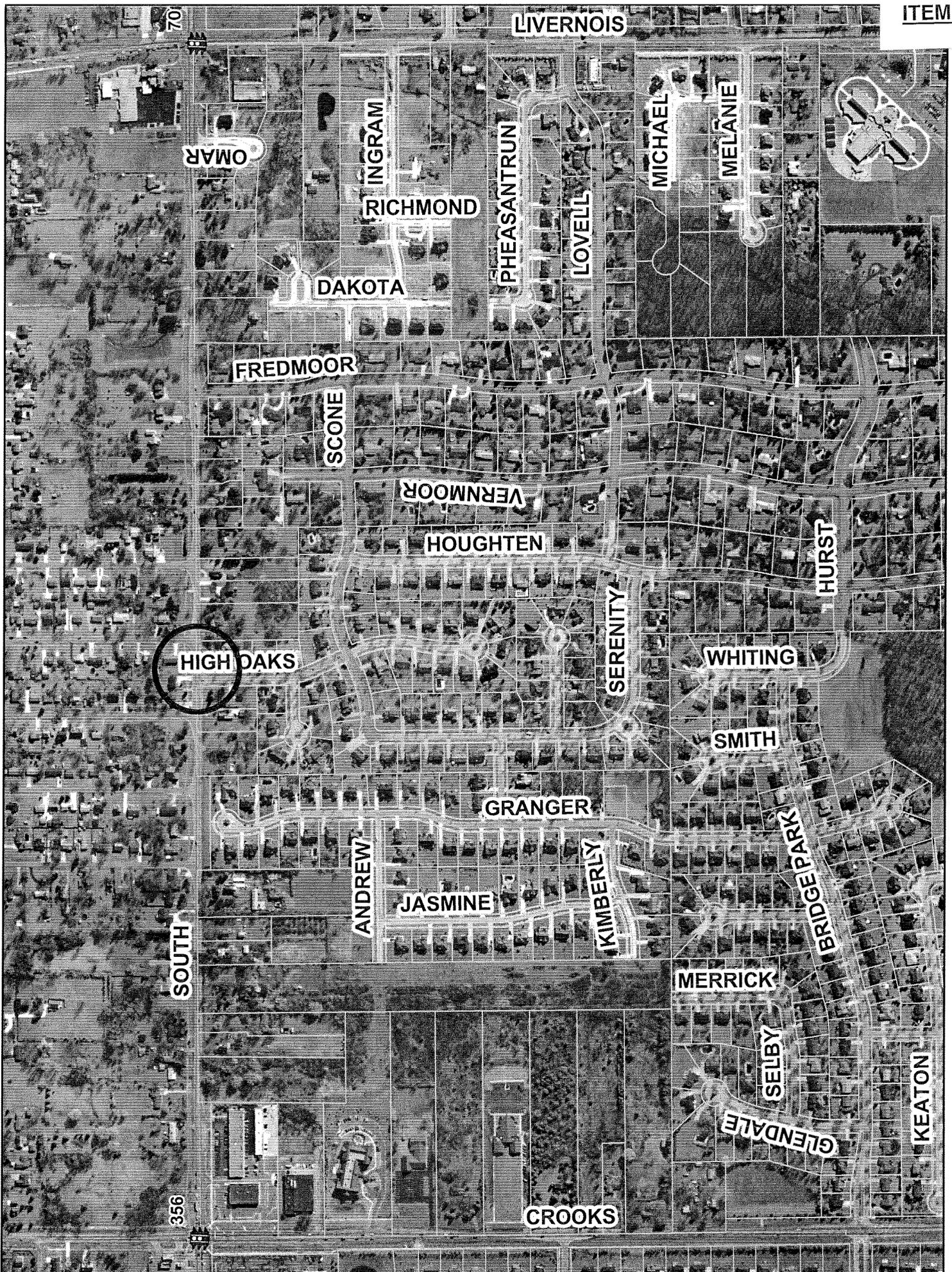
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248-858-7607

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70

SOUTH

356

LIVERNOIS

OMAR

INGRAM

RICHMOND

DAKOTA

FREDMOOR

SCONE

VERNMOOR

HOUGHTEN

HIGH OAKS

SERENITY

WHITING

HURST

SMITH

GRANGER

ANDREW

JASMINE

KIMBERLY

BRIDGE PARK

MERRICK

SELBY

GLENDALE

KEATON

CROOKS

0 195 390 780 1,170 1,560 Feet





QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE"

December 9, 2003

Mr. John Abraham  
Traffic Engineer  
City of Troy  
500 West Big Beaver Road  
Troy, MI. 48084-5285

Board of Road Commissioners

Richard G. Skarritt  
Chairman

Rudy D. Lozano  
Vice-Chairman

Larry P. Crake  
Commissioner

Brent O. Bair  
Managing Director

Gerald M. Holmberg  
Deputy Managing Director  
County Highway Engineer

Dear Mr. Abraham,

We have been notified by the Birmingham School District that the students attending Pembroke Elementary School, and reside in the northeast quadrant of Adams and Big Beaver are being bussed. A signalized school crossing had been established on Big Beaver at Wrenwood for these students.

Since this school crosswalk at Big Beaver and Wrenwood is no longer required, we propose to remove the traffic signal. We have taken traffic counts at this intersection and it was determined the Warrants for traffic signals are not met.

If you have any questions, please contact me.

Sincerely,

Winston J. Myrie, P.E.  
Traffic Engineer  
Traffic-Safety Department

WJM/ch

Traffic Safety Department

2420 Pontiac Lk. Rd.  
Waterford, MI  
48328

248-858-4802

FAX  
248-858-7607

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248-858-8005

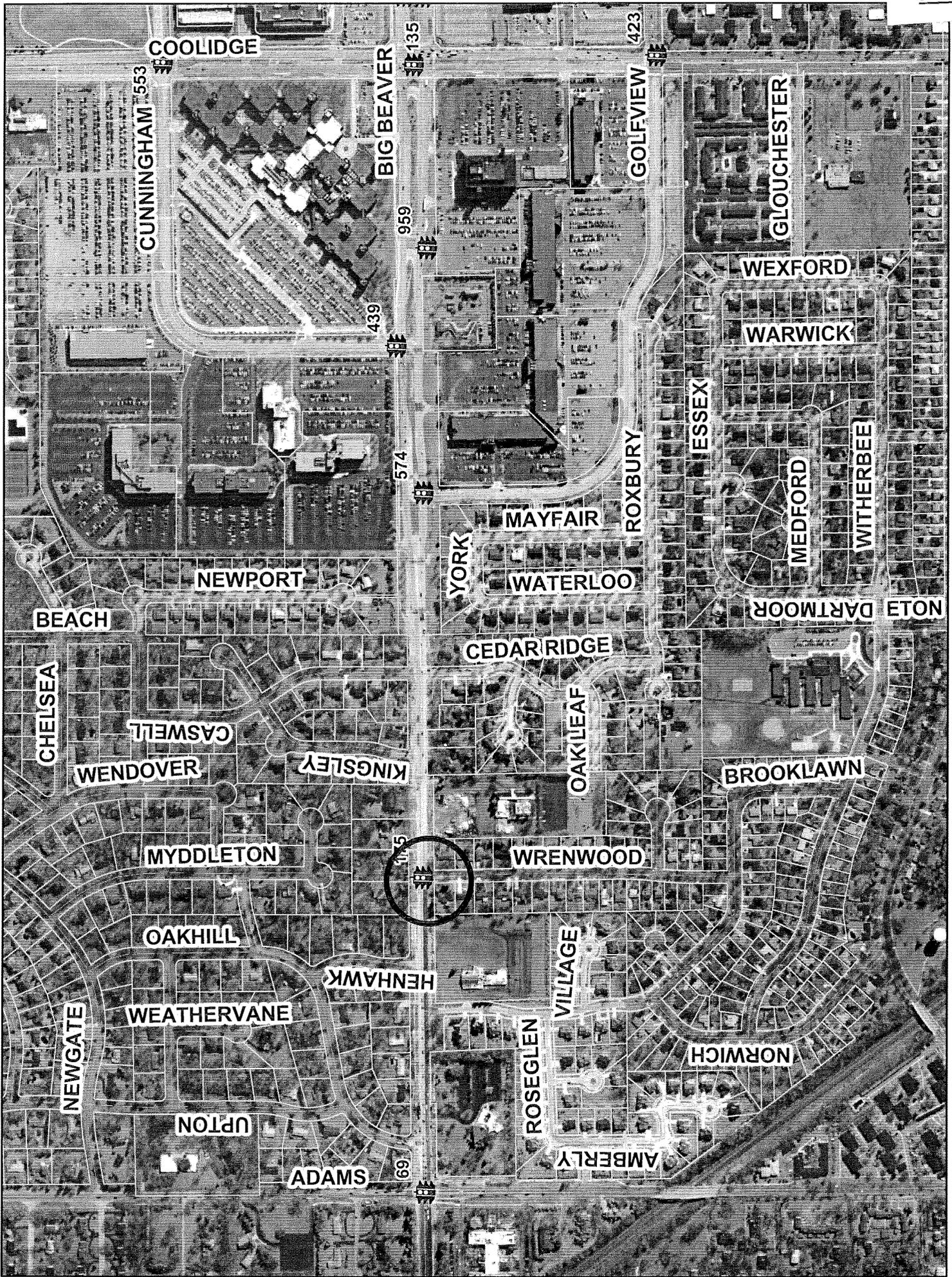
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DEC 11 2003

ENGINEERING





COOLIDGE

CUNNINGHAM 553

BIG BEAVER

135

GOLFVIEW 423

GLOUCESTER

WEXFORD

WARWICK

439

959

ROXBURY

ESSEX

MEDFORD

WITHERBEE

NEWPORT

YORK

MAYFAIR

ROXBURY

WATERLOO

NOTE DARTMOOR

BEACH

CEDAR RIDGE

CHELSEA

CASWELL

WENDOVER

KINGSLEY

OAKLEAF

BROOKLAWN

MYDDLETON

WRENWOOD

115

NEWGATE

WEATHERVANE

HENHAWK

VILLAGE

NORWICH

UPTON

ADAMS

ROSEGLLEN

AMBERLY

69



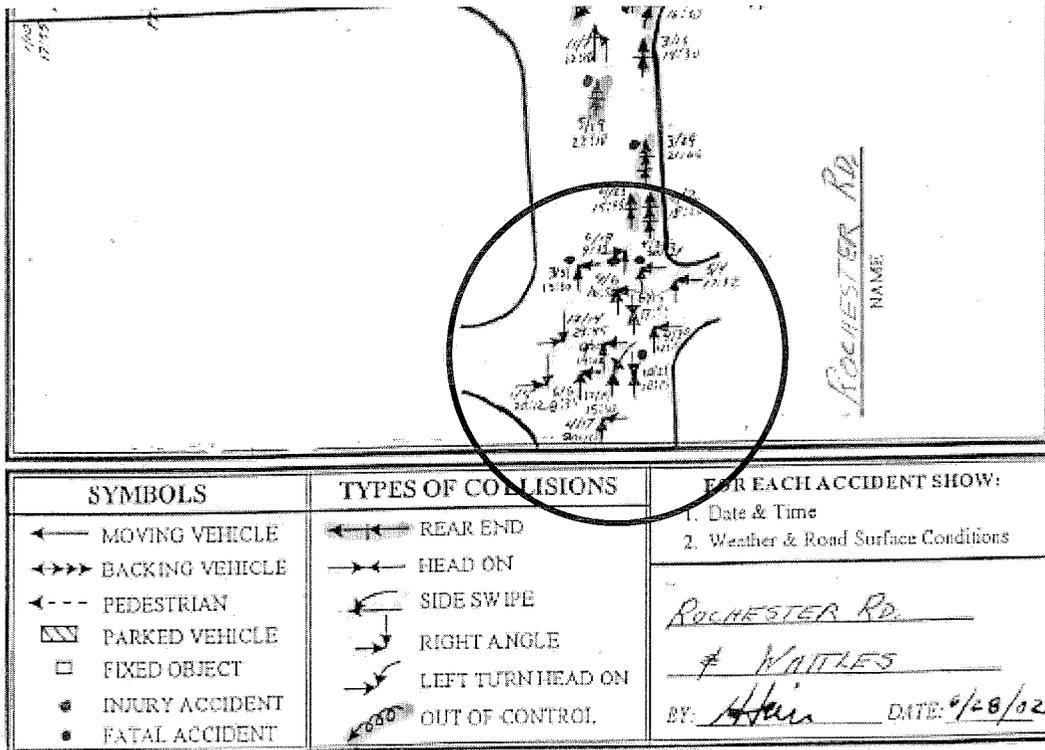
# *Crash Reduction Benefits*

- 8 angle (broad side) crashes
- 2 head-on crashes
- 3 of the above resulted in injuries
- As per National Safety Council, the costs of motor vehicle crashes are as follows:

Death	\$1,090,000
Nonfatal Disabling Injury	\$39,900
Property Damage Crash	\$6,200

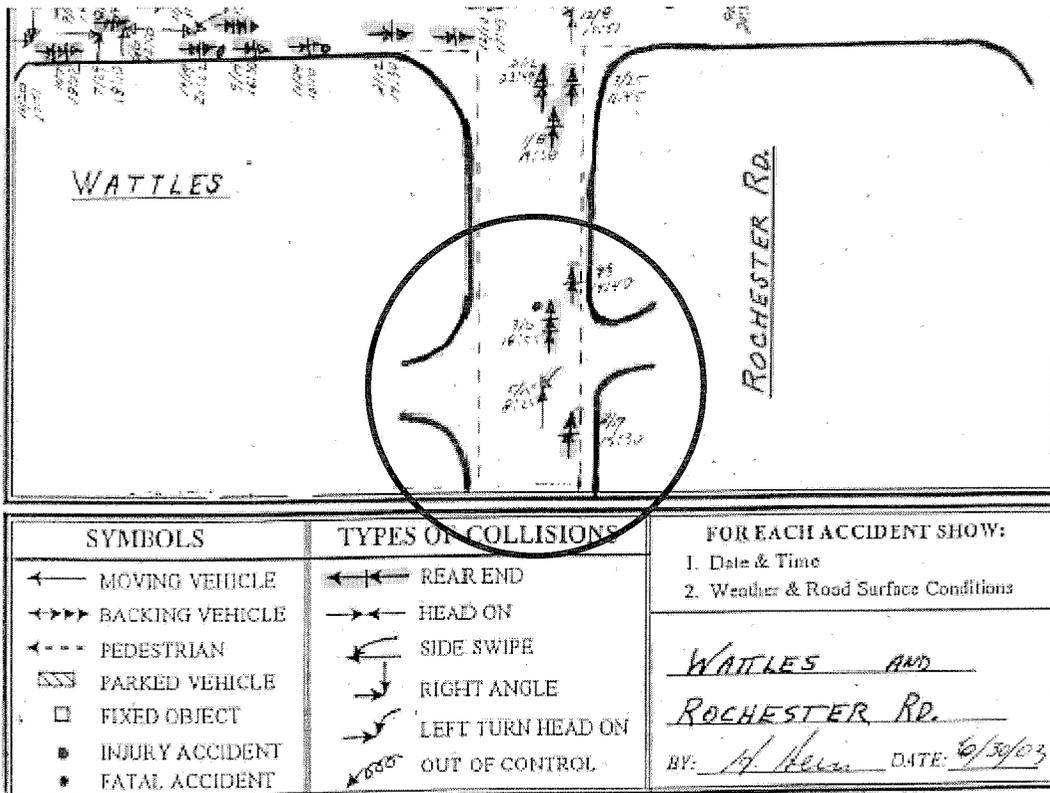
- Cost savings at the intersection:  
\$181,700 per year
- Savings in Societal and emotional costs that cannot be measured !

*The calculable costs of motor-vehicle crashes are wage and productivity losses, medical expenses, administrative expenses, motor vehicle damage, and employer costs.*



## 2001 Collision Diagram

The Traffic Committee and City Council Voted to install NO LEFT TURN signs from the Shell gas station



## 2002 Collision Diagram



**TO:** MAYOR AND MEMBERS OF TROY CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY  
**DATE:** February 10, 2004  
**SUBJECT:** TROY V. MARILYN KAY MILLER LIVING TRUST (2356 E. LONG LAKE)

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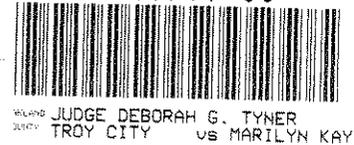
This condemnation case was initiated in order to complete the roadway improvements on Long Lake Road. The project required the acquisition of a 27-foot strip of property along the front of 2356 E. Long Lake Road, which is owned by the Marilyn Kay Miller Living Trust.

The Defendant initially demanded \$167,375.00, based on an appraisal by Andrew Chamberlain. The City appraiser, Mary Jane Anderson, appraised the property at \$81,285.00, inclusive of landscaping and grading permit. After court ordered facilitation, where some of the weaknesses in the case were discussed, the Defendant agreed to settle the case for \$105,000.00, plus statutory interest, costs, and attorney fees.

It is our recommendation to approve the Consent Judgment and authorize the execution of the Consent Judgment on behalf of the City of Troy.

If you have any questions, please let us know.

02-041711-CC



STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan  
municipal corporation,

Plaintiff,

v

Case No. 01-035191 CC  
Hon. Deborah G. Tyner

MARILYN KAY MILLER LIVING TRUST,  
Dated April 21, 2002; Marilyn Kay Miller,  
Trustee,

Defendant.

\_\_\_\_\_/

CITY OF TROY-CITY ATTORNEY'S OFFICE

By: Susan M. Lancaster (P33168)

Attorney for Plaintiff

500 W. Big Beaver Road

Troy, MI 48084

(248) 524-3320

David W. Berry (P25418)

Ronald E. Reynolds (P40524)

Attorney for Defendant, Marilyn Kay Miller

Living Trust, Marilyn Kay Miller, Trustee,

32255 Northwestern Highway #280

Farmington Hills MI 48334-1527

(248) 851-3434

\_\_\_\_\_/

**CONSENT JUDGMENT**

At a session of Court held in the  
Courthouse in the City of Pontiac,  
Oakland County, MI

on: \_\_\_\_\_

PRESENT: HONORABLE DEBORAH G. TYNER, CIRCUIT JUDGE

In this cause, the parties have stipulated to entry of this Consent Judgment, now therefore,

IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on June 19, 2002, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on July 10, 2002 of the Order for Payment of Estimated Compensation and Surrender of Possession.
2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession and the Order for Interim Payment of Just Compensation, the Plaintiff previously paid the Defendant estimated just compensation in the amount of \$ 81,285.00 plus interest on the Interim Payment.
3. Plaintiff shall pay to Defendant the additional sum of Twenty Three Thousand Seven Hundred Fifteen (\$ 23,715.00) Dollars for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.
4. Pursuant to the provisions of 1931 PA 270 as amended, MCL 213.291, any amounts incurred up to the date of taking as delinquent taxes, assessments or water bills, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 3.

5. Plaintiff shall further pay Defendant statutory interest on the unpaid just compensation of \$ 23,715.00 from and after July 10 ,2002 in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of tender of payment. The amount of said interest as of February 16, 2004 is \$ 1,910.84.

6. Plaintiff, in accordance with MCL 213.66(1), shall pay appraisal fees incurred by Defendant in the amounts of \$8,190.00 (Chamberlain & Walsh, LTD) and \$ 453.90 (Metropolitan Forestry Consultants, Inc.) payable to Berry & Reynolds, P.C. and Marilyn Kay Miller Living Trust, Marilyn Kay Miller, Trustee.

7. The payee in all instruments of payment drawn pursuant to this judgment for just compensation and interest shall be Marilyn Kay Miller Living Trust, Marilyn Kay Miller, Trustee, and Berry and Reynolds, P.C.

8. Plaintiff shall pay the one-third contingency attorney fee reimbursement, pursuant to Section 16(3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3)), which amount as of July 10, 2002 is \$ 20,602.35.

Plaintiff shall pay the attorney fee reimbursement directly to Berry and Reynolds, P.C. on or within a reasonable time after February 16, 2004.

10. Upon payment by Plaintiff of the sums recited herein, any and all claims of Defendant which have been asserted or which could have been asserted against Plaintiff arising out of the taking of the subject property or by reason of any other claims for damages which could or may have been asserted by reason of the commencement of the instant proceedings shall be forever barred.

11. This judgment resolves the last pending claims and closes the case.

---

Circuit Judge

Approved as to substance and form;  
notice of entry waived

---

Susan M. Lancaster (P33168)  
Attorney for Plaintiff



---

David W. Berry (P25418)  
Ronald E. Reynolds (P40524)  
Attorneys for Defendant

A meeting of the Troy Election Commission was held Thursday, December 4, 2003, at City Hall, 500 W. Big Beaver Road. Member Bartholomew called the Meeting to order at 7:00 P.M.

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**Roll Call:**

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew  
ABSENT: None  
ALSO PRESENT: City Attorney Lori Grigg Bluhm

---

**Minutes: Regular Meeting of February 19, 2003**

Resolution # EC-2003-12-05  
Motion by Dewan  
Seconded by Anderson

RESOLVED, That the Minutes of Wednesday, February 19, 2003 are approved as submitted.

YES: All-3

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**Review of Charter Revision Ballot Recommendations:**

It was noted by City Attorney Bluhm that the proposed Charter Amendment language for Section 3.4 will include “and the Mayor” after “City Council members” in two locations within the submittal.

It was the consensus of the Election Commission that it would best serve the voting public if the ballot language selected for use would be the format with less formality. The preferred format is as follows:

- **City Council Directive:** Shall Section 3.4 of the Troy Charter be amended to replace the current **three** year term for the Mayor and City Council members with **four** year terms, which shall commence with the 2005 regular election, except for the terms of the two city council positions set to expire in 2006 which shall initially be three years and thereafter the terms for the Mayor and all City Council members shall be four years?
- **Charter Revision Committee Recommendation:** Shall Section 3.8.5 of the Troy Charter be repealed, which would eliminate the requirement for the Mayor to send an annual proclamation to the members of the U.S. Congress encouraging them to use their best efforts to amend the Constitution to require term limits on the U.S. Congress?
- **Charter Revision Committee Recommendation:** Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to change the number of signatures from the current requirement of **at least ten**

**percent** of the registered electors of the City, to a new requirement of **2,000 signatures** of the registered electors of the City?

- **Charter Revision Committee Recommendation:** Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to enlarge the time period to gather signatures from the current deadline of **twenty one** days prior to the filing of the petition to a new deadline of **ninety** days prior to the filing of the petition?
- **Charter Revision Committee Recommendation:** Shall Section 5.11 of the Troy Charter, which sets forth the requirements for citizens to effectuate changes to the City of Troy ordinances through an initiatory or referendary process, be amended to delete the provision that allows the filing of supplemental petition papers within fifteen days of registered mail notification by the Clerk that a previously submitted petition contained an insufficient number of signatures.
- **City Council Directive:** Shall Section 7.3 of the Troy Charter be amended to change the regular City election from the **first Monday in April of each year** to a new date of the **Tuesday** succeeding the first Monday in **November of each odd numbered year**, and shall the language that changes the date of the regular City election to a date in the months of March, April, or May if fixed by law for the holding of the state biennial election be deleted?

OR

- **Charter Revision Committee Recommendation:** Shall Section 7.3 of the Troy Charter, which sets the regular City election date on the first Monday in April, be amended to delete the remaining language that changes the date of the regular City election to a date in the months of March, April, or May if fixed by law for the holding of the state biennial election?
- **Charter Revision Committee Recommendation:** Shall Section 7.6 of the Troy Charter, which requires at least **40** days between the date that a special election is called by a resolution of City Council and the election date, be enlarged to require a minimum of **60** days between the date of the resolution and the election?
- **Charter Revision Committee Recommendation:** Shall Section 7.9 of the Troy Charter, which requires nomination petitions for candidates for regular city elections to be filed with the Clerk on or before 4 o'clock pm of the **twenty- eighth (28) day preceding the third Monday of February of each year**, be replaced with the revised requirement that nomination petitions for candidates for regular city elections are to be filed with the Clerk on or before 4 o'clock pm of the **seventy fifth (75) day preceding the City election for each election year**?
- **Charter Revision Committee Recommendation:** Shall Section 12.1 of the Troy Charter, which currently requires **sealed** bids to be obtained for all sales and purchases in excess of ten thousand dollars, be replaced with the requirement to

obtain competitive bids through a traditional sealed bid procedure or alternative means, including but not limited to, electronic submission or reverse auction methods, providing the method used preserves the integrity of the competitive bid process.

---

**Review and Recommendation to City Council: Civic Center Ballot Proposal:**

Resolution # EC-2003-12-06

Motion by Anderson

Seconded by Dewan

RESOLVED, That the Election Commission recommends to City Council the following proposed Civic Center ballot proposal language submitted by the Troy Citizens United to the Election Commission at their meeting on December 4, 2003, with the understanding that the proposed language be reviewed and possibly reworded by the City Attorney Bluhm and then forwarded for review to Attorney Joel Piell of Miller Canfield:

Shall the City of Troy, Michigan, be authorized to sell or lease, at fair market value, property, not to exceed 8 acres, from the civic center site, to a non-profit corporation acting as agent of the city to develop a hotel & adjoining conference facility?"

YES: All-3

It was the consensus of the Election Commission that the City Attorney reviews the Chamber of Commerce ballot language submittal.

---

**Citizen Comments:**

Mrs. Maryann Bernardi voiced concern with the Charter Committee's recommendation of proposed Charter Section 5.11 and the elimination of the potential for supplemental petition papers. She recommended that instead of eliminating the supplemental petition papers from Section 5.11, to make supplemental petition papers a provision of Section 7.9.

Mr. Jerry Bloom requested that he and Mrs. Bernardi be notified of the next Election Commission meeting.

---

**Next Meeting:**

The next scheduled meeting of the Election Commission is Friday, December 26, 2003 at 10:00 AM in the Council Board Room of City Hall.

---

**Adjournment:**

The meeting was adjourned at 8:03 PM.

A meeting of the **Civic Center Priority Task Force (CCPTF)** was held on Wednesday, December 10, 2003 at 7:30 P.M., at City Hall in the Council Board Room. Brian Wattles called the meeting to order at 7:36 p.m.

## ROLL CALL:

### PRESENT:

Mary Ann Bernardi (Troy Citizens United)	Tom Krent (Parks and Recreation Advisory Board)
Leonard Bertin (Advisory Committee for Persons with Disabilities)	Mark Maxwell (Board of Zoning Appeals)
Jeff Biegler (Superintendent of Parks)	David Ogg (Advisory Committee for Senior Citizens)
Ann Partlan (Historic District Commission) (Arrived 7:39 PM)	Carol Price (Downtown Development Authority)
Ryan Deel (Traffic Committee) (Arrived 8:24 PM)	Walter Storrs (Planning Commission)
Catherine Herzog (Troy Youth Council) (Arrived 7:51 PM)	Brian Wattles (Historical Commission)
Michele Hodges (Troy Shareholders) (Departed 9:30 PM)	

### ALSO PRESENT:

Laura Fitzpatrick, Assistant to the City Manager

## PUBLIC COMMENT – SECTION 1

None

### 1. Minutes

#### Resolution # CCPTF-2003-12-014

Moved by Krent  
Seconded by Bertin

RESOLVED, that the minutes of November 12, 2003 meeting be approved.

Yes: All - 10

No: None

Absent: Deel, Herzog, Partlan

MOTION CARRIED

### 2. Presentation & Report – final review and approval of the Powerpoint Presentation and Accompanying Text Report

#### Resolution # CCPTF-2003-12-015

Moved by Ogg  
Seconded by Hodges

RESOLVED, that the report and presentation will not name specific representatives for proposed board.

Yes: 9 – Bertin, Biegler, Partlan, Hodges, Krent, Maxwell, Ogg, Price, Wattles

No: 4 - Bernardi, Deel, Herzog, Storrs

Absent: None

MOTION CARRIED

**Resolution # CCPTF-2003-12-016**

Moved by Price  
Seconded by Partlan

RESOLVED, that the report will name authors for each section.

Yes: 6 – Bertin, Biegler, Hodges, Maxwell, Partlan, Price,  
No: 7 - Bernardi, Deel, Herzog, Krent, Ogg, Storrs, Wattles  
Absent: None  
MOTION FAILED

**Resolution # CCPTF-2003-12-017**

Moved by Herzog  
Seconded by Bertin

RESOLVED, that the report will explain the methodology by which sections were assigned and drafted.

Yes: All -13  
No: none  
Absent: None  
MOTION PASSED

**Resolution #CCPTF-2003-12-018**

Moved by Herzog  
Seconded by Deel

RESOLVED, that the CCPTF shall meet on January 12, 2004 for the final review of the report.

Yes: All  
No: none  
Absent: none  
MOTION PASSED

**Note:** Since this meeting, it was determined that the 1/12/04 meeting was not feasible due to the inability to tape and then televise the meeting due to a conflict with a meeting already scheduled. The new meeting date is 1/28/04 at 7 PM in the Council Board Room.

**Resolution #CCPTF-2003-12-019**

Moved by Bernardi

Seconded by Deel

RESOLVED, that the CCPTF shall remove, from the report, references to the proposed convention center.

Yes: 6 – Bernardi, Deel, Herzog, Ogg, Storrs, Wattles

No: 6 – Bertin, Biegler, Krent, Maxwell, Partlan, Price

Absent: Hodges

MOTION FAILED

**ADDITIONAL ASSIGNMENT FOR TEXT REPORT**

The following items were discussed as assignments necessary in order to complete the report.

- 1) Maxwell: word smith Goal #1 – Connectivity
- 2) Partlan: Greenbelt piece
- 3) Ogg: Summary of how the site will benefit senior citizens (to complement the youth piece done by Herzog and Shaw)
- 4) Hodges: introduction and conclusion
- 5) Wattles: historical/background
- 6) Storrs: paths paragraph; tying to other paths; bridges and seating; paths along creeks
- 7) Price: 2-3 sentences about festivals under programming section
- 8) Bertin: reduce background re: Reflective Head and integrate into maze piece
- 9) Deel: expand on roads – boulevard, enhancements, etc.
- 10) Bernardi: report on methodology

Also, reference was made that resolution re: the “proposed civic center site” references is necessary as there was a tie vote.

**PUBLIC COMMENT – SECTION 2**

The meeting adjourned at 10:18 p.m.

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Brian Wattles, Meeting Chair

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Laura Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on January 6, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Lawrence Littman  
Robert Schultz  
Walter Storrs  
Thomas Strat  
Mark J. Vleck (arrived 7:38 p.m.)  
David T. Waller

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2004-01-001**

Moved by: Chamberlain  
Seconded by: Schultz

**RESOLVED**, That Mr. Wright be excused from attendance at this meeting.

Yes: All present (7)  
No: None  
Absent: Vleck (arrived 7:38 p.m.), Wright

**MOTION CARRIED**

Chairman Littman welcomed Ms. Drake-Batts to the Commission. Ms. Drake-Batts gave a brief synopsis of her professional background.

Chairman Littman announced the scheduled presentation by Joe Maniaci and Robert Gibbs, agenda item 8, has been postponed to the January 27, 2004 Special/Study Meeting.

## 2. MINUTES

Mr. Waller requested that the December 2, 2003 Special/Study Meeting minutes be revised as follows.

Under the Good of the Order, 4<sup>th</sup> paragraph, the second sentence to read:  
"He said this concept should be viewed as setting a new standard for any project that comes forth in the City of Troy including any City of Troy project."

### **Resolution # PC-2004-01-002**

Moved by: Chamberlain  
Seconded by: Storrs

**RESOLVED**, To approve the December 2, 2003 Special/Study Meeting minutes as amended.

Yes: All present (7)  
No: None  
Absent: Vleck (arrived 7:38 p.m.), Wright

### **MOTION CARRIED**

### **Resolution # PC-2004-01-003**

Moved by: Storrs  
Seconded by: Littman

**RESOLVED**, To approve the December 9, 2003 Regular Meeting minutes as published.

Yes: Drake-Batts, Littman, Schultz, Storrs, Strat, Waller  
No: None  
Abstain: Chamberlain  
Absent: Vleck (arrived 7:38 p.m.), Wright

### **MOTION CARRIED**

## 3. PUBLIC COMMENTS

There was no one present who wished to speak.

## 4. PLANNING AND ZONING REPORT

Mr. Miller reported on the following:

- *Saleen Facility Site Visit* – The site visit is scheduled for the January 27, 2004 Special Meeting at 6:00 p.m. Doug Smith, Real Estate and Development

- Director, will be present at the tour and is also scheduled to speak at the 7:30 p.m. Special/Study Meeting.
- *ZOTA 180 Height Limits for Amateur Radio Antennas* – The text amendment adopted by City Council at its January 5, 2004 Meeting was distributed.
  - *Site Plan 38-E Lord & Taylor (Oakland Mall)* – The traffic study was submitted and reviewed by the City's Traffic Engineer who determined the traffic study was sufficient. It came to the attention of the Planning Department that (1) the site has more parking spaces than originally presented and (2) 28 parking spaces fall within the State of Michigan highway right-of-way. Mr. Miller said the site would have the required parking spaces should the parking spaces be removed from the right-of-way. The Planning Department continues to work with the petitioner to design appropriately sized parking spaces for the site.
  - *Tri-Party Interest Based Bargaining Sub-Committee* – A memorandum from John Szerlag, City Manager, was circulated. Mr. Szerlag requested that the Planning Commission select its members to serve on the joint committee. It was the consensus of the Commission to postpone the selection of committee members to its January 27, 2004 Special/Study Meeting.
  - *Joint Municipal Planning Act (House Bill No. 4284)* – Copies of the newly enacted act were distributed.
  - *Planning Commission Appointment* – Mr. Miller reported that the City Council made no new appointments to the Planning Commission at its January 5, 2004 meeting.
  - *City-Owned Surplus Parcels* – At its January 5, 2004 Meeting, the City Council directed staff to work with the Parks and Recreation Board and the Planning Commission to review City-owned surplus properties. Mr. Miller said he would provide the Commission with a map designating the City-owned surplus properties, as well as an overlay of safety paths and existing and proposed parks, in their January 27, 2004 Special/Study Meeting packets.

Chairman Littman asked that Doug Smith be reminded to provide the Commission with a list of vacancies within the M-1 zoning district throughout the County.

Mr. Waller asked if the Information Technology Department could give a GIS presentation to the Planning Commission, similar to the one presented to City Council at their January 5, 2004 Meeting.

Mr. Miller noted that the GIS software is becoming available on the Internet to the general public in the future.

## 5. BOARD OF ZONING APPEALS REPORT

Mr. Vleck reported on the December 16, 2003 BZA meeting.

- Request for Reconsideration of Denial of Variance, Harry and Sunnie Kwon, 38921 Dequindre – *Approved*
- Variance Request, Paul Fleck, 2805 Ranieri – *Denied*

## 6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller had no report available for the December 17, 2003 Downtown Development Authority meeting.

## 7. SUB-COMMITTEE REPORTS

### CR-1

Discussed under agenda item 11.

### Tree Preservation / Landscaping / Walls

No report.

### Gateway / Beautification

Mr. Miller will confirm the date that the Downtown Development Authority and City Council will consider the gateway design concepts. The four options for City Council consideration are: (1) designs prepared by the Parks & Recreation Department from previous years; (2) designs created by Burton/Katzman consultants; (3) designs recently prepared by the Parks & Recreation Department; and (4) hiring outside design consultants.

Mr. Waller suggested that consideration be given to the readability and illumination of the gateway signage.

Mr. Chamberlain expressed his concern in getting the gateway signage concepts approved prior to the Downtown Development Authority work on Big Beaver Road, scheduled for spring 2004.

### Special Use

Mr. Chamberlain will meet with Mr. Savidant this week to discuss revisions to the documents that were prepared by the sub-committee and typed by the Planning Department.

### Indoor Commercial Recreation

No report.

Civic Center Priority Task Force

Mr. Storrs reported the Task Force, scheduled to meet again on January 23, 2004, is in its final preparation of a briefing and written report to be provided to the City Council.

8. PRESENTATION BY JOE MANIACI AND ROBERT GIBBS – Historic Lorna Stone Village Planned Unit Development, Northeast corner of Adams Road and South Boulevard, Rochester Hills, Michigan

Agenda item postponed to the January 27, 2004 Special/Study Meeting.

9. PLANNING WORK PROGRAM

Work items discussed in depth were:

- Budget
- Final Site Plan (Deceleration Lanes, Detention) – *Determined to delete the reference to deceleration lanes and detention*
- Site Plan Review of Public Projects – *Determined to include school districts*
- Setback Requirements – *Determined to define as zoning district transition and open space*
- Certify Future Land Use Plan
- Cellular Towers – *Determined to define as dead zones*
- Maple Road Study

Items to be added to work program are:

- EIS Requirements
- Dumpsters
- Performance Based Zoning

The priority sequence of the work program items will be discussed at a future study session.

Chairman Littman announced that agenda item 14 would be taken out of agenda sequence to accommodate the presence of Michelle Hodges, President of Troy Chamber of Commerce.

14. TROY CHAMBER OF COMMERCE – Position on Civic Center Development and Regional Conference Center – Michelle Hodges

Ms. Hodges was present to address the Chamber of Commerce position on the development of a conference/hotel facility on the seven acres of the Troy Civic Center site. Ms. Hodges distributed a Fact Sheet on the proposed development and confirmed that on the Fact Sheet is an exact representation of the April 5 ballot proposal.

Ms. Hodges stated that research conducted by a third-party demonstrates a very strong market need for a conference/hotel facility in the Troy area. She highlighted the following positive facts for developing a conference/hotel facility.

- Creation of a community-oriented campus with a strong sense of place.
- Economic vibrancy with a projected annual \$168M, spin-off benefit to local industry and an offset in urban sprawl.
- Tax advantages.
- Higher degree of city services and quality of life.
- City Council affirmation that it will not utilize local tax dollars.

Ms. Hodges' presentation referenced the site selection process, funding of the development, the Request for Proposal process and the downfalls should the proposal fail. She stated that the current cost of maintaining the property is \$250,000 annually. Ms. Hodges said the desirable approach for hotel management would be a private-public partnership. Ms. Hodges welcomed any support and assistance in the promotion of the development. She can be reached at 248.641.0197 or via e-mail at [michele@troychamber.com](mailto:michele@troychamber.com).

Mr. Miller noted that the City will release a non-positional informational brochure to residents prior to the April 5<sup>th</sup> election day.

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Chairman Littman requested a recess at 9:00 p.m.

The meeting reconvened at 9:10 p.m.

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10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District

Mr. Miller reviewed the latest modified draft ordinance text relating to outdoor storage of commercial and recreational vehicles in the M-1 zoning district.

Discussion followed with respect to Section 28.30.02.D.2. The section relates to screening from abutting non-M-1 properties and abutting rights-of-way; i.e., 6-foot high screen wall versus a berm. There was further discussion with respect to performance specifications wherein the petitioner would determine the appropriate screening.

Mr. Miller said a Special Use Request for a proposed commercial kennel is on the January 13, 2004 Regular Meeting agenda. He noted that the Special Use will involve sharing an easement access with the abutting storage yard, and encouraged the Commissioners to inspect the site (1300 Souter).

After a short discussion, it was the consensus of the Commission to delete references to the security plan (28.30.02.D.6.) and vehicle repair (28.30.02.D.3.).

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Mr. Savidant reviewed the draft ordinance text developed by the CR-1 sub-committee.

There was discussion on Section 34.70.06.B. that relates to the setback provisions.

There was further discussion on (1) creating a mechanism in the approval process that would provide continued funding for future maintenance, (2) enforcement of deed restrictions and (3) open space agreements.

Chairman Littman stated that this item would be reviewed further at the January 27, 2004 Special/Study meeting.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 199) – Article 03.40.00 Site Plan Approval

Mr. Miller reviewed the draft ordinance text that incorporates the Planning Commission comments from their review and discussion at the December 2, 2003 Special/Study Meeting. He noted that the Planning Department added text to Section 03.41.07 requiring that applications for Final Site Condominium Approval shall include four (4) copies of the Condominium Master Deed and Condominium Bylaws.

Mr. Vleck commented that the 1,000 square feet in area or greater for the development or construction of any accessory uses or structures, as referenced in Section 03.40.03.(5), may be excessive.

Mr. Miller noted the proposed zoning ordinance text amendment is scheduled for a Public Hearing at the February 10, 2004 Regular Meeting.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 182) – Articles 12.00.00 and 30.10.08 R-1T One Family Cluster

Mr. Miller reviewed the draft ordinance text that incorporates the Planning Commission comments from their review and discussion at the December 2, 2003 Special/Study Meeting. Mr. Miller noted that the proposed text has not substantially changed from the text that City Council referred back to the Commission.

Sections 12.50.05 and 12.50.07 were discussed briefly.

Mr. Schultz suggested that the last sentence under Section 12.50.05 with reference to pedestrian interconnectivity be deleted. The Planning Commission did not reach a consensus on this suggestion.

Mr. Miller noted the proposed zoning ordinance text amendment is scheduled for a Public Hearing at the February 10, 2004 Regular Meeting.

14. TROY CHAMBER OF COMMERCE – Position on Civic Center Development and Regional Conference Center – Michelle Hodges

Agenda item addressed earlier in meeting; refer to page 5.

15. REVIEW OF JANUARY 13, 2004 REGULAR MEETING

Items briefly discussed were:

- Site Plan Review (SP-904) – 1071 Wheaton Building Proposed Industrial Building Addition, East of Stephenson Highway, North side of Wheaton, M-1 – *Petitioner requested postponement*
- Special Use Approval (SU 322) – Proposed Commercial Kennel (Camp Bow Wow), East side of Souter, South of Maple, M-1
- ZOTA 202 – Outdoor Storage of Commercial & Recreational Vehicles in M-1 Light Industrial District
- Election of Planning Commission Officers

16. PUBLIC COMMENT

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Chamberlain addressed four items. (1) The screening of dumpsters with shrubbery, as implemented in North Carolina; (2) PUD 1 concerns with elevation and width of walkway for emergency vehicle access; (3) the speech [given by Michelle Hodges] on the need for the conference center for the commercial and business base so that the City would not lose that tax base; and (4) a request to see the written law that relates to the sale of park space, i.e., civic center site.

Mr. Miller confirmed that emergency vehicle access and pedestrian connection has been provided in the PUD 1 project. Mr. Miller will provide the plan for the Commission's review.

Mr. Vleck questioned the procedure that is followed for the election of officers.

Mr. Miller stated that nominations for the Chair and Vice Chair are received and voted on by the Commission at the first Regular Meeting of the year. Nominations for representative and alternate representative to the Board of Zoning Appeals are received

and voted on by the Commission, and forwarded to the City Council as a recommendation for approval.

Mr. Strat addressed the possibility of providing a buffer for the parking area on the northeast corner of Big Beaver and Crooks Roads, and asked the procedure to follow to get support from the DDA.

Mr. Chamberlain suggested that Mr. Strat attend a DDA meeting and voice his comment. He noted that DDA members are very responsive and receptive of public comments.

Mr. Waller distributed copies of the *Wall Street Journal* article dated December 24, 2003, titled "What's New Urbanism Worth?". Mr. Waller also asked to see details and a copy of the traffic study submitted for the Lord & Taylor site plan.

Mr. Schultz requested a copy of the Lord & Taylor traffic study also.

Mr. Miller reported that the Shell service station located on the northwest corner of Crooks and Big Beaver Roads has been boarded up. The Planning Department has not received any site plans for redevelopment of this location.

### ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:40 p.m.

Respectfully submitted,

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Lawrence Littman, Chairman

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Kathy L. Czarnecki, Recording Secretary

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A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, January 7, 2004, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:05 P.M.

Present: L Bertin, member C. Buchanan, member  
S. Burt, member A. Done, member  
K. Gauri, member P. Manetta, member  
D. Pietron, member M. Pritzlaff, alternate  
G. Yau, Student

Present: M. Grusnick, staff  
K. Jearls, staff

Absent: T. House, member N. Johnson,  
D. Kuschinsky, member J. Shah, alternate

**ITEM B – APPROVAL OF MINUTES OF MEETING OF December 3, 2003**

Bertin made a motion that the Minutes of December 3, 2003 be approved. Supported by Done. All voted in favor.

**ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**

Frank Singer, City of Southfield Cable Committee, was present to show excerpts from their "Low Vision" tape. The committee recommends Troy broadcast this video and suggested that Frank contact the Cable Committee as well as the Seniors Committee. A copy of the tape and a list of other available videos will be forwarded to Cindy Stewart for her review.

**ITEM D – NEW BUSINESS**

Several goals for 2004 were discussed; awareness of disabilities resulting from the consequences of alcohol and driving, disability awareness questions added to the Secretary of State driver's test, sensitivity training sources and disability issues training for staff and the Planning Commission, and continuing education for Troy citizens.

**ITEM E – REGULAR BUSINESS**

Manetta will attend Council Meeting on 1/12 and if necessary, Burt will attend the 1/26 meeting.

**ITEM F – OLD BUSINESS**

Regarding the design and construction of new City parks, some concerns discussed were boardwalk accessibility, easy transition to hard surfaces, handicapped parking spots, additional benches, and accessibility notations on the prints. These concerns will be sent to Parks & Rec.

**ITEM G – INFORMATIONAL ITEMS**

**ITEM H - ADJOURN**

Pietron made a motion to adjourn at 8:45 p.m. Buchanan seconded. All voted in favor.

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Leonard Bertin, Chair

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Kathy Jearls, Recording Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – JAN 2004**

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Present: L Bertin, member C. Buchanan, member  
 S. Burt, member A. Done, member  
 K. Gauri, member P. Manetta, member  
 D. Pietron, member M. Pritzlaff, alternate  
 G. Yau, Student

Present: M. Grusnick, staff  
 K. Jearls, staff

Absent: T. House, member N. Johnson,  
 D. Kuschinsky, member J. Shah, alternate

**ITEM B – APPROVAL OF MINUTES OF MEETING OF December 3, 2003**

Bertin made a motion that the Minutes of December 3, 2003 be approved. Supported by Done. All voted in favor.

**ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**

Frank Singer, City of Southfield Cable Committee, was present to show excerpts from their "Low Vision" tape. The committee recommends Troy broadcast this video and suggested that Frank contact the Cable Committee as well as the Seniors Committee. A copy of the tape and a list of other available videos will be forwarded to Cindy Stewart for her review.

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Manetta will attend Council Meeting on 1/12 and if necessary, Burt will attend the 1/26 meeting.

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**ITEM G – INFORMATIONAL ITEMS**

**ITEM H - ADJOURN**

Pietron made a motion to adjourn at 8:45 p.m. Buchanan seconded. All voted in favor.

  
Leonard Bertin, Chair

  
Kathy Jearls, Recording Secretary

## Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, January 8, 2004 at the Troy Community Center. Chairman David Ogg called the meeting to order at 9:30 AM.

**Present:** David Ogg, Chairman  
Ed Forst, Vice-Chairman  
Jo Rhoads - Member  
Marie Hoag, Member

JoAnn Thompson, Member  
Steven Banch, Member  
Merrill Dixon, Member  
Carla Vaughan, Staff

**Absent:** Bill Weisgerber, excused; Jane Crowe

**Visitors:** Mary Kerwin, Gloria Dixon, James Berar

**Approval of Minutes**

Resolution # SC-2004-1-001  
Moved by Jo Rhoads  
Seconded by JoAnn Thompson

RESOLVED, That the Minutes of Dec. 4, 2003 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

**Old Business:**

**Rochester Senior Center Tour:** David Ogg reported that his calls to the Rochester Senior Center have not been returned and he will not be arranging a tour for the committee.

The meeting was adjourned at 9:45 a.m. followed by a presentation on the Civic Center with Michelle Hodges from the Troy Chamber of Commerce and Brain Wattles from Troy Citizens United. Approximately 30 persons attended this informational session.

Respectfully submitted,

David Ogg, Chairman

Carla Vaughan, Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, January 12, 2004 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the Meeting to order at 7:01 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
 Henry W. Allemon  
 Alex Bennett  
 Anita Elenbaum  
 W. Stan Godlewski  
 James C. Moseley  
 James R. Peard  
 Emily Polet, Student Representative  
 Carolyn Glosby, Assistant City Attorney  
 Sergeant Thomas J. Gordon  
 Pat Gladysz

**ABSENT:** None

**Resolution to Approve Minutes of December 8, 2003 Meeting**

Resolution # LC2004-01-001

Moved by Allemon

Seconded by Godlewski

RESOLVED, that the Minutes of the December 8, 2003 meeting of the Liquor Advisory Committee be approved.

Yes: All-7  
 No: None  
 Absent: None

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**Agenda Items:**

1. **FOX & HOUND OF MICHIGAN, INC.**, requests to **transfer ownership** of 2003 Class C licensed business, located at 1937 W. Maple, Troy, MI 48084, Oakland County, from Housefield, LLC; **transfer location** to 1965 W. Maple, Troy, MI 48084, Oakland County; and requests a new entertainment permit and new official permit (food). [MLCC REQ ID#233626]  
*The proposed new restaurant would be called Bailey's Pub & Grille*

Present to answer questions from the committee were Gary Judd, Scott Edwards, and Tina Adle.

A restaurant called “Bailey’s Pub & Grille” will open soon in a 9,670 square foot tenant space in Cambridge Crossings. This company currently has two Michigan establishments, located in Canton (which opened in 1998) and Dearborn (which opened in 2000). They will offer a full-service, mid-priced menu. The floor plan shows three different rooms, with availability of reserving a room for a private party. There will be seating for 288 patrons. They will offer entertainment in the form of billiard tables, large-screen televisions, and golf games. There will be no live entertainment or dancing. They plan to employ approximately 30-40 servers, all of which will be trained in the TIPS/TAMS program. All employees are required to maintain a “drink log” on each patron. When a guest orders his fifth drink, the drink will not be served until a manager assesses the situation (length of visit, amount of food consumed). The information is logged and reviewed by upper management on an ongoing basis.

Sgt. Gordon stated that the tenant space is undergoing renovation and final inspections from the Building Department have not been performed.

Resolution #LC2004-01-002

Moved by Moseley

Seconded by Godlewski

RESOLVED, that FOX & HOUND OF MICHIGAN, INC. be allowed to transfer ownership of the Class C licensed business, located at 1937 W. Maple, Troy, MI 48084, Oakland County, from Housefield, LLC to 1965 W. Maple, Troy, MI 48084, Oakland County, and be granted a new entertainment permit and new official permit.

Yes: All-7  
No: None  
Absent: None

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Carolyn Glosby, assistant City Attorney, brought one item to the attention of the Committee.

State of Michigan Attorney General, Michael Cox, recently issued an Opinion on the MLCC regulation that illuminated alcohol-related signs cannot be displayed in certain retail establishments. In his Opinion, he stated that this provision is unconstitutional.

Sgt. Gordon discussed two Informational Items from the Agenda.

6. KNIGHTS OF COLUMBUS, ST. JOSEPH CHALDEAN COUNCIL NO. 9154, requests to transfer location (governmental unit) of 2003 Club licensed business from 35220 Mound, Sterling Heights, MI 48310, Macomb County, to 36949 Dequindre, Troy, MI 48084, Oakland County. [MLCC REQ ID# 233780] *Current site of Asia Mart market*

This item will most likely be on next month's agenda.

7. HAN MI ORIENTAL MART, INC., requests a New Specially Designated Distributor - New Specially Designated Merchant License located at 5060 Rochester Rd, Troy, MI, 48085, Oakland County. [MLCC REQ ID# 235659]

There is a SDD/SDM license available at this time.

The meeting adjourned at 7:31 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Clerk-Typist

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on January 13, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Walter Storrs

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2004-01-004**

Moved by: Chamberlain  
Seconded by: Schultz

**RESOLVED**, That Mr. Storrs be excused from attendance at this meeting.

Yes: All present (8)  
No: None  
Absent: Storrs

**MOTION CARRIED**

2. PUBLIC COMMENTS

There was no one present who wished to speak.

**SPECIAL USE REQUEST**

3. PUBLIC HEARING – SPECIAL USE REQUEST (SU 322) – Camp Bow Wow, Proposed Commercial Kennel, East side of Souter (1300 Souter), South of Maple, Section 34 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Camp Bow Wow Commercial Kennel. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the special use and site plan applications as submitted.

The petitioners, Robert and Ann Roth of 1305 Kenilworth Place, Clawson, were present.

Heidi Flammang, Camp Bow Wow franchise representative, 11070 Lincoln Avenue #153, Parker, Colorado, was also present.

Discussion was held with regard to the type of fencing that was proposed. It was the recommendation of Mr. Chamberlain that the petitioner provide separate posts for the chain link and cedar fencing so that the fences would be able to withstand wind load.

Mr. Roth agreed. He noted the perimeter of the site would be fenced for the purposes of screening the dogs' visibility and providing a sound barrier.

Chairman Littman informed the petitioners that because they did not specify grooming or obedience as special uses for the facility at this time, they would be required to come before the Commission should they desire to incorporate those special uses in the future.

Ms. Flammang provided a brief background of the Camp Bow Wow franchise and highlighted features of the dog care and kennel facility.

Mr. Chamberlain asked if the building is one or two stories.

Mr. Roth replied that one section of the building is two-story but that section is not associated with the use of the kennel facility. Mr. Roth indicated they would be using that section as a break room for employees.

#### PUBLIC HEARING OPENED

Scott Evans, co-owner of F.A.T.S., Inc., 1330 Souter, was present. Mr. Evans said F.A.T.S., Inc. owns the building adjacent to the proposed Special Use and the vacant lot to the rear. Mr. Evans spoke on behalf of himself and a business partner who was in the audience but unable to speak because of an illness. Mr. Evans said their concern is the safety of the dogs and owners during drop-off and pick-up times, noting the easement provides limited space for the dogs and their owners. He also indicated that heavy truck traffic is present in the area. They believe the proposed Special Use puts a burden on the easement and creates a safety factor.

Mr. Miller reported that City ordinance specifically exempts M-1 districts from the requirement of a 5-foot walkway.

Ms. Flammang commented that three out of four of their franchise facilities are located on busy, major streets, and noted their clientele are very focused on the safety of their dogs. Ms. Flammang said that she was confident the petitioners would responsibly communicate any safety concerns to their potential clients.

Discussion followed with respect to providing a concrete or asphalt sidewalk along the ingress/egress easement to the front entrance. It was determined that should the petitioners provide the sidewalk, the landscaping requirements would still be met.

#### PUBLIC HEARING CLOSED

Mr. Roth displayed several photographs of the proposed building and plan layout. He indicated that it is their intention to remove the vestibule area that would allow some space for a walkway on the north side of the building.

Mr. Schultz asked for clarification on the number of canines that can be accommodated for boarding and day care.

Ms. Roth replied that the facility could accommodate the boarding of 60 canines. She does not anticipate having more than 60 canines at one time, but the facility could accommodate up to 100 canines for day care. Ms. Roth confirmed that there is a back door from the building for the dogs to exit to the outdoor play area and outdoor run.

#### **Resolution # PC-2004-01-005**

Moved by: Chamberlain

Seconded by: Strat

**RESOLVED**, That the Special Use Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed Camp Bow Wow Commercial Kennel, located on the east side of Souter, south of Maple Road, Section 34, within the M-1 Zoning District, be granted, subject to the following condition:

1. That a sidewalk or paved area from the parking on the north side of the building to the front entrance be provided between the building and the cross access easement for the ingress/egress of the neighbors.

#### Discussion on the motion.

Chairman Littman asked Mr. Evans if the provision of a paved area eases his concerns.

Mr. Evans said the paved area as proposed still does not provide a safe area for the clientele and their dogs during drop-off and pick-up times.

Chairman Littman responded that the petitioners and clientele are very concerned with the safety of the dogs, and he encouraged Mr. Evans to continue to work with the petitioners for a good solution to the safety concern.

Vote on the motion.

Yes: All present (8)  
 No: None  
 Absent: Storrs

**MOTION CARRIED**

**Resolution # PC-2004-01-006**

Moved by: Chamberlain  
 Seconded by: Schultz

**RESOLVED**, That the Preliminary Site Plan Approval, as requested for the proposed Camp Bow Wow Commercial Kennel, located on the east side of Souter, south of Maple Road, Section 34, within the M-1 Zoning District, be granted, subject to the following condition:

1. That a sidewalk or hard-surfaced area from the parking on the north side of the building to the front entrance be provided between the building and the 30-foot wide easement for access to the rear of the building.

Yes: All present (8)  
 No: None  
 Absent: Storrs

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENT**

4. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Outdoor Storage of Commercial and Recreational Vehicles in M-1 Light Industrial District.**

Mr. Miller presented a summary of the two draft versions of the proposed zoning ordinance text amendments relating to the outdoor storage of commercial and recreational vehicles in the M-1 light industrial district. Mr. Miller reported that the updated version dated 01-08-04 incorporates proposed language with respect to screening that is the standard ordinance screening text for all outdoor storage facilities. He noted the proposed text provides flexibility to the Planning Commission to base its screening determination on usage.

Chairman Littman noted the lettering and numbering of the proposed text in the Updated Version dated 01-08-04 is incorrect. Appropriate corrections will be made by the Planning Department.

Mr. Strat questioned if the intent of the proposed ordinance text is to provide flexibility for parking in the M-1 district in general or only in mini-warehouse or self-storage developments. He also voiced concern about the mechanism for a screening system; i.e., screening for various heights of vehicles. He suggested that the proposed verbiage provide the petitioner with the discretion of providing appropriate screening.

Mr. Miller explained that the proposed text under discussion tonight addresses flexibility in parking for mini-warehouse and self-storage developments only. An effort is coming forward that relates to City Council's direction to review existing parking lots in the M-1 zoning district for the purpose of providing storage for commercial vehicles.

A lengthy discussion was held with respect to the type of screening; i.e., natural barrier, wall, or berm.

Mr. Miller stated that because the proposed text relating to screening is the standard ordinance text for all outdoor storage facilities, he recommended that all zoning ordinance text relating to screening for all zoning districts be revisited should the Commission choose to revise the text for mini-warehouse and self-storage developments.

**Resolution # PC-2004-01-007**

Moved by: Waller

Seconded by: Schultz

**RESOLVED**, That Article 28.30.02, Article 40.21.83 and Article 04.20.128 of the Zoning Ordinance be tabled for thirty (30) days to allow the Planning Department to research and bring back to the Commission all the relevant Zoning Ordinance text that should be revisited with respect to berm, wall and/or evergreen screening; and

**BE IT FURTHER RESOLVED**, That the Public Hearing remains open until that time.

**PUBLIC HEARING OPENED**

No one was present to speak.

Chairman Littman announced that the Public Hearing would remain open for the thirty (30) day postponement should the motion on the floor be approved.

Vote on the motion.

Yes: All present (8)  
 No: None  
 Absent: Storrs

**MOTION CARRIED**

Mr. Miller suggested that screening requirements for the M-1 district, as discussed, be reviewed by the Tree Preservation/Landscaping/Walls sub-committee.

5. ELECTION OF PLANNING COMMISSION OFFICERS - 2004**Resolution # PC-2004-01-008**

Moved by: Vleck  
 Seconded by: Wright

**RESOLVED**, That David Waller and Gary Chamberlain be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2004, and that Thomas Strat and Robert Schultz be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 2004; and

**BE IT FURTHER RESOLVED**, That nominations be closed and that these officers be elected and representatives recommended, as indicated.

Yes: All present (8)  
 No: None  
 Absent: Storrs

**MOTION CARRIED**6. ESTABLISHMENT OF MEETING SCHEDULE – 2004

Mr. Miller noted that the Planning Department's written explanation for the establishment of the Planning Commission meeting schedule incorrectly states that it is in accordance with the Planning Commission By-Laws. It should read in accordance with the Open Meetings Act.

Mr. Waller requested that the Public Notice of Planning Commission meeting dates specify the third column as "Special/Study" meeting dates rather than simply "Study" meeting dates.

**Resolution # PC-2004-01-009**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2004:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of June 1<sup>st</sup>, July 6<sup>th</sup>, September 7<sup>th</sup>, and December 28<sup>th</sup>.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yes: All present (8)

No: None

Absent: Storrs

**MOTION CARRIED****GOOD OF THE ORDER**

Mr. Miller reported on the following items:

- City Council made no reappointment to the Planning Commission at their January 12, 2004 Meeting; one Planning Commission term remains open for reappointment.
- The legal opinion on the establishment of a Joint Committee was an informational item to City Council at their January 12, 2004 Meeting. The item received no response from City Council. It is Mr. Szerlag's intention to go forward with the process. Mr. Szerlag would like the Planning Commission to appoint three or four members to the Joint Committee, the number to be determined by the Planning Commission. City staff assigned to the Joint Committee are: Assistant City Manager-Services, Planning Director, Real Estate & Development Director and Building & Zoning Director.
- A tour of the Saleen Facility is scheduled at 6:00 p.m. on Tuesday, January 27. The Special/Study Meeting will begin at 7:30 p.m.

Mr. Chamberlain addressed the adjacent property to the Camp Bow Wow Commercial Kennel that was approved tonight. He reported that the adjacent property contains junk and tires that could contribute to the West Nile Virus by providing a breeding place for mosquitoes. He said he hopes the City has the leverage to inspect the property and issue violation notices to the property owner that would effectuate a general cleanup of the property and a clearing of all devices that could potentially breed mosquitoes.

Mr. Waller said he received an e-mail message relative to the Governor signing a bill that provides increased power to municipalities and units of government to clean up blighted areas. Mr. Waller said he would provide the information at the next meeting.

Mr. Strat suggested that the Fire Marshall inspect the property for potential fire hazards.

Mr. Strat spoke with respect to the legal opinion on the Joint Committee. He said it was his intent, as well as he thought was the Planning Commission's intent, to create a special, small and temporary committee, not a standing committee. He asked if the Legal Department would consider revising its legal opinion, as it appears the legal opinion relates only to a standing committee.

Mr. Motzny said that research for the legal opinion was initiated by determining the purpose of the Joint Committee. He noted a standing committee was not defined in the Charter. The Legal Department utilized and based its legal opinion on information received from the City Manager. It was understood that the Joint Committee would continue to meet on a regular basis to discuss various issues, more in line with the definition of a standing committee. Mr. Motzny indicated that a more definite opinion might be provided should the purpose of the Joint Committee be clearly defined.

Discussion followed. It was the consensus of the Commission that the purpose of the Joint Committee is to create a temporary committee wherein communication on current specific issues and procedural concerns would be discussed, wherein the bodies would work together as a means of "meeting the minds" and a "think tank". It was also the consensus of the Commission to postpone the appointment of any Commission members until the guidelines of the Joint Committee are established.

Mr. Wright suggested that a rotation of City Council members attending the Joint Committee would eliminate the Joint Committee as being defined as a standing committee.

Mr. Motzny said he would review the legal opinion regarding the Joint Committee and provide further information at the January 27, 2004 Special/Study Meeting.

Mr. Schultz announced that in light of the Planning Commission's intent to review and have input in the Planning Commission budget process, he would like to bring forward a proposal that would change the title and responsibilities of "Vice Chair" to "Vice Chair/Treasurer".

It was determined that this revision would require a change in the By-Laws. City Management will review the Planning Commission By-Laws and prepare appropriate language to incorporate the proposed revision in the By-Laws.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:35 p.m.

Respectfully submitted,

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David T. Waller, Chair-Elect

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Kathy L. Czarnecki, Recording Secretary

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**OTHER BUSINESS-ELECTION RESULTS**

The Board received and filed the election results. Steven A. Pallotta was elected to a term of office, which will expire 12/31/06.

**OTHER BUSINESS- PRIOR GOVERNMENTAL RETIREMENT SERVICE**

The Board received and filed a listing of employees qualifying for prior governmental services, which will be attached to the original minutes of this meeting.

**OTHER BUSINESS – RETIREE ADDITION TO THE BOARD OF DIRECTORS**

***Resolution # ER – 2004 - 01- 003***

Moved by Lamerato  
Seconded by Lambert

*RESOLVED*, That the Board recommends that a defined benefit Retiree be appointed to the Board as a non-voting member selected by the City Manager and that two of the employee members be in the defined benefit plan.

Yeas: All 7

**OTHER BUSINESS- ELECTION OF CHAIRMAN**

***Resolution # ER – 2004 - 01- 004***

Moved by Szerlag  
Seconded by Lambert

*RESOLVED*, That Thomas Houghton be appointed Chairman.

Yeas: All 7

**OTHER BUSINESS- ELECTION OF VICE CHAIRMAN**

***Resolution # ER – 2004 - 01- 005***

Moved by Lamerato  
Seconded by Lambert

*RESOLVED*, That Steven Pallotta be appointed Vice Chairman.

Yeas: All 7

**OTHER BUSINESS - PERFORMANCE RESULTS – SEPTEMBER 30, 2003**

Steve Gasper, UBS, reviewed the September 30, 2003 performance results, International Investing opportunities and downside risk management ideas.

The next meeting is February 11, 2004 at 3:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 4:24 p.m.

JML/bt\Retirement Board\2004\01-14-03 Minutes\_Draft.doc

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:35 p.m. on January 27, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Robert Schultz  
Walter Storrs  
Thomas Strat

Absent:

Lawrence Littman  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

Vice Chair Chamberlain postponed the motion to excuse absent members.  
[See page 4.]

2. MINUTES

Vice Chair Chamberlain requested that the January 6, 2004 Special/Study Meeting minutes be revised as follows.

Page 8, Good of the Order, first paragraph, to be revised to read as follows:

- (1) The screening of dumpsters with shrubbery, as implemented in North Carolina.
- (3) The speech [given by Michelle Hodges] on the need for the conference center for the commercial and business base so that the City would not lose that tax base.

**Resolution # PC-2004-01-010**

Moved by: Schultz  
Seconded by: Strat

**RESOLVED**, To approve the January 6, 2004 Special/Study Meeting minutes as amended.

Yes: All present (5)  
No: None  
Absent: Littman, Vleck, Waller, Wright

### **MOTION CARRIED**

#### **Resolution # PC-2004-01-011**

Moved by: Strat  
Seconded by: Drake-Batts

**RESOLVED**, To approve the January 13, 2004 Regular Meeting minutes as published.

Yes: All present (5)  
No: None  
Absent: Littman, Vleck, Waller, Wright

### **MOTION CARRIED**

### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

### 4. REVIEW OF SALEEN TOUR

Due to inclement weather, the tour was postponed to an indefinite date.

### 5. PRESENTATION BY JOE MANIACI AND ROBERT GIBBS – Historic Lorna Stone Village Planned Unit Development, Northeast corner of Adams Road and South Boulevard, Rochester Hills, Michigan

Joe Maniaci of 50215 Schoenherr, Shelby Township, was present.

Robert Gibbs, landscape architect for the Historic Lorna Stone Village Planned Unit Development, was also present. Mr. Gibbs said the Planned Unit Development comprises 25 acres of property wherein a traditional neighborhood with mixed uses is planned. The mixed uses are single family homes designed in a traditional pattern, traditional-looking owner-occupied condominiums, and a small amount of convenience retail. A slide presentation detailed the property and proposal, similarly designed projects located throughout the United States, types of architecture, and restoration of historic buildings.

Mr. Gibbs addressed questions relating to guest parking, owner-occupied condominiums, building codes and ground breaking plans.

Mr. Gibbs said he would provide the Planning Department with a compact disk of his presentation, as well as a copy of the code book.

The Commissioners and members of staff thanked Mr. Gibbs for his presentation.

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Vice Chair Chamberlain requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

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## 6. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its January 26, 2004 Regular Meeting.

- *Rezoning Application (Z 597)* – South side of Long Lake Road, West of Rochester Road, Section 15, R-1T to B-2 – **Denied**
- *Crestwood Site Condominium Preliminary Plan Review*– North of Wattles, East of Livernois, part of the Crestfield Subdivision in the SW ¼ of Section 15, R-1C – **Approved**
- *Wattles Ridge Site Condominium Preliminary Site Condominium Review*– South of Wattles, East of Rochester, Section 23, R-1C – **Approved**
- *Colleen Meadows Site Condominium Final Site Condominium Review (Revised)* – West of Dequindre Road and south of Square Lake Road, Section 12, R-1C – **Approved**
- *The Estates at Cambridge Subdivision Final Plat Approval* – East Side of Beach Road, North of Wattles, Section 18, R-1B – **Approved**

Mr. Savidant reported on the following:

- *CN Railroad Pedestrian Crossing Study* – Hubbell, Roth & Clark's feasibility study with respect to providing an overpass or underpass for pedestrian access to the proposed train station on the west side of the railroad tracks near the southwest corner of Maple and Coolidge (Mid-Town Square) is projected to be ready for review by the City Engineer within the next two weeks.

1. RESOLUTION TO EXCUSE ABSENT MEMBERS

**Resolution # PC-2004-01-012**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That Messrs. Littman, Vleck, Waller and Wright be excused from attendance at this meeting.

Yes: All present (5)

No: None

Absent: Littman, Vleck, Waller, Wright

**MOTION CARRIED**

7. BOARD OF ZONING APPEALS REPORT

No report.

8. REAL ESTATE & DEVELOPMENT REPORT

Mr. Smith reported on the following:

- Overview of 2003
  - Axtell Tech (Arvin Meritor spin-off) exit from the City was offset by Lear GM Division Headquarters at the 300 E. Big Beaver site - creates a good outlook for prospective tenants.
  - Saleen Facility produced 27 hand-assembled cars (Ford GT, GT Racer, Saleen Mustang), two of which will be promoted in the Super Bowl ads. Pickets are currently at the facility because it is a non-union assembly plant.
  - An approximate 200,000 to 300,000 square feet of Class A office space is leased. Leasing activity level picked up in mid-December; lower lease rates (\$20-\$21 per square foot) may be attracting prospective tenants.
  - Funding is in process for the I-75 Crooks/Long Lake Interchange. Redesigned slip ramps reduce impact to the White Chapel Cemetery and EDS properties. MDOT projects no I-75 lane closures during the interchange work.
- April 5 Election
  - Five ballot proposals relate to the Charter (ballot language provided for Planning Commission packets).
  - Language for a non-positional brochure on the proposed Conference/Hotel facilities at the Troy Civic Center site continues to be worked on by the City Council and staff.

- Commercial/Industrial Vacancy Summary - 2004
  - Vacancy rates were reviewed.
  - Assessing Department conducted on-site inspections of every building.
  - Discrepancy between Assessing Department's rates and commercially publicized rates.

9. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Smith reported on the following:

- Big Beaver Corridor Streetscape.
  - Request for Qualifications (RFQ) will be the recommendation of staff.

10. CITY OWNED SURPLUS PARCELS

Mr. Smith reported that, at the request of the City Council, staff reviewed and inventoried 45 surplus properties. It was the determination of staff that 29 of those surplus properties are saleable properties. City Council requested that staff review the 29 surplus properties again to determine if any are appropriate for alternate uses (i.e., pocket parks, connections to a trail system). After further review by the Parks & Recreation Board, Parks & Recreation Department and staff, a determination was made to recommend to City Council to sell the 29 surplus properties. Mr. Smith noted that 4 or 5 of the surplus properties would be recommended for remnant parcel sale.

11. PRESENTATIONS BY TOM STRAT

Mr. Strat shared information from two seminars he attended and his knowledge of architectural contracts. Some topics highlighted were:

Seminars

- Establish objectives and goals shared by Commission and City staff.
- Reasonable return on investment.
- Think outside of the box.
- Provide incentives to developers for innovative developments.
- Performance standards versus specific standards.
- Use of visual aids.
- Written reports from all departmental reviews inclusive of detailed checklist.

AIA Contracts

- Programming
- Design Development
- Construction Documents
- Award of the construction for bids
- Construction Administration
- Final completion

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

Mr. Savidant requested direction from the Commission with respect to appropriate modifications of the proposed zoning ordinance text.

Discussion followed. Two items that need further review are the minor repair of vehicles and functional screening. It was determined that Mr. Strat would meet with the Planning Department to prepare draft proposed language. If not prepared in time for distribution with the February 3, 2004 Special/Study Meeting packet, the proposed draft language will be provided to members by e-mail.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 204) – Articles 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Savidant requested direction from the Commission with respect to the proposed zoning ordinance text.

Vice Chair Chamberlain suggested that a prototype property to review for appropriate screening of adjacent M-1 properties would be behind the Camp Bow Wow commercial kennel located at 1300 Souter.

Discussion followed. It was determined that Mr. Strat would meet with the Planning Department to prepare draft proposed language. If not prepared in time for distribution with the February 3, 2004 Special/Study Meeting packet, the proposed draft language will be provided to members by e-mail.

14. JOINT COMMITTEE SELECTION

Item postponed to the February 3, 2004 Special/Study Meeting.

15. PLANNING COMMISSION WORK PROGRAM

Item postponed to the February 3, 2004 Special/Study Meeting.

16. PLANNING COMMISSION BUDGET REVIEW

Item postponed to the February 3, 2004 Special/Study Meeting.

17. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Mr. Savidant asked if the Commission had any comments on the proposed draft zoning ordinance text.

The members had no comments.

**18. PUBLIC COMMENT – Items on Current Agenda**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Strat expressed an interest in attending the National Conference in Washington, D.C. He will contact the Planning Department to check on budget monies and procedure to request his attendance at the conference. Mr. Strat asked the Planning Department for assistance in preparing a distribution package for items related to his presentation tonight.

Mr. Schultz thanked Mr. Strat for his informative presentation tonight. Mr. Schultz said he was glad that the Commission gave Messrs. Maniaci and Gibbs the opportunity to present the Historic Lorna Stone Village PUD. He said the project looks and sounds a lot better than seeing a two-dimensional drawing.

Mr. Storrs said the final Civic Center Task Force meeting is scheduled Wednesday, January 28, at 7:30 p.m. He welcomed everyone to come. The purpose of the meeting is to finalize the verbiage for the City Council report that is tentatively scheduled to go to City Council at their February 16, 2004 meeting.

Vice Chair Chamberlain asked Mr. Motzny to track and report back to the Planning Commission on a court case in Meridian Township. The township is being sued because its Planning Commission denied a church expansion for a school to accommodate 125 students. The reason for the denial was that there was not enough land on which to build the school; i.e., bulk land criteria were not met. The church is suing on the basis of freedom of religion.

Vice Chair Chamberlain explained that he requested a copy of the Gibbs presentation disk because he thinks it would be a useful tool in the Maple Road Corridor study.

**ADJOURN**

The Special/Study Meeting of the Planning Commission was adjourned at 9:47 p.m.

Respectfully submitted,

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Gary Chamberlain, Vice Chair

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Kathy L. Czarnecki, Recording Secretary

A meeting of the **Civic Center Priority Task Force (CCPTF)** was held on Wednesday, January 28, 2004 at 7:30 pm, at City Hall in the Council Board Room. Brian Wattles called the meeting to order at 7:31 pm.

## ROLL CALL

### PRESENT:

Mary Ann Bernardi (Troy Citizens United)  
Leonard Bertin (Advisory Committee for Persons with Disabilities)  
Jeff Biegler (Superintendent of Parks)  
Ann Partlan (Historic District Commission)  
Ryan Deel (Traffic Committee)  
Catherine Herzog (Troy Youth Council)

Tom Krent (Parks and Recreation Advisory Board)  
Mark Maxwell (Board of Zoning Appeals)  
David Ogg (Advisory Committee for Senior Citizens)  
Carol Price (Downtown Development Authority)  
Walter Storrs (Planning Commission)  
Brian Wattles (Historical Commission)

### ABSENT:

Michele Hodges (Troy Shareholders)

## PUBLIC COMMENT – SECTION 1

None

### 1. Excuse of Absent Members Resolution #CCPTF-2004-01-001

Moved By Price  
Seconded by Bertin

RESOLVED, that absent member Hodges be excused.

Yes: All – 12

No: None

Absent: Hodges

MOTION CARRIED

### 2. Minutes

#### Resolution #CCPTF-2004-01-002

Moved by Bernardi  
Seconded by Bertin

RESOLVED, that the Minutes of December 10, 2003 be approved with the following corrections:

- Page 3, Additional Assignment for Text Report – Add #10 Bernardi: report on methodology.
- Page 3, Additional Assignment for Text Report – Item #3, correction to spelling of Herzog.

Yes: All – 12

No: None

Absent: Hodges

MOTION PASSED

- 3. **Final Text Review:** review, edit, and approval of text document and approval of power point presentation. Objection to paragraph #3 of text document by Bernardi. Following group discussion, it was resolved to remove the paragraph.

**Resolution #CCPTF-2004-01-003**

Moved by Bertin  
Seconded by Partlan

RESOLVED, that the conclusion section of the text report be retained with exception of removal of paragraph #3.

Yes: All – 12  
No: None  
Absent: Hodges  
MOTION PASSED

**Resolution #CCPTF-2004-01-004**

Moved by Ogg  
Seconded by Bertin

RESOLVED, that the text document be approved as edited.

Yes: All – 12  
No: None  
Absent: Hodges  
MOTION PASSED

- 3. **Troy City Plaza:** Wattles to attend the Ethnic Issues Advisory Committee on February 3, 2004 to provide input on the dimensions, vision and other details regarding the proposed Troy City Plaza, a site on the southwest quadrant of the Civic Center grounds dedicated to displays and activities representing positive community values.

- 4. **Review of Power Point Presentation:** review, edit and approval of Power Point presentation.

**Resolution # CCPTF-2004-01-005**

Moved by Krent  
Seconded by Storrs

RESOLVED, that the Power Point presentation be approved as edited.

Yes: All – 12  
No: None  
Absent; Hodges  
MOTION PASSED

**5. Review of Presentation Process:** Wattles will present the Power Point program to City Council and will introduce CCPTF task members who are present.

**PUBLIC COMMENT - SECTION 2**

The meeting adjourned at 10:03 pm.

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Brian Wattles, Meeting Chair

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Jeffrey J. Biegler, Superintendent of Parks

A meeting of the Troy Election Commission was held Thursday, January 29, 2004, at City Hall, 500 W. Big Beaver Road. Member Bartholomew called the Meeting to order at 7:00 P.M.

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**Roll Call:**

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew

ABSENT: None

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**Minutes: Regular Meeting of December 4, 2003**

Resolution # EC-2004-01-01

Motion by Anderson

Seconded by Dewan

RESOLVED, That the Minutes of Thursday, December 4, 2003 are approved as corrected.

Yes: All-3

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**Approval of Ballot Language:**

City Clerk Bartholomew presented the proposed ballot to the Commission.

Resolution # EC-2004-01-02

Motion by Dewan

Seconded by Anderson

RESOLVED, That the ballot language for the April 5, 2004 City General Election, as submitted by the City Clerk, is hereby **APPROVED**.

Yes: All-3

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**Adjournment:**

The meeting was adjourned at 7:05 PM.

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Tonni L. Bartholomew, MMC  
City Clerk

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:30 p.m. on February 3, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lawrence Littman  
Robert Schultz  
Walter Storrs  
Thomas Strat

Absent:

Lynn Drake-Batts  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

Vice Chair Chamberlain postponed the motion to excuse absent members.  
[See page 2]

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported that he has information available with respect to the Kwan office building on Dequindre, but it would be best to postpone the discussion until Mr. Vleck is in attendance.

4. SUB-COMMITTEE REPORT – CR-1

- and -

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Agenda item #4 relating to the CR-1 Sub Committee and Agenda item #7 were discussed collectively.

Mr. Miller reported that the Planning Department prepared draft ordinance language that will in effect allow residential development opportunities in the R-1A to R-1E zoning districts. He noted two specific items that should be addressed are the provision for public or private roads and the approval process.

The proposed language was reviewed thoroughly, section by section. Modifications were noted and the Planning Department will incorporate the changes into a revised draft for review by the Commission at their February 24, 2004 Special/Study Meeting.

Vice Chair Chamberlain said the Public Hearing on the proposed zoning ordinance text would be scheduled for the March 9, 2004 Regular Meeting.

1. RESOLUTION TO EXCUSE ABSENT MEMBERS

**Resolution # PC-2004-02-013**

Moved by: Storrs

Seconded by: Strat

**RESOLVED**, That Ms. Drake-Batts and Messrs. Vleck, Waller and Wright be excused from attendance at this meeting.

Yes: All present (5)

No: None

Absent: Drake-Batts, Vleck, Waller, Wright

**MOTION CARRIED**

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Vice Chair Chamberlain requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

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4. SUB-COMMITTEE REPORTS (continued)

Tree Preservation / Landscaping / Walls

No report.

Gateway / Beautification

No report.

Special Use

Mr. Savidant reported that he started restructuring the district regulation language. The intent is to put the district regulations in the form of a matrix and separate the design standards into a Design Standards article.

Vice Chair Chamberlain reported the Commission would review the matrix and proposed language again, noting there are new Commission members on board since the special use review began in 2001. He said the target date for completion of the matrix is the end of March.

Indoor Commercial Recreation

No report.

Civic Center Priority Task Force

Mr. Storrs reported that a briefing and report will be given to the City Council at their February 16, 2004 Meeting.

5. COMMITTEE APPOINTMENTS

Item postponed to the February 24, 2004 Special/Study Meeting.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outside Storage of Commercial & Recreational Vehicles in Self Storage Facilities

- and -

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 204) – Articles 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Agenda items #6 and #7 were discussed collectively.

Mr. Miller reported that the Planning Department staff is conducting site visits to document all of the self-storage facilities and outdoor storage yards within the City and determine each site's capability with respect to the potential for storage of commercial and recreational vehicles. He said that he and Mr. Savidant conducted a site visit of a self-storage facility only to discover that the facility is currently using its space for open storage. Mr. Miller said the findings could show that there is presently the potential for 500 spaces in current self-storage facilities and outdoor storage yards.

Mr. Miller reported that the Planning Department met with Mr. Strat. Their discussion realized that the ordinance currently allows outdoor and indoor storage of commercial and recreational vehicles as a Special Use in the M-1 district. Alternative screening and landscaping methods for outdoor storage areas still needs to be addressed.

Vice Chair Chamberlain resolved to table both ZOTA's to the February 24, 2004 Special/Study meeting. The Planning Department will make minor modifications to the draft language for the parking requirements in self-storage facilities and prepare draft language for screening and landscaping methods.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Discussed under Sub-Committee CR-1, refer to page 1.

9. JOINT COMMITTEE SELECTION

Item postponed to the February 24, 2004 Special/Study Meeting.

10. PLANNING COMMISSION WORK PROGRAM

Item postponed to the February 24, 2004 Special/Study Meeting.

11. PLANNING COMMISSION BUDGET REVIEW

Item postponed to the February 24, 2004 Special/Study Meeting.

12. REVIEW OF FEBRUARY 10, 2004 REGULAR MEETING

Items briefly discussed were:

- Proposed Custer Estates Site Condominium (Revised Plan), 2 units proposed, North of Long Lake, East of John R, Section 12 – R-1C
- Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1

Mr. Miller said that the Kresge Foundation Headquarters is targeting its site plan submission for the March regular meeting. In discussion with the petitioner, Mr. Miller said it appears that the site plan will be a creative, environmentally-friendly design.

13. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Miller said the light agenda for the February regular meeting is probably a result of a winter lull.

Mr. Savidant commented that tonight's meeting was very productive.

Mr. Schultz agreed and said tonight's session was a true "study session".

Mr. Strat asked if the Legal Department has reviewed further the legal opinion on the Joint Committee with respect to the definition of a standing committee.

Mr. Motzny replied that the Legal Department has reviewed the matter again and the draft memorandum is pending review and approval by the City Attorney.

Mr. Strat asked if the Commission would be provided a copy of the Hubbell Roth & Clark feasibility study on the CN Railroad Pedestrian Crossing.

Mr. Miller indicated that the City Engineer has acknowledged that the Commission has an interest in this project, and that the Engineering Department would most likely keep the Commission up-to-date on the project status.

Mr. Strat asked how to get a copy of the tape for the January 27, 2004 Special/Study Meeting. He was informed to check with either the Library or the Community Affairs Department.

Vice Chair Chamberlain would like the Commission to re-visit snow removal to make sure that adequate storage of cleared snow is provided for projects. He said the cul de sac on which he lives has been literally buried with snow by the plows, and that the clearing of snow becomes a real problem for many City streets.

**ADJOURN**

The Special/Study Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully submitted,

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Gary Chamberlain, Vice Chair

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Kathy L. Czarnecki, Recording Secretary

## Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, February 4 2004 at the Troy Community Center. Chairman David Ogg called the meeting to order at 10 AM.

**Present:** David Ogg, Chairman  
Ed Forst, Vice-Chairman  
Bill Weisgerber, Member  
Steven Banch, Member  
Jo Rhoads – Member

JoAnn Thompson, Member  
Jane Crowe, Member  
Merrill Dixon, Member  
Marie Hoag, Member  
Carla Vaughan, Staff

**Absent:** None

**Visitors:** Mary Kerwin, Mary Beth Halushka, Paula Fleming, Carol Pochodylo, Paul Kennedy

### Approval of Minutes

Resolution # SC-2004-2-001  
Moved by Jo Rhoads  
Seconded by Merrill Dixon

RESOLVED, That the Minutes of Jan. 8, 2004 be approved as submitted.

Yes: 9  
No: 0

MOTION CARRIED

### Addition of Program Fees item to agenda

Resolution # SC-2004-2-002  
Moved by Bill Weisgerber  
Seconded by Merrill Dixon

RESOLVED, That an item about Program Fees be added under new business.

Yes: 9  
No: 0

MOTION CARRIED

### Visitor Comments

Mary Kerwin discussed the Troy School District's "report card" and handed out information about the grading system.

**Old Business:**

**Civic Center Task Force:** David Ogg reported that the task force has completed its report and will present it to City Council on February 16. The task force focused on what community members said they wanted and not on the financial aspect.

**Menu Situation in Senior Lunchroom:** David Ogg reported that the menu is in the February newsletter and the situation seems to be okay now. Carla has received the March menu in time for publication.

**Program Fees:** Bil Weisgerber reported on information he received from Carol Anderson regarding program fees. He suggested a \$25 fee for gardens with that fee being reduced to \$20 for those who attend a water conservation seminar. Carla will investigate the feasibility of the two fees, and try to get information on the speaker. A discussion was held about the \$4 fee for the senior newsletter and whether or not to charge Oakland Park Towers since their newsletters are delivered by a volunteer rather than through the mail. Since the newsletters will be available for free pick-up at the Community Center and since most Towers residents are low income, the Committee felt that there should be no charge for Towers residents.

**New Business**

None

**Reports**

**Park Board:** Merrill Dixon reported that the Sports Illustrated Sportstown award was discussed at the January meeting.

**Medi-Go:** Jo Rhoads reported that Medi-Go was featured in a national transportation magazine. She has proposed that Medi-Go offer transportation to support groups.

**Lunch Attendance:** There were **1356** meals served on **22** days at the Community Center in **September**. The average donation was **\$1.73**. **1993** homebound meals were delivered. There were **1511** meals served on **21** days at the Community Center in **October**. The average donation was **\$1.83**. **2251** homebound meals were delivered. There were **1215** meals served on **20** days at the Community Center in **November**. The average donation was **\$1.83**. **1689** homebound meals were delivered. There were **1160** meals served on **21** days at the Community Center in **December**. The average donation was **\$1.80**. **1953** homebound meals were delivered. There were **1202** meals served on **20** days at the Community Center in **January**. The average donation was **\$1.82**. **2251** homebound meals were delivered.

**Senior Program Report:** Carla reported that the monthly theme lunches are going well and that they have helped to increase attendance at the lunches. Creative Endeavors just completed an annual inventory with only \$15 worth of merchandise unaccounted for.

**OLHSA:** JoAnn Thompson reported that they had a speaker from the Visiting Physicians Association. This association makes house calls, and the house calls are covered by Medicare for qualifying individuals.

**Member Comments**

Bill Weisgerber reported that in Rochester they require that seniors make a reservation for lunch by 11 a.m. the previous business day.

Bill Weisgerber reported on the Troy AARP tax program and that the number of participants and volunteers are increasing.

Merrill Dixon reported that he uses the indoor walking track at OPC free of charge, and that it has a soft surface which is nice.

Ed Forst asked about the requested \$1 donation for the Area Agency on Aging speaker. Carla reported that due to budget cuts, the Area Agency is now requesting some compensation for speakers and all of the donation money will go to the AAA.

The meeting was adjourned at 11:40 a.m.

Respectfully submitted,

David Ogg, Chairman

Carla Vaughan, Secretary

January 29, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Gary A. Shripka, Assistant City Manager/Services  
Steve Vandette, City Engineer 

SUBJECT: **Agenda Item** - Projects Approved for FY 2007 in the Transportation Improvement Program (TIP)

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The City of Troy was successful again this year in securing federal funds for the continuation of the next phase for major road projects in the City. The projects and phase, as approved, are listed below:

<u>PROJECT</u>	<u>PHASE</u>	<u>FEDERAL</u>	<u>LOCAL</u>
Rochester, Barclay to Trinway	ROW	\$3,200,000	\$800,000
Wattles, East and West of Rochester	ROW	\$1,920,000	\$480,000
Big Beaver, Livernois to Rochester <sup>(1)</sup>	CON	\$1,380,000	\$0
Dequindre, Long Lake to Auburn <sup>(2)</sup>	ROW	\$3,200,000	\$800,000
<b>TOTAL FY 2007</b>		<b>\$9,700,000</b>	<b>\$2,080,000</b>

- (1) The amount approved for funding is a continuation of the reimbursement for the advance construction of Big Beaver completed in 2001.
- (2) The Dequindre project was submitted by the Road Commission for Oakland County who will be the lead agency on this project.

Also attached is a summary of the major road projects approved for funding from FY 2004 through FY 2007. The total federal funds committed to major roads in Troy is nearly \$38,000,000 with a corresponding local match of approximately \$9,000,000.

### MAJOR ROAD FEDERAL FUNDS 2004 - 2007

Agency	Project	Phase	Federal	Local	Source
<b>2004</b>					
TROY	Maple, Eton to Coolidge (conversion)	CON	1,092,000	0	STP
TROY	Big Beaver, Livernois to Rochester (conversion)	CON	1,920,000	0	STP
TROY	John R, Long Lake to Square Lake	ROW	400,000	100,000	C
TROY	Coolidge, LT Storage under I75	CON	41,000	41,000	CMAQ
TROY	Wattles RTL @ Forsyth	CON	91,000	91,000	CMAQ
TROY	Wattles, EB & WB RTL's @ Coolidge	CON	138,000	138,000	CMAQ
TROY	City of Troy TDM Program - Phase I	STUDY	48,750	16,250	CMAQ
TROY	NB Rochester RTL at South Blvd	CON	50,000	50,000	CMAQ
RCOC	Maple, Coolidge to Dequindre	CON	5,944,000	1,486,000	RRR
<b>2004 TOTAL</b>			<b>9,724,750</b>	<b>1,922,250</b>	
<b>2005</b>					
TROY	John R, Square Lake to South Boulevard	ROW	800,000	200,000	C
TROY	Big Beaver, Rochester to Dequindre	CON	2,200,000	603,000	STP
TROY	SB Dequindre RTL & EB Square Lake RTL's	CON	233,000	233,000	CMAQ
TROY	EB & WB Square Lake @ John R RTL's	CON	106,000	106,000	CMAQ
TROY	NB & SB Square Lake @ John R RTL's	CON	106,000	106,000	CMAQ
RCOC	Crooks, Square Lake to Auburn	CON	9,740,000	2,435,000	C
<b>2005 TOTAL</b>			<b>13,185,000</b>	<b>3,683,000</b>	
<b>2006</b>					
TROY	Rochester, Torpey to Barclay	ROW	5,120,000	1,280,000	STP
<b>2006 TOTAL</b>			<b>5,120,000</b>	<b>1,280,000</b>	
<b>2007</b>					
TROY	Rochester, Barclay to Trinway	ROW	3,200,000	800,000	C
TROY	Wattles, East & West of Rochester	ROW	1,920,000	480,000	STP
TROY	Big Beaver, Livernois to Rochester (conversion)	CON	1,380,000	0	STP
RCOC	Dequindre, Long Lake to Auburn	ROW	3,200,000	800,000	C
<b>2007 TOTAL</b>			<b>9,700,000</b>	<b>2,080,000</b>	
<b>TOTALS</b>			<b>37,729,750</b>	<b>8,965,250</b>	

**PHASE**

PE - Preliminary Engineering (Design)

ROW - Right-of-Way

CON - Construction

**SOURCE**

STP - Surface Transportation Program - projects improving safety more so than capacity

EDFC - Economic Development Category "C" - projects to increase capacity and reduce congestion

RRR - Resurfacing, Restoration and Rehabilitation - projects designed to address deteriorating roadway surface conditions

CMAQ - Congestion Mitigation and Air Quality - smaller scale projects to reduce congestion and improve air quality

**CITY OF TROY**  
**MONTHLY FINANCIAL REPORT**  
**31-Jan-04**

CITY OF TROY  
 Monthly Financial Report  
 General Fund  
 For the Period Ending January 31, 2004

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
<b>GENERAL FUND REVENUES</b>					
TAXES	30,399,278	31,065,440	5,443-	32,038,319	103.13
BUSINESS LICENSES & PERMITS	39,234	44,000	3,776	28,789	65.43
NON-BUS. LICENSES & PERMITS	1,409,770	1,524,500	98,691	897,754	58.89
FEDERAL GRANTS	213,137	50,000	13,061	20,208	40.42
STATE AGENCIES	7,749,165	7,637,000	1,281,370	4,058,689	53.15
CONTRIBUTIONS-LOCAL	142,450	120,000	1,527-	42,632	35.53
CHARGES FOR SERVICES - FEES	1,037,337	1,109,500	28,312	336,756	30.35
CHARGES FOR SERVICES - REND.	2,386,758	1,719,100	44,962	509,568	29.64
CHARGES FOR SERVICES - SALES	47,490	159,000	403	163,867	103.06
CHARGES FOR SERVICES - REC	2,190,857	2,694,160	245,050	1,416,899	52.59
FINES & FORFEITS	896,833	1,027,000	142,854	532,912	51.89
INTEREST AND RENTS	696,307	1,040,700	28,726	341,813	32.84
OTHER REVENUE	367,207	350,940	11,865	209,374	59.66
OTHER FINANCING SOURCES	7,899,144	9,378,040	10,000	6,402,510	68.27
<b>TOTAL GENERAL FUND REVENUE</b>	<b>55,474,967</b>	<b>57,919,380</b>	<b>1,902,100</b>	<b>47,000,090</b>	<b>81.15</b>
<b>EXPENDITURES</b>					
LEGISLATIVE	1,853,599	1,956,950	162,795	1,049,830	53.65
FINANCE	4,168,062	4,642,530	381,114	2,489,371	53.62
OTHER GEN GOVERNMENT	2,157,616	2,555,680	170,077	1,267,136	49.58
POLICE	19,837,794	21,426,110	1,965,594	12,075,669	56.36
FIRE	3,579,858	3,683,410	197,664	2,264,257	61.47
BUILDING INSPECTION	1,811,704	1,978,860	160,368	1,131,269	57.17
STREETS	4,930,824	5,324,500	635,511	2,664,021	50.03
ENGINEERING	2,600,192	3,018,400	224,339	1,548,540	51.30
RECREATION	7,247,260	7,910,940	600,564	4,417,862	55.84
LIBRARY	4,474,276	4,744,000	361,207	2,535,388	53.44
TRANSFERS OUT	10,000	678,000	0	678,000	100.00
<b>TOTAL GEN FUND EXPENDITURES</b>	<b>52,671,185</b>	<b>57,919,380</b>	<b>4,859,233</b>	<b>32,121,343</b>	<b>55.46</b>

CITY OF TROY  
Monthly Financial Report  
Refuse Fund  
For the Period Ending January 31, 2004

REFUSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,800,178	3,870,000	0	3,904,162	100.88
CHARGES FOR SERVICES - REND.	205,650	0	0	152,700	.00
CHARGES FOR SERVICES - SALES	723	500	64	684	136.80
INTEREST AND RENTS	61,289	60,000	0	19,980	33.30
OTHER FINANCING SOURCES	280,340	455,230	0	455,230	100.00
TOTAL REVENUE	4,348,180	4,385,730	64	4,532,756	103.35
EXPENDITURES					
CONTRACTORS SERVICE	4,031,670	4,200,000	519,103	2,324,475	55.34
OTHER REFUSE EXPENSE	46,522	50,380	991	20,751	41.19
RECYCLING	119,948	135,350	4,010	37,152	27.45
TOTAL EXPENDITURES	4,198,140	4,385,730	524,104	2,382,378	54.32

CITY OF TROY  
 Monthly Financial Report  
 Capital Fund  
 For the Period Ending January 31, 2004

CAPITAL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
TAXES	7,417,214	7,594,000	0	7,620,171	100.34
FEDERAL GRANTS	78,805	0	0	0	.00
STATE AGENCIES	6,157,117	7,533,300	0	176,257	2.34
CHARGES FOR SERVICES - REND.	168,206	160,000	315	25,220	15.76
INTEREST AND RENTS	454,612	400,000	600	158,001	39.50
OTHER REVENUE	287,882	0	347	117,667	.00
OTHER FINANCING SOURCES	47,050,522	24,869,520	0	11,858,910	47.68
<b>TOTAL REVENUE</b>	<b>61,614,358</b>	<b>40,556,820</b>	<b>1,262</b>	<b>19,956,226</b>	<b>49.21</b>
<b>EXPENDITURES</b>					
FINANCE	20,805	168,900	0	4,926	2.92
OTHER GEN GOVERNMENT	222,101	2,526,990	0	839,387	33.22
POLICE	307,687	1,803,310	3,297	80,315	4.45
FIRE	451,731	1,436,860	0	600	.04
BUILDING INSPECTION	20,871	76,220	995	120,611	158.24
STREETS	14,879,320	23,456,650	910,324	3,958,494	16.88
ENGINEERING	18,835	47,160	0	0	.00
RECREATION	10,486,899	5,131,895	10,493	1,610,727	31.39
LIBRARY	249,018	595,010	0	130,217	21.88
MUSEUM	244,196	1,756,170	67,161	717,241	40.84
STORM DRAINS & RET PONDS	411,374	1,918,720	0	265,234	13.82
INFORMATION TECHNOLOGY	152,996	1,638,935	0	65,931	4.02
<b>TOTAL EXPENDITURES</b>	<b>27,465,833</b>	<b>40,556,820</b>	<b>992,270</b>	<b>7,793,683</b>	<b>19.22</b>

CITY OF TROY  
Monthly Financial Report  
Sanctuary Lake Golf Course  
For the Period Ending January 31, 2004

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	0	2,000	0	229	11.45
CHARGES FOR SERVICES - REC	0	100,000	0	22,125	22.13
INTEREST AND RENTS	0	1,000	0	32	3.20
OTHER REVENUE	0	0	0	73	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	0	103,000	0	22,459	21.80
EXPENDITURES					
SANCTUARY LAKE GREENS	0	0	72	332	.00
SANCTUARY LAKE PRO SHOP	0	58,910	344	11,755	19.95
SANCTUARY LAKE CAPITAL	0	0	0	0	.00
TOTAL EXPENDITURES	0	58,910	416	12,087	20.52

CITY OF TROY  
 Monthly Financial Report  
 Sylvan Glen Golf Course  
 For the Period Ending January 31, 2004

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	58,910	48,000	279	24,437	50.91
CHARGES FOR SERVICES - REC	1,142,907	1,241,530	775	624,138	50.27
INTEREST AND RENTS	112,639	90,000	6,500	55,720	61.91
OTHER REVENUE	16,057	0	0	489-	.00
OTHER FINANCING SOURCES	180,690	11,530	0	11,530	100.00
<b>TOTAL REVENUE</b>	<b>1,511,203</b>	<b>1,391,060</b>	<b>7,554</b>	<b>715,336</b>	<b>51.42</b>
EXPENDITURES					
SYLVAN GLEN GREENS	912,507	892,090	40,681	490,360	54.97
SYLVAN GLEN PRO SHOP	333,980	353,970	17,045	187,785	53.05
SYLVAN GLEN CAPITAL	217,552	145,000	4,735	30,946	21.34
<b>TOTAL EXPENDITURES</b>	<b>1,464,039</b>	<b>1,391,060</b>	<b>62,461</b>	<b>709,091</b>	<b>50.97</b>

CITY OF TROY  
Monthly Financial Report  
Aquatic Center  
For the Period Ending January 31, 2004

AQUATIC CENTER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	383,390	431,620	165	122,946	28.48
INTEREST AND RENTS	33,848	28,000	0	14,008	50.03
OTHER REVENUE	7	0	0	7-	.00
TOTAL REVENUE	417,245	459,620	165	136,947	29.80
EXPENDITURES					
AQUATIC CENTER	475,739	578,120	16,648	301,768	52.20
CAPITAL	11,684	50,000	0	0	.00
TOTAL EXPENDITURES	487,423	628,120	16,648	301,768	48.04

CITY OF TROY  
Monthly Financial Report  
Sewer Fund  
For the Period Ending January 31, 2004

SEWER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	210,191	200,000	5,400	108,302	54.15
CHARGES FOR SERVICES - REND	8,973,121	9,430,000	671,893	4,715,128	50.00
INTEREST AND RENTS	334,579	300,000	2,807	86,843	28.95
OTHER REVENUE	0	0	0	0	.00
TOTAL REVENUE	9,517,891	9,930,000	680,100	4,910,273	49.45
EXPENDITURES					
ADMINISTRATION	8,216,629	8,185,750	844,750	5,197,718	63.50
MAINTENANCE	1,412,032	1,734,630	42,282	784,324	45.22
CAPITAL	1,812,800	3,379,600	313,826	432,844	12.81
TOTAL EXPENDITURES	11,441,461	13,299,980	1,200,858	6,414,886	48.23

CITY OF TROY  
 Monthly Financial Report  
 Water Fund  
 For the Period Ending January 31, 2004

WATER FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - FEES	1,025,368	830,000	45,588	581,030	70.00
CHARGES FOR SERVICES - SALES	10,270,198	9,465,500	660,040	4,653,193	49.16
INTEREST AND RENTS	404,796	448,000	3,233	74,160	16.55
OTHER REVENUE	0	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>11,700,362</b>	<b>10,743,500</b>	<b>708,861</b>	<b>5,308,383</b>	<b>49.41</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	8,457,741	8,277,780	935,149	5,316,406	64.23
TRANS AND DISTRIBUTION	173,842	246,330	23,713	88,963	36.12
CUSTOMER INSTALLATION	0	108,370	0	0	.00
CONTRACTORS SERVICE	156,818	200,260	7,758	98,497	49.18
MAIN TESTING	60,822	187,610	1,550	29,539	15.74
MAINTENANCE OF MAINS	397,601	335,420	18,520	183,550	54.72
MAINTENANCE OF SERVICES	191,824	197,190	8,728	130,001	65.93
MAINTENANCE OF METERS	189,104	250,480	9,137	103,230	41.21
MAINTENANCE OF HYDRANTS	252,574	336,530	9,846	170,311	50.61
METERS AND TAP-INS	152,435	346,930	2,762	118,840	34.25
WATER METER READING	121,940	83,270	19,783	100,402	120.57
ACCOUNTING AND COLLECTING	59,813	72,140	5,508	40,002	55.45
CAPITAL	3,285,483	8,911,000	68,545	506,072	5.68
<b>TOTAL EXPENDITURES</b>	<b>13,499,997</b>	<b>19,553,310</b>	<b>1,110,999</b>	<b>6,885,813</b>	<b>35.22</b>

CITY OF TROY  
Monthly Financial Report  
Motor Pool  
For the Period Ending January 31, 2004

MOTOR POOL FUND

Description	Last Year Actual	2003-04 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,582,909	3,559,040	425,838	2,146,562	60.31
OTHER REVENUE	351,740	147,400	34,382	178,761	121.28
OTHER FINANCING SOURCES	1,760,280	1,422,810	0	1,422,810	100.00
TOTAL REVENUE	5,694,929	5,134,250	460,220	3,748,133	73.00
EXPENDITURES					
ADMINISTRATION	472,753	488,890	34,630	272,325	55.70
OPERATION AND MAINTENANCE	2,772,608	2,937,310	201,850	1,611,487	54.86
DPW FACILITY MAINTENANCE	334,450	347,650	22,126	163,167	46.93
CAPITAL	1,353,989	1,360,400	1,863	45,288	3.33
TOTAL EXPENDITURES	4,933,800	5,134,250	260,469	2,092,267	40.75

DATE: February 3, 2004

TO: John Szerlag, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of January 2004

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	6	\$1,101,735.00	\$7,159.75
<b>Sub Total</b>	<b>6</b>	<b>\$1,101,735.00</b>	<b>\$7,159.75</b>
<u>COMMERCIAL</u>			
Completion (New)	1	\$60,000.00	\$667.50
Add/Alter	17	\$1,947,498.00	\$13,676.00
Wreck	1	\$0.00	\$200.00
<b>Sub Total</b>	<b>19</b>	<b>\$2,007,498.00</b>	<b>\$14,543.50</b>
<u>RESIDENTIAL</u>			
New	6	\$1,234,148.00	\$15,059.00
Add/Alter	16	\$281,600.00	\$3,820.00
Garage/Acc. Structure	1	\$500.00	\$25.00
Pool/Spa/Hot Tub	1	\$25,000.00	\$285.00
Temporary Sales Trailer	1	\$25,000.00	\$296.75
Wreck	1	\$0.00	\$150.00
<b>Sub Total</b>	<b>26</b>	<b>\$1,566,248.00</b>	<b>\$19,635.75</b>
<u>TOWN HOUSE/CONDO</u>			
New	4	\$540,000.00	\$5,047.00
<b>Sub Total</b>	<b>4</b>	<b>\$540,000.00</b>	<b>\$5,047.00</b>
<u>MULTIPLE</u>			
Add/Alter	2	\$16,000.00	\$260.00
<b>Sub Total</b>	<b>2</b>	<b>\$16,000.00</b>	<b>\$260.00</b>
<u>MISCELLANEOUS</u>			
Satellite/Antennas	1	\$4,000.00	\$127.00
Signs	41	\$0.00	\$4,540.00
Fences	1	\$0.00	\$15.00
<b>Sub Total</b>	<b>43</b>	<b>\$4,000.00</b>	<b>\$4,682.00</b>
<b>TOTAL</b>	<b>100</b>	<b>\$5,235,481.00</b>	<b>\$51,328.00</b>

PERMITS ISSUED DURING THE MONTH OF JANUARY 2004

	NO.	PERMIT FEE
Mul. Dwel. Insp.	189	\$1,890.00
Cert. of Occupancy	33	\$1,387.25
Plan Review	68	\$2,839.00
Microfilm	22	\$277.00
Building Permits	100	\$51,328.00
Electrical Permits	161	\$15,464.00
Heating Permits	157	\$8,560.00
Air Cond. Permits	48	\$3,005.00
Refrigeration Permits	3	\$140.00
Plumbing Permits	102	\$9,855.00
Storm Sewer Permits	12	\$750.00
Sanitary Sewer Permits	18	\$588.00
Sewer Taps	11	\$2,000.00
<b>TOTAL</b>	<b>924</b>	<b>\$98,083.25</b>

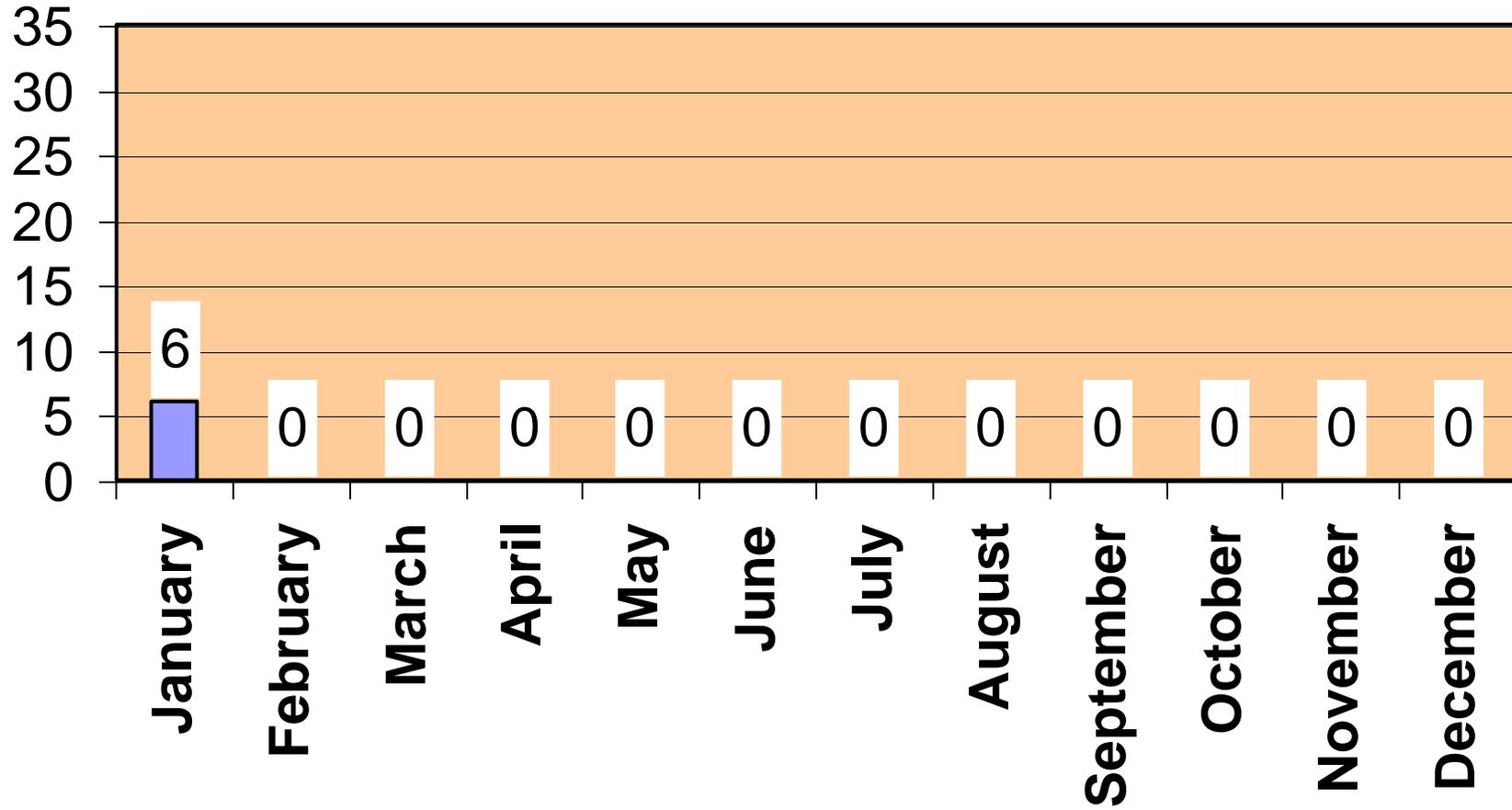
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JANUARY 2004

	NO.	LICENSE FEE
Mech. Contr.-Reg.	31	\$155.00
Elec. Contr.-Reg.	65	\$975.00
Master Plmb.-Reg.	6	\$6.00
Sewer Inst.-Reg.	3	\$150.00
Sign Inst. - Reg.	7	\$70.00
E. Sign Contr-Reg.	3	\$45.00
Fence Inst.-Reg.	1	\$10.00
Bldg. Contr.-Reg.	12	\$120.00
F.Alarm Contr.-Reg.	6	\$90.00
<b>TOTAL</b>	<b>134</b>	<b>\$1,621.00</b>

## BUILDING PERMITS ISSUED

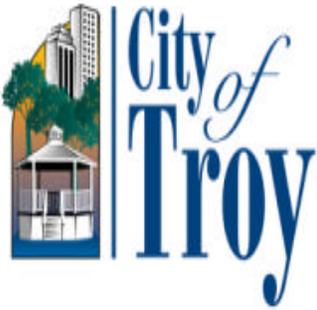
	<u>BUILDING PERMITS 2003</u>	<u>PERMIT VALUATION 2003</u>	<u>BUILDING PERMITS 2004</u>	<u>PERMIT VALUATION 2004</u>
JANUARY	83	\$3,349,579.00	100	\$5,235,481.00
FEBRUARY	98	\$6,941,418.00	0	\$0.00
MARCH	106	\$10,102,093.00	0	\$0.00
APRIL	150	\$7,185,781.00	0	\$0.00
MAY	269	\$13,984,618.00	0	\$0.00
JUNE	209	\$20,116,880.00	0	\$0.00
JULY	196	\$17,222,754.00	0	\$0.00
AUGUST	179	\$7,971,188.00	0	\$0.00
SEPTEMBER	181	\$13,656,695.00	0	\$0.00
OCTOBER	195	\$11,302,769.00	0	\$0.00
NOVEMBER	136	\$5,897,752.00	0	\$0.00
DECEMBER	182	\$18,153,988.00	0	\$0.00
<b>TOTAL</b>	<b>1984</b>	<b>\$135,885,515.00</b>	<b>100</b>	<b>\$5,235,481.00</b>

# SINGLE FAMILY DWELLING PERMITS 2004



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF JANUARY 2004

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	BARCLAY DEAN CONSTRUCTION	2801 W BIG BEAVER C-145	344,231.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	755 W BIG BEAVER 111	200,000.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	5725 DELPHI	200,000.00
Total Commercial, Add/Alter			744,231.00
Industrial, Add/Alter	BLOOM GENERAL CONTRACTING	1755 MAPLELAWN B	150,000.00
Industrial, Add/Alter	BLOOM GENERAL CONTRACTING	1755 MAPLELAWN E	250,000.00
Total Industrial, Add/Alter			400,000.00
Commercial, Add/Alter	PATRICK RYAN	300 E BIG BEAVER 100	150,000.00
Commercial, Add/Alter	PATRICK RYAN	300 E BIG BEAVER 200	135,000.00
Commercial, Add/Alter	PATRICK RYAN	300 E BIG BEAVER 300	120,000.00
Commercial, Add/Alter	PATRICK RYAN	300 E BIG BEAVER 400	120,000.00
Commercial, Add/Alter	PATRICK RYAN	300 E BIG BEAVER 500	138,000.00
Commercial, Add/Alter	J D & M BUILDING CO	500 W FOURTEEN MILE	195,000.00
Total Commercial, Add/Alter			858,000.00
Industrial, Add/Alter	PAUL FARKAS	1225 E MAPLE	652,135.00
Total Industrial, Add/Alter			652,135.00
Records 13		Total Valuation:	2,654,366.00



**TO:** MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
 ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY  
 CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY  
 SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY  
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY  
**DATE:** January 30, 2004  
**SUBJECT:** 2003 FOURTH QUARTER LITIGATION REPORT

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The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the fourth quarter of 2003 are in bold.**

#### A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

#### B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy.

However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow. **The intervening counter-plaintiffs' motion to amend the complaint is currently scheduled for oral arguments on 1/13/04.**

2. Jimmy & Bushra Issa v. City of Troy- The City of Troy denied the rezoning requested by Plaintiffs for their property at the corner of Wattles and Dequindre Road. The Plaintiffs were seeking commercial zoning to allow for a gas station on the property. The Plaintiffs then filed this lawsuit against the City. This property is also the subject of a condemnation action, where the City took two 27-foot strips of property for the road widening project. **An Order of Dismissal was entered on 10/16/03.**
3. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. He indicated that he would issue a written opinion. **The Court has not issued the opinion as of this date.**
4. Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance by the City. **Discovery is still pending. Case Evaluation is scheduled for 2/9/04.**
5. Kibby v. City of Troy, Troy School District- This case was filed on August 19, 2003, challenging the City of Troy's preliminary approval of the Rochester Commons Planned Unit Development (PUD), which borders the residential property of the Plaintiffs. The Plaintiffs have challenged the

PUD requirement, which closes Parkton to the north of Plaintiffs' property. The Plaintiffs have recently granted an extension of time to file our first responsive pleadings in this case. **The City of Troy was voluntarily dismissed without prejudice on 10/31/03.**

6. Inergy Automotive v. City of Troy- This case was filed on September 15, 2003. In the complaint, the Plaintiff challenges the City's zoning ordinance as applied to the building at 2565 W. Maple Road. This area is zoned industrial, which requires that any zoning be consistent or supportive to manufacturing or research and development uses only. **The City's answer to the complaint and affirmative defenses were filed on 11/10/03.**

### C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

#### 1. Parkland Acquisition (Sections 22, 24, 36)

- a. Troy v. Matthews Farms L.L.C. et. al- The Court scheduled a jury trial for 2/9/04. **The Court ordered the parties to facilitate the case, but a date has not yet been determined. Discovery is continuing.**
- b. Troy v. Livernois Road Partners, L.L.C. et. al.- **A Consent Judgment has been entered.**
- c. Troy v. Blanton/ Smith- **A Consent Judgment has been entered.**

#### 2. Maple Road Project

- a. Troy v. Maple Lane - Maple Road Project- **A mandatory settlement conference is scheduled for 1/16/04. Trial is set for 4/20/04.**
- b. Troy v. 2100 E. Maple - Maple Road Project- **A mandatory settlement conference is scheduled for 1/16/04. Trial is set for 4/20/04.**
- c. Troy v 2100 E. Maple Road # 2- **A mandatory settlement conference is scheduled for 1/16/04. Trial is set for 4/20/04**

### 3. Long Lake Road

- a. Troy v. Marilyn Kay Miller Trust- **Trial is set for 2/9/04.**
- b. Troy v. Richard & Mary Rauhut- **A pre-trial conference is scheduled for 2/9/04.**
- c. Troy v. Helen Nawrocki & Richard Rauhut- **A Consent Judgment has been entered.**
- d. Troy v. Jimmy & Bushra Issa- **A Consent Judgment has been entered.**

### 4. Miscellaneous

- a. Troy v. JMJ Land Investment Company- Dennis Powers Drain Project- **A Consent Judgment has been entered.**
- b. Troy v. O'Reilly Trust et. al- The City now has possession of the property. **Discovery is on going.**
- c. Troy v. Obertynski – Dequindre Project – **The City now has possession of the property. A settlement offer was made, accepted and approved. A proposed Consent Judgment is being prepared for entry with the court.**

### D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

1. Catherina Castiglione v. City of Troy. This case was filed against the City of Troy by Ms. Castiglione. Castiglione failed to complete police academy training, which was a pre-requisite to an employment offer from the City. Ms. Castiglione is now arguing that the City's withdraw of the employment offer was in retaliation for her complaints against the police academy. She also argues that the withdrawn offer resulted from retaliation for her worker's compensation claim. She also claims entitlement to unpaid overtime compensation for her long commute to the police academy. The parties pursued discovery during this period. A motion for summary disposition has been filed by Troy. **A stipulated order of dismissal was entered on 10/31/03.**

3. Maria Elena Hunciaq v. Troy- This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciaq argues that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A status and scheduling conference is scheduled for October 3, 2003, before U.S. Federal District Court Judge Victoria Roberts. **Discovery continues.**

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Nancy and James Berryman v. City of Troy- Mr. and Mrs. Berryman have filed this lawsuit against the City, attempting to recover damages from Mrs. Berryman's fall on July 9, 2002. The complaint argues that the veil of governmental immunity is pierced under the defective highway exception to governmental immunity, since Mrs. Berryman fell on a sidewalk that was maintained by the City. The City is currently gathering information concerning these allegations. Mr. Berryman was dismissed as a plaintiff on May 2, 2003. The case was evaluated on August 19, 2003. Based on discovery in the case including Mrs. Berryman's May 2003 deposition, the City showed that her injuries were not chronic or on going in nature. The panel recommended an award of \$7,500 to plaintiff, which both she and the City accepted. **A stipulated order of dismissal was entered on 11/6/03.**
2. Leonardo and Mark Quicho v. City of Troy and Troy Police Dept.- The Quichos, (father and son) have filed this action, seeking a return of merchandise valued at approximately \$20,000 that was fraudulently purchased by the son. On 56 separate occasions, Mark Quicho made purchases with the credit card and/or checks from one of his customers, and he is now serving time in jail for this crime. The father also asserts that some of the confiscated property (valued at approximately \$1,200) was not part of the fraudulently purchased merchandise, and should not have been taken by the Troy Police Department. The City's Motion for Summary Disposition was granted in its entirety against Mark Quicho on August 25, 2003. As for the father, Leonard Quicho, the court ordered that he be afforded the opportunity to view certain contested items at the Troy Police Property Room, to identify anything that might belong to him. Mr. Quicho and his counsel did so on September 11, 2003, at which time he claimed

only a small assortment of router bits. The balance of the Quicho items was liquidated at the police auction on September 13, 2003. An order dismissing the case in its entirety as to both plaintiffs was entered on September 11, 2003. **On 10/1/03, Mark Quicho filed a Claim of Appeal in the Oakland County Circuit Court. Both parties have filed briefs. At this time, the court has not scheduled a date for oral arguments.**

3. Kunjamma Antony v. City of Troy- The City was served with this lawsuit in June 2003. Ms. Antony asserts that she was injured when she tripped on a defective sidewalk at the Troy Aquatic Center on July 5, 2001. She fractured her elbow, and was required to undergo surgery. She has asked for damages in excess of \$25,000. The City answered the Complaint on July 11, 2003, raising the affirmative defenses of governmental immunity and comparative negligence. **Discovery is continuing. Case evaluation has been scheduled for 1/22/04.**
4. Paul Mancini v. Troy- The City was served with this lawsuit on August 7, 2003. Mr. Mancini alleges that he was injured when he slipped on an icy sidewalk in front of his home. He argues that the City is liable under the defective highway exception to governmental immunity, since we knew or should have known that ice would accumulate on the sidewalk. **Discovery is continuing.**
5. Detroit Edison v. Troy- **The complaint, recently filed in small claims, seeks recovery of labor costs incurred in repairing un-staked electric and phone cables damaged during work at 2875 E. Long Lake, in the City of Troy. Plaintiff Detroit Edison voluntarily dismissed the complaint on 10/25/03.**

#### F. MISCELLANEOUS CASES

1. Kaftan Enterprises, Inc. v. City of Troy- In connection with the Hidden Meadows residential development, the City required cash deposits and escrows from the developer, Kaftan Enterprises. Although certificates of occupancy have been issued for the homes, the developer has not yet finalized the project. As a result, the City of Troy is still holding money for this development. The developer has filed this lawsuit, demanding a return of the money being held by the City. **Discovery is continuing.**
2. Barton Malow Co. v. K-Mart, City of Troy, et. al.- Barton Malow Co., a contractor for the K-Mart data center, has filed this lawsuit, seeking to foreclose on its construction lien. The data center was completed some time ago, but the K-Mart bankruptcy delayed any action on the construction lien. The City is a named party, due to our easement interest in the property. **The City continues to monitor this lawsuit.**

3. Old Troy LLC v. City of Troy et. al- This is a re-plat action. The City has filed its answer. **A pre-trial conference has been scheduled for 4/26/04. Discovery is continuing.**
4. Catherine Norris and Kathleen Livingway v. City of Troy – This lawsuit is actually part of a class action that has been filed against twelve other communities in the State of Michigan. The complaint asserts that the revenue paid by cable television companies, pursuant to franchise agreements, constitutes an impermissible tax, prohibited by the Headlee Amendment. A motion for dismissal will be filed in January 2004.

#### G. CRIMINAL CASE APPEALS

1. Troy Police Officer Dungjen v. Duncan- This is an appeal of an adverse decision of the Driver License Appeal Division (DLAD) of the Michigan Secretary of State. Officer Dungjen arrested Duncan for drunk driving, and Duncan refused to submit to a breathalyzer test. Although all suspected drunk drivers are required to submit to a test, as requested by the arresting officer, the DLAD officer refused to take any license sanctions against Duncan. This matter is pending before Judge Deborah Tyner, of the Oakland County Circuit Court. The City's brief was filed on July 15, 2002. **The City finally received a favorable decision that reversed the DLAD decision, and supported the officer's arrest.**
2. People v. Eric Fitzgerald Bloss- On April 22, 2003, Mr. Bloss filed this appeal, challenging the determination of responsibility for a civil infraction action in the 52-4 judicial district court. **The City's Motion to Dismiss was heard on 10/22/03, and Judge Mester granted the City's motion. On 11/18/03, an Order Dismissing Appellant's Claim of appeal was entered.**

If you have any questions concerning these cases, please let us know.

DATE: February 9, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item  
Announcement of Public Hearing  
Parking Variance Request  
1845 Livernois

We have received an application from Jay Noonan, the Architect for the owner of the existing office building at 1845 Livernois Road. The application requests permission to convert portions of the existing basement of the building, originally designed as storage space, to usable office space. The addition of this additional office space results in a total usable floor area for the building of 7,291 square feet. Based upon the requirements of Section 40.21.73 of the Troy Zoning Ordinance a minimum of 73 parking spaces would be required for a medical facility of this size. The plans indicate that only 62 parking spaces will be available on the site. As such we have denied the building permit. In response, the petitioner has submitted a request for variance of the parking requirements.

A Public Hearing has been scheduled for your meeting of February 23, 2004 in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION  
FOR PUBLIC HEARING BEFORE CITY COUNCIL  
CITY OF TROY

RECEIVED

FEB 06 2004

TO TROY CITY COUNCIL

BUILDING DEPARTMENT  
DATE: 2-5-04

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Jay Noonan Phone: (248) 625-9403

Address: 6445 Citation Drive, Suite E, Clarkston, MI 48346

Address of Property: Physical Therapy Specialist, 1845 Livernois, Troy, MI 48083

Lot # 3, 4, 5, 6, 16, 17 Subdivision: Clover Ridge Subdivision

Zoning District: 0-1 & P-1

Sidwell #

28-477-025

Owner of Property: Paul Roubal Phone: (248) 362-2150

Address: 1845 Livernois, Troy, MI 48083

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: \_\_\_\_\_

Has there been a previous appeal involving this property? \_\_\_\_\_ If Yes, state date \_\_\_\_\_

and particulars \_\_\_\_\_

REASON FOR VARIANCE:

Dimension of Stall? Per Ordinance

Parking Spaces Required: 73

Number of Stalls? 62

Parking Spaces Provided: 62

Other Dimensions? NA

Variance Requested: 11

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

The Architect for the Owner, Jay Noonan of Design Resources, is requesting a variance for 11 parking places on behalf of the Owner, Paul Roubal, of Physical Therapy Specialist. The Owner wishes to remodel a portion of the lower level to accommodate a few clients for occupational therapy and massage therapy to go along with all of the physical therapy that is taking place on the main floor.

The improvement will also include the installation of a small two-person elevator. The establishment of the occupational and massage therapy will only add 824 usable square feet to the current 6,086 usable square feet. This is a 13% increase in usable floor area and parking requirements. The current parking is more than adequate. The parking lot is never more than 80% full at any time during the year. Because of the three streets and the existing homes, there isn't any available land to expand the parking. Because of the zoning patterns in the area, it is not possible to expand the zoning to the west. Either option would cause a significant hardship on a quality business for such an insignificant increase in service that requires so little additional parking that is not really necessary.

**PLOT PLAN OF SITE ATTACHED HERETO**

STATE OF MICHIGAN )  
COUNTY OF Oakland )

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 2-5-04 \_\_\_\_\_ [Signature]  
(Signature of Applicant)

Signed and Sworn to before me this 5th day of February 2004

[Signature]  
Notary Public

My Commission Expires: 6-5-06

Filing Fee \$200.00 Date Paid



# Physical Therapy Specialists PC

Orthopedics • Sports Therapy • Pain Control • Spine Care • Fitness • Massage Therapy • Occupational Therapy • Hand Therapy

1845 Livernois • Troy, MI 48083 • (248) 362-2150 • Fax: (248) 362-1702

Physical Therapy  
Paul J. Roubal, PhD, PT, OCS  
Teri L. Charlton, MPT, OCS  
Jill A. Bekish, MPT, OCS  
Brian T. Pagett, MPT, OCS  
Mark A. Cacko, MPT  
Jennifer D. Krieter, MPT  
Occupational Therapy  
Tina K. Johnson, OTR

www.pt-specialists.com

February 4, 2004

Mark Stimac  
Director of Building Zoning  
500 West Big Beaver  
Troy, MI 48084

RECEIVED  
FEB 06 2004  
BUILDING DEPARTMENT

Dear Mr. Stimac,

I'm requesting a variance, for my office building as I have been planning for some time to add a small elevator in my building. I have an employee who is a quadriplegic, and he occasionally needs to get up and down the stairs with records and also it would allow my employees to get in and out of the basement easier, rather than going up stairways to gather materials and supply items.

Even though, this would add some useable space, I have never had a problem even when I was at my busiest a couple of years ago, with a big parking lot that has essentially never been full.

On review, I would say that the parking lot is never more than 75% full even at our busiest times and when we have the most employees here.

I appreciate your consideration in this matter. If you have any other questions, please feel free to contact me or Jay Noonan the architect.

Sincerely,

Paul J. Roubal, PhD, PT, OCS  
PJR/sl

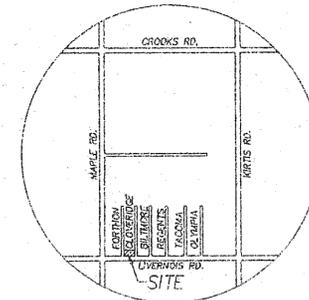
# SMALL ELEVATOR CHAIR-LIFT

Owner: Physical Therapy Specialists

## CODE ANALYSIS

CHAPTER 3 302.1 CLASSIFICATION: BUSINESS B	2. BUSINESS (SECTION 304)
302.1.1 LAUNDRY ROOM, FILES, ETC. (BASEMENT HAS EXIST. FIRE SUPPRESSION SYSTEM)	1 HOUR
304.1	PROFESSIONAL SERVICES PHYSICAL THERAPY SPECIALIST
CHAPTER 4 N/A	N/A
CHAPTER 5 TABLE 503 USE GROUP B-TYPE V-B CONSTRUCTION PROPOSAL	2 STORY - 9,000 s.f. 1 STORY 7608 s.f. + BASEMT 2184 s.f.
CHAPTER 6 TABLE 601 FIRE RATING TYPE V-B	0 HOUR

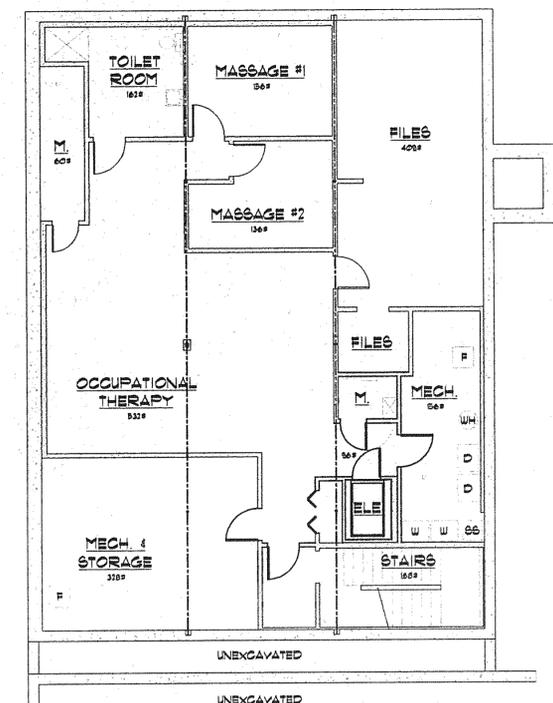
CHAPTER 7 707 STAIRCASE ELEVATOR HOISTWAY	1 HOUR 1 HOUR
CHAPTER 8 803 WALL & CEILING FINISHES	CLASS A
CHAPTER 9 FIRE PROTECTION SYSTEM	FIRE SPRINKLER SYSTEM BSMT (TO BE MODIFIED FOR SHAFT)
CHAPTER 10 MEANS OF EGRESS TABLE 1003.2.2.2 FLOOR AREA OCCUPANT LOAD	1/100 s.f. 7608/100=76 & 2184/100=22: TOTAL 98
TABLE 1003.2.3 EGRESS WIDTH EGRESS WIDTH PROVIDED	36 in. MIN 36 in.
TABLE 1003.2.13.2 STAIRWAY WIDTH EXCEPTION	36 in.
1003.3.3 STAIRWAY WIDTH EXCEPTION	36 in.
TABLE 1004.2.1 ONE MEANS OF EGRESS	1 FOR 50 OCCUPANTS OR LESS
TABLE 1004.2.4 EXIT TRAVEL	LESS THAN 200 FEET



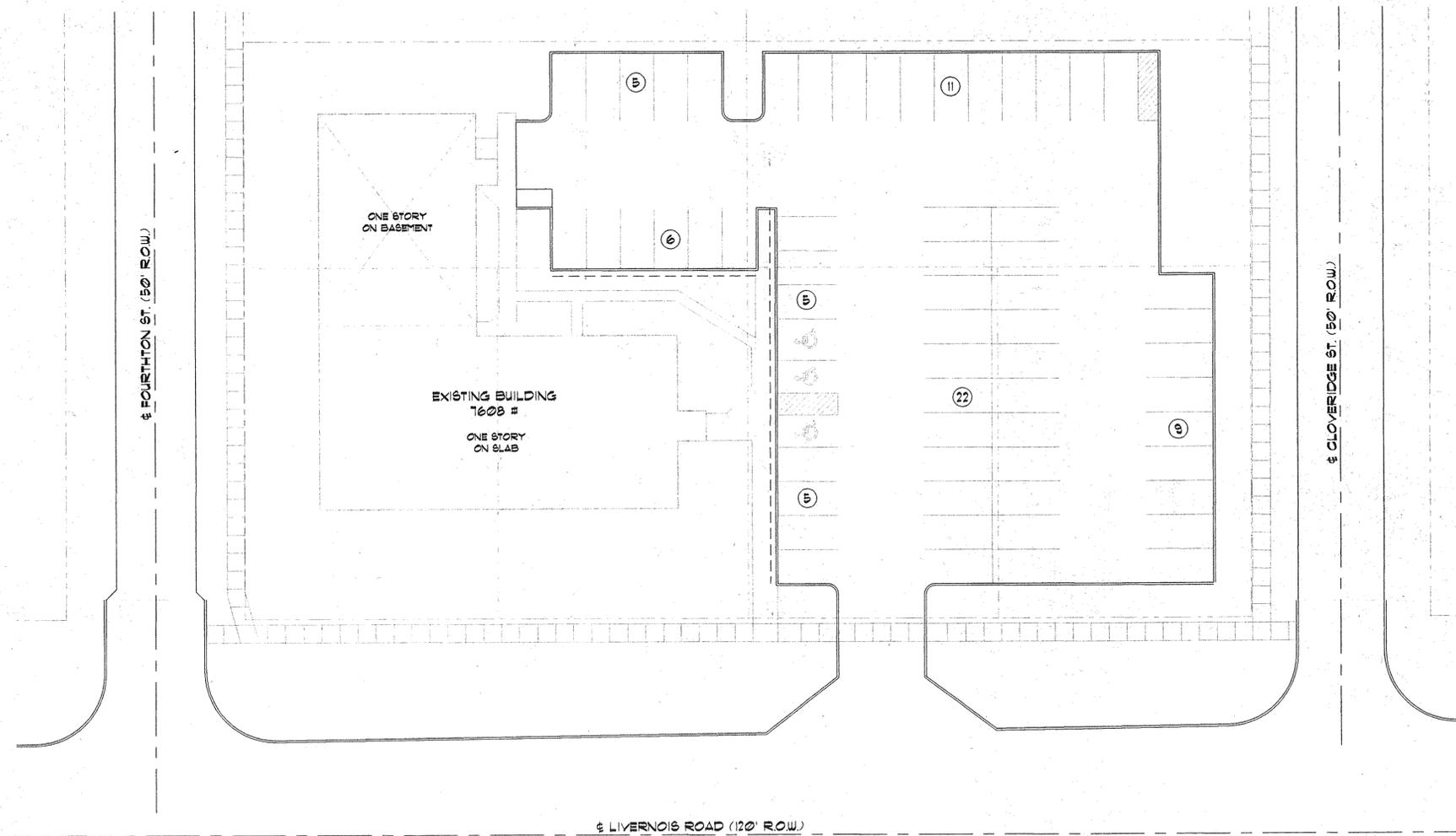
LOCATION MAP

## PARKING ANALYSIS

EXISTING MAIN FLOOR AREA	7,608 sq.ft.
USEABLE FLOOR AREA (7608 x .85)	6,467 sq.ft.
EXISTING BASEMENT FLOOR AREA	2184 sq.ft.
USEABLE FLOOR AREA PROPOSED OCCUPATIONAL THERAPY & MASSAGE	824 sq.ft.
TOTAL USEABLE FLOOR AREA	7291 sq.ft.
1 PARKING SPACE / 100 sq. ft.	
PARKING REQUIRED	73 spaces
PARKING PROVIDED	62 spaces
PARKING VARIANCE REQUESTED	11 spaces



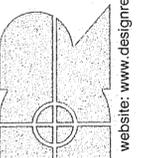
PROPOSED LOWER LEVEL PLAN  
SCALE: 1/8" = 1'-0"



ARCHITECTURAL SITE PLAN  
SCALE: 1/4" = 1'-0"

PARKING REVISION	02-04-04
PERMIT	01-26-04
REVISIONS:	DATE:
CONSTRUCTION:	<input type="checkbox"/>
PERMIT:	<input type="checkbox"/>
BIDDING:	<input type="checkbox"/>
PRELIMINARY:	<input type="checkbox"/>
DRAWN BY:	B. SAEGER
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ELEVATOR DESIGN FOR  
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BUILDING DEPARTMENT

DRAWING TITLE: CODE/PARKING ANALYSIS SITE PLAN LOWER LEVEL PLAN	PROJECT NUMBER: 03-516 SHEET NUMBER: A-1
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February 4, 2004

To: John Szerlag, City Manager

From: Gary Shripka, Assistant City Manager – Services  
Brian Stoutenburg, Library Director

Subject: Agenda Item – Museum Physical Maintenance and Conservation  
Summary Report

In fiscal year 2003 City Council approved a study to be completed by Gerald J. Yurk Associates that would assess the status of the structures and grounds at the Village Green in relation to the guidelines for historic preservation established by the National Park Service. This study was to also identify the improvements needed and prioritize the work so that we had a clear path for bringing the Village Green up to the standards of NPS guidelines. In addition, the study was to provide an outline of maintenance and conservation to guide us in keeping the structures and grounds within the guidelines.

This is the summary report of the Study. The scope of work to be completed is substantial and will be addressed as funding becomes available through the budget process, with financial help from the Historical Society and through grants that may be won.

# **TROY MUSEUM & HISTORIC VILLAGE**

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City of Troy



## **Physical Maintenance and Conservation Plan**

### **Summary Report**

**Troy Museum and Historic Village  
Physical Maintenance and Conservation Plan  
Summary Report**

Table of Contents

Summary of Building Assessments .....	2
Summary of Grounds Assessment .....	15
Maintenance Procedures .....	19
Janitorial Procedures .....	21

## Summary of Building Assessments

Each building at the Troy Museum and Historic Village was analyzed between February and June 2002. Fourteen issues were evaluated in each building assessment. This summary lists the results of all the building assessments by issue.

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| 1. Accessibility                    | 8. Interior Walls               |
| 2. Doors                            | 9. Roof                         |
| 3. Electrical                       | 10. Safety/ Walkways            |
| 4. Exterior Walls                   | 11. Structure                   |
| 5. Flooring                         | 12. Utility Service             |
| 6. Foundation                       | 13. Windows                     |
| 7. Heating, Ventilating and Cooling | 14. Space Planning for function |

### 1) Accessibility

- a) Museum
  - i) Inadequate routing for visitors through front entry. The front entry is vulnerable to seasonal elements. The handicap ramp collects runoff from the roof. The west entrance is comprised only of stairs and does not permit handicap access to the Village from the Museum building. Consider redesign for both entrances to make them safer for public and staff while ensuring security for the site.
- b) Log Cabin
  - i) Field stone pathway is uneven and inhibits wheelchair access.
- c) Caswell House
  - i) There is no path connection from the main brick pathway to the handicap ramp.
  - ii) Handicap ramp should be redesigned for better safety, functionality, and to visually provide and appropriate historic link.
  - iii) Install “step in” barriers inside the house that allow visitors to step into the room to view the display of furnishings.
- d) Poppleton School
  - i) There is no path connection from the main brick pathway to the handicap ramp.
  - ii) Handicap ramp should be redesigned for better safety, functionality, and to visually provide and appropriate historic link.
- e) General Store
  - i) A new barrier solution should be developed to restrict people from entering the stairwell and elevator, while permitting access to the restroom wing.
  - ii) The landing in the front of the north exterior door is too narrow to maneuver due to the doors swinging out into that space.

- f) Wagon Shop
  - i) The main entrance door threshold does not allow for barrier free access.
- g) Troy Hall
  - i) When Troy Hall is relocated on the Green the existing wood stairs and landing will be eliminated and a new ramp access will be constructed at the side and rear of the building.

## 2) Doors

- a) Museum
  - i) The doors need to be carefully retained and preserved as architecturally significant features.
- b) Log Cabin
  - i) Effective period locking devices, and/or effective, concealed locks should be installed.
- c) Caswell House, Poppleton School, General Store, Print Shop, Wagon Shop
  - i) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
- d) Caswell House
  - i) Some of the interior doors do not match other existing doors in the house. Missing doors should be replaced.
- e) General Store
  - i) Existing locks and handles on front and rear entry are inefficient for security.
  - ii) Staircase door should be more secure from public access. Exposed hinges are not period. Inappropriate door hardware should be replaced with period style hardware.
  - iii) Front exterior door is not period and should be replaced with a historically appropriate door with screen.
- f) Print Shop
  - i) Main entrance door is historically inaccurate and has been planed to square the door. However this has created gaps around the door preventing a weather tight seal.
- g) Troy Hall (Will be addressed as components of the relocation and renovation)
  - i) Re-hinge east door to swing the other direction to allow for required ramp access.

## 3) Electrical

- a) Museum
  - i) Electrical duplexes throughout main level are not grounded or sufficient for the required technology uses of today. The existing system does not meet standards based on the current functions within the spaces.
- b) Log Cabin and Wagon Shop
  - i) There is no electrical service to building currently. Discreet/concealed outlets must be provided for staff needs.

- c) Caswell House, Poppleton School and Troy Hall
  - i) Current electrical service is insufficient and not adequate for today's standards.
  - ii) Replace current pull chains in basement with single switch at top of stairs to provide efficient and safer access.
  - iii) Accessibility ramp is not illuminated for evening use.
- d) Poppleton School
  - i) Current electrical service is insufficient and not adequate for today's standards.
  - ii) South wall of the entry vestibule has exposed wiring that could become a hazard.
  - iii) Accessibility ramp is not illuminated for evening use.
- e) Wagon Shop
  - i) Wall adjacent to the entry vestibule has exposed intercom and security wiring that could become a hazard
- f) Troy Hall
  - i) Current electrical service is insufficient and not adequate for today's standards.

#### **4) Exterior Walls**

- a) Museum
  - i) Maintenance of wood trim including paint removal and repainting, wood repair and/or replacement in select places is needed.
- b) Log Cabin
  - i) Gaps and cavities along base perimeter need filling.
  - ii) Existing chicken wire in roof eave needs to be removed and a new method of pest-infiltration (birds and squirrels) developed and implemented.
- c) Poppleton School
  - i) General condition of wood trim is good. Continued maintenance is required.
  - ii) Limited locations require tuck-pointing. Several bricks are spalling and need replacement. Concrete wash at the brick sill should be replaced.
  - iii) Brick chimney in poor condition. Repair, replacement, tuck-pointing and preventative measures required.
- d) General Store
  - i) General appearance is poor. Paint should be removed from wood siding and a repaint specification determined.
- e) Print Shop
  - i) Wood siding is not holding paint in some areas. Moisture is staining the front of the building due to leaks through the shingles at the covered porch area.
  - ii) Wood entrance porch is at grade and deteriorating. It should be completely reconstructed.
  - iii) Missing wood balusters on porch should be replaced.

- f) Wagon Shop
  - i) Wood siding is deteriorating at the base of the building due to improper grading at the base of the building and runoff from the roof.
- g) Troy Hall (This is a component of the relocation and renovation of Troy Hall)
  - i) Woods siding is deteriorating in some places and should be repaired/replaced.

## **5) Flooring**

- a) Museum
  - i) Wood floor in Pioneer Room requires refurbishing and refinishing.
  - ii) Carpet should be removed from wood floors on upper level.
- b) Caswell House
  - i) All rubber matting should be removed. Restrict access and provide period floor covers as seasonably appropriate.
- c) Poppleton School, Print Shop, and Troy Hall
  - i) Floor should be refurbished and refinished. Install appropriate mats.
- d) General Store
  - i) Dirt and moisture filter through voids in the wood floor causing potential harm to collection materials stored in the basement.
  - ii) Main level wood floor should be refurbished and refinished.
- e) Wagon Shop
  - i) Dirt floor on south side is high and accelerating deterioration of exterior wood walls due to excess moisture.

## **6) Foundations**

- a) General Store
  - i) Foundation walls show signs of moisture penetration to the interior.
- b) Wagon Shop
  - i) Foundation is low causing the wood exterior to be too close to grade level.
- c) Troy Hall (This is a component of the relocation and renovation of Troy Hall)
  - i) A new crawl space is to be constructed when the building is moved. This space will have access and accommodate some storage.

## **7) Heating, Ventilating and Cooling**

- a) Museum
  - i) Investigate possible concerns regarding condition of the steam boiler.
  - ii) Moisture is a threatening concern in this building. Minimize problematic sources, correct existing leaks, provide and control environment.
  - iii) West entrance to Pioneer Room is problematic. If current use continues consider a vestibule or buffering condition to protect interior.

- b) Log Cabin
  - i) Heating is required to keep the cabin at a cool but comfortable temperature during the winter.
  - ii) Investigate additional insulation techniques in interior.
- c) Caswell House
  - i) Moisture content in building should be controlled and monitored. Seal and weather-strip front door. Refurbish/repair wood windows. Investigate utilizing cooling ducts to provide better heat to second level.
  - ii) Screen AC condenser for better interpretation of historic period.
- d) Poppleton School
  - i) Moisture content in building should be controlled and monitored. Seal and weather-strip front door. Refurbish/repair wood windows.
  - ii) Remove and conceal thermostat from public view.
- e) General Store
  - i) Moisture is a threatening concern in this building. Minimize problematic sources, correct existing leaks, provide and control environment.
  - ii) HVAC system currently discharges undiffused air directly on to artifacts.
  - iii) Remove non-functioning unit heater in sidewall on first floor.
  - iv) Investigate more appropriate grills for main level HVAC vents.
- f) Print Shop
  - i) There may be moisture concerns below existing wood floor.
- g) Wagon Shop
  - i) Existing interior does not have adequate heat source during winter. Explore options.
- h) Troy Hall
  - i) Existing heating system is inadequate requiring space heaters during winter. A new heating system will be installed when the building is moved.

## **8) Interiors**

- a) Museum
  - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and with wear or due to modifications in interior functions, mechanical or electrical systems.
  - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
- b) Log Cabin
  - i) Cement chinking has lost bond and is cracking in some areas. Moisture has stained walls in some areas.

- c) Caswell
  - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and wear or due to modifications in interior functions, mechanical or electrical systems.
  - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
  
- d) Poppleton School
  - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and wear or due to modifications in interior functions, mechanical or electrical systems.
  - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
  - iii) Staff would like flexibility of a new wood picture molding for display of materials.
  - iv) North wall wainscoting does not match original profile of remaining wainscot.
  
- e) General Store
  - i) Front entry wall seems unstable when opening and closing the door. This is apparently due to drywall and corner bead showing signs of cracking and separation. The wall needs reinforcement.
  
- f) Print Shop
  - i) Repair and repaint and refinish wood trim.
  
- g) Troy Hall
  - i) Patch, repair and repaint interior walls following relocation of structure.
  - ii) Repair, patch, and refinish wood trim following relocation of structure.

## 9) Maintenance

- a) General maintenance and cleaning is a problem throughout the village green. A comprehensive, proactive plan of action for not only each building and the green is required. (Note: The Janitorial Plan has been completed. See Section 4.)

## 10) Roofs

- a) Museum
  - i) Some slate shingles are broken or missing and should be replaced. All flashing needs to be replaced with copper flashing.
  - ii) The angle supporting the gable overhanging the roof eaves needs to be replaced to prevent further deterioration of the brick.
  - iii) The existing gutters are not period. Half round copper gutters should replace them.
  
- b) Log Cabin, General Store, Print Shop, Troy Hall
  - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines.
  
- c) Caswell, Poppleton, General Store, Print Shop and Wagon Shop
  - i) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.

- d) General Store
  - i) Existing roof venting is inadequate resulting in improper air movement within the attic and roof structure.

## 11) Space Planning For Function

- a) Museum
  - i) Lower Level
    - (1) Staff would like to include the jail cell in the historic tour of the building.
    - (2) A quarantine room for newly acquired collections materials is needed.
    - (3) Ceiling conditions are poor with exposed wiring, piping, and conduits, mechanical and lighting devices. This will need to be addressed if there is public access to the lower level.
  - ii) Main Level
    - (1) Space planning and functionality is needed to move the public and tell the history of Troy, while preserving the historic architectural details and finishes that distinguish the building.
    - (2) Security must be provided for displayed collections while maintaining public tour space.
    - (3) Museum reference materials need to be available for public use, but protected from theft or damage.
  - iii) Second Level
    - (1) Possible area for relocation of staff.
    - (2) Restore original ceiling for historic accuracy and to create a pleasant work environment for staff.
    - (3) Windows should be reopened if staff uses this level.
  - iv) Other
    - (1) A new gift shop should be conveniently located for public access.
    - (2) Relocate kitchen and prep room may be advisable.
    - (3) Vertical transportation should be part of space plan study.
- b) Log Cabin
  - i) Barrier solution to loft stairway will prevent public access to loft.
- c) Caswell
  - i) Possible relocation of step stove for historic accuracy and to improve gathering space for public.
- d) General Store
  - i) Consider addition of janitorial facility to service this and adjacent buildings.
- e) Wagon Shop
  - i) Consider alternatives to the chicken wire barrier that prevents sparks from injuring the public.

## 12) Structure

- a) Log Cabin
  - i) Additional support may be required for the log beam running the width of the cabin located in the center of the structure. This would only be necessary to supplement the extra loads if the attic becomes a storage area.
- b) Caswell
  - i) Wood floors throughout the house are sagging in various areas. Basement supports are inadequate. Wood floor on the second floor is deflecting due to flood last year. A structural analysis is necessary to determine appropriate course of action.
  - ii) The staircase to the second floor is unstable. Adding new balusters into the stair treads will stabilize the railing. Additional anchoring may be required.
- c) Wagon Shop
  - i) The attic space is currently not structurally adequate to be used as a storage space. If this is desired a structural analysis and reinforcement will be required.
- d) Troy Hall
  - i) Currently the roof is deflecting in the middle. Prior to roofing with new wood shingles, the roof itself should be structurally reinforced.

## 13) Utility Service

- a) Museum
  - i) Electrical Service to building may be inadequate for upgrades required throughout the building.
  - ii) Telephone service should be expanded to accommodate new administrative level.
  - iii) Data connections should be enhanced/ upgraded to accommodate new administrative level.
  - iv) Existing building may require utility upgrades due to re-space planning. This may include restroom and kitchen locations.
- b) Log Cabin and Wagon Shop
  - i) Electrical service to structure is desired.
- c) Caswell
  - i) Electrical service should be reviewed and assessed for expansion within the house.
- d) General Store
  - i) The existing electric meter is in the basement. This location requires meter readers to pass through artifact storage areas. Consider relocating meter or providing a digital readout on the exterior of the building.
- e) Print Shop
  - i) The existing sink is from the wrong era. A new functional, period sink is desirable.
- f) Wagon Shop
  - i) Water service to the structure would be nice, but is not a pressing need.

## 14) Windows

- a) Museum
  - i) Existing windows allow UV light into display areas. This should be minimized
  - ii) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
  - iii) Window lintels need to be inspected. Rusted and warped components need to be replaced before further damage is done to the window and surrounding brick.
  - iv) Remove covers on second floor windows if staff relocated to upper level.
  
- b) Log Cabin
  - i) Moisture is deteriorating wood frames and sashes.
  - ii) Windows should depict historic six over six muntin bars.
  - iii) Existing windows allow UV light into display areas. This should be minimized
  
- c) Caswell, Poppleton, General Store, Print Shop. Wagon Shop and Troy Hall
  - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
  - ii) Existing windows allow UV light into display areas. This should be minimized.
  
- d) Poppleton School
  - i) Circle window in gable is a single unit with no muntin bars. A period window with four quarters is appropriate.
  
- e) General Store
  - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
  - ii) Existing windows allow UV light into display areas. This should be minimized.

## Prioritization for Building Improvements

The issues and concerns outlined through the assessment process were prioritized. This summary itemizes projects within each of the five designations.

1. Immediate needs to insure public safety and preserve the fabric of the structures
2. Urgent needs to prevent costly deterioration
3. Necessary work to provide continued effective operation of the Museum
4. Desirable work to improve the appearance and interpretive use of the structure.
5. Items to be monitored for cyclic replacement (i.e. roofs)

### 1. Immediate Needs

- a. Museum
  - i. Repair loose wrought iron railing on accessibility ramp.
- b. Caswell House
  - i. Reinforce main floor joists in basement.
- c. Poppleton School
  - i. Repair/ box in exposed wiring.
  - ii. Complete repairs to brick chimney.
- d. General Store
  - i. Repair, replace or repaint wood siding and eaves.
- e. Wagon Shop
  - i. Repair/ box in exposed security wiring.

### 2. Urgent needs

- a. Museum
  - i. Complete repairs to exterior wood trim.
  - ii. Improve humidity control in building, reducing moisture intrusion through doors, windows, and roof.
  - iii. Replace deteriorating steel angles at gable ends on roof.
  - iv. Complete window restorations. Windows are currently in fair condition.
- b. Log Cabin
  - i. Repair gaps and cavities in log walls.
  - ii. Complete window restorations. Wooden frames and sashes are deteriorating because of moisture accumulation.
- c. Caswell House
  - i. Repair, repaint and place water sealant on wooden floors.
- d. Poppleton School
  - i. Complete exterior wood trim repairs.
  - ii. Complete brick masonry repairs.

- iii. Improve humidity control in building, reducing moisture intrusion through windows and doors.
  - iv. Replace accessibility ramp.
  - v. Complete window restorations. Windows are currently in fair condition.
- e. General Store
- i. Improve humidity control in building, reducing moisture intrusion through doors, windows and foundation walls. Replug rod holes in basement concrete walls.
  - ii. Current accessibility ramp is not sheltered from rain and snow roof run-off.
  - iii. Complete widow restorations. Windows are generally in good condition. Evaluation will determine extent of repairs.
- f. Print Shop
- i. The door is not historically accurate and does not fit well. Attempts to plane it have created gaps preventing a weather tight seal. It should be replace.
  - ii. Repair and repaint wood siding and trim.
  - iii. Repair/ replace deteriorated wood balusters on the porch railing and repaint.
  - iv. Reduce moisture intrusion by:
    1. Installing louver vents in the foundation wall to increase air movement and ventilation in and out of the crawl space.
    2. Repair/ replace deteriorated exterior and interior components that have deteriorated.
    3. Regrade around the building to direct ground water away from structure.
    4. Repair/refurbish wood floor reducing moisture that may seep through the floorboards creating a damp condition.
  - v. Replace roof.
  - vi. Restore windows. Windows are currently in fair condition.
- g. Wagon Shop
- i. Complete exterior wood trim repairs.
  - ii. Raise the building from its current at grade elevation and place on new masonry foundation. Install barrier free access.
  - iii. Complete window restorations. The windows are currently in fair condition.
- h. Troy Hall
- i. Complete exterior wood trim repair.

### 3. Necessary Work

- a. Museum
- i. Complete electrical upgrades.
  - ii. Patch, repair and repaint interior walls damaged by moisture.
  - iii. Complete inspection and repairs to slate roof.

- iv. Replace non-period gutters and downspouts that detract from the appearance of the building.
- v. The accessibility ramp is not sheltered from rain and snow run-off. Develop solution.
- vi. Inspect, repair and replace rusted and warped lintels.

b. Log Cabin

- i. Install electricity in building.
- ii. Remove chicken wire from roof eave and install rough sawn wooden members to prevent animal infiltration.
- iii. Insulate the floor to improve humidity and temperature control.

c. Caswell House

- i. Complete electrical upgrades, rewire basement lights for safety, and install wiring for exterior lights for accessibility ramp.
- ii. Complete plaster wall repairs and any patching necessitated by electrical upgrades.
- iii. Explore gutter system to remove rain and snow run-off and direct it away from the building.

d. Poppleton School

- i. Complete interior electrical upgrades and exterior lighting for accessibility ramp.
- ii. Complete any repairs to plaster and repaint interior.
- iii. Complete repairs and refinishing to interior wood trim.
- iv. Explore gutter system to remove rain and snow run-off and direct it away from the building.

e. General Store

- i. Refinish and seal wooden floors.
- ii. Seal foundation walls to prevent moisture infiltration.

#### **4. Desirable Work**

a. Museum

- i. Maintain doors and period hardware.
- ii. Refurbish wood floors in Pioneer Room.
- iii. Modify exit from Museum into Village from Pioneer Room to limit moisture intrusion and temperature fluctuation.
- iv. Repair plasterwork in building as required by re-planning of interior functions.
- v. Complete upgrades to existing electrical, data and voice services.
- vi. Explore appropriate methods to limit UV light in exhibit areas.

b. Log Cabin

- i. Install concealed locks that provide improved security and maintain historic integrity of the period.
- ii. Reinforce central log beam in ceiling if loft is used for storage.

- iii. Replace window sashes with period, six-over-six-muntin bars and explore options to limit UV light penetration.
- c. Caswell House
- i. Replace door hardware to provide greater security and maintain historic integrity of the period.
  - ii. Missing second floor doors should be replaced with appropriate doors that match the other interior doors.
  - iii. Construct appropriate screen to hide AC condenser from public view.
  - iv. Explore options to limit UV light penetration to interior.
- d. Poppleton School
- i. Replace door hardware to provide greater security and maintain historic integrity of the period.
  - ii. Refinish wood floor as necessary.
  - iii. Replace north wall wainscoting to match the wainscoting other three walls.
  - iv. Explore options to limit UV light penetration in interior.
  - v. Circle window in gable should have muntins and be divided in quarters.
- e. General Store
- i. Replace door hardware throughout building to provide greater security and maintain historic integrity of the period.
  - ii. Replace front door to enhance historic integrity of the period.
  - iii. Remove non-functioning wall unit heater and explore methods to conceal HVAC vents in public area.
  - iv. Explore options to limit UV light penetration to interior.
- f. Print Shop
- i. Porch is worn and should be reconstructed.
  - ii. Refinish wood floor.
  - iii. Replace 1950s sink with sink appropriate for the period.
  - iv. Explore options to limit UV light penetration to interior.
- g. Wagon Shop
- i. Replace door hardware to provide greater security and maintain historic integrity of the period.
  - ii. Consider options for providing additional heat for winter interpretation.
  - iii. Conduct structural analysis if loft is to be used as storage space.
- h. Troy Hall
- i. Replace door hardware to provide greater security and maintain historic integrity of the period.
  - ii. Explore options to limit UV light penetration.

## Summary of Grounds Assessment

The grounds (Village or Green) at the Troy Museum & Historic Village were analyzed between February and June 2002. Six issues were evaluated. This summary lists the results of the assessments by issue.

### 1. Views and Vistas

- a. Reconcile the east west axis of the Village (elliptical walkway) with a more appropriate entrance on the south side of the Green.
- b. Parking areas should be visually masked from the interior of the Green.
- c. The Blue Star Mothers WWII Veterans Memorial and the flagpole location are disruptive to traffic flow. Alternate placement should be explored.
- d. Current parking lot signage is limited and inadequate.

### 2. Landscaping

- a. Village
  - i. Landscaping on the Green should reflect native species historically found and used by early residents. Landscaping, including endemic trees used by pioneers, herb, flow and vegetable gardens can be incorporated into the interpretive program of the Museum.
  - ii. A landscape plan should be developed to coordinate required changes to the Village (addition of structures and improved accessibility). A landscape care program and schedule developed with this plan will ensure proper maintenance and scenic beauty.
- b. Museum
  - i. The existing landscaping around the main museum building is inadequate and inappropriate for its locations. A new landscape concept, integrated with the rest of the Village should be developed.
- c. All structures in the Village
  - i. Consider appropriate plantings around the building foundations. Currently water from rain and melting snow cascade off the roofs, disturbing perimeter ground and landscaping while adding excessive moisture to the building foundations. The use of proper landscaping should be explored.
  - ii. Many of the structures would have been located at the edge of a dirt road.
- d. Log Cabin
  - i. Explore appropriate fencing for the herb garden.
  - ii. Consider additional appropriate wildflowers and trees that may have been found near pioneer homes.
- e. General Store and Print Shop
  - i. These buildings would typically be located at the edge of a dirt road.
- f. Wagon Shop
  - i. This structure is situated very close to the ground. Water from the roofs, and accumulated snow deteriorate the wood siding. Explore appropriate ground vegetation, improved grading around the building, and the use of wooden gutters to collect roof water.
- g. Parking Lots
  - i. New landscaping options for the existing and new parking lots should provide added aesthetics and proper vehicular travel within the parking lots and the museum complex.

### 3. Walkways

- a. Village
  - i. The existing circular brick walkway must be investigated regarding improved accessibility from the Museum, a prominent entryway, ADA considerations, drainage problems, electrical needs, landscaping, general maintenance issues and the addition of other structures to the Green.
  - ii. Evaluate options to current brick pavers that have settled and created undulating and irregular walking surfaces. The brick uprights along the edge of the path create tripping hazards for staff and the public, and make wheel chair passage an unnecessary challenge.
  - iii. Formed clay-type brick would be more historically appropriate than the wire cut brick currently in use.
- b. Museum
  - i. Current ramp is not sheltered from rain or snow run-off. This is a safety concern due to the freeze-thaw cycles and ice build up on the ramp.
- c. Log Cabin
  - i. Wooden steps at rear entrance are unsafe due to lack of foundation, absence of securing methods and rot.
  - ii. Field stone walk way is not historically accurate.
- d. Caswell House
  - i. A new front walkway, steps and improved barrier free ramp with pathway connecting it to the main walkway is being designed.
- e. Poppleton School
  - i. The current ramp is not sheltered from rain and snow run-off. No walkway connects the ramp to the main walkway.
  - ii. The existing steps are not historically accurate. Wood or stone landing would be more appropriate for the period.
- f. General Store
  - i. The current ramp is not sheltered from rain and snow run-off.
  - ii. The boardwalk planking is historically inaccurate. The planking would have been thicker, wider, and perhaps rough sawn.
- g. Print Shop
  - i. The existing boardwalk planking is running diagonally to the building. Historically it would have been perpendicular.
- h. Wagon Shop
  - i. A new walkway will be constructed along the east wall of the building to provide access to exhibited farm equipment and the Parsonage.
- i. Existing Parking Lot
  - i. The existing and proposed parking lots are the first point of contact for the public as they proceed to the front door of the Museum. This experience must be direct and pleasurable, setting the stage for their experience on Green.

### 4. Fencing

- a. Village
  - i. The black metal perimeter fence will be modified with the addition of the church and parsonage and requires maintenance.
- b. Log Cabin
  - i. The split rail fence is appropriate, but historically, would have been higher.

- c. Caswell House
  - i. The historic accuracy of the picket fence should be investigated.
- d. Wagon Shop
  - i. The east fenced agricultural equipment corral must be relocated to allow space for the parsonage.

## **5. Drainage**

- a. Museum
  - i. The existing downspouts are out of character for the building and do not function appropriately as water cascades down the slate roof and skips over the gutter.
- b. Parking Lot
  - i. There is inadequate drainage, which results in ponding in many places. The existing parking configuration and drainage needs to be assessed.

## **6. Utilities**

- a. Village
  - i. A well-engineered utility plan should be developed for the entire Green including electrical, gas, sanitary sewer, cable and other communication service.
  - ii. Improved interpretive signage, or interpretive recordings in buildings should be explored. The use and benefits of outdoor speakers should also be explored.
  - iii. Develop a lighting concept plan for safety and function.
  - iv. Overhead utility lines at the east end of the Green pose safety concerns, interfere with historic interpretation and may pose future problems if a barn is located on the site.
- b. Parking Lot
  - i. The parking lot lighting is inadequate allowing for unsafe pedestrian movement, vehicular movement and illuminated signage.

## **Prioritization of Grounds Improvements**

The issues and concerns outlined through the assessment process were prioritized. This summary itemizes projects within each of the five designations.

1. Immediate needs to insure public safety and preserve the fabric of the structures
2. Urgent needs to prevent costly deterioration
3. Necessary work to provide continued effective operation of the Museum
4. Desirable work to improve the appearance and interpretive use of the structure.
5. Items to be monitored for cyclic care and replacement

### **1) Immediate**

- a) Provide proper drainage around the Wagons Shop to prevent deterioration of wood siding.
- b) Provide new brick paver walkways that incorporate improvements for drainage and safety.
- c) Install new walkways to Caswell and accessibility ramps for Caswell and Poppleton.
- d) Provide new walkways to Church and Parsonage.
- e) Re-grade around all Village buildings and implement a comprehensive drainage system for buildings and walkways.

### **2) Urgent**

- a) Provide a well-documented utility plan.

### **3) Necessary**

- a) Provide a schematic landscape plans for buildings, perimeter of Village, and Museum.
- b) Develop a new parking lot design to improve vehicular circulation. Develop parking lot signage.
- c) Relocate agriculture equipment corral following relocation of parsonage and church.

### **4) Desirable**

- a) Develop plans to improve pedestrian movement from parking lot to Museum and the Village. Improve pedestrian movement in the Village.
- b) Improve downspout drainage from the Museum roof.

## Maintenance Procedures

Long term, cost efficient care and maintenance requires regular inspections and maintenance to prevent unnecessary deterioration from neglect and identify issues before they become critical and costly to remedy. The following inspection and maintenance schedules were provided in Phase 6 of the study and are currently being implemented.

### *Exterior Maintenance Tasks*

Structures	Task	Frequency
All	Keep roof free of debris	As required
All	Check roof materials and elements <ul style="list-style-type: none"> <li>▪ Flashing</li> <li>▪ Slate or wood shingles</li> <li>▪ Projections</li> <li>▪ Galvanic Action</li> <li>▪ Cornices</li> <li>▪ Underside of Roof</li> </ul>	Twice each year
Museum	Check valleys for proper drainage	Twice each year
Museum	Inspect/ clean out gutters and downspouts	Twice each year
Museum and all structures with gutter systems	Check gutter, downspout connections and ground leaders	Monthly
Museum	Inspect channeled downspout water distribution from building	Yearly
All	Inspect scope of service to doors and windows	Every 2-3 years
All	Inspect paint on doors and windows	Every 3-4 years
Museum, Poppleton	Check masonry and mortar	Yearly
Log Cabin	Check chinking	Yearly
Log Cabin	Check wood timbers and trim	Every 2-3 years
All	Check wood trim and woodwork	Every 2-3 years
All	Check for infestation	Min. every 6 months

***Interior Maintenance Tasks***

Structures	Task	Frequency
All	Inspect structural members of building	Yearly
All	Provide dry cleaning tasks	Regularly*
All	Provide wet cleaning tasks	Regularly*
Museum, Caswell, Parsonage	Inspect/ clean or wash carpet and area rugs	Periodically*
General Store, Church	Inspect ceramic tile	Periodically
All	Address surface abrasions, stains, rust, peeling paint	Immediately
All	Address repairs/cleaning of interior wall and ceiling surfaces	Periodically
Log Cabin	Inspect fireplace	Yearly
All plus accessibility ramps,	Inspect all metal surfaces	Periodically
Museum, Log Cabin, Caswell, General Store, Parsonage	Inspect stairs	Twice a year
All	Inspect all interior doors and wood trim	Regularly
All	Inspect interior windows and wood trim	Regularly
Museum, Parsonage, Church	Inspect kitchen cabinets and counters	Twice a year

***Mechanical and Electrical Tasks***

Structures	Task	Frequency
All	Inspect mechanical services	Every season
All	Inspect electrical service and performance	Every 2-3 years
Museum, General Store, Parsonage and Church	Inspect the condition and performance of the plumbing	Every 2-3 years
All	Inspect interior windows and wood trim	Regularly

\* Included in Janitorial Schedule

## Janitorial Procedures

This revised janitorial schedule, based on recommendations from the Physical Maintenance and Conservation Plan, was submitted with the specifications to vendors bidding for the new City cleaning contract.

### Restrooms

Five times weekly

1. Empty waste containers and disinfect
2. Clean all lavs, toilets and urinals using disinfectant solution
3. Damp wipe and spot clean all partition and clean all walls and doors
4. Clean all mirrors
5. Wet mop floors with disinfectant solution
6. Resupply toilet tissue, soap, hand towels, aerosol dispensers and neat seats
7. Floor traps shall be maintained free of odor
8. All waste material shall be collected in plastic bags and placed in a designated area

Trash removal from all buildings

1. Empty all waste baskets, damp wipe and reline with plastic bags

All buildings except Wagon Shop

NOTE: The schedule for wooden floors includes alternate days for vacuuming (Tuesday, Thursday, Saturday) and mopping (Wednesday and Friday). This schedule reduces fluctuations in humidity in historic structures while maintaining maintenance standards.

Three times weekly

1. Vacuum the following areas:
  - a. Museum foyer, mats, kitchen, pioneer room, stairs to second level, and terrazzo floor on second level
  - b. Caswell House everyday parlor, mats, lower and second floor hallways, and staircase
  - c. Poppleton School and entry mats
  - d. General Store floor, mats and restroom hallway
  - e. Troy Hall floor and mats
  - f. Parsonage foyer, mats, interpretive parlor and dining room, stairway to second floor, and second floor interpretive area
  - g. Church foyer, mats, main chapel, bell room, AV room, and kitchenette
2. Sweep the following areas
  - a. Log cabin
  - b. Print Shop and mats

Two times weekly

1. Vacuum the following areas
  - a. Museum offices, gift shop, resource room and upper exhibit gallery
2. Damp mop the following areas:
  - a. Museum foyer, kitchen, pioneer room, stairs to second level, and terrazzo floor on the second level
  - b. Caswell House everyday parlor and lower hallway

- c. Poppleton School
  - d. General Store and restroom hallway
  - e. Troy Hall
  - f. Parsonage foyer, interpretive parlor, dining room
  - g. Church foyer, chapel, bell room, AV room, and kitchenette
2. Clean glass display cases in Museum and spot clean smudges and marks on walls
  3. Spot clean smudges and fingerprints from General Store doors and restroom hallway
  4. Wash counter and clean sink in Print Shop

Once weekly

1. Vacuum the following:
  - a. Prep room and wardrobe on second floor of Museum
  - b. Caswell house Sunday Parlor, second floor bedrooms and kitchen
  - c. Stairwell to second floor and basement and the General Store
  - d. General Store elevator car and door track
  - e. Parsonage bathroom, kitchen, first and second floor bedrooms, attic, and stairwell to basement
  - f. Stairwell to Church basement
2. Mop the following:
  - a. Print Shop floor
3. Dust the following:
  - a. Window sills and wainscoting ledges in all buildings
  - b. Pews, chancel furnishings and piano in the Church
4. Wipe with damp cloth
  - a. Poppleton desks
  - b. Kitchen and bathroom fixtures in Parsonage

Monthly

1. Log Cabin: Dust/ clean all crockery and furnishings
2. Caswell House: Dust/clean all first and second floor furnishings
3. General Store: Dust/clean all shelving, countertops and merchandize, vacuum areas behind counters
4. Print Shop: Dust counters, presses, and work surfaces
5. Blacksmith Shop: Clean Plexiglas barrier with clear water
6. Parsonage: Dust/clean all first and second floor furnishings
7. Church: Dust/ clean AV room

Quarterly: Dates to be determined by Museum Manager

1. Strip and wax all terrazzo and resilient floors

Semi-annually:

1. Clean all doors and partitions inside and out
2. Scrub or wet mop concrete floors in Museum basement
3. Clean all vinyl and other hard surface furniture
4. Scrub all stair treads, landing and side rails on stairway
5. Clean all heating and cooling vents, and radiators
6. Wash all fingerprints from door jambs and light switches
7. Wash all walls (All locations not listed under quarterly tasks)

February 6, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: 2004 Sylvan Glen Rates

**Recommendation**

Staff recommends approval of the proposed 2004 Sylvan Glen golf rates as attached. The proposed changes for the 2004 season are:

- 1) Addition of non-resident senior rates for weekdays and weekends.
- 2) Addition of twilight rates during the peak season.
- 3) Extension of the off peak rates to April 22, 2004 (previously approved to April 1, 2004)

It is anticipated that these changes will increase rounds played thereby increasing revenues. Senior and twilight rates have become common in the golf industry.

**Budget Impact**

As the golf course is an enterprise fund, revenues must meet or exceed expenses. It is anticipated that these changes will result in an additional 430 rounds and \$16,880 additional revenue. The fund balance has decreased in the last few years. This additional revenue will help to reverse that trend.

Sanctuary Lake rates will be proposed closer to opening of the golf course.

**City of Troy  
Sylvan Glen Golf Course  
Proposed Rates for the 2004 Golf Season**

	2003 Rates		2004 Proposed Rates	
	Walking	W/ Cart	Walking	W/ Cart
<b><u>Weekday</u></b>				
18 - Hole Resident	\$20.00	\$35.00	\$20.00	\$35.00
18 - Hole Regular	\$27.00	\$42.00	\$27.00	\$42.00
18 - Hole Senior Resident (Before 1 PM)	\$15.00	\$26.00	\$15.00	\$26.00
18 - Hole Junior Resident (All Day)	\$15.00	\$26.00	\$15.00	\$26.00
18 - Hole Senior Regular (Before 1 PM)	\$0.00	\$0.00	<b>\$19.00</b>	<b>\$30.00</b>
18 - Hole Junior Regular (All Day)	\$0.00	\$0.00	<b>\$19.00</b>	<b>\$30.00</b>
9 - Hole Resident	\$14.00	\$24.00	\$14.00	\$24.00
9 - Hole Regular	\$17.00	\$27.00	\$17.00	\$27.00
9 - Hole Senior Resident (Before 1 PM)	\$10.50	\$17.50	\$10.50	\$17.50
9 - Hole Junior Resident (All Day)	\$10.50	\$17.50	\$10.50	\$17.50
9 - Hole Senior Regular (Before 1 PM)	\$0.00	\$0.00	<b>\$13.00</b>	<b>\$20.00</b>
9 - Hole Junior Regular (All Day)	\$0.00	\$0.00	<b>\$13.00</b>	<b>\$20.00</b>
<b><u>Weekend</u></b>				
18 - Hole Resident	\$24.00	\$39.00	\$24.00	\$39.00
18 - Hole Regular	\$32.00	\$47.00	\$32.00	\$47.00
18 - Hole Senior Resident (All Day)	\$18.00	\$29.00	\$18.00	\$29.00
18 - Hole Junior Resident (After 1 PM)	\$18.00	\$29.00	\$18.00	\$29.00
18 - Hole Senior Regular (After 1 PM)	\$0.00	\$0.00	<b>\$23.00</b>	<b>\$34.00</b>
18 - Hole Junior Regular (After 1 PM)	\$0.00	\$0.00	<b>\$23.00</b>	<b>\$34.00</b>
9 - Hole Resident	\$16.00	\$26.00	\$16.00	\$26.00
9 - Hole Regular	\$20.00	\$30.00	\$20.00	\$30.00
9 - Hole Senior Resident (All Day)	\$12.00	\$19.00	\$12.00	\$19.00
9 - Hole Junior Resident (After 1 PM)	\$12.00	\$19.00	\$12.00	\$19.00
9 - Hole Senior Regular (After 1 PM)	\$0.00	\$0.00	<b>\$15.00</b>	<b>\$22.00</b>
9 - Hole Junior Regular (After 1 PM)	\$0.00	\$0.00	<b>\$15.00</b>	<b>\$22.00</b>
<b><u>Twilight (Saturdays, Sundays, and Holidays)</u></b>				
18 - Holes (After 3 PM)	\$0.00	\$0.00	<b>\$20.00</b>	<b>\$30.00</b>
9 - Holes (After 6 PM)	\$0.00	\$0.00	<b>\$14.00</b>	<b>\$20.00</b>

**City of Troy  
Sylvan Glen Golf Course  
Proposed Rates for the 2004 Golf Season**

**Leagues**

Resident League Rate	\$14.00	\$24.00	\$14.00	\$24.00
Regular League Rate	\$17.00	\$27.00	\$17.00	\$27.00
Senior League Rate (AM Only)	\$10.50	\$17.50	\$10.50	\$17.50

**Rentals**

Pull Carts	\$2.00		\$2.00	
Clubs	\$10.00		\$10.00	

**Outings**

18 - Hole Weekday	N/A	\$44.00	N/A	\$44.00
9 - Hole Weekday	N/A	\$30.00	N/A	\$30.00
18 - Hole Weekend	N/A	\$48.00	N/A	\$48.00
9 - Hole Weekend	N/A	\$33.00	N/A	\$33.00

**\*All changes are noted in bold\***

**City of Troy**  
**Sylvan Glen Golf Course**  
**Proposed Rates for the 2004 Off-Peak Golf Season**  
**Dates apply from Opening - April 22, 04 & September 15, 04 - Closing**

	<b>2003 Rates</b>		<b>2004 Proposed Rates</b>	
	<b>Walking</b>	<b>W/ Cart</b>	<b>Walking</b>	<b>W/ Cart</b>
<b><u>Weekday</u></b>				
18 - Hole Resident	\$15.00	\$26.50	\$15.00	\$26.50
18 - Hole Regular	\$20.00	\$31.50	\$20.00	\$31.50
18 - Hole Senior Resident (Before 1 PM)	\$11.25	\$19.75	\$11.25	\$19.75
18 - Hole Junior Resident (All Day)	\$11.25	\$19.75	\$11.25	\$19.75
18 - Hole Senior Regular (Before 1 PM)	\$14.00	\$22.50	\$14.00	\$22.50
18 - Hole Junior Regular (All Day)	\$14.00	\$22.50	\$14.00	\$22.50
9 - Hole Resident	\$11.00	\$18.50	\$11.00	\$18.50
9 - Hole Regular	\$13.00	\$20.50	\$13.00	\$20.50
9 - Hole Senior Resident (Before 1 PM)	\$8.25	\$13.75	\$8.25	\$13.75
9 - Hole Junior Resident (All Day)	\$8.25	\$13.75	\$8.25	\$13.75
9 - Hole Senior Regular (Before 1 PM)	\$10.00	\$15.50	\$10.00	\$15.50
9 - Hole Junior Regular (All Day)	\$10.00	\$15.50	\$10.00	\$15.50
<b><u>Weekend</u></b>				
18 - Hole Resident	\$18.00	\$29.50	\$18.00	\$29.50
18 - Hole Regular	\$24.00	\$35.50	\$24.00	\$35.50
18 - Hole Senior Resident (All Day)	\$13.50	\$22.00	\$13.50	\$22.00
18 - Hole Junior Resident (After 1 PM)	\$13.50	\$22.00	\$13.50	\$22.00
18 - Hole Senior Regular (After 1 PM)	\$17.00	\$25.50	\$17.00	\$25.50
18 - Hole Junior Regular (After 1 PM)	\$17.00	\$25.50	\$17.00	\$25.50
9 - Hole Resident	\$12.00	\$19.50	\$12.00	\$19.50
9 - Hole Regular	\$15.00	\$22.50	\$15.00	\$22.50
9 - Hole Senior Resident (All Day)	\$9.00	\$14.50	\$9.00	\$14.50
9 - Hole Junior Resident (After 1 PM)	\$9.00	\$14.50	\$9.00	\$14.50
9 - Hole Senior Regular (After 1 PM)	\$11.00	\$16.50	\$11.00	\$16.50
9 - Hole Junior Regular (After 1 PM)	\$11.00	\$16.50	\$11.00	\$16.50
<b><u>Twilight (Saturdays, Sundays, and Holidays)</u></b>				
18 - Holes (After 3 PM)	N/A	N/A	N/A	N/A
9 - Holes (After 6 PM)	N/A	N/A	N/A	N/A

**City of Troy  
Sylvan Glen Golf Course  
Proposed Rates for the 2004 Golf Season**

**Leagues**

Resident League Rate	N/A	N/A	N/A	N/A
Regular League Rate	N/A	N/A	N/A	N/A
Senior League Rate (AM Only)	N/A	N/A	N/A	N/A

**Rentals**

Pull Carts	\$2.00		\$2.00	
Clubs	\$10.00		\$10.00	

**Outings**

18 - Hole Weekday	N/A	N/A	N/A	N/A
9 - Hole Weekday	N/A	N/A	N/A	N/A
18 - Hole Weekend	N/A	N/A	N/A	N/A
9 - Hole Weekend	N/A	N/A	N/A	N/A

**Only change to proposal is effective dates(until start of league play- April 22)**

February 9, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Section 22 Park Site

At the February 2, 2004 City Council meeting there was discussion regarding the Section 22 park site and possible parking locations.

Attached please find a schematic of the site. The schematic shows the parcels owned by the City including those at Trombley/Talbot. While parking may be possible on this part of the parcel, it would likely increase traffic on Trombley making it undesirable. Purchasing the additional parcel(s) on the southwest corner may be desirable for park development but parking at this location is still undesirable.

Since Livernois is a major thoroughfare, parking at this end of the park is more desirable. In addition, the wetlands on the east end of the parcel (near Trombley/Talbot) make the need for parking greatest near the active use areas (west/central part of the parcel).



February 3, 2004

To: John Szerlag, City Manager

From: Gary Shripka, Assistant City Manager/Services  
John Lamerato, Assistant City Manager/Finance  
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Aquatic Center Fee Request and 2002-03 Year End Report

### **RECOMMENDATION**

Staff recommends adjustments to the Troy Family Aquatic Center admission fees for the 2004 season. Based on the distributive method approach in setting fees, the proposed fees for the 2004 Troy Family Aquatic Center are outlined below.

	<u>2003 Fee</u>	<u>Proposed 2004 Fee</u>	<u>Proposed % increase</u>
<b><u>Daily Passes</u></b>			
Resident	\$ 7.00	\$ 7.00	0
Non-Resident Employee	\$ 8.50	\$ 8.50	0
Non-Resident	\$ 9.75	\$ 9.75	0
<b><u>Season Passes</u></b>			
Resident	\$ 70.00	\$ 73.50	5
Resident Additional Family Member	\$ 40.00	\$ 42.00	5
Non-Resident Employee	\$ 85.00	\$ 89.25	5
Non-Resident Employee Additional Family Member	\$ 50.00	\$ 52.50	5
Non-Resident	\$ 97.50	\$ 102.50	5.13
Non-Resident Additional Family Member	\$ 56.00	\$ 59.00	5.36
<b><u>Punch Card Options</u></b> (Good for 8 admissions)			
Resident	\$ 46.00	\$ 46.00	0
Non-Resident Employee	\$ 56.00	\$ 56.00	0
Non-Resident	\$ 64.00	\$ 64.00	0

**BACKGROUND**

The proposed rates for the Troy Family Aquatic Center include an increase for all season passes. The 2004 recommended season pass fees reflect this increase, the daily fees do not. During the budget sessions last year, staff indicated a 5% increase annually would be proposed.

Staff is hesitant to recommend raising fees, since all fees were raised between 14 and 31 percent last year and last year's attendance was lower than many years. This could be attributed to the weather, however fees could also have been a factor.

It is anticipated the fee increase would generate an additional \$10,000 in revenue for 2003/04 and \$10,839 for 2004/05. The projected budget impact results are listed below.

**BUDGET IMPACT**

If all projections are met, the budget impact is:

**Estimated Year End 2003 – 2004**

Revenues	\$438,825
Expenditures Without Depreciation	<u>383,530</u>
Balance	<b>\$ 55,295</b>
Capital	<u>25,000</u>

**Proposed Budget 2004 - 2005**

Revenues	\$439,340
Expenditures Without Depreciation	<u>423,640</u>
Balance	<b>\$ 15,700</b>
Capital	<u>50,000</u>



## Department of Parks and Recreation

### Memo

To: Stuart Alderman, Parks and Recreation Superintendent

From: Ann Blizzard, Recreation Supervisor

Date: December 2003

RE: Aquatic Center Year End Report

Please find the attached 2003 Aquatic Center year-end report. The Aquatic Center completed its twelfth season. Based on last year's review and for financial reasons, a three tier pricing system was developed, approved and implemented. This gave residents, non-resident employees and non-residents their own pricing category for passes. The non-resident fees were set 30% or higher, than the resident fees.

The summer was temperate and mentioned by the media as a tough year for many Michigan water parks. Attendance was down from the 2002 season by 14,964. The Aquatic Center was closed eight days more than last year. Two days were due to the citywide power outage. Aquatic staff provided assistance at the City shelter.

Daily users had a higher attendance record than season passholders in 2003. Attendance by daily users decreased 6,510 from last year (2503 fewer resident admissions and 4,007 fewer admissions for non-resident employees and non-residents combined). Season pass holder attendance was also down 8,629 from last year (6546 residents and 2083 for non-resident employees and non-residents combined). Events, parties and rentals make up the difference in the total attendance decrease.

A price increase of 5% for all season passes is being recommended for the 2004 season. Prices for daily and season passes were increased 14% to 34% for the 2003 season. The capital needs for the 2004 season include a security monitor system to assist in better cashier observation and patron accountability, estimated at \$25,000 to \$30,000, and the repainting of the locker rooms at an estimated cost of \$6,500. A shade area in the shallow end of the main pool would be beneficial to parents of young children. This is estimated at \$33,500. With capital now required to be covered by revenues, it may not be possible to purchase these items. This is a concern for the 2004 season and future season. Future seasons will require replacement of a heater at \$15,000, replacement of a pump at \$12,000, replacement of old shade structures at \$32,000, remarketing at \$30,000 and repair or replacement of the sundeck.

## 2003 TROY FAMILY AQUATIC CENTER SEASON REVIEW

### **ADMISSIONS:**

Season pass sales were down by \$31,933 from last year. This could be attributed to the temperate weather, the increase in pass fees or the admittance of non-residents. Residents still commented on the addition of non-residents and gave this as a reason for not purchasing season passes. Although there were not as many complaints at the park regarding this, it continues to be a possible trend to watch. The daily pass sale admissions decreased, and as mentioned the temperate weather likely played a big part in this. The daily pass sales increased by \$30,232 from last year. The price increase and carry over from the previous years sales contribute to this amount.

Promotional efforts were made to increase season pass sales. As in the past season pass holders were given two free guest passes if they purchased their pass prior to opening of the Aquatic Center. This year they were also given a guest privilege card. This enabled season pass holders to bring a guest three separate times for the entire day, and at evening rate. The rate was determined by the guest's residency. Moonlight swims were added, as requested by some of the Aquatic Center Committee members. These special late swim times were held during evening lessons and season pass holders were admitted for no extra charge. The usage numbers for the late night swims were low. These will be limited or eliminated in future seasons.

### **EVENTS AND PROGRAMS:**

Promotional events held this year included: two open houses, Father's Day, Teen Day, Resident Guest Day, Grand Parents Day, Family Night, Mother's Day, College ID Day and the Back to School Special. Family Fun Night and Pirate Fun Night were offered for a fee, but were cancelled due to low enrollment.

The teen event, *Jamfest*, had another successful season. Although they had to cancel one evening due to weather, they still exceeded last year's attendance.

Swim lessons were revamped this year for better utilization of staff and to increase the profit margin. The changes allowed for more participants, better use of space, and the addition of evening lessons to accommodate parents working first shift. The lessons ran Monday through Saturday and were met with great success. There were 1,273 participants, 318 more than last year with an increase of \$25,252 in revenues. The lessons helped to make up for the loss in revenues due to poor weather and lower attendance.

Group rentals were up by \$3,941. The \$6 rate for groups of 20 or more with prior reservations instituted last year, assisted with higher group sales. Private rentals were increased \$100 per hour to better account for staff expenses and revenues. The rate had not been changed since it was established. The two-hour minimum was kept in place. School group days were limited to two days and the price increased by a dollar, to ensure costs could better cover this marketing and community opportunity. Limited participation by the school groups continued. The school group days may go down to one day only.

## STAFF:

Classification	Number of employees	2003 hours	2002 hours	2001 hours	2000 hours	1999 hours
Manager	1	703	671	782.25	660.75	776
Asst. Manager	3.5	2056.25	1921.50	1630.50	2242.50	1835
Lifeguard	52	13555	13869.50	16984.75	16416.75	16002
Cashiers	8	1821.50	1987.25	2613.25	2193.25	2332
LRA	8	2273.75	2026.00	2024	1693	1953
<b>TOTAL</b>	<b>72.5</b>	<b>20409.50</b>	<b>20475.25</b>	<b>24034.75</b>	<b>23206.25</b>	<b>22898</b>

Figures are based on the season

Staff consisted of 52 lifeguards, 8 cashiers, 8 locker room attendants and 4.5 managers. Job descriptions for all positions were updated prior to hiring to include more support throughout the park in cleanliness and dean up. Manager hours increased slightly due to the additional swimming lessons.

To limit the impact the reduction of lifeguard staff has had on service positions and to increase overall patron satisfaction in 2003, the rotations were changed from three to two. This enabled two service positions, one in sand and the other at the kiddy slide. These were reintroduced without adding extra staff. However, the changes in rotation did extend the working time for staff. Swimming lessons increased the number of hours guards were required and should have increased the lifeguard hours over last year. The hours were instead decreased from last year. This was due to the pool being closed more for temperate weather, staff being sent home during slow days and keeping the lifeguard positions at fifteen.

Lifeguards continue to be trained though Jeff Ellis and Associates, a well-established training program. Guards attend in-service training and skill review on a weekly basis. Ellis and Associates provided two unannounced audits during the season. Audits include individual skills, team skills, professionalism and awareness. Staff scored ABOVE AVERAGE in all aspects of the audit for the 2003 season.

An additional locker room attendant was added during busier times to assist with the upkeep of the park and rule enforcement. This did increase the locker room attendant hours, but cleanliness and policy issues were better addressed.

## CONCESSIONS:

This year a new concession bid was awarded. Although the new concessionaire struggled in the beginning of the season with staff, and customer and cleanliness issues, the communication and professionalism from the owner was excellent. Issues were resolved as soon as they were brought forward. The vendor also purchased some new equipment based on customer feedback.

## **RESCUES AND INCIDENTS:**

There were no serious injuries. Thirty-one rescues occurred during the season in which lifeguards had to enter the water to make a rescue. Many of these incidents occurred in the main pool and were a result of the victim going into water over his/her head. Staff assisted the victim following protocol and no further assistance was needed once the victim was taken out of the water.

## **MARKETING:**

The Community Affairs Office assisted greatly with marketing efforts this year. A meeting was held in the late winter to review strategies. Community Affairs designed and printed a brochure that was sent to all City homes via water bills, it was also placed at several City locations, the Chamber and any businesses that expressed interest. The number of quality brochures distributed would not have been possible without Community Affairs assistance, due to the cost and staff resources. A public service announcement was taped using the Mr. Big Beaver mascot at the Aquatic Center. Community affairs also contacted major Troy corporations, put coupons in local newspapers, did public service announcements, put out news briefs and sent flyers to schools, churches and community organizations.

The Aquatic Center received media attention this summer on channel four, when the TV station used the Aquatic Center as a backdrop for the evening weather reports. Local papers sent photographers and writers throughout the season to get photos and stories at the Aquatic Center.

2002 season pass holders were sent a brochure and letter reviewing the new season incentives and rental opportunities. These were sent out early spring. Information regarding the Aquatic Center is now advertised in the Troy Today year round.

Hotels were approached this year with daily pass purchase options at the resident rate. We had several hotels that used the passes. A total of eighty-five passes were turned in.

## **MAINTENANCE:**

Only items required for safety and immediate need continue to be completed, due to budget constraints. Fifty lounge and club chairs were purchased through approved capital. They were needed and well utilized throughout the season.

Maintenance and upkeep is still a recommended area to review for future seasons. The continued cutbacks on capital and service items will eventually be items the patrons will expect. Preventative repairs and replacements will also need to be conducted on a continuing basis if the Aquatic Center is going to operate safely and cost effectively.

## 2003 Aquatic Center Yearly Comparison

<b>Yearly Comparison</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
Number of Operating Days	99	98	98	90	97	103	98	98	101	101
Number of Days Closed	23	15	13	7	14	12	24	1	5	6
Total Season Passes	3,335	4540	4221							
Resident Season	753	1029	1225	1183	1394	1667	1714	1693	1675	1814
Resident Add'l Family Members	1553	2120	2677	2615	3177	3676	3996	3865	3698	4022
Employee Season	109	52(sold prior chng)	107	201	189	*	*	*	*	*
Employee Add'l Fmly Members	215	99(sold prior chng)	212	430	*	*	*	*	*	*
Non-Resident Season	252	425(inclds empl)								
Non-Res. Add'l Fmly Members	453	815(inclds family)								
Dly Pass Card Issued-Res	obsolete	13(sld prior chng)	2266	3115	1925	2701	1960	1847	3314	2025
Dly Pass Card Issued-Employee	obsolete	1(sld prior chng)	288	298	116	*	*	*	*	*
Care Giver Passes	0		4	15	*	*	*	*	*	*

**2003 Notes:** In 2003 made three tiers Resident, non-resident employee and non-resident. In 2002 had Switched to Resident and Non-Resident prior to start of season, daily pass cards were not required, operating days reflect the number of days scheduled to be open, some breakdowns added for comparisons.

<b>Attendance</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
Total Season Pass	18496	27125	34775	32003	34855	41225	26589	42795	44283	41085
Breakdown - Resident Season Pass	12543	19089	28810							
Breakdown - Non-Res Empty & Non-Res new 2002	1987	8036	5965							
Breakdown Nin - resident Season Pass	3966									
Daily Pass Resident	11182	13685	7932	5865	5254	3317	2083	3605	5911	3508
Daily Pass Employee	1605		665	518	156					
Daily Pass Non-Resident	6466	12078								
Guest Pass (non-res included in 2002)	obsolete	obsolete	6235	6360	4883	4742	1733	2968	2945	2202
Birthday Party Attendance	195	252	315	533	*	*	*	*	*	*
Free Pass (Coupon in Buy 1 - 1 Free)	219	242								
Free Guest Pass	415	160								
Guest Pass (non-res included in 2002)										
<b>Total Attendance</b>	<b>38578</b>	<b>53542</b>	<b>49922</b>	<b>45,279</b>	<b>45,148</b>	<b>49,284</b>	<b>30,405</b>	<b>49,368</b>	<b>53,139</b>	<b>46,795</b>
Special groups	1753	1814	1754							

**2003 Notes:** In 2003 three tiers were made and calculations were adjusted. 2002 notes - Free guest passes used issued for early sign up around 52 received, coupon buy one get one free first time offered, some breakdowns added for comparisons.

### Revenue and Expenses

<b>Fiscal Year Revenue</b>	<b>2002-03</b>	<b>2001-02</b>	<b>2000-01</b>	<b>1999-00</b>	<b>1998-99</b>	<b>1997-98</b>	<b>1996-97</b>	<b>1995-96</b>	<b>1994-95</b>	<b>1993-94</b>
Daily & Guest Passes	\$142,926.00	\$112,694.00	\$100,469.75	\$95,945.00	\$94,396.00	\$68,761.00	\$76,498.50	\$71,900.85	\$55,907.42	\$38,638.84
Season Passes	\$183,044.00	\$214,976.50	\$211,095.00	\$176,108.50	\$198,230.50	\$210,686.00	\$191,434.00	\$195,787.00	\$194,483.00	\$227,588.50
Swim Lessons	\$57,421.00	\$32,169.00	\$35,157.00	\$33,757.75	\$22,974.50	\$23,799.75	\$20,995.25	\$21,071.50	\$15,283.93	\$11,747.84
Concessions	\$13,723.00	\$12,793.44	\$9,518.06	\$10,902.78	\$14,821.22	\$14,250.79	\$18,926.21	\$18,693.23	\$13,438.07	\$19,217.07
Lockers	\$733.00	\$408.56	\$263.51	\$516.00	\$144.50	\$225.38	\$546.85	\$754.36	\$685.59	\$765.25
Rental	\$19,392.00	\$15,451.00	\$18,777.00	\$18,210.50	\$9,890.27	\$8,659.00	\$8,913.05	\$5,696.00	\$4,260.00	\$3,071.19
Investment Income	\$0.00	\$0.00	\$0.00	\$0.00	\$145.57	\$508.07	*	*	*	*
Cash-Over Short	\$7.00	\$14.03	\$362.40	-\$358.55	\$541.85	\$318.85	\$619.85	*	*	*
Total Revenue	\$417,246.00	\$388,506.53	\$375,642.72	\$ 335,081.98	\$341,144.41	\$327,208.84	\$317,933.71	\$313,902.94	\$284,058.01	\$301,028.69

(Note: Fees were increased 2003, guest passes changed to Resident and Non-resident in 2002)

<b>Fiscal Year</b>	<b>2002-03</b>	<b>2001-02</b>	<b>2000-01</b>	<b>1999-00</b>	<b>1998-99</b>	<b>1997-98</b>	<b>1996-97</b>	<b>1995-96</b>	<b>1994-95</b>	<b>1993-94</b>
Revenues	\$417,246.00	\$388,506.53	\$375,642.72	\$335,081.98	\$341,144.41	\$327,208.84	\$317,933.71	\$313,902.94	\$284,058.01	\$301,028.69
Expenses	\$319,863.00	\$377,325.21	\$398,373.30	\$364,383.37	\$446,049.73	\$298,420.59	\$305,584.97	\$316,377.92	\$311,789.07	\$313,597.51
	\$97,383.00	\$11,181.32	(\$22,730.58)	(\$29,301.39)	(\$104,905.32)	\$28,788.25	\$12,348.74	(\$2,474.98)	(\$27,731.06)	(\$12,568.82)

Total depreciation is not included in the expenses.

<b>Seasonal Year</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>	<b>1994</b>
Revenues	\$415,428.63	\$428,209.32	\$376,024.61	\$333,895.80	\$338,867.90	\$372,214.18	\$263,618.82	\$342,015.68	\$283,957.21	\$278,730.65
Expenses	\$366,462.01	\$324,849.04	\$401,373.89	\$366,282.34	\$346,505.69	\$449,635.64	\$260,355.42	\$314,758.91	\$306,492.89	\$309,998.47
	\$48,966.62	\$103,360.28	(\$25,349.28)	(\$32,386.54)	(\$7,637.79)	(\$77,421.46)	\$3,263.40	\$27,256.77	(\$22,535.68)	(\$31,267.82)

Total depreciation is not included in the expenses.

	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>	<u>1999</u>	<u>1998</u>	<u>1997</u>	<u>1996</u>	<u>1995</u>	<u>1994</u>
<b>Average Daily Attendance by Month (season, daily, guest)</b>										
May	46	126	30	152	224	*	*	39	98	464
June	10255	576	699	428	455	*	*	507	427	427
July	16526	803	666	562	768	*	*	487	696	710
August	10922	611	521	532	319	*	*	597	535	342
September	0	619	423	776	784	*	*	1039	426	46
<b>Season Pass Attendance-Monthly</b>										
May	40	265	37	408	788	*	*	260	444	1644
June	5119	7616	11953	8654	9546	*	*	13653	10983	11647
July	8276	11803	13682	11466	16166	*	*	13202	18030	18840
August	5061	6704	8193	9588	5658	*	*	13912	13419	8742
September	0	737	910	1507	1772	*	*	1763	1407	212
<b>Season Pass Attendance-Average/Day</b>										
May	5	53	12.3	136	263	*	*	37	89	411
June	171	305	478	309	367	*	*	455	366	388
July	267	407	456	382	557	*	*	426	582	608
August	163	305	341	369	257	*	*	497	433	282
September	0	369	303	502	590	*	*	882	352	42
<b>Daily Pass Attendance-Monthly</b>										
May	6	134	1	17	55	*	*	6	43	146
June	3172	4173	2194	1337	1092	*	*	933	1107	2579
July	4804	5781	3483	2509	2800	*	*	1099	2350	1806
August	3200	3319	2607	2065	1118	*	*	1367	2200	968
September	0	277	261	455	345	*	*	200	211	9
<b>Daily Pass-Average/Day</b>										
May	0.7	26.8	0.33	6	18	*	*	1	9	37
June	106	167	88	448	42	*	*	31	37	86
July	155	199	116	84	97	*	*	35	76	58
August	103	151	109	79	51	*	*	49	71	31
September	0	139	87	152	115	*	*	100	53	2
<b>Employee Daily - Monthly</b>										
May	0		1	16	110	*	*	2	5	67
June	551		1497	1223	1180	*	*	519	716	433
July	663		2320	2734	2566	*	*	1069	1188	1094
August	391		1136	1725	791	*	*	1274	952	594
September	0		74	307	236	*	*	104	84	9
<b>Emp Daily-Average/Day</b>										
May	0		0.33	5	37	*	*	1	1	17
June	18		60	44	45	*	*	17	24	14
July	21		77	79	88	*	*	34	38	35
August	13		47	66	36	*	*	46	31	19
September	0		25	102	79	*	*	52	21	2
<b>Non Res Daily - Monthly</b>										
May	0	103								
June	1413	2606								
July	2783	5717								
August	2270	3429								
September	0	223								
<b>Non Res Daily - Ave/Day</b>										
May	0	20.6								
June	47	104								
July	90	197								
August	73	156								
September	0	112								

Temperature Data      2003      2002      2001      2000      1999      1998      1997      1996      1995      1994

Days between 50-59 degrees	3	2								
Days between 60-69 degrees	11	6	8	8	5	*	*	10	5	13
Days between 70-79 degrees	37	23	32	43	31	*	*	27	16	21
Days between 80-89 degrees	41	48	41	45	46	*	*	55	65	54
Days 90 degrees or above	7	19	17	1	15	*	*	9	15	13

**May**

Days between 50-59 degrees	2	1								
Days between 60-69 degrees	4	2	2	0	0	*	*	5	1	0
Days between 70-79 degrees	3	2	1	2	1	*	*	2	1	2
Days between 80-89 degrees		3	0	1	2	*	*	0	3	3
Days 90 degrees or above		0	0	0	0	*	*	0	0	0

**June**

Days between 50-59 degrees	1	1								
Days between 60-69 degrees	6	1	6	5	4	*	*	5	3	3
Days between 70-79 degrees	14	3	7	10	11	*	*	10	4	8
Days between 80-89 degrees	7	8	10	14	10	*	*	12	15	12
Days 90 degrees or above	2	13	7	1	5	*	*	3	8	7

**July**

Days between 60-69 degrees	0	0	0	0	0	*	*	0	1	1
Days between 70-79 degrees	10	6	12	17	3	*	*	12	3	2
Days between 80-89 degrees	19	15	15	13	18	*	*	17	23	22
Days 90 degrees or above	2	10	4	0	10	*	*	2	4	6

**August**

Days between 60-69 degrees	0	2	0	2	1	*	*	0	1	6
Days between 70-79 degrees	10	7	10	14	16	*	*	3	4	8
Days between 80-89 degrees	15	15	15	14	13	*	*	24	22	17
Days 90 degrees or above	3	4	6	0	0	*	*	4	4	0

**September**

Days between 60-69 degrees	1	0	0	1	0	*	*	0	0	3
Days between 70-79 degrees		0	2	0	0	*	*	0	2	2
Days between 80-89 degrees		2	1	3	3	*	*	2	2	0
Days 90 degrees or above		0	0	0	0	*	*	0	0	0

\* Data not tracked.

COPY

February 10, 2004

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM - Ladd's, Inc. 5-Acre Parcel Appraisal

Revised 02/10/04

Attachments Scanned

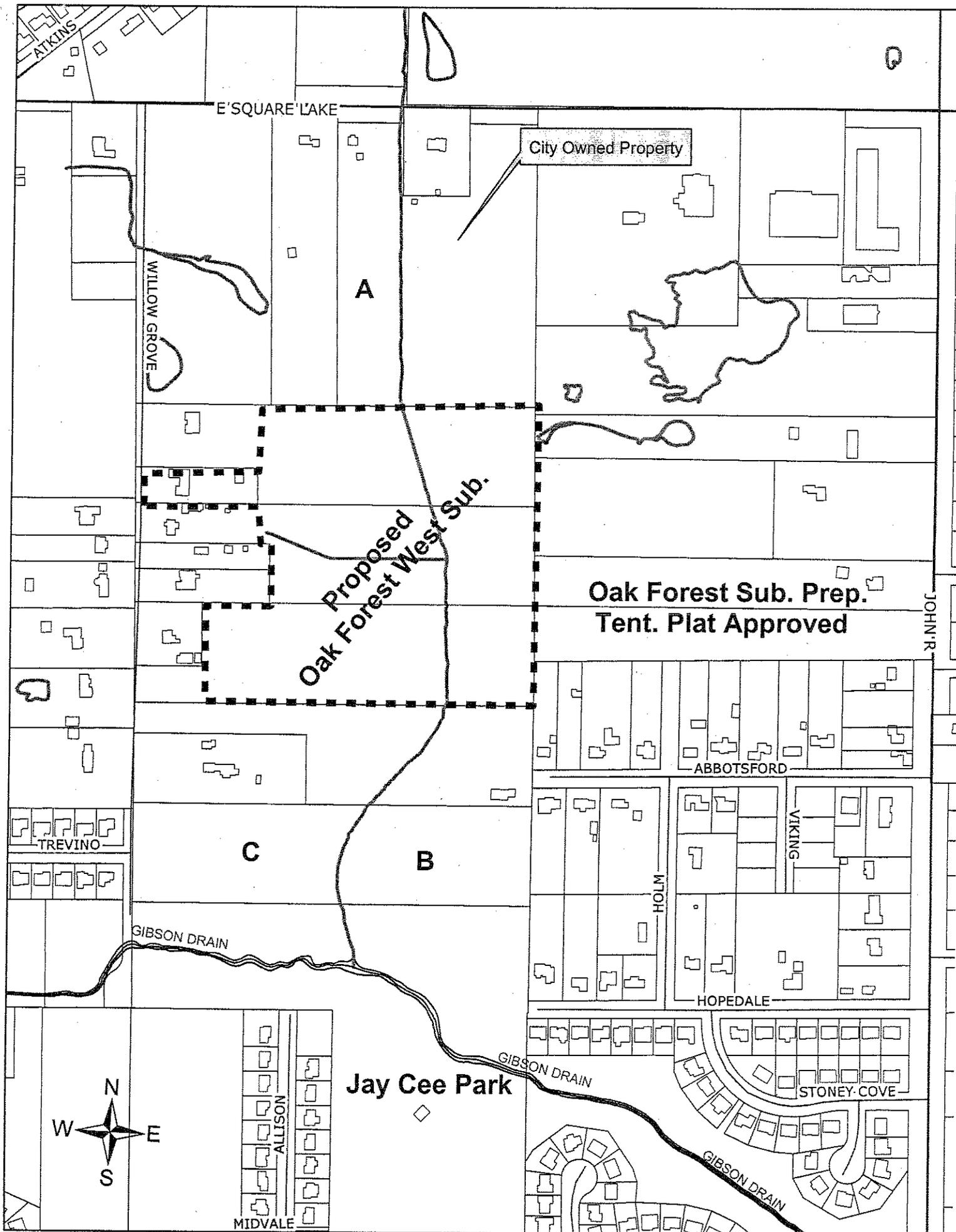
02-16-04

G-04e

City Council, at the regular meeting on Monday, October 20, 2003 adopted a resolution (2001-10-526), which permitted Ladd's, Inc. to get an appraisal on the 5-acre parcel south of Square Lake and west of the Fetterly drain. The purpose of the appraisal would be to consider a trade of property with Ladd's, Inc. for property east of the Fetterly drain just north of Firefighters Park or the potential consideration of sale of this property. No commitment was made by Council to pursue these transactions.

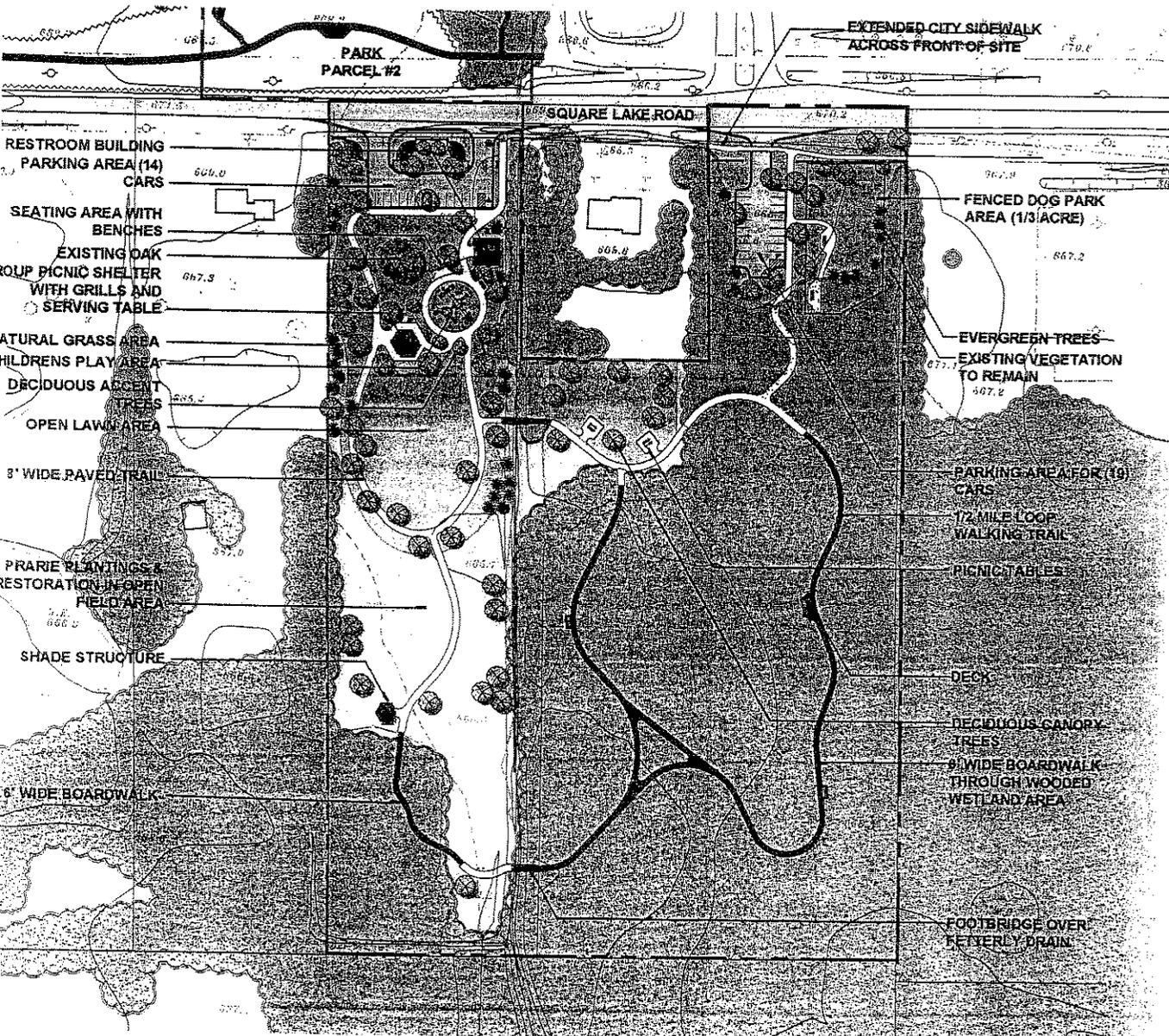
Per the resolution, Ladd's hired Integra Dean to appraise the property (see map Parcel A), which appraised at \$580,000. An earlier appraisal (by Integra Dean) of approximately 5-acres east of the Fetterly drain just north of Firefighters Park appraised at \$540,000 (map Parcel B). Attached is the letter dated February 9, 2004 from Mr. Dale Garrett proposing that Ladd's, Inc. would either trade the 5-acre city owned parcel on Square Lake (A) for the eastern half (B) of Garrett's parcel (#20-11-201-012), or would purchase the 5-acre city owned parcel (A) outright for the appraised value of \$580,000.

Management, after reviewing the appraisals and the properties in question, believe that Council has at least four options regarding these offers. First, would be not to sell the property and develop the park as proposed when funding becomes available (see Attachment 1). Secondly, to sell the property to Ladd's for the appraised value. Third, trade the 5-acre city owned parcel (A) for the eastern half of Ladd's property (B). Fourth, counter offer with a trade of the 5-acre parcel (A) for the approximately 5-acres west of the drain (C), which would provide an expansion of Jaycee Park.



1 inch equals 400.0 feet

**ATTACHMENT 1**



**CONCEPT PLAN**  
**PARKS MASTER PLANNING**

**PARCEL #3 - SECTION 11 - 11.99 AC.**

0 25 50 100 150  
SCALE IN FEET

**NORTH**

**M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.**  
2000 West 10th Street, Suite 100  
Troy, Michigan 48068  
Phone: 313.486.1111 Fax: 313.486.1112

DATE  
4.23.99

PROJ. NO.  
1425

# LADD'S, Inc.

Real Estate & Development - SINCE 1906

5877 LIVERNOIS, SUITE 103, TROY, MI 48098  
VOICE: 248-828-1726 • FAX: 248-828-3573

February 9, 2004

Doug Smith  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Re: City-owned property, Tax Parcel # 20-11-201-003

Dear Mr. Smith:

I have provided you with appraisal that we commissioned for the above-referenced property. This appraisal was performed as part of a possible trade for the eastern part of our parcel # 20-11-201-012 that would help to establish the long-discussed linear park in Section 11.

We are still prepared to enter into this trade under the terms previously stated in my letter of October 1, 2003. We would also be willing to purchase outright the city-owned parcel for the price stated in the appraisal.

Please advise as to how the City would like to proceed.

Sincerely,



Dale E. Garrett

## BACKGROUND INFORMATION

# LADD'S, Inc.

Real Estate & Development - SINCE 1906

5877 LIVERNOIS, SUITE 103, TROY, MI 48098  
VOICE: 248-828-1726 • FAX: 248-828-3573

October 1, 2003

John Szerlag  
City Manager  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Re: Property owned by City, Tax Parcel #20-11-201-003

Dear Mr. Szerlag:

Although the linear park concept in Section 11 has been rejected due to the lack of funds for the purchase of new property, there has been a continuing interest to explore whether some of the goals of the linear park can be accomplished at a reduced cost to the City.

We have examined the viability of a land trade involving only two parcels: the five acres owned by the City west of the Fetterly Drain (parcel # 11-201-003) and the portion of our parcel #11-201-012 that lies east of the Fetterly Drain, comprising approximately 4.77 acres. We concluded that this would be viable from the point of view of our development. The City would probably do an exchange only if it were cost neutral, i.e., did not involve any payments by the City. We would do an appraisal of the City's parcel and compare the value to the appraisal of our property that was done in 2002. Any shortfall in value could be compensated for by, for example, putting up money for the improvement of the future park, or for other improvements in the area.

If this trade were executed, then the regional detention facility would still be located on the east side of the drain, on what would then be City property. The wetlands mitigation areas for the development would also be located on the east side of the drain, but on private property. Although the City would not own all the land east of drain as in the linear park concept, there would still be a large contiguous area of open space, in part public and in part private. Also, an easement could be provided across the private property that would allow for a pedestrian link between the City-owned land to the north and the south.

This concept would accomplish many of the objectives of the linear park, but with no extra expenditures by the City for land acquisition. If this is something that the City would like to pursue, we will commission the appraisal work as soon as possible.

Sincerely,



Dale E. Garrett

Cc: Gary Shripka, Assistant City Manager  
Steve Vandette, City Engineer  
Doug Smith, Real Estate and Development Director

**F-11 Modified Linear Park and Regional Detention Pond Concept for Oak Forest Subdivisions**

Resolution #2003-10-  
Moved by Lambert  
Seconded by Pryor

RESOLVED, That the developer of the Oak Forest subdivisions should **PROCEED** with the selection and hiring of an appraiser; and

BE IT FURTHER RESOLVED, That the appraiser's credentials **SHALL BE SUBMITTED** to the City's Real Estate and Development Department for review and approval prior to proceeding with an appraisal of approximately five (5) acres of city owned property located west of the Fetterly Drain and being the westerly part of Parcel #88-20-11-201-024; and

BE IT FINALLY RESOLVED, That **NO PROPOSAL SHALL BE SUBMITTED** to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.

**Proposed Amendment #1**

Resolution #2003-10-  
Moved by Beltramini  
Seconded by Pryor

RESOLVED, That the Resolution be **AMENDED DIRECTING** the City Attorney to **PREPARE** a written opinion on all of the attendant legal questions in the proposal prior to Mr. Garrett or the City of Troy seeking an appraiser.

**Vote on Amendment to Amendment #1**

Resolution #2003-10-523  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That the AMENDMENT be **AMENDED** by **STRIKING** "should" and **INSERTING** "may" in the first RESOLVED of the Resolution.

Yes: All-6  
No: None  
Absent: Stine

**Vote on Amended Amendment #1**

Resolution #2003-10-524

Moved by Beltramini

Seconded by Pryor

RESOLVED, That the Resolution be **AMENDED DIRECTING** the City Attorney to **PREPARE** a written opinion on all of the attendant legal questions in the proposal prior to Mr. Garrett or the City of seeking an appraisal.

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** "should" and **INSERTING** "may" in the first RESOLVED of the Resolution.

Yes: All-6

No: None

Absent: Stine

**Vote on Amendment #2**

Resolution #2003-10-525

Moved by Pryor

Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "RESOLVED, That both properties be evaluated by the same appraiser."

Yes: Lambert, Pryor, Beltramini, Broomfield, Eisenbacher

No: Howrylak

Absent: Stine

**MOTION CARRIED**

**Vote on Resolution as Amended**

Resolution #2003-10-526

Moved by Lambert

Seconded by Pryor

RESOLVED, That the developer of the Oak Forest subdivisions may **PROCEED** with the selection and hiring of an appraiser; and

RESOLVED, That the City Attorney **PREPARE** a written opinion on all of the attendant legal questions in the proposal prior to Mr. Garrett or the City seeking an appraisal; and

RESOLVED, That both properties be evaluated by the same appraiser; and

BE IT FURTHER RESOLVED, That the appraiser's credentials **SHALL BE SUBMITTED** to the City's Real Estate and Development Department for review and approval prior to proceeding with an appraisal of approximately five (5) acres of City owned property located west of the Fetterly Drain and being the westerly part of Parcel #88-20-11-201-024; and

BE IT FINALLY RESOLVED, That **NO PROPOSAL SHALL BE SUBMITTED** to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.

Yes: Lambert, Pryor, Beltramini, Broomfield

No: Eisenbacher, Howrylak

Absent: Stine

**MOTION CARRIED**

August 20, 2003

City Council  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Re: Property owned by City, Tax Parcel #20-11-201-003

Honorable Mayor and Members of the Council:

During our discussions regarding the now-abandoned proposal for the linear park in Section 11, it was pointed out that there is currently not enough funding to develop the property intended for parks that is already owned by the City

We would propose to buy outright from the City the five-acre parcel west of the Fetterly Drain that was intended as part of the land trade for the park. This property would become part of our development, and the proceeds from the sale could be used by the City to develop other parcels intended to be parkland.

We appreciate your consideration of this proposal. Please have the City administration contact us if you would like to explore it further.

Sincerely,



Dale E. Garrett

**SUMMARY OF APPRAISAL  
OF CITY OWNED 5-ACRES**

**SUMMARY OF SALIENT FACTS AND CONCLUSIONS**

<b>INDUSTRIAL BUILDING</b>	
<b>Property</b>	5 Acres of Vacant Land South side of Square Lake Road, West of John R Road8 Troy Oakland County, Michigan
<b>Property Tax Identification Number</b>	Part of 88-20-11-201-024
<b>Effective Date of the Appraisal</b>	December 10, 2003
<b>Date of the Report</b>	December 12, 2003
<b>Owner of Record</b>	City of Troy
<b>Land Area</b>	5 acres or 217,821 square feet
<b>Current Occupancy</b>	100% owner-occupied
<b>Zoning Designation</b>	R-1C, One-Family Residential
<b>Highest and Best Use</b>	Residential Development
<b>Property Rights Appraised</b>	Fee Simple interest
<b>Estimated Exposure &amp; Marketing Time</b>	6 to 9 Months
<b>Market Value Indications</b>	
<b>Sales Comparison Approach</b>	<b>\$580,000</b>
<b>Income Capitalization Approach</b>	<b>Not Applicable</b>
<b>Cost Approach</b>	<b>Not Applicable</b>
<b>Market Value Conclusion</b>	<b>\$580,000</b>

**SUMMARY OF APPRAISAL  
OF GARRETT PROPERTY  
EAST OF FETTERLY DRAIN**

**SUMMARY OF SALIENT FACTS**

**BEFORE ACQUISITION**

LOCATION:	East side of Willow Grove Road South of Square Lake Road Troy, Michigan
TYPE OF PROPERTY:	Residentially zoned vacant land.
LAND SIZE:	The land area equates to approximately 10 acres or 435,600 square feet. (only the 4.8 acres east of the drain was appraised)
PRESENT USE:	Vacant Land.
HIGHEST AND BEST USE:	Development consistent with Single-Family Residential zoning classification.
DATE OF VALUE:	June 21, 2002
<b>PROPOSED ACQUISITION</b>	
DESCRIPTION OF ACQUISITION:	The proposed acquisition consists of the easterly portion of the property that lies east of the drain that traverses in a north/south direction through the property. For the most part, the area is basically rectangular in shape. Based on information provided, the proposed acquisition area contains approximately 207,660 square feet or 4.767 acres. The area is comprised entirely of vacant, undeveloped land.
PRESENT USE:	Part of a larger tract of vacant, residentially zoned property.
VALUE INDICATED VIA COST APPROACH:	Not Applicable
VALUE INDICATED VIA INCOME APPROACH:	Not Applicable
VALUE INDICATED VIA MARKET APPROACH:	\$540,300
INDICATED COMPENSATION FOR FEE SIMPLE ACQUISITION:	\$540,300

February 12, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: General Direction Received at Study Session of  
February 9, 2004; Budget Development

Thanks very much for your input at our February 9, 2004 study session, which was an extension of our individual meetings. Based on direction received at our meeting, I will be developing a budget for your consideration that contains the following elements:

- 1) No increase in millage
- 2) A portion of debt service can be used for future capital projects
- 3) Fund balance can be utilized to balance our budget document, but we will not go below ten percent (10%).

In addition, we will not consider a dedicated millage for parks and recreation, and library/museum. Further, we will continue efficiency efforts and we'll all do what we can to keep the spirit of volunteerism kindled.

As always, please feel free to contact me should you have any questions.

JS/m\AGENDA ITEMS\02.16.04 – Direction from Council on 02.09.04

c: Peggy Clifton  
Charles Craft  
John M. Lamerato  
William Nelson  
Gary Shripka  
Doug Smith

February 12, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney  
Douglas Smith, Real Estate and Development Director

SUBJECT: Letter from Law Firm of Clark Hill to Gauge Interest  
from City Council Relative to a Minor League  
Baseball Stadium on Park Land Property in Section 22;  
East of Livernois and Across from the Community Center

The attached letter from the law firm of Clark Hill represents a developer who may want to pursue the development of a minor league baseball stadium in the city of Troy on the above described park land property. This developer wishes to remain confidential at this time. However, should the majority of Council give an indication that there is an interest in pursuing a project like this, the developer would disclose his identity to allow lease negotiations to begin. Conversely, should a majority of Council not be interested in further pursuit of this matter, the issue is dropped and the requested confidentiality of the developer will be maintained.

Proceeding in this manner honors the dual obligation of maintaining confidentiality, and compliance with the Open Meetings Act.

As always, please feel free to call should you have any questions.

CLARK HILL  
P L C  
ATTORNEYS AT LAW

500 Woodward Avenue  
Suite 3500  
Detroit, Michigan 48226-3435  
Tel. (313) 965-8300 ■ Fax (313) 965-8252  
www.clarkhill.com

Duane L. Tarnacki  
Phone: (313) 965-8264  
E-Mail: dtarnacki@clarkhill.com

February 11, 2004

VIA FACSIMILE

Mr. John Szerlag  
City Manager  
City of Troy  
500 W. Big Beaver  
Troy, MI 48084

Dear Mr. Szerlag:

We are representing a client who may be interested in developing a minor league baseball stadium for the operation of a minor league baseball team in the City of Troy. The client is interested in exploring the possibility of entering into a ground lease for a nominal amount with the City of Troy for a site to develop and construct a minor league stadium with a total capacity of 6,000 to 7,000 people per game. The site in which our client is interested is the city's section 22 parkland property located north of Big Beaver and east of Livernois. Our client is interested in developing the stadium in time for the minor league team to begin play in May/June of 2005.

If there is an interest by the City to pursue discussions with our client, please contact me at your earliest convenience.

Very truly yours,

CLARK HILL PLC



Duane L. Tarnacki

DLT/tk

3282860v1  
17762/081159

# February 2004

February 2004							March 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	7	8	9	10	11	12	13
8	9	10	11	12	13	14	14	15	16	17	18	19	20
15	16	17	18	19	20	21	21	22	23	24	25	26	27
22	23	24	25	26	27	28	28	29	30	31			
29													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					February 1
2	3	4	5	6	7
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm EthnicIssues (Council Boardroom) 7:30pm Planning/Study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL)	10:00am SeniorCitizens (CommCtr)		8
9	10	11	12	13	14
6:30pm CC-Special Meeting (Council Boardroom) 7:30pm CC-Special Meeting (Council Boardroom)	7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		15
16	17	18	19	20	21
6:00pm CC- Special Meeting (Council Boardroom) 7:30pm CC-Closed Session (Council Boardroom) 7:30pm City Council-Regular (Council Chambers)	12:00am CC-Closed Session (Council Boardroom) 7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL) 7:30pm Liquor Violation Hearings (Council Chambers)			22
23	24	25	26	27	28
7:30pm City Council-Regular (Council Chambers)	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:00pm TYC (Conference Rm LL) 7:30pm Liquor Violation Hearings-Cancelled (Council Chambers)	7:00pm Act 78 (Council Boardroom) 7:00pm Election Commission (Conference Room D)		29

# March 2004

March 2004							April 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
March 1	2	3	4	5	6
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	1:00pm Bd of Review 7:00pm EthnicIssues (Conference Room C) 7:30pm Planning/study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL) 7:30pm City Council-Liquor Violation Hearing (Council Chambers)	10:00am SeniorCitizens (CommCtr)		
8	9	10	11	12	13
9:00am Bd of Review	1:00pm Bd of Review 7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		
15	16	17	18	19	20
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL)			
22	23	24	25	26	27
7:30pm City Council-Regular (Council Chambers)	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:00pm TYC (Conference Rm LL)			
29	30	31			

# April 2004

April 2004							May 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			April 1	2	3
			10:00am SeniorCitizens (CommCtr)		4
5	6	7	8	9	10
<b>Election - City General</b>	7:00pm EthnicIssues (Conference Room C) 7:30pm Planning/Study (CouncilBd Room)	8:30am BldgCdAppeals (Conference Rm LL) 7:00pm Persons w/Dis (Conference Rm LL)	7:30pm LibraryBd (Library) 7:30pm Parks and Rec (CommCtr)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning (CC)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	3:00pm Brownfield (Conference Room C)		18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C) 7:30pm BdZoningAp (CC)	7:30am DDA (Conference Rm LL)			25
26	27	28	29	30	
	7:30pm Troy Daze Advisory Bd (CommCtr) 7:30pm Historical Commission (Troy Museum) 7:30pm Planning/Study (CouncilBd Room)	7:00pm TYC (Conference Rm LL)			



## U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

477 Michigan Avenue  
26th Floor  
Detroit, Michigan 48226  
January 27, 2004

Chief Charles Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084

*Chuck*  
Dear Chief Craft,

In the ongoing war against terrorism, our Police Training Unit is presenting a program entitled "State and Local Anti-Terrorism Training (SLATT)". On January 26, 2004, this program was presented with great success at your local training center in Troy. Approximately 64 officers from 11 different departments attended the training.

I understand that the success of the presentation was due to the cooperation and hard work put forth on the FBI's behalf by Sergeant Michael Bjork, Officer Scott Salter and Training Assistant Lynn McDaniel, all of the training section. They conducted registration, provided copies of training materials, and assured that all of the officers were provided with the very best of everything. These individuals are to be commended for their professionalism and dedication to excellence. I look forward to our next opportunity to work with your department.

Sincerely yours,

*Willie T. Hulon / AH*

Willie T. Hulon  
Special Agent in Charge

**RECEIVED**  
Chief of Police

1/30/2004 CT

Original to City manager  
CC: CAPT MANUEL  
dept. files  
CORRESPONDENCE FILE



# Chesterfield Police Department

46525 Continental Drive • Chesterfield, MI 48047  
586-949-2112  
Fax 586-948-1622

**Chief of Police**  
Steven D. Robbins

**Lieutenants**  
David G. Marker  
Charles H. Verschaeve

**Sergeants**  
Kenneth S. Anderson  
Edmund V. Colinas  
Robert J. Finazzo  
Bradley A. Kersten  
James F. O'Connor III  
Michael P. Pfeiffer  
Earl N. Riske

**Detectives**  
Scott B. Blackwell  
Brian J. Dowell  
James R. Gates  
Larry S. Kersten  
Deron A. Myers

**Officers**  
Clinton R. Bowerson  
David J. Bradley  
Brian T. Chadwick  
Jason A. Dawidowicz  
Chris R. Delor  
Joseph M. Feld  
Kenneth J. Franks  
Michelle A. Frontera  
Jill M. Gray  
Paul M. Kasperski  
Timothy L. Kelly  
Robert G. Kirkley  
William J. Krul  
Joseph S. Lentine  
David S. Madill  
Tiffany L. Malcolm  
Brian D. McNair  
Eric J. Meier  
Lorance A. Morrison  
Brandon M. Pace  
John E. Papcun  
Rebecca A. Pollock  
Richard J. Rhein  
Aaron G. Robinson  
Michael F. Seabolt, Jr.  
John W. Stevenson  
Robert C. Swanson  
Franklin E. Unger  
Duane T. Van Acker  
John R. Willer, Jr.

**Dispatchers**  
Kelley R. George  
Barbara Hutchins  
Donna J. Irby  
Jason Jay  
Paul E. Kayser  
Renee S. Scapini  
Michelle Vandenboom  
Lisa A. Winden

**Support Staff**  
Joyce A. Goutis  
Roseanne Kott  
Stephanie P. Orasoske  
Janelle Shamblen  
Janice M. Uglis  
Nancy L. Burke

January 23, 2004

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver Road  
Troy, MI 48084

Chief Craft,

I am writing this letter to advise you of the exemplary performance displayed by members of your Police Department in stopping a tri-county armed robbery suspect and assisting my department in closing two robberies which took place in our Township. While conducting surveillance on the suspect, members of your Special Investigations and Directed Patrol units followed him into Chesterfield, where he robbed a Buscemi's employee at gunpoint. Your Officers immediately notified my Department and followed the suspect onto I-94. Officers from my Department made the freeway and the suspect was taken into custody near 26 Mile Road. Subsequent interrogation by my lead Detective and an interview team from yours, led to confessions on several armed robberies in the Metro Detroit area.

I would like to specifically recognize the efforts of the following officers:

<u>Special Investigations Unit</u>	<u>Directed Patrol Unit</u>	<u>Interview Team</u>
D/Sgt. Herpel	Sgt. Livingston	D/Sgt. Whiteside
Det. Neubauer	Ofc. Bragg	Det. Nordstrom
Det. Quaiatto	Ofc. Novak	
Det. Meinzingar	Ofc. Browne	
	Ofc. Satterfield	

On behalf of my Department and the citizens of Chesterfield, I thank and commend them for a job well done. If I or my Police Department can be of assistance to you in the future, feel free to contact me at (586) 949-3813.

Sincerely,  
  
Steven D. Robbins  
Chief of Police

Cc: Jim Ellis, Supervisor  
OB

C:\My Documents\jgoutis\Sgt.Colinas Thank You to Troy PD.doc

ORIGINAL TO CITY MGR.  
CC: CAPT SATER, CAPT MURPHY  
AFFECTED OFF'S FILE,  
CORRESPONDENCE FILE

**RECEIVED**  
Chief of Police  
1/27/2004



Dear Mr. Richnak,

To the men of the D.P.W. who cleaned our streets during the last snow storm. Hats off to you for the great job you did.

Regards,

Walenda Green

6811 Livernois

Troy, Mich. 48098

Handwritten signature of Walenda Green.

STATE OF MICHIGAN



*A Declaration of Special Tribute*

*The City of Troy*

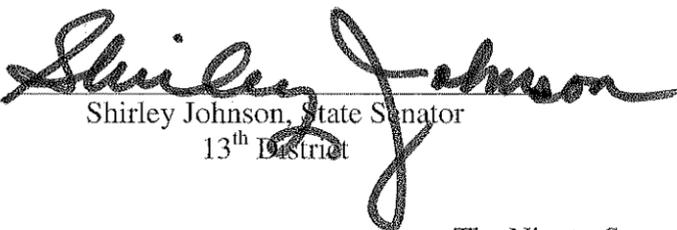
LET IT BE KNOWN, That it is both a pleasure and a distinct privilege to commemorate the selection of the City of Troy as the *Sports Illustrated 50<sup>th</sup> Anniversary Sportstown* for the state of Michigan. This award is in recognition of the city's commitment to finding creative and resourceful ways to enhance sports for the well-being of the community.

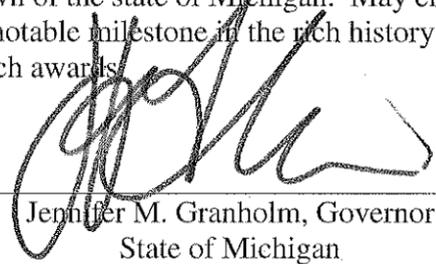
On January 13, 2004, the people who reside in the City of Troy will join with a number of visitors and friends at the Troy Community Center in celebrating this prestigious honor bestowed by *Sports Illustrated* and the National Recreation and Park Association.

The award recognizes the enormous effort of the Troy Parks and Recreation Department to continue to improve, enhance and extend the quality of life opportunities to its residents and community businesses. The Department strives to promote a healthy lifestyle for all age groups, regardless of physical abilities, and enriches Troy's historic, cultural and natural resources through community interpretive programs.

With the selection of Troy over more than 250 other cities for the coveted Michigan Sportstown Award, the city is being recognized for its exemplary youth development strategies, innovative community development, and community commitment to parks and recreation resources.

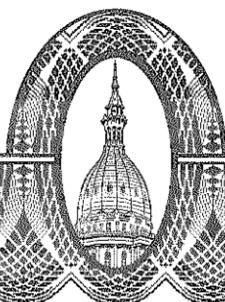
IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to commemorate the City of Troy's selection as the Sportstown of the state of Michigan. May city officials and citizens know of our congratulations on this notable milestone in the rich history of their community and of our best wishes for many more such awards.

  
Shirley Johnson, State Senator  
13<sup>th</sup> District

  
Jennifer M. Granholm, Governor  
State of Michigan

The Ninety-Second Legislature  
At Lansing

January 13, 2004



**BUSINESS ROUNDTABLE**  
OAKLAND COUNTY MICHIGAN



**L. BROOKS PATTERSON**  
County Executive

RECEIVED

FEB 04 2004

CITY OF TROY  
CITY MANAGER'S OFFICE

February 2, 2004

John Szerlag  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Dear John:

Thank you for your interest in serving on the 2004 Business Roundtable. I appreciate your willingness to help make Oakland County an even better place to live, work, and play.

I am asking you to serve on the Transportation Committee, chaired by Alan Kiriluk.

Our Community and Economic Development Director, Dennis Toffolo will lead our staff support team. Do not hesitate to contact Dennis (248-858-0278) or me (248-858-0484) if you have any questions or concerns about your service on the Business Roundtable.

Sincerely,

L. Brooks Patterson  
County Executive

*Faint mirrored text from the reverse side of the page.*

*Faint mirrored text from the reverse side of the page.*

**Mary F Redden**

**From:** Mary F Redden on behalf of John Szerlag  
**Sent:** Monday, January 26, 2004 8:20 AM  
**To:** Mary F Redden  
**Subject:** FW: Welcome to Transportation Roundtable Committee

**Tracking:** Recipient Read

Mary F Redden Read: 1/26/04 9:57 AM

-----Original Message-----

**From:** Charlotte Burckhardt [mailto:burckhardtc@co.oakland.mi.us]  
**Sent:** Friday, January 23, 2004 4:22 PM  
**To:** SzerlagAJ@ci.troy.mi.us  
**Subject:** Welcome to Transportation Roundtable Committee

To all Committee members,  
 I would like to welcome three new members to the Transportation Roundtable Committee. They are **Roger Imerman**, President of Regor Enterprises, **John Szerlag**, Troy City Manager, and **Gary Warner**, President of Excel Technology. The committee will be having its first meeting in early February. I will email you early next week with the date and an agenda.

Before Christmas I had emailed you with a "save the date" of January 27 as the public hearing date for the I-75 draft environmental impact study. The public hearing will be held at the Troy Marriott from 4 to 8 p.m. The County Administration is hoping that **as many of you as possible will attend the public hearing**. The hearing will be an "open house" format where you can look at graphics. There will be comment cards available for you to fill out with your name and a brief comment. Your message can be short and simple such as "I support the widening of I-75." If you wish to make a longer comment, there will be people who will record your comments. You will not be speaking in front of a crowd. Coming in and filling out the comment card can take as little as 5 to 10 minutes.

If you are unable to attend, there will be a written comment period after the public hearing. Comments should be addressed to

Margaret M. Barondess, Manager  
 Environmental Section  
 Project Planning Division  
 Michigan Dept of Transportation  
 P O Box 30050  
 Lansing MI 48909

Comments are due by February 19, 2004. This is one concrete effort committee members can take to aid congestion relief. Transit advocates have opposed the I-75 widening and prefer that construction money be funneled into mass transit. The business community needs to weigh in on this subject, since those opposed will certainly be commenting.

If you have any questions, feel free to call me at 248/858-5443 or email me.  
 Charlotte

I Dana Cockrum just want to thank you for the report written on 01/29/2004 Thursday that happened at approximately 6:30pm at Kensington Community Church in Troy, Michigan. The case number for this report is [REDACTED]. The issue that was addressed was the parental control of my fourteen year old son, [REDACTED] that resides with me at [REDACTED]. I want to thank you for your professional advice in this particular situation with my son. The three officers that were present were professional, kind, patient but understanding for both me and my son David. I hope that this continued understanding and professional advice can further assisting others in the community.

Thank You, Ms. Dana Cockrum

*Ms. Dana Cockrum*

[REDACTED]

ORIGINAL TO CITY MGR.  
CC: OFFICERS  
OFFICERS FILES  
CAPT. SUTER  
CORRESPONDENCE FILE



Office of the Prosecuting Attorney

**DAVID G. GORCYCA**  
 Prosecuting Attorney  
 County of Oakland

**Deborah L. Carley**  
 Chief Deputy Prosecutor

January 30, 2004

Mr. Charles Craft,  
 Chief of Police  
 Troy Police Department  
 500 W Big Beaver  
 Troy, MI 48084

Kimberly A. Woodard,  
 Assistant Prosecuting Attorney  
 1200 North Telegraph Rd.  
 Pontiac, MI 48341

Dear Mr. Craft:

Please allow this brief letter to serve as a sincere note of appreciation and recognition pertaining to the stellar work ethic, professionalism and competency displayed by Detective Lisa Rockafellow on a daily basis. Over the years, I have had the pleasure of interacting with Detective Rockafellow on a frequent basis encompassing a gambit of criminal cases, from the most serious to the mundane and with each and every contact; she has impressed me with her intellect and demeanor.

As stated previously, there have been several cases over the years, but let me just mention the most recent case. Detective Rockafellow and I worked closely together on the case of People v. Hani Khidhir and Coyle Hudson Jr. This was a case of Conducting a Criminal Enterprise and Receiving and Concealing Stolen Property. This case involved multiple jurisdictions, both in state and out, and multiple victims. Detective Rockafellow did a very thorough job in conducting interviews and completing any requested follow up in a timely fashion. Without her hard work on this case, I don't believe our office would have had enough evidence with which to charge either defendant.

Sincerely,

Kimberly A. Woodard  
 Assistant Prosecuting Attorney

cc: Captain Murphy  
 Lieutenant Frye

**RECEIVED**  
 Chief of Police

2/9/04

Re: OFFICERS BECKMAN #14, WIEG #1, G-07h

THESE OFFICERS RESPONDED TO A 911  
CALL AT MY MOTHER'S HOUSE  
2330 PALMETTO.

THEY FOUND MY MOTHER DEAD &  
MY ONLY CHILDRENED SISTER ALONE. 1/6/04

OUR FAMILY WANTED TO ASK YOU  
TO GIVE THESE TWO OFFICERS THE  
HIGHEST RECOGNITION POSSIBLE FOR  
HOW THEY HANDLED MY SISTER  
AND ATTENTION TO MY MOTHER.

MY SISTER CAN'T HANDLE  
CHANGE WELL. THESE OFFICERS  
QUICKLY GAINED HER CONFIDENCE  
SUCH THAT SHE STILL TALKS  
ABOUT THEM.

SUSAN (SISTER) IS NOW IN  
SOUTH CAROLINA WITH ME.

THE LITTLE FAMILY

DON & PENNY LITTLE

CC: CITY MGR, CAPT. SUTER  
OFFICERS FILES, OFFICERS

rows  
2/12/04  
CAG

CITY OF TROY  
TRAVEL EXPENSE REPORT

Name: Matt Pryor Position: Mayor

Other Employees Included in Request: None

Trip Destination: Washington, DC Date From: 1/20/04 To: 1/24/04

Purpose of Trip: U.S. Conference of Mayors 72nd Winter Meeting

Items	Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
<b>Miles</b> (Personal Car) Enter Current Mileage Rate: \$ 0.36 /mile				1/30	1/31	1/22	1/23	1/24	
<b>City Car Expense</b> (Details on Bottom)									
<b>Air/Bus/Train</b>				590.00					\$590.00 - p-car
<b>Registration</b>				500.00					\$500.00 - p-car
<b>Room</b> (Attach all Receipts)				210.68	210.68	210.68	210.68		\$842.72 - p-car
<b>Meals</b> (Include tips and taxes. Note meals included with registration)									
Breakfast:								5.82	\$5.82
Lunch:				5.46					\$5.46
Dinner:							on parcel 50.44		\$50.44
<b>Other</b> Detail, Explain Below						on parcel 6.00		31.80	\$37.80
<b>Additional Other</b> Detail, Explain Below				15.00		15.00		18.00	\$48.00
<b>TOTAL EXPENSE</b>				1,321.14	210.68	231.68	261.12	55.62	\$2,080.24

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	\$1,989.16
Balance Due Employee	\$91.08
(or) Balance Due City	

Matt Pryor  
Requested By

JZ  
Department Head

Approved - Human Resources Director  
Mark  
Approved - Financial Services Director

Date  
1/30/04  
Date

Date  
1.30.04  
Date

Notes and Explanations:

- \$6.00 - Use of fax at hotel
- \$31.80 - Airlines parking
- \$15.00 - Shuttle from airport
- \$15.00 - Shuttle to White House
- \$18.00 - Taxi cab to airport

Charge to: Council's Education & Training Account

Dept. Account # 102.7960



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** February 4, 2004  
**SUBJECT:** Article discussing State pre-emption of local ordinances

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Although the attached article was found in a legal publication, I thought that City Council would be interested in the topic of State pre-emption of local ordinances. The article appeared in the January issue of the Oakland County Bar Association, and was written by Attorney Thomas R. Schultz. According to Mr. Schultz, "recent cases have seemed to ignore, and even undermine, the home rule authority of local governments at a time when more of the burdens of governing seem to be falling there."

The article discusses the recent Ferndale case, *Michigan Coalition for Responsible Gun Owners v. City of Ferndale*, where the Court of Appeals ruled that the City of Ferndale could not adopt an ordinance prohibiting persons from carrying firearms in City owned buildings. In addition, it briefly discusses two additional pre-emption cases from 2003. In *Howell Township v. Rooto Corp.*, the Michigan Court of Appeals held that the State Statute prevented Howell Township from recouping its costs for a clean up of hazardous materials on a public road. Similarly, the Michigan Court of Appeals denied Northville Township final approval authority of a proposed school building in *Charter Township of Northville v. Northville Public Schools*. Under state statute, the State Superintendent of School Instruction has final approving authority for any school building, including administrative offices.

Please let me know if I can be of further assistance.

# “Closest to the People”: In Defense of Home Rule for Local Governments

by Thomas R. Schultz

Lately it seems that our national political process has gotten both more contentious and less productive – witness the recent spectacle in California. Spiraling deficits have led to a reduction, by anyone’s definition, in federal services and programs for individuals and businesses alike. At the state level here in Michigan, we face another round of broad and deep government spending cuts to balance the budget as required by law. This shifting of burdens and priorities portends a change in the role to be played by the various *local* governments – our cities, townships, villages, and counties – in both the provision of public services and the performance of regulatory oversight. And that’s not necessarily a bad thing.

Jefferson purportedly described the best government as that government “closest to the people.” Political theorists through the ages have argued that local democratic rule is essential in promoting public confidence in the rule of law and in governmental authority generally. Local government is direct and participatory; it reminds individuals that they are a living part of a greater whole, and therefore must assist in its upkeep. In less lofty terms, most people figure out soon enough that it is their local elected officials who are ultimately responsible for making sure that the toilets flush, that the roads are maintained, and that police and fire personnel show up when needed. The constitutional right to petition your government for the “redress of grievances” works best as to that governing body that regularly assembles just down the road.

Michigan has long recognized the importance of local self-government. The concept is deeply rooted in our state constitution and in the general and common laws of the state, and has been since the rise of the “home rule” movement at the turn of the last century. Our most famous jurist, Michigan Supreme Court Justice Thomas M. Cooley, played a key role in establishing the language of the law of local home rule, which, generally stated, submits that municipalities may act on matters of local concern free from interference by the state. Understanding that history, our courts

have regularly defended local home rule as indispensable to the operation of our democratic system of government.

So you don’t have to be a municipal lawyer or a local official to be a little disconcerted by the recent decision of the Michigan Court of Appeals in *Michigan Coalition for Responsible Gun Owners v City of Ferndale*,<sup>1</sup> in which the

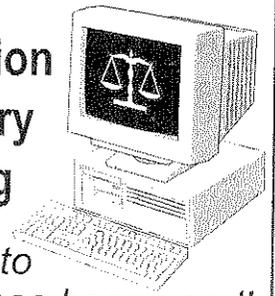
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Court found that a state statute of general application had preempted the City of Ferndale's ability to impose rules for public conduct occurring entirely within the confines of its local municipal buildings. While the *Ferndale* case involved the right of individuals to carry guns in municipal buildings, the Court specifically noted that its decision was *not* dependent in any way upon a constitutional right to bear arms; it was not, the Court made clear, a "gun rights" case. Arguably, then, the run-of-the-mill preemption analysis employed by the Court (which simply asks: Did the state Legislature intend to limit regulation on this matter by the City?) could be applicable to all sorts of other conduct that the state might decide to favor next. In other words, why stop at handguns? Why not hand grenades? \*

The *Ferndale* case is just one of a series of recent cases that have seemed to ignore, and even undermine, the home rule authority of local governments at a time when more of the burdens of governing seem to be falling (or, depending on your political views, returning) there. What follows is a brief description of the legal underpinnings of the right to local self-government and Michigan's unique contributions to that concept as expressed in the context of home rule guarantees – a reminder, in light of the *Ferndale* case and the current reordering of our national and statewide political priorities, of the stature of local governments in our constitutional system and the right of those local governments to legislate, free from interference by the state, in matters of local concern.

### *Local Sovereignty and Home Rule in Michigan*

The relative merits of the competing concepts of state control of "municipal corporations" and local self-government have been a topic of legal and constitutional discussion since the formation of our American governmental system. Early on, a theory of state pre-eminence over local authorities in all aspects of governance held sway throughout the country. Sometimes called "Dillon's Rule," this view was laid out by legal scholar Judge John Dillon, a contemporary of Justice Cooley's, in the 1868 case of *Clinton v Cedar Rapids and the Missouri River Railroad*.<sup>2</sup> The *Clinton* case generally held that municipal corporations owe their origin to, and derive their powers and rights wholly from, the state legislature, which can amend, limit, or even take away those powers and rights just as easily as it conferred them: "It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy. If it may destroy, it may abridge and control."<sup>3</sup>

It was this concept – municipalities as solely a creation of the state legislature and subject to its caprice – about which Justice Cooley said in his oft-quoted opinion in *People v Hurlbut*:<sup>4</sup>

This I understand to be the accepted theory of state constitutional law as regards to municipal governments.

\* \* \*

*But such maxims of government are very seldom true in anything more than a general sense; they never*

*are and never can be literally accepted in practice.*  
(Emphasis added.)

*Hurlbut* involved a decision by the Michigan Legislature to create a board of public works for the City of Detroit and to appoint individuals to serve on that board, which was to replace a water and sewer commission already established by the Detroit City Council. One of those displaced commissioners, Hurlbut, challenged the state's legislative action on the theory that officers of the city were required under the 1850 Michigan Constitution to be appointed or elected locally. The Court's opinion upheld the statute, allowing the state Legislature's creation of a board of public works, but invalidated the appointment of members by the Legislature for the full term of that office. The Court decided that the Legislature had the power to establish the board and to make provisional appointments to it, but that the city council had to make the permanent appointments.<sup>5</sup>

Although there were several opinions in the case, Justice Cooley's is particularly notable, so much so that it remains the subject of regular scholarly review to this day. Cooley posed the question before the Court as follows:

The question, broadly and nakedly stated, can be nothing short of this: *Whether local self-government in this state is or is not a mere privilege, conceded by the Legislature in its discretion, and which may be withdrawn at any time at its pleasure?* I state the question thus broadly because . . . I can conceive of no argument in support of legislative authority which will stop short of this plenary and sovereign right. (Emphasis added.)<sup>6</sup>

Justice Cooley rejected the proposition that under a constitutional system of government, representatives of the state could appoint people to an office the duties of which "are purely local."<sup>7</sup> If there were nothing requiring those officers to be chosen locally, he reasoned, then the concept of local self-government is meaningless. Justice Cooley was particularly concerned that if the state Legislature were accorded such unencumbered power over municipalities, "self-government of towns may make way for a government by such influences as can force themselves upon the legislative notice at Lansing."<sup>8</sup> (Today we would call those influences "special interests" or "lobbyists.")

Cooley's opinion in *Hurlbut* drew from an astounding array of disparate authorities, from the Magna Carta to Jefferson to Francis Bacon, all of which he employed to establish a firm constitutional place for the notion of local sovereignty. Justice Cooley acknowledged that there was scant direct or specific legal authority to preclude the state Legislature from enacting legislation designed to undermine local self-rule. He relied instead on the concepts of constitutional freedom and practical history:

The men who framed our institutions have not so understood the facts. With them it has been an axiom, that our system was one of checks and balances; that

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## Feature Article

each department of the government was a check upon the others, and each grade of government upon the rest; and they have never questioned or doubted that the corporators in each municipality were exercising their franchises under the protection of certain *fundamental principles which no power in the state could override or disregard. The state may mould local institutions according to its views of policy or expediency; but local government is a matter of absolute right; and the state cannot take it away. It would be the boldest mockery to speak of a city as possessing municipal liberty where the state not only shaped its government, but at its discretion sent its own agents to administer it; or to call that system one of constitutional freedom under which it should be equally admissible to allow the people full control in their local affairs, or no control at all.* (Emphasis added.)<sup>9</sup>

The fact that the federal and various state constitutions as then framed did not contain any specific reference to these "inherent" local rights did not diminish them, in Cooley's view. "Some things," he said, "are too plain to be written."<sup>10</sup>

In the historical long run, Cooley's view of the nature of municipal government won out. His arguments were a cornerstone of the home rule movement that took hold

nationwide toward the end of the 19<sup>th</sup> century. By 1908, Michigan's constitution had been amended to acknowledge broad autonomy for municipalities through a home rule provision, Const. 1908, art. 8, §20, that required the state Legislature to provide by general laws for the incorporation of cities and villages, and another section, Const. 1908, art. 8, §21, that granted those cities and villages the right to adopt their own charters. These 1908 home rule provisions were followed shortly by the Home Rule Cities Act (HRCA), MCL 117.1, *et seq.*, which was enacted to implement the constitutional mandate.

Michigan's 1963 Constitution made the existence and extent of this local authority even clearer. Const. 1963, art. 7, §22, provided:

Each such city and village shall have power to adopt resolutions and ordinances relating to its *municipal concerns, property and government*, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section. (Emphasis added.)

The language of another constitutional provision, Const. 1963, art. 7, §34, drove the point home:

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## Feature Article

The provisions of this constitution and law concerning counties, townships, cities and villages shall be *liberally construed in their favor.* (Emphasis added.)

That the 1963 constitutional amendments were actually intended to *expand* the autonomy of local units of government is indisputable:

[T]he framers of the 1963 Constitution stated that they wanted to "reflect Michigan's successful experience with Home Rule" by providing "a more positive statement of municipal powers, giving Home Rule cities and villages full power over their own property and government subject to this constitution and law." Convention Comment, art. VII, §22. Further, the framers described article VII, section 34 as "a new section intended to direct the courts to give a liberal or broad construction to statutes and constitutional provisions concerning all local governments." The framers also noted that "Home Rule cities and villages already enjoy a broad construction of their powers and it is the intention here to extend to counties and townships within the powers granted to them equivalent latitude in the interpretation of the constitution and statutes."<sup>11</sup>

A contemporary discussion of municipal rights after the 1963 constitutional amendments is found in the recent decision in *Adams Outdoor Advertising, Inc. v City of Holland*.<sup>12</sup> The plaintiff in *Adams* argued that the provision of the HRCA providing for "licensing, regulating, restricting, and limiting the number and locations of billboards within the city"<sup>13</sup> did not "expressly grant" authority for home rule cities to *prohibit* new billboards.

The Court disagreed, saying that "unless a power or right is *specifically proscribed* by law, a home rule city has broad authority to enact ordinances for the benefit of the health, safety, and welfare of its residents. Home rule cities are not limited to only those powers expressly enumerated."<sup>14</sup> The Court based its conclusion on specific reference to Const. 1963, art. 7, §22 and the recent discussion by the Michigan Supreme Court in *Detroit v Walker*,<sup>15</sup> in which it was stated:

Accordingly, it is clear that home rule cities enjoy not only those powers specifically granted, but they may also exercise all powers not expressly denied. *Home rule cities are empowered to form for themselves a plan of government suited to their unique needs and, upon local matters, exercise the treasured right of self-governance.* (Emphasis added.)

Surely the Legislature did not mean to say that gun dealers could set up shop in the lobby of a city hall (or police station) without the city having some say in the matter?

In the end, the decision in *Ferndale* is most notable because at no point does it stop to consider the impact of its conclusion on the constitutional right of local self-government; it makes no concession to the fact that the case was not simply about the intention of the state Legislature, but also involved the inherent right of the City to control public conduct on its own property – a concern of plainly *local*, not statewide, importance. By ignoring or denying an entire body of law and constitutional theory, the Court reached a conclusion that is difficult to square with that in *Adams* and *Walker*.

*Ferndale* is not the only recent case to address the preemption of local authority by the state Legislature. The Michigan Supreme Court recently issued an opinion (along with a vigorous dissent) finding preemption as to municipal approval of certain aspects of constructing school buildings,<sup>17</sup> and the Court of Appeals issued one involving the recouping of clean-up costs for hazardous materials.<sup>18</sup> Hopefully, these cases, and *Ferndale*, will be narrowly construed by subsequent courts as future challenges to local authority are made.

“[A] municipality that is not managed by its own officers is not such a one as our Constitution recognizes.” So said the Michigan Supreme Court over a century ago in *Attorney General v Common Council*.<sup>19</sup> The right to “manage” a municipality must necessarily include the right to legislate and regulate on matters of local significance, otherwise there is no point to electing local officials. These local rights can be overlooked as “too plain” in some cases. In the

future, when a preemption argument is made as to issues that affect what are clearly *local* concerns – particularly in those cases involving state legislation of the “special interest” variety – we need to take great care to posit and defend the concept of local sovereignty and home rule that is not only embedded in our state jurisprudence, but is fundamental to our American system of government.

*Thomas R. Schultz is a partner at the Farmington Hills law firm of Secrest, Wardle, Lynch, Hampton, Truex & Morley, which serves municipalities throughout Michigan as general counsel and as special counsel in land use, zoning, planning, environmental, water rights, and other matters.*

### Footnotes

- 1 *MCRGO v Ferndale*, \_\_\_ Mich App \_\_\_ (2003) (COA Docket No. 242237).
- 2 *Clinton v Cedar Rapids, et al*, 24 Iowa 455 (1868).
- 3 *Id* at 461.
- 4 *People v Hurlbut*, 24 Mich 42, 96 (1871).
- 5 See generally, *Hurlbut*, *supra*, pp 44-51; 109-112.
- 6 *Id* at 94-95.
- 7 *Id* at 103.
- 8 *Id* at 109.
- 9 *Id* at 109.
- 10 *Id* at 107.
- 11 Convention Comment, art. 7, §34. Michigan Municipal League, Michigan Association of Municipal Attorneys, Local Government Law and Practice in Michigan 1-9 (1999).
- 12 *Adams Outdoor Advertising v City of Holland*, 234 Mich. App. 681 (1999), aff'd 463 Mich. 675 (2001)
- 13 MCL §117.41[f].
- 14 *Adams*, *supra*, at 689.
- 15 *Detroit v Walker*, 445 Mich 682, 689-690 (1994).
- 16 *Id* at 688.
- 17 *Charter Township of Northville v Northville Public Schools*, \_\_\_ Mich \_\_\_ (2003)(Docket No. 120213).
- 18 *Howell Township v Rooto Corp*, \_\_\_ Mich App \_\_\_ (2003)(Docket No. 236440).
- 19 *Attorney General v Common Council*, 58 Mich 213, 220 (1885).

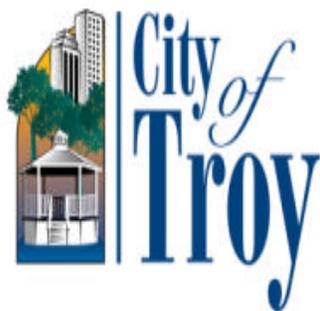
The *Walker* Court had broadly described the powers of all local government units in Michigan by stating, “Our municipal governance system has matured to one of general grant of rights and powers, subject only to certain enumerated restrictions instead of the earlier method of granting enumerated rights and powers definitely and specifically.”<sup>16</sup> That general grant of right is not simply bestowed on municipalities by the Legislature; it resides in authority granted directly, in the 1963 Constitution itself and the democratic theories that precede it. It has always included, under the analysis of Justice Cooley in *Hurlbut*, the right to legislate, without interference by the state, on matters of local concern.

### The Ferndale Case

The *Ferndale* case involved a claim by the plaintiff, a gun rights group, that Ferndale’s ordinance banning all weapons, including handguns, from its municipal buildings violated MCL 123.1102, which provides generally that a local unit of government shall not “enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner, the ownership, registration, purchase, sale, transfer, or possession of pistols or other firearms except as otherwise provided by federal law or a law of this state.” Judge John J. McDonald of the Oakland County Circuit Court disagreed with plaintiff and found that §1102 did *not*

preempt Ferndale’s rights under the state constitution and the HRCA as relates to conduct occurring on *its own municipal properties*. The Court of Appeals reversed that decision, finding that preemption did apply, because the state Legislature had not included any language expressly exempting municipal properties. (The Michigan Supreme Court quickly declined to take the case.)

This article is not the right forum in which to discuss in great detail the merits of the Court of Appeals’ opinion – which actually contains a technically proficient argument in favor of preemption, using the general legal test for determining whether the state intended to “occupy the field” of regulating handguns. For whatever reason, though, the Court spent little time addressing the meaning of the phrase “except as otherwise provided by ... a law of this state.” The constitutional and statutory home rule laws granting local governments control over their own municipal properties would certainly seem to fall into this “exception” language. The Court also apparently did not consider *all* of the allegedly “preempted” activity described in §1102. It is one thing to read §1102 to prohibit local regulation of the *possession* of weapons even in municipally owned buildings, but the logic of the Court’s analysis becomes undeniably suspect when applied to other conduct covered in the same statute – like the *sale* or *purchase* of firearms.



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** February 4, 2004  
**SUBJECT:** Governmental Immunity Article for OCBA Laches

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Enclosed please find a copy of my *Governmental Immunity As It Exists in 2003* article. The article was featured in the January 2004 issue of the Oakland County Bar Association's monthly publication, Laches. The article provides a current "state of the law" summary of governmental immunity. Please let me know if you have questions or would like more detail about this area of municipal law.

# Governmental Immunity as it Exists in 2003

by Lori Grigg Bluhm

The Governmental Tort Liability Act (GTLA), MCL 691.1401 et. seq., has exempted governmental agencies from tort liability in the state of Michigan since July 1, 1965. Substantial amendments were made in 1986 with tort reform, but the courts have constantly struggled with the concept of governmental immunity and the extent of the exceptions to this unique relief. Long-standing precedent has been overruled in a few key areas, which requires attorneys to be very diligent in monitoring the governmental immunity cases and new statutory developments.

According to the GTLA, governmental agencies have an affirmative defense against all tort liability where the governmental agency is engaged in the exercise or discharge of a governmental function, except as otherwise provided.<sup>1</sup> A governmental function is defined as an activity that is expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law.

Governmental immunity is an affirmative defense, which must be raised in the first responsive pleading. According to *Mack v. City of Detroit*,<sup>2</sup> cities cannot alter the protections provided by the governmental immunity statute.<sup>3</sup> The state statute provides six statutory exceptions to the broad grant of immunity. Each of these exceptions must be narrowly construed.<sup>4</sup>

- A. Defective Highway Exception (MCL 691.1402-MCL 691.1404)
- B. Negligent Governmental Vehicle Operation Exception (MCL 691.1405)
- C. Public Hospital Exception (MCL 691.1407 (4))
- D. Defect in a Public Building Exception (MCL 691.1406)
- E. Proprietary Function Exception (MCL 691.1413)
- F. Sewer Back Up Exception (MCL 691.1416-MCL 691.1419)

The current status of the law under each of these exceptions has been set forth below, in addition to a summary of cases decided in 2002 and 2003.

## *Defective Highway Exception to Governmental Immunity*

Governmental agencies having jurisdiction over highways are required to "maintain the highway in reasonable

repair so that it is reasonably safe and convenient for public travel."<sup>5</sup> Alleged defective sidewalk cases also fall within the defective highway exception to governmental immunity.<sup>6</sup>

Plaintiff has to establish the following elements under the defective highway exception to governmental immunity:

- 1) Plaintiff was injured or sustained damage.
- 2) The governmental agency having jurisdiction over the highway (or sidewalk) was negligent, since the road was not in reasonable repair so that it was reasonably safe and convenient for public travel. Governmental agencies



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are entitled to a presumption of reasonable repair if a sidewalk discontinuity defect is less than 2 inches.<sup>7</sup>

- 3) The governmental agency knew, or in the exercise of reasonable diligence, should have known of the dangerous condition. Knowledge is presumed if a defect exists for at least 30 days before the injury occurs and the defect is readily apparent to an ordinarily observant person.<sup>8</sup>
- 4) The governmental agency had a reasonable amount of time to repair the dangerous condition before the injury took place.<sup>9</sup>
- 5) The governmental agency's negligence was a proximate cause of the injuries or damages to Plaintiff.
- 6) Plaintiff provided notice to the responsible governmental agency within 120 days of the injury, specifying the exact location and nature of the defect, the injuries sustained, and any witnesses.<sup>10</sup>

In *Nawrocki v. Macomb County Road Commission*,<sup>11</sup> the Michigan Supreme Court substantially altered the course of the defective highway exception to governmental immunity. According to *Nawrocki*, the liability of state and county road commissions is limited to the improved portion of the highway designed for vehicular travel. There is no duty, under the highway exception, to install, maintain, repair, or improve traffic control devices, including traffic signs. *Nawrocki* expressly overruled the previous Supreme Court decision, *Pick v. Scymyszak*,<sup>12</sup> which imposed on governmental agencies the responsibility to provide traffic control devices at points of special hazard.

Since the *Nawrocki* decision substantially deviated from case precedent in this area, the focus of cases in the past couple of years centers on the impact of *Nawrocki*.

*Weaver v. Detroit*<sup>13</sup> is the decision of a special panel of the Michigan Court of Appeals, post-*Nawrocki*. The panel was convened to resolve the conflicts between an earlier vacated decision<sup>14</sup> and the decision in *Ridley v. Detroit*.<sup>15</sup> The Court of Appeals panel concluded that the highway exception to governmental immunity was not implicated where a bus hit a street light pole, which toppled and struck Plaintiff's decedent. In spite of the earlier holding in *Ridley*, this special panel held that *Nawrocki's* narrow interpretation of the term "highway" was to be applied retroactively, and since light poles do not fall within the narrowed definition, the lawsuit was precluded.

Other cases remanded for a determination as to the impact of the *Nawrocki* decision include *Adams v. Department of Transportation*,<sup>16</sup> *Sekulov v. Warren*,<sup>17</sup> *Curtis v. Flint*,<sup>18</sup> and *Hanson v. Mecosta County Board of County Road Commissioners*.<sup>19</sup> The Court has now resolved the issue of *Nawrocki's* impact by deciding that *Nawrocki* has retroactive application. Although there is a substantial modification to the earlier case law, the statute remains the same. *Nawrocki* is merely this Supreme Court's more literal interpretation of the statute. As such, the narrow definition of "highway" is applied retroactively. This is distinguishable from the *Pohutski* case, where the Supreme Court opinion expressly limits application prospectively.

### *Negligent Governmental Vehicle Operation Exception*

MCL 691.1405 sets forth the negligent operation of a motor vehicle exception to governmental immunity. Under this exception, a municipal agency is liable when the following elements are established:

- 1) Plaintiff sustained physical injuries or property damage.
- 2) The injuries resulted from a governmental employee or agent's negligent operation of a motor vehicle.
- 3) The motor vehicle is owned by the governmental agency.

The courts have narrowly construed this exception in the 2002-2003 cases. *Stanton v. Battle Creek*<sup>20</sup> held that a forklift is not a "motor vehicle" within the purview of the negligent operation of a motor vehicle exception to governmental immunity. The Supreme Court recognized that the state governmental immunity statute did not expressly define "motor vehicle," and rejected the Court of Appeals' attempt to use the definition of motor vehicle from the Michigan Vehicle Code.<sup>21</sup> The Michigan Vehicle Code could only be consulted for the definition of "owner" due to the statutory context of MCL 691.1405. The narrowest definition for motor vehicle was found in the dictionary, and was consistent with the definitions found in the civil liability act<sup>22</sup> and the no fault act.<sup>23</sup>

*Chandler v. Muskegon Co.*<sup>24</sup> precluded the Plaintiff, who was injured while cleaning non-running and parked busses at a maintenance facility, from recovering damages against a governmental entity under the negligent operation of a government vehicle exception to governmental immunity. Although the term "operation" is not defined in MCL 691.1405, the Michigan Supreme Court narrowly defined "operation of a motor vehicle" to mean activities "directly associated with the driving of a motor vehicle."<sup>25</sup>

*Regan v. Washtenaw County Road Commissioners*<sup>26</sup> is a case that was sent to the Court of Appeals on remand, after the decisions in *Stanton* and *Chandler*. In *Regan*, the Court of Appeals determined that a broom tractor and also a tractor mower, which were being operated on public roadway for maintenance purposes, qualified as motor vehicles. Therefore, immunity was not afforded to the governmental agency for injuries that resulted from their operation.

*Poppen v. Tovey*<sup>27</sup> affirmed the narrow construction of the negligent operation of a governmental vehicle exception to governmental immunity. In *Poppen*, a water department employee temporarily parked his vehicle (only for 3-4 minutes) in a thru lane, and was out of the vehicle inspecting a water hydrant when the truck was rear-ended by Plaintiff. The Court held that the Plaintiff's injuries did not arise from the "operation" of a government-owned motor vehicle, and therefore precluded his claims. This exception to governmental immunity is to be narrowly construed, and only include those claims where a municipal employee is driving a motor vehicle. Although the vehicle had the four-way emergency flashers and overhead warning lights activated, the Plaintiff argued the employee was grossly negligent in failing to employ

additional warning devices. However, the Court dismissed this claim, finding that since the other three witnesses could clearly see and avoid the water truck, it was the Plaintiff's action in passing another car and rear-ending the water truck that was THE most proximate cause of the accident (relying upon the limitations as set forth in *Robinson v. Detroit*<sup>28</sup>).

### *Public Hospital Exception*

This statutory exception to governmental immunity was added by the tort reform legislation in 1986. As with many of the other exceptions to governmental immunity, public hospitals historically enjoyed immunity from tort actions. However, the court specifically revoked this immunity. Subsequently, the immunity for public hospitals was re-established by the court. In response to the fluctuation in the court decisions concerning immunity for public hospitals, the Michigan Legislature re-established the immunity in MCL 691.1407(4). This now places public and private hospitals on equal footing. This is true for medical malpractice claims, as well as injuries that occur as a result of negligent maintenance. However, morgues and mental hospitals are still protected by immunity, as well as Department of Corrections medical treatment centers.<sup>29</sup>

### *Defect in a Public Building Exception*

Plaintiffs can avoid the bar of governmental immunity for tort injuries received as a result of a defect in a public building when they establish the following elements:

- 1) The injury occurred in a building owned by a governmental agency.
- 2) The public building is open for use by members of the public.
- 3) There was a dangerous or defective condition in the public building that resulted in Plaintiff's injuries.
- 4) The governmental agency had actual or constructive knowledge of the alleged defect.
- 5) The governmental agency failed to remedy the alleged defective condition after a reasonable period or failed to take action reasonably necessary to protect the public against the condition after a reasonable period.<sup>30</sup>

In *Kruger v. White Lake Township*,<sup>31</sup> Plaintiff mother called the police department and requested that her daughter be taken into custody, since she was intoxicated and posed a danger to herself and others. The daughter also had an outstanding warrant from another jurisdiction. While waiting for transport, the police department temporarily

*(continued on page 23)*

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(continued from page 17)

housed her by handcuffing her to a ballet bar in the booking room. This was necessary, since a male occupied the only other detention cell at the station. The daughter subsequently escaped from the handcuffs, and ran from the station onto M-59, where she was struck by a car and killed. Her mother then filed a lawsuit against the police department, where she unsuccessfully argued the defect in a public building exception to governmental immunity. The Court of Appeals relied upon the intended use of the area as a booking cell, rather than a detention cell, and determined that the conversion did not require all of the safeguards of a detention cell when proper supervision would "offset any shortcomings in the configuration of the room."<sup>32</sup> The Court of Appeals similarly precluded liability for the individual officers. Relying upon the *Robinson* principle, the Court determined that the alleged grossly negligent actions of the officers were not THE proximate cause of her death.

In *De Sanchez v. Mental Health Department*,<sup>33</sup> the Michigan Supreme Court determined that overhead bars in a psychiatric hospital restroom were not a dangerous or defective condition in a public building, even though Plaintiff's decedent used the overhead bars to commit suicide. According to the majority of the Court, "one person's self-destructive use of an otherwise benign stall-partition support bar does not transform that bar into a 'defective condition.'" The Court dismissed the argument of dissenter Justice Kelly, who argued that it should have been foreseeable that a psychiatric patient could use the support bar to commit suicide.

*Maskery v. University of Michigan*<sup>34</sup> is another case in the Michigan Supreme Court discussing the public building exception to governmental immunity. The Court determined in this case that a university dorm was not open to the public, and therefore dismissed Plaintiff's complaint. The dorm was locked 24 hours a day, and entry was gained only by key or after one of the residents responded to a call from the courtesy phone located outside. In *Maskery*, Plaintiff fell down stairs immediately after using the courtesy phone to obtain entry to the dorm. The Supreme Court focused on whether the entry to the publicly owned building is "restricted on the basis of some individualized, limiting criteria." The Court also explained that time

limitations can also effect the determination of whether a building is open to the public. For example, if an injury occurs after hours, when a courthouse is closed, then it is not "open to the public."

The text of the *Maskery* opinion describes the evolution of the public building defect exception to governmental immunity. The procedural history of *Maskery* is also instructive as to the constantly changing parameters of this exception. The trial court dismissed the claims for damages caused by her fall down the stairs outside the dorm. The Court of Appeals initially affirmed.<sup>35</sup> The Michigan Supreme Court then remanded the case,<sup>36</sup> and the Court of Appeals affirmed again. The Michigan Supreme Court then remanded a second time after the *Brown v. Genesee County Board of Commissioners*<sup>37</sup> and *Fane v. Detroit Library*<sup>38</sup> decisions. The Michigan Court of Appeals then reversed their previous two decisions. The Supreme Court subsequently reversed the Court of Appeals and affirmed the initial decision of the trial court to dismiss the complaint. According to the decision, this reversal was based on the intent of the University of Michigan to limit the public's access to the dorm.

### *Proprietary Function Exception*

A proprietary function is the antithesis of a governmental function. Since governmental immunity is limited to situations where a governmental agency engages in governmental functions, a Plaintiff can recover for injuries sustained as a result of a proprietary activity of a governmental agency. In order to recover damages under the proprietary function exception to governmental immunity, a Plaintiff must establish that the activity was conducted primarily for pecuniary profit, and not normally supported by taxes or fees.<sup>39</sup>

In order to establish a proprietary function, a Plaintiff must establish the following:

- 1) Plaintiff was injured or sustained property damage.
- 2) The cause of the injury or damage was an activity of a governmental entity.
- 3) The primary purpose of the activity was to produce a pecuniary profit. The generation of a profit from the activity is a strong indication that the activity is proprietary. In addition, the deposit of any profit into a general fund, where the money is used to finance unrelated

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activities, is also strong evidence of a proprietary function. On the other hand, an activity that is normally supported by taxes and fees may defeat the proprietary function allegation.

*Granger v. Klein*<sup>40</sup> is a case that received a great deal of publicity, but not necessarily for the proprietary function discussion. However, the case presents some unique circumstances that may assist others in defining a proprietary function. Mr. Granger was a student at Grosse Pointe North High School who was convicted of statutory rape of a female freshman at the school. Mr. Granger had a number of issues that he raised against the school and the administrators. Apparently, the Granger investigation was actually initiated by a yearbook photograph of him using the bathroom facilities. The school administrators initiated an investigation into this incident, since the photograph revealed more than what was acceptable in a school yearbook. This investigation led to complaints that ultimately led to the statutory rape charge.

Granger argued that the school engaged in a proprietary function by publishing a yearbook, and therefore he could pursue claims against the school for the publication of the illicit photograph. It was undisputed that the publication of the yearbook generally resulted in a profit, which was

intermingled with the general school funds. The purchasers of yearbooks also paid taxes. In spite of these elements that would normally establish a proprietary function, the federal court granted governmental immunity. In spite of all of these factors, which would normally lead to a conclusion that the production of the yearbook was a proprietary function, the judge held that the case was barred by governmental immunity. The Court determined that the PRIMARY purpose of the production of a yearbook was to educate students on the organization, publication, and distribution of a yearbook, and not to generate a profit. Therefore, the yearbook publication qualified as a governmental, as opposed to proprietary, function.

In *Omelenchuk v. Warren*,<sup>41</sup> the Michigan Supreme Court was forced to reconcile the governmental immunity statutes against the Emergency Medical Services Act (EMSA).<sup>42</sup> EMSA precludes suits against municipalities for EMS treatment unless gross negligence or willful misconduct causes an injury. The Court in *Omelenchuk* held that EMSA does not abrogate governmental immunity as provided in MCL 691.1407. In response to Plaintiff's arguments that the EMSA was rendered nugatory by the governmental immunity provisions, the Court reiterated that governmental immunity is not available when an entity is engaging in a proprietary function. Therefore, the EMSA was not completely abrogated by governmental immunity. However, in this case, the City of Warren was engaged in a governmental function (as opposed to a proprietary function), and therefore was not liable when the City's EMS providers allegedly inserted an endotracheal tube in the esophagus of decedent, rather than the trachea.

### **Basement Flooding Exception**

The Legislature, in response to the Michigan Supreme Court case of *Pohutski*,<sup>43</sup> enacted Public Act 222 of 2001, which became effective January 2, 2002. Prior to *Pohutski*, several courts determined that there was a nuisance per se exception to governmental immunity, although the courts admittedly struggled with the parameters of the exception. *Pohutski* clarified the confusion, and explicitly overruled cases that supported the trespass nuisance exception to governmental immunity, specifically *Hadfield*<sup>44</sup> and *Li*.<sup>45</sup> Since the *Hadfield* and *Li* cases had long-standing precedent, the Michigan Supreme Court expressly limited the application of *Pohutski* to prospective application only.

This legislation mirrors the court's balancing act between governmental agencies and persons aggrieved by sewer back-ups into their basements. The statute balances these two competing interests by requiring the governmental entity to be at least 50 percent at fault for the event and/or the property damage. In most cases, recovery is limited to economic damages only, including the cost of the cleanup and the repair/replacement of the damaged property. In rare cases, a Plaintiff could recover non-economic damages if death, serious impairment of a bodily function, or permanent serious disfigurement results from the flooding event.<sup>46</sup>

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In order to recover against a governmental agency for a basement flooding, a Plaintiff must establish the following:

- 1) Plaintiff suffered the overflow or backup of sanitary or storm sewage.<sup>47</sup>
- 2) The governmental agency owned or operated, or directly or indirectly discharged into the sewage disposal system that allegedly caused the damage.<sup>48</sup>
- 3) There is a construction, design, maintenance, operation, or repair defect in the sanitary or storm system.
- 4) The governmental agency knew, or in the exercise of reasonable diligence, should have known, of the defect.
- 5) The governmental agency failed to correct, remedy or repair the defect in a reasonable amount of time.
- 6) The defect was at least 50 percent of the cause of the event and also the damage.<sup>49</sup> (If more than 50 percent of the cause of the overflow or back-up is not attributable to the governmental agency, there is no tort liability. These non-governmental agency causes include an obstruction in a service lead; faulty connections to a sump pump, building drain, surface drain, gutter or downspout; or war or terrorism.<sup>50</sup>)
- 7) Plaintiff complied with the required statutory notification to the governmental agency.<sup>51</sup>

The statutory notification requirement imposes responsibility on both the municipality and also the Plaintiff. Plaintiff is required to notify the governmental agency of a claim. This notification can be oral or written. Once the municipality receives this notification, it must inform the Plaintiff, in writing, of the statutory requirements and limitations, including the requirement of a written, detailed account of the claim within 45 days.<sup>52</sup> The governmental agency has 15 days after receipt of this notification to identify and inform any other responsible governmental agencies.<sup>53</sup> Plaintiffs are precluded from filing a lawsuit within 45 days after filing the statutory notification, which allows the governmental agency to investigate, physically inspect the property and/or try to resolve the matter absent litigation.<sup>54</sup>

Pursuant to *Pohutski v. Allen Park*,<sup>55</sup> MCL 691.1407 does not contain a trespass nuisance exception to governmental immunity. *Lessard v. Allen Park*<sup>56</sup> is a case brought after *Pohutski*. Plaintiffs represented several persons with basement flooding claims against a municipality. The lawsuit was filed prior to the *Pohutski* decision, which prospectively eliminated the trespass nuisance exception to governmental immunity. However, some of the Plaintiffs were putative class action members (John Doe/Jane Doe). Judge Jon Feikens allowed only the claims of the named Plaintiffs to proceed to trial.

### **Gross Negligence of Government Employees**

Governmental agencies are not liable for the intentional torts or the gross negligence of their employees, since these actions would not fall within the definition of a governmental function that is shielded by immunity. There is similarly no vicarious liability for governmental

agencies or supervisors of government employees who commit intentional torts.

Liability for individual government employees is available, pursuant to MCL 691.1402, as long as the employee is acting within the scope of employment in the exercise or discharge of a governmental function, and has not engaged in gross negligence. Gross negligence is defined as "conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results."<sup>57</sup> Improper performance or mere negligence does not rise to the level of gross negligence. However, summary disposition on a gross negligence claim can be avoided by the assertion that a defendant failed to take any steps to avoid a known danger.<sup>58</sup>

According to *Robinson v. Detroit*,<sup>59</sup> in order to recover against a governmental employee for gross negligence, the employee's conduct must be "the ONE most immediate, efficient, and direct cause of the injury or damage."<sup>60</sup> This principle has subsequently precluded liability for governmental employees in *Kruger v. White Lake Township*<sup>61</sup> and *Curtis v. City of Flint*.<sup>62</sup>

*Hearns Concrete Construction Company v. Ypsilanti*<sup>63</sup> was a federal court decision that reiterated that there is no governmental immunity for alleged intentional actions of governmental employees. In *Hearns*, the Plaintiff wanted to expand his business. He received site plan approval,

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contingent upon the diligent pursuit of completion of the project. A year and a half after the permit was issued, the Plaintiffs had completed only the masonry walls and the roof trusses. The Building Director issued a stop work order, which was overturned by the court. The Mayor, the Economic Development Director, the Planning Director, and the Building Director were not granted immunity, since the issuance of the stop work order was allegedly motivated by political reasons and/or racial discrimination.

### Conclusion

There are still a number of questions about the exceptions to governmental immunity that have not yet been addressed by the courts and/or the Legislature. As a result, this is an area of law where defining cases are expected in the immediate future.

*Lori Grigg Bluhm is the City Attorney for the City of Troy. She received her B.A. from Albion College in 1989, and her J.D. in 1992 from Wayne State University. She is a council member of the Public Corporation Section of the State Bar of Michigan. She is also a member of the Real Property Section of the State Bar of Michigan, a member of the Michigan Association of Municipal Attorneys, a member of the International Municipal Lawyer's Association and a member of the American Bar Association*

(State and Local Government Law Section). She is a past Chair of the OCBA's Municipal Law Committee and the Public Service Committee. She practices municipal law exclusively, representing her sole client, the City of Troy.

### Footnotes

- 1 Governmental immunity is required to be raised in the first responsive pleading. Michigan Court Rule 2.111 (F)(3).
- 2 *Mack v. City of Detroit*, 467 Mich. 186, 649 NW2d 47, on remand, 254 Mich. App. 498, 658 NW2d 492 (2002).
- 3 *Mack* involved an alleged sexual orientation discrimination claim, that Plaintiff alleged was created by the City of Detroit charter. The Michigan Supreme Court dismissed the Plaintiff's claims, since there was no exception to governmental immunity enjoyed by the City.
- 4 467 Mich. 186, 649 NW2d 47 (2002).
- 5 MCL 691.1402(1).
- 6 MCL 691.1402.
- 7 MCLA 691.1402a.
- 8 MCLA 691.1403.
- 9 MCLA 691.1403.
- 10 MCLA 691.1404.
- 11 463 Mich. 143, 615 NW2d 702 (2000).
- 12 451 Mich. 607 (1996).
- 13 252 Mich. App. 239, 651 NW2d 482 (2002).
- 14 *Weaver v. Detroit*, 249 Mich. App. 801, 642 NW2d 342 (2002).
- 15 *Ridley v. Detroit* (On Remand), 246 Mich. App. 687, 639 NW2d 258 (2001).
- 16 251 Mich. App. 801, 651 NW2d 88 (2002).
- 17 251 Mich. App. 333, 650 NW2d 397 (2002).
- 18 253 Mich. App. 555, 655 NW2d 791 (2003).
- 19 465 Mich. 492, 638 NW2d 396 (2002).
- 20 466 Mich. 611, 647 NW2d 508 (2002).
- 21 MCL 257.1 et. seq.
- 22 MCL 257.33.
- 23 MCL 500.3101 (2)(e).
- 24 467 Mich. 315, 652 NW2d 224 (2002).
- 25 Id., p. 321.
- 26 257 Mich. App. 39, 667 NW2d 57 (2003).
- 27 256 Mich. App. 351, 664 NW2d 269 (2003).
- 28 462 Mich. 439, 613 NW2d 307 (2000).
- 29 MCLA 691.1407 (4).
- 30 *Scovell v. Southfield Public Schools*, 456 Mich. 670, 674, 576 NW2d 153 (1998).
- 31 250 Mich. App. 622, 648 NW2d 660 (2002).
- 32 *Scovell*, p. 675.
- 33 467 Mich. 231, 651 NW2d 59 (2002).
- 34 468 Mich. 609, 664 NW2d 165 (2003).
- 35 The Michigan Court of Appeals had determined that public housing facilities were not open for use by members of the public. *Griffin v. Detroit*, 178 Mich. App. 302, 443 NW2d 406 (1989). *White v. Detroit*, 189 Mich. App. 526, 473 NW2d 702 (1991).
- 36 The case was remanded after the decision in *Horace v. Pontiac*, 456 Mich. 744, 575 NW2d 762 (1998), 459 Mich. 944, 590 NW2d 65 (1999), but the Court of Appeals relied on the *Griffin* and *White* cases as most analogous to the facts of this case, and affirmed.
- 37 464 Mich. 430, 628 NW2d 471 (2001).
- 38 465 Mich. 68, 631 NW2d 678, 465 Mich. 806 (2001).
- 39 MCL 691.1413.
- 40 197 F. Supp.2d 851 (Eastern District of Michigan 2002).
- 41 466 Mich. 524, 647 NW2d 493 (2002).
- 42 EMSA, MCL 333.20965 et. seq.
- 43 *Pohutski v. City of Allen Park*, 465 Mich. 675, 641 NW2d 219 (2002).
- 44 *Hadfield v. Oakland County Drain Commissioner*, 430 Mich. 139, 422 NW2d 205.
- 45 *Li v. Feldt*, 434 Mich. 584, 456 NW 2d 55.
- 46 MCL 691.1418 (1) and (2).
- 47 MCL 691.1416 (j), MCL 691.1416 (k).
- 48 MCL 691.1416(b).
- 49 MCL 691.1417 (3).
- 50 MCL 691.1416(k).
- 51 Statutory notice is a prerequisite for economic loss claims only. MCL 691.1419 (7).
- 52 MCL 691.1419 (1) and (2). The Plaintiff's notification must include their name, address, telephone number, address of the affected property, the date of discovery of the injuries, and a brief description of the claim.
- 53 MCL 691.1419 (4).
- 54 MCL 691.1419 (5) and (6).
- 55 465 Mich. 675, 641 NW2d 219 (2002).
- 56 267 F. Supp.2d 176, 2003 WL 21383284 (Eastern District of Michigan).
- 57 *Beaudric v. Henderson*, 465 Mich. 124, 138-139; 631 NW2d 308 (2001); *Maiden v. Rozzewood*, 461 Mich. 109, 121-122; 597 NW2d 817 (1999).
- 58 *Tullman v. Markstrom*, 180 Mich. App. 141; 446 NW2d 618 (1989).
- 59 462 Mich. 439, 613 NW2d 307 (2000).
- 60 *Robinson*, p. 462, emphasis added.
- 61 250 Mich. App. 622, 648 NW2d 660 (2002).
- 62 253 Mich. App. 555, 655 NW2d 791 (2003).
- 63 241 F. Supp.2d 803 (Eastern District of Michigan, 2003).

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FIRST AMENDMENT TO THE CONSTITUTION

### City Council to allow religious displays

The Troy City Council has agreed to allow privately funded religious displays to be put on Civic Center property during the holidays this year. During a study session this month, council members decided the displays will be placed on the southwest corner of the Civic Center near the aquatic center. Some members had previously voted against the proposal to add nativity scenes, menorahs or other holiday decorations, because of fears that commercial and satanic groups might try to take advantage of the display permits. Other arguments included separation of church and state. All privately funded displays will require a sign stating who funded the display and that the city's views are not being expressed.

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Warren Michigan  
January 29 2004

City Attorney  
City Hall  
Troy Michigan

Dear Sir

In regard to your plans to add Religious displays on city property; I would like to remind you that this is a federal violation. If you persist I imagine the A.C.L.U. will enter the case.

Very truly yours



John V. Kessler

JVK/jvk

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City Attorney's Office

## QUARTERLY REPORT

VOL. XXXXI

JANUARY 2004

NO. 2

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Board of Trustees  
Southeastern Oakland County Resource Recovery Authority

Subject: Quarterly Report - January 2004

Board Members:

Attached is a copy of the Southeastern Oakland County Resource Recovery Authority's Quarterly Report covering the first six months operation of the fiscal year 2003/04. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority.

### FINANCIAL STATEMENT

The total net income for the first 6 months of 2003/04 was \$741,038.26, before capital expenses, depreciation and excluding the refund.

	<u>Actual</u>	<u>Compared to Budget</u>
Revenue	\$4,226,781.77	+ \$ 87,331.77
Expenses	\$3,485,743.51	- \$ 36,361.49
Net Operating Income	\$ 741,038.26	+ \$ 123,693.26

The increase in revenue was due primarily to receiving higher than budgeted amounts of non-member MSW (+\$61,000), non-member yard waste (+\$16,000), HHW appointments (+\$16,000), increased sales of compost (+\$17,000), higher than budgeted prices for the sale of recycled materials (+\$17,000), and miscellaneous income (+\$24,000). These increases were partially offset by receiving lower than budgeted member yard waste (-\$44,000), member MSW (-\$6,000), rental income (-\$7,000) and interest income (-\$5,000).

Expenses were below budget due primarily to lower than expected expenses for contract services (-\$101,000), utilities (-\$23,000) and labor (-\$18,000). These decreases were partially offset by higher than budgeted costs for maintenance (+\$24,000), insurance (+\$38,000), maintenance of the rental homes (+\$15,000), other accounting (+\$10,000) and miscellaneous expense (+\$10,000). The higher insurance costs are an issue of timing. We have paid for the entire year's property and liability coverage while we only budgeted 75% of the expense during this period.

Net operating income was substantially over plan (+\$124,000) for the first half of the year. Net income is planned to be high at this time of year due to the timing of our billings from Waste Management. While we have recorded six months of income, we have only paid five months of bills to Waste Management.

As of December 16, 2003, our fund balance was 10.9% based on unrestricted assets. This is in the range of the 10% to 15% fund balance recommended by our auditors. If restricted assets are included, our fund balance increases to 33.7%.

## COMPARATIVE STATEMENT

The following is a comparison of the first six months operation of the current fiscal year with the same period of the previous fiscal year:

Revenues From Disposal Services	+\$38,569.17	
Revenues From Other Sources	<u>-466,478.18</u>	
Total Revenues		-\$427,909.01
Total Expenditures		<u>+\$ 76,324.29</u>
Net Income Before Depreciation		<u>-\$504,233.30</u>

The decrease in revenue from other sources was primarily due to an increase in the credit paid to the member communities for their recyclables (-\$113,000) and a reduction in miscellaneous income (-\$392,000). The miscellaneous income in 2002/03 included the sale of the Madison Heights property and the used Scarab compost turner, both of which were one time events. These decreases were partially offset by increases in the prices paid to us for recycled materials (+\$41,000).

The following tabulation provides a comparison on a tonnage basis for the period July 1 through December 31 for the years 2000/01-2003/04:

### July 1 Through December 31

	2000/01	2001/02	2002/03	2003/04	Over or Under 2002/03
Total Tons	111,690	112,907	109,906	113,478	+3,572
Avg. Disposal Charge Per Ton	\$28.28	\$31.37	\$30.36	\$29.94	-\$0.42
Other Income	9.01	6.05	10.76	7.31	-3.45
	\$37.29	\$37.42	\$41.12	\$37.25	-\$3.87
Average Oper. Exp. Per Ton	\$33.05	\$33.95	\$31.02	\$30.72	-\$0.30
Available for Improvements – Per Ton	\$4.24	\$3.47	\$10.10	\$6.53	-\$3.57

## MATERIAL HANDLED

The Authority processed 113,478 tons of solid waste material (refuse, recyclables and yard waste) during the first six months of the current fiscal year. This is an increase of 3,572 tons compared to the same period last year. Of the material processed, 7.9% was recycled and 21.7% was composted. The average tons per working day delivered to the Authority during this period was 866.2 tons and represents an increase of 4.0% compared to the same period last year.

JULY 1 THROUGH DECEMBER 31

Average Tons Per Working Day

	2000	2001	2002	2003
Tons	859.2	861.9	832.6	866.2
Variance		+0.3%	-3.4%	+4.0%

**MAJOR PROJECTS**

**ROCHESTER HILLS v. SOCRRA**

Rochester Hills and SOCRRA continue to work together to seek a private developer to build and operate a golf course as the end use of the landfill property. Golf Services Group has been hired by SOCRRA to solicit for golf course developers. Golf Services believes that we will receive 4 to 5 development proposals during the first quarter of 2004. They continue to be very optimistic about this project. The Golf Course Committee, which has representatives from both SOCRRA and Rochester Hills, is coordinating the work of Golf Services and will be developing a process for reviewing and evaluating the development proposals.

**CLOSING OF THE ROCHESTER HILLS LANDFILL**

We are continuing to make progress on the closure of the landfill. Our environmental consultant, NTH, has prepared a grading plan that will bring the landfill in compliance with the MDEQ requirements for sloping of the landfill cover. We are in the process of obtaining, placing and grading the required fill dirt. The areas of the landfill that are already properly graded were seeded in the fall of 2003. Several other projects relating to the landfill closure are ongoing and should be completed by June 30, 2004.

**MADISON HEIGHTS V. SOCRRA**

SOCRRA has filed interrogatories, a request for the production of documents and counter claims in this case. However, all activities in this lawsuit have been placed on hold until early March of 2004. This pause was designed to allow representatives of the SOCRRA Board and the Madison Heights City Council to meet to begin discussions that could lead to a settlement of this case. An initial meeting between SOCRRA and Madison Heights has been scheduled for January, 2004.

**PLANNING FOR THE FUTURE**

The SOCRRA Board and staff attended a Solid Waste Planning Workshop on October 29, 2003. This workshop was designed to begin planning the future of SOCRRA's solid waste handling operations. The workshop was conducted by Bob Brickner of GBB in Fairfax, Virginia. Bob is a recognized expert in the solid waste field and he has substantial experience with the facilities and operations of SOCRRA. The workshop went very well and resulted in the Board deciding to conduct a Request For Proposals process during 2004. A group of Board members and DPW Directors of several of the member communities has been established as a Steering Committee for this effort. The Board has also authorized hiring Bob Brickner to assist with this process. The goal of the RFP process, set to begin in late January of 2004, will be to obtain information so that the member communities can make SOCRRA membership decisions for beyond the June 30, 2007 member contract expiration date.

The Board also authorized the hiring of Jim Frey of RRSI of Ann Arbor to conduct a dual stream recycling study. In dual stream recycling, materials are picked up curbside as two streams: paper and containers. Simplifying the curbside sort has the potential to reduce the costs paid by the member

communities for pickup of recyclables. However, dual stream pickup will require some changes to our operations at the MRF. Mr. Frey will be developing a complete look at both the costs and benefits of adopting dual stream recycling.

## **AUDIT REPORT**

The audit report for the 2002/03 fiscal year was completed by our auditors, Rehmann Robson. The audit found the Authority to be in complete conformity with generally accepted accounting practices. No recommendations for improvement were made and the Authority staff was complimented for the condition of our financial records and for their cooperativeness with the auditors.

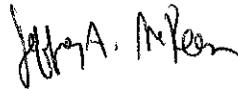
## **RECYCLING OF OFFICE PAPER AND JUNK MAIL**

Huntington Woods has begun a curbside program to recycle office paper and junk mail. Their residents are asked to place office paper in a clear plastic bag and junk mail in a separate clear plastic bag. The bags were provided by Huntington Woods to their residents. If a resident does not want to separate these materials, they are asked to place both their office paper and junk mail into a junk mail plastic bag. These plastic bags are then placed in the recycling container used by the residents for all of their other recyclables. The bags are picked up and placed in the paper section of the recycling trucks at no additional charge by the collection contractor. At the MRF, the bags are removed by hand from the paper stream for subsequent processing. Huntington Woods is paid our standard recyclable credit of \$17 per ton for any material delivered to the MRF under this program. The office paper is combined with office paper received at our drop off location and processed into a high value product. The junk mail is processed separately into a lower value product. Huntington Woods is encouraging their residents to separate the office paper from the junk mail in order to maximize the revenue obtained by SOCRRA for these materials. Thus far, this program has been very successful and has been very popular with Huntington Woods residents. We are working with the other member communities to discuss establishing a similar program for their communities.

## **ON-LINE AGENDA PACKAGE**

We are continuing to make the agenda package for the current month's Board meeting available on-line. The package is available through our website, [www.socrra.org](http://www.socrra.org), on the Friday prior to the monthly Board meeting. Board members have their choice of receiving either an electronic or a paper version of the agenda package materials.

Respectfully submitted,



Jeffrey A. McKeen, P.E.  
General Manager

JAM/ksh

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF INCOME JULY 1,2003 THROUGH DECEMBER 31,2003

REVENUES	ESTIMATED	ACTUAL	VARIANCES
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	2,535,000.00	2,498,309.66	(36,690.34)
OTHERS	0.00	1,128.16	1,128.16
	<u>2,535,000.00</u>	<u>2,499,437.82</u>	<u>(35,562.18)</u>
<u>BULKY WASTE</u>			
MEMBERS	0.00	30,492.85	30,492.85
OTHERS	217,000.00	277,365.34	60,365.34
	<u>217,000.00</u>	<u>307,858.19</u>	<u>90,858.19</u>
<u>COMPOST</u>			
MEMBERS	750,500.00	706,606.70	(43,893.30)
OTHERS	17,500.00	33,100.14	15,600.14
	<u>768,000.00</u>	<u>739,706.84</u>	<u>(28,293.16)</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(149,200.00)	(149,619.88)	(419.88)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	26,000.00	27,868.25	1,868.25
REVENUES - PLASTICS	73,000.00	100,699.61	27,699.61
REVENUES - SCRAP METAL	26,000.00	35,578.59	9,578.59
REVENUES - NEWSPAPERS	482,300.00	456,893.16	(25,406.84)
REVENUES - MAGAZINES	0.00	0.00	0.00
REVENUES - GLASS	7,000.00	10,511.28	3,511.28
REVENUES HOUSEHOLD WASTE	48,800.00	64,300.00	15,500.00
REVENUES - BATTERIES	360.00	126.75	(233.25)
REVENUES - TIN CANS	11,340.00	11,244.00	(96.00)
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES-COMPOST	17,000.00	33,754.40	16,754.40
INTEREST ON INVESTMENTS	14,000.00	9,148.66	(4,851.34)
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	52,850.00	45,549.65	(7,300.35)
MISC. INCOME	10,000.00	33,724.45	23,724.45
	<u>768,650.00</u>	<u>829,398.80</u>	<u>60,748.80</u>
TOTAL REVENUES	<u>4,139,450.00</u>	<u>4,226,781.77</u>	<u>87,331.77</u>
	BUDGET	ACTUAL	
<u>EXPENSES</u>	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>VARIANCES</u>
MADISON HTS TRANS.OPERATION	201,105.00	192,389.65	(8,715.35)
RELOADING OPERATION-COMPOST	337,310.00	232,228.24	(105,081.76)
REFUSE HAULING	856,329.00	792,906.46	(63,422.54)
BATTERY/HOUSEHOLD WASTE	66,977.00	76,019.95	9,042.95
TROY TS OPERATION	1,022,862.00	1,075,787.20	52,925.20
MATERIAL RECOVERY FACILITY	291,739.00	299,711.84	7,972.84
LANDFILL OPERATION	211,933.00	239,497.36	27,564.36
ADMINISTRATIVE & GENERAL	533,850.00	577,202.81	43,352.81
	<u>3,522,105.00</u>	<u>3,485,743.51</u>	<u>(36,361.49)</u>
REVENUES OVER EXPENSES	617,345.00	741,038.26	123,693.26
REBATE TO CITIES	0.00	(990,400.00)	(990,400.00)
NET INCOME	<u>617,345.00</u>	<u>(249,361.74)</u>	<u>(866,706.74)</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF INCOME JULY 1,2003 THROUGH DECEMBER 31,2003

REVENUES	TOTAL TONS	AMOUNT	2003/04 AVERAGE PER TON
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	74,517.97	\$2,498,309.66	
OTHERS	15.92	1,128.16	
<u>BULKY WASTE</u>			
MEMBERS	908.36	30,492.85	
OTHERS	4,430.68	277,365.34	
<u>COMPOST</u>			
MEMBERS	24,053.25	706,606.70	
OTHERS	597.20	33,100.14	
<u>RECYCLABLES</u>			
MEMBERS	8,859.38	(149,619.88)	
DROP OFF CENTERS	94.98	0.00	
	<hr/>	<hr/>	
	113,477.74	\$3,397,382.97	\$29.94
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD		\$27,868.25	
REVENUES - PLASTICS		100,699.61	
REVENUES - SCRAP METAL		35,578.59	
REVENUES - NEWSPAPERS		456,893.16	
REVENUES - MAGAZINES		0.00	
REVENUES - GLASS		10,511.28	
REVENUES-HOUSEHOLD WASTE		64,300.00	
REVENUES BATTERIES		126.75	
REVENUES - TIN CANS		11,244.00	
REVENUES - COMPOST		33,754.40	
INTEREST ON INVESTMENTS		9,148.66	
GRANT FUNDS		0.00	
RENTAL INCOME		45,549.65	
MISC. INCOME		33,724.45	
		<hr/>	
		\$829,398.80	7.31
		<hr/>	
TOTAL REVENUES		\$4,226,781.77	\$37.25
<u>EXPENSES</u>			
MADISON HEIGHTS TRANSFER STATION		\$192,389.65	
RELOADING OPERATION-COMPOST		232,228.24	
REFUSE HAULING OPERATION		792,906.46	
BATTERY RECYCLING/HOUSEHOLD WASTE		76,019.95	
TROY TS OPERATION		1,075,787.20	
MATERIAL RECOVERY FACILITY		299,711.84	
LANDFILL OPERATION		239,497.36	
ADMINISTRATIVE & GENERAL		577,202.81	
		<hr/>	
		\$3,485,743.51	\$30.72
NET INCOME BEFORE DEPRECIATION		\$741,038.26	\$6.53
DEC WASTE MGMT BILL and CITY REBATES			
DEPRECIATION		264,977.36	\$2.34
		<hr/>	
NET INCOME		\$476,060.91	\$4.20
CITY REBATES		990,400.00	

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
STATEMENT OF REVENUES & EXPENDITURES  
COMPARED WITH TOTAL BUDGET  
JULY 1,2003 THROUGH DECEMBER 31,2003

<u>REVENUES</u>	<u>TOTAL BUDGET 2003/04</u>	<u>ACTUAL 6 MONTHS</u>	<u>BALANCE</u>
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$5,025,000.00	\$2,498,309.66	\$2,526,690.34
OTHERS	0.00	1,128.16	(1,128.16)
	<u>\$5,025,000.00</u>	<u>\$2,499,437.82</u>	<u>\$2,525,562.18</u>
<u>BULKY WASTE</u>			
MEMBERS	\$0.00	\$30,492.85	(\$30,492.85)
OTHERS	448,000.00	277,365.34	170,634.66
	<u>\$448,000.00</u>	<u>\$307,858.19</u>	<u>\$140,141.81</u>
<u>COMPOST</u>			
MEMBERS-GRASS	\$944,500.00	\$152,413.35	\$792,086.65
MEMBERS-LEAVES	0.00	542,402.15	(542,402.15)
MEMBERS-WOODCHIPS	0.00	11,791.20	(11,791.20)
OTHERS-GRASS	25,000.00	6,693.00	18,307.00
OTHERS-LEAVES	0.00	26,326.05	(26,326.05)
OTHERS-WOODCHIPS	0.00	81.09	(81.09)
	<u>\$969,500.00</u>	<u>\$739,706.84</u>	<u>\$229,793.16</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$299,200.00)	(\$149,619.88)	(149,580.12)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$53,500.00	\$27,868.25	\$25,631.75
REVENUES - PLASTICS	146,200.00	100,699.61	45,500.39
REVENUES - SCRAP METAL	47,000.00	35,578.59	11,421.41
REVENUES - NEWSPAPERS	962,200.00	456,893.16	505,306.84
REVENUES - MAGAZINES	0.00	0.00	0.00
REVENUES - GLASS	14,780.00	10,511.28	4,268.72
REVENUES-HOUSEHOLD WASTE	97,500.00	64,300.00	33,200.00
REVENUES - BATTERIES	720.00	126.75	593.25
REVENUES - TIN CANS	22,600.00	11,244.00	11,356.00
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES - COMPOST	40,000.00	33,754.40	6,245.60
INTEREST ON INVESTMENTS	32,000.00	9,148.66	22,851.34
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	109,256.00	45,549.65	63,706.35
MISC. INCOME	15,000.00	33,724.45	(18,724.45)
	<u>\$1,540,756.00</u>	<u>\$829,398.80</u>	<u>\$711,357.20</u>
TOTAL REVENUES	<u>\$7,684,056.00</u>	<u>\$4,226,781.77</u>	<u>\$3,457,274.23</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF REVENUES & EXPENDITURES  
 COMPARED WITH TOTAL BUDGET  
 JULY 1,2003 THROUGH DECEMBER 31,2003

<u>EXPENSES</u>	<u>TOTAL BUDGET</u> <u>2003/04</u>	<u>ACTUAL</u> <u>6 MONTHS</u>	<u>BALANCE</u>
MADISON HEIGHTS OPERATION	\$398,505.00	\$192,389.65	\$206,115.35
RELOADING OPERATION-COMPOST	418,560.00	232,228.24	186,331.76
REFUSE HAULING OPERATION	1,995,929.00	792,906.46	1,203,022.54
BATTERY/HOUSEHOLD WASTE	146,055.00	76,019.95	70,035.05
TROY TS OPERATION	2,357,762.00	1,075,787.20	1,281,974.80
MATERIAL RECOVERY FACILITY	585,539.00	299,711.84	285,827.16
LANDFILL OPERATION	415,933.00	239,497.36	176,435.64
ADMINISTRATIVE & GENERAL	959,210.00	577,202.81	382,007.19
	<u>\$7,277,493.00</u>	<u>\$3,485,743.51</u>	<u>\$3,791,749.49</u>
TOTAL EXPENDITURES	<u>\$7,277,493.00</u>	<u>\$3,485,743.51</u>	<u>\$3,791,749.49</u>
REBATES TO CITIES	0.00	990,400.00	(990,400.00)
NET INCOME	<u>\$406,563.00</u>	<u>(\$249,361.74)</u>	<u>\$655,924.74</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 COMPARATIVE STATEMENT  
 JULY 1,2003 THROUGH DECEMBER 31,2003

	2003/04	2002/03	VARIANCES
<u>REVENUES</u>			
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$2,498,309.66	\$2,467,174.17	\$31,135.49
OTHERS	1,128.16	93.00	1,035.16
	<u>\$2,499,437.82</u>	<u>\$2,467,267.17</u>	<u>\$32,170.65</u>
<u>BULKY WASTE</u>			
MEMBERS	\$30,492.85	\$19,772.96	\$10,719.89
OTHERS	277,365.34	239,125.70	38,239.64
	<u>\$307,858.19</u>	<u>\$258,898.66</u>	<u>\$48,959.53</u>
<u>COMPOST</u>			
MEMBERS	\$706,606.70	\$760,319.85	(\$53,713.15)
OTHERS	33,100.14	21,948.00	11,152.14
	<u>\$739,706.84</u>	<u>\$782,267.85</u>	<u>(\$42,561.01)</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(149,619.88)	(36,195.19)	(113,424.69)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$27,868.25	\$31,504.28	(\$3,636.03)
REVENUES - PLASTICS	100,699.61	74,642.60	26,057.01
REVENUES - SCRAP METAL	35,578.59	30,042.96	5,535.63
REVENUES - NEWSPAPERS	456,893.16	447,099.57	9,793.59
REVENUES - MAGAZINES	0.00	0.00	0.00
REVENUES - GLASS	10,511.28	8,909.46	1,601.82
REVENUES-HOUSEHOLD WASTE	64,300.00	45,287.70	19,012.30
REVENUES-BATTERIES	126.75	613.33	(486.58)
REVENUES - TIN CANS	11,244.00	8,802.87	2,441.13
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES - COMPOST	33,754.40	26,502.00	7,252.40
INTEREST ON INVESTMENTS	9,148.66	27,424.98	(18,276.32)
GRANT FUNDS	0.00	7,200.00	(7,200.00)
RENTAL INCOME	45,549.65	48,280.10	(2,730.45)
MISC. INCOME	33,724.45	426,142.44	(392,417.99)
	<u>\$829,398.80</u>	<u>\$1,182,452.29</u>	<u>(\$353,053.49)</u>
TOTAL REVENUES	\$4,226,781.77	\$4,654,690.78	(\$427,909.01)
OPERATING EXPENSES	\$3,485,743.51	\$3,409,419.22	\$76,324.29
EXCESS	\$741,038.26	\$1,245,271.56	(\$504,233.30)
REBATES TO CITIES	990,400.00	1,500,150.00	(509,750.00)
EXCESS AFTER REBATES	<u>(\$249,361.74)</u>	<u>(\$254,878.44)</u>	<u>\$5,516.70</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 TOTAL DISPOSAL CHARGES  
 JULY 1,2003 THROUGH DECEMBER 31,2003

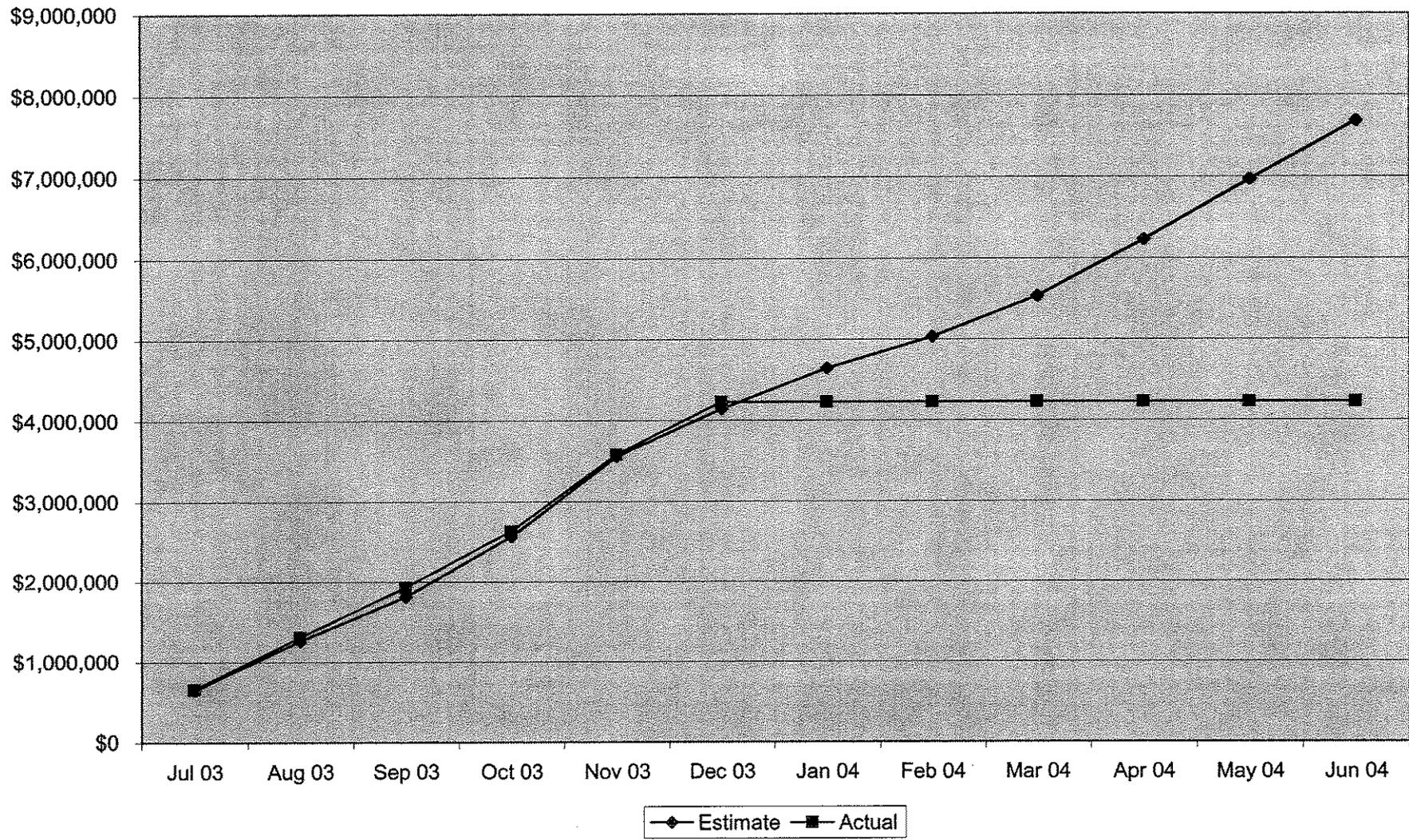
<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>DISPOSAL CHARGES</u>	<u>AVERAGE COST PER TON</u>
BERKLEY	5,502	\$148,885.73	\$27.06
BEVERLY HILLS	4,494	128,562.72	\$28.61
BIRMINGHAM	10,886	308,741.01	\$28.36
CLAWSON	5,196	156,228.02	\$30.07
FERNDALE	9,011	266,993.06	\$29.63
HAZEL PARK	6,371	195,168.43	\$30.63
HUNTINGTON WOODS	2,866	75,817.99	\$26.45
LATHRUP VILLAGE	1,628	47,583.03	\$29.23
OAK PARK	9,512	277,139.33	\$29.14
PLEASANT RIDGE	1,465	40,066.20	\$27.35
ROYAL OAK - CITY	24,110	667,153.22	\$27.67
TROY	27,298	773,369.39	\$28.33
SUB-TOTAL	108,339	\$3,085,708.13	\$28.48
OTHER CUSTOMERS	5,044	311,593.64	61.78
DROP OFF CENTERS	95	0.00	0.00
TOTAL	113,478	\$3,397,301.77	29.94

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY IMPROVEMENT FUND  
JULY 1,2003 THROUGH DECEMBER 31,2003

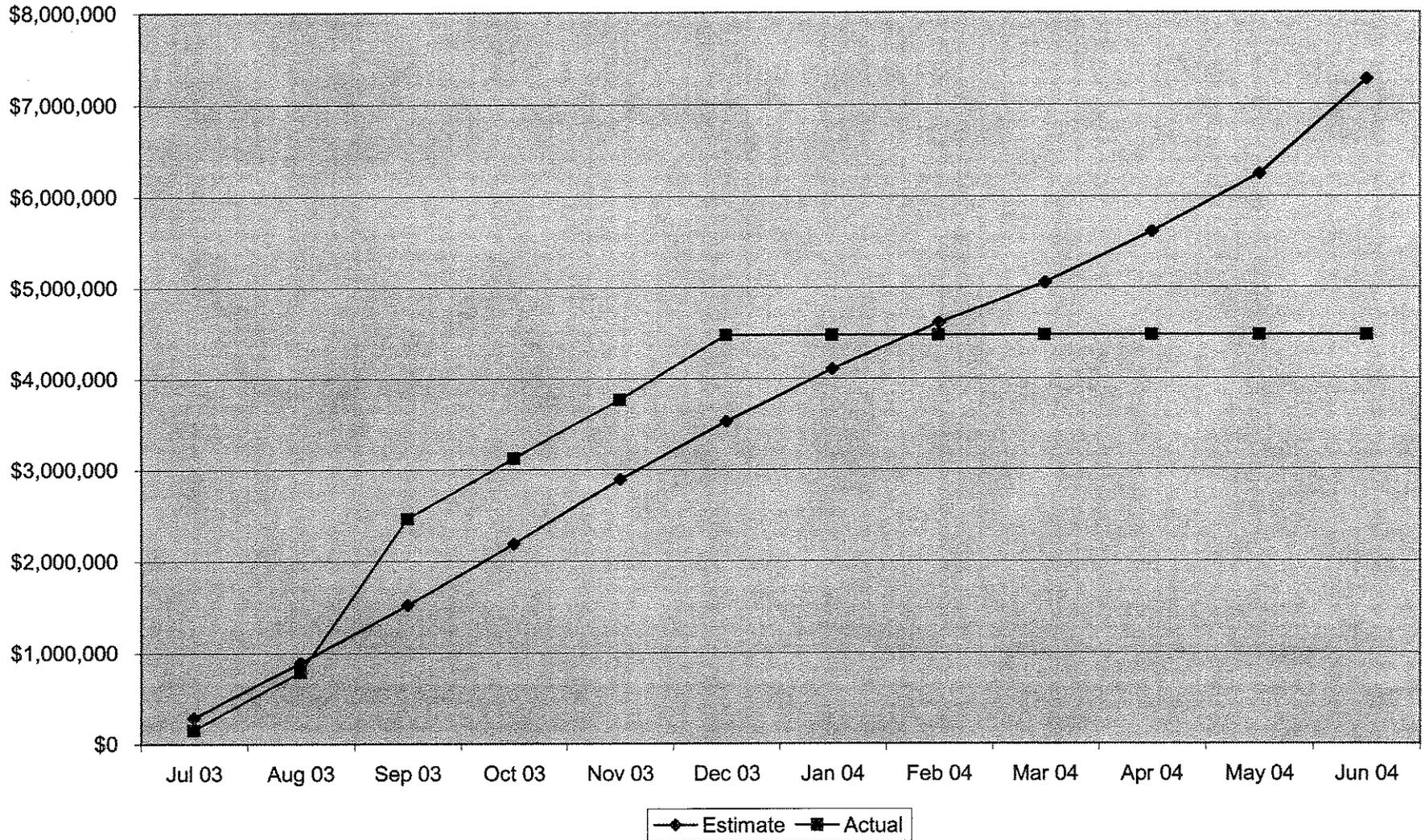
EXPENDITURES

MHTS Roof	\$9,155.00
TS Roof Replacement	7,777.44
TS Exhaust & Vent System	2,500.00
MRF Driveway Expansion	18,286.78
MRF Equipment	2,700.00
Heavy Equipment	208,700.00
TOTAL	<hr/> 249,119.22

# SOCRRA REVENUES 2003/04



# SOCRRA EXPENSES 2003/04



February 4, 2004

To: John Szerlag, City Manager

From: Gary Shripka, Assistant City Manager – Services  
Brian Stoutenburg, Library Director

Subject: Agenda Item – Appointment of Historic District Commission Study Committee

As of this date, we have seven applications from individuals wishing to be considered by City Council for appointment to the Historic District Commission Study Committee. All the representation requirements can be met with these applications.

- At least one member of the Historic District Commission
  - Mr. Paul Chu Lin
- Representation from at least one other duly organized local historic preservation organization
  - Mrs. Kinda Hupman – Board Member of the Troy Historical Society
  - Mr. Kevin Lindsay – Member of the Historical Commission

Ms. Charlene Harris, Ms. Marilyn Miller and Mr. Bob Miller are Historic District Homeowners. Ms. Linda Rivetto is an interested resident.

The Study Committee is to be comprised of a majority of persons who have clearly demonstrated interest in, or knowledge of historic preservation.

Additional persons may submit applications for consideration between now and the February 16, 2004 City Council Meeting.

February 5, 2004

TO: John Szerlag, City Manager

FROM: Gary Shripka, Asst. City Manager/Services  
 Steve Vandette, City Engineer *SV*  
 John Abraham, Traffic Engineer *JA*

SUBJECT: Agenda Item – Report on Evaluation of City Council / Traffic Committee Action to Restrict Left Turns at the Gas Station, Rochester and Wattles.

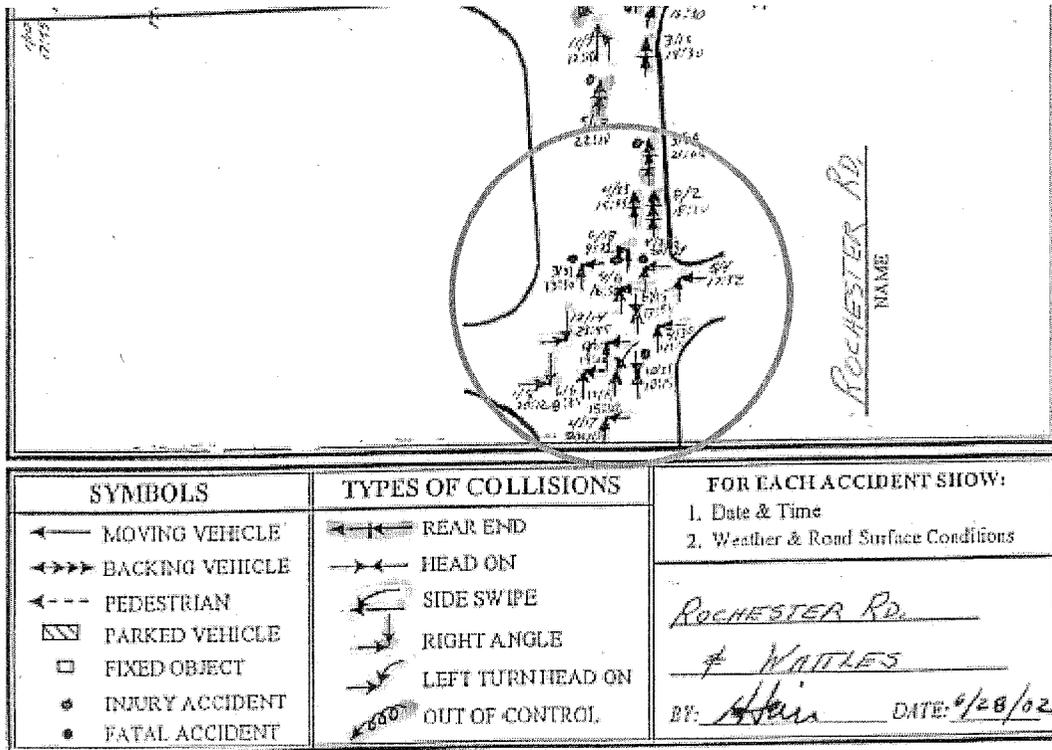
In 2002 the Traffic Committee and City Council approved installation of NO LEFT TURN signs from the Shell gas station on Rochester Road just south of Wattles. A traffic crash study of the first year after the signs were installed shows that there has been only one crash related to the driveway exiting the gas station. Previously there were 12 crashes in 2000, and 10 in 2001 directly related to the gas station driveway. The crash benefits of this action comparing crashes in 2001 and 2002 are presented in the collision diagrams attached and in summary are:

- Reduction in 8 angle (broad side) crashes
- Reduction 2 head-on crashes
- 3 of the above resulted in injuries

As per National Safety Council, the national average costs of motor vehicle crashes are as follows: *(The calculable costs of motor-vehicle crashes are wage and productivity losses, medical expenses, administrative expenses, motor vehicle damage, and employer costs)*

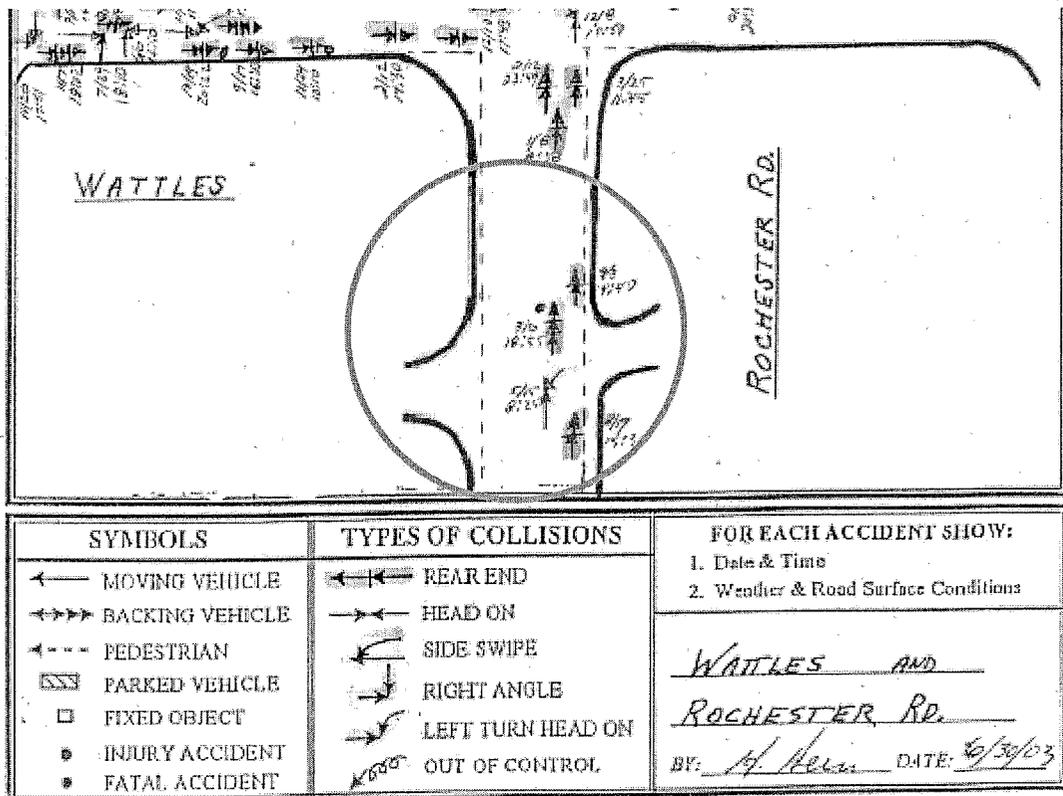
Fatal Crash	\$1,090,000
Injury Crash	\$39,000
Property Damage Only Crash	\$6,200

Based on the above the cost savings due to the reduction in crashes are \$181,700 in 2002. Additionally there were savings in societal and emotional costs that cannot be measured.



2001 Collision Diagram

The Traffic Committee and City Council Voted to install NO LEFT TURN signs from the Shell gas station



2002 Collision Diagram

February 9, 2004

TO: Gary Shripka, Asst. City Manager/Services  
Steve Vandette, City Engineer

FROM: John Abraham, Traffic Engineer 

SUBJECT: Election to Institute of Transportation Engineers' Board

Recently the Michigan section of the Institute of Transportation Engineers (ITE) elected me to their board as the Director for this year. The Institute of Transportation Engineers (ITE), an international individual member educational and scientific association, is one of the largest and fastest-growing multimodal professional transportation organizations in the world. ITE members are traffic engineers, transportation planners and other professionals who are responsible for meeting society's needs for safe and efficient surface transportation through planning, designing, implementing, operating and maintaining surface transportation systems worldwide.

The Michigan section is an active chapter with around 500 members and most of the transportation professionals in Michigan are members. The Michigan section falls under District 3 of the ITE international that includes the states of Michigan, Ohio, Indiana and West Virginia. The Michigan section has 3-4 technical sessions and a fundraiser in a year and gives away in excess of \$8,000 as scholarships to students at our Michigan Universities. Members of the Board plan all the section activities and also plan sessions for the district 3 annual meetings that are held in Michigan, Ohio or Indiana. I may have to attend the District annual meetings while serving on the Board (this may be in addition to the international annual meeting of ITE to attend meetings of couple of national standards setting committees, of which I am a member).

The responsibilities of the Director are few, with overseeing production of the newsletter and the Webpage. This position normally progresses to serve as Treasurer, Secretary, Vice president and President in the subsequent years. Attached is a welcome letter from the president of ITE Michigan.



INSTITUTE OF  
TRANSPORTATION ENGINEERS  
MICHIGAN SECTION



February 3, 2004

John K Abraham  
Deputy City Engineer/Traffic Engineer  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

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ENGINEERING

Dear John,

I'd like to take a moment to welcome you as Director of the Michigan Section ITE for 2004. It is a pleasure having you serve on the Board. The membership of the Michigan Section values your willingness to serve on the Board.

As Director, your first year responsibilities include overseeing production of the MichiganITE newsletter and the Michigan Section Web Page. Your attendance at the Section Board meetings is also requested. I appreciate your willingness to head up the technical project for this year also.

Your dedication to the Michigan Section is appreciated and I wish you the best of luck this year, as well as the remainder of your term on the Michigan Section Board. Please let me know if I can assist you in any way.

Best wishes,

Shirley Wollner, PE, PTOE  
President  
Michigan Section ITE  
2944 Fuller Avenue  
Grand Rapids, MI 49505

February 10, 2004

TO: John Szerlag, City Manager  
FROM: Laura Fitzpatrick, Assistant to the City Manager  
SUBJECT: Agenda Item: Governor's "Cool" Cities Initiative: Summary of Report

On October 6, 2003, the Troy City Council established the Cool Cities Initiative Advisory Group (CCIAG) whose objective was to discuss questions posed by the Governor as part of the "Cool Cities Initiative." The group met on October 26, 2003 and its insights were forwarded to the Governor's Office in November.

In January the Governor's Office published the *Michigan Cool Cities Initial Report*. The 24-page report is attached and a very brief summary is provided below.

*Cities Participating*: 77 cities from across the state ranging in population from 1,000 to 951,000.

*Three qualities most identified as part of initiatives to make a city "cool:"*

- Walkable Communities
- Business Development
- Arts and Culture

*Additional qualities most often identified:*

- A Variety of Ethnic Cuisine
- Affordable Housing Options
- Safety
- Diverse Populations

*Attraction/Retention Strategies*: "Cities have a strong sense that they need to be very strategic and focused on the unique strengths they have as a community, whether it's a convenient location, strong arts community, or a beautiful location next to a lake or a river."

*Recommendation to the State:*

- Provide help with tax incentives in several areas including: residential tax incentives, tax abatements and incentives for businesses, tax credits for historic preservation, and incentives for new graduates to live and work in the city where they graduate.
- Local and State partnership in support of schools (“Cool Schools”)
- Transportation initiatives to aid in creating more livable communities
- Branding/Promotion of the State (such as a welcome sign at the borders that reads “Great Lakes, Great Cities”)
- State support for housing initiatives
- Environmental Incentives (i.e., expanded Brownfields program, stop sprawl, redevelopment incentives)
- Business/Economic Development Housing Initiatives (such as: support for urban tourism, grants for art, housing and other development, promotion of arts and culture statewide)

# Michigan Cool Cities



## Michigan Cool Cities Initial Report Office of the Governor



# Michigan Cool Cities



## Table of Contents

Letter from the Governor

Cool Cities ..... 1

Cool Cities Overview ..... 2

Cool Cities Executive Summary of Methodology ..... 3

Qualities..... 5

Initiatives/Plans ..... 9

Attraction/Retention Strategies ..... 14

Benefits of Initiative..... 16

Challenges ..... 20

Recommendations to State..... 22

Map



# Michigan Cool Cities



Dear Michigan Cool Cities Partners,

In my initial letter to Michigan Mayors inviting them to participate in the cool cities effort, I asked the question what makes a city “cool”? We understood the best place to look for the answer to this question was at the local level and that the answer could, and indeed should, vary widely.

We are learning; however, that while there are many different and unique definitions and interpretations, there are also great areas of agreement with some strong common themes emerging. One of the most heartening of these is the widespread understanding that cool cities must welcome and encourage diversity.

As many of you know from attending the “Creating Cool” Conference on December 11, 2003, building vibrant, energetic cities that attract jobs, people, and opportunity to our state is a key component of my economic and cultural vision for Michigan. As we have moved forward with our cool cities efforts, I am convinced it is a vision we all share. Revitalized cities will not only open new horizons for urban residents, they also enhance our effort to preserve the green space that surrounds our metropolitan areas and attract the diverse mix of workers so essential to our new knowledge-driven economy, both critical components in building a strong economy for the future.

We are energized by the buzz the Cool Cities initiatives are generating and heartened and excited by the responses we have received from cities thus far. It is very clear, even at this early stage in the process, we are in the midst of movement that I believe will result in our finding dynamic ways to make people – and particularly young people – more interested in living, working, and shopping in Michigan cities.

This is a work in progress. The following information, based on the responses we received from you, is just a starting point but offers a wonderful springboard for the efforts of this advisory group and gives us some great information upon which to guide our work. This report represents the responses we received from more than 40 cities that completed and returned the cool cities questionnaires. We will continue to add to this database as we receive responses from additional cities.

Your efforts are greatly appreciated and I thank you for helping us build the cool cities that will transform Michigan into a magnet for economic growth and opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer M. Granholm', written over a faint dotted line.

Governor Jennifer M. Granholm



# Michigan Cool Cities



A Cool City...

Offers a 'Sense of Place' where people can enjoy entertainment, socialize, recreate, and absorb culture, the arts, and historic architecture.



A Cool City...

Offers good jobs, creative opportunities, diverse housing and is wired for technology.



A Cool City...

Is development-friendly – stimulating capital investment.



A Cool City...

Works hard to keep the residents it has while welcoming new residents. It works hard to leverage its resources creatively and has a well articulated image campaign.



A Cool City...

Is 24-7, or something close to it. It is dynamic with a synergistic vibrancy.



A Cool City...

Is unique!



# Michigan Cool Cities



## Cool Cities Overview

This report is the beginning of a “cool” adventure. It is intended as a working document and a conversation starter as we work together in Michigan to turn this state into what the city of Ferndale suggested should be, the “Great Lakes, Great Cities!” state.

It is a work in progress. It is part of our effort to reach out to Michigan cities through their leadership and local “cool city” advisory groups to learn what they think will make their cities more attractive to young job seekers, job creators, and urban pioneers. In essence, we want the cities to tell us what is cool to you?

This is about creating hot jobs in cool neighborhoods throughout Michigan. It’s about attracting and encouraging people – especially young people – to live, work, and shop in the cool cities we are working hard to create.

Through this process, we want to learn how the state can best help our cities become magnets for economic growth and opportunity. Along the way, we want to discover the essence of what makes a vibrant city and help communities as they work to capture a sense of place; building on their community’s unique strengths and characteristics and improving the quality of life for all residents and visitors alike.

The Cool City banner is a fun way to describe a very serious mission. To thrive in the future, Michigan cities must attract urban pioneers and young knowledge-workers who are a driving force for economic development and growth. These individuals are mobile and we want them to consider, and then choose, Michigan cities. To do this, we need to change some of our old ways of thinking by making quality of place a major component of economic development efforts.

Cities and regions with large numbers of urban pioneers, or what author Dr. Richard Florida describes as the “Creative Class”, are thriving. Build a cool city and they - young knowledge-workers and other creative class members – will come. As Hewlett Packard CEO Carly Fiorina put it, “Keep your tax incentives and highway interchanges – we will go where the highly skilled people are.”

We have already gathered some great information and, more importantly, some very creative people to help us as we work together to create cool cities that will serve as magnets for jobs and people – now that’s cool...

***Contact Information:** We are in the process of establishing a Cool Cities office in the Department of Labor & Economic Growth. In the meantime, for further information on this report or other aspects of the Cool Cities initiative, you can email [mediainfo@michigan.gov](mailto:mediainfo@michigan.gov) or call the DLEG Media and Public Relations office at 517.373.9280.*



# Michigan Cool Cities



## Cool Cities Executive Summary Methodology

### *Background*

At the “State of the State” address, Governor Granholm made it known to all of Michigan that her administration would pursue an initiative to create “Cool Cities” throughout the state, in part as an urban strategy to revitalize communities, build community spirit, and most importantly, retain our “knowledge workers” who were departing Michigan in alarming numbers.

During the 2003 Mackinac conference, Governor Granholm announced the time is now for “Cool Cities”.... and Michigan responded.

The Governor invited cities across Michigan to participate in the state’s “Cool Cities Initiative” (CCI) with an overwhelming response from almost 80 cities, so far (see attached map). As the *Cool City Movement* continues, we anticipate additional cities requesting participation.

Each participant city was instructed to form a “Local Cool Cities Advisory Group” (LCCAG) reflective of the rich diversity and talent within their respective areas of the state. They were asked to provide details regarding their initiatives so they can be incorporated into this report and shared with others.

On November 20, 2003, the first meeting of the Cool Cities State Advisory Group was held. Cities from around the state attended, along with Governor Granholm and state officials, including representatives from History Arts and Libraries and the newly formed Department of Labor & Economic Growth, that encompasses both the Michigan State Housing Development Authority and the Michigan Economic Development Corporation. An overview of the themes extracted from the survey instrument sent to cities was discussed. The information was a summation of this report and reflected responses from nearly 60 percent of the cities participating.

At the Michigan Council for Arts & Cultural Affairs’ 9<sup>th</sup> Annual Conference, titled “Creating Cool”, more than 1,300 participants heard Dr. Richard Florida, author of [The Rise of the Creative Class](#), articulate the merits of an economic development strategy that puts “creative” people first, acknowledging the link between economic prosperity and the “Creative Class”.

To assist the cultivation of “Cool Cities”, the Department of Labor & Economic Growth (DLEG), formerly known as the Department of Consumer & Industry Services, will coordinate “one-stop” activities for those cities and interested parties making inquiry regarding state administered programs. (For now, these inquiries are being routed through the DLEG media and public relations office.)



# Michigan Cool Cities



DLEG together with the Governor's office has launched a web-based survey called [www.michigancoolcities.com](http://www.michigancoolcities.com) that is gathering information from recent college graduates and students, as well as others, on what type of lifestyle they are looking for in a community. This first ever survey has been well received and should provide extremely useful data that can be used in support of Cool Cities efforts.

## ***Organization***

The data captured identified the following main topics:

**Qualities** (historic preservation, mixed-use development, land use, adaptive re-use, walkable communities, inclusion/tolerance, arts and culture, and business development. Other qualities most identified by the responding cities were: variety of ethnic restaurants, affordable housing, safety, and a diverse population.)

**Initiatives/Plans**

**Attraction/Retention Strategies**

**Benefits of Initiative(s)**

**Challenges**

**Recommendations to the State**

The responses were reviewed, compared, and organized by representatives from the Department of Labor & Economic Growth and the Governor's Office. All of the responses may not be included; however, most of the key concepts have been captured.

## ***Qualifying Statement***

This report includes responses from more than 40 cities. Information gathered from the respondents is reflected in the qualitative interpretation of this report. This is not a scientific analysis.



# Michigan Cool Cities

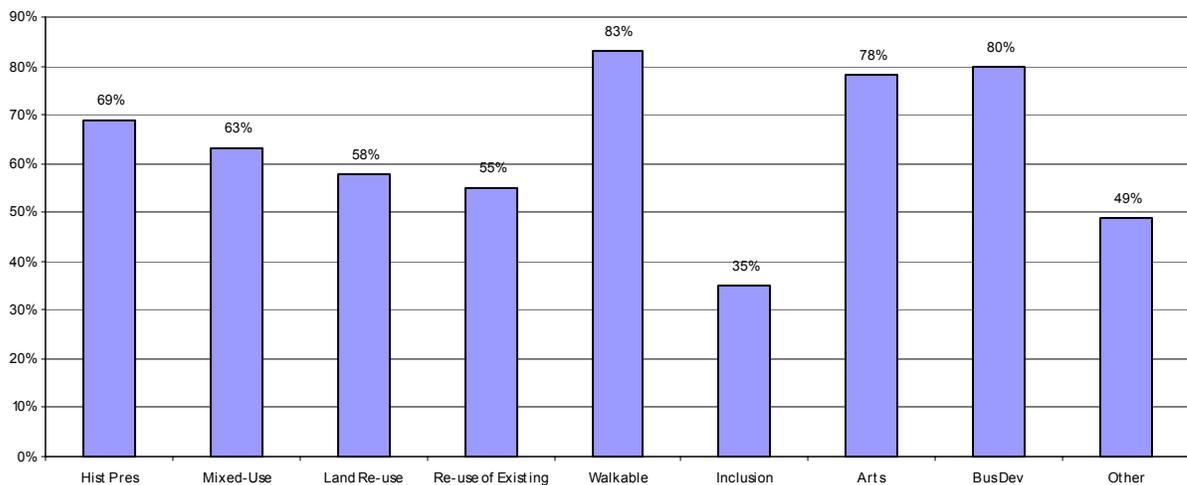


## Qualities

We asked the advisory groups to check the following qualities that apply to their initiatives. The three qualities most identified are *Walkable Communities*, *Business Development*, and *Arts and Culture*.

-  Historic Preservation
-  Mixed – Use Development (Example: Retail/Residential)
-  Land Re-utilization
-  Adaptive Re-use of Existing Structures
-  Walkable Communities
-  Inclusion/Tolerance
-  Arts and Culture
-  Business Development

Cool Cities Analysis: City Qualities



# Michigan Cool Cities



The majority of the cities provided lists of additional qualities that their initiatives would produce or that they already possess. Additional qualities *most often identified* were a variety of ethnic cuisine establishments, affordable housing options, safety, and diverse populations.

## Identified Qualities of Urban Living

- ☹️ Diverse populations, mix of ages, cultures, incomes
- ☹️ Affordable and mixed-housing options
- ☹️ Historical Buildings / Character
- ☹️ Distinct Neighborhoods
- ☹️ Buildings occupied, space for new buildings
- ☹️ Town or city center with restaurants, shopping, theatres, music and dance venues

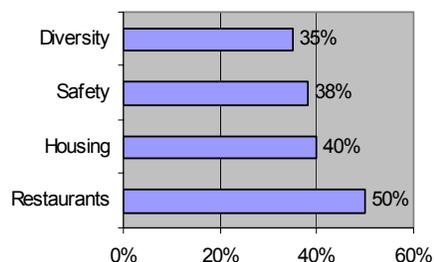
## Identified Environment/Atmosphere Qualities

- ☹️ Safe, clean, well maintained
- ☹️ Adequate and attractive natural resources
- ☹️ Walkable between commercial and residential
- ☹️ Environmental design in pedestrian scale
- ☹️ Multi-cultural, diverse, friendly
- ☹️ Urban character with small town feel
- ☹️ Attractive buildings, landscapes, etc.
- ☹️ Utilize state resources to redevelop private space
- ☹️ Open space preservation
- ☹️ Greenway, bike path, development
- ☹️ Waterfront and water-connecting development
- ☹️ Architectural character (new blends with old)
- ☹️ Vibrant, busy, bright lights
- ☹️ Defined neighborhoods
- ☹️ Intellectually stimulating

## Identified Qualities of Activities/Arts/Entertainment

- ☹️ Designs that foster gathering places
- ☹️ Active downtown, can just walk around and can find something to do, no planning necessary
- ☹️ Volunteerism opportunities / programs
- ☹️ Unique art venues, public art displays
- ☹️ Museums, theaters, art performance, comedy, poetry, music venues
- ☹️ Recreational / Athletic venues, i.e., bike, walking trail system, athletic facilities, sporting events, aquatic park, soccer complex, skateboard park, etc.
- ☹️ Variety of restaurant / ethnic cuisine
- ☹️ Exciting things to do – nightclubs, pubs, coffee shops, arcades, etc.

Other Qualities Most Identified by Responding Cities



“More than anything, Grand Rapids needs to accept and promote diversity and inclusiveness, of all ethnic groups, lifestyles, religions, and sexual orientation, as well as, entertainment, music, and restaurants.” – from Grand Rapids



# Michigan Cool Cities



- ☺ Shopping – unique stores, independent shops, markets
- ☺ Concerts, movies in the park
- ☺ Events and Festivals, i.e., film, folk, outdoor, jazz, etc.
- ☺ Balance of daytime/nighttime activities and year-round
- ☺ Top notch public library
- ☺ Public lectures
- ☺ Prime-time program for older adults and youth programs
- ☺ Active historical society
- ☺ Free wireless IT service in downtown plazas
- ☺ Increased tourism

## ***Identified Qualities that Foster Cooperation***

- ☺ Creative leadership development
- ☺ Customer-focused city government/convenient, longer service hours
- ☺ Nurture creativity, especially young persons
- ☺ City keeps residents informed
- ☺ Local government willingness to enhance/develop city, active, friendly, and approachable
- ☺ Community partnerships with adjacent cities, businesses, organizations, etc.
- ☺ Strong community groups, social organizations, youth programs
- ☺ Excellent schools, university and nearby colleges that provide educational opportunities for persons of all ages
- ☺ Daycare and before/after school care programs
- ☺ City-supported vision of lively downtown center
- ☺ Community policing
- ☺ Community Relations Coalition and Pride Teams
- ☺ Active citizens
- ☺ Community building through grassroots war on poverty campaign
- ☺ Local police meet with students to establish relationships and trust

“The city looks forward to gaining insight and assistance from the efforts of other communities around the State of Michigan as we look for collaborative approaches to revitalizing our urban centers.” – from Holland

## ***Other Identified Amenities***

- ☺ Efficient transportation from outside into city core
- ☺ Transportation transitions, parking to subway to bus, bike and pedestrian trails
- ☺ Adequate municipal convenient parking
- ☺ Well-established public facilities, public safety, State Police posts, etc.
- ☺ Special attractions, i.e., New Veterans Memorial Park, fountains, etc.
- ☺ Cutting edge technology
- ☺ Extensive recycling services

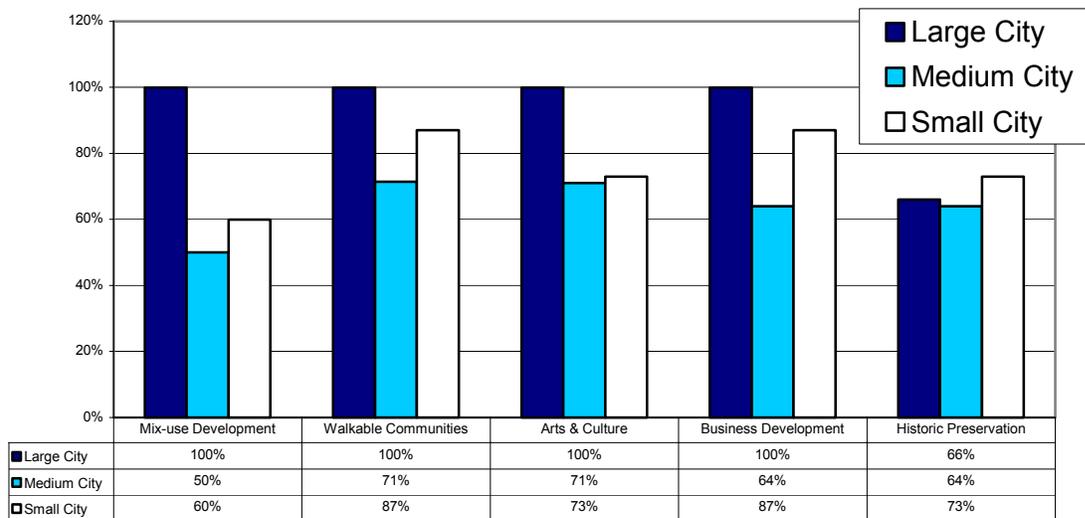


# Michigan Cool Cities



- ☒ Close to bodies of water
- ☒ Deep-sea port
- ☒ National park gateway
- ☒ Diverse places of worship
- ☒ New space for retail/residents at City Center Project
- ☒ Enforcement of property maintenance code to maintain properties to certain standards
- ☒ Hardworking potential labor force
- ☒ Access to health care

**Qualities Most Selected - by City Size**



# Michigan Cool Cities



## Initiatives/Plans

### *Arts, Culture, and Entertainment*

Cities want entertainment options to be available to the community. One city mentioned reimagining the downtown infrastructure to support street life and culture. Variety in entertainment alternatives, such as offering restaurants, unique bars, coffee houses, street festivals, community fairs, theaters, community activities and a general “street life” theme is a must for most cities. Outdoor dining is an often-cited benefit to downtown business. Offering lots of personal services such as spas, salons, eateries, grocers, specialty retail and financial .

Cities want entertainment activities to be available at all hours and they generally want more of them in their cities. Extending the retail hours for clubs and diners so that people can enjoy nightlife in the downtown was a reoccurring theme throughout the city responses. Summer concert series were a popular suggestion for outdoor community entertainment.

- ☞ Nightlife is important: People are busy during the day, they play at night; i.e., in Italy things stay open late, fountain plazas attract people at all hours.
- ☞ Grand Rapids created an Arts and Entertainment district with the help of a Michigan Economic Development Corporation (MEDC) Grant.
- ☞ Provide numerous festivals and programs for children
- ☞ Muskegon hopes to create an arts incubator

“To create a downtown that is exciting and doesn’t roll up the sidewalks at 5 p.m., we have worked to develop a downtown where you can work, live and play without the need to get in your car and drive somewhere else.” – from Mt. Clemens

### *Recreation*

Keeping parks clean and attractive for residents and visitors is a priority for many cities.

- ☞ Creating a one-stop shop for cultural and recreational activities
- ☞ Facilitating events like intramural sports programs
- ☞ Attract new and unusual attractions; i.e., rock walls, annual 10K run

### *Walkable/Pedestrian Friendly Communities*

Creating more pedestrian-friendly districts in cities was a common cool city theme. Increasing the walkability of the downtown area for cities included increased connectivity of key areas like waterfront corridors, city parks, and museums to the downtown area. Convenience for walkers, bikers, and skaters was also important to cities so that they can access the downtown area.



# Michigan Cool Cities



- Jackson is creating a River Arts Walk connecting the Arts Armory to Consumers Energy headquarters.
- Jackson established a Walkable Communities Task Force, which implemented a FootEnergy program and a destination-based bicycle route.

## *Revitalization of Vacant and Obsolete Buildings and Downtowns*

Cities are focusing redevelopment on their main streets, downtown districts, and near downtown neighborhoods. They hope to develop a vibrant downtown core for business, retail and housing. Across Michigan, cities are revitalizing buildings in their central cities into living spaces, businesses, and retail spaces. Cities are then promoting these residential districts in their downtown areas. As cities work to revitalize urban workspaces for businesses, they are also revitalizing the existing infrastructure. High-speed intranet, new wireless broadband to access the world, and Wi-Fi access in the downtown area are examples of high tech infrastructure cities are planning to bring to their downtowns.

- Royal Oak is currently working on plans to bring Wi-Fi to the downtown as an economic development tool to attract more residential development and as an added incentive for business.
- St. Joseph is converting an early 1900's factory into a center for the arts and a residential condominium complex.
- Jackson wants to keep the downtown area open on Sundays.
- Farmington formed a committee to expand programming/use of their historic downtown civic theatre.

## *Promotion/Image Growth of City*

Cities plan to promote what is already great about their city. Natural assets like lakefront property, waterfront parks, "small town atmosphere", are all assets cities want to promote. Define what cool means to a city and then promote it is a common strategy for attracting residents and visitors to cities. Cities want to develop a coordinated marketing strategy for the cultural and recreation opportunities that exists in their city or region to attract visitors and residents. Some feel it is important to address negative image perspectives of their city.

"Cool cities that attract and retain youth need a bit of an edge, an urban feel, the best are walkable with several options for transportation choice... variety/diversity in terms of shopping, dining, night life, people, entertainment, affordable housing... the coolest places are often densely populated, good places for people watching..." – from Ferndale

Cities want to build on a sense of loyalty in the community and a city's sense of volunteerism to attract and retain people. Maintaining and promoting this sense of community was important to many cities.



# Michigan Cool Cities



Detroit is planning a March 2004 “Regional Transformation Workshop” with Dr. Richard Florida. They also have an initiative named Detroit Synergy to “generate positive perceptions and opinions about Detroit by bringing together a diverse community and building upon the City’s strengths and resources to realize a common vision for a greater Detroit, [www.createdetroit.com](http://www.createdetroit.com)”

- ☛ Support “Destination Jackson” to establish Jackson as a year round southeastern Michigan destination for arts, culture, entertainment, recreation and sports.
- ☛ “I Am Detroit!” campaign

## *Get Young People Involved*

- ☛ Jackson hopes to establish an internship program for young people to work in City departments
- ☛ Educate young people in the local schools on the importance of supporting the local economy and becoming involved in local activities.
- ☛ Grand Rapids is founding a Grand Rapids Young Professionals Group
- ☛ Make it a “creative thinking town” for all ages
- ☛ Develop an economic strategy based on creating a critical mass of young professionals in the downtown
- ☛ Young Friends of Woodward (YFoW) is a non-profit organization consisting of successful young professionals dedicated to the health and positive growth of its revitalization of the Detroit comprised of ages 22 – 35, [www.yfow.org](http://www.yfow.org)
- ☛ Farmington has a Mayor’s Youth Council and Commission on Children, Youth and Families. They met with several youth groups for their input of what Farmington needs to become a cool city.

“Lansing is home to a richly diverse population, and one with abundant creative talent; unfortunately we do not do nearly enough to nurture and retain the talent or acknowledge the diversity....To make Lansing a cool city, there needs to be an intentional effort by leaders and citizens to support artistic development.” – from Lansing

## *Grow Downtown Businesses*

Cities are working to grow downtown businesses. Some cities are focusing on startup businesses and creating incubator space for entrepreneurs. Cities are working to attract quality jobs in the biotech, research and development, and natural resource-based companies.

- ☛ Creating a retail incubator through a retail mentor board



# Michigan Cool Cities



- ☞ St. Joseph is promoting Cornerstone Chamber Service’s “concierge level” relocation services which gives relocation assistance to individuals recruited by local businesses.
- ☞ Monroe plans to have a contest asking for the best ideas to help downtown businesses with the winner receiving six months free rent from the city
- ☞ Diversify the Jackson economy by creating, as part of the armory project, an innovation center to house companies and startup businesses

## *Transportation*

Cities mention the need to improve transportation but they do not give ideas about how to do it.

- ☞ Lansing hopes to create innovative transportation options for both night and day

## *Tolerance/Inclusion*

- ☞ Grand Rapids is working with the World Affairs Council, a young professionals program, to promote and explore understanding of different ethnic cultures.
- ☞ Local businesses/city government should periodically review the products and services they provide to see if they match their population, i.e., are minorities shopping and getting services from a different city because there is nothing available where they live?

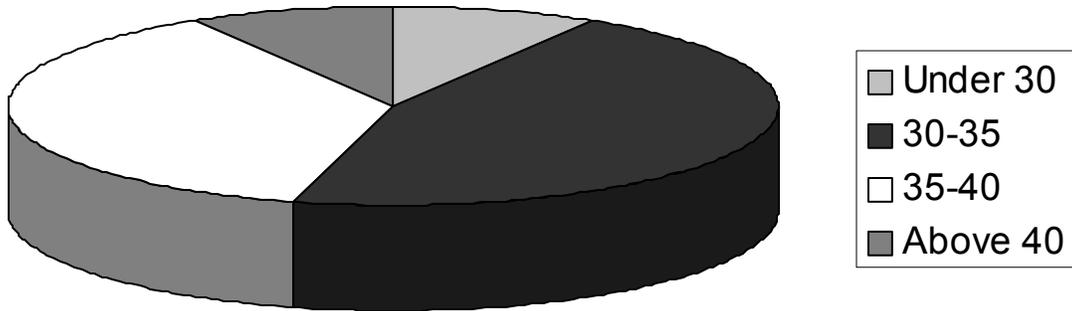
“Detroit’s cool opportunities include capitalizing on its strengths including “arts and culture, universities and libraries, passion for the city, spirit of the residents, diversity of ethnic groups in the region, parks, lakes and waterways, golf course, festivals, Detroit’s waterfront and strong belief that Detroit can change its image.” – from Detroit



# Michigan Cool Cities



**Average Population Age of Responding Cities**



*Note: The majority of responding cities have an average age population between 30-40.*



# Michigan Cool Cities



## Attraction/Retention Strategies

The Michigan cities that responded reported a variety of efforts they are using to attract and retain residents, visitors, and businesses to their communities. Interestingly, several communities cited efforts underway to promote tolerance and diversity and build cities that are attractive to a wide range of age groups including teens and young professionals.

Creating walkable, livable cities offering a variety of shopping, leisure, and work activities were at the core of many of the attraction and retention strategies offered. Those communities with a stock of historical buildings or waterfront, zeroed in on strategies that maximized these amenities. Some of these strategies included efforts to protect, renovate, and creatively reuse older buildings along the waterfront and host events near the waterfront.

At least 17 communities cited housing as one of their primary attraction and retention strategies. Housing examples included efforts to create more affordable, mixed use, and urban housing options in a wide range of sizes and price ranges. Several cited efforts to convert former office spaces over retail shops into lofts and apartments.

To make their communities more livable and attractive, many communities are actively seeking more restaurant choices, artists and galleries, entertainment offerings for all age groups, and as one city put it “exciting nightlife that doesn’t roll up sidewalks at 5:00 p.m.” The city of Cadillac reported that it has created a Frisbee golf course that has been extremely well received by younger residents and is in the process of putting in a skate park.

“Southfield’s logo, “Southfield – The Center of it all!” gives residents and visitors alike the idea that Southfield has everything you need to have a successful life. We have a wide variety of businesses that cater to many resident needs; our population is diverse; and we have city services that cater to people of all ages.” – from Southfield

Several cities reported efforts to attract movies, nightclubs, bars, and family entertainment to their core business districts and a half dozen cited active efforts to attract and promote the arts and cultural events as part of attraction efforts, in addition to promoting special events like festivals and fairs.

Education was cited by a number of cities as a key strategy. Several communities cited efforts to capitalize on existing institutions of higher education and one city spoke of its effort to attract an institution of higher education as part of its attraction and retention strategy.

Many respondents cited efforts to revitalize and expand opportunities in their core areas by focusing on downtowns and trying to help retain businesses already located there and attract others to minimize downtown vacancies. Several noted they were trying to attract service



# Michigan Cool Cities



businesses like laundromats and bookstores to support those living in downtown or urban neighborhoods.

A number of cities also cited efforts to make their cities pedestrian-friendly by making it easy to park the car and walk to a variety of destinations and making the trip on foot safer and more aesthetically pleasing by improving lighting and landscaping. Some cities reported efforts to improve mass transit and city services as key components in their retention and attraction efforts. Services included revamping zoning and the permitting processes and improving or maintaining excellent fire, police, and other municipal services and strictly enforcing ordinances to keep its core city area clean and attractive. Others cited efforts to use Community Development Block Grant and Brownfield Development dollars for redevelopment projects. And one community, Farmington Hills, is exploring the idea of scholarships from local businesses and organizations to keep young people in the area and in Michigan after graduation.

“These coolest cities had many characteristics in common: great nightlife, personal sporting and cultural opportunities, and good quality infrastructure and buildings. These cities were walk-able communities, offering diverse opportunities for entertainment, shopping and recreation. ...The ‘people’ who lived in these cool cities had a lot to do with the participants’ image of those suggested: friendly, home town proud and welcoming.”

– from Frankenmuth

High tech also played a role in a number of city’s attraction and retention strategies. Some reported efforts to attract high-tech workers, while others reported efforts to become wired and high tech friendly. One cited efforts to attract high-skilled jobs for mature workers, not just those in IT.

Several cities cited branding and image building as central to their efforts, noting they have good things to offer but need to do a better job of spreading the word and improving their image.

There were some cities with large student populations that included representatives on their local groups for input on cool cities. For example, Big Rapids recruited young professionals between the ages of 25 and 35. They identified attraction/retention strategies for young people ranging from affordable housing, cooperative city government, increase of business and minority businesses, volunteerism, utilizing the local university to increase cultural diversity and opportunities, utilizing the local hospital to attract young professionals, establish a community youth group, bring a comedy club business to town, more day care options, broadband access, etc. They identified their community as a mix of small town space and feel with amenities.

In general, the cities had a strong sense that they need to be very strategic and focused on the unique strengths they have as a community, whether it’s a convenient location, strong arts community, or a beautiful location next to a lake or a river.



# Michigan Cool Cities



## Benefits of Initiative

Respondents listed what they believed the benefits of the “cool cities” initiative would provide their community, city, and in certain cases, their region. Listed below are the fourteen (14) categories within the “benefits of initiative” grouped responses.

- Economic Development/Business Climate Improvement
- Arts and Culture Support/Development
- Diverse/Affordable Housing – Rebuilding Neighborhoods
- Wireless Technology (Access to Internet)/Broadband
- Mixed-use Development
- Branding of Community/Image Campaign
- Community/Regional Collaboration
- Funding
- Education/Tolerance
- Historic Preservation
- Public Safety/Transportation Improvements
- Tourism
- Attraction/Retention of Population (primary focus - young adults)
- Anti-Sprawl

Of the 44 communities that submitted information regarding their “cool cities” initiative, twenty-two (22) completed the section regarding perceived benefits. Below is a listing, by category, of expected benefits of the “cool cities” initiative.

### ***Economic Development/Business Climate Improvement***

- ☐ Bring back a sense of a “traditional” downtown, which generates a positive atmosphere/environment and attracts businesses, customers, residents, and visitors.
- ☐ Establish a business incubator to exchange new ideas and support business ventures. Coordinate resources to support new business development and emerging technologies. Entrepreneurs with the best ideas are matched up with “cool cities” that are best able to support their future development.
- ☐ Innovation Centers.
- ☐ Promote economic diversity.
- ☐ Stronger business environment will have a positive impact on local and county taxes, expansion of the tax base.



# Michigan Cool Cities



- ☞ Include young people as part of the economic community, recognizing their impact on many levels, consumer, resident (renter/homeowner), workforce, entrepreneur, etc.
- ☞ Capture the uniqueness and value of natural resources; i.e., rivers, waterways, lakes, etc., in economic development strategies.
- ☞ Use the “cool cities” initiative to identify strategies for the city/region’s economic strategic plan.
- ☞ Create new jobs, and retain existing jobs within the community. Increase the wage earning potential of workers.

“It’s amazing how something as simple as a park can be viewed as “Cool.” ...An investment in the city parks or Town Square would do wonders for the local people.” – from Flint

## **Arts and Culture Support/Development**

- ☞ Promote a rebirth of entertainment, restaurants, bars, retail businesses, residential and office markets, making downtown the center of entertainment.
- ☞ Support “busking initiatives”, street/sidewalk entertainers that are legally able to encourage financial support for their performances.
- ☞ A centralized (“district”) artist community may evolve.

## **Diverse/Affordable Housing – Rebuilding Neighborhoods**

- ☞ Increased community awareness of downtown living options. Expect improvement in older neighborhoods that have experienced disinvestments over the years.
- ☞ Increase in residential property values and repopulation of older neighborhoods by urban pioneers.
- ☞ In-fill housing on vacant lots and neighborhood revitalization efforts.
- ☞ Work with landlords to provide affordable, attractive, well-maintained housing, especially for students

“An affordable housing appeal to all age groups, especially young couples just starting out. Bringing new people to our community would enhance the economic well-being of our community and attract new business.” – from Pontiac

## **Wireless Technology (Access to Internet)/Broadband**

Drive local Internet traffic to their website by sponsoring “Access Points” targeting demographics that they are interested in. Local events can be advertised within a specific geographic area of Wi-Fi users and local underwriters can help support the “free” Wi-Fi system.

## **Mixed-use Development**

- ☞ “Live/Work Housing Initiative” that combines living and working spaces. Offer advantages of home-based business in a dynamic commercial environment. Provide incentives to foster mixed-use districts to increase the density of entrepreneurs as business owners/homeowners (residents).



# Michigan Cool Cities



- ☯ Increase opportunities for residents to work, socialize and recreate closer to home.
- ☯ The Armory project in Jackson is expected to improve the quality of life for Jackson residents.
- ☯ Mixed-use development, with sufficient density, brings businesses, employees and residents together, typically within walking distance. This allows for a more diverse community and creates a safer more engaged populace.
- ☯ Foster a “user-friendly” community. Pride in ownership.

## ***Branding of Community/Image Campaign***

- ☯ Create a stronger community identity with a focus on economic diversity.
- ☯ Create a destination image for residents and visitors.
- ☯ Capitalize on what’s “cool” and “unique”. Develop a “sense of place.”
- ☯ Build community pride and self-esteem.
- ☯ Create excitement in the minds of young professionals that Michigan is the place to live, work, and play. Overcome negative perceptions of Michigan, encourage business to remain, expand and locate in Michigan.

## ***Community/Regional Collaboration***

- ☯ Stronger community/region.
- ☯ Build a dynamic organized effort that fosters “engagement, inclusion, and mobilization.”
- ☯ Enhance the interaction among citizens of all age groups.
- ☯ Downtown can be the focus of the region.

## ***Funding***

- ☯ Small Business Start-up Authority could leverage existing federal, state, and local resources with private lenders, and the Small Business Association, to provide loan guarantees to help new and existing business access capital.

“Currently the public transportation in Ludington does not service the Community College, this is seen as a major shortfall. Looking at cities like Washington D.C. or Chicago, young professionals can easily exist and do a number of activities without the need for a private vehicle.” – from Ludington

## ***Education/Tolerance***

- ☯ Establish a grassroots “war on poverty”. Increase awareness regarding the challenges of low-income demographics.

## ***Historic Preservation***

- ☯ Recapture history through the restoration of historic structures.
- ☯ Historic preservation, and adaptive re-use, helps to curb continued urban sprawl.



# Michigan Cool Cities



## ***Public Safety/Transportation Improvements***

- ☹ Changes in traffic flow/direction could provide easier customer access and ensure visibility without excessive signage.
- ☹ Develop convenient, safe and attractive parking areas.

## ***Tourism***

- ☹ Increase in cultural and heritage tourism centered on the arts, community heritage/uniqueness and historic preservation.

## ***Attraction/Retention of Population (primary focus - young adults)***

- ☹ Encourage economic development that results in jobs that attract young people.
- ☹ Increased vibrancy attracts visitors, especially a younger audience.
- ☹ Retain young adults.
- ☹ Interactive meetings that bring groups of people together to plan diverse community events and programs that appeal to all ages.

“Cadillac has a cool Frisbee golf course, is planning a skate park, and has a developing YMCA program, all of which appeal to young people.” – from Cadillac

## ***Anti-Sprawl***

- ☹ Stop sprawl.
- ☹ Utilize Brownfield Redevelopment to reclaim urban/downtown sites.



# Michigan Cool Cities



## Challenges

Following is a list of reported challenges that has either been met or that currently exist.

- ☹ Funding
- ☹ Existing Image/Marketing
- ☹ “Our city is branded a “tulip place,” not really high on the “cool” scale.”
- ☹ Lack of awareness of quality of life
- ☹ Information center
- ☹ Directional signage
- ☹ Website/Internet

### ***Consumer Attraction***

- ☹ Parking
- ☹ Housing (downtown, multi-housing options, mixed income, depressed residential housing market)
- ☹ Technology (internet, wireless communications)
- ☹ Tourism
- ☹ Public Transportation
- ☹ Provide services to a wide area
- ☹ Improve public facilities, including restrooms
- ☹ Create town-like environment

“We are in the process of restoring our historic 1888 railroad depot. To be located along the railroad tracks along M-57 within the streetscape enhancement area, the depot will become the trailhead of our non-motorized path winding throughout the entire community.”  
– from Montrose

### ***Vacant Buildings/Blight***

- ☹ Preservation of historical heritage
- ☹ Buildings in poor condition don’t justify private investment
- ☹ Absentee landlords
- ☹ Land-locked mostly developed tiny central city
- ☹ Aging commercial area
- ☹ Brownfield areas
- ☹ Need in-fill development and façade improvements

### ***Attracting Young Persons/Professionals***

- ☹ Jobs that attract young persons
- ☹ Affordable housing options
- ☹ Some areas too conservative
- ☹ Local college/university decrease in enrollment
- ☹ Activities/Recreation geared towards young persons
- ☹ Briefcase City (people come to work in the city and then leave after work)
- ☹ Downtown entertainment



# Michigan Cool Cities



## *Regional Cooperation/Networking*

- ☹ No single source of cultural or recreational information
- ☹ Social networking opportunities
- ☹ Educational opportunities

## *Land Use Challenges*

- ☹ Federal highway divides city
- ☹ City entrance bordered by a railroad yard
- ☹ Urban sprawl
- ☹ Historic Preservation
- ☹ Mixed – Use Development (Example: Retail/Residential)
- ☹ Land Re-utilization
- ☹ Adaptive Re-use of Existing Structures
- ☹ Walkable Communities
- ☹ Inclusion/Tolerance
- ☹ Arts and Culture
- ☹ Business Development

“What defines a ‘cool’ city? ...They expose residents and visitors to new or unique cultures; They provide world-class services in entertainment, food, museums, shopping, sports and recreation; They are openly accepting of diversity in lifestyles, needs and interests of both residents and visitors; They are enthusiastically supportive of the arts and often have grown out of artist communities or enclaves.”  
– from East Lansing



# Michigan Cool Cities



## Recommendations to State

### *Tax Incentives*

A number of cities in Michigan are looking to the State of Michigan to provide help with tax incentives for different purposes. These cities have proposed several ways that tax strategies can be used to improve cities:

- ☹ Create residential tax incentives, including tax breaks for restoration and home improvement
- ☹ Establish tax abatements and incentives to attract businesses to downtown areas and help diversify the economic bases of local communities
- ☹ Combine State and Federal tax credits for historic preservation
- ☹ Provide incentives for new graduates to work and live in city where they graduate.

### *Education/Schools*

Local communities are looking for ways to work with the state in support of their schools. They also would like to see the state focus on “Cool Schools” and provide incentives to keep schools in low-income neighborhoods.

### *Transportation*

The cities participating in the survey indicated support for transportation initiatives to aid in creating more livable communities. These proposals include:

- ☹ Michigan Department of Transportation (MDOT) assist in clarifying jurisdiction over local transportation projects
- ☹ Encourage cooperation between MDOT and local entities to incorporate context sensitive design in transportation planning
- ☹ Improving signage to help people find cities more easily
- ☹ Continued support for regional mass transit
- ☹ Continue working to recoup more federal gas tax dollars
- ☹ Encourage pedestrian and non-motorized access to thoroughfares
- ☹ Continue “Fix-It-First, Fix-It-Right” Strategy

### *Branding/Promotion*

Several cities in this survey recommended that the State develop a “brand” for the State of Michigan. They also proposed that the State take a more active role in promoting itself regionally, nationally, and internationally. Some of the recommendations include:



# Michigan Cool Cities



- ☐ Develop a “Michigan” brand image to make the State stand out from other Midwest states and market Michigan to the rest of the nation; this could be done through television, radio, print and web-based marketing materials; this campaign should emphasize the diversity of the State, and target young, hip people
- ☐ Welcome signs at Michigan’s border should read “Great Lakes, Great Cities!” or “Great Lakes, Cool Cities!”
- ☐ Cultivate a cutting-edge reputation

“Promote our waterfront through the creation of the waterfront walkway, establish more beaches, and market the locations of the current park system.”  
– from Sault Ste. Marie

## *Housing*

A number of cities recommended that the State provide support for housing initiatives. These proposals include:

- ☐ Tax incentives for property owners to convert downtown structures into urban living spaces
- ☐ Update building codes
- ☐ Help with financing of housing, particularly loft apartments
- ☐ Provide help to make housing in cities more affordable
- ☐ Provide help in improving local housing stock
- ☐ Help in getting more housing in downtown areas, possibly through increased funding of Core City initiatives
- ☐ Michigan State Housing Development Authority (MSHDA)/Michigan Economic Development Corporation (MEDC) tax credit program for the development of downtown housing
- ☐ Live/Work Housing Initiative, working with local communities to increase residential/business density through local zoning ordinances and housing codes
- ☐ Provide zero-interest rehab fund for homeowners in historic district to preserve property to historic guidelines
- ☐ Create a tax credit program for landlords to Wi-Fi a building
- ☐ Develop a State-funding match for the Federal New Market Tax Credit program to encourage commercial development in urban centers

“A ‘cool’ city is a city where people want to live and visit. It has a special ‘charm’ that is difficult to explain but certainly exists.” – from East Tawas

## *Environment*

Environmental recommendations include:



# Michigan Cool Cities



- ☯ Brownfield redevelopment policies should include incentives for “responsible parties” to clean-up Brownfield sites
- ☯ Focus on land use planning and stopping sprawl
- ☯ Provide incentives for redevelopment of land

## ***Business/Economic Development***

A number of recommendations deal with economic development strategies; these include:

- ☯ Provide support for urban tourism
- ☯ Provide art, housing, and other development grants
- ☯ Incentive programs for the creation of “business incubator space”
- ☯ Create positions within cities to tie economic development organizations together with the State (e.g., Chamber of Commerce, Economic Development Committee, Downtown Development Authority, etc.)
- ☯ Explore ways Broadband can work with non-profits, Downtown Development Authorities, Main Street organizations, libraries, and local municipalities to provide Wi-Fi services
- ☯ Investigate possibility of allowing more beer and wine-only licenses for restaurants
- ☯ Promote arts and culture in the State

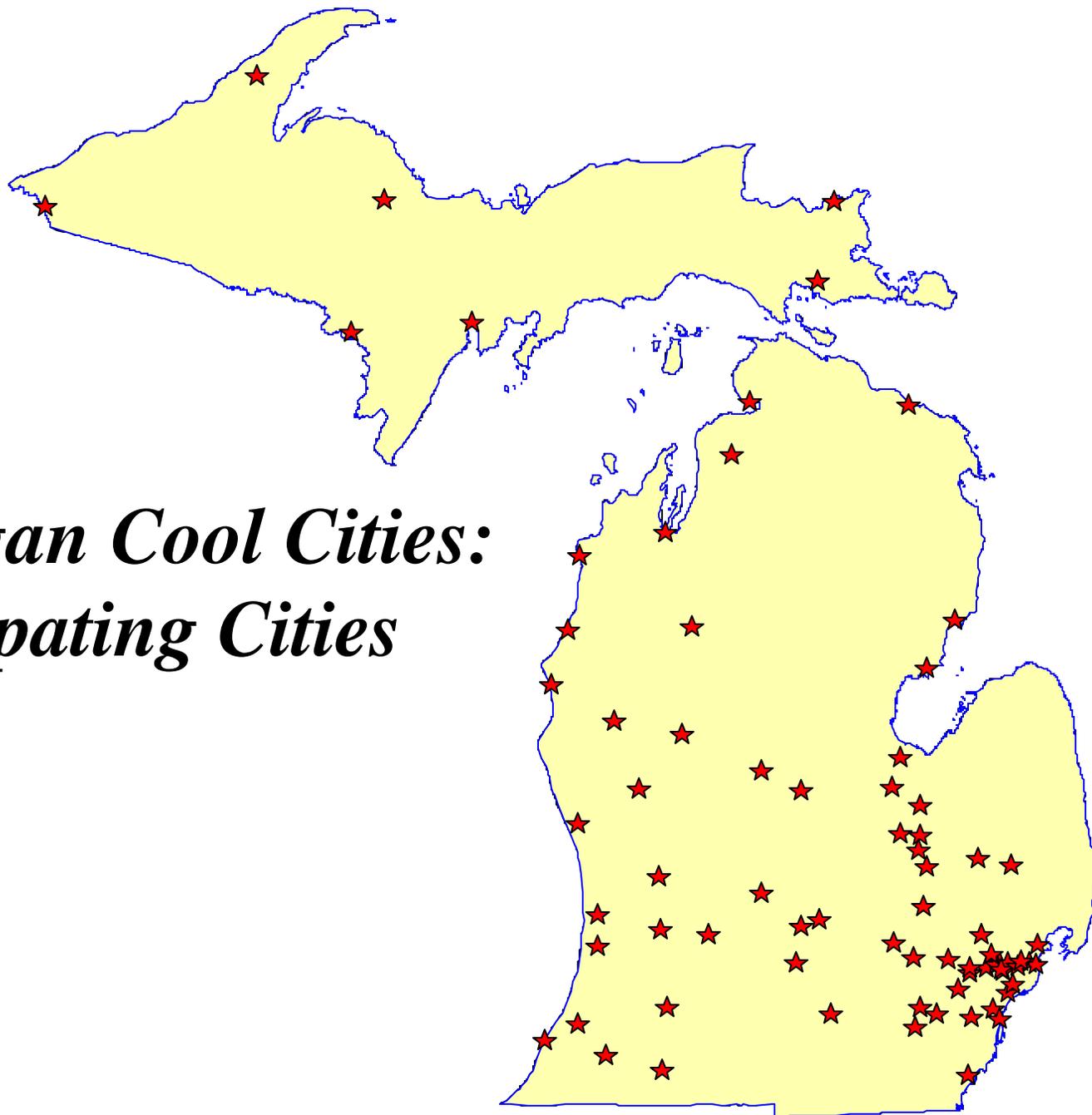
“We have created a community environment and infrastructure that supports and nurtures creative leadership – leadership that has the ability to look with fresh eyes at what makes Jackson unique and transform that uniqueness – both assets AND liabilities – into a bright future.” – from Jackson

“The city of Muskegon needs to be a place where one can work, live and play to make this a 24-hour community. We will need a multitude of housing options to accommodate these young professionals. These developments MUST include mixed-income housing, as not every graphic designer will be able to afford a high-rise condo at Edison Landing straight out of college.” – from Muskegon

“A cool city has diversity of culture, professions, and businesses. It has solid infrastructure with potential to grow. It has art in public places and a wide variety of retail shops, restaurants, entertainment, and recreational opportunities. A cool city is safe, friendly, and nurtures creativity. The architecture has value and history associated with it. There is visual appeal with a variety of buildings, sidewalks, street textures, and colors with lots of green space and flowers. A cool city demonstrates cooperation between government, schools, and businesses. Community leadership exhibits a constant willingness to push their community to be different or unique. Community leaders pursue a constant effort to improve the community. It is walkable. There are year-round/day and night activities including special events like concerts, fairs, and parades. People live and work in the downtown. There are alcoves, nooks, and crannies to wander and be discovered, as well as, gathering places for young and old. Storefronts have interactive window displays.” – from Brighton



*Michigan Cool Cities:  
Participating Cities*



# Michigan Cool Cities



## Participating Cities

<b>City</b>	<b>Population</b>	<b>City</b>	<b>Population</b>
Allen Park	29376	Lansing	119128
Ann Arbor	114024	Lapeer	9072
Au Gres	1028	Ludington	8357
Bay City	36817	Madison Heights	31101
Berkley	15531	Manistee	6586
Big Rapids	10849	Marquette	19661
Birmingham	19291	Midland	41685
Brighton	6701	Monroe	22076
Cadillac	10000	Montrose	1619
Clio	2483	Mount Clemens	17312
Detroit	951270	Mount Morris	3194
East Jordan	2507	Muskegon	40105
East Lansing	46525	Newaygo	1670
East Tawas	2951	Norway	2959
Eastpointe	34077	Pleasant Ridge	2594
Eaton Rapids	5330	Plymouth	9022
Farmington	10423	Pontiac	66337
Farmington Hills	82111	Portland	3789
Fennville	1459	Rogers City	3322
Fenton	10582	Romulus	22979
Ferndale	22105	Roseville	48129
Flint	124943	Royal Oak	60062
Frankenmuth	4838	Saginaw	61799
Frankfort	1513	Saline	8034
Fremont	4224	Sault Ste. Marie	16542
Gladstone	5032	Southfield	78296
Grand Rapids	197800	St. Clair Shores	63096
Hamtramck	22976	St. Joseph	8789
Hancock	4323	St. Louis	4494
Harbor Springs	1567	Three Rivers	7328
Hastings	7095	Traverse City	14532
Holland	35048	Troy	80959
Howell	9232	Warren	138247
Imlay City	3869	Watervliet	1843
Ironwood	6293	Wayland	3939
Ishpeming	6686	Wayne	19051
Jackson	36316	Wixom	13263
Kalamazoo	77145	Wyandotte	28006
		Ypsilanti	22362





**TO:** MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY  
**DATE:** February 12, 2004  
**SUBJECT:** LAW DAY 2004

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As set forth in our mission statement, the City Attorney's Office endeavors to provide public information regarding legal issues. Last year we pursued this objective by sponsoring Law Day activities including the public displays at city hall, the library and the museum. Law Day is an annual nationwide event observed for the purpose of raising public awareness of American law and justice and their valuable impact on our lives. The origin of Law Day dates back to 1957 when the American Bar Association (ABA) President, Charles S. Rhyne, envisioned a special day for celebrating our legal system. In 1958, President Dwight D. Eisenhower established Law Day USA to strengthen our great heritage of liberty, justice and equality under the law. In 1961, May 1<sup>st</sup> was designated by a joint resolution of Congress as the official date for celebrating Law Day. Although May 1<sup>st</sup> remains the official date, the ABA encourages organizations sponsoring programs to continue Law Day activities throughout the month of May.

This year, our office intends to sponsor Law Day activities. We will prepare displays for city hall, the library and the museum. However, we want to expand our program by including a special presentation given by distinguished constitutional law professor, Robert A. Sedler. Professor Sedler teaches courses in Constitutional Law and Conflict of Laws at Wayne State University Law School. He has published extensively in both of these fields, and in 1994 he published a book on American Constitutional Law for the International Encyclopedia of Laws. He has received several awards from various organizations and he was the chairperson of the Michigan State Bar Constitutional Law Committee from 1981 to 1987. Due to his expertise, Professor Sedler has been invited to speak by many different associations, and he is often approached by the media to provide comment on constitutional law issues.

We would like to have Professor Sedler's presentation on May 12, 2004, at 2:00 p.m. in the City Council Chambers at City Hall. The presentation would be open to the public, with light refreshments following. Professor Sedler's presentation will be based on this year's Law Day theme, "To Win Equality by Law: *Brown v Board* at 50". The theme is in recognition of the 50<sup>th</sup> anniversary of the landmark school desegregation case *Brown v Board of Education*, which was decided by the U.S. Supreme Court on May 17, 1954. Various Law Day exhibits and information will also be on display at the library and museum.

We will submit a Law Day 2004 Proclamation for City Council to approve at its first meeting in May. Absent objection from City Council, we will start promoting the special presentation to the community of Troy.

If you should have any questions, please contact our office.

DATE: February 3, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Junk Vehicle Violation Enforcement

At a recent City Council meeting a statement was made that the enforcement policy of the City's Ordinance requirements on the storage of junk vehicles has changed in the last few years. As the Director of the Building Department for nearly the last five years, overseeing the enforcement of this and many other ordinance provisions, I have to disagree with this assertion. Our procedure and policies regarding enforcement of the ordinances has always been and continues to be to obtain compliance with the requirements of the ordinance. It is only after our efforts to obtain voluntary compliance have failed that we are forced to pursue prosecution through the courts.

The provisions regarding junk vehicles are contained within Section 9.20 of Chapter 88 of the City Code. Those provisions state that no one may store a vehicle outside on private property that is not physically and legally in operating condition for a period of more than 14 days. Part of the minimum standards necessary to meet this requirement is the requirement for display of current license plates on the vehicle.

With the time frame of 14 days that is built into the text of the ordinance, there is a burden on our enforcement officers to show that this time limit has been exceeded. Our procedure regarding these violations therefore is to notify the owner of the vehicle and the property owner of the violation, once found, and then to re-inspect the site at least 14 days after to determine if the violation still exists. It is only after the duration of the violation has been documented to continue beyond the 14 days that we take any further steps up to and including the issuance of a court summons.

Over the past four calendar years we have written notices on nearly 1,200 violations of the junk vehicle provisions of the Nuisance Ordinance. However, through the efforts of staff and the voluntary compliance of the residents, only 72 have ever elevated to the point that a court summons had to be issued. With the addition of another housing and zoning inspector in February of 2003, a reduction of time demands on the now three inspectors allowed them to identify almost twice the number of vehicles in violation of the ordinance than in previous years. However, the number of cases whose

enforcement activities escalated to the issuance of a summons actually decreased that year.

Once again, our procedures and policies are designed and been found to be quite successful in obtaining compliance with the City Ordinances without the need for court action.

As always, any additional information that you require regarding this matter will be provided at your request.

February 10, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director  
Jeffrey J. Biegler, Superintendent of Parks

SUBJECT: Agenda Item - Cricket Site Update

At their February 2, 2004 meeting, City Council directed staff to obtain estimated costs for development of a minimal cricket field and an excellent field at the Livernois Road park site. This memo is an update of our progress.

Based on the information supplied to Council for that meeting, the estimated costs for cricket field development are as follows:

- Option #1-Minimal Cricket Field – Includes site survey, clearing and removal of vegetation, site grading, topsoil and seed, pitch construction, small paved parking lot, and scaled down restroom. Estimated total cost - \$280,000
- Option #2-Excellent Cricket Field – Includes all of the elements in the minimal field, plus field under drainage and irrigation, storm sewer, bleachers. Estimated Total Cost - \$394,000

These cost estimates do not include other amenities that would typically be included in the development of a park, such as: landscaping, pathways, site furniture (benches, picnic tables, bike racks), children's play structure, signage, covered picnic shelter.

If City Council determines the availability of funding for the construction of either option listed in this update, staff will initiate a meeting with residents to obtain their input regarding the development of a cricket field at the Livernois Road park site.



February 11, 2004

To the Troy City Mayor & Council Members

Subject: Reconsideration of Boulan Park site for the Cricket Field

In the year 2003, Troy City Council created a history by getting the first ever Cricket ground at Nelson Drain facility. The Troy Teams had a great 2003 summer cricket season.

Understanding that the Nelson Drain facility is no more available and the new Cricket facility at the corner of Big Beaver & Livernois will not be ready until 2005, we are requesting Troy council to help us with the Boulan Park (North-West) facility ready by May 2004 so the Troy teams can continue playing the game within Troy.

Boulan Park option was considered in earlier meeting based on the study done by the City staff. One of the two facilities Troy staff presented was Boulan park.

To make it simple and inexpensive, all that needs to be done is removal of few trees & then lay a Cricket Pitch (Concrete & Astro turf) somewhere in the middle & we are done. The baseball diamond & the picnic shelter can stay in their original position. This may cost anywhere between \$7,500 and \$12,500.

This move will help us play within Troy and not travel 3 hours each way to play a 6 hours game in Kalamazoo or Toledo.

Thanks for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Venkat Mallya', is written over the typed name.

Venkat Mallya  
Chairman- Michigan Cricket Association  
On behalf of Troy Cricket Clubs  
Phone: 248-470-3670  
Email: [vmallya@iknowvate.com](mailto:vmallya@iknowvate.com)