

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

APRIL 6, 2009

CONVENING AT 7:30 P.M.

**Submitted By
The Acting City Manager**

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, Acting City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Outcome Statements

I. Troy enhances the health and safety of the community

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

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

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

Respectfully submitted,



John Szerlag, Acting City Manager



CITY COUNCIL

AGENDA

April 6, 2009 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION: Brother Middleton – The Church of Jesus Christ of Latter-day Saints 1

PLEDGE OF ALLEGIANCE: Webelos Pack 1006 from Our Shepherd Lutheran School will assist Mayor Schilling and City Council 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

- a) Citizens Academy Class XIII Graduation/Presentation of Certificates to Christine Adams, Howard Adams, Ken Budry, Richard Coon, Chuck Floeter, Doreen Floeter, Toni Games-Williams, Ashley Gautreau, Michael Johnson, Taube Karpov, Terry Methews-Krent, Kay Schepke, Gordon Schepke, Bill Sipila, Jeanne Stine, Dave Sysko, Arlene Wilson 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Outdoor Seating Request in Excess of 20 Seats – Pizzapapalis/Rio Wraps, 300 John R 1

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POSTPONED ITEMS: 2

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PUBLIC COMMENT: Limited to Items Not on the Agenda 2

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E-4 Scheduling a Special Meeting with Executive Search Firm 5

E-5 Confirmation of Appointment of Gary Mayer to Chief of Police 6

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F-6 Request for Acceptance of a Warranty Deed from John Joseph Properties, LLC – Sidwell #88-20-27-358-028 8

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G-1 Announcement of Public Hearings: None Submitted 9

G-2 Memorandums: None Submitted 9

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 9

H-1 No Council Referrals Advanced 9

COUNCIL COMMENTS: 9

I-1 No Council Comments Advanced 9

REPORTS: 9

J-1 Minutes – Boards and Committees: 9

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J-3 Letters of Appreciation: 9

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STUDY ITEMS: **10**

K-1	No Study Items Submitted	10
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CLOSED SESSION: **10**

L-1	No Closed Session Requested	10
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ADJOURNMENT **10**

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CALL TO ORDER:**INVOCATION:** Brother Middleton – The Church of Jesus Christ of Latter-day Saints**PLEDGE OF ALLEGIANCE:** Webelos Pack 1006 from Our Shepherd Lutheran School will assist Mayor Schilling and City Council**ROLL CALL**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a)** Citizens Academy Class XIII Graduation/Presentation of Certificates to Christine Adams, Howard Adams, Ken Budry, Richard Coon, Chuck Floeter, Doreen Floeter, Toni Games-Williams, Ashley Gautreau, Michael Johnson, Taube Karpov, Terry Metheys-Krent, Kay Schepke, Gordon Schepke, Bill Sipila, Jeanne Stine, Dave Sysko, Arlene Wilson

CARRYOVER ITEMS:

-
- B-1** No Carryover Items

PUBLIC HEARINGS:

-
- C-1** Outdoor Seating Request in Excess of 20 Seats – Pizzapapalis/Rio Wraps, 300 John R

Suggested Resolution

Resolution #2009-04

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the request from Tom Stegeman, manager of Pizzapapalis/Rio Wraps located at 300 John R, for outdoor dining for 40 seats in conjunction with the their restaurant, for a period not to exceed 2 years, in accordance with Section 21.30.05 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy; and

BE IT FURTHER RESOLVED, That Pizzapapalis/Rio Wraps **MAY APPLY** for a 2-year continuance prior to the expiration of this approval.

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

E-1 **Appointments to Boards and Committees:** a) **Mayoral Appointments:** None Scheduled b) **City Council Appointments:** **Advisory Committee for Senior Citizens; Charter Revision Committee; Ethnic Issues Advisory Board; and Historic District Commission**

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

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

(current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments – None Scheduled

(b) City Council Appointments

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

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

Advisory Committee for Senior Citizens

Appointed by Council (9-Regular) - 3 Year Terms

Betty Coven

Term Expires 04/30/2012

Charter Revision Committee

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

MaryAnn Bernardi

Term Expires 04/30/2012

Daniel H. Bliss

Term Expires 04/30/2012

William Weisgerber

Term Expires 04/30/2012

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3 Year Terms

Sharon MacDonell

Unexpired Term 09/30/2011

Historic District Commission

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

Paul C. Lin - Architect

Term Expires 05/15/2012

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Board of Zoning Appeals; Historic District Commission; Historic District Study Committee; Parks & Recreation Board; and Personnel Board

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

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

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Suggested Resolution

Resolution #2009-04

Moved by

Seconded by

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

Board of Zoning Appeals

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

Term Expires 04/30/2012

Historic District Commission

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

Term Expires 05/15/2012

Historic District Study Committee

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

Ad Hoc

Parks & Recreation Board

Appointed by Council (7-Regular) -3- Year Terms; 1-Troy School Board; 1-Troy Daze; & 1-Adv. Committee for Sr. Citizens: 1-Year Terms

Sr. Adv. Comm. Rep.* Term Expires 04/30/2010

***Advisory Committee for Senior Citizens to make recommendation at their April 2, 2009 meeting.**

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Term Expires 04/30/2012

Term Expires 04/30/2012

Yes:

No:

E-3 Contract with Greenstar & Associates, LLC for Right-of-Way Acquisition Services

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

WHEREAS, Greenstar & Associates, LLC has been providing right-of-way services to the city for the past three (3) years on federally funded major road projects;

WHEREAS, Greenstar & Associates, LLC has been approved by City Council and the Michigan Department of Transportation (MDOT) for right-of-way services on John R, Long Lake to Square Lake; John R, Square Lake to South Boulevard; Wattles Road, 1,000 feet East and West of Rochester; Rochester Road, Torpey to Barclay; and Rochester Road, Barclay to Trinway; and

WHEREAS, Greenstar and Associates, LLC has agreed to the same terms and conditions as the original agreement, as amended, with no increase to the hourly rate of \$78.64 per hour for the first year;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the City of Troy and Greenstar & Associates, LLC to provide right-of-way services for a period of two (2) years with an option to renew for one (1) additional year, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes:

No:

E-4 Scheduling a Special Meeting with Executive Search Firm

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

WHEREAS, At the regularly scheduled City Council meeting on March 30, 2009 Troy City Council chose the firm of Charles Blockett, Jr. & Associates, Inc. of Lansing, Michigan to perform an executive search for a city manager; and

WHEREAS, Mr. Charles Blockett requested a 1 – 1 ½ hour meeting with City Council for introductions and to:

- Clarify their expectations
- Gain an understanding of the position
- Develop a description/profile of the ideal candidate
- Discuss the tentative schedule and review his proposed strategy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a special meeting for Thursday, April 16, 2009 at 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

Yes:

No:

E-5 Confirmation of Appointment of Gary Mayer to Chief of Police

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

WHEREAS, The ACT 78 Board met on March 30, 2009 and certified the eligibility of Acting Police Chief Gary Mayer for Police Chief;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** the Acting City Manager's appointment of Gary Mayer as Police Chief.

Yes:

No:

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

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

Yes:

No:

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

F-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2009-04-

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

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

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates

Suggested Resolution

Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregates with an option to renew for one (1) additional year to the low bidders as follows, after consideration has been given to the 5% discount quoted:

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition Romulus, MI	Item 7) Crushed Concrete 3”-6”	\$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	\$14.49	\$13.77
	Item 2) 22A Road Gravel	\$ 8.49	\$ 8.07
	Item 3) Pea Gravel	\$11.25	\$10.69
	Item 4) 60/40 Gravel	\$11.74	\$11.15
	Item 5) Fill Sand	\$ 5.74	\$ 5.45
	Item 6) Crushed Concrete 1”-3”	\$10.24	\$ 9.73
	Item 8) Chloride Sand	\$14.74	\$14.00
	Item 9) 2NS Sand	\$ 8.40	\$ 7.98
	Item 10) Mason Sand	\$ 9.89	\$ 9.40
	Item 11) Limestone 1”-3”	\$14.25	\$13.54
	Item 12) Limestone 3”-6”	\$18.89	\$17.95
	Item 13) Limestone 4”-8”	\$23.95	\$22.75

at the discounted prices stated above and confirmed with the unit prices as contained in the bid tabulation opened March 17, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2010; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: Award to Low Bidders – Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low total bidder, Michigan Joint Sealing Inc, of Farmington Hills, MI, for an estimated total cost of \$133,175.00, at unit prices contained in the bid tabulation opened March 19, 2009, 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 bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive or deductive, Troy City Council hereby **AUTHORIZES** such changes in an amount not to exceed budgetary limitations.

F-5 Request for Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way and permanent easement for water main from 1401 Troy Associates Limited Partnership, owners of the property having Sidwell #88-20-32-226-037; and

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

F-6 Request for Acceptance of a Warranty Deed from John Joseph Properties, LLC – Sidwell #88-20-27-358-028

Suggested Resolution
Resolution #2009-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way from John Joseph Properties, LLC owner of the property having Sidwell #88-20-27-358-028; and

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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a)** Downtown Development Authority Minutes/Final – January 21, 2009
- b)** Civil Service Commission (Act 78)/Final – February 25, 2009
- c)** Building Code Board of Appeals/Final – March 4, 2009
- d)** Board of Zoning Appeals/Draft – March 17, 2009
- e)** Civil Service Commission (Act 78)/Draft – March 30, 2009

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a)** Letter of Thanks to Captain Scherlinck from Don Tilley Regarding Assistance from the Communications Department
- b)** Letter of Appreciation to Police Administration from Elaine and Richard Wisley Regarding a Tour Provided by Officer Breidenich

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

J-5 Communication from Library Director Cathleen Russ Regarding Café Renovation Update

J-6 Communication from John M. Hamilton, Business Manager and General Vice President – International Union of Operating Engineers Regarding Support for the Troy/Birmingham Multi-Modal Transit Center

-
- J-7** Communication from Library Director Cathleen Russ Regarding World Book/American Library Association Information Literacy Award

STUDY ITEMS:

-
- K-1** No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

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

CLOSED SESSION:

-
- L-1** No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



John Szerlag, Acting City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, April 20, 2009 Regular City Council
Monday, April 27, 2009 Special Study Session – Budget
Monday, May 4, 2009..... Special Study Session – Budget
Monday, May 11, 2009..... Regular City Council
Monday, May 18, 2009..... Regular City Council
Monday, June 1, 2009..... Regular City Council
Monday, June 15, 2009..... Regular City Council
Monday, July 6, 2009 Regular City Council
Monday, July 20, 2009 Regular City Council



CITY COUNCIL ACTION REPORT

March 31, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Public Hearing, Outdoor Seating Request in Excess of 20 Seats
Pizzapapalis/Rio Wraps, 300 John R

Background:

- We have received an application from Tom Stegeman, manager of Pizzapapalis/Rio Wraps located at 300 John R, for outdoor dining for 40 seats in conjunction with the their restaurant.
- The seating area is located on the north side of the building and is enclosed with a fence and landscaping.
- They currently have approval for outdoor seating for up to 20 seats per Section 21.25.02
- The use of property in question is located in the B-2 (Community Business) Zoning District.
- Section 21.30.05 of the Troy Zoning Ordinance allows outside seating areas in excess of 20 seats as a use permitted subject to Special Use Approval by City Council (in lieu of the Planning Commission) in the B-2 Zoning District.
- The procedure for Special Use Approval requires that a public hearing be held on the matter.
- A public hearing is scheduled for your meeting of April 6, 2009.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- A public hearing on the matter is required per Sections 3.30.00 and 21.30.05.

Policy Considerations:

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

Options:

- City Council can approve the request.
- City Council can approve a modified request.
- City Council can deny the request..

OUTDOOR DINING APPLICATION

Applications shall be accompanied by fully dimensioned plans indicating the location of the proposed seating area within the subject site, the layout of the proposed outside seating, and information as to any proposed building or site alterations, seating area enclosure elements, etc.

Setbacks for outside seating area involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within the applicable zoning district.

Outside seating areas shall not occupy required sidewalk areas or required landscape areas.

In their consideration for outside seating, the City Council, when involved, may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

NAME OF BUSINESS: Pizzapapalis / Rio Wraps

ADDRESS OF BUSINESS: 300 John R.

NAME OF APPLICANT: Tom Stegeman

ADDRESS: 6114 Glyndeboune

Troy MI PHONE: 248 425 8801

NUMBER OF SEATS: Existing Inside 100

Proposed Outside: 40

NUMBER OF AVILABLE PARKING SPACES: unlimited

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes No X

Signature: 

Date: 2/24/09

RECEIVED
FEB 26 2009
BUILDING DEPT.

OUTDOOR DINING APPLICATION

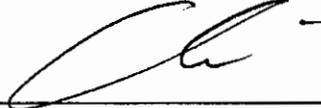
OWNER AFFIDAVIT

I CHARLES MILLER as owner representative
(name)

of the property located at 300 JOHN R, SUITE A TROY, MI 48063

do approve of PIZZA PAPALIS
(business)

providing 40 seats for outdoor dining.

Signature: 

Date: 2/26/09

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

OUTDOOR DINING CERTIFICATE OF APPROVAL

NAME OF BUSINESS: _____

ADDRESS: _____

OWNER/MANAGER: _____

NUMBER OF SEATS _____

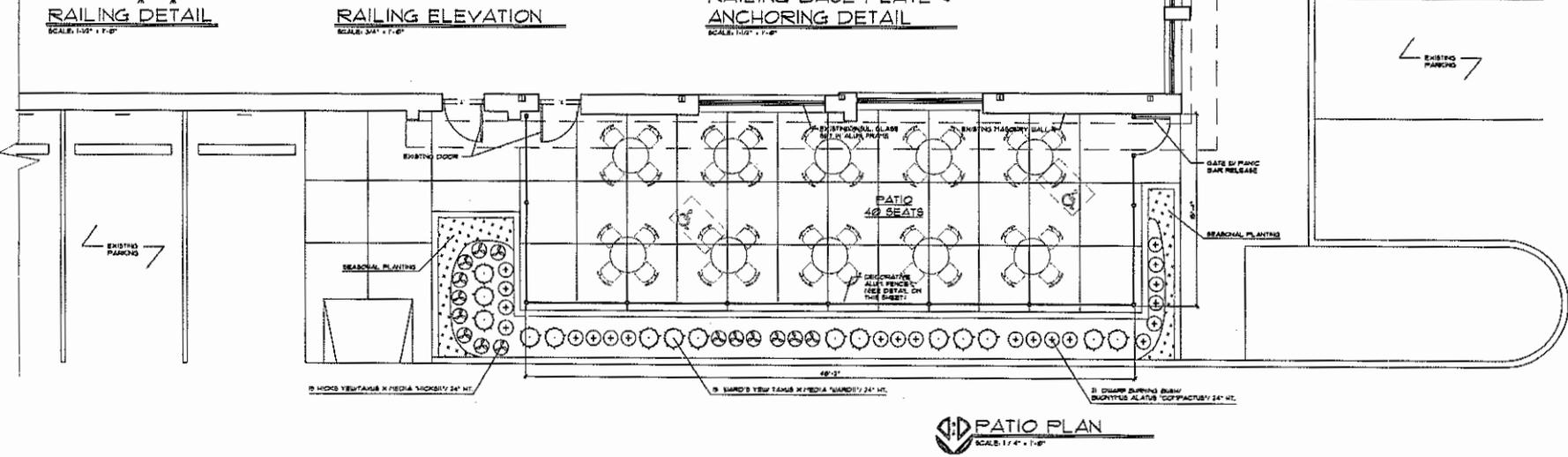
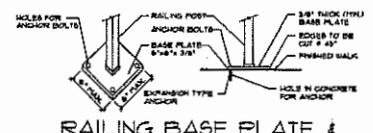
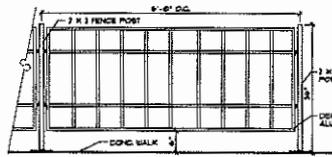
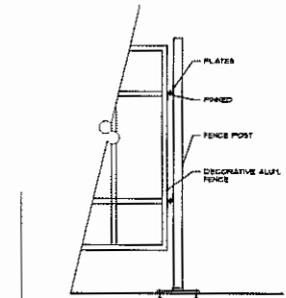
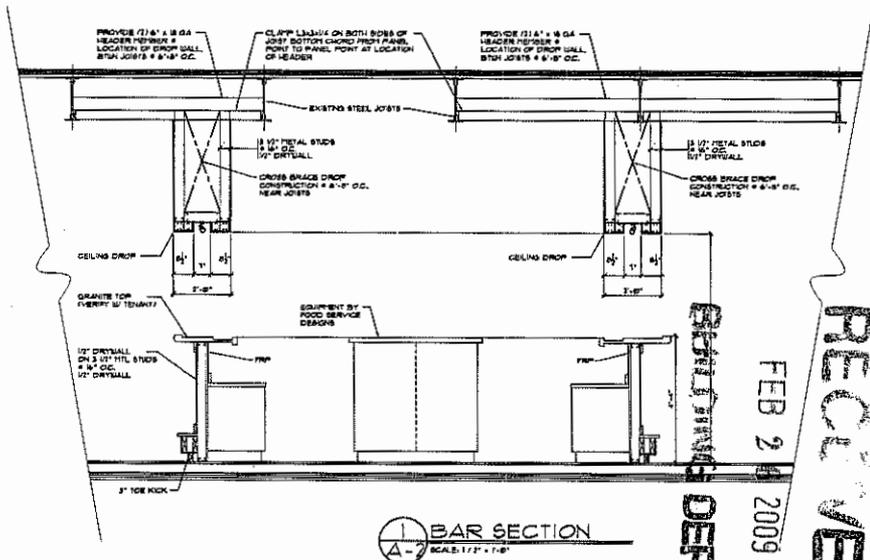
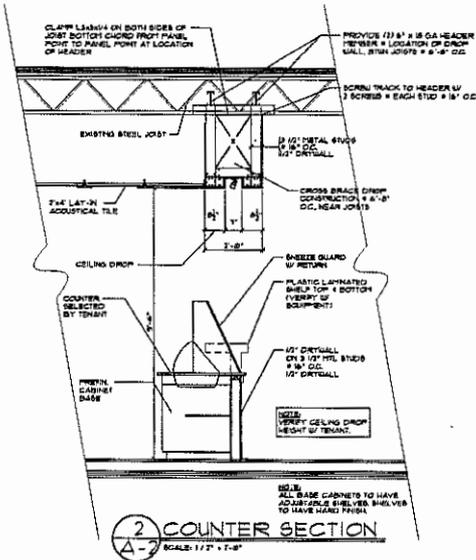
DATE APPROVED: _____

BY: _____
City of Troy, Building Department

RECEIVED
FEB 26 2009
BUILDING DEPT.

GENERAL LANDSCAPE NOTES:

1. ALL CONSTRUCTION AND PLANT MATERIAL LOCATION TO BE ADAPTED ON SITE IF NECESSARY.
2. ANY SUBSTITUTION OF PLANT MATERIAL OR ALTERATION IN PLANT SIZES OR SPECIFICATION TO BE APPROVED BY THE LANDSCAPE ARCHITECT AND THE CITY OF TROY.
3. ALL LARGE TREES AND EVERGREENS TO BE SPACED, QUANTITY AND UNIFORMITY AS DETAIL SHOWN ON PLAN.
4. PLANT BEDS TO BE FULCROED AND DIMENSIONED WITH 4" OF SHROUDED HAND BARK.
5. EVERGREENS DIMENSIONS TO VARY IN HEIGHT AS SPECIFIED IN PLANT MATERIAL LIST.
6. DO NOT EXCEED 18" LARGER THAN SHOWN ROOT BALLS AND TREE #18 LARGER THAN ROOT BALL BACK FILL WITH ONE PART TOP SOIL AND ONE PART SOIL FROM EXCAVATED PLANTING HOLE.
7. REMOVE ALL TUNE, LIME AND SURLIN FROM TREES AND SHAVE BARK BALLS AND PRUNE TREE TRUNKS.
8. LAIN TREES TO BE FULCROED WITH 4" WIDE TRUNKS OF 4" DEEP SHROUDED BARK RINGS OR APPROVED ALTERNATE DESIGN FOR TRUNK PROTECTION.
9. PROVIDE SOIL FOR ALL NEW LAIN AREAS UNLESS NOTED OTHERWISE.
10. INSTALLATION OF PLANT MATERIAL SHALL BE IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERMEN LANDSCAPE STANDARDS.
11. PLANT MATERIAL, ESPECIALLY EVERGREENS, TO BE PLANTED HIGHER THAN NORMAL WHEN HEAVY SOIL CONDITIONS (CLAY, ETC.) PREVAIL.
12. AT THE TIME OF SITE PREPARATION LANDSCAPE ARCHITECT IS TO REVIEW ALL EXISTING VEGETATION AND TAG MATERIALS TO BE SAVED OR RELOCATED.
13. ALL PLANTING AREAS TO BE PREPARED WITH APPROPRIATE SOIL, FIXTURES AND FERTILIZER BEFORE PLANT INSTALLATION.
14. PLANT TREES AND SHRUBS GENERALLY NO CLOSER THAN THE FOLLOWING DISTANCES FROM SIDEWALKS, CURBS AND PARKING STALLS:
 - a1. SHADE TREES _____ 8 FT.
 - a2. DECIDUOUS AND EVERGREEN TREES (ORNA, PINE, SPRUCE, ETC.) _____ 10 FT.
 - a3. SHRUBS THAT ARE LESS THAN 1 FOOT TALL AND WIDE AT MATURITY _____ 2 FT.
15. NO TREES OR EVERGREENS TO BE INSTALLED OVER ANY PROPOSED OR EXISTING UTILITY LINES AS SHOWN ON THE OVERALL LANDSCAPE PLAN. SEE ENGINEERING PLANS FOR EXACT LOCATION AND DETAILS.
16. LAIN AND LANDSCAPE AREAS TO BE IRRIGATED WITH AUTOMATIC UNDERGROUND SYSTEMS.
17. FOR EXISTING TREE PROTECTION 4" HIGH WOOD FENCE TO BE INSTALLED AROUND TREE CROWN LINES PRIOR TO LAIN CLEARING AND SITE CONSTRUCTION, AND MAINTAINED THROUGHOUT SITE DEVELOPMENT PERIOD, NO CUTTING, FILLING OR TRESPASSING SHALL OCCUR INSIDE FENCED AREAS.
18. ALL SHRUB PLANTINGS WITHIN THE CLEAR VISION AREAS TO BE MAX HEIGHT OF 36", AND FIRST BRANCHING FOR PROPOSED TREES TO BE MIN OF 17' ABOVE PROPOSED GRADE.
19. MAINTENANCE OWNER AGREES TO SEASONAL MAINTENANCE PROGRAM AND SHALL REPLACE ALL DISEASED, DEAD, OR DAMAGED PLANTS IMMEDIATELY. CONTROL WEEDS, FERTILIZE, AND PRUNE BEGINNING UPON COMPLETION OF CONSTRUCTION OR LANDSCAPING.
20. PLANTING FOR SHROUDED PERENNIALS INCLUDES: IRIS, DAISY, HARDY LILY, BLUEBELL, HEART, ETC. PERENNIAL BEDS TO BE FULCROED WITH THREE INCHES OF PEAT WITH A NEUTRAL PH BUFFER PLANTED.



RECEIVED
 FEB 24 2009
 PLANNING DEPT.

SERRA & ASSOCIATES
 ARCHITECTS & PLANNERS

189 east big beaver
 troy, michigan 48063
 (248) 537-6903 FAX (248) 457-8266

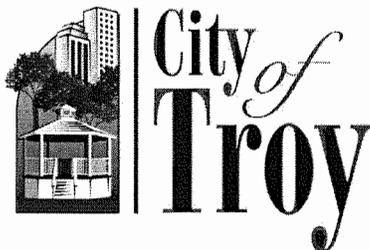
project
PIZZA PAPALIS
 5011 FAL
 48063-4002

sheet title
PATIO PLAN & DETAILS

DRAWN: [blank] CHECKED: [blank]
 S.F.: J.S. I.C.

job number: 06-2005
 date: 6-2-08 sheet no: 1-10-08
A-3

PATIO PLAN
 SCALE: 1/4" = 1'-0"



CITY COUNCIL ACTION REPORT

March 30, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Contract with Greenstar & Associates, L.L.C. for Right-of-Way Acquisition Services

Background:

- The City entered into a two-year contract in 2006 for right-of-way acquisition services, Resolution #2006-04-174, with Greenstar & Associates, L.L.C. (GA) with a one year option to renew.
- The one year option was approved by Resolution #2008-04-134 and remains in force until April 21, 2009.
- Pat Petitto is the owner of GA and a former Senior Right-of-Way Representative in the Real Estate & Development department. She has been working for the City as a contract employee/consultant since April 1, 2006.
- Work assigned to GA is on federally funded major road improvement projects, specifically the right-of-way phase, and GA's cost is 80% reimbursed to Troy from federal funds.
- In order to use a consultant on a federally funded project, as well as to receive 80% reimbursement for the consultant's time, an agreement between the City and the consultant is required.
- GA has been approved by City Council and the Michigan Department of Transportation (MDOT) to complete the right-of-way phase on the following projects:
 - John R, Long Lake to Square Lake, MDOT subcontract No. 05-5109/S1, as approved by Resolution # 2006-07-289-E-5
 - Right-of-way acquisition is on-going and is budgeted in 2008/09 and proposed in 2009/10 in the Major Road fund. It is anticipated that the right-of-way phase will be complete in 2009/10.
 - John R, Square Lake to South Boulevard, MDOT subcontract No. 05-5110/S1, as approved by Resolution # 2006-07-289-E-6
 - Right-of-way acquisition is on-going and is budgeted in 2008/09 and proposed in 2009/10 in the Major Road fund. It is anticipated that the right-of-way phase will be complete in 2009/10.
 - Wattles Road, 1,000 feet east and west of Rochester Road, MDOT subcontract No. 06-5417/S1, as approved by Resolution # 2006-10-381-E-6
 - Right-of-way acquisition is on-going and is budgeted in 2008/09 and proposed in 2009/10 in the Major Road fund. It is anticipated that the right-of-way phase will be complete in 2009/10.

- Rochester Road, Torpey to Barclay, MDOT subcontract No. 06-5418/S1, as approved by Resolution # 2006-10-381-E-7
 - Right-of-way acquisition is on-going and is budgeted in 2008/09 and proposed in 2009/10 in the Major Road fund. It is anticipated that the right-of-way phase will be complete in 2009/10.
- Rochester Road, Barclay to Trinway, MDOT subcontract No. 06-5632/S1, as approved by Resolution # 2007-01-005-E-7
 - Right-of-way funds have been obligated through MDOT and acquisition will be budgeted in the 2010/11 Major Road fund.
- The above referenced projects require an estimated \$18,250,000 in right-of-way with approximately 80% of the cost paid for with federal funds.
- The right-of-way acquisition is ongoing and is part of multi-year, multi-phase projects.
- The contract with GA is project specific and limited duration. It is cost effective and does not require the addition of permanent, full-time staff.

Financial Considerations:

- GA has agreed to the same terms and conditions as the original agreement, as amended, with no increase to the hourly rate of \$78.64 per hour for the first year.
- Subsequent years would be subject to adjustment by using the consumer price index computation for the published Urban-Detroit/Ann Arbor Area between April of the current contract year and the base year of April 2009, upon mutual consent of both parties.
- Funds for the City of Troy's share are included in the 2008-09 Major Road fund and will also be included in the proposed 2009-10 and 2010-11 Major Road fund as appropriate.

Legal Considerations:

- The format and content of the agreement is substantially similar to the contract previously approved by City Council in 2006, as amended in 2008.

Policy Considerations:

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

Options:

- Staff recommends award of a two (2) year contract for Right-of-Way Acquisition Services with an option to renew for one (1) additional year to Greenstar & Associates, L.L.C. at an hourly rate of \$78.64 per hour.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Date

**AGREEMENT FOR RIGHT-OF-WAY ACQUISITION
PROJECT MANAGEMENT AND RELATED SERVICES**

This agreement is made this _____ day of _____, 2009, by and between the City of Troy, 500 West Big Beaver Road, Troy, Michigan 48084, hereinafter called the "City" and Greenstar & Associates, LLC, 4840 N. Adams Road, Suite 183, Rochester, Michigan 48306, hereinafter called the "Contractor."

NOW, THEREFORE, the Contractor and the City for the consideration hereinafter named, agree as follows:

Section 1 – Services/Compensation

The Contractor agrees to provide complete management, supervision and coordination of all right-of-way related activities which include appraisal, negotiation and acquisition of needed property rights to construct federally funded major road projects, as detailed in Addendum "A," disposal of excess real and personal property, relocation of business and homeowners in project areas, assisting the City Attorney's Office in condemnation cases and related services, in accordance with State and Federal laws. Additional services, not included in this agreement, shall be mutually agreed to by the City and Contractor. This contract will be administered by the City Engineer and the Contractor will be solely responsible to the City Engineer for all performance and contract related issues.

The Contractor must be able to work flexible hours upon short notice when schedules and volume demand. All project assignments will conform to the attached Addendum "A", unless changes are mutually agreed upon by both parties.

The City, in consideration of the performance of this agreement, agrees to pay Contractor on an hourly basis at a rate of \$78.64 per hour. This rate shall remain firm for the 2009 calendar year. Thereafter the hourly rate may be increased by using the Consumer Price Index computation for the published Urban-Detroit/Ann Arbor area between April of the current contract year and the base year of April 2009, upon mutual consent of both parties.

This contract shall continue in effect from the date of execution for two (2) years with a one (1) year option to renew.

Section 2 – Consultant Services

The Contractor will not be reimbursed for vehicle mileage, license fees, training, business cell phone, home office use or supplies. While an office will be provided for the contractor on site, the City does not assure exclusive access of this office for the Contractor's use. The Contractor agrees that in performance of its duties as outlined above, the Contractor will be bound by the code of ethics applicable to its industry. The Contractor will complete all work required and referenced in the contract expeditiously and on time, as mutually agreed by the City and Contractor. Upon completion of the

contracted services for each project, a Right-of-Way Certification shall be prepared for execution by the Contractor and the City representative, and this Certification shall be acceptable to MDOT and/or FHWA, as required.

Revisions due to error or oversight to work submitted to the City by the Contractor, including but not limited to market studies, acquisition documents, and appraisal reviews, shall be submitted to the City within ten (10) days from receipt of City's request for revision. If a revision to the Contractor's submitted work becomes necessary because of revised plans or additional requirements of the City, revisions shall be completed by mutual agreement between the City and the Contractor.

Section 3 – City Cooperation

The City shall cooperate with the Contractor to timely furnish legally releasable documentation within the possession of the City that is relevant to the nature of the Contractor's work assignments.

Section 4 – Compensation

For and in consideration of the faithful and professional performance and delivery of the above services as set forth, the City shall pay the Contractor for services pursuant to this Contract within a period of thirty (30) days after receipt from the Contractor of an itemized monthly invoice describing services performed.

Section 5 – Compliance with All Laws and Regulations

The Contractor agrees to comply with all applicable federal, state and local laws and applicable regulations. In addition, the Contractor shall be licensed and/or certified and professionally designated by the State of Michigan and such licenses and/or certification shall be maintained during the term of this agreement.

Section 6 – Independent Contractor

The Contractor shall perform duties as an independent contractor and in an independent manner without supervision and control by the City. The Contractor shall not be deemed to be an employee of the City for purposes of payroll deductions, withholding tax, social security, workers' compensation, unemployment compensation, disability benefits, vacations, fringe benefits or any other purpose. In the performance of duties, the Contractor shall supply and operate her own vehicle, cell phone, office equipment and office. However, she may use an on-site office provided by the City when it is in the City's best interest to do so.

Section 7 – Ownership of Documents

The City shall be the sole and exclusive owner of all data, materials and documentation originated and prepared for the City pursuant to this contract. The Contractor may use the materials prepared for the City as promotion and marketing pieces in pursuit of work for others, provided prior written approval is obtained from the City.

Section 8 – Insurance

The Contractor shall not commence work until the certificate of insurance required under this paragraph has been delivered to the City. All insurance carriers must be acceptable to the City and licensed and admitted to do business in the State of Michigan.

A new certificate of insurance shall be provided to the City each year at the time of policy renewal. New certificates shall be delivered to the City in the same format as outlined in the sample certificate included in the City's Request for Proposal.

1. Workers' Compensation Insurance: During the life of this contract, the Contractor shall procure and maintain Workers' Compensation Insurance, including employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
2. Commercial General Liability Insurance. During the life of this contract, the Contractor shall procure and maintain Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations Liability; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable. Coverage should include terrorist liability.
3. Motor Vehicle Liability. During the life of this contract, the Contractor shall procure and maintain Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
4. Umbrella Liability Insurance. During the life of this contract, the Contractor shall procure and maintain Umbrella Liability Insurance with limits of liability of not less than \$1,000,000 per occurrence.
5. Additional Insured. The above referenced Commercial General Liability and Motor Vehicle Liability Insurance shall include the following endorsement, naming as an Additional Insured: "The City of Troy, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employers and volunteers thereof. This coverage shall be primary to the Additional Insureds, and not contributing with any other insurance or similar protection available to the Additional Insureds, whether other available coverage be primary, contributing or excess."
6. Cancellation Notice. The above mentioned Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance shall include an endorsement stating the following: "It is understood and agreed that Sixty

(60) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to City of Troy, Attn. Risk Manager, 500 West Big Beaver Road, Troy, Michigan 48084.”

7. If any of the above coverages expire during the term of the contract, the Contractor shall deliver renewal certificates and/or policies to the City of Troy at least ten (10) days prior to the expiration date of the insurance. Failure to comply with the insurance requirements contained in this agreement shall constitute a material violation and breach of the agreement and may result in termination of the agreement.

Section 9 – Indemnification

To the fullest extent permitted by law, the Contractor agrees to defend, pay in behalf of, indemnify and hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working in behalf of the City of Troy against any and all claims, demands, suits, or loss, including all costs and attorneys fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Troy, its elected and appointed officials, employees, volunteers or others working in behalf of the City of Troy by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

Section 10 – Subcontractors

No contract may be sublet without the written consent of the City of Troy. Any subcontractor, so approved, shall be bound by the terms and conditions of this contract. The contractor shall be fully liable for all acts and omissions of its subcontractor(s) and shall indemnify the City of Troy for such acts or omissions.

Section 11 – Assignment of Agreement and Other Contractors

The Contractor shall not assign this Agreement or any part thereof without the written consent of the City. The City reserves the right to let other agreements in connection with this work, even if of like character, for work under an agreement. The Contractor shall coordinate work as required by the City. If any part of the Contractor’s work depends on the proper execution of work by any other contractor, the Contractor shall inspect and promptly report to the City any defects in the other contractor’s work that renders it unsuitable for the Contractor’s proper execution. The Contractor’s failure to inspect and report shall constitute an acceptance of the other contractor’s work.

Section 12 – Non-Discrimination

The Contractor agrees not to discriminate against any employee or applicant for employment because of sex, race, religion, color, national origin or handicap. A breach of this Section shall constitute a material breach and may be cause for this Agreement to be canceled or terminated by the City.

Section 13 – Termination of Contract

This Agreement can be terminated, without penalty, upon 30 days written notice when mutually agreeable to the Parties.

Section 14 – Entire Agreement

This agreement constitutes the entire agreement between the City and the Contractor and shall inure to the benefit of and bind the parties hereto and their respective heirs, legal representatives, successors, assigns and third parties claiming under this Agreement or by virtue of Agreement between the City and the Contractor.

This agreement shall be construed in accordance with and governed in all respects by the laws of the State of Michigan.

With their signatures below, the City and the Contractor warrant that they are authorized and empowered to enter into this Agreement, which shall be binding on themselves, and their respective principals, agents, assignees and successors.

CITY OF TROY

GREENSTAR & ASSOCIATES, LLC

By: _____
Louise E. Schilling, Mayor

By: _____
Patricia A. Petitto, SR/WA

Tonni L. Bartholomew, City Clerk

ADDENDUM "A"

Federally Funded Major Road Projects

John R, Long Lake to Square Lake, MDOT subcontract No. 05-5109/S1, as approved by Resolution #2006-07-289-E-5

John R, Square Lake to South Boulevard, MDOT subcontract No. 05-5110/S1, as approved by Resolution #2006-07-289-E-6

Wattles Road, 1000 feet east and west of Rochester Road, MDOT subcontract No. 06-5417/S1, as approved by Resolution #2006-10-381-E-6

Rochester Road, Torpey to Barclay, MDOT subcontract No. 06-5418/S1, as approved by Resolution #2006-10-381-E-7

Rochester Road, Barclay to Trinway, MDOT subcontract No. 06-5632/S1, as approved by Resolution #2007-01-005-E-7

Steven J Vandette

From: Steven J Vandette
Sent: Wednesday, April 01, 2009 9:58 AM
To: Mary F Redden
Subject: Contract Extension with Greenstar

We choose to extend this contract for the following reasons:

- The rate is the same as the start of the contract in April, 2006.
- Extension allows numerous right of way acquisitions, works in progress for the Rochester Road widening project, Torpey to Barclay, to be acquired on time and within a tight timeframe to be ready for overhead utility relocations beginning this spring, and road construction that begins late this year and continuing well into 2010.
- MDOT approved a third party agreement with Greenstar in 2006 in part because Pat was a former Real Estate employee with the city of Troy and had done acquisition work on numerous MDOT projects in the past. This permitted continuity on acquisitions that were in progress at the time. Based on her credentials, MDOT's formal consultant selection process was waived, which saved time and money for the city. MDOT regarded Greenstar as the "Best Source" for this service based on; continuity, saving time and dollars, availability, and meeting all requirements.
- We obviously have a well established and efficient working relationship between Pat and the Legal Department and with MDOT.
- The contract was previously approved by Council and MDOT.
- We have 4 other contracts that need ROW acquisition, as noted in the council item, and Pat has varied amounts of work already completed on all of them.

Please let me know if you need anything else.

Steven J. Vandette, P.E.

CITY ENGINEER

(248) 524-3383

VANDETTESJ@TROYMI.GOV



CITY COUNCIL ACTION REPORT

April 2, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager
Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Scheduling a Special Meeting with Executive Search Firm

BACKGROUND

At the regularly scheduled City Council meeting on March 30, 2009 City Council chose the firm of Charles Blockett, Jr. & Associates, Inc. of Lansing, Michigan to perform an executive search for a city manager.

Mr. Charles Blockett requested a 1 – 1 ½ hour meeting with City Council for the purpose of introductions and to:

- Clarify their expectations
- Gain an understanding of the position
- Develop a description/profile of the ideal candidate
- Discuss the tentative schedule and review his proposed strategy

RECOMMENDATION

It has been determined that all 7 Council members are available on Thursday, April 16, 2009 at 7:00 PM in the Council Board Room of Troy City Hall. It is recommended that Council set a special meeting on April 16.

c: Tonni L. Bartholomew, City Clerk
Lori Grigg Bluhm, City Attorney
Charles Blockett, Charles Blockett, Jr., & Associates, Inc.
John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Menig, Human Resources Specialist
Brian P. Murphy, Assistant City Manager/Economic Development Services
Peggy Sears, Human Resources Director



CITY COUNCIL ACTION REPORT

April 2, 2009

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager

SUBJECT: Confirmation of Appointment of Gary Mayer to Chief of Police

The ACT 78 Board met on March 30, 2009 and certified the eligibility of Acting Police Chief Gary Mayer for Police Chief. As such, I have offered Mr. Mayer employment in the capacity of Police Chief subject to Council confirmation. Approval thereof is strongly recommended.

Please feel free to contact me should you have any questions.

c: Gary Mayer, Acting Police Chief
Peggy Sears, Human Resources Director

Regular Meeting of the Troy City Council was held Monday, March 30, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31PM.

David Crabb of First Baptist Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program for the month of December, Community Affairs Director Cindy Stewart presented a check in the amount of \$666.25 to Patricia Rosen, Executive Director for CARE House.
- b) Thomas Rosewarne, Marina Basta Farouk, and Mike Sackner of the City of Troy's Public Works/Streets Division accepted an *Award of Excellence for the 2008 Major Road Maintenance* in the City of Troy presented by Mayor Schilling on behalf of the Michigan Concrete Paving Association.
- c) On behalf of the City of Troy, Mayor Louise Schilling presented Ron Tschirhart with a service commendation recognizing his fifteen years of service as a member of the Personnel Board.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-3 Appointment of an Acting City Manager

Resolution #2009-03-109
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPOINTS** John Szerlag as Acting City Manager effective Wednesday, April 1, 2009.

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

MOTION CARRIED

E-4 Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager

Resolution #2009-03-110
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, The City of Troy requested proposals from six executive search firms to conduct a search process for the position of City Manager;

WHEREAS, Proposals from all six executive search firms were received by the March 19, 2009 deadline;

WHEREAS, The Troy City Council on March 23, 2009 approved the evaluation form for the purpose of rating the proposals; and

WHEREAS, City Administration recommends the City of Troy standard evaluation process, which stipulates that each City Council member will independently complete the evaluation form for each of the executive search firms;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SUSPENDS** City Council Rules of Procedure, Number 28-Wire Communications; and

BE IT FURTHER RESOLVED, That each of the City Council members shall independently **COMPLETE** the evaluation form for the six executive search firms, and shall **SUBMIT** the evaluations to City Administration for tabulation; and

BE IT FURTHER RESOLVED, That City Administration shall **TABULATE** each of the individual evaluation forms, in accordance with the approved weights, and shall **RANK** each of the executive search firms for City Council review; and

BE IT FURTHER RESOLVED, That City Council shall **SELECT** from the list of executive search firms, the firms that will be afforded an interview; and

BE IT FURTHER RESOLVED, That each firm selected for an interview **WILL BE GIVEN** an opportunity to address City Council's questions and make statements to clarify their proposals; and

BE IT FURTHER RESOLVED, That after the selected firms are **PROVIDED** with an opportunity to interview, that City Council shall **DELIBERATE** toward the selection of an executive search firm for the City Manager vacancy; and

BE IT FINALLY RESOLVED, That all evaluation forms shall be **ATTACHED** to the original City Council minutes.

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

MOTION CARRIED

The meeting **RECESSED** at 8:44 PM.

The meeting **RECONVENED** at 9:00 PM.

The meeting **RECESSED** at 10:42 PM.

The meeting **RECONVENED** at 10:53 PM.

E-4 Vote on Resolution to Postpone Evaluation of Proposals to Conduct Executive Search for City Manager

Resolution #2009-03-111
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item E-4 *Evaluation of Proposals to Conduct Executive Search for City Manager* until City Staff has completed their tabulations.

Yes: Broomfield, Eisenbacher, Howrylak, Kerwin, Schilling, Beltramini
No: None
Absent: Fleming

MOTION CARRIED

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority and Economic Development Corporation b) City Council Appointments: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust; Library Advisory Board; and Personnel Board

(a) Mayoral Appointments

Resolution #2009-03-112
 Moved by Schilling
 Seconded by Kerwin

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

Brownfield Redevelopment Authority

Appointed by Mayor (7-Regular) - 3-Year Terms

Arthur Cotsonika Term Expires 04/30/2012

Joseph J. Vassallo Term Expires 04/30/2012

Economic Development Corporation

Appointed by Mayor (9-Regular) - 6-Year Terms

Paul V. Hoef Term Expires 04/30/2015

Barbara A. Knight Term Expires 04/30/2015

Leger (Nino) Licari – City Assessor Term Expires 04/30/2015

John Sharp Term Expires 04/30/2015

Yes: All-7

MOTION CARRIED**(b) City Council Appointments**

Resolution #2009-03-113
 Moved by Howrylak
 Seconded by Beltramini

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

Advisory Committee for Senior Citizens

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

Merrill Dixon Term Expires 04/30/2012

JoAnn Thompson Term Expires 04/30/2012

Board of Zoning Appeals

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

Michael Bartnik

Term Expires 04/30/2012

Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust

Appointed by Council – 3-Year Term

David Eisenbacher - City Council Representative

Term Expires 04/15/2012

Library Advisory Board

Appointed by Council (5-Regular) – 3-Year Term

Kul B. Gauri

Term Expires 04/30/2012

Personnel Board

Appointed by Council (5-Regular) – 3-Year Term

Laurie G. Huber

Term Expires 04/30/2012

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Charter Revision Committee and Ethnic Issues Advisory Board

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Resolution #2009-03-114

Moved by Howrylak

Seconded by Beltramini

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

Advisory Committee for Senior Citizens

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

Betty Coven

Term Expires 04/30/2012

Charter Revision Committee

Appointed by Council (7-Regular) – 3-Year Terms

MaryAnn Bernardi

Term Expires 04/30/2012

Daniel Bliss

Term Expires 04/30/2012

William Weisgerber

Term Expires 04/30/2012

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3-Year Terms

Sharon MacDonell

Unexpired Term 09/30/2011

Historic District Commission

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

Paul C. Lin - Architect

Term Expires 05/15/2012

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-03-115

Moved by Kerwin

Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-4a, F-4c and F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-03-115-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 23, 2009 as submitted.

F-3 City of Troy Proclamation:

Resolution #2009-03-115-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation:

- a. Service Commendation-Ron Tschirhart (Personnel Board) in Recognition of Outstanding Service to the Community
-

F-4 Standard Purchasing Resolutions**b) Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete**

Resolution #2009-03-115-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, Nagy Ready Mix, Inc. of Utica, as the primary supplier and Superior Materials, LLC of Farmington Hills, MI, as the secondary supplier, at unit prices contained in the bid tabulation opened March 12, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to commence May 1, 2009 and expire April 30, 2010; and

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

d) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2009-03-115-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one additional year to the lowest bidders meeting specifications, Turfgrass, Inc. of Novi, MI, and Tri-Turf, Inc. of Farmington Hills, MI, at unit prices contained in the bid tabulation opened March 5, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring December 31, 2009; and

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

F-5 Private Agreement for 1401 Crooks – Phase I – Project No. 08.928.3

Resolution #2009-03-115-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and 1401 Troy Associates Limited Partnership, for the installation of water main and storm sewer on the site and in the adjacent right of way, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Correction to City Council Minutes for Regular Meeting of June 5, 2006

Resolution #2009-03-115-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the typographical correction made to agenda item D-1 *Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards-Resolution #2006-06-234* by **STRIKING** “Broomfield” and **INSERTING** “Beltramini” in the Regular City Council meeting minutes of June 5, 2006.

F-8 Approval to Temporarily Waive Parking Restrictions – Smith Middle School

Resolution #2009-03-115-F-8

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on Donaldson from Square Lake to Cotswald on May 15, 2009, between the hours of 5:30 PM to 9:30 PM.

F-9 Reconsideration of Resolution #2009-03-105-F-4d–Tax Bill Printing Services**a. Vote on Resolution to Reconsider Resolution #2009-03-105-F-4d – Tax Bill Printing Services**

Resolution #2009-03-115-F-9a

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2009-03-105-F-4d, Moved by Beltramini and Seconded by Eisenbacher as it appears below:

RESOLVED, That Troy City Council hereby AWARDS a contract to provide printing services for the 2009 Summer and Winter Tax Bills with options to renew for two (2) additional one-year tax periods to the lowest acceptable bidder, DivDat, of Ferndale, MI, at prices contained in the bid tabulation opened February 25, 2009, a copy of which shall be ATTACHED to the original Minutes of this meeting, with a contract expiration of December 31, 2009.

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

No: None

Absent: Howrylak

MOTION CARRIED

b. **Vote on Resolution to Amend Reconsidered Resolution #2009-03-105-F-4d Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services**

Resolution #2009-03-115-F-9b

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2009-03-105-F-4d, *Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services* by INSERTING “*plus the actual cost for first class postage and overruns not to exceed 5%,”* AFTER “meeting”.

c. **Vote on Resolution for Reconsidered Resolution #2009-03-105-F-4d Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services as Amended**

Resolution #2009-01-105-F-4d

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide printing services for the 2009 Summer and Winter Tax Bills with options to renew for two (2) additional one-year tax periods to the lowest acceptable bidder, DivDat, of Ferndale, MI, at prices contained in the bid tabulation opened February 25, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, plus the actual cost for first class postage and overruns not to exceed 5%, with a contract expiration of December 31, 2009.

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

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Asphalt Patching Material - Cold**

Resolution #2009-03-116a

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one-year requirements of Asphalt Patching Material - Cold to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI, at unit prices contained in the bid tabulation opened March 3, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to commence May 1, 2009 and expire February 28, 2010; and BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

Yes: All-7

MOTION CARRIED**c) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Asphalt Paving Materials**

Resolution #2009-03-116c

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of Asphalt Paving Materials – Hot Patch with an option to renew for one additional year to the sole bidder meeting specifications, Ajax Materials Corporation of Troy, MI, at unit prices contained in the bid tabulation opened March 6, 2009, 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.

Yes: All-7

MOTION CARRIED**F-6 AT & T Utility Relocation Costs – Rochester Road, Torpey to Barclay – Project No. 99.203.5 – Wattles Road, 1,000' East and West of Rochester – Project No. 01.106.5**

Resolution #2009-03-117

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the relocation costs for AT&T facilities, within private easements, required in connection with the reconstruction of Rochester Road, from Torpey to Barclay and Wattles Road, 1,000' east and west of Rochester Road, in the amount of \$511,555.64 with the city's share estimated at \$102,311.64.

Yes: All-7

MOTION CARRIED**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.**

Resolution #2009-03-118

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City

Council to discuss and take action on an item that does not appear on the agenda and is associated with agenda item E-3 *Appointment of an Acting City Manager*.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Establish Temporary Compensation for the Acting City Manager

Resolution #2009-03-119

Moved by Broomfield

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ESTABLISHES** temporary compensation for the Acting City Manager at an hourly rate of \$68.00, not to exceed 40 hours per week, **EFFECTIVE** Wednesday, April 1, 2009 and until such time that a contract is negotiated and approved by Troy City Council.

Yes: All-7

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments

Council Member Kerwin reported that *Troy People Concerned* hosted a very successful fundraiser this past weekend and complimented Mayor Pro Tem Howrylak and the other board members for their work on behalf of this valuable organization.

Council Member Kerwin stated that the *Troy Community Guide* is printed at no cost to the city and complimented the Community Affairs Director for her hard work. Council Member Kerwin added that the directory is available for free to the public at City Hall and at the Library.

Council Member Beltramini reported that at the recent *Michigan Municipal League Capital Conference* in which she and Council Member Kerwin attended, that discussion took place about the various issues brought before the legislature for their approval. Council Member

Beltramini continued by stating that when this year's budget was originally presented by the Governor and discussed in Senate Committee, it came without the revenue sharing language that has been inserted in the previous two budgets. Council Member Beltramini credited Senator Pappageorge for the effort he put forth last week in assuring that the revenue sharing language was reinserted.

The meeting **RECESSED** at 11:19 PM.

The meeting **RECONVENED** at 11:47 PM.

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

Resolution #2009-03-120

Moved by Schilling

Seconded by Fleming

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:15 AM.

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

No: Kerwin

MOTION CARRIED

E-4 Evaluation of Proposals to Conduct Executive Search for City Manager

Resolution #2009-03-121

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ENGAGES** the firm of Charles Blockett, Jr. and Associates, Inc. for executive recruitment services for the position of City Manager in accordance with their proposal dated March 15, 2009 for an estimated cost not to exceed \$21,000.00 plus expenses.

Yes: Howrylak, Broomfield, Eisenbacher, Fleming

No: Kerwin, Schilling, Beltramini

MOTION CARRIED

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Historic District Commission/Final – January 20, 2009
- b) Employees’ Retirement System Board of Trustees/Final – February 11, 2009
- c) Board of Zoning Appeals/Final – February 17, 2009
- d) Historic District Commission/Final – February 17, 2009
- e) Charter Revision Committee/Final – March 5, 2009
- f) Historic District Commission/Draft – March 17, 2009

Noted and Filed

J-2 Department Reports:

- a) Council Member Mary Kerwin’s Travel Expense Report – Michigan Municipal League’s 2009 Capital Conference in Lansing, Michigan
- b) Council Member Robin Beltramini’s Travel Expense Report – Michigan Municipal League’s 2009 Capital Conference in Lansing, Michigan

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks from Joseph Beaupied Regarding the Police Assistance at the Polish American Numismatic Society’s Annual Coin Show

Noted and Filed

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

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

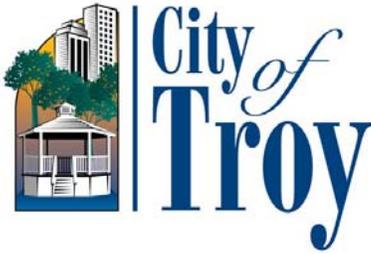
L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** on Tuesday, March 31, 2009 at 12:48 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

April 1, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution 1: – Award To Low Bidders – Aggregates

Background

- On March 17, 2009, bid proposals were electronically received for one-year requirements of Aggregate Materials with an option to renew for one additional year.
- 52 vendors were notified of the bid opportunity via the MITN system with ten (10) responses received, as well as one incomplete bid.
- After reviewing the aggregate bids item by item and also by the discount quoted by one vendor if awarded all items, it is in the City’s best interest to award a contract to Bedrock Maintenance Services for Items 1-6 and Items 8-13 based on a 5% discount that will be issued directly to the City.

Financial Considerations

- Funds will be available in the 2009/10 Operating Budgets for the Streets and Water departments.
- The City will save an estimated \$1,759.12 by awarding to the vendor with a 5% discount on all items quoted.

Legal Considerations

- ITB-COT 09-18, Aggregate Materials were competitively bid as required by City Charter and Code.
- The awards are contingent upon contractors’ submission of proper insurance certificates, and all other specified requirements.

Policy Considerations

- Aggregates are used for general maintenance of major and local roads. (Outcome Statement II)
- All bidders were given the opportunity to respond with their level of interest in supplying aggregate materials for the City of Troy. (Goal II)

Options

- City management recommends awarding contracts to the lowest bidders as follows after considering all discounts.

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition – Romulus, MI	Item 7) Crushed Concrete 3”-6”	\$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	\$14.49	\$13.77
	Item 2) 22A Road Gravel	\$ 8.49	\$ 8.07
	Item 3) Pea Gravel	\$11.25	\$10.69
	Item 4) 60/40 Gravel	\$11.74	\$11.15
	Item 5) Fill Sand	\$ 5.74	\$ 5.45
	Item 6) Crushed Concrete 1”-3”	\$10.24	\$ 9.73
	Item 8) Chloride Sand	\$14.74	\$14.00
	Item 9) 2NS Sand	\$ 8.40	\$ 7.98
	Item 10) Mason Sand	\$ 9.89	\$ 9.40
	Item 11) Limestone 1”-3”	\$14.25	\$13.54
	Item 12) Limestone 3”-6”	\$18.89	\$17.95
	Item 13) Limestone 4”-8”	\$23.95	\$22.75

sl

VENDOR NAME:

VENDOR NAME:			Bedrock	Metropolitan	Novak	Tri-City
			Maintenance	Demolition, LLC	Construction	Aggregates, Inc
			Services			
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	1500	6A SLAG	\$ 14.49	No Bid	\$ 13.94	No Bid
2.	3500	22A GRAVEL	\$ 8.49	\$ 13.50	\$ 8.94	\$ 9.00
3.	300	PEA STONE	\$ 11.25	\$ 17.50	\$ 11.24	No Bid
4.	200	60/40 GRAVEL	\$ 11.74	\$ 22.00	\$ 12.94	No Bid
5.	2000	FILL SAND	\$ 5.74	\$ 11.00	\$ 7.74	\$ 5.50
6.	200	CRUSHED CONCRETE, 1" - 3"	\$ 10.24	\$ 14.50	No Bid	No Bid
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	\$ 17.50	No Bid	No Bid
8.	250	CHLORIDE SAND	\$ 14.74	\$ 22.50	\$ 16.44	\$ 14.50
9.	250	2NS SAND	\$ 8.40	\$ 15.00	\$ 8.44	No Bid
10.	250	MASON SAND	\$ 9.89	\$ 15.00	\$ 11.94	No Bid
11.	200	LIMESTONE 1" - 3"	\$ 14.25	\$ 18.00	No Bid	No Bid
12.	100	LIMESTONE 3" - 6"	\$ 18.89	\$ 25.00	\$ 16.99	No Bid
13.	100	LIMESTONE 4" - 8"	\$ 23.95	\$ 25.00	\$ 19.49	No Bid
DISCOUNT IF AWARDED ALL ITEMS			5%	No Bid	No Bid	No Bid
ESTIMATED TOTAL:			\$ 86,092.50	\$ 105,275.00	\$ 86,493.00	\$ 46,125.00
ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:			\$ 81,787.88	\$ 1,750.00	N/A	N/A
DELIVERY: Within Hours			24	48	Immediately	48
MINIMUMS:			50	50	50	50
CONTACT INFORMATION						
Hrs of Operation			M-S 7-4pm	5 AM to 7 PM	Blank	5:30AM to 5 PM
24 Hr. Phone No.			810-217-6324	734-709-5039		248-634-8277
INSURANCE						
Can Meet			XX	XX	Blank	XX
Cannot Meet						
TERMS:			2% Net 10 days	Net 30 days	No Discount	Net 30 days No Disc.
EXCEPTIONS:			Blank	Blank	Blank	Blank

PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

NOTE: If awarded by item to the lowest bidders, the total award equals \$85,297.00 - By awarding to the vendor w/5% discount on all items plus the sole bidder for Item #7, a savings of \$1759.12 results.

HIGHLIGHTED AREAS DENOTES LOW BIDDERS

ATTEST:

Deanna Theobald

Thomas Rosewarne

Diane Fisher

Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

VENDOR NAME:

Richmond	T.K.M.S.	Boulevard &	Ellsworth
Transport Inc	LTD	Trumbull Towing	Industries
		Inc.	
		Fiore's Crushed Concrete	

ITEM	EST QTY/TONS	DESCRIPTION	PRICE/TON	PRICE/TON	PRICE/TON	PRICE/TON
1.	1500	6A SLAG	\$ 14.42	No Bid	No Bid	No Bid
2.	3500	22A GRAVEL	\$ 10.25	\$ 10.50	No Bid	\$ 10.25
3.	300	PEA STONE	\$ 14.00	\$ 14.00	No Bid	\$ 14.75
4.	200	60/40 GRAVEL	\$ 15.15	\$ 15.00	No Bid	No Bid
5.	2000	FILL SAND	\$ 6.85	\$ 6.50	No Bid	\$ 10.50
6.	200	CRUSHED CONCRETE, 1" - 3"	\$ 11.50	\$ 10.50	\$ 12.84	No Bid
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	\$ 27.00	\$ 17.50	No Bid	\$ 18.50
9.	250	2NS SAND	\$ 11.10	\$ 9.50	No Bid	\$ 11.75
10.	250	MASON SAND	\$ 10.10	\$ 9.50	No Bid	No Bid
11.	200	LIMESTONE 1" - 3"	\$ 12.85	\$ 14.00	No Bid	\$ 14.85
12.	100	LIMESTONE 3" - 6"	No Bid	No Bid	No Bid	No Bid
13.	100	LIMESTONE 4" - 8"	\$ 17.85	\$ 20.00	No Bid	\$ 25.90
DISCOUNT IF AWARDED ALL ITEMS			No Bid	No Bid	No Bid	No Bid

ESTIMATED TOTAL:	\$ 97,140.00	\$ 72,975.00	\$ 2,568.00	\$ 74,422.50
ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:	N/A	N/A	N/A	N/A

DELIVERY: Within Hours	24	24	24 ARO	Immediately
MINIMUMS:	50	50	30	50
CONTACT INFORMATION			Sat 7-3pm	
Hrs of Operation	6 AM to 5 PM	Blank	M-F 6AM to 6PM	Blank
24 Hr. Phone No.	586-727-1627		586-939-6200	
INSURANCE	Can Meet	XX	Blank	XX
	Cannot Meet	Blank		Blank
TERMS:	Net 30 days	Net 30	Net 30	Net 30
EXCEPTIONS:	Blank	See Minimum	Blank	Blank
		Above		

Opening Date -- 3/17/09
 Date Prepared -- 3/23/09

CITY OF TROY
 BID TABULATION
 AGGREGATES

VENDOR NAME:

Osburn Industries Inc	Loma Trucking & Landscape Supplies, Inc.		

ITEM	EST QTY/TONS	DESCRIPTION	PRICE/TON	PRICE/TON		
1.	1500	6A SLAG	No Bid	\$ 18.35		
2.	3500	22A GRAVEL	\$ 10.10	\$ 9.45		
3.	300	PEA STONE	\$ 14.10	\$ 13.00		
4.	200	60/40 GRAVEL	\$ 14.45	\$ 15.10		
5.	2000	FILL SAND	\$ 7.95	\$ 8.00		
6.	200	CRUSHED CONCRETE, 1" - 3"	\$ 11.00	\$ 12.50		
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid		
8.	250	CHLORIDE SAND	\$ 23.00	\$ 34.50		
9.	250	2NS SAND	\$ 9.60	\$ 9.20		
10.	250	MASON SAND	\$ 12.35	\$ 11.50		
11.	200	LIMESTONE 1" - 3"	\$ 13.55	\$ 13.40		
12.	100	LIMESTONE 3" - 6"	No Bid	No Bid		
13.	100	LIMESTONE 4" - 8"	\$ 19.00	\$ 18.75		
DISCOUNT IF AWARDED ALL ITEMS			No Bid	2% of \$104,375		

ESTIMATED TOTAL:		\$ 76,417.50	\$ 104,375.00		
ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:		N/A	N/A		
DELIVERY Within Hours		24	36		
MINIMUMS:		50	47		
CONTACT INFORMATION					
Hrs of Operation		Blank	6 AM to 6 PM		
24 Hr. Phone No.			734-260-1370		
INSURANCE	Can Meet Cannot Meet	Blank	XX		
TERMS:		Net 30	Net 30 days		
EXCEPTIONS:		See Minimum Above	Item #1 6A Slag not available this year		
			approved Equal 6AA Limestone MDOT		



CITY COUNCIL ACTION REPORT

April 1, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Background

- On March 19, 2009, bids were received to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy.
- One Hundred Fifty-Nine (159) vendors were notified of the bid opportunity via the MITN system and three (3) bid responses were received, plus one statement of no bid.
- Carr's Outdoor Services has withdrawn from the process since they could not be cost competitive.
- Michigan Joint Sealing Inc. was the low total bidder. The project is being awarded on a low total basis due to bonding and insurance requirements.

Financial Considerations

- Funds for this project are available in the 2008/09 Capital Accounts for Public Works Construction.
- Major Roads, account #401.447.479.7989.200 (\$50,000.00)
- Local Roads, account #401.447.499.7989.120 (\$100,000.00)

Legal Considerations

- ITB-COT 09-08 for Pavement Seam, Fracture Sealing and the Spray Injection Patching Program was competitively bid as required by City Charter and Code.
- All bidders were given the opportunity to respond with their level of interest in the Pavement Sealing Program for the City of Troy.
- The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- Moving this work forward will improve public safety and reduce liability for the City. (Outcome Statement I)

Options

- City management and the Public Works department recommend awarding a contract for the pavement seam, fracture sealing and spray injection program to the low total bidder, Michigan Joint Sealing Inc. of Farmington Hills, MI, for an estimated total cost of \$ 133,175.00, at unit prices contained in the bid tabulation opened 3/19/09, not to exceed budgetary limitations.

Opening Date -- 3/19/09
 Date Prepared -- 3/31/09

sl

CITY OF TROY
 BID TABULATION
 PAVEMENT SEAM & FRACTURE SEALING

VENDOR NAME:

Michigan Joint	Scodeller Construction
Sealing Inc.	
Ck Number 759829222	14647725
Ck Amount \$2,500.00	\$2,500.00

Proposal: City of Troy Pavement Seam, Fracture Sealing and Spray Injection Patching Program						
ITEM	DESCRIPTION	Estimated Quantities	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Pavement Seam & Fracture Sealing for Major Roads - Labor	29,000 L.F.	\$ 0.56	\$ 16,240.00	\$ 0.60	\$ 17,400.00
2	Pavement Seam & Fracture Sealing for Local Roads - Labor	88,000 L.F.	\$ 0.56	\$ 49,280.00	\$ 0.50	\$ 44,000.00
3	Pavement Seam & Fracture Sealing Material for Major and Local Roads	39,000 LBS.	\$ 0.30	\$ 11,700.00	\$ 0.50	\$ 19,500.00
4	Spray Injection Patching Local Roads Labor & Materials	80 Tons	\$ 361.00	\$ 28,880.00	\$ 359.00	\$ 28,720.00
5	Spray Injection Patching Major Roads Labor & Materials	75 Tons	\$ 361.00	\$ 27,075.00	\$ 370.00	\$ 27,750.00
6	Traffic Control	Included	-----	Included	-----	Included
ESTIMATED GRAND TOTAL				\$ 133,175.00		\$ 137,370.00

CONTACT INFORMATION:

Hrs of Operation	24 Hours	Blank
Contact Number	248-476-4120	248-787-1187

PROGRESS PAYMENTS:

Y or N	Yes - Net 30	Blank
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COMPLETION SCHEDULE:

Can Meet	XX	XX
Cannot Meet		
June 30, 2009		

INSURANCE:

Can Meet	XX	XX
Cannot Meet		

PAYMENT TERMS:

	Net 30	Blank
--	--------	-------

WARRANTY:

	1 year	Blank
--	--------	-------

EXCEPTIONS:

	Blank	Blank
--	-------	-------

ACKNOWLEDGEMENT:

Y or N	Yes	Yes
--------	-----	-----

VENDOR QUESTIONNAIRE:

Y or N	Yes	No
--------	-----	----

**LEGAL STATUS OF BIDDER
 NON-COLLUSION AFFIDAVIT**

Y or N	Yes	No
Y or N	Yes	No

NO BIDS:

Midwest Pavement

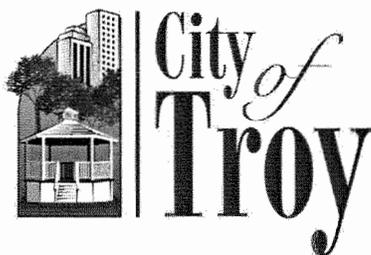
Thomas Rosewarne
Marina Basta Farouk
Linda Bockstanz

HIGHLIGHTED AREA DENOTES LOW TOTAL BIDDER

WITHDREW:

Carr's Outdoor Service (\$145,450) - Picked-up bid surety \$2500
Reason: Prices not competitive

Susan Leirstein CPPB
Purchasing Director



CITY COUNCIL ACTION REPORT

March 26, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*
Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Background:

- In connection with a property improvement project located on the west side of Crooks Road at Equity Drive in Section 32, the Real Estate Department has received a warranty deed for right-of-way and a permanent easement for water main from 1401 Troy Associates Limited Partnership, owners of the property having Sidwell #88-20-32-226-037.

Financial Considerations:

- The consideration amount on both documents is \$1.00.

Legal Considerations:

- The format and content of these documents is consistent with warranty deeds and easements previously accepted by City Council.

Policy Considerations:

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

Options:

- City Management recommends that City Council accept the attached warranty deed and permanent easement for water main, consistent with our policy of accepting right-of-way for infrastructure developments and improvements.

WARRANTY DEED

Sidwell # 88-20-32-226-037 (718)
Resolution #

The Grantor(s) 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, whose address is: 200 Franklin Center, 29100 Northwestern Highway, Southfield, MI 48034 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar (\$1.00)

subject to easements and building and use restrictions of record.

Dated this 11 day of March 2009.

1401 Troy Associates Limited Partnership,
a Michigan Limited Partnership

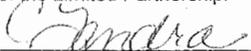
By 
Douglas M. Etkin

Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of March, 2009, by Douglas M. Etkin, of 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, on behalf of the Limited Partnership.

C. LANDRA
Notary Public, State of Michigan
County of Oakland
My Commission Expires Nov. 01, 2013
Acting in the County of Oakland


C. Landra

Notary Public, Oakland County, Michigan
My commission expires: November 1, 2013
Acting in Oakland County

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Josh A. Suardini Etkin Equities 29100 Northwestern Hwy., Ste. 200 Southfield, MI 48034	

Tax Parcel # 20-32-226-037 Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

SKETCH OF ROAD DEDICATION SECTION 32, T.2N., R.11E (L.17156, P.286)

PARCEL NO.
20-32-226-028

PARCEL NO.
20-32-226-029

PARCEL NO.
20-32-226-003

PARCEL NO.
20-32-226-005

N89°56'01"W
53.00'

417.42'
S00°20'48"W

LEGAL DESCRIPTION:

(Per "ALTA/ACSM LAND TITLE SURVEY" Giffels-Webster Engineers, Job No. 12820.11 Dated 5-12-03)

S89°56'01"E
7.00'

P.O.B.

PARCEL NO. 20-32-226-037

Land in the City of Tray, Oakland County, Michigan, described as follows: Part of the Northeast 14 of Section 32, Town 2 North, Range 11 East, Michigan, described as: Commencing at the Northeast corner of said Section 32; thence S00°20'48"W, 417.42 feet along the east line of said Section 32; thence N89°56'01"W, 53.00 feet to the Point of Beginning said point being on the west right of way line of Crooks Road (Variable Width); thence S00°20'48"W, 1111.57 feet along said west line; thence the following three courses being along the south line of Equity Drive (Variable Width) (1) N89°39'12"W, 100.00 feet; and (2) N82°03'31"W, 151.33 feet; and (3) N89°39'12"W, 651.20 feet; thence N00°20'48"E, 590.38 feet; thence N89°39'12"W, 6.00 feet; thence N00°20'48"E, 150.00 feet; thence S89°39'12"E, 27.21 feet; thence N00°20'48"E, 346.82 feet; thence S89°56'01"E, 880.00 feet to the Point of Beginning. Containing 22.47 acres or 978,722 square feet.

PARCEL NO.
20-32-226-037

LEGAL DESCRIPTION:

PROPOSED 7' WIDE ROAD DEDICATION

A 7 foot wide strip of land for right-of-way purposes being all that part of Tax Parcel 20-32-226-037, lying easterly of a line 60 feet west of, and parallel to, the east line of Section 32, as measured by right angles, said land being described as: Commencing at the Northeast corner of said Section 32; thence along the east line of said section, S00°20'48"W, 417.42 feet; thence N89°56'01"W, 53.00 feet to the Point of Beginning; thence S00°20'48"W, 1111.57; thence N89°39'12"W, 7.00 feet; thence N00°20'48"E, 1111.47; thence S89°56'01"E, 7.00 feet to the Point of Beginning.

EXISTING
7'
PROPOSED
60'

EASEMENT FOR PRIVATE ROADWAY
AND PUBLIC UTILITIES
(L.15266, P.7 & L.12728, P.156)

EQUITY DRIVE (PRIVATE ROAD)

N89°39'12"W
7.00'

PARCEL NO.
20-32-226-036

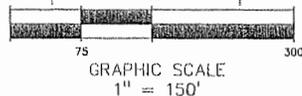
PARCEL NO.
20-32-226-034

PARCEL NO.
20-32-226-038

EAST 1/4 CORNER
SECTION 32 T.2N., R.11E
(L.17217, P.467)

LEGEND

SECTION CORNER FOUND



PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT:
ETKIN EQUITIES, LLC
29100 Northwestern Highway, Suite 200
Southfield, MI 48304

SCALE: 1" = 150'

JOB No: 2008172

2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-9090

DATE: 3-20-09

DWG. No: 1 of 1

PERMANENT EASEMENT

Sidwell #88-20-32-226-037 (pt of)

1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, Grantor(s), whose address is 200 Franklin Center, 29100 Northwestern Highway, Southfield, MI 48304 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 water main, 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 OF

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 19th day of March A.D. 2009.

1401 Troy Associates Limited Partnership.
a Michigan Limited Partnership

By [Signature] (L.S.)
* Douglas M. Etkin
Its President

STATE OF MICHIGAN)
COUNTY OF MLL)

The foregoing instrument was acknowledged before me this 19 day of MARCH, 2009, by Douglas M. Etkin, President, of 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, on behalf of the Limited Partnership.

HELEN DUCHOLS
Notary Public, State of Michigan
County of Oakland
My Commission Expires Nov. 2, 2011
Residing at the County of OAKLAND

[Signature]
*
Notary Public, OAKLAND County, Michigan
My Commission Expires NOV. 24, 2011
Acting in OAKLAND County, Michigan

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"
Parcel #20-32-226-037 (part of)

WATER MAIN EASEMENT A:

A 20 FOOT WIDE EASEMENT OVER A PARCEL BEING LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 2 NORTH RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S00°20'48"W, 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N89°56'01"W, 53 FEET TO THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (VARIABLE WIDTH); THENCE CONTINUING N89°56'01"W ALONG THE NORTH LINE OF PARCEL NO. 20-32-226-037, 223.56 FEET TO THE POINT OF BEGINNING;

THENCE S00°20'47"W, 316.40 FEET;
THENCE N89°38'22"W, 187.05 FEET;
THENCE S00°21'38"W, 18.59 FEET;
THENCE N00°21'38"E, 18.59 FEET;
THENCE N89°38'22"W, 244.92 FEET;
THENCE S00°21'38"W, 18.04 FEET;
THENCE N00°21'38"E, 18.04 FEET;
THENCE N89°38'22"W, 19.94 FEET;
THENCE N00°21'38"E, 24.35 FEET;
THENCE N89°38'22"W, 33.00 FEET;
THENCE S00°21'38"W, 42.00 FEET TO THE POINT OF ENDING.

WATER MAIN EASEMENT B:

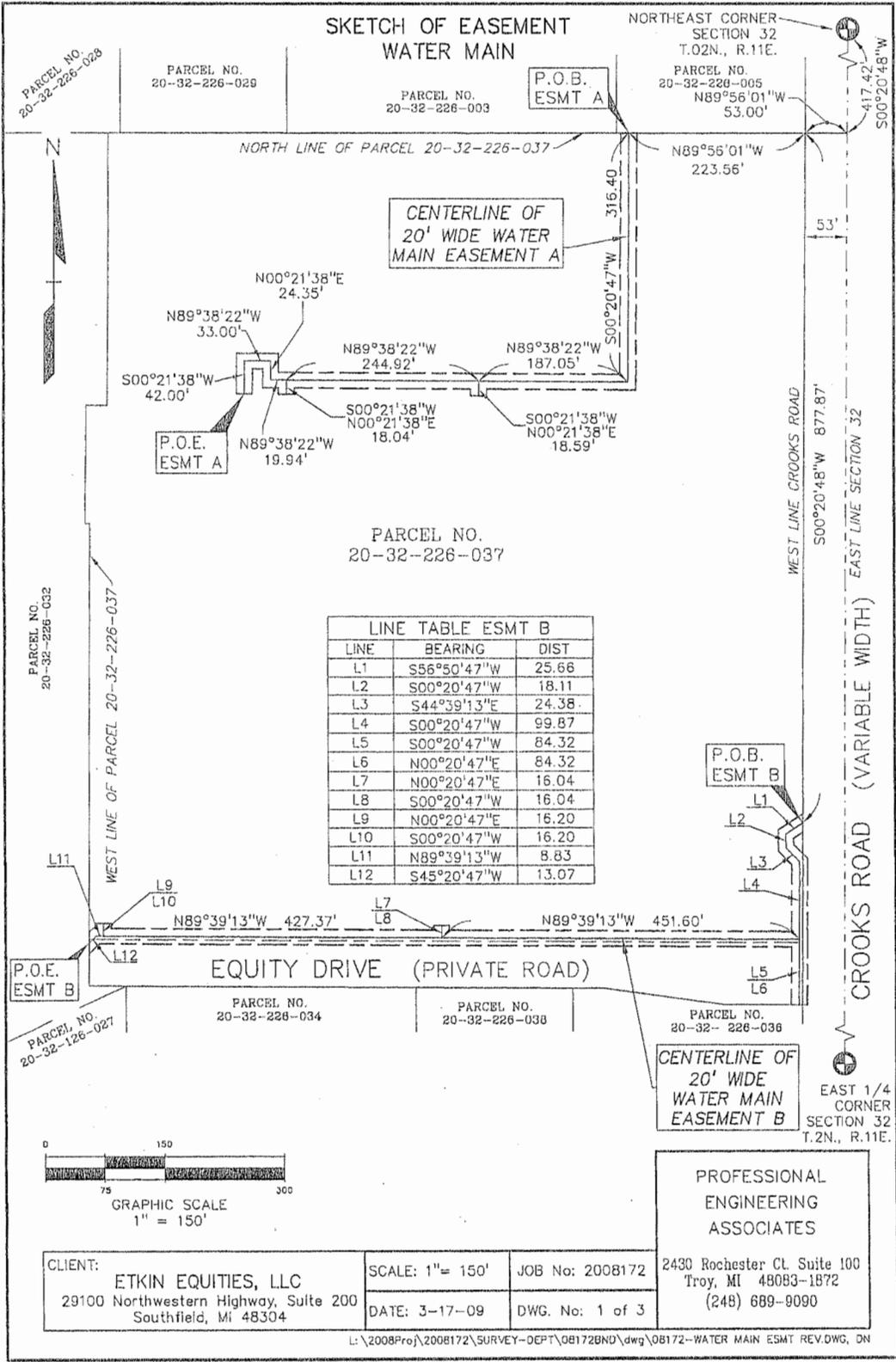
A 20 FOOT WIDE EASEMENT OVER A PARCEL BEING LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 2 NORTH RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S00°20'48"W, 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N89°56'01"W, 53 FEET TO THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (VARIABLE WIDTH); THENCE ALONG SAID WEST LINE S00°20'48"W, 877.87 FEET TO THE POINT OF BEGINNING;

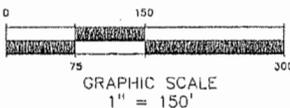
THENCE S56°50'47"W, 25.66 FEET;
THENCE S00°20'47"W, 18.11 FEET;
THENCE S44°39'13"E, 24.38 FEET;
THENCE S00°20'47"W, 99.87 FEET;
THENCE CONTINUING S00°20'47"W, 84.32 FEET;
THENCE N00°20'47"E, 84.32 FEET;
THENCE N89°39'13"W, 451.60 FEET;
THENCE N00°20'47"E, 16.04 FEET;
THENCE S00°20'47"W, 16.04 FEET;
THENCE N89°39'13"W, 427.37 FEET;
THENCE N00°20'47"E, 16.20 FEET;
THENCE S00°20'47"W, 16.20 FEET
THENCE 89°39'13"W, 8.83 FEET
THENCE S45°20'47"W, 13.07 FEET TO THE WEST LINE OF PARCEL 20-32-226-037 AND THE POINT OF ENDING.

EXHIBIT "A"

SKETCH OF EASEMENT WATER MAIN



LINE TABLE ESMT B		
LINE	BEARING	DIST
L1	S56°50'47"W	25.66
L2	S00°20'47"W	18.11
L3	S44°39'13"E	24.38
L4	S00°20'47"W	99.87
L5	S00°20'47"W	84.32
L6	N00°20'47"E	84.32
L7	N00°20'47"E	16.04
L8	S00°20'47"W	16.04
L9	N00°20'47"E	16.20
L10	S00°20'47"W	16.20
L11	N89°39'13"W	8.83
L12	S45°20'47"W	13.07

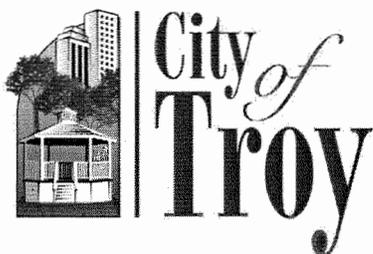


CLIENT:
ETKIN EQUITIES, LLC
 29100 Northwestern Highway, Suite 200
 Southfield, MI 48304

SCALE: 1" = 150' JOB No: 2008172
 DATE: 3-17-09 DWG. No: 1 of 3

2430 Rochester Ct. Suite 100
 Troy, MI 48083-1872
 (248) 689-9090

PROFESSIONAL
 ENGINEERING
 ASSOCIATES



CITY COUNCIL ACTION REPORT

March 26, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *SV*
 Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Warranty Deed from John Joseph Properties, LLC -
 Sidwell #88-20-27-358-028

Background:

- In connection with a property improvement project located on the north side of Maple Road, east of Livernois in Section 27, the Real Estate Department has received a warranty deed for right-of-way from John Joseph Properties, LLC, owners of the property having Sidwell #88-20-27-358-028.

Financial Considerations:

- The consideration amount on this document is \$1.00.

Legal Considerations:

- The format and content of this document is consistent with warranty deeds previously accepted by City Council.

Policy Considerations:

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

Options:

- City Management recommends that City Council accept the attached warranty deed, consistent with our policy of accepting right-of-way for infrastructure developments and improvements.

WARRANTY DEED

Sidwell # 88-20-27-358-028 (part of)
Resolution #

The Grantor(s), JOHN JOSEPH PROPERTIES, LLC, a Michigan limited liability company, whose address is 1777 Axtell, Suite 202, Troy, MI 48084, convey(s) and warrant(s) to The CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 14th day of SEPTEMBER, 2007.

JOHN JOSEPH PROPERTIES, LLC,
a Michigan limited liability company

By [Signature]
John Joseph
Its Manager

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14th day of SEPTEMBER, 2007, by John Joseph, Member of John Joseph Properties, LLC, a Michigan limited liability company on behalf of the company.

[Signature]

PHILIP M. LEVITT
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Apr 19, 2008

Notary Public, OAKLAND County, MI
My commission expires: 4-19-08
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-27-358-028 (pt of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

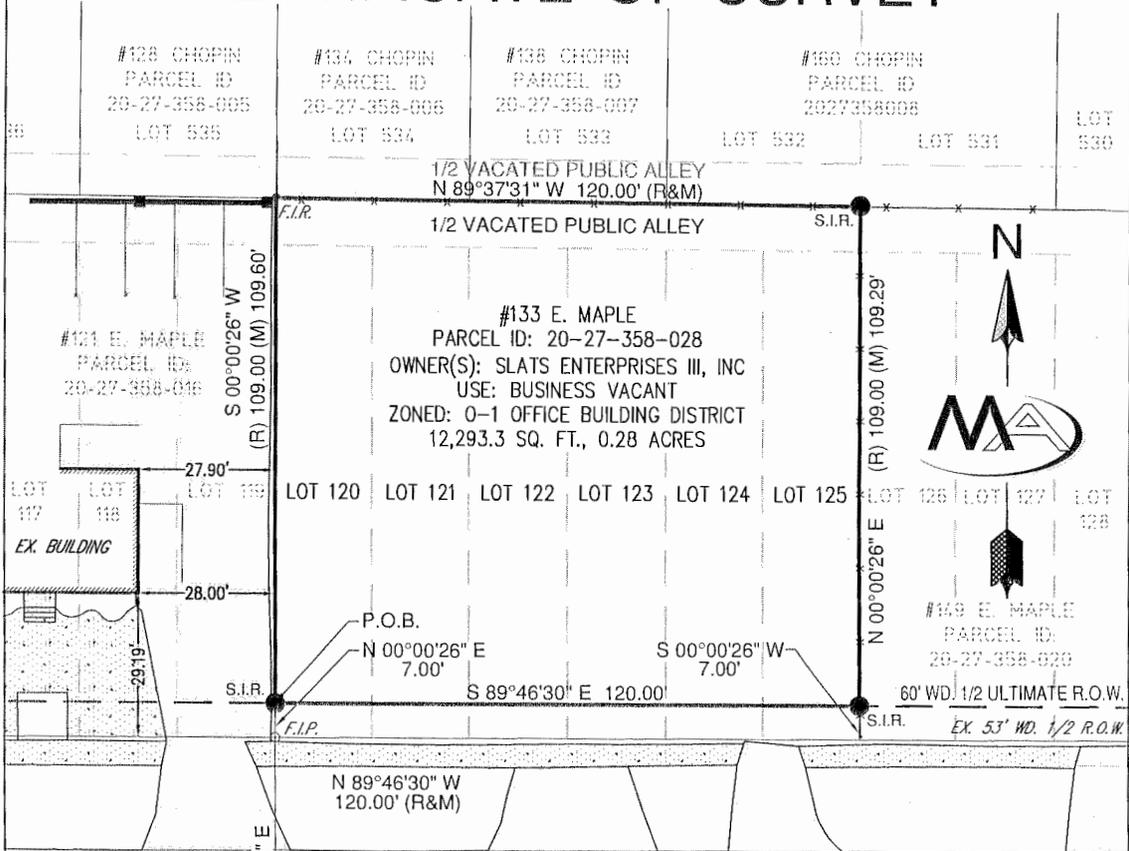
EXHIBIT "A"

LOTS 120 TO 125 INCLUSIVE, ADDISON HEIGHTS SUBDIVISION, PART OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. AS RECORDED IN L.33, P.28 OAKLAND COUNTY RECORDS. ALSO ½ OF VACATED ALLEY ADJACENT TO SAME.

EXCEPT THE SOUTH 7 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT LOCATED N 00°00'26" E, 7.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 120; THENCE N 00°00'26" E, 102.60 FEET; THENCE N 89°46'30" W, 120.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS:12293.3 SQUARE FEET, 0.28 ACRES

CERTIFICATE OF SURVEY



MAPLE ROAD (53' 1/2 EXISTING R.O.W.)
(60' WD. 1/2 ULTIMATE R.O.W.)

ASPHALT PAVEMENT

S 89°48'19" E 2675.89' (M) (TOTAL)

S.E. COR. SECTION 27 T.2N., R.11E. S. 1/4 COR. SECTION 27 T.2N., R.11E.

LEGEND

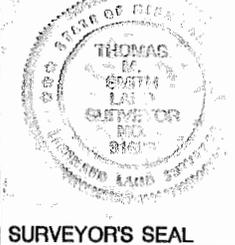
- EXISTING FENCE
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE
- F.I.R.
- S.I.R.
- F.I.P.

LEGAL DESCRIPTION:
 LOTS 120 TO 125 INCLUSIVE, ADDISON HEIGHTS SUBDIVISION, PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. AS RECORDED IN L.33, P.28 OAKLAND COUNTY RECORDS. ALSO 1/2 OF VACATED ALLEY ADJACENT TO SAME. EXCEPT THE SOUTH 7 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS:
 BEGINNING AT A POINT LOCATED N 00°00'26" E, 7.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 120; THENCE N 00°00'26" E, 102.60 FEET; THENCE S 89°37'31" E, 120.00 FEET; THENCE S 00°00'26" W, 102.29 FEET; THENCE N 89°46'30" W, 120.00 FEET TO THE POINT OF BEGINNING.
 PARCEL CONTAINS: 12293.3 SQUARE FEET, 0.28 ACRES

WE HEREBY CERTIFY that we have surveyed the property herein described and that we have placed marker irons at the corners of the parcel or as indicated in the above sketch and that we have complied with the survey requirements of Public Act 132 of 1970, as amended. Error of closure 1:20,000 bearings based on a recorded plat.

Thomas M. Smith
 Registered Land Surveyor
 Michigan #31606

ISSUED FOR: PER CITY 8/8/06	REVD BY: MLB	ISSUED FOR:	REVD BY:
ISSUED FOR:	REVD BY:	ISSUED FOR:	REVD BY:



MICKALICH and ASSOCIATES, INC.
 CIVIL ENGINEERING SURVEYING PLANNING

2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309
 INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY MLB	JOB No. 06-072	DESCRIPTION
DATE 07/07/06	SHEET No. 1 of 1	133 E. MAPLE ROAD
SCALE 1"=30'		

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL January 21, 2009

A meeting of the Downtown Development Authority was held on Wednesday, January 21, 2009 in the Lower Level Conference Room, City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Al Aceves
 David Hay
 Larry Keisling
 William Kennis
 Alan Kiriluk
 Ernest Reschke
 G. Thomas York

ABSENT: Stuart Frankel
 Michele Hodges
 Daniel MacLeish
 Louise Schilling
 Douglas Schroeder
 Harvey Weiss

ALSO PRESENT: Phil Nelson
 Brian Murphy
 John Lamerato
 Lori Bluhm
 Mark Miller
 Steve Vandette (arrived @ 7:57 a.m.)

APPROVAL OF MINUTES

Resolution: DD-09-01
Moved by: Kennis
Seconded by: Hay

RESOLVED, that the minutes of the October 15, 2008 regular meeting be approved.

Yeas: All (7)
Absent: Frankel, Hodges, MacLeish, Schilling, Schroeder, Weiss

OLD BUSINESS

- A. Design Guidelines Update and Introduction to Design Standards Process – Carlisle Wortman Associates, Inc.

NEW BUSINESS

- A. Optioning and/or Assembling Property

Resolution: DD-09-02

Moved by: Kennis

Seconded by: Hay

WHEREAS, the Troy DDA approved the Investment Strategy in February 2008, and

WHEREAS, the Investment Strategy identified a need for the Board to consider optioning and/or assembling properties deemed essential to advance the concepts of the Big Beaver Corridor Study, and

WHEREAS, Plan #6 provides the Troy DDA with the legal mechanism to acquire property in keeping with PA 197 of 1975 (Downtown Development Authority Act), now therefore be it

RESOLVED, that the Troy DDA directs the Executive Director to develop a series of policies and procedures and action plan that provides a framework for optioning and/or otherwise acquiring property in the boundaries of the Troy DDA. The policies, procedures and action plan will be brought forward for future Board consideration.

Yeas: All (7)

Absent: Frankel, Hodges, MacLeish, Schilling, Schroeder, Weiss

- B. Jazz on the Corridor/Classic Car Show

Resolution: DD-09-03

Moved by: Aceves

Seconded by: York

RESOLVED, that the TDDA contribute \$20,000 for all three concerts and the car show.

Yeas: All (7)

Absent: Frankel, Hodges, MacLeish, Schilling, Schroeder, Weiss

C. Monthly Financial Report

Received and Filed

D. Annual Financial Report/Fund Balance

Received and Filed

PUBLIC COMMENT

None

MEMBER COMMENT

Bill Kennis brought to the Board's attention that MEDC approved funds for Macomb County to build a new Conference Center.

Al Aceves asked for status of the Pavilions of Troy Project and was assured they are trying to find a way to move forward.

The meeting was adjourned at 8:35 a.m.

Next Meeting: February 18, 2009 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary

JL/ph

A Meeting of the Civil Service Commission (Act 78) was held Wednesday, February 25, 2009, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chair McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director
Gary Mayer, Deputy Police Chief
Keith Frye, Police Captain
Colleen Mott, Police Captain
Gerard Scherlinck, Police Captain
Sgt. Robert Redmond, TCOA President
Jonathan Makela, Human Resources Specialist
Barbara A. Pallotta, Deputy City Clerk

Vote on Resolution to Suspend Civil Service Commission (Act 78) Hearing Rules, Article III – Meetings, Section 4 – Order of Business

Resolution #CSC-2009-02-001
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **SUSPENDS** Civil Service Commission (Act 78) Hearing Rules, Article III - Meetings, Section 4 - Order of Business and moves forward F. NEW BUSINESS to discuss and take action on Agenda Items: 1. *Reappointment of Civil Service Member (Term Expired: April 30, 2008)* and 2. *Election of President/Chair.*

Yes: All-3

F. NEW BUSINESS:

1. Reappointment of Civil Service Member (Term Expired: April 30, 2008):

Resolution #CSC-2009-02-002
Moved by McGinnis
Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **REAPPOINTS** Patrick Daugherty as the Civil Service Commission member with a term scheduled to expire on April 30, 2014.

Yes: Cannon, McGinnis
No: None
Abstain: Daugherty

2. Election of President/Chair

Resolution #CSC-2009-02-003
Moved by Cannon
Seconded by Daugherty

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPOINTS Donald E. McGinnis, Jr.** as President/Chair of the Civil Service Commission (Act 78) for a period of one year.

Yes: All-3

B. APPROVAL OF MINUTES:

Resolution #CSC-2009-02-004
Moved by Cannon
Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the meeting of Wednesday, February 13, 2008 as presented.

Yes: All-3

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

3. Approval of Qualifications, Posting and Test Battery for Police Chief

President/Chair McGinnis noted that three of the current potential candidates for Police Chief have not been in the rank of captain for two years. He asked if this affected the process.

Peggy Sears, Human Resources Director indicated that the Act includes a provision that under the current circumstances would make the Police Captains eligible to apply.

Lori Bluhm, City Attorney agreed. City Attorney Bluhm noted that under the statutory provisions, there are four persons eligible for the position.

Resolution #CSC-2009-02-005

Moved by Cannon

Seconded by Daugherty

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting, and the test battery for the recruitment of Police Chief as **PRESENTED**, with the understanding that the current Troy police captains are eligible to test.

Yes: All-3

4. Appointment of Temporary Police Chief

Resolution #CSC-2009-02-006

Moved by Cannon

Seconded by Daugherty

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **CERTIFIES** that the City Manager's nominee, Deputy Police Chief Gary Mayer, is qualified to serve as Acting Police Chief for the City of Troy for a period not exceeding three (3) months.

Yes: All-3

PUBLIC COMMENT:

Chair/President McGinnis asked if it is possible to waive the testing for the police chief position as a cost savings measure if there is only one candidate.

City Attorney Bluhm reminded the Commission that the statute requires the City to offer a competitive process, and that there would be a deadline for each of the eligible candidates to decide whether or not to test. She also mentioned that an eligible list is good for two years, and would be used if there were any future vacancies in the position, which may have some impact on the decision to test.

Chair/President McGinnis asked that a Civil Service Commission (Act 78) meeting be scheduled as soon as possible so that they can move forward as quickly as possible to permanently fill the police chief position.

City Attorney Bluhm would like to review the Open Meetings Act with the Commissioners at their next scheduled meeting.

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:45 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, March 4, 2009 in the Lower Level Conference room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES - MEETING OF FEBRUARY 4, 2009

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of February 4, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, FACILITIES PROJECT MANAGER, SMART, 2021 BARRETT, for relief of Chapter 83 to install new fencing at the Smart facility on Barrett.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 10' high fence in the yards between the building and both Barrett and Maplelawn. This property is in the M-1 (Light Industrial) Zoning District. Section 3 of Chapter 83 of the Troy City Code prohibits fences from being installed in the yards between the building and any frontage street on non-residentially zoned property.

Mr. Warren Emerson, Project Manager for SMART and Mr. Darrell Taylor, Risk Management Manager for SMART were present.

Mr. Emerson passed out a drawing of this site and explained that they are proposing to move the fence back around the storage tanks and explained that the new fence will meet up with the existing fence on either side of the property.

Mr. Kessler asked why the fence was located in the middle of the greenbelt area on the east side of the property.

ITEM #2 – con't.

Mr. Taylor stated that they are trying to protect the underground storage tanks in this area.

Mr. Kessler asked if this was where the vent port was located.

Mr. Taylor said that this is the location of the underground tank, the fill port and the vent pipe.

Mr. Kessler stated that the Board was hoping that the petitioner would reduce the areas of fencing as small as possible and to buffer with landscaping. Mr. Kessler said that he didn't want to see fencing all the way out.

Mr. Taylor said that the fence line is 33' from the curb.

Mr. Dziurman asked if they were planning on putting in additional landscaping.

Mr. Emerson said that they were going to put in arborvitae.

Mr. Kessler said that he was expecting the petitioners to come back and show a different plan to the Board and asked if they had looked into moving the fence back to the building line.

Mr. Taylor said that they are trying to protect three (3) different areas.

Mr. Kessler asked if the fence was 33' from the property line.

Mr. Emerson stated that the fence is 12' from the property line.

Mr. Kessler stated that the fence could be pulled back and he would rather see other alternatives rather than this fence. There are no guards or guard dogs walking the area and he does not believe that a fence is the greatest deterrent.

Mr. Taylor said that as a Government Agency funding comes from the County and there is no funding available for additional personnel. The fence will be subsidized through Federal funding.

Mr. Kessler asked if the petitioner could see where the fence could be moved back.

Mr. Taylor agreed that it could be done, but did not think it would be as aesthetically pleasing.

Mr. Richnak stated that he was disappointed that the petitioner did not bring in any additional information. Mr. Richnak said that he could not make an educated judgment without more information from the petitioner which should include specific

ITEM #2 – con't.

measurements. Mr. Richnak stated that the Board cannot approve a variance without the exact measurements.

Mr. Taylor said that they had addressed moving the location of the fence rather than the measurements.

Mr. Stimac explained that if the petitioner were to keep the fence within the line of the building on the northwest side of the site a variance would not be required.

Mr. Dziurman informed the petitioner that the only area that would require a variance would be on the east side of the site.

A discussion began regarding the gates on the site and which areas need to be protected.

Mr. Nelson asked how the gates were activated.

Mr. Emerson explained that it is a coded system.

Mr. Nelson asked how emergency vehicles would gain access to this site.

Mr. Taylor said that there is a 24-hour dispatcher on site and Mr. Nelson indicated that a manual override would be required.

Mr. Emerson stated in the event of a fire a panel would automatically open the gates.

Mr. Nelson stated that a manual override would still be required on the outside of the building to allow emergency vehicles full access.

Mr. Richnak stated that he would like to have the petitioner stake out the area and then contact the Board members so that they can come out and take a look at exactly where they are proposing to put this fence.

Mr. Stimac informed the Board that this Board is subject to the Open Meetings Act and if more than two (2) Board members went to the site at the same time, that meeting would have to be published.

Mr. Taylor said that they would work on getting the information the Board requires and would contact them when the property was properly staked so that the members could look at the site at their leisure.

Motion by Richnak
Supported by Nelson

ITEM #2 – con't.

MOVED, to postpone the request of Warren Emerson, SMART, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the next meeting scheduled for April 1, 2009.

- To allow the petitioner to present to Board members detailed plans to include: staging of buses, bus routes, location of equipment and location of gates.
- To allow the petitioner to show exact measurements and distances of the fence.
- To allow the petitioner the opportunity to demonstrate a hardship that would justify a variance.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 1, 2009 CARRIED

ITEM #3 – VARIANCE REQUESTED. SENTRY SECURITY SYSTEMS, 1163 SOUTER, for relief to install an electrified security fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to electrically charge a 10' high fence at 1163 Souter to act as a security barrier. Paragraph 4 of Chapter 83, prohibits electrically charged fences on any property throughout the City.

Mr. Stimac further explained that the petitioners had provided a list of other Communities in Michigan that use this system and he forwarded that list to Chief Nelson. Mr. Stimac also had the opportunity to research the standards for electric fence energizers. There is no US standard, but there is an International Standard. A representative from the US is one of the members of this Committee. The fence will comply will all mandatory requirements as well as the non-mandatory requirements. The installation will comply with the International standard, which includes a perimeter fence on the outside.

In addition the petitioner has met with the Fire Marshall to look at different features. If this Board were to grant approval, Mr. Stimac suggested that the requirements from the Fire Marshall's office be included as part of the approval. These requirements include an access box on the outside of the fence, documents are to be provided showing the sequence of operation and signage should be included both inside and outside the fence indicating that the fence is electrically charged.

Mr. Kessler stated that this is something new for this Board to look at. Mr. Kessler went out and looked at the site and there are a number of signs that say "Authorized Personnel Only". If he owned or was going to rent any of the surrounding property, he felt that these signs could be a deterrent to staying in this area. Mr. Kessler feels that signs indicating that fence is electrically charged could impact sales, prices or the rental of other properties in the area. The City allows barbed wire and a higher fence to

ITEM #3 – con't.

protect property, but he feels that anyone that really wants to gain access to a site will do so anyway.

Mr. John Westendorf of Old Dominion Freight Lines and Mr. Randy Mullis of Sentry Security Systems were present.

Mr. Mullis stated that a lot of their customers want this fence to act as a deterrent for people that want to enter the site and also to help protect their personnel.

Mr. Dziurman informed the petitioner that a Public Hearing was held and Building Department Staff received one objection.

Mr. Mullis said that it was possible that the person that had objected to this request may have thought that people would really be hurt by the fence. Mr. Mullis offered to visit adjacent properties explaining their proposal in order to find out if they could obtain approvals. Mr. Mullis indicated that he had met with the Police Chief and he was in favor of this request.

Mr. Westendorf stated that he felt this fence was needed as they have had a number of break-ins.

Mr. Dziurman stated that if the petitioner were to come back with signatures from adjacent property owners approving this request the Board would definitely consider these approvals.

Mr. Mullis explained that Sentry Security Systems retains ownership of the system, and is also responsible for servicing this system. They have constructed this fence at several Old Dominion sites and they only go into areas that are experiencing problems.

Mr. Kessler asked what the history of break-ins in this area was.

Mr. Westendorf said that they had three in the last year, although he has been at this location for twenty years and before that they hadn't experienced any.

Mr. Mullis said that in his opinion this fence would act as a deterrent to keep people out versus taking a picture as criminals are leaving a scene after committing a crime.

Mr. Kessler said that he would like to see other options such as motion detectors, cameras, alarms and better lighting. Mr. Kessler asked if the voltage of the fence could be reduced and Mr. Mullis said that it could not as it would cause a number of problems. Mr. Mullis also stated that they don't want to rent Old Dominion a system that would cause a number of problems.

ITEM #3 – con't.

Mr. Dziurman stated that he felt the petitioner complied with the requests of the Board from the last meeting. A Public Hearing was held and other than the one written objection received no one came to the meeting to voice their objection.

Mr. Kessler said that he would be in favor of the petitioner approaching adjacent property owners seeking approval of this request. Mr. Kessler also stated that the other property owners would need to be educated in what this product is.

Mr. Zuazo said that he would like the results submitted to the Board in writing.

Mr. Kessler said that he would also like to see the documentation given to the property owners that allowed them to make a decision.

Motion by Kessler
Supported by Zuazo

MOVED, to postpone the request of Sentry Security systems, 1163 Souter for relief of Chapter 83 to install an electrified security fence until the meeting of April 1, 2009.

- To allow the petitioner to contact adjacent property owners for approval of this request.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 1, 2009 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:30 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:32 P.M. on Tuesday, March 17, 2009 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Ed Kempen
Matthew Kovacs
David Lambert
Lon Ullmann

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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 17, 2009

Motion by Courtney
Supported by Clark

MOVED, to approve the minutes of the meeting of February 17, 2009 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #5

Mr. Bartnik asked that Item #5 be removed for discussion.

Motion by Courtney
Supported by Lambert

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

Yeas: All - 7

ITEM #3 – RENEWAL REQUEST. KMART, 100 E. MAPLE, for relief of the Ordinance to allow for an outdoor display of plant material in front of Kmart along the north side of the fenced area and a four foot section of the sidewalk at the west end of the building adjacent to the building.

ITEM #3– con't.

MOVED, to grant Kmart, 100 E. Maple, a one-year (1) renewal of relief of the Ordinance to allow for an outdoor display of plant material in front of Kmart along the north side of the fenced area and a four foot section of the sidewalk at the west end of the building adjacent to the building.

- Conditions remain the same.
- There are no complaints or objections on file.
- Display out only during the months of April through July.

ITEM #4 – RENEWAL REQUEST. ST. GEORGE ORTHODOX CHURCH, 2160 E. MAPLE, for relief to maintain a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line where the parking lot is adjacent to residentially zoned land.

MOVED, to grant St. George Orthodox Church, 2160 E. Maple, a three-year (3) renewal of relief to maintain a 5' high landscaped berm, in lieu of the 4'-6" high masonry wall along the south and east property lines, and relief of the 4'-6" high masonry wall required along the west property line where the parking lot is adjacent to residentially zoned land.

- Property to the west is a non-residential use under the terms of a consent judgment.
- Neighbors on the east and the south prefer a berm in lieu of a wall.

ITEM #5 – RENEWAL OF APPROVAL REQUESTED. MAZIN & SENNICA NAFSU, 3769 MEADOWBROOK, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is requesting renewal of approval granted under Section 43.74.00 to park a commercial vehicle outside on residential property. The Ford cube van described in the application does not meet the exceptions as described in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

This item last appeared before this Board at the meeting of March 20, 2007 and was granted approval for one-year. Since that time the petitioner has expanded the driveway on the north side of his home such that the vehicle is now parked an additional 20' back from the front property line.

Mr. Bartnik stated that he did not think this item should be placed on the Agenda as a renewal item. Mr. Nafsu appeared before this Board in 2007 and was granted approval for one-year. Because he is past the one-year approval Mr. Nafsu does not meet the requirements of the Ordinance.

ITEM #5 – con't.

Mr. Motzny said that approval of commercial vehicles is done on a temporary basis and the Ordinance does not address what happens when the temporary approval lapses. The Ordinance does not prohibit this type of request as a renewal item; it does not address this issue at all. Mr. Motzny also said that the Board can make the call to address this item as a renewal.

Mr. Bartnik said that Chapter 43.70.02 states that the Board of Zoning Appeals may grant approval for a period of two years for commercial vehicles. Chapter 43.76.00 addresses variances and renewals for screen walls. Due to the fact that the Ordinance does not address renewals of approval for commercial vehicles Mr. Bartnik feels this item should be removed from the agenda and handled as a Public Hearing.

Mr. Stimac said that upon reading the specific language of the ordinance he agrees with Mr. Bartnik and states that the renewals addressed in the Ordinance apply to screen wall, antenna height and temporary structures. There is no language in the Ordinance for the Board to renew commercial vehicle appeals.

Motion by Bartnik
Supported by Clark

MOVED, to postpone the request of Mazin & Sennica Nafsu, 3769 Meadowbrook, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property until the meeting of April 21, 2009.

- To allow staff to determine what the language in the Ordinance means and whether it addresses renewals of approval for commercial vehicles.
- To allow staff to send notices of a Public Hearing, if necessary for approval of this request.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF APRIL 21, 2009
CARRIED

ITEM #6 – APPROVAL REQUESTED. HARRY MAZEI, 39 HICKORY, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.00 to park a commercial vehicle outside on residential property. The Ford dump truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance.

ITEM #6 – con't.

This item first appeared before this Board at the meeting of February 17, 2009 and was postponed to allow the petitioner to bring evidence to the Board that shows he attempted to find an alternative location for this vehicle.

Mr. Mazei was present and passed out two estimates that he had obtained relating to the construction of a new garage. Mr. Mazei said that he was apprehensive about calling companies to come out when he knew this was not something he could afford. Furthermore, Mr. Mazei found out that he could not just add a higher garage door as the garage is not long enough for the truck to fit into.

Mr. Kovacs asked about setback requirements for a new garage.

Mr. Stimac stated that the setback would be 6' from the existing property line and there would be limitations placed on the size of the garage based on the square footage of the house.

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

Mr. Courtney said that he likes the location that the truck is parked in as it is between the existing garage and the screening wall of the adjacent property. Mr. Courtney would like Mr. Mazei to look for another location in the future to park this vehicle.

Mr. Mazei said that he trying to sell this vehicle and if approval is granted at least he would have the time to do that.

Motion by Courtney
Supported by Ullmann

MOVED, to grant Harry Mazei, 39 Hickory, approval under Section 43.74.00 to park a commercial vehicle outside on residential property for a period of two (2) years.

- Petitioner has met the criteria indicated in Item B and Item C.
- Approval is not contrary to public interest.
- Property to the west is commercial.
- Vehicle must be parked between the garage and the screen wall.

Yeas: All – 7

MOTION TO GRANT APPROVAL FOR A PERIOD OF TWO (2) YEARS CARRIED

ITEM #7 – APPROVAL REQUESTED. ANDREW AN, 2019 LANCER, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Mr. Kovacs indicated that the Board had received a letter from Mr. An indicating that he wished to withdraw his request.

Motion by Courtney
Supported by Bartnik

MOVED, to accept the withdrawal of Andrew An, 2019 Lancer, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #8 – VARIANCE REQUESTED. DAVID PRZYGODA OF JD NAUGHTON LLC, 1010 NAUGHTON, for relief of the Ordinance to expand an existing parking lot in the M-1 (Light Industrial) Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to expand an existing parking lot. This property is located within the M-1 (Light Industrial) Zoning District. Paragraph L of Section 31.30.00 requires that the 50' front yard setback required by Section 30.20.09 be free of parking. The plans submitted indicate that the parking lot is being expanded to within 14' of the front property line along Acacia and within 23'-7" of the front property line along Naughton.

A similar variance was granted by this Board on August 15, 2006 to Denver Associates; however, the expansion of the parking lot was never done. Section 43.85.00 states that if the work authorized by a variance is not commenced within 12 months of the action of the Board, then the variance is void. Mr. Przygoda is the new owner of the property. Other than that fact, the request is identical to the 2006 request.

Mr. Przygoda was present and stated that they had purchased this building in August 2008. A lot of work has been done which includes removing asphalt along the north and west sides of the building. They are planning to completely re-do the parking lot and plan to add extra landscaping. New windows have been put in as well as interior improvements.

Mr. Kempen asked if there was a lot of traffic in this area.

Mr. Przygoda said that there is very little traffic.

Mr. Kovacs said that he believes one of the reasons this variance was granted in the past was because of the location of this property.

ITEM #8 – con't.

Mr. Kempen asked if traffic would increase once this building gets going.

Mr. Przygoda stated that a dental lab office is going to move into this location. They will have approximately 15 to 25 full time employees and will hold a clinic on a monthly basis.

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

There are no written approvals or objections on file.

Motion by Bartnik

Supported by Lambert

MOVED, to grant David Przygoda of JD Naughton, LLC, 1010 Naughton, relief of the Ordinance to expand an existing parking lot in the M-1 (Light Industrial) Zoning District.

- Variance does not establish a prohibited use in a Zoning District.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Property is located next to Stephenson Highway.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. URBANICAL-OAKLAND PLAZA, LLC, 124 JOHN R. (PROPOSED ADDRESS), for relief of the Ordinance to construct a new commercial building. (Sonic Restaurant)

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new commercial building (Sonic Restaurant). The site plan submitted shows the following: 1. A canopy that is located only 10' from the front property line where Paragraph G of Section 31.30.00 requires a 25' front setback for canopies in the H-S (Highway Service) Zoning District. 2. A driveway on the east side of the building that is only 12' wide where Paragraph G of Section 31.30.00 requires a minimum one-way driveway width of 15'. 3. A 27'-4" rear yard setback where Section 30.20.08 requires a 30' rear yard setback. 4. Only six (6) vehicle waiting spaces for the drive-up window where Paragraph C of Section 23.25.01 requires a total of nine (9) vehicle spaces. 5. Parking spaces encroaching into the 10' wide landscape greenbelt along the front property line required by Section 39.70.02. 6. Only 2,463 square feet of countable landscaping where Section 39.70.04 requires a minimum of 4,408 square feet of landscaping for a site this size.

ITEM #9 – con't.

Mr. Courtney stated that he felt the petitioner was asking for a lot of variances and feels that what they are planning to construct is larger than what the space will allow. Mr. Courtney also asked if this was proposed to be a drive in restaurant.

Mr. Stimac explained that this use could be compared to an A & W Restaurant. The property has recently been re-zoned at the request of the petitioner to allow for the drive in restaurant.

Mr. Kovacs asked what the previous zoning was and Mr. Stimac said that it was B-2. Mr. Stimac also explained that this property is now zoned H-S. The setback in B-2 Zoning is 75' whereas in H-S Zoning the setback is 40'.

Mr. Lambert clarified the location of this property which sits between a gas station and a Bank. Oakland Plaza is to the east of this site and on the southeast side is an existing Burger King.

Mr. Bartnik asked for clarification regarding the landscaping requirement.

Mr. Stimac explained that on a site this size Section 39.70.04 requires a minimum of 4,408 square feet of landscaping. The petitioner is proposing only 2,463 square feet of countable landscaping. In order for landscaping to be counted it must be located in the front or side yards of the property. Due to the fact that some of this landscaping is located in the rear yard, it is not considered to be countable landscaping.

Mr. Kempen asked how the traffic flow would be handled on this site.

Mr. Stimac said that there are two (2) entrances both on the north side of the property. There is a two way drive directly from John R. that will connect with the traffic system of the shopping center to the east. The drive in service will have parking along John R. or in front of the building. There are also nine (9) parking spaces available on the east side of the building.

Mr. Courtney asked if you had to have two (2) entrances as a matter of public safety.

Mr. Stimac stated that there is not a public safety requirement. He noted that if the removal of the driveway out to John R. would be a condition of the variance the Board should indicate how that condition related to the variance.

Mr. Kovacs asked if this matter had come before the Planning Commission.

Mr. Stimac explained that they went before the Planning Commission as part of the re-zoning but they have not had site plan approval at this time.

ITEM #9 – con't.

Mr. John Gabor, the Attorney for this client, Mr. Bob Middleton, Construction Manager, Mr. Jim Butler, the Civil Engineer and Ms. Allison Maxwell, representative of Urbanical-Oakland-Plaza, LLC were present.

Mr. Gabor explained that the property was re-zoned due to the size constraints of the site. A viable building with parking did not work out in B-2 Zoning. Sonic is expanding in southeast Michigan and can operate successfully in this site. They will appear before the Planning Commission within the next month. Both the Planning Commission and City Council knew that a number of variances would be required for this site.

Mr. Bob Middleton, Construction Manager, stated that this restaurant does not have any inside seating. Customers either go into a stall and place their order, which is brought out to them or use the drive thru window. They have a very small outside patio that is rarely used. The unique aspect of this building is that they actually have a by-pass door so that if someone is ordering something that does not need cooking, their servers can bring it to their cars so that they can eliminate a backup of cars. Very few customers ever get out of their cars.

Mr. Kovacs asked what the percentage of people using the drive in was.

Mr. Middleton said that the volume in the winter is significantly decreased because people do not want to sit in their cars and eat, however, in the summer people are inclined to use the drive in. Mr. Middleton said that a Sonic restaurant has 1,000 different combinations of drinks and said it is a hamburger joint, a Dairy Queen and a 7-11 combined.

Mr. Kovacs asked if there was a curb in the drive in.

Mr. Butler explained that there is a 1' wide island with a 3" to 4" raised area.

Mr. Courtney asked how many cars could go through the drive thru.

Mr. Butler said that theoretically there could be eleven.

Mr. Kovacs asked about the cars in the drive thru lane and their effect on the cars in the drive in portion of the site.

Mr. Stimac said that if there were additional cars in the stacking lane, they would obstruct the cars in the stalls.

Mr. Courtney asked about the landscaping that was going to be provided.

Mr. Butler said that they are putting in over 10,000 square feet of landscaping, but due to the location it is not all counted.

ITEM #9 – con't.

Mr. Bartnik asked if the company had done any studies on how many vehicles are in line at different times of the day.

Mr. Middleton said that he does not have that information but there are over 3,000 restaurants in the country.

Mr. Kovacs asked if this was a typical Sonic restaurant.

Mr. Butler said that the building is genetically the same but the site plan is a little different.

Mr. Middleton said that they have to satisfy a lot of people to make this a viable site and this is the smallest building that the corporate office would allow.

Mr. Ullmann asked where supplies were delivered.

Mr. Middleton said that they are restricted on this site to when deliveries can be made and they are made behind the drive thru area at the back of the building.

Mr. Ullmann asked if the delivery trucks would be able to get in and out of this site.

Mr. Middleton said that the plaza has strict regulations regarding the deliveries and believes they can only be made very early in the morning.

Mr. Butler addressed each of the variances requested. The front canopy will extend 15' where 25' is required. This is just large enough to cover the cars. The area is dimly lit and will be visible from the John R. side. A row of trees will be in front as well as a row of shrubs to help obstruct the view of the cars in the drive in stalls. Mr. Butler believes that the Ordinance addresses canopies as they relate to gas stations rather than in this instance.

The one-way drive on the east side of the site is proposed to be 12' wide. They would prefer to have the drive narrower, but Paragraph G of Section 31.30.00 requires a minimum one-way driveway width of 15'.

Mr. Butler went on to say that the rear yard setback is required to be 30'. They are asking for a variance of 2'-6" with a rear yard setback that will result in 27'-4".

The stacking lane proposed will accommodate six (6) vehicles. The Ordinance requires a stacking lane to accommodate nine (9) vehicles. They are trying to expedite traffic going in and out and want to eliminate waiting vehicles as quickly as they can.

The front setback parking space over hang is minimal and will encroach into one (1) corner of the parking space. A row of shrubs will hide the front of the vehicles.

ITEM #9 – con't.

The petitioner is proposing 10,000 square feet of landscaping. The Ordinance calculates allowable landscaping as that which is in the front or side yard setbacks. This building will be visible from all sides and this is one of the reasons they are putting the landscaping around the entire site. Most commercial sites do not have visibility from both the front and rear sides of a site. Mr. Butler said that he believes that they have fully met the spirit and intent of the Ordinance and have tried to minimize the variances required on this site. These variances will not have an adverse effect to surrounding property; they will not be contrary to public interest; absent a variance will preclude the petitioner from full enjoyment of this property and literal enforcement of the Ordinance will be unnecessarily burdensome.

Mr. Ullmann asked how far the parking was from John R. to the property line.

Mr. Butler said that he thought it was approximately 10' back from the property line.

Mr. Ullmann asked how high the canopy was and Mr. Butler said he thought it was about 9'-3".

A discussion began regarding the landscaping and the visibility along John R. Mr. Butler stated that they had exceeded the landscaping requirements.

Mr. Courtney asked if there were other Sonic locations in the Detroit area.

Mr. Middleton said that there is one in Southgate, one in Flint and one in Macomb.

Mr. Courtney asked if the ones in Flint and Macomb are the same as this proposed building.

Mr. Middleton said that there is more landscaping as they are on larger pieces of property. The others are similar to this proposal but this building is smaller. The petitioner stated that they have been working very hard to make this a viable site.

Mr. Bartnik pointed out that one of the objections received addressed the distance between the sidewalk and the southwest corner of the site. Mr. Bartnik asked why this portion of the sidewalk jogged out to John R. and who would ultimately be responsible to correcting the situation.

Mr. Stimac said that this sidewalk has probably been in place for approximately thirty (30) years and this is one of the issues that would be handled by the Planning Commission.

The Chairman opened the Public Hearing.

ITEM #9 – con't.

Mr. John Mackey, Manager of the Burger King at 35 E. Fourteen Mile was present. In 1996 this Burger King was remodeled and they did not ask for any variances. They met all of the requirements of the City. There are a number of things involved with this request and he believes that this restaurant will be detrimental to the area. There is already massive traffic congestion and there is a lot of difficulty for cars going in and out of the area. Mr. Mackey said that they have been in this location since 1978 and believes the Board should consider the safety of people visiting these sites.

Mr. Bartnik said that he understands that this is a competitor and asked about the entrances to the Burger King.

Mr. Mackey said that they have one entrance and one exit on Fourteen Mile. They have been at this site for more than 20 years. Mr. Mackey also stated that he had visited the Sonic restaurant in Macomb on a Tuesday afternoon and said that there were cars backed up into the street waiting to get in. The restaurant had been opened for approximately six (6) weeks at that time.

Mr. Lambert asked if Mr. Mackey had appeared before the Planning Commission to express his concerns before the property was re-zoned.

Mr. Mackey said that he had not attended due to family obligations.

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

There are two (2) written objections on file. There is one (1) written approval on file.

Mr. Ullmann stated that McDonald's said that 80% of their business is drive thru and asked what the percentage of drive thru business was for this restaurant.

Mr. Middleton said that he does not have that information however; their staff is trained for a period of 3 to 6 months and is trained in crowd control. They are the busiest for the first three (3) months of operation and then their business levels off.

Mr. Ullmann asked what the typical wait time was for service.

Mr. Middleton does not have any of that type of information. Mr. Middleton explained that he works on the construction end of the business.

Mr. Ullmann said that he would be a lot more comfortable making a decision if he had this information in hand.

Mr. Courtney said that he would like the opportunity to visit the other two locations and would be interested in postponing this request. He also indicated that he would like the petitioner to look into the possibility of closing off one of the entrances on John R.

ITEM #9 – con't.

Mr. Clark stated that he had only been at one Sonic restaurant and that was located in Florida. It was at the front of a Wal-Mart and was on a larger piece of property. This is a very small parcel and he believes this restaurant will have a high impact on the area. The traffic in this area is horrific and believes that the driveway on the south side of the site would be incredibly unsafe. Mr. Clark further stated that the petitioner is asking for a lot of variances and believes this is the wrong parcel for this restaurant. He would like answers regarding the traffic flow and would like to hear more on the volume of cars. This area is over taxed with traffic and if this was a normal parcel and the variances were minimal, he would be more inclined to consider this request.

Mr. Butler stated that they need the entrance on John R. and believes that there will be breaks in traffic because of the traffic light at fourteen mile. The Burger King did have problems and are leasing an easement from the Plaza owners, which enabled them to re-do their site without asking for a variance. The owners of this parcel do not have that luxury. No reasonable use can be made of this property without these variances. Although they are asking for six (6) variances, Mr. Butler believes that some are more significant than others.

Motion by Courtney
Supported by Clark

MOVED, to postpone the request of Urbanical-Oakland Plaza, LLC, 124 John R., for relief of the Ordinance to construct a new commercial building (Sonic Restaurant) until the meeting of April 21, 2009.

- To allow the petitioner the opportunity to provide the Board members with the numbers of cars using the drive-thru an hour, as well as wait time involved.
- To allow the petitioner the opportunity to provide the Board members with the total number of customers per hour.
- To allow the petitioner to determine the percentage of business that goes through the drive through.
- To allow the petitioner to give the Board a traffic impact study of this area.
- To allow the petitioner to determine if they can eliminate one drive from John R.

Mr. Kovacs asked if this Board should determine what type of restaurant should go on this site and also to ask for the percentages involved.

Mr. Motzny stated that the Board has to determine if the variance would have an adverse effect to property in the immediate area. Traffic could be considered an adverse effect.

Mr. Ullmann said that if this Board were to grant these variances the Planning Commission does not necessarily have to approve the site plan.

ITEM #9 – con't.

Mr. Motzny stated that if the variances were granted, the Planning Commission will still have to look at Special Use Approval.

Mr. Kempen said that he thought the petitioner may be able to look into an alternative business for this site.

Mr. Butler stated that this is the smallest building for Sonic. Other sites are larger and have larger buildings.

Mr. Middleton said that they had to get special approval from Sonic to put this building in this area.

Mr. Butler said that they have been looking at alternate uses and are unable to provide any alternative uses.

Mr. Courtney asked how long they have been looking.

Mr. Butler stated that the current owners have owned this property approximately three (3) years.

Mr. Kovacs asked if the petitioner could go before the Planning Commission before they come back to the Board.

Mr. Stimac stated that because this is a Special Use Approval this Board should act on this request first. Mr. Stimac further stated that if it is already on the Planning Commission agenda, they would probably address this issue before the next meeting of this Board. The Planning Commission has slightly different criteria that they use for Special Use Approval.

Mr. Bartnik stated that he feels the petitioner provided enough information at this meeting and would be voting against postponing this request.

Mr. Lambert said that he agrees with Mr. Bartnik and feels the petitioner has answered the concerns of the Board and feels that granting the variances would be appropriate.

Mr. Kovacs said that he agrees with Mr. Bartnik and Mr. Lambert and the surrounding area is all commercial. This use will fit into this site.

Vote on Mr. Courtney's motion to postpone this request until the meeting of April 21, 2009.

Yeas: 4 – Clark, Courtney, Kempen, Ullmann

Nays: 3 – Bartnik, Kovacs, Lambert

ITEM #9 – con't.

MOTION TO POSTPONE THE REQUEST OF URBANICAL-OAKLAND PLAZA LLC TO THE MEETING OF APRIL 21, 2009 CARRIED

The Board of Zoning Appeals meeting adjourned at 9:52 P.M.

Matthew Kovacs, Chairman

Pamela Pasternak, Recording Secretary

A Meeting of the Civil Service Commission (Act 78) was held Monday, March 30, 2009, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chair McGinnis called the meeting to order at 7:39 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty (Absent)

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director
Gary Mayer, Deputy Police Chief
Keith Frye, Police Captain
Colleen Mott, Police Captain
Gerard Scherlinck, Police Captain
Barbara A. Pallotta, Deputy City Clerk

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Wednesday, February 25, 2009

Resolution #CSC-2009-03-007

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Wednesday, February 25, 2009 meeting as presented.

Yes: Cannon, McGinnis

No: None

Absent: Daugherty

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Eligible List for Police Chief

Resolution #CSC-2009-03-008

Moved by McGinnis

Seconded by Cannon

WHEREAS, Gary Mayer has satisfied the statutory and local criteria to be eligible for promotion to the City of Troy Police Chief;

WHEREAS, Gary Mayer is the sole applicant for the position of City of Troy Police Chief, which was posted on February 26, 2009 and remained open until March 12, 2009;

WHEREAS, Gary Mayer has satisfactorily completed the examination process and has exceeded the overall and individual minimum acceptable levels of performance for the required competitive examination process; and

WHEREAS, Gary Mayer is a qualified and fit candidate who is eligible to be promoted to Troy Police Chief.

NOW THEREFORE BE IT RESOLVED, The Troy Civil Service Commission hereby **CERTIFIES** Gary Mayer as eligible for the position of City of Troy Police Chief.

Yes: Cannon, McGinnis

No: None

Absent: Daugherty

MOTION CARRIED

2. Sunshine Laws Update

City Attorney Lori Grigg Bluhm provided Commissioners with an overview of the current *Sunshine Laws*.

PUBLIC COMMENT: None

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:56 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

Don Tilley

March 14, 2009

Gerard Scherlink, Captain
Troy Police Department
500 W. Big Beaver
Troy, Michigan 48084

Capt. Scherlink,

I just wanted to take a minute to thank you, Cathy Brandimore and your Department, for the follow-up on my "9-1-1 fiasco". It went well beyond anything I had expected! Cathy, in particular was *Great!* As you know, she even got me involved with the end result being that somehow, I can't even get three (3) numbers pushed correctly on my phone.

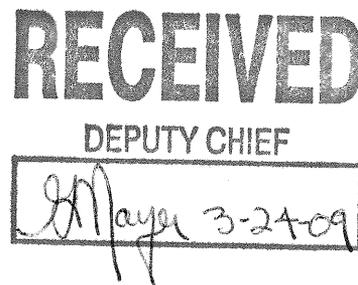
Now, in my defense, the only thing I can assume, actually there are two (2) possibilities, are that in my "state of mind", I only thought that I called for help when in fact I hadn't, or I got another - incorrect - three (3) digit number which somehow put me in touch with another area of your Department. In either case, I apologize!

I appreciate your involvement, the Chief's and of course Cathy Brandimore's, in attempting to resolve a situation that apparently didn't require a resolution. For that, I apologize!

Take Care and Be Well,

Don Tilley

Cc: Gary Mayar, Chief
Cathy Brandimore, Comm. Mgr.



BRANDIMORE FILE
MVS. OFC.

2
police officer, which wasn't possible in the 60's and 70's and I loved every minute of the tour. The grandchildren were a little in awe at first but loved the pens and whistles they got in their bag of goodies. Sitting in the police car was very special for them, also.

My husband and I have been Troy residents since 1972 and our daughter and her husband moved here in 2003

People like Officer Andy make Troy a great place to live and raise a family. Please forward our note and picture to Officer Andy. Thank you. Elaine & Richard Wisley

ANDY - THANKS FOR YOUR CONTINUAL GOOD WORK.

Gary

March 14, 2009

J-03b

Dear Sir,
My daughter, Beth Baeten kid on and won a Police Station tour with Officer Andy Breidenick and gave it to me for my birthday. Last month I requested the tour for myself, my husband Richard and our grandchildren Colin and Olivia Baeten.

Officer Andy met us in the lobby and spent about an hour with us, explaining how the police help us, protect us and, at the end of the tour, feed us 'Coloughmate'. I grew up wanting to be a

RECEIVED

DEPUTY CHIEF

G. Mayer 3-20-09

TO BREIDENICK FILE - MRS OFC



CITY COUNCIL REPORT

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cathleen A. Russ, Library Director

SUBJECT: Café Renovation update

Background:

In an effort to keep City Council members updated on the status of the café renovation project, the Library Director respectfully submits this report.

- The café has been painted and the floor retiled. Drywall repair has also occurred.
- Troy High School art students have volunteered to paint scenes on the café walls, as they did in the Teen Room at the Community Center. This work began on Wednesday, March 25, 2009.
- The vending machines have been ordered.
- The library director proposed a "Name the Café" contest, to be open to members of the community. A panel of judges, including the library director, Mr. Lamerato, a member of the Library Advisory Board, and a member of the Friends of the Library's board, will choose the winning name from the entries submitted. This contest will be publicized.
- The library director hopes to have the café open on or around May 1, 2009.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- This recommendation addresses the following Outcome Statements:
Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City management recommends that this report be received and filed.



International Union of Operating Engineers

LOCAL 324

CHARTERED FOR THE ENTIRE STATE OF MICHIGAN

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BUSINESS MANAGER
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TRUSTEES

BOBBY COLLINS

LEE GRAHAM

DERRICK SANDERS

AUDITORS

JOSE RIVERA

R. TODD MCGREGOR

KEN DOMBROW

March 18, 2009

The Honorable Louise E. Schilling
Mayor, City of Troy
Troy City Hall
500 West Big Beaver
Troy, MI 48084

Dear Mayor Schilling:

I am contacting you to express my strong support for the Troy/Birmingham Multi-Modal Transit Center (Center). This Center will be a panacea for the local communities by providing solutions to the region's transportation problems, by creating jobs, and by re-developing brownfield space with a focus on long-term transit oriented development.

As you may already know, this project has been a local priority for a number of years and is one of the few "shovel ready" projects across the state. The project is located on the ninth busiest passenger rail corridor in the United States, making the project truly critical when one considers that passenger rail ridership is expected to double over the next 10 years.

The Center will be located in a brownsfield-designated area of Maple and Coolidge Roads in the communities of Troy and Birmingham. The Center will utilize existing Amtrak rail infrastructure while providing a transfer point to SMART bus services, taxi and sedan connections within the Detroit Regional Mass Transit Plan. It will also create more transportation opportunities for patrons of the Oakland/Troy airport.





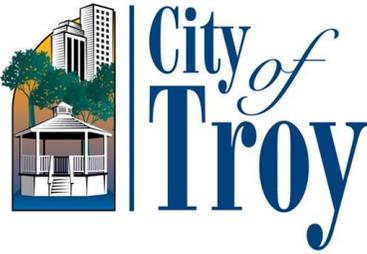
The Center is intended to improve the attractiveness, reliability, safety and economic efficiency of rail passenger service in the Metropolitan Detroit region. Studies have shown that every \$1 invested in transit yields \$7 to \$8 in return. However, there is the danger that this project may not go forward due to lack of investment. The donated land will return to private ownership in June 2010 if sufficient funding has not been obligated for the purpose of constructing a transit center at the specified location.

Again, I stress my support and applaud the many jobs that will be created by this worthy project

Sincerely,

John M. Hamilton
Business Manager and General Vice President

JH/dh
opeiu42aficio



CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cathleen A. Russ, Library Director

SUBJECT: World Book/American Library Association Information Literacy Award

Background:

- The Troy Public Library has been awarded the World Book/American Library Association Information Literacy Goal Award. This national award is designed to encourage and support innovative and effective information literacy programs in public libraries by providing start-up funding of \$5,000 to a promising public library information literacy program.
- The program, **Information Literacy for the Job Seeker**, will focus on individuals who have little computer literacy and are seeking jobs. Participants will be trained on how to use job sites, how to create an electronic resume and how to set up an e-mail account in order to communicate with prospective employers.
- The 2009 World Book/ALA Information Literacy Goal Award will be presented at the ALA Award Ceremony Tuesday, July 14, during the ALA Annual Conference in Chicago.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- This recommendation addresses the following Outcome Statements:
Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City management recommends that this report be received and filed.

For Immediate Release
March 31, 2009

Contact: Cheryl Malden
Program Officer
312-280-3247

2009 World Book/ALA Information Literacy Goal Award winners announced

CHICAGO — The American Library Association (ALA) has announced the winners of the 2009 World Book/ALA Information Literacy Goal Award, which is offered for the first time this year. They are:

- Brockport Central School District in Brockport, N.Y. for the **Brockport Central School District's Information Literacy Continuum**
- Troy Public Library in Troy, Mich. for its program **Information Literacy For The Job Seeker**

This annual award, donated by World Book, Inc., seeks to promote exemplary information literacy programs in both public and school libraries. The award is designed to encourage and support innovative and effective information literacy programs in today's school and public libraries by providing start-up funding of \$5,000 to a promising public library information literacy program and \$5,000 to a promising school library information literacy program.

The **Brockport Central School District's Information Literacy Continuum**, initiated in 2002, approaches the teaching of information literacy as a comprehensive K-12 program. Elementary, middle and high school teachers from the district meet monthly to discuss the successes and challenges of this program, which has developed school district information literacy standards, benchmark and targets. The program has been extremely successful and is now used as a model for other districts.

The librarians responsible for the project, Kathy Jaccarino, Cathy Mangan, Marcia McCarthy, Suzanne Shearman and Ellen Zinni, share the goal that all Brockport students will be taught core literacy skills necessary for future success. This year, they plan to investigate the new American Association of School Librarians Standards for the 21st Century Learner,

examining how these standards will impact the Brockport school district. They also plan to align district standards to reflect the new AASL standards.

This award will assist them in their efforts to ensure that the students at Brockport have the skills to learn, and ultimately become, successful citizens of the 21st century.

Information Literacy for the Job Seeker, the new, innovative program proposed by the Troy Public Library, will focus on individuals who have little computer literacy and are seeking jobs. Participants will be trained on how information is organized electronically, how communication is handled electronically and how information is retrieved from the Internet and stored. Participants will also be trained on how to use job sites, how to create an electronic resume and how to set up an e-mail account in order to communicate with prospective employers.

The program will be managed by Philip Kwik, head of technology services at the Troy Public Library and will include hands-on classes; a comprehensive workbook entitled “How To Job Search Electronically”; and individualized instruction. The program would be widely publicized in the area. An outcomes-based evaluation method would be used, and there would be regular follow-up on the participant’s progress toward employment, as well as opportunities for refresher sessions.

According to Kathleen Russ, Troy Public Library director, the “current economic downturn combined with its impact on the automobile industry, has led to an unprecedented number of job seekers using the library’s computer lab.” The World Book Award will enable the outstanding program proposal **Information Literacy for the Job Seeker**, to become a reality and be implemented at the Troy Public Library.

“Both of these outstanding programs were selected for the World Book Award for their innovative approaches to creating model programs designed to assist individuals to become more effective users of information,” according to Jury Chair Tim Grimes, Ann Arbor District Library.

Other members of the 2009 World Book/ALA Information Literacy Goal Award jury were Marcia L. Boosinger, Auburn University Libraries; Mary B. Heinzman, Saint Ambrose

University Library; Michele M. Reid, North Dakota State University Library; and Emily Smith, Belmont Public Library.

The 2009 World Book/ALA Information Literacy Goal Award will be presented at the ALA Award Ceremony and Reception Tuesday, July 14, during the ALA Annual Conference in Chicago.

The deadline for submission of applications for the 2010 World Book Information Literacy Goal Award is Dec. 1. Guidelines and application forms are available on the ALA Web site: <http://www.ala.org/ala/awardsgrants/awardsrecords/worldbookaward>
