

# **AGENDA**

**Meeting of the**

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

**MAY 11, 2009  
CONVENING AT 7:30 P.M.**

**Submitted By  
The Acting City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: 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

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## CITY COUNCIL

### AGENDA

May 11, 2009 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER:** 1

**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Paul Monson – St. Augustine Ev. Lutheran Church** 1

**ROLL CALL** 1

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**PUBLIC COMMENT: Limited to Items Not on the Agenda** **4**

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**CALL TO ORDER:**

**INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Paul Monson – St. Augustine  
Ev. Lutheran Church

**ROLL CALL**

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

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:**

- a) Proclamation for Mental Health Month Presented to Theresa Ancick, Senior Analyst for Oakland County Community Mental Health

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Adoption of the 2009/2010 Annual Budget**

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$35,908,540
Licenses and Permits	1,579,000
Federal Grants	12,100
State Grants	6,747,500

Contributions - Local	168,630
Charges for Services	7,884,750
Fines and Forfeits	1,071,000
Interest and Rents	1,533,640
Other Revenue	627,500
Operating Transfers - In	<u>6,516,510</u>
Re-appropriation	

Total \$62,049,170; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2009 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$ 2,019,290
Council/Executive Administration	3,731,120
Engineering	2,414,420
Finance	3,150,020
Fire	4,451,610
Library /Museum	4,189,200
Other General Government	2,292,290
Police	25,230,580
Parks and Recreation	8,844,530
Streets	<u>5,726,110</u>

Total \$62,049,170; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$ 7,882,000
Federal Grants	400,000
State Grants	2,447,740
Charges for Services	242,000
Interest and Rents	407,200
Other Revenue	359,000
Operating Transfer In	5,775,000
Re-appropriation	<u>10,937,460</u>

Total \$28,450,400; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty three one-hundredths (1.53) mills on the 2009 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Drains	\$ 1,352,500
Engineering	20,000
Executive Administration	70,000
Fire	583,000
Library	1,560,000
Museum	320,000
Other General Government	2,086,700
Police	790,000
Parks and Recreation	4,303,000
Streets	16,275,200
Public Works	875,000
Operating Transfer Out	<u>215,000</u>
Total	<u>\$28,450,400;</u> and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$ 3,893,330
Charges for Services	4,500
Interest and Rents	40,000
Re-appropriation	<u>150,000</u>
Total	<u>\$4,087,830;</u> and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be seventy-five one-hundredths (.75) mills on the 2009 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,087,830; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,130,060; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (.50) mills on the 2009 taxable valuation for the General Debt Service Fund; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2009/10 budget document:

Major Road Fund	\$ 3,313,000
Local Road Fund	\$ 1,772,240
Community Development Block Grant Fund	\$ 158,320
Troy Community Fair Fund	\$ 182,630
Budget Stabilization Fund	\$ 300,000
2000 MTF Debt Fund	\$ 230,220
Proposal A Debt Fund	\$ 807,670
Proposal B Debt Fund	\$ 1,480,490
Proposal C Debt Fund	\$ 770,900

Special Assessment Fund	\$ 2,000,000
Water Supply System	\$15,266,470
Sanitary Sewer Fund	\$11,737,040
Aquatic Center Fund	\$ 630,290
Sylvan Glen Golf Course Fund	\$ 1,067,920
Sanctuary Lake Golf Course Fund	\$ 1,970,300
Building Operations	\$ 1,294,820
Information Technology Fund	\$ 1,729,740
Fleet Maintenance Fund	\$ 4,838,860
Workers' Compensation Fund	\$ 387,000
Compensated Absences Fund	\$ 4,700,000
Unemployment Insurance Fund	\$ 156,000

Yes:

No:

## POSTPONED ITEMS:

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**D-1** No Postponed Items

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

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

## REGULAR BUSINESS:

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

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

**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Personnel Board**

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 #2009-05-

Moved by

Seconded by

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

**Personnel Board**

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

F. (Jack) Witt, III

Term Expires 04/30/2012

Yes:

No:

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Commission; and Historic District Study Committee**

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

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

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

**(b) City Council Nominations**

Suggested Resolution

Resolution #2009-05

Moved by

Seconded by

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

**Historic District Commission**

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

Term Expires 05/15/2012

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

Yes:

No:

**E-3 Bid Waiver – Workers’ Compensation Insurance Renewal for Fiscal Year 2009-2010**

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, The Michigan Municipal League has provided Workers’ Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City’s experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **APPROVES** the net estimated premium cost of \$436,057.00 for Workers’ Compensation Insurance through the MML for the 2009-2010 fiscal year with a resulting final estimated cost to the City of \$344,845.00 after applying a dividend distribution check in the amount of \$91,212.00.

Yes:

No:

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**E-4 Bid Waiver – City-Wide Dedicated Internet Service**Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, The City has utilized the services of AT&T (previously known as SBC and Ameritech) for dedicated internet service since 2002 (Resolution #2005-04-149-E8 and #2002-02-053-E6 respectively);

WHEREAS, It has been determined that AT&T has proven T1 reliability when compared to broadband service from cable providers; and

WHEREAS, Informal quotes were taken from dedicated T1 internet service providers and AT&T submitted the lowest price for two bonded T1s with bandwidth of 3MB, which includes a router and managed service of this device;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AWARDS** a contract to provide two-year requirements of city-wide dedicated internet service to AT&T at an estimated total cost of \$759.00 per month, with options to renew.

Yes:

No:

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**E-5 Amendment to Chapter 60 – Fees and Bonds Required – Christmas Trees, Sidewalk Sales and Temporary Merchant Business Fees**Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code, Section 60.04, Fee Schedule, Christmas Trees, Sidewalk Sales and Temporary Merchant Businesses (Chapter 61), as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**E-6 Amendment to Chapter 20 of the Troy City Code – Water and Sewer Rates**Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**E-7 Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 and Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 Parcel #50 – Sidwell #88-20-15-478-015 – Comerica Bank**

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Comerica Bank, owners of property having Sidwell #88-20-15-478-015, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay, in the amount of \$356,200.00, plus closings costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$500.00 and the Regrading and Temporary Construction Permit in the amount of \$200.00 from Comerica Bank, owners of property having Sidwell #88-20-15-478-015; and

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

Yes:

No:

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**E-8 Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Request for Authorization to Institute Court Action – JMT Properties, LLC/Alif Corporation**

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

Suggested Resolution

Resolution #2009-05-  
Moved by  
Seconded by

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from JMT Properties, LLC/Alif Corporation, owners of property having Sidwell #88-20-22-401-069;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to acquire a Permanent Public Utility Easement for parcel #88-20-22-401-069 in the amount of \$1,100.00.

Yes:  
No:

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

Suggested Resolution  
Resolution #2009-05-  
Moved by  
Seconded by

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from JMT Properties, LLC/Alif Corporation, owners of property having Sidwell #88-20-22-401-069;

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

Yes:  
No:

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**E-9 Update on City Manager Search**

Suggested Resolution  
Resolution #2009-05-  
Moved by  
Seconded by

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager; and

WHEREAS, At the April 16, 2009, City Council approved Key Activities and Dates schedule requesting key dates that the Council will need to call Special City Council Meetings as part of the City Manager Executive Search process, which has been subsequently revised;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** Special City Council Meetings and Closed City Council Meetings as outlined below:

- Monday, June 22, 2009, from 5:00 PM to 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of meeting in CLOSED Session, as permitted by MCL 15.268 (f) and MCL 15.268 (h) – MCL 15.243(e) & (k)), to review material and deliberate and /or select finalists to be scheduled for interviews;
- Monday, July 6, 2009, from 5:00 PM to 7:00 PM, in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of meeting in CLOSED Session, as permitted by MCL 15.268 (f) and MCL 15.268 (h) – MCL 15.243(e) & (k) to review material and deliberate and finalize interview questions and protocol;
- Tuesday, July 7, 2009 from 5:30 PM until 7:30 PM, in room 304 of the Community Center, 3179 Livernois, Troy, MI 48084 for the purpose of conducting a Town Hall Forum where Council, public, employees and news media can meet and greet the finalists;
- Wednesday, July 8, 2009, at 9:00 AM, in the Council Board Room, of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of conducting public interviews. Each interview will last approximately one hour and fifteen minutes;
- Thursday, July 9, 2009, at 7:00 PM, in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of deliberating and selecting a new City Manager, contingent upon completion of reference and background checks, negotiation of contract and a starting date.

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".*

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

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

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

Yes:

No:

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

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

Suggested Resolution  
Resolution #2009-05-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:00 PM Special City Council Meeting of April 16, 2009; the Minutes of the 7:30 PM Regular City Council Meeting of April 20, 2009; the Minutes of the 7:30 PM Special City Council Meeting of April 27, 2009; and the Minutes of the 7:30 PM Special City Council Meeting of May 4, 2009 as submitted.

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**F-3 Proposed City of Troy Proclamations:**

Suggested Resolution  
Resolution #2009-05

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

- a) Mental Health Month – May, 2009

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Roof Replacement Engineering Field Office**

Suggested Resolution  
Resolution #2009-05-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to replace the roof at the Engineering Field Office located at 3645 Crooks Road to the low total bidder, Signature Design Building Company, LLC of Fowlerville, MI, who will complete the project with a subcontractor, Moore Roofing, for an estimated total cost of \$14,317.00, at unit prices contained in the bid tabulation opened April 7, 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 documents, including bonds, insurance certificates and all other specified requirements.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Irrigation System Restoration – Crooks Road/Crescent Ridge Subdivision**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials and equipment to restore the irrigation system on the west side of Crooks Road along the Crescent Ridge Subdivision to the low bidder, Michigan Automatic Sprinkler, Inc. of Commerce, MI, for an estimated total cost of \$12,913.00, with unit prices provided in the schedule of values submitted at the time of bid submission, 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.

**c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-7 – Beach, Ring and Technology Pavement Rehabilitation**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-7, Beach, Ring and Technology Road Rehabilitation to Asphalt Specialists, Inc., 1780 E. Highwood, Pontiac, MI 48340 at an estimated total cost of \$298,384.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

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**F-5 Correction to City Council Minutes for Regular Meeting of December 15, 2008**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **APPROVES** the correction of a typographical error made in the Regular Meeting Minutes of the December 15, 2008, City Council by inserting Roll Call.

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**F-6 Allocation of 2008 and 2009 Tri-Party Funds – Cost Participation Agreement for 2009 Concrete Program**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2009 Concrete Program at an estimated cost to the City of Troy of \$198,392.00, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-7 Rescind Contract – Aggregates, Item 7) Crushed Concrete 3”-6” – Resolution #2009-04-129-F-4a**

Suggested Resolution

Resolution #2009-05-

WHEREAS, On April 6, 2009, one-year contracts to provide Aggregates with an option to renew for one (1) additional year was awarded on an item by item basis to the low bidders: Metropolitan Demolition of Romulus, MI, Item #7, and Bedrock Maintenance Services of Ortonville, MI, Items #1-6 and #8-13 (Resolution #2009-04-129-F-4a); and

WHEREAS, Metropolitan Demolition has not provided the insurance certificate(s) as required after numerous attempts by City management;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide Aggregates under Item 7) Crushed Concrete 3” – 6”, with an option to renew for one (1) additional year from Metropolitan Demolition, and hereby **AUTHORIZES** City staff to utilize the informal three (3) quote process for future purchases of crushed concrete, 3” – 6”.

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**F-8 Assessment of Delinquent Accounts**

Suggested Resolution

Resolution #2009-05-

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1<sup>st</sup> of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 19,635.96
Special Assessments	
Including Penalties & Interest	5,284.24
Water & Sewer Accounts	
Including Penalties	<u>787,408.62</u>
Total	\$ 812,328.82

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Assessor to assess these delinquent accounts on the annual City Tax Roll.

**F-9 2009 Edward Byrne Justice Assistance Grant**Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **ACCEPTS** the 2009 Department of Justice Byrne Grant and hereby **APPROVES** the interlocal agreement with Oakland County; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Troy Police Department to receive items needed and approved under the grant guidelines.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

- a) Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-3 (File Number Z-736) – May 18, 2009
- 

**G-2 Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced**

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**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

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**REPORTS:**

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

- a) Brownfield Redevelopment Authority/Special/Final – March 20, 2008
  - b) Brownfield Redevelopment Authority/Special/Final – March 31, 2008
  - c) Brownfield Redevelopment Authority/Final – October 21, 2008
  - d) Joint Local Development Finance Authority/Final – November 17, 2008
  - e) Troy Daze Committee/Final – January 27, 2009
  - f) Board of Zoning Appeals/Final – March 17, 2009
  - g) Building Code Board of Appeals/Final – April 1, 2009
  - h) Planning Commission Special/Study/Draft – April 7, 2009
  - i) Planning Commission Special/Study/Final – April 7, 2009
  - j) Planning Commission/Draft – April 14, 2009
  - k) Planning Commission/Final – April 14, 2009
  - l) Special Joint Birmingham Planning Board/Troy Planning Commission – April 16, 2009
  - m) Board of Zoning Appeals/Draft – April 21, 2009
  - n) Troy Daze Committee/Draft – April 28, 2009
-

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**J-2 Department Reports:**

- a) City of Troy Quarterly Financial Report – March 31, 2009
  - b) Assessing Department – 2009 Assessment Roll and Board of Review Report
- 

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Troy Police Chief from Novi Police Chief, David Molloy Regarding Assistance Received from Captain Colleen Mott
  - b) Letter of Thanks to Troy Police Chief from Southfield Police Chief, Dr. Joseph E. Thomas, Jr. Regarding Assistance with Arrest
  - c) Message to Chief Mayer from Price Funeral Home Expressing Gratitude for Assistance Received from Sgt. Dan Daniel
  - d) Letter of Appreciation to Chief Mayer from Erik Mott Regarding Internship in the Police Department and Special Thanks to Wendell Moore and Officers Mouch, Huck, Warzecka, and Whiteside
  - e) Letter of Thanks to Police Department from Eugene Sherizen, Owner of Mini Storage of Troy Regarding Outstanding Police Patrol
- 

**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Oakland County Board of Commissioners Resolution #09094 – May, 2009 as Mental Health Month in Oakland County
- 

**J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of The Detroit Edison Company – Case No. U-15417-R****J-6 Communication Regarding the Brownfield Redevelopment Authority – Mid Town Square Brownfield Plan-Local Site Remediation Revolving Fund****J-7 Communication from Michigan Liquor Control Commission Licensing Division Regarding Granite City – 699 West Big Beaver Road****J-8 Communication from Library Director Cathy Russ and Museum Manager Loraine Campbell Regarding Civil War Camp for Eighth Graders****J-9 Communication from Library Director Cathy Russ Announcing the Grand Opening of Library Café – *Cup and Chaucer*****J-10 Communication from Planning Director Mark Miller Regarding Stakeholder Interviews – Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)****J-11 Communication from City Attorney Lori Grigg Bluhm and City Clerk Tonni Bartholomew Regarding Charter Revision Referrals**

**STUDY ITEMS:**

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**K-1** No Study Items Submitted

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

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

**CLOSED SESSION:**

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**L-1** No Closed Session Requested

**ADJOURNMENT**

Respectfully submitted,



John Szerlag, Acting City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, May 18, 2009

1. Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-3 (File Number Z-736)

**SCHEDULED CITY COUNCIL MEETINGS:**

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
Monday, August 3, 2009 .....	Regular City Council
Monday, August 17, 2009 .....	Regular City Council
Monday, August 31, 2009 .....	Regular City Council
Monday, September 14, 2009 .....	Regular City Council
Monday, September 28, 2009 .....	Regular City Council
Monday, October 5, 2009.....	Regular City Council
Monday, October 19, 2009.....	Regular City Council
Monday, November 9, 2009 .....	Regular City Council
Monday, November 23, 2009 .....	Regular City Council
Monday, December 7, 2009.....	Regular City Council
Monday, December 21, 2009.....	Regular City Council

**PROCLAMATION  
MENTAL HEALTH MONTH  
MAY 2009**

**WHEREAS**, One in four of all Americans will experience a mental disorder that requires treatment at some point in their lives; and

**WHEREAS**, Stigma and stereotypes associated with mental illnesses can keep those living with such an illness from seeking treatment that could improve their quality of life and help them manage the illness effectively; and

**WHEREAS**, Mental illnesses are biologically based brain disorders. They cannot be overcome through “will power” and are not related to a person’s “character” or intelligence; and

**WHEREAS**, Mental health is critical for our well-being and vitality as well as that of our families, communities and businesses; and

**WHEREAS**, The World Health Organization has found that mental illness ranks first in terms of causing disability in the United States and is the most prevalent health problem in America today; and

**WHEREAS**, One in 10 children has a serious mental health disorder that, if untreated, can lead to school failure, physical illness, substance abuse and even suicide; and

**WHEREAS**, Mental illnesses are common to all countries and cause immense suffering. People with these disorders are often subjected to social isolation, poor quality of life and increased mortality;

**NOW, THEREFORE, BE IT RESOLVED**, That the Troy City Council does hereby proclaim **May 2009 as Mental Health Month** in the City of Troy, Michigan; and

**BE IT FURTHER RESOLVED**, That the City Council calls upon all citizens, community agencies, organizations and businesses in Troy to encourage all citizens of Troy to recommit to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

Signed this 11<sup>th</sup> day of May 2009.



## CITY COUNCIL ACTION REPORT

May 5, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: Adoption of the 2009/10 Annual City Budget

Attached is a resolution to formally adopt the 2009/10 annual City budget, per discussions at the April 27, 2009 and May 4, 2009 special City Council meetings.

The Minutes of the May 4, 2009 special Council meeting contain amendments to the proposed annual City budget. City Council directed City Management to make one monetary change to the budget, and that was to increase Capital Fund local road construction from \$2,363,000 to \$3,000,000. This was accomplished by reducing the reserve funding for Civic Center improvements by \$637,000, leaving \$1,113,000 in reserve for those projects.

Other changes to the budget document were to the capital improvement budget policies language.

The budget resolution reflects a total millage rate of 9.28. Final millage rate requirements can be summarized as follows:

General Operating	6.50
Capital	1.53
Refuse	0.75
Debt	<u>0.50</u>
Total Millage Rate	<u>9.28</u>

Final inserts reflecting changes made to the proposed budget document will be prepared and submitted to City Council at the first meeting in June.

It is recommended that City Council approve the 2009/10 annual City budget.

A Special Meeting of the Troy City Council was held Monday, May 4, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

**ROLL CALL**

**PRESENT:** Mayor Louise E. Schilling  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Wade Fleming  
Mary Kerwin

**ABSENT:** Mayor Pro Tem Martin Howrylak

**DISCUSSION ITEM:**

- 
- 1. Proposed Fiscal Year 2009/10 Annual Budget (Available for review at the City Clerk’s Office, City Library and on the City’s website)**

John M. Lamerato, Assistant City Manager/Finance & Administration presented an overview of the *Capital Projects and Enterprise Funds*

The meeting **RECESSED** at 8:59 PM.

The meeting **RECONVENED** at 9:11 PM.

**Budget Wrap-up**

Consensus of Council to increase Local Road funding up to three million dollars and have Administration determine which Capital Improvement Project can be reduced to provide the necessary funds.

Council Member Bloomfield requested that Longevity and Vehicle Allowances be discussed further during the Council’s Budgeting for Outcome sessions. Council Members Eisenbacher and Fleming agreed that looking at a potential reduction in these areas would be desirable over staff lay-offs.

Council Member Eisenbacher requested that the first check mark on page 21 of the Budget Policies be amended to indicate that capital investments will be considered for enhancement when there is an ability to leverage the city’s assets and prioritize improvements when there are matching funds available. On Page 20 first check mark under Capital Improvement Budget Policies be amended by striking enhancement and replace with maintain.

Council Member Beltramini requested that the city have dialog with the residents to ascertain if the citizen’s visions are the same as the Council’s and then champion their help with the process. Mayor Schilling noted that some people will not participate in dialogs, but would rather complete a survey. She suggested a combination of dialogs and a survey.

Council Member Kerwin indicated that the Council needs to urge the State and County to support local issues.

Council Member Broomfield reminded Council of Mayor Pro Tem Howrylak's concern to have the \$250,000 earmarked from the Budget Stabilization Account to be transferred over to the Undesignated Fund. Administration indicated it appeared to be the Council's consensus to move forward with the \$250,000 as budgeted and then after the audit, consider a possible transfer as a budget amendment.

**PUBLIC COMMENT:**

Public comment received from:

David Ashland  
Marvin Reinhardt

**ADJOURNMENT**

The meeting **ADJOURNED** at 10:24 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk



In recent years changing conditions and fiscal capacities combined with the demand for increased services have forced a reassessment of the role played by local governmental units.

Public officials are charged with the responsibility of ensuring that services are provided within acceptable levels of cost and, when required, seeking alternative methods of financing.

The budgetary process allows for accumulation of financial and performance information relative to these services. It provides the opportunity to analyze and debate the merits of each service as well as to make decisions about the level and cost of the services to be provided.

This budget continues the conservative spending approach that residents of Troy expect from City government. This document also assists our efforts to make the operations of the City more efficient, less costly, and more importantly, to target available resources to functions according to City Council priority rating.

- **Financial Policies**

The City of Troy's financial policies compiled at right set forth basic tenets for overall fiscal management of the City. These policies provide a framework of decision making for City Council and Administration. They should enforce any policy choice, regardless of changing circumstances and conditions.

These policies provide guidelines for evaluating current activities as well as proposals for future programs.

- ✓ The budget process involves personnel and management areas of long-term importance: enhance the livability and safety of the community; maintain or upgrade infrastructure and quality of life venues; and rebuild reflecting the values of the community.
- ✓ Expansion of existing service programs or addition of a new service program is only considered in the proposed budget when a revenue source can support all of the ongoing cost, or when the requesting department can identify an existing service which can be reduced or eliminated. Programs financed with grant money shall be budgeted in special funds and, when grant revenues are reduced or eliminated, the service program shall be adjusted accordingly.
- ✓ The City will maintain a budgetary control system to ensure adherence to the budget and prepare monthly reports comparing actual revenues and expenditures to budgeted amounts. The City will report its financial performance quarterly.
- ✓ The City will monitor departmental expenditures on a monthly basis to ensure conformity to budgets.
- ✓ The City stresses results, integrating performance measurement and productivity indicators with the budget.
- ✓ The City will avoid budgetary practices or procedures that balance current period expenditures at the expense of future years' revenues.



- ✓ The budget strives to provide for adequate maintenance of capital facilities and equipment, and for their orderly replacement.
- ✓ The budget will provide for adequate levels of funding for all retirement systems and other postemployment benefits.
- ✓ The City will develop and maintain accounting and budgetary control systems to adequately safeguard the assets held in public trust.
- ✓ The Operating and Capital Budgets will fully describe the major goals to be achieved and the services and programs to be delivered based upon the levels of funding anticipated or provided.
- ✓ The City will finance essential City services that have a City-wide benefit in the budget from revenue sources which are generated from a broad base, i.e. property taxes, State revenue sharing, assessments, and fees.
- ✓ The City will seek to minimize the impact in use of property tax financing by seeking alternative financing for City services that focus on user fees for responsive services; upgrading; and enhancing the property tax base.
- ✓ Special assessment financing formulas and user-fee rate structures will accurately charge the cost of service provided to the benefiting property owners and customers served while being sensitive to the needs of low-income people.

- **Revenue Policies**

- ✓ The City will make every attempt to maintain a diversified and stable revenue base to shelter it from short- or long-term fluctuations in any one revenue source.
- ✓ The City will project its annual revenues by an objective and thorough analytical process.
- ✓ The City will maintain sound appraisal procedures and practices to reflect current property values.
- ✓ The City will establish user charges and set fees for services for its enterprise funds at a level that fully supports the total direct and indirect costs of the activities. Indirect costs include the recognition of annualized depreciation of capital assets. Cash flow requirements to adequately defray bond retirement and capital outlay will become a primary determinant in the development of user charges.
- ✓ The City will follow an aggressive policy of collecting revenues.
- ✓ The City will review fees/charges annually and design or modify revenue systems to include provisions that automatically allow charges to grow at a rate that keeps pace with the cost of providing the service.

- **Reserve Policies**

The City will strive to maintain an unreserved, undesignated General Fund balance of 10 -17 % of the General Fund budget.



Funds in excess of 17 % will be transferred to the Budget Stabilization Fund or the Capital Projects Fund.

- ***Accounting, Auditing, and Financial Reporting Policies***

- ✓ An independent audit will be performed annually.
- ✓ The City will produce comprehensive annual financial reports in accordance with Generally Accepted Accounting Principles (GAAP), the body of accounting and financial reporting standards, conventions, and practices that have authoritative support from standard setting bodies such as the Governmental Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).

- ***Investment Policies***

- ✓ The City will conduct a cash-flow analysis of all funds on a regular basis. Disbursement, collection, and deposit of all funds will be scheduled to insure maximum investment capabilities.
- ✓ When permitted by law, the City will pool cash from several different funds for investment purposes to maximize potential earnings.
- ✓ The City will analyze market conditions and potential investments to maximize its yield, while maintaining the integrity, diversification, and safety of the principal.
- ✓ The City's accounting system will provide regular information concerning cash position and investment performance.

- ***Debt Policies***

- ✓ The City will confine long-term borrowing to capital improvements or projects that cannot be financed from current revenues, and where the issuance of long-term debt is required, it will pay back the bonds within a period not to exceed the expected useful life of the project.
- ✓ The City will attempt to keep the average maturity of general obligation bonds at or below 20 years.
- ✓ When possible, the City will use special assessment, revenue, tax increment, or other self-supporting bonds.
- ✓ The City will not incur long-term debt to support current operations.
- ✓ The City will maintain a sound relationship with all bond rating agencies and will keep them informed about our current capital projects.

- ***Capital Improvement Budget Policies***

- ✓ Capital investments will foster Troy's goal of preserving and **enhancing maintaining** its infrastructure.
- ✓ The City will attempt to maintain all its assets at a level adequate to protect the City's capital investment and to minimize future maintenance and replacement costs.
- ✓ The City will maintain the fiscal integrity of its operating debt service and capital improvement budgets in order to provide services, and construct and maintain public facilities, streets, and utilities.



2009/10  
Budget

BUDGET POLICIES

- ✓ The City will implement a multi-year plan for capital improvements, with proposed funding sources, and update it annually.
- ✓ The City shall make all capital improvements in accordance with an adopted capital acquisition program.
- ✓ The City will coordinate decision-making for the Capital Improvement Budget with the Operating Budget to make effective use of the City's limited resources for operating and maintaining existing services and facilities.
- ✓ The City will use inter-governmental assistance to finance only those capital improvements that are consistent with the adopted capital improvement plan, City priorities, and for which operating and maintenance costs have been included in the operating budget.
- ✓ The City will maintain a responsible and prudent fiscal condition to minimize long-term interest expense when financing capital improvements.
- ✓ **Capital investments will be enhanced when there is the ability to leverage City assets and prioritize improvements when there are matching funds available.**
- ✓ The capital dollar threshold has been established at \$5,000.

- ***Amendment Policies***

The City Manager is authorized to transfer budgeted amounts within budgetary functions; however, any revisions that alter the total expenditure of any budgetary function must be approved by a majority of the members elect of the City Council.



## CITY COUNCIL ACTION REPORT

April 24, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
James A. Nash, Financial Services Director  
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item - Bid Waiver – Workers' Compensation Insurance  
Renewal for Fiscal Year 2009/2010

### **Background:**

- The City is in receipt of a renewal package from the Michigan Municipal League Workers' Compensation Fund (MML WCF) which includes an experience discount from our own claims history as well as a dividend check distribution attributable to Fund members overall.
- In March of 2003, City Management engaged independent insurance counselor, Mr. Angelo Zervos to evaluate the current state of the City's workers' compensation program.
- His evaluation indicated the MML WCF program would cost the City less than if we were self-insured or went to the commercial marketplace.
- The Risk Manager contacted Mr. Zervos in April 2009. Mr. Zervos indicated his evaluation is as relevant today as it was then.
- The MML WCF takes competitive bids from re-insurers. As of January 1, 2009 the re-insurer and Best rating is: Discover RE (A+).

### **Financial Considerations:**

- The initial renewal premium to the City for FY 09/10 is \$436,057.
- After applying the dividend check distribution of \$91,212 the net cost to the City for FY 09/10 is \$344,845.
- The City's overall cost for FY 09/10 of \$344,845 compares with FY 08/09 of \$290,013, and FY 07/08 of \$260,354, and FY 06/07 of \$246,041, and FY 05/06 for \$444,846, and \$588,653 for FY 04/05.
- Funds are available in the Workers' Compensation Fund.

### **Legal Considerations:**

- As an employer, the State of Michigan requires the City of Troy to provide workers' disability compensation under Public Act 317 of 1969.
- The MML WCF provides legal expertise and defense as part of their services, which are included in their premium.

### **Policy Considerations:**

- The dividend distribution and .08 increase in the City's experience modifier (from .65 to .73) continue to provide the City with continued sound financial position without the increased risk of being self-insured. (Outcomes 1 and 3)
- City Management's fiscal responsibility to City Council and our residents is best served by continuing the relationship with the MML WCF. (Outcomes 1 and 3)

### **Options:**

- It is Risk Management's recommendation that City Council approve the renewal of the City's workers' compensation coverage with the Michigan Municipal League Workers' Compensation Fund (MML WCF) for the net cost in fiscal year 2009-10 of \$344,845.



michigan municipal league

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Workers' Compensation Fund

April 10, 2009

James Nash  
City Of Troy  
500 W. Big Beaver  
Troy, MI 48084

Dear Mr. Nash:

Enclosed are the following documents for your Workers' Compensation coverage renewal for the period July 1, 2009 to June 30, 2010.

- Policy Declaration
- Certificate of Membership
- Invoice (payable by June 15<sup>th</sup>)

This year, the Fund has been authorized to distribute \$ 7 million of surplus for the Fund years ending June 30, 1994, 1995, 1998, 2000, and 2001. Your proportionate share of the distribution, if eligible, is shown below:

<b>Dividend Credit</b>	<b>\$47,898.00</b>	<b>Applied to this year's renewal premium</b>
<b>Dividend Check</b>	<b>\$91,212.00</b>	<b>Mailed separately</b>

Please review the enclosed documents and contact me if you have any questions.

Sincerely,

*Laura Martin*

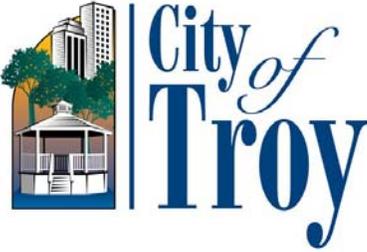
Laura Martin, AIS, AU  
Fund Underwriter

Enclosures  
5000410-09

**Service Provider: Meadowbrook® Insurance Group**

**Loss Control & Member Services:** P.O. Box 5174, Southfield, MI 48037 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.0534  
**Southfield Claims Service:** P.O. Box 5174, Southfield, MI 48086-5174 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.3251  
**Grand Rapids Claims:** 3501 Lake Eastbrook S.E., Suite 150, Grand Rapids, MI 49546 PH: 616.942.0311 • 800.752.7477 • FX: 616.942.0390

www.mml.org



## CITY COUNCIL ACTION REPORT

April 23, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Susan A. Leirstein, Purchasing Director  
Gertrude Paraskevin, IT Director

SUBJECT: Bid Waiver – City-Wide Dedicated Internet Service

### **Background**

- The current contract for AT&T dedicated internet service has expired.
- AT&T has offered the City a two-year contract at a rate of \$759 per month for an estimated total two-year cost of \$18,216.00. This service is for two bonded T1s with a bandwidth of 3MB and includes a router and managed service of this device.
- Alternate internet access methods such as broadband service from cable providers were considered; however, our experience has proven this type of service is not as reliable as T1. Since this connection will be supporting our website, it is important for it to be highly available.
- A survey of alternate vendors providing T1 service was conducted. The results are contained in Appendix A. AT&T provided the lowest quote for a managed service. Two other providers were lower in cost, but did not include managed service and required the router to be purchased in advance and then rebated. Also, the low vendors were out of state and their standard terms and conditions were not governed by the laws of Michigan, but by Washington and California. This could cause an issue should there be a contract violation.
- All T1 service providers would be utilizing AT&T lines to bring service into the City. It is preferable to deal direct with AT&T rather than involving a third party. In addition, staying with AT&T will allow the City to continue to use its current IP addressing scheme, minimizing the impact of a change.
- City management recommends executing a contract with AT&T for dedicated internet service for the next two years, with options to renew.

### **Financial Considerations**

- Funds are budgeted in the Information Technology Fund, Data Communication, A/C# 636.228.7850.025.

### **Legal Considerations**

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

### **Policy Considerations**

- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues. (Outcome Statement II)
- Internet access allows City government to expand its electronic function and thereby minimize cost and increase the efficiency and effectiveness of City government. (Goal II)
- Provides a method to effectively and professionally communicate externally. (Goal IV)

# APPENDIX A

## Survey of Dedicated T1 Internet Service Providers

<b>Vendor</b>	<b>Unmanaged</b>	<b>Managed</b>
AT&T		\$759
Speakeasy	\$699.95*	
Qwest		\$830
XO Communications		\$815
Covad	\$699*	

\*Requires purchase and rebate of router

Managed service means that the service provider is not only responsible to provide internet access, but they also provide the router device and are completely responsible for it's hardware and software maintenance and support.

- a) Cultural Diversity Month – April 9, 2005 – May 7, 2005

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**E-8 SBC Dedicated Internet Service**

Resolution #2005-04-149-E-8

BE IT RESOLVED, That a new 3-year contract be **EXECUTED** with SBC for Dedicated Internet Access at an estimated cost of \$1,224.00 per month is hereby **APPROVED**.

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**E-9 Acceptance of a Permanent Water Main Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34**

Resolution #2005-04-149-E-9

RESOLVED, That Permanent Watermain Easement and Temporary Regrading and Construction Permit, are hereby **ACCEPTED**, and payment for both documents in the amount of \$3,500.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Permanent Watermain Easement with the Oakland County Register of Deeds, and copy of both Easement and Permit shall be **ATTACHED** to the original Minutes of this meeting.

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**E-10 Final Street Vacation Application (SV-173) – A Portion of Hanover Street, from Leetonia Street Extending North Between Lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, North of Wattles Road and East of Livernois, Section 15**

Resolution #2005-04-149-E-10

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The portion of Hanover Street to be vacated is described as:

A portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The 20-foot wide Public Right-of-Way for Public Utilities and Public Walkway to be retained from the Hanover Street Vacation, is shown in the attached Street Vacation & Right-Of-Way Sketch” and is described as:

March 28, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager / Finance and Administration  
Jeanette Bennett, Purchasing Director  
Gert Paraskevin, Information Technology Director

SUBJECT: **Agenda Item** – SBC Dedicated Internet Service

### **RECOMMENDATION**

City management recommends executing a new contract with SBC for dedicated Internet service. The monthly fee would be \$1,224.00 per month for a term of 3 years. This will reduce our current monthly fee from \$1,748.00 per month, resulting in a savings of \$524.00 per month or \$6,288.00 annually.

### **BACKGROUND**

The City currently utilizes SBC for Internet access via (2) T1 communication lines. This facilitates Internet access for City employees, and also offers access to the City's website and Parks and Recreation program registration. Recently the City signed a new State of Michigan based contract for all local service, intra-lata, line and circuit charges with SBC. As a result, SBC has also offered to reduce our current monthly dedicated Internet service fees from \$1,748.00 to \$1,224.00, although this does not fall under State of Michigan pricing. A survey of two other providers that are available through Micta (competitively bid) contracts confirms that this pricing is competitive.

Vendor	Monthly Pricing (3-years for 2-T1s or 3.0m bps)
Qwest	\$1,504 (plus \$50 installation)
Merit MichNet	\$1,430 (includes 1,210 for Internet plus 220 for SBC T1 service) plus installation
SBC	\$1,224

### **ADDITIONAL INFORMATION**

Oakland County has an ambitious program to go wireless by 2006. The intent is for every business and resident in the County to have free basic level wireless Internet access. Even though Troy could participate in this project, it does not impact the need for dedicated Internet services to City Hall to host the City's website, allow on-line registration of Parks and Recreation programs, and serve as a backup system for the County as part of the E-Team initiative. Free or reduced cost wireless Internet access would be beneficial for field personnel to communicate back to the City network, and will be evaluated for this purpose as it becomes available.

### **BUDGET**

Funds are budgeted in the Information Technology account #258.7802.070.

**E-6 Amendment – Ameritech Voice and Data Communication**

Resolution #2002-02-053-E-6

WHEREAS, On Monday, October 15, 2001, Troy City Council authorized the City Manager to execute contracts with Ameritech for communication service as outlined in Council Memorandum dated October 9, 2001, in an estimated amount of \$34,467.00 for three years, Resolution #2001-10-499-E-14; and

WHEREAS, Ameritech would provide improved internet access service with less concern about the volatility of the marketplace at an estimated annual savings of \$2,472.00, as outlined in Appendix A;

NOW, THEREFORE, BE IT RESOLVED, That the contract with Ameritech be amended to include Internet Service is hereby approved resulting in a change of \$4,668.00 per year, for a new estimated total annual cost of \$39,135.00, to expire in 2004.

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**E-7 Standard Purchasing Resolution 7 – Proprietary Maintenance Service Contract – GIS Software**

Resolution #2002-02-053-E-7

RESOLVED, That a one-year software maintenance contract for the City of Troy's GIS Software System is hereby approved to Environmental Systems Research Institute (ESRI), for proprietary software at an estimated total cost of \$13,200.06 expiring March 23, 2003.

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**E-8 Standard Purchasing Resolution 3: Exercise Renewal Option – Printing Service of the 2002 Summer/Winter Tax Bills**

Resolution #2002-02-053-E-8

WHEREAS, On May 7, 2001 a contract for the printing of the 2001 Summer/Winter Tax Bills with an option to renew for one additional tax year was awarded to the low bidder, Whitlock Business Systems, Resolution #2001-05-232-E-8; and

WHEREAS, Whitlock Business Systems has agreed to exercise the option to renew this contract for the 2002 Summer/Winter Tax Bills under the same pricing, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby exercised with Whitlock Business Systems to provide printing and mailing services of the 2002 Summer//Winter Tax Bills under the same pricing, terms, and conditions for the 2002 tax year, expiring December 31, 2002.

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**E-10 Mon Jin Lau Fireworks**

Resolution #2002-02-053-E-10

January 23, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager / Finance and Administration  
Jeanette Bennett, Purchasing Director  
Gert Paraskevin, Information Technology Director

SUBJECT: Amendment - Ameritech Voice And Data Communication

**Recommendation:**

Staff recommends amending the Ameritech Voice and Data Communication contract to include Internet Service. This will add \$4,668 per year to the original approved amount of \$34,467 per year. However, the City's overall cost for Internet access will decrease by \$2,472 per year.

**Background:**

The City has had T1 level Internet access for several years. Two vendors have been utilized to provide this service. Ameritech supplies the T1 data communication line to our Internet Service Provider's (ISP) closest point of presence (POP), at a cost of \$550.00 per month. Our current ISP is World Wide Net, the low bidder resulting from an RFP process. They provide the actual access to the Internet at a cost of \$595 per month. Therefore the total cost for Internet access is \$1,145.00 per month.

Recently, World Wide Net asked the City to move the Ameritech T1 from its current POP to another location due to a buyout then subsequent bankruptcy of one of their business partners. We have been considering changing our Internet service provider anyway, due to support and speed concerns plus the instability of vendors in that marketplace. When we contacted Ameritech to move the T1 they provided pricing on their combined data communications plus Internet access at a price of \$939 per month. We feel that the move to Ameritech would provide improved service and less concern about the volatility of the marketplace.

The data communications piece is already budgeted at \$550.00 per month. Including Internet Service would add an additional \$339 per month to the Ameritech contract, but would decrease our current overall cost of Internet access by \$206 per month (see Appendix A).

**Budget:**

Funds are budgeted in the Information Technology account #258.7802.070.

## Appendix A

### Internet Access Pricing Comparison

Service	Current		Recommended	
	Vendor	Monthly Cost	Vendor	Monthly Cost
T1 data communications	Ameritech	\$550	Ameritech	\$550
Internet Access	World Wide Net	595	Ameritech	389
Total		\$1,145		\$939
Monthly Savings				\$206
Annual Savings				\$2,472



## CITY COUNCIL ACTION ITEM

Date April 29, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Tonni L. Bartholomew, City Clerk

SUBJECT: Chapter 60 – Fees and Bonds Required – Christmas Trees, Sidewalk Sales and Temporary Merchant Businesses Fees

Background:

- The attached fee schedule establishes the fees collected the City Clerk's Office for Christmas Trees, Sidewalk Sales and Temporary Merchant Businesses, pursuant to Chapter 61 of the City of Troy Code of Ordinances.
- City Council adopted amendments to Chapter 61 – Temporary (formerly Transient) Merchant Businesses (Resolution #2008-11-350a) and Chapter 69 – Miscellaneous Licensed Businesses (Resolution #2008-11-350d) at the Regular City Council Meeting of Monday, November 24, 2008. The adopted resolutions missed the inclusion of the above mentioned license fee amendments to correctly identify the Sidewalk Sale fee and eliminate fee duplication for Christmas Trees as well as reference Bonding Requirements for all Temporary Merchant Businesses by inserting a cross reference to Chapter 61, Section 10 of the Troy City Code.
- It is requested that Chapter 60 of the Troy City Code, be amended to incorporate amendments to Christmas Trees, Sidewalk Sales and Temporary Merchant Businesses, as attached.

Attachment:

- Chapter 60 – Fee and Bonds Required proposed amendments

CITY OF TROY  
 AN ORDINANCE TO AMEND  
 CHAPTER 60 OF THE CODE  
 OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

60.04 Fee Schedule. (Christmas Tree Sales, Sidewalk Sales and Temporary Merchant Businesses)

<b><del>Christmas Tree Sales (Chapter 69-61)</del></b>	
<del>Annual Fee: Each Location</del>	<del>\$100.00</del>
<del>Annual Deposit: Clean-up Deposit</del>	<del>\$100.00</del>
<b><del>Sidewalk Sale (Chapter 69-61):</del></b>	<b><del>Per day \$ 20.00</del></b>
<b>Temporary Merchant Businesses (Chapter 61)</b>	
<u>Bond Requirements - \$500.00 per Chapter 61, Section 10</u>	
<u>Christmas Tree Sales – Per application</u>	<u>\$100.00</u>
<u>Sidewalk Sales – Per application</u>	<u>\$100.00</u>
<u>Sidewalk Sales – Per extension</u>	<u>\$50.00</u>
<b>Temporary Indoor Uses:</b>	
Per application	\$100.00
Per extension	\$100.00
(Rev. 11-24-08; Enacted: 01-01-09)	
<b>Temporary Outdoor Use:</b>	
Per application	\$100.00
Per extension	\$100.00
(Rev. 11-24-08; Enacted: 01-01-09)	

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the

effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk



## CITY COUNCIL ACTION REPORT

May 6, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Monica S. Irelan, Administrative Intern

SUBJECT: Amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates)

### Background:

Attached is an amendment to Chapter 20 of the Troy City Code reflecting the water and sewer rate adjustment discussed during the 2009/10 budget study sessions. The increased charges are due to City of Detroit increased rates of 3.6% and a 1.4% increase to have sufficient funds to operate, maintain and make improvements to our systems. The water and sewer rates are reviewed and adjusted annually when required. The last adjustment was on July 1, 2008.

### Financial Considerations:

The following water and sewer rates are recommended for City of Troy water bills rendered after July 1, 2009:

	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Adjustment</u>
Water	\$24.92	\$26.40	\$1.48
Sewer	<u>18.42</u>	<u>19.10</u>	<u>.68</u>
	\$43.34	\$45.50	\$2.16

The average bill for a family of four will increase approximately \$8.42 per quarter.

It is recommended that City Council approve the rates outlined herein and reflected in the amendments to Chapter 20 of the Troy City Code.

## **Chapter 20- Water and Sewer Rates**

1. Definitions. Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter.

(1) "Premises" shall mean each lot, parcel of land, or building having a connection to the Water Supply System or the Sewer System of the City, or is eligible for such a connection.

(2) "Department" shall mean the City Division of Water and Sewer.

(3) "Director" shall mean the Director of Public Works.

(Rev. 02-26-73)

2. Water Benefit Fee. Whenever any person shall seek a connection to a water main, as defined in Chapter 18 of this Code, he shall pay a benefit fee representing the cost of constructing such water main, except in those cases where the cost of construction has been financed by special assessment assessed to said premises or where construction has been financed by agreement with the City and paid for by the owner of the subject property. The City Council shall from time to time by resolution determine the cost to be borne by any premises which will benefit by a connection thereto.

No permit for any connection to any water main shall be granted until the owner of the premises shall pay or agree to pay the benefit fee attributed to such property.

(Rev. 09-25-78)

3. Water Improvement Fund Fee. Anyone seeking to make a connection to any public water main within the City shall first obtain a permit to make such connection from the Department. Prior to issuance of said permit the applicant must pay a Water Improvement Fund Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-04-80)

3.01 Computation of Water Improvement Fund Fee. The Water Improvement Fund Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit.

Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Trunk and Interceptor Connection Fee contained further in this Chapter and the number of units charged to a premise shall be the same for both water and sanitary sewer.

The Water Improvement Fund Fee shall be in the amount of \$700.00 per unit, less any credit determined under Section 3.02 hereof.

(Rev. 01-01-82)

3.02 Credit on Water Improvement Fund Fee. In the case of any premises which have been subject to special assessment for construction of a water main, a credit shall be allowed on the water improvement fund fee for the amount of such special assessment levied for indirect availability of water service. The amount of a special assessment for indirect availability of water service shall be that amount in excess of the amount

of that assessment attributable to direct benefit received by the parcel originally assessed for immediate availability of water service. The assessor shall prepare and submit to the Council for approval, by resolution, a schedule showing the amount of all such assessments for indirect availability of water service presently existing and the parcels affected thereby. Each premise shall receive a credit for its pro-rata share of the assessment as shown by said schedule. No such credit shall exceed one hundred (100%) percent of the water improvement fund fee for any premises. No such credit shall be given for any premises connection to the water supply system after July 1, 1993.

(Rev. 09-25-78)

4. Water Connection Fee. A Water Connection Fee will be charged to each premise where the City provides labor, equipment or materials to make a connection to the water main and/or to furnish or install a water meter. Such fees shall not be less than the cost of the materials, installation and overhead attributable to the particular service.

The City Council will establish, by resolution, such fees in accordance with the size of service and/or meter to be furnished. The Water Connection Fee shall be paid or the applicant shall make an agreement to pay the Fee prior to issuance of a connection permit by the City.

(Rev. 09-25-78)

5. Basis of Charges. All water service shall be charged for on the basis of water consumed, as determined by the meter installed by the Department in the premises of water or sewage disposal service customers. No free water service or sewage disposal service shall be furnished to any person.

(Rev. 02-26-73)

- 5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be ~~\$24.92~~ \$26.40 per 1,000 cubic feet. Minimum quarterly bills shall be ~~\$20.19~~ \$21.38.

~~(Rev. 05-19-08)~~ (Rev. 05-11-09)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-16-05)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-13-02)

## 5.02 Sewer Rates

- A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay ~~\$18.42~~ \$19.10 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

~~(Rev. 05-19-08)~~ (Rev. 05-11-09)

Where there is no water meter the sewage disposal and maintenance charges shall be ~~\$92.10~~ \$95.50.

~~(Rev. 05-19-08)~~ (Rev. 05-11-09)

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

(Rev. 05-13-02)

- B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.
2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.
- C. A ready to serve charge shall be levied on each quarterly bill in the amount of ~~\$14.92~~ 15.47 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

~~(Rev. 05-15-06)~~ (Rev. 05-11-09)

- 5.03 Billing. Charges for all water service and sewage disposal service shall be billed and collected quarterly by the City Treasurer. Water bills rendered shall be immediately due and payable and may be paid without penalty up to and including the fifteenth day of the month when rendered, and shall thereafter be subject to a ten (10%) per cent penalty. Bills shall be sent to "Occupant" at the metered address, unless other arrangements are made by the owner.

(Renumbered 05-19-08)

6. Collection. The Director is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumption may be instituted by the City against the customer. The charges for water service and sewage disposal service which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, annually, on April 1, certify all unpaid charges for such services furnished to any premises which, on the 31st day of March preceding, have remained unpaid for a period of six (6) months, to the City Assessor who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City Taxes. In cases where the City is properly notified in accordance with said Act 94 of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the City Treasurer, a sum sufficient to cover three (3) times the average quarterly bill for such premises as estimated by the Director. Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges, the water service shall not be resumed until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of Twenty-Five (\$25.00) Dollars. In any other case where, in the discretion of the City Treasurer, the collection of charges for water or sewage disposal service may be difficult or uncertain, he may require a similar deposit. Such deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not affect the right of the Treasurer or Director to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he shall discontinue receiving water and sewage disposal service or, except as to tenants at to whom notice of responsibility for such charges has been filed with the City, when any eight (8) successive quarterly bills shall have been paid by said customer with no delinquency.

(Rev. 02-04-80)

7. Sanitary Trunk and Interceptor Connection Fee. Anyone seeking to make a connection to any sanitary sewer system within the City of Troy shall first obtain a permit to make such connection from the Building Department. Prior to issuance of said permit the applicant must pay to the City a Sanitary Trunk and Interceptor Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-26-73)

- 7.01 Computation. The Sanitary Trunk and Interceptor Connection Fee shall be based on a unit factor system of computation wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Trunk and Interceptor Connection Fee shall be in the amount of \$200.00 per unit.

(Rev. 01-01-82)

8. Sewer Benefit Fee. Whenever any person shall seek a connection to a public sewer, as defined in Chapter 19 of this Code, he shall pay a sewer benefit fee in lieu of paying the cost of constructing such public sewer, except in those cases where the cost of construction has been financed by special assessments assessed to said premises, or by agreement and paid by the owner thereof. The City Engineer shall determine which properties shall be allowed or required to tap the public sewer based on sewer depth, distance from the public sewer, and other engineering and cost factors. The sewer benefit fee, representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property, shall be determined by resolution of the City Council from time to time. No permit for any connection to any public sewer shall be granted until the owner of the premises shall pay or agree to pay the sewer benefit fee attributable to such property.

(Rev. 09-25-78)

9. Inspection Fee. An inspection charge shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water.

(Rev. 05-19-08)

10. Payment of Fees. The Sanitary Trunk and Interceptor Connection Fee, the Sewer Benefit Fee and Sewer Permit Fee (collectively in this Section called "Sewer Fees") and/or the Water Improvement Fund Fee, Water Benefit Fee, and the Water Connection Fee (collectively in this Section called "Water Fees") shall be paid as follows:

(Rev. 02-26-73)

- 10.01 Cash payments shall be made for all Sewer Fees payable for new buildings constructed in areas where public sewers, as defined in Chapter 19 of this Code, are available, or construction of same has been approved by the City Council. No building permit shall be issued for construction of a new building until all Sewer Fees have been paid and the sewer permit has been obtained.

The above regulation is also applicable to building permits for additions to existing structures other than single-family residences. Cash payment for Sewer Fees shall be made for that portion of the structure to be added, while extended payment arrangements as hereinafter provided may be made for that portion of the structure existing prior to the availability of sewer. Regardless of the method of payment chosen by the owner, sewer permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

- 10.02 Cash payments shall be made for all Water Fees payable for new buildings constructed in areas where public Water Mains, as defined in Chapter 18 of this Code, are available, or construction of same has been approved by the City Council, and where the Water Main is to be used for such new building. When the Water Main is to be used to serve such new building, no building permit shall be issued for construction until all Water Fees have been paid and a water permit has been issued.

The above regulation is also applicable to building permits for additions to existing structures other than single family residences and where the Water Main is in use or shown to be used by the addition. Cash payment for Water Fees shall be made for that portion of the structure to be added, while extended payment as hereinafter provided may be made for that portion of the structure existing prior to the availability of water. Regardless of the method of payment chosen by the owner, when the Water Main is to be used, water permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

- 10.03 Sewer fees and/or water fees for existing buildings may be paid for at the time of permit issuance, or, at the option of the owner, may be paid in equal installments, including interest at 6% per annum on the unpaid balance for a period not to exceed 40 years; one installment shall be billed with each bill for water or sewer service. For purposes of this section, an "existing building" also includes a single family home that replaces a previous single family home provided the owner demonstrates that he/she had an ownership interest in the subject property as of August 15, 2005, and construction on the new home is commenced within six months of the demolition of the old home.

Additional principal payments may be made with any installment.

(Rev. 07-21-08)

11. Service Leads. When a sewer lead has not been provided to make an authorized connection to an available sewer, it shall be the responsibility of the benefiting property to provide same.

(Rev. 06-09-86)

12. Unauthorized Connections. In the event any connection is made to the City Sewer system without a permit having been obtained from the City Building Department for such connection, a charge of double the current Interceptor Connection Fee will be charged to the owners of the property so connected and will be collected in the same manner prescribed by the Charter for the collection of unpaid City taxes.

(Rev. 12-03-79)

13. Additional Charges. Those premises assigned sewage disposal charges for industrial cost recovery and/or high strength surcharges as required by Federal Law, shall make payment for said charges as herein provided for water and sewage disposal services.

(Rev. 02-04-80)

14. Definitions:

- (a) Industrial User: shall mean a source of discharge under regulations issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1342, which source originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.
- (b) Commercial User: shall mean all non-domestic sources of indirect discharge, other than industrial users, as defined herein including but not limited to the following: A publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments and facilities operated by state governments.
- (c) Residential User: shall include schools, churches, municipal buildings and structures designed for habitation. Structures designed for habitation shall include but not be limited to single-family homes, apartment buildings, condominiums, town houses and mobile homes.
- (d) Non-residential User: shall mean any user other than an industrial user, a commercial user or a residential user.

15. High Strength Surcharge: A high strength surcharge shall be levied against all industrial and commercial users, with the exception of restaurants, which users contribute sewage to the system with pollutant concentration levels exceeding the following:

- (A) 275 milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (B) 350 milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (C) 12 milligrams per liter (mg/l) of Phosphorus (P)
- (D) 100 milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

(Rev. 04-22-85)

16. Non-residential Flow Surcharge: The City of Troy shall pay a quarterly non-residential surcharge as established from time to time by the County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The non-residential surcharge shall be based on the total number and size of water meters used by non-residential users of the system. Where metered water is not available, the Assigned Water Meter size shall be reported by the City in accordance with the following schedule:

Units Assigned in Accordance With the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors	Assigned Water Meter Size
1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

The City shall report quarterly the total number and size of water meters used by non-residential users or alternatively, the Assigned Water Meter size pursuant to the above schedule.

17. Sanitary Wastewater Disposal Charge: The City of Troy shall pay a sanitary wastewater disposal charge. This charge shall be based on readings of the master water meters serving the Southeastern Oakland County Communities.

From these meter readings the water consumption of each municipality shall be determined. Water consumption shall be the basis for sanitary wastewater disposal charges using the formula of rate per 1,000 cubic feet, said rate as established from time to time by the Oakland County Drain Commissioner, and adopted by Resolution of the Troy City Council. If the City has individual sewer customers with metered sewage, the City shall report within 15 days following the end of each calendar quarter the total metered sewage in the City, in lieu of water consumption. Based on the quarterly report, each community shall pay a charge per 1,000 cubic feet of metered sewage, as established from time to time by Oakland County or the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The rate for sewage disposal based on the metered sewage method shall be 110% of the rate established for the master meter water method.

18. Storm Water Disposal Charge:

- (1) Evergreen-Farmington Sewage Disposal System: The City shall pay a charge for disposal of storm water in proportion to the area in the City served by combined sewers in the Evergreen-Farmington Sewage Disposal System and by the recorded duration of the spill at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by Oakland County or the Detroit Water and Sewer Department, and acknowledged by Resolution of the Troy City Council.
- (2) Southeastern Oakland County Sewage Disposal System S.O.C.S.D.S.: The entire flow from the S.O.C.S.D.S. enters the Detroit treatment plant through the Dequindre Interceptor, which contains a master meter. The metered flow is reduced by the amount of water consumption for the system. This reduced flow shall be multiplied by a land use factor to determine the City's share of the flow. Storm water disposal charges shall be determined by using a formula of rate per 1,000 cubic feet, as established from time to time by the Oakland County Drain Commissioner, and acknowledged by Resolution of the Troy City Council.

(Rev. 04-22-85)

**CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 20  
OF THE CODE OF THE CITY OF TROY**

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 47<sup>th</sup> amendment to Chapter 20 of the Code of the City of Troy.

Section 2.

Section 5.01, is hereby amended to read as follows:

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be \$26.40 per 1,000 cubic feet. Minimum quarterly bills shall be \$21.38.

Section 3.

Section 5.02, is hereby amended to read as follows:

5.02 Sewer Rates

A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay \$19.10 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

Where there is no water meter the sewage disposal and maintenance charges shall be \$95.50.

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.

2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.

C. A ready to serve charge shall be levied on each quarterly bill in the amount of \$15.47 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

#### Section 4. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

#### Section 5. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby save. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

#### Section 6. Severability Clause

Should any work, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

#### Section 7.

This Ordinance shall become effective for City of Troy water bills rendered after July 1, 2009.

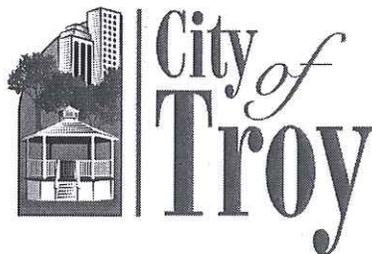
This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, City Clerk



# CITY COUNCIL ACTION REPORT RECEIVED

May 5, 2009

MAY 05 2009

CITY OF TROY

CITY MANAGER'S OFFICE

TO: John Szerlag, Acting City Manager *JS*

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

SUBJECT: Request for Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement & Regrading and Temporary Construction Permit  
 Rochester Road Improvements, Torpey to Barclay - Project No. 99.203.5 &  
 Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5  
 Parcel 50 – Sidwell #88-20-15-478-015 – Comerica Bank

## Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Purchase Agreement, Permanent Public Utility Easement, and Regrading and Temporary Construction Permit from Comerica Bank. This parcel is located at the northwest corner of Rochester Road and Wattles Road in the southeast ¼ of Section 15.

## Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$356,200, plus closing costs for the acquisition of the property described in the purchase agreement; \$500 for the Permanent Public Utility Easement and \$200 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account numbers 401479.7989.992035 and 401479.7989.011065.

## Legal Considerations:

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

## Policy Considerations:

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

## Options:

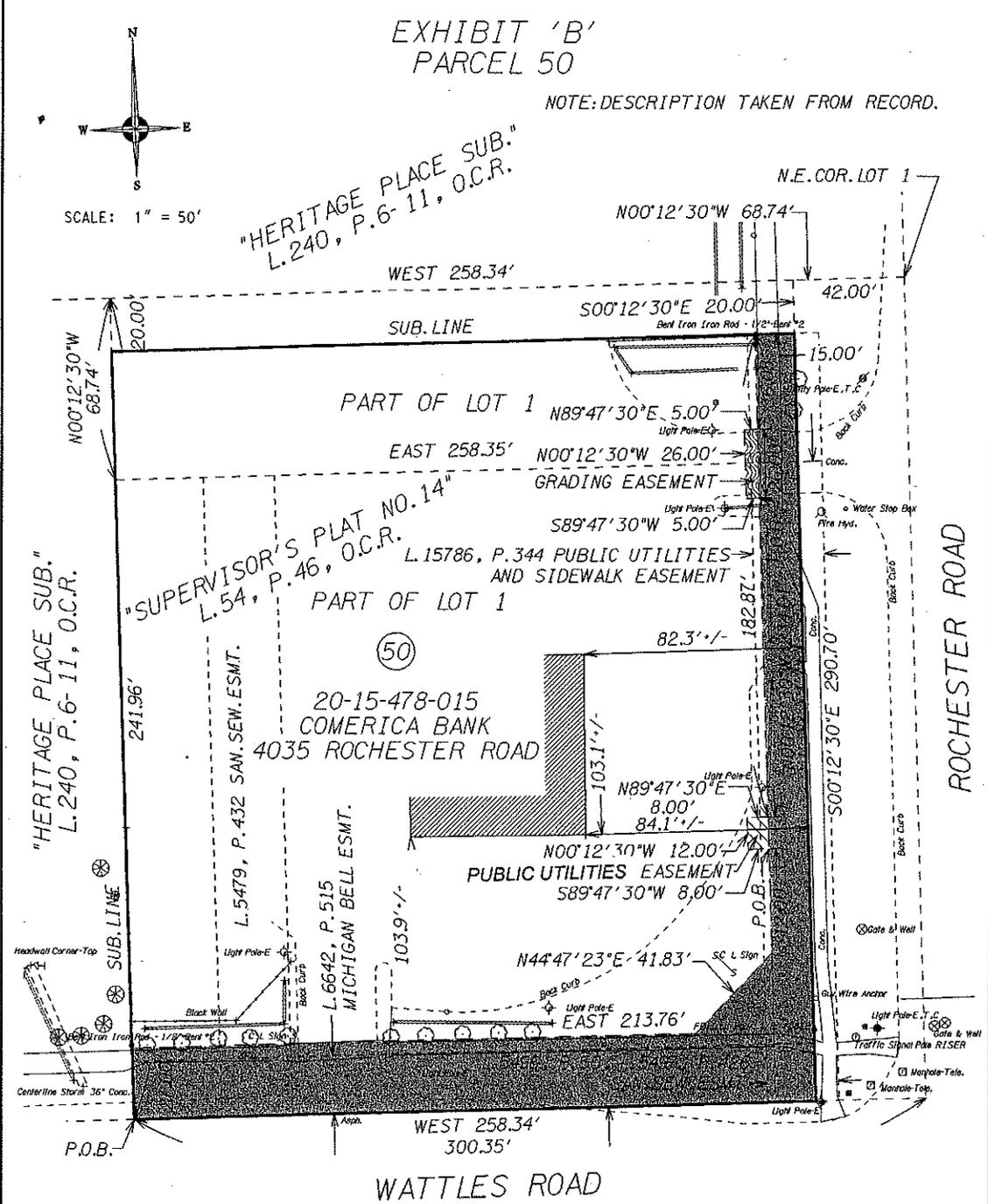
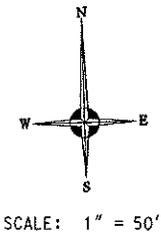
- City Management recommends that City Council approve the attached purchase agreement and accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from Comerica Bank so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Comerica Bank Purchase Agreement, PUE & RGTC

# RIGHT OF WAY ACQUISITION

## EXHIBIT 'B' PARCEL 50

NOTE: DESCRIPTION TAKEN FROM RECORD.



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

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

USER NAME: dmpert  
 DESIGN FILE: F:\1999\199904\19990478\19990478.dwg  
 DESIGNER: JEFFREY L. HUBBELL  
 DATE: 11-29-07  
 CHECKER: JEFFREY L. HUBBELL  
 DATE: 11-29-07  
 PLOT DATE: 01-03-08  
 PLOT TIME: 10:15:15  
 PLOT BY: JEFFREY L. HUBBELL

JOB NO. 19990478	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 11-29-07		OF 2

REV. 01-03-08

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Comerica Bank, a Texas banking association (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Three Hundred, Fifty-Six Thousand, Two Hundred and no/100 Dollars (\$356,200) under the following terms and conditions:

1. Intentionally deleted.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the Property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment by Buyer to Seller of the purchase money (adjusted for proration of real estate taxes) by cashier's check or certified check drawn upon the account of the City of Troy. The Warranty Deed shall be subject to all matters of record (except for those removed under paragraph 6 below), taxes and assessments which are not on the closing date due and payable, and building, zoning and other laws affecting the Property.
4. Buyer shall, at its own expense, provide title insurance information and obtain title insurance if desired, and the Seller has disclosed on attached **Exhibit "B"** any encumbrances against the Property of which Seller has actual knowledge.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date of this Agreement, time being of the essence under this Agreement. .
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall have thirty (30) days from the date it receives such notice to remove the deficiencies or, in the case of objections to liens in a specific amount, to notify Buyer that it agrees to have such liens removed at or before the closing. Seller is not obligated to remove or attempt to remove any such deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval within said 30 days and/or fails to agree to remove any liens in a specific amount that Buyer objected to, the Buyer, as its sole options, shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand. If Buyer fails to provide notice to Seller within ten (10) days after the end of said 30 day period as to which of these two options Buyer elects, it shall be deemed that Buyer elects to take title subject to such deficiencies.
7. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the Property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council. Unless Buyer notifies Seller within forty-five (45) days after the date of this Agreement that such final approval has not been obtained and that Seller is terminating the Agreement, then it shall be deemed that such final approval has been obtained and that this condition is satisfied and waived.
9. Intentionally deleted.
10. Additional conditions, if any:

(a) Except as specifically and expressly provided in this Agreement and in the documents executed at the closing, the Property is being conveyed to Buyer "AS-IS", "WHERE-IS", without representation or warranty of any kind, except for the reservation as stated in paragraph 7 of this Agreement.

(b) Buyer shall pay all recording fees and real estate transfer taxes.

(c) Each party represents to one another that neither has dealt with any broker or agent and that there are no side letters, contracts or agreements relating to, or entitling a broker or agent to share or participate in, brokerage fees, commissions, finder's fees or other similar charges in connection with this Agreement.

(d) Any notice required or desired to be given pursuant to this Agreement shall be in writing and shall be deemed duly given either (i) two (2) days after the date of mailing if sent by registered or certified mail, return receipt requested, postage prepaid or (ii) one (1) day after the date sent by overnight courier service (delivery charges paid by sender) or (iii) the date of sending by telecopier or facsimile, if evidenced by customary proof of receipt by the sender's telecopy or facsimile machine to the following address:

If to Seller: Comerica Bank  
3501 Hamlin Road  
Auburn Hills, MI 48326-2220  
Attn: Michael C. Venetis, V.P.,  
Director of National Marketing  
Facsimile No.: 248-371-7102

with a copy to: Comerica Bank  
500 Woodward Avenue  
33<sup>rd</sup> Floor  
Detroit, Michigan 48226-3391  
Attn: Glen M. Zatz  
Facsimile No.: 313-222-9480

If to Buyer: Pat Petitto, SR/WA, R/W-RAC  
c/o City of Troy, Real Estate Department  
500 West Big Beaver Road  
Troy, MI 48084

Any party, by notice given as aforesaid, may change the address to which subsequent notices are to be sent to such party.

(e) All understandings and agreements had between the parties with respect to the subject matter herein are merged into this Agreement which alone fully and completely expresses their agreement. In entering into this Agreement, each party is relying only on those representations made by the other party, if any, which are contained within this Agreement and is not relying on any other oral or written representations made by, or allegedly on behalf of, a party. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall survive and not merge with the deed delivered to Buyer at closing.

(f) **Jury Waiver. EACH PARTY ACKNOWLEDGES THAT THE RIGHT TO A JURY TRIAL IS CONSTITUTIONAL, BUT THAT IT MAY BE WAIVED. EACH PARTY, AFTER CONSULTING (OR HAVING HAD THE OPPORTUNITY TO CONSULT) WITH COUNSEL OF THEIR CHOICE, KNOWINGLY AND VOLUNTARILY, AND FOR THEIR MUTUAL BENEFIT, WAIVES ANY RIGHT TO TRIAL BY JURY IN THE EVENT OF LITIGATION REGARDING THIS AGREEMENT.**

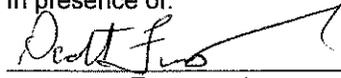
(g) Buyer represents to Seller that the road widening to Wattles Road and/or to Rochester Road that may occur as a result of the conveyance of the Property: (i) will not interfere with ingress and egress between Seller's property (adjacent to the Property) and Wattles Road and/or Rochester Road (other than on a temporary basis during certain times of construction activity, but access to and from Rochester and Wattles Road will always be available), (ii) will not cause Seller to have to relocate or modify its current curb-cuts on Seller's remaining

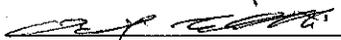
property (adjacent to the Property), (iii) will not cause Seller's current improvements on its remaining property (adjacent to the Property) to be in violation of any municipal statutes, ordinances, regulations or other laws or any site plan approvals or building permits (except that Seller will have to reconfigure its parking lot as shown on attached Exhibit "C", or as otherwise approved by the City of Troy, in order to meet City of Troy set-back requirements), and (iv) will not interfere with Seller's business operations on Seller's remaining property (adjacent to the Property).

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

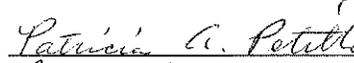
IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 5TH day of MAY, 2009.

In presence of:

  
\_\_\_\_\_  
SCOTT FINLEY

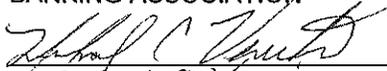
  
\_\_\_\_\_  
ANTONIO CICCHETTI

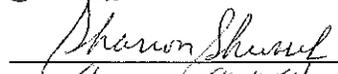
CITY OF TROY (BUYER)

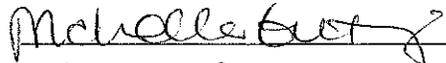
  
\_\_\_\_\_  
PATRICIA A. PETITTO

SELLERS:

COMERICA BANK, A TEXAS BANKING ASSOCIATION

  
\_\_\_\_\_  
Michael C. Venetis  
Vice President - Real Estate

In presence of:  
  
\_\_\_\_\_  
Sharon Skurich

  
\_\_\_\_\_  
Michelle Gutierrez

11-29-07  
19990476  
20-15-478-015  
rev. 01-03-08

**EXHIBIT 'A'**

**DESCRIPTION OF RIGHT OF WAY ACQUISITION**

Part of Lot 1 of "Supervisor's Plat No. 14" a subdivision of part of the Southeast  $\frac{1}{4}$  of Section 15, T2N, R11E, Troy Township (now the City of Troy), Oakland County, Michigan, as recorded in Liber 54 of Plats, Page 46, Oakland County Records, described as follows: Beginning at a point distant West 42.00 feet and S00°12'30"E 20.00 feet from the Northeast corner of said Lot 1; thence S00°12'30"E 290.70 feet; thence West 258.34 feet; thence N00°12'30"W 27.00 feet; thence East 213.76 feet; thence N44°47'23"E 41.83 feet; thence N00°12'30"W 234.01 feet; thence East 15.00 feet to the Point Of Beginning. Said acquisition contains 11,370 square feet, or 0.261 acres, more or less.

## PERMANENT UTILITY EASEMENT

Sidwell #88-20-15-478-015  
Parcel #50

Comerica Bank, a Texas banking association, Grantor, whose address is: 3501 Hamlin Road, Auburn Hills, Michigan 48326-2220 for and in consideration of the sum of: Five Hundred and no/100 Dollars (\$500) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

and on a temporary basis 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 promptly and reasonably restored to its original condition by the Grantee at its expense.

Grantee agrees to provide written notice prior to commencement of project to Grantor, at the following address (or such other address as is provided in writing to Grantee), at least 3 business days prior to entering onto the easement area to commence any construction, maintenance, repair or replacement work, except that in the event of an emergency only such notice as is practical under the circumstances need be given:

Comerica Bank  
3501 Hamlin Road  
Auburn Hills, Michigan 48236-2220  
Attn: Real Estate Facilities

Notice will be deemed given when personally delivered or two business days after postmarking when mailed by first class mail, postage prepared or the next business day following delivery to a nationally recognized overnight courier. This address may be changed by notice from Grantor to Grantee.

Grantee agrees that no exercise of rights under this instrument shall interfere with the ability of Grantor and its customers, employees and invitees to have ingress to and egress from Grantor's property (of which the easement is a part) or interfere with business operations on Grantor's property. The utility pipes and related equipment shall be located underground, except for any surface level utility poles, fire hydrants, manholes or grating covers.

Grantor may grant other easements over, across and under the easement area that do not interfere with Grantee's use of the easement area.

In the event that any construction or mechanic's liens are filed against Grantor's property in connection with any work performed by or on behalf of Grantee pursuant to this instrument, Grantee within 14 days after notice from Grantor, shall either pay or cause to be paid the same and have the liens discharged of record.

Grantee shall defend, indemnify and hold harmless Grantor, its parent, subsidiaries and affiliates, and their respective employees, agents, officers, directors and shareholders from and against all claims, damages and liabilities of whatever nature, including without limit court costs and reasonable attorneys fees, arising from or relating to (i) any act of Grantee or its licenses, agents, employees or contractors on or about the Easement or (ii) a default by Grantee under this instrument.

Before any work is commenced by or on behalf of Grantee pursuant to this instrument, it shall cause its contractor(s) and subcontractor(s) to procure and keep in effect, during the course of their work, the following insurance coverage or such other coverage and amounts as may be required under the public construction bid for the particular work being performed:

(a) Workers' Compensation insurance as required by the Michigan Labor Department and Michigan Worker's Disability Compensation Act (MCL 418.101, et. seq.)

(b) Commercial General Liability insurance, coverages for premises/operations, underground explosion, collapse hazard, completed operations, contractual liability and "broad form" property damage, in the amounts of Two Million Dollars per person and per occurrence.

(c) Commercial Automobile Liability insurance, including coverage for owned, non-owned and hired vehicles, in the amount of Two Million Dollars per occurrence.

With reference to the insurance policies specified in Sub-subparagraphs "(b)" and "(c)", claims-made policies are not acceptable. Grantor and its parent and affiliated companies shall be named as an additional insured on all policies of insurance specified above. Evidence of such insurance acceptable to Grantor shall be promptly sent to Grantor at the above address for notices. Said insurance policies shall contain a provision that coverage afforded shall not be modified, canceled or allowed to expire until at least thirty (30) days' prior written notice has been given to Grantor.

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 5<sup>th</sup> day of May, 2009.

COMERICA BANK, A TEXAS BANKING ASSOCIATION

Michael C. Venetos (L.S.)  
\* Michael C. Venetos  
VICE PRESIDENT - REAL ESTATE  
\* (L.S.)

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2009, by Michael C. Venetos, V.P. of R.E., of Comerica Bank, a Texas banking corporation.

Sharon P. Skubick  
\* Sharon P. Skubick  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires August 14, 2008

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

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

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

11-29-07  
19990476  
20-15-478-015  
rev. 01-03-08

**EXHIBIT 'A'**

**DESCRIPTION OF PUBLIC UTILITY EASEMENT**

Part of Lot 1 of "Supervisor's Plat No. 14" a subdivision of part of the Southeast  $\frac{1}{4}$  of Section 15, T2N, R11E, Troy Township (now the City of Troy), Oakland County, Michigan, as recorded in Liber 54 of Plats, Page 46, Oakland County Records, described as follows: Beginning at a point distant West 42.00 feet and S00°12'30"E 20.00 feet and West 15.00 feet and S00°12'30"E 182.87 feet from the Northeast corner of said Lot 1; thence S00°12'30"E 12.00 feet; thence S89°47'30"W 8.00 feet; thence N00°12'30"W 12.00 feet; thence N89°47'30"E 8.00 feet to the Point of Beginning.

Said easement contains 96 square feet, or 0.002 acres, more or less.

## REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-15-478-015  
Project # 99.203.5  
Parcel #50

Comerica Bank, a Texas banking association, Grantor(s), whose address is: 3501 Hamlin Road, Auburn Hills, Michigan 48326-2220, for and in consideration of the sum of Two Hundred and no/100 Dollars (\$200.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Rochester Road Improvements, Torpey to Barclay and Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A"

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

Grantee agrees to provide written notice prior to commencement of project to Grantor, at the following address (or such other address as is provided in writing to Grantee), at least 3 business days prior to entering onto the easement area to commence any construction, maintenance, repair or replacement work, except that in the event of an emergency only such notice as is practical under the circumstances need be given:

Comerica Bank  
3501 Hamlin Road  
Auburn Hills, Michigan 48236-2220  
Attn: Real Estate Facilities

Notice will be deemed given when personally delivered or two business days after postmarking when mailed by first class mail, postage prepared or the next business day following delivery to a nationally recognized overnight courier. This address may be changed by notice from Grantor to Grantee.

Grantee agrees that no exercise of rights under this instrument shall interfere with the ability of Grantor and its customers, employees and invitees to have ingress to and egress from Grantor's property (of which the easement is a part) or interfere with business operations on Grantor's property. The utility pipes and related equipment shall be located underground, except for any surface level manholes or grating covers.

Grantor may grant other easements over, across and under the easement area that do not interfere with Grantee's use of the easement area.

In the event that any construction or mechanic's liens are filed against Grantor's property in connection with any work performed by or on behalf of Grantee pursuant to this instrument, Grantee within 14 days after notice from Grantor, shall either pay or cause to be paid the same and have the liens discharged of record.

Grantee shall defend, indemnify and hold harmless Grantor, its parent, subsidiaries and affiliates, and their respective employees, agents, officers, directors and shareholders from and against all claims, damages and liabilities of whatever nature, including without limit court costs and reasonable attorneys fees, arising from or relating to (i) any act of Grantee or its licenses, agents, employees or contractors on or about the Easement or (ii) a default by Grantee under this instrument.

Before any work is commenced by or on behalf of Grantee pursuant to this instrument, it shall cause its contractor(s) and subcontractor(s) to procure and keep in effect, during the course of their work, the following insurance coverage or such other coverage and amounts as may be required under the public construction bid for the particular work being performed:

(a) Workers' Compensation insurance as required by the Michigan Labor Department and Michigan Worker's Disability Compensation Act (MCL 418.101, et. seq.)

(b) Commercial General Liability insurance, coverages for premises/operations, underground explosion, collapse hazard, completed operations, contractual liability and "broad form" property damage, in the amounts of Two Million Dollars per person and per occurrence.

(c) Commercial Automobile Liability insurance, including coverages for owned, non-owned and hired vehicles, in the amount of Two Million Dollars per occurrence.

With reference to the insurance policies specified in Sub-subparagraphs "(b)" and "(c)", claims-made policies are not acceptable. Grantor and its parent and affiliated companies shall be named as an additional insured on all policies of insurance specified above. Evidence of such insurance acceptable to Grantor shall be promptly sent to Grantor at the above address for notices. Said insurance policies shall contain a provision that coverages afforded shall not be modified, canceled or allowed to expire until at least thirty (30) days' prior written notice has been given to Grantor.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed <sup>his</sup> ~~their~~ signature(s) this 5<sup>th</sup> day of MAY 2009.

COMERICA BANK  
*Michael C. Venetis* (L.S.)  
\* Michael C. VENETIS  
VICE PRESIDENT - REAL ESTATE (L.S.)  
\*

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of MAY 2009, by Michael C. Venetis, VP of Real Estate of Comerica Bank, a Texas Banking association.

*Sharon P. Shwartz*  
Sharon P. Shwartz  
Notary Public, Macomb, County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires August 14, 2013

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

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

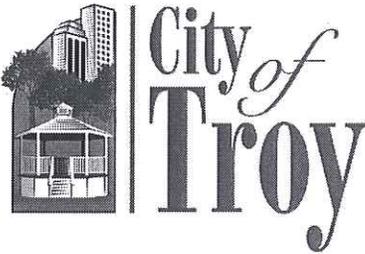
11-29-07  
19990476  
20-15-478-015  
rev. 01-03-08

**EXHIBIT 'A'**

**DESCRIPTION REGRADING AND TEMPORARY CONSTRUCTION PERMIT**

Part of Lot 1 of "Supervisor's Plat No. 14" a subdivision of part of the Southeast  $\frac{1}{4}$  of Section 15, T2N, R11E, Troy Township (now the City of Troy), Oakland County, Michigan, as recorded in Liber 54 of Plats, Page 46, Oakland County Records, described as follows: Beginning at a point distant West 42.00 feet and S00°12'30"E 20.00 feet and West 15.00 feet and S00°12'30"E 36.08 feet form the Northeast corner of said Lot 1; thence S00°12'30"E 26.00 feet; thence S89°47'30"W 5.00 feet; thence N00°12'30"W 26.00 feet; thence N89°47'30"E 5.00 feet to the Point Of Beginning.

Said easement contains 130 square feet, or 0.003 acres, more or less.



# CITY COUNCIL ACTION REPORT

## RECEIVED

May 5, 2009

MAY 06 2009

TO: John Szerlag, Acting City Manager 

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

SUBJECT: 1. Request for Authorization to Make Unconditioned Offer to Purchase Easement  
 For Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5  
 2. Request for Authorization to Institute Court Action

### Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department is seeking authorization to make an unconditioned offer for a Permanent Public Utility Easement to the property owners listed below. The property owners were given a written offer for the City of Troy to acquire the easement, along with copies of our appraisal and plans for the project. The land contract purchasers signed the easement, but we were unable to reach an agreement with the land contract sellers. This parcel is located on west side of Rochester Road, between Vanderpool and Trombley in the southeast ¼ of Section 22.

<u>PARCEL</u>	<u>SIDWELL</u>	<u>OWNERS</u>	<u>ESTIMATED COMPENSATION</u>
24	22-401-069	JMT Properties, LLC/Alif Corporation	\$1,100

### Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$1,100 for the acquisition of the Permanent Public Utility Easement is a justifiable amount for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account numbers 401479.7989.992035 and 401479.7989.011065.

### Legal Considerations:

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

### Policy Considerations:

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

Options:

- City Management recommends that City Council authorize the unconditioned offer in the amount listed above. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this easement.

Approved as to Form:

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





**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** May 6, 2009  
**SUBJECT:** Update on City Manager Search

---

The attached advertisement for the City Manager position has already been placed with targeted publications and on-line resources. The first review date is set for May 29, 2009. In the meantime, Andrea Sims of Waters Consulting Group will be in the City of Troy on May 11 and May 12, 2009 to conduct individual meetings with City Council members and employees, using the attached questionnaire as a guide. The purpose of these meetings is for our consultant to obtain feedback about the desired characteristics of the new City Manager. This information would then be used in the recruitment process, as well as providing some direction for the narrowing of finalist candidates. A Town Hall Meeting is also scheduled for Tuesday, May 12, 2009, to obtain feedback from the general public. The notice of this Town Hall Meeting is attached for your review. All members of the Troy City Council are encouraged to attend this Town Hall Meeting, but since this is not an official City Council meeting, there can be no Council deliberation or decisions at that meeting.

Ms. Sims will be at the City Council meeting on May 11, 2009, and is prepared to answer questions about the search procedure. There is also a proposed resolution for your consideration setting City Council meetings that are consistent with the attached Key Activities and Dates document.

The City's home page, <http://www.troymi.gov/CityManagerSearch>, now has a City Manager Search tab, which contains the schedule and other relevant documents. The web page also provides the public with contact information for Ms. Sims and the Waters Consulting Group.

Please let me know if you have any additional questions or concerns.



**THE CITY OF TROY, MICHIGAN  
SEEKS A SUPERIOR CANDIDATE AS THE  
NEXT CITY MANAGER**

(Starting Salary & Benefits is \$110,000 - \$165,584, Depending on Qualifications)

CNN Money Magazine named Troy the #1 Best City in Michigan and #22 in the nation in which to live. Since 2001, Troy has earned an AAA bond rating. Troy is the safest city in Michigan and the 21<sup>st</sup> safest city in the nation (population 75,000+). It is the second most ethnically diverse city in the state. Troy has excellent schools and its parks and library services have been named the best in Michigan. While Troy maintains its hometown charm, the city is a vibrant business and technology center and a community recognized for its civic spirit and quality of life.

The City of Troy, MI has a population of 80,000+ and has a Council-Manager form of government. The City Manager reports to a seven-member city council and is the chief fiscal and administrative officer for the city. The 2009-2010 total budget is \$149.5M with approximately 443 full time employees.

The ideal candidate must have successfully demonstrated strong leadership and managerial experience, thorough knowledge of the principles and practices of local government administration, including organizational forms and structures and operating methods and procedures; excellent communication, managerial and financial skills; exhibit a passion for serving people and be an enthusiastic team builder. The candidate should demonstrate the ability to confer with department heads, citywide officials, and community partners to achieve significant community outcomes and to resolve problems. The candidate needs to be able to draw consensus from divergent opinions and use an interest-based approach to solving problems, as well as demonstrate an entrepreneurial spirit to problem solving. The candidate needs to be honest, open, accessible and comfortable interacting with staff and citizens, as well as being trustworthy and sensitive to social and societal issues; and embrace diversity.

There is an expectation that the City Manager will represent the City before the State Legislature, county, other cities, community groups, neighborhood associations, and in regional, state and national venues and be able to communicate in an articulate and compelling manner the City's vision, policies and plans that have been approved by City Council.

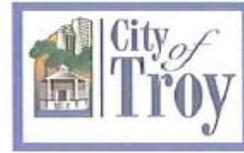
The successful candidate should have a bachelor's degree, with a graduate degree preferred, in public administration, business management, finance, or related field, plus a minimum of 15 years of increasingly responsible senior management experience in municipal government or other governmental agencies; or as a Chief Operating Officer in a public, non-profit or private sector organization with similar responsibilities.

### **APPLICATION AND SELECTION PROCESS**

To Apply: Qualified candidates please submit your resume online by visiting our website at [www.watersconsulting.com/recruitment](http://www.watersconsulting.com/recruitment). This position is open until filled; however, the first review of applicants will take place approximately **May 29, 2009**. For more information please contact **Andrea Sims** by calling 216.397.2971. Final candidate interviews with City Council will take place in July 2009, with the successful candidate expected to adhere to the City's residency requirement within 6 months of their appointment.

**The City of Troy, Michigan is an Equal Opportunity Employer  
and values diversity at all levels of its workforce!**

**Note:** In accordance with Michigan law regarding open meetings and records, in order to allow application materials to be treated confidentially, applicants must request confidentiality. Application materials of finalists will become public when City Council selects their finalists for the position.



# TOWN HALL MEETING CITY MANAGER – EXECUTIVE SEARCH

## AGENDA

TUESDAY, MAY 12, 2009

5:00 PM – 7:00 PM

TROY COMMUNITY CENTER (248) 524-3484

ROOM NUMBER 302

3179 LIVERNOIS

TROY, MI 48084

1. Welcome and Introductions: Moderator Lori Grigg Bluhm, City Attorney
2. City Manager – Executive Search Process: Andrea Sims, Waters Oldani  
*Additional information pertaining to the search process is available on the City of Troy Web Page – [www.troymi.gov](http://www.troymi.gov)*
3. Public Input
4. Closing Remarks: Lori Grigg Bluhm

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



**THE WATERS  
CONSULTING  
GROUP, INC.**

TO: City of Troy

FROM: Andrea Sims

SUBJECT: Recruitment for the City Manager

The City of Troy has selected the Waters-Oldani Executive Recruitment, a Division of The Waters Consulting Group, to assist with the executive recruitment of your next City Manager. I will be the Lead Consultant.

The purpose for the questionnaire is to seek information for the development of a profile for determining the optimal candidate for City Manager as well as the current issues that he/she will be expected to address in his/her first six to eighteen months:

1. Briefly describe your background and service with the City and your working relationship with the City Manager.
2. Identify what you consider to be the highest priority issues that the new City Manager must address in his/her first year of employment.
3. What programs, projects or processes would you like to see implemented or changed by the next City Manager?
4. Please provide any additional information that would be helpful to give Waters-Oldani Executive Recruitment a better understanding of the community, city organization, high-priority current issues, and the position of City Manager.

If you have questions, please contact me via email at [asims@watersconsulting.com](mailto:asims@watersconsulting.com) by Tuesday, May 12<sup>th</sup>.

Thank you for your assistance.

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## Scheduling Special Meetings with Executive Search Firm

### Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, At the April 16, 2009, City Council approved Key Activities and Dates schedule requesting key dates that the Council will need to call Special City Council Meetings as part of the City Manager Executive Search process, which has been subsequently revised;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** Special City Council Meetings and Closed City Council Meetings as outlined below:

- Monday, June 22, 2009, from 5:00 PM to 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of meeting in CLOSED Session, as permitted by MCL 15.268 (f) and MCL 15.268 (h) – MCL 15.243(e) & (k)), to review material and deliberate and / or select finalists to be scheduled for interviews.
- Monday, July 6, 2009, from 5:00 PM to 7:00 PM, in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of meeting in CLOSED Session, as permitted by MCL 15.268 (f) and MCL 15.268 (h) – MCL 15.243(e) & (k))to review material and deliberate and finalize interview questions and protocol.
- July 7, 2009 from 5:30 PM until 7:30 PM, in room 304 of the Community Center, 3179 Livernois, Troy, MI 48084 for the purpose of conducting a Town Hall Forum where Council, public, employees and news media can meet and greet the finalists
- July 8, 2009, at 9:00 AM, in the Council Board Room, of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of conducting public interviews. Each interview will last approximately one hour and fifteen minuets
- July 9, 2009, at 7:00 PM, in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of deliberating and selecting a new City Manger, contingent upon completion of reference and background checks, negotiation of contract and a starting date.

Yes:

No:

## **KEY ACTIVITIES AND DATES**

### **CITY OF TROY CITY MANAGER SEARCH**

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#### **April 27, 2009**

Send draft advertising schedule to City Council members for approval prior to placing advertisement. Targeted approval date is April 28, 2009 for immediate placement of advertising.

Send WCG profile questions to City Council members for the recruitment brochure. Send profile development request to City Attorney for brochure development (Andrea, WCG)

#### **April 29 – May 29, 2009**

Post and advertise the position and begin resume review. (First review date is May 29, 2009)

#### **May 4 - May 6**

Prepare draft brochure (all sections with the exception of Current Issues) for review with City Council

#### **May 11 and 12**

Meet with City Council to gain a further understanding of the position, clarify expectations and the key issues with successful candidate will be expected to manage within his/her first year. Get approval of brochure PDF, draft marketing list and recruitment strategy. (Andrea & Council)

Conduct community and employee forum meetings to solicit community, department officials, employee union(s) and other key stakeholders input on desired qualities and characteristics for the city manager. (Andrea Sims and council members who can attend the community meetings)

#### **May 18 – 29**

Direct Marketing of the Recruitment Brochure (national mailing – email and hard copy). Brochure will be posted on WCG website and emailed to those that have applied to-date.

#### **June 1 - June 12**

Review applicant resumes, request that they complete a Candidate Questionnaire and the respond to WCG Due Diligence Questions. Conduct telephone interviews with the most

promising candidates. The most promising candidates will also complete the WCG Career Navigation Test and have LEXIS/NEXIS checks (Andrea Sims, WCG)

### **June 15**

Submit notebooks to the City Council that will include a review of all the candidates and Andrea's rationale for selecting the best candidates. (Andrea Sims, Selection Committee)

### **June 22**

Meet with City Council in closed session to review material and agree on finalists to be scheduled for interviews. (City Council and Andrea Sims)

### **June 23**

Contact finalists and schedule interviews. (Andrea Sims, WCG)

Each of the finalists will receive a report containing the issues, comments, concerns, expectations, and goals of the council, departmental officials, employees, community, and other key stakeholders gathered from the questionnaires and public and employee forum meetings. They will also receive a copy of the city's budget, audit report, and audit letter. The finalists will then prepare a written response as to how they would address the items in the report, if he/she becomes the new City Manager. (Finalists, Andrea Sims, WCG)

Continue background investigations. (Andrea Sims, WCG)

### **July 6**

Finalists' written plans of action are due. Background investigation reports (Credit, Criminal, Civil, and Motor Vehicle Records), References are included in the WCG Candidate Profile Books (Finalists, Andrea Sims, WCG)

### **July 6**

Meet with City Council to conduct interview training and select a set of structured interview questions. (City Council and Andrea Sims, WCG)

### **July 7**

From approximately 5:30 until 7:00 p. m., City Council will conduct a public forum where the council, public, employees and news media can meet and greet the finalists. (Council and Andrea Sims)

### **July 8**

The council will conduct public interviews. Each interview will last approximately one hour and fifteen minutes. (Council and Andrea Sims)

### **July 9**

In a public meeting, the City Council will deliberate and select a new City Manager (narrow to one preferred, one alternate CM), contingent upon completion of any additional reference and background checks, negotiation of contract and a starting date. (Council and Andrea Sims)

### **July 14-21**

Make offer to hire, negotiate contract and a starting date. (Candidate, Council and Andrea Sims, WCG)

Special Meeting of the Troy City Council was held Thursday, April 16, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:03 PM.

**ROLL CALL**

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

**DISCUSSION ITEM:**

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**1. Meeting with Charles Blockett, Jr. and Associates, Inc. for introductions and discussion regarding executive search for City Manager**

A round table discussion took place between Charles Blockett, City Council and members of City staff in regard to the executive search process for city manager proposed by Charles Blockett, Jr. and Associates.

The meeting **RECESSED** at 7:42 PM.

The meeting **RECONVENED** at 7:48 PM.

**PUBLIC COMMENT**

The meeting **ADJOURNED** at 10:44 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

A Regular Meeting of the Troy City Council was held Monday, April 20, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Father John J. Mech of St. Anastasia Catholic Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

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

## CERTIFICATES OF RECOGNITION:

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### A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program for the months of January and February, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,330.75 to Cindy Corey, Associate Development Director for Forgotten Harvest.
- b) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Barbara Myhal, Troy Community Lions Club President and Troy Community Lions Club members recognizing April 24 through May 3, 2009 as *White Cane Week*.
- c) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Linda Ammar of the National Association of Letter Carriers (NALC) recognizing May 9, 2009 as *Stamp Out Hunger Food Drive Day*.

## CARRYOVER ITEMS:

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B-1 No Carryover Items

## PUBLIC HEARINGS:

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C-1 No Public Hearings

## POSTPONED ITEMS:

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D-1 No Postponed Items

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

**REGULAR BUSINESS:**

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E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Board of Zoning Appeals; Parks & Recreation Board; and Personnel Board**

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

**(b) City Council Appointments**

Resolution #2009-04-130  
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:

**Board of Zoning Appeals**

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

Glenn Clark Term Expires 04/30/2012

**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

JoAnn Thompson - Sr. Adv. Comm. Rep. Term Expires 04/30/2010

**Personnel Board**

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

Albert T. Nelson, Jr Term Expires 04/30/2012

Yes: All-7

**MOTION CARRIED**

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

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

**(b) City Council Nominations**

Resolution #2009-04-131  
Moved by Howrylak  
Seconded by Broomfield

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

**Personnel Board**

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

F. (Jack) Witt, III

Term Expires 04/30/2012

Yes: All-7

**MOTION CARRIED**

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**E-3 Chapter 60 – Fees and Bonds Required – Police Department Records Section Service Fees**

Resolution #2009-04-132

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code, Section 60.04, Fee Schedule, Police Department Records Section Service Fees, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-4 Bid Waiver – Sole Source Service – FireService Management**

Resolution #2009-04-133

Moved by Kerwin

Seconded by Eisenbacher

WHEREAS, FireService Management is the sole known local service provider for cleaning and repair of turn-out gear – protective clothing for the City’s firefighters;

WHEREAS, Before FireService Management can make an evaluation or repair, the clothing must be professionally cleaned to remove potential carcinogens; and

WHEREAS, It is desirable that in order to extend the life and service of the Fire Department’s protective clothing, it is in the City’s and firefighters best interest to clean and repair turn-out gear and replace when beyond their useful life of ten years;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to enter into a contract with FireService Management of Southfield, MI, for cleaning and repair of turn-out gear – protective clothing in an amount not-to-exceed \$20,000.00 each year.

Yes: All-7

## MOTION CARRIED

### Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2009-04-134

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business*, and **AUTHORIZE** City Council to amend their agenda to allow Council to discuss and take action on Item E-5 *Executive Search*, which does not appear on the printed agenda.

Yes: All-7

## MOTION CARRIED

### Vote on Resolution to Rescind Resolution #2009-03-121

Resolution #2009-04-135

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **RESCINDS** Resolution #2009-03-121, Moved by Eisenbacher and Seconded by Howrylak, which engaged the firm of Charles Blockett, Jr. and Associates, Inc. for executive recruitment services for the position of City Manager.

Yes: All-7

## MOTION CARRIED

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### **E-5 Executive Search Firm for City Manager**

#### **A. Approval of Contract for Executive Search Firm for City Manager**

Resolution

Moved by Kerwin

Seconded by Beltramini

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, City Council has selected low bid to specifications and number one ranked Michigan Municipal League (MML) to perform an executive search for a City Manager; and

WHEREAS, At the April 20, 2009, Regular City Council meeting the City Attorney presented City Council with a proposed Contract for Executive Search Services; and

WHEREAS, The final contract will be substantially similar as the draft contract provided and as amended by the search firm proposal, and there is a need to expedite the process, in consideration of tight time constraints;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to negotiate a final contract for Executive Search Services with the Michigan Municipal League (MML), and if the contract is substantially similar to the draft, with the exception of changes in the proposal, then the Mayor and the City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**Vote on Resolution to Amend A. Approval of Contract for Executive Search Firm for City Manager by Substitution**

Resolution #2009-04-136

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** resolution A. *Approval of Contract for Executive Search Firm for City Manager* by **STRIKING** all references to “Michigan Municipal League (MML) and **SUBSTITUTE** by **INSERTING** “Waters-Oldani Executive Recruitment.”

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Schilling, Beltramini

**MOTION CARRIED**

**Vote on Resolution A. Approval of Contract for Executive Search Firm for City Manager as Amended**

Resolution #2009-04-137

Moved by Kerwin

Seconded by Beltramini

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, City Council has selected low bid to specifications and number one ranked Waters-Oldani Executive Recruitment to perform an executive search for a City Manager; and

WHEREAS, At the April 20, 2009, Regular City Council meeting the City Attorney presented City Council with a proposed Contract for Executive Search Services; and

WHEREAS, The final contract will be substantially similar as the draft contract provided and as amended by the search firm proposal, and there is a need to expedite the process, in consideration of tight time constraints;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to negotiate a final contract for Executive Search Services with Waters-Oldani Executive Recruitment, and if the contract is substantially similar to the draft, with the exception of changes in the proposal, then the Mayor and the City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

### **MOTION CARRIED**

The meeting **RECESSED** 9:03 PM.

The meeting **RECONVENED** 9:20 PM.

### **B. Approval of Job Announcement for the Position of City Manager**

Resolution #2009-04-138B  
Moved by Beltramini  
Seconded by Fleming

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, At the April 16, 2009, City Council substantially approved a proposed job announcement for the position of City Manager, as revised;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the job announcement for the position of City Manager of the City of Troy as to substance and placed on the table tonight by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and **AUTHORIZES** the immediate placement of this announcement on the City of Troy Web Page.

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

### **MOTION CARRIED**

### **C. Approval of Long Advertisement for the Position of City Manager**

Resolution #2009-04-138C  
Moved by Beltramini  
Seconded by Fleming

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, At the April 16, 2009, City Council substantially approved a proposed job announcement for the position of City Manager, as revised;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the long advertisement for the position of City Manager of the City of Troy as to substance and placed on the table tonight by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and **AUTHORIZES** the immediate placement of this announcement on the City of Troy Web Page.

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Schilling

**MOTION CARRIED**

**D. Approval of Short Advertisement for the Position of City Manager**

Resolution #2009-04-138D

Moved by Beltramini

Seconded by Fleming

WHEREAS, City Council received proposals from executive search firms to search for the Troy City Manager, and

WHEREAS, At the April 16, 2009, City Council substantially approved a proposed job announcement for the position of City Manager, as revised;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the short advertisement for the position of City Manager of the City of Troy as to substance and placed on the table tonight by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and **AUTHORIZES** the immediate placement of this announcement on the City of Troy Web Page.

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Schilling

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2009-04-139

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-2 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

## MOTION CARRIED

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### F-3 City of Troy Proclamations:

Resolution #2009-04-139-F-3

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

- a) *White Cane Week* – April 24-May 3, 2009
- b) National Association of Letter Carriers *Stamp Out Hunger Food Drive Day* – May 9, 2009
- c) National Child Abuse Prevention and Awareness Month – April, 2009
- d) 2009 Law Day – May 1, 2009

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### F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-3 – Heide, Thunderbird, and Oliver Roads Water Main Replacement Project Nos. 08.503.5, 08.504.5, 08.505.5**

Resolution #2009-04-139-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-3, Heide, Thunderbird, and Oliver Roads Water Main Replacement to Teltow Contracting, Inc., 4678 Meldrum Road, Casco, MI 48064 at an estimated total cost of \$1,708,368.10; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

- b) **Standard Purchasing Resolution 1: Award to Low Bidders – Hauling/Disposal of Dirt and Debris**

Resolution #2009-04-139-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Hauling/Disposal of Dirt and Debris with an option to renew for one (1) additional year on an item by item basis to the low bidders after consideration was given to the discounts quoted:

Recommended Vendors	Item / Description	Price/Ton
Ahern Contracting Inc Chesterfield, MI	1. Broken concrete with and without wire, possibly mixed with fill dirt	\$4.29

Recommended Vendors	Item / Description	Price/Ton
Bedrock Maintenance Services Ortonville, MI	2. Broken asphalt possibly mixed with fill dirt 3. Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs & wood materials	\$4.49 (w/terms \$4.2655) \$4.49
Metropolitan Demolition, LLC Romulus, MI	4. Catch basin sludge and street sweepings - Pine Tree Acres -	\$14.50

at unit prices confirmed in the bid tabulation opened March 13, 2009, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring March 31, 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.

c) **Standard Purchasing Resolution 1: Award to Low Bidder – Pump Repair Services – Indoor and Outdoor Pools**

Resolution #2009-04-139-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, tools, equipment including cranes etc., and transportation services for two-year requirements of pump repair and emergency repairs on the City of Troy outdoor and indoor pools with two one-year renewal options to the low total bidder, Pro Seal Service Group of Pontiac, MI, at unit prices contained in the bid tabulation opened February 24, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire April 30, 2011; 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.

d) **Standard Purchasing Resolution 2: Sole Bidder – Ultraviolet Chloramines Destruct and Disinfection System**

Resolution #2009-04-139-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to install, start-up, and train staff for an ultraviolet chloramines destruct and disinfection system at the Troy Community Center indoor leisure and therapy pools to the sole bidder, B & B Pools and Spas of Livonia, MI, for an estimated total project cost of \$71,240.00, for the system detailed on the bid tabulation opened March 24, 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 the bidder submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements.

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**F-5 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)**

Resolution #2009-04-139-F-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Manager to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the Casualty and Property Insurance needs of the City.

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**F-6 Adoption of the City of Troy Identity Theft Prevention Program in Compliance with the Fair and Accurate Credit Transaction (FACT) Act of 2003 as amended November 9, 2007**

Resolution #2009-04-139-F-6

WHEREAS, Pursuant to federal law the Federal Trade Commission (FTC) regulations, adopted as 16 CFR section 681.2 require creditors, as defined by 15 U.S.C. section 1681a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered utility accounts by May 1, 2009;

WHEREAS, 15 U.S.C. section 1681a(r)(5) cites 15 U.S.C. section 1691a, which defines a creditor as someone that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore;

WHEREAS, The FTC regulations include utility companies in the definition of creditor;

WHEREAS, The City of Troy is a creditor with respect to 16 CFR section 681.2 by virtue of providing utility services or by otherwise accepting payment for municipal services in arrears;

WHEREAS, The FTC regulations define "covered account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account;

WHEREAS, The FTC regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts; and

WHEREAS, The City provides water and sewer services for which payment is made after the product is consumed or the service has otherwise been provided which by virtue of being utility accounts are covered accounts;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Identity Theft Prevention Program in compliance with the FTC regulations, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Identity Theft Prevention Program to be modified as necessary to keep up with technological advancements, and changes in operating processes and procedures.

---

**F-7 Authorization of Request for Reimbursement – Oakland County West Nile Virus Fund**

Resolution #2009-04-139-F-7

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy’s Parks and Recreation Department, to seek reimbursement for an amount not to exceed \$18,034.74, from the Oakland County’s West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of infected mosquitoes in the environment.

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**F-8 Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #53 – Sidwell #88-20-15-477-015 – Prashant S. Chaudhari and Purnima Chaudhari**

Resolution #2009-04-139-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$3,525.00 from the Prashant S. Chaudhari and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** payment to the property owners in the amount of \$8,519.00, if the existing fence needs to be removed as part of this project; and

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

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**F-9 Temporary Waiver of Parking Restrictions – Congregation Shir Tikvah**

Resolution #2009-04-139-F-9

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the East side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Saturday, April 25, 2009, 7:00 PM – 11:00 PM.

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

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

Resolution #2009-04-140  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 6, 2009 as corrected.

Yes: All-7

## **MOTION CARRIED**

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

---

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

- a) Adoption of the 2009/10 Annual Budget – May 11, 2009  
Noted and Filed
- 

### **G-2 Memorandums:**

- a) Update of Chapter 82 of the Troy City Code – Property Maintenance Code  
Noted and Filed
- b) Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office  
Noted and Filed
- 

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

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

## **COUNCIL COMMENTS:**

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### **I-1 Council Comments Advanced:**

Council Member Beltramini noticed in the Historic Commission's minutes that the bus is no longer available for Museum events and questioned whether there are plans to sell it.

John Lamerato, Assistant City Manager/Finance & Administration, replied that the Superintendent of Fleet Maintenance and the Parks and Recreation division are currently reviewing their options in regard to the usage of the bus. Mr. Lamerato explained that the bus is very expensive to keep in service and right now they are determining whether it makes economical sense to keep it.

Council Member Beltramini asked whether or not staff has investigated charging a fee for other uses such as sponsoring athletic bus trips or making it available for nonprofit groups.

Although the bus does not have bathroom facilities and it would not be advisable to use it for long trips, Mr. Lamerato indicated that that staff is considering using the bus for trips similar to what was mentioned by Council Member Beltramini. Mr. Lamerato expects to receive a report from staff within the next few days.

Council Member Beltramini shared the following information as a result of her meetings across the state:

**Community Projects:**

- City of Mason - Installed a new water treatment plant
- City of E. Lansing – Initiated a six week theme driven program geared to young professionals with topics that are of value to the community
- City of Allegan – The business community and city combined their websites to reach out to the community more effectively by including all pertinent information about the entire city for one stop shopping. The title of their website is “Only One Allegan”.

Council Member Beltramini reported that the City of Allegan received the Michigan Municipal League’s Region II award for their contribution.

Council Member Eisenbacher discussed regionalism and cooperation with other local communities. Council Member Eisenbacher would like to move forward with the proposal the city recently received from SEMCOG by cooperating with other communities as much as possible and use leverage where it makes sense in preparation for the 2010-2011 budget cycle. Council Member Eisenbacher requested staff to prepare a formal proposal in terms of how the city can move forward in initiating more regional cooperation.

Mayor Schilling suggested that this item wait until after the current budget has been completed.

Council Member Eisenbacher does not believe they have time to wait and would like to get started as soon as possible. He asked that a proposal be presented to City Council in two weeks.

Council Member Broomfield would also like to see a proposal brought forward now because she would like Mr. Szerlag to review the proposals to assist City Council in addressing the \$5.5M deficit that the city will face during the next budget cycle.

Council Member Beltramini agreed that City Council will be forced into making some difficult choices in the future. She continued by stating that perhaps this may be the umbrella under which to foster discussion which will include topics such as regionalism and budget decisions. She believes most of City Council would be comfortable in starting a series of study sessions to discuss these topics as quickly as possible.

Council Member Kerwin reported that Troy Youth Assistance will recognize some of Troy’s wonderful students at Athens High School on Wednesday, April 22<sup>nd</sup> at 7:00 PM.

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

- a) Retiree Health Care Benefits Plan & Trust/Final – January 14, 2009
- b) Historic Commission/Final – January 27, 2009
- c) Advisory Committee for Persons with Disabilities/Draft – February 4, 2009
- d) Advisory Committee for Persons with Disabilities/Final – February 4, 2009
- e) Liquor Advisory Committee/Final – February 9, 2009
- f) Ethnic Issues Advisory Board/Final – February 10, 2009
- g) Library Advisory Board/Final – February 12, 2009
- h) Parks and Recreation Advisory Board/Final – February 19, 2009

- i) Youth Council/Final – February 25, 2009
  - j) Advisory Committee for Senior Citizens/Final – March 5, 2009
  - k) Election Commission/Final – March 9, 2009
  - l) Planning Commission/Draft – March 10, 2009
  - m) Planning Commission/Final – March 10, 2009
  - n) Employees' Retirement System Board of Trustees/Draft – March 11, 2009
  - o) Youth Council/Draft – March 25, 2009
  - p) Building Code Board of Appeals/Draft – April 1, 2009
  - q) Advisory Committee for Senior Citizens/Draft – April 2, 2009
  - r) Election Commission/Draft – April 2, 2009
  - s) Library Advisory Board/Draft – April 9, 2009
  - t) Liquor Advisory Committee/Draft – April 13, 2009
  - u) Ethnic Issues Advisory Board/Draft – April 14, 2009
- Noted and Filed

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**J-2 Department Reports:**

- a) City Council Expense Report – April, 2009
  - b) Building Department – Permits Issued March, 2009
  - c) Risk Management – City Employees' Short-term Disability (STD), Long-term Disability (LTD), Life, and Accidental Death and Dismemberment (AD&D) Insurance Coverage
- Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Mayor and City Council from Michael Johnson in Appreciation of the Efforts of Cindy Stewart and Troy Citizens Academy Experience
  - b) Letter of Thanks to Troy Police Communications Staff from Florence Steele
- Noted and Filed

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

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**J-5 Troy Youth Assistance Board Meeting February 19, 2009 – Final Minutes**

Noted and Filed

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**J-6 Parks and Recreation Advisory Board Recommendation of Annual Budget**

Noted and Filed

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**J-7 Correspondence from Automation Alley Coordinating Council to MDOT in Support of the Troy/Birmingham Multi-Modal Transit Center**

Noted and Filed

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**J-8 Transmittal of Proposed Fiscal Year 2009/10 Annual Budget**

Noted and Filed

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**J-9 Communication from City Attorney Lori Grigg Bluhm and City Clerk Tonni Bartholomew Regarding City Council Absences**

Noted and Filed

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**J-10 Communication from Planning Director Mark Miller Regarding Council Comments Concerning the City of Sterling Heights**

Noted and Filed

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**J-11 Communication from Parks and Recreation Director Carol Anderson Regarding Lathrup Village Time Bank**

Noted and Filed

**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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

**CLOSED SESSION:**

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**L-1 Closed Session**

Resolution #2009-04-141  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) – *Rome Love v. City of Troy*.

Yes: All-7

**MOTION CARRIED**

The meeting **RECESSED** at 10:03 PM.

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

The meeting **ADJOURNED** at 10:20 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

A Special Meeting of the Troy City Council was held Monday, April 27, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

**ROLL CALL**

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

**DISCUSSION ITEM:**

- 
- 1. Proposed Fiscal Year 2009/2010 Annual Budget (Available for review at the City Clerk’s Office, City Library and on the City’s Website)**

The proposed *Fiscal Year 2009/10 Annual Budget* was presented by John M. Lamerato, Assistant City Manager/Finance & Administration.

The meeting **RECESSED** at 9: 50 PM.

The meeting **RECONVENED** at 10:03 PM.

John M. Lamerato, Assistant City Manager/Finance & Administration continued his presentation of the *Fiscal Year 2009/10 Annual Budget*.

**PUBLIC COMMENT**

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

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

A Special Meeting of the Troy City Council was held Monday, May 4, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

## ROLL CALL

**PRESENT:** Mayor Louise E. Schilling  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Wade Fleming  
Mary Kerwin

**ABSENT:** Mayor Pro Tem Martin Howrylak

## DISCUSSION ITEM:

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**1. Proposed Fiscal Year 2009/10 Annual Budget (Available for review at the City Clerk's Office, City Library and on the City's website)**

John M. Lamerato, Assistant City Manager/Finance & Administration presented an overview of the *Capital Projects and Enterprise Funds*

The meeting **RECESSED** at 8:59 PM.

The meeting **RECONVENED** at 9:11 PM.

### Budget Wrap-up

Consensus of Council to increase Local Road funding up to three million dollars and have Administration determine which Capital Improvement Project can be reduced to provide the necessary funds.

Council Member Bloomfield requested that Longevity and Vehicle Allowances be discussed further during the Council's Budgeting for Outcome sessions. Council Members Eisenbacher and Fleming agreed that looking at a potential reduction in these areas would be desirable over staff lay-offs.

Council Member Eisenbacher requested that the first check mark on page 21 of the Budget Policies be amended to indicate that capital investments will be considered for enhancement when there is an ability to leverage the city's assets and prioritize improvements when there are matching funds available. On Page 20 first check mark under Capital Improvement Budget Policies be amended by striking enhancement and replace with maintain.

Council Member Beltramini requested that the city have dialog with the residents to ascertain if the citizen's visions are the same as the Council's and then champion their help with the process. Mayor Schilling noted that some people will not participate in dialogs, but would rather complete a survey. She suggested a combination of dialogs and a survey.

Council Member Kerwin indicated that the Council needs to urge the State and County to support local issues.

Council Member Broomfield reminded Council of Mayor Pro Tem Howrylak's concern to have the \$250,000 earmarked from the Budget Stabilization Account to be transferred over to the Undesignated Fund. Administration indicated it appeared to be the Council's consensus to move forward with the \$250,000 as budgeted and then after the audit, consider a possible transfer as a budget amendment.

**PUBLIC COMMENT:**

Public comment received from:

David Ashland  
Marvin Reinhardt

**ADJOURNMENT**

The meeting **ADJOURNED** at 10:24 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

**PROCLAMATION  
MENTAL HEALTH MONTH  
MAY 2009**

**WHEREAS**, One in four of all Americans will experience a mental disorder that requires treatment at some point in their lives; and

**WHEREAS**, Stigma and stereotypes associated with mental illnesses can keep those living with such an illness from seeking treatment that could improve their quality of life and help them manage the illness effectively; and

**WHEREAS**, Mental illnesses are biologically based brain disorders. They cannot be overcome through “will power” and are not related to a person’s “character” or intelligence; and

**WHEREAS**, Mental health is critical for our well-being and vitality as well as that of our families, communities and businesses; and

**WHEREAS**, The World Health Organization has found that mental illness ranks first in terms of causing disability in the United States and is the most prevalent health problem in America today; and

**WHEREAS**, One in 10 children has a serious mental health disorder that, if untreated, can lead to school failure, physical illness, substance abuse and even suicide; and

**WHEREAS**, Mental illnesses are common to all countries and cause immense suffering. People with these disorders are often subjected to social isolation, poor quality of life and increased mortality;

**NOW, THEREFORE, BE IT RESOLVED**, That the Troy City Council does hereby proclaim **May 2009 as Mental Health Month** in the City of Troy, Michigan; and

**BE IT FURTHER RESOLVED**, That the City Council calls upon all citizens, community agencies, organizations and businesses in Troy to encourage all citizens of Troy to recommit to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

Signed this 11<sup>th</sup> day of May 2009.



## CITY COUNCIL ACTION REPORT

April 21, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Susan A. Leirstein, Purchasing Director  
Steven J. Vandette, City Engineer  
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Roof Replacement Engineering Field Office

### **Background**

- On April 7, 2009, bid proposals were received to replace the roof of the Engineering Field Office located at 3645 Crooks Road.
- The Engineering Field Office roof was replaced over 20 years ago by the previous owner of the building. The City of Troy purchased this building in 2006 and occupied the dwelling in July of the same year.
- In August of 2006, the Troy City Council approved \$27,060.00 in relocation and renovation repairs to this structure. Council Resolution # 2006-08-324-E-12
- The Building Operations department has been over numerous times to repair and re-attach blown off shingles to various areas of the roof structure.
- Specifications to replace the roof were developed by the Building Operations and the Building Inspection departments.
- 207 vendors were notified via the MITN system. Three (3) bid responses were received, as well as one statement of no bid. The low total bidder, Signature Design Building Company, LLC, will complete the project with a subcontractor, Moore Roofing, for an estimated total cost of \$14,317.00.
- Reference checks indicate previous customers are very satisfied with the work performed by Moore Roofing, who has been in business for 25 years.

### **Financial Considerations**

- Funding for this work is available in the Engineering Buildings and Improvements Capital Account #401.442.442.7975.120.

### **Legal Considerations**

- ITB-COT 09-15, to replace the roof system at the Engineering Field Office was competitively bid in accordance with City Charter and Code.
- The award is contingent upon contractor's submission of properly executed insurance certificates, bonds, and all other specified requirements.

April 21, 2009

To: John Szerlag, Acting City Manager  
Re: Bid Award – Roof Replacement Engineering Field Office

**Policy Considerations**

- Maintenance of this property will provide long term stability to the City of Troy building infrastructure. (Outcome Statement II)
- Proper maintenance helps retain and attract investment while encouraging redevelopment. (Goal III)

**Options**

- City management and the Building Operations department recommend awarding a contract to replace the roof at the Engineering Field Office to the low total bidder, Signature Design Building Company, LLC of Fowlerville, MI, who will complete the project with a subcontractor, Moore Roofing, for an estimated total cost of \$14,317.00, at unit prices contained in the bid tabulation opened April 7, 2009.

Opening Date -- 4/7/09  
 Date Prepared -- 4/14/09

CITY OF TROY  
 BID TABULATION  
 ROOF REPLACEMENT -FIELD ENGINEERING

VENDOR NAME:	** Signature Design Building Company, LLC	Constantine, Inc.	Butcher & Baecker Construction
CHECK #:	31079366	9479200754	9026001595
CHECK AMOUNT:	5% \$600.00	\$544.00	\$550.00

**PROPOSAL: ROOF REPLACEMENT OF ENGINEERING FIELD OFFICE at 3645 Crooks Road, TROY**

Remove and replace the roof system in accordance with specifications for a 40-Year, Dimensional Fiberglass Shingle System

<b>COMPLETE FOR THE SUM OF:</b>	<b>\$ 11,198.00</b>	\$ 10,865.00	\$ 15,000.00			
<b>MANUFACTURED BY:</b>	Certaiteed	Certaiteed	Certaiteed			
<b>Additional Costs: Materials</b>	<b>Est. Qty.</b>	<b>Price</b>	<b>Est. Qty.</b>	<b>Price</b>	<b>Est. Qty.</b>	<b>Price</b>
4' x 8' 1/2" Plywood		\$ 43.00		\$ 40.00		\$ 83.00
4' x 8' 3/4" Plywood	42	\$ 50.00	42	\$ 56.00	42	\$ 95.00
4' x 8' 5/8"		\$ 43.00		\$ 48.00		\$ 89.00
2" x 4" Wood Rafters		\$ 1.00		\$ 2.75		\$ 12.50
2" x 6" Wood Rafters		\$ 1.25		\$ 3.00		\$ 12.65
2" x 8" Wood Rafters	44	\$ 1.50	44	\$ 3.25	44	\$ 13.05
2" x 4" Collar Ties	11	\$ 0.50	11	\$ 2.75	11	\$ 12.50
2" x 6" Ridge Board	48	\$ 2.45	48	\$ 3.00	48	\$ 12.65
Knee Wall	0	\$ -	0	\$ -	0	\$ 13.00
<b>ESTIMATED TOTAL FOR MATERIALS</b>	<b>\$ 2,289.10</b>	\$ 2,669.25	\$ 5,308.90			
<b>ESTIMATED TOTAL:</b>	<b>\$ 13,567.10</b>	\$ 13,534.25	\$ 20,308.90			

**OPTIONAL: Alternative - Remove existing gutters and provide / install new aluminum gutters, etc.**

<b>COMPLETE FOR THE SUM OF:</b>	<b>\$ 750.00</b>	\$ 960.00	\$ 1,600.00
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<b>ESTIMATED GRAND TOTAL:</b>	<b>\$ 14,317.10</b>	\$ 14,494.25	\$ 21,908.90
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INSURANCE: Can Meet / Cannot Meet	XX	XX	XX
CONTACT INFORMATION			
Hrs of Operation	8:00 AM to 9:00 PM	7:30 AM to 4:30 PM	8:00 AM to 5:00 PM
24 Hr Phone No.	517-375-3395	586-726-9931	248-852-2323
SITE INSPECTION: Y/N (mandatory)	Yes	Yes	Yes
Date	3/24/2009	3/24/2009	3/24/2009
COMPLETION DATE:	June 15, 2009		
Can Meet / Cannot Meet	XX	XX	XX
BIDDER QUESTIONNAIRE: Y or N	Yes	Yes	Yes
PAYMENT TERMS:	30 Days	Blank	Net 30
WARRANTY:	2 Year Maintenance	Blank	2 Years
EXCEPTIONS:	Dimensional Lumber is SPF, Not SYP because of minimum order	Blank	Blank
ACKNOWLEDGEMENT: Y or N	Yes	Yes	Yes
ADDENDUM 1: Y or N	Yes	No	Yes
<b>NOTE:</b> Subcontractor Moore Roofing -			

**NO BIDS:**  
 Bloomfield Construction

**ATTEST:**  
 Barbara Pallotta  
 Mary Ann Hays  
 Bryan Olesek  
 Linda Bockstanz

**\*\* DENOTES LOW TOTAL BIDDER**

Susan Leirstein CPPB  
 Purchasing Director

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

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#### **E-12 Relocation and Renovation of the Engineering Field Office**

Resolution #2006-08-324-E-12

RESOLVED, That City staff is **AUTHORIZED** to relocate and renovate office space for the Field Engineering Department, as outlined in Detailed Cost Estimates listed in Appendix A, for an estimated total cost of \$27,060.80 using in-house personnel, approved contracts, and standard purchasing procedures; and

BE IT FUTHER RESOLVED, That the 2006-07 Capital Budget be **AMENDED** to transfer the funds from the sale of the remnant parcel adjacent to the Rochester Road property to the Capital Budget to cover this expenditure.

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#### **E-14 Application for Transfer of Class C License for Troy Party Store**

##### **(a) New License**

Resolution #2006-08-324-E-14a

RESOLVED, That the request from Czaryd Enterprises, Inc., to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1,000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2,000 shares of stock to new stockholder, Daniel Rydzewski, located at 6990 John R, Troy, MI 48085, Oakland, be **CONSIDERED** for **APPROVAL**; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

##### **(b) Agreement**

Resolution #2006-08-324-E-14b

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Czaryd Enterprises, Inc., to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1,000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2,000 shares of stock to new stockholder, Daniel Rydzewski, located at 6990 John R, Troy, MI 48085, Oakland County, and the Mayor



## CITY COUNCIL ACTION REPORT

May 4, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Susan A. Leirstein, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Irrigation System Restoration – Crooks Road/Crescent Ridge Subdivision

### **Background**

- On April 21, 2009, bids were opened to furnish all necessary materials, labor, and equipment to restore the irrigation system on the west side of Crooks Road, along the Crescent Ridge Subdivision that was removed to facilitate the Crooks Road – Square Lake to Auburn Road reconstruction project completed last summer. Michigan Automatic Sprinkler, Inc. of Commerce, MI was the low bidder at an estimated total cost of \$12,913.00.
- 176 vendors were notified via the MITN system. Seven (7) vendors returned complete bids.
- All bidders were given the opportunity to respond with their level of interest in furnishing the materials, labor, and equipment as specified.
- Although this was an Oakland County Road Commission project, there was financial participation from the City of Troy for the section of the project from Square Lake to South Boulevard.
- Irrigation is a non-participating item under federal guidelines for road projects, and as such was not a bid item at the time of construction.
- The City is under obligation to restore the irrigation system that was in place on Crescent Ridge Subdivision property before the road project began.
- Once restored to pre-road project condition, the maintenance for the restored irrigation system as well as the cost of the water used will be the responsibility of the Crescent Ridge Subdivision Homeowners Association.

### **Financial Considerations**

- Funds for this irrigation project are budgeted in Streets – Major Roads – Public Works Construction, Account #401.447.479.7989.941086.

May 4, 2009

To: John Szerlag, Acting City Manager  
Re: Bid Award – Irrigation System Restoration

### **Legal Considerations**

- ICB-COT 09-20 for irrigation system restoration on the west side of Crooks Road was competitively bid as required by City Charter and Code.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance and all other specified requirements.

### **Policy Considerations**

- The restoration of the irrigation system will add value to those Crescent Ridge residential properties that abut Crooks Road. (Outcome Statement II)

### **Options**

- City management and the Parks and Recreation department recommend awarding a contract to furnish all necessary materials, labor and equipment to restore the irrigation system on the west side of Crooks Road along the Crescent Ridge Subdivision to *Michigan Automatic Sprinkler, Inc., 4350 Pineview, Commerce, MI 48390* for an estimated total of \$12,913.00, with unit prices provided in the schedule of values submitted at the time of bid submission.



**SCHEDULE OF VALUES**

Your company **MUST** complete this form. The unit price shall include the labor cost to install the item.

<b>Material</b>	<b>Unit Cost Including Labor</b>
Rain Bird 3500 series rotor w/1.0 nozzle	\$ 90.00 EA
Rain Bird 5RC quick coupling valve, 1"	\$ 185.00 EA
Rain Bird PGA series electric valve, 1.0"	\$ 125.00 EA
Rain Bird ESP-Modular Series Controller	\$ 350.00 EA
Febco 765 pressure vacuum breaker, 2.0"	\$ 450.00 EA
Brass gate valves, 2.0"	\$ 125.00 EA
Poly Main line, 100 PSI, NSF, 1.5"	\$ 1.50 LF
Poly lateral, 100 PSI, NSF, 1.0"	\$ 1.00 LF
PVC Pipe 4" – Class 200	\$ 18.00 LF
Cost per foot of Trench – in the event any rock is encountered	\$ 1.00 LF
<b>OTHER:</b>	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Michigan Automatic Sprinkler Inc

ITB-COT 09-20 Irrigation Project - Crooks

Opening Date -- 4/21/09  
 Date Prepared -- 4/28/09

CITY OF TROY  
 BID TABULATION  
 IRRIGATION PROJECT - CROOKS ROAD - WEST

VENDOR NAME:	<b>Michigan Automatic Sprinkler, Inc.</b>	Marc Dutton Irrigation, Inc.	American Sprinkler
CHECK # --	343770366	9068801264	697718395
CHECK AMOUNT --	<b>\$1,500.00</b>	<b>\$1,500.00</b>	<b>\$1,500.00</b>

**PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION PROJECT FOR CROOKS ROAD - WEST SIDE IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWING**

<b>COMPLETE FOR THE SUM OF:</b>	**	<b>\$ 12,913.00</b>	\$ 14,700.00	\$ 14,837.00
SCHEDULE OF VALUES: Attached	Y or N	Yes	Yes	Yes
CONTACT INFORMATION:				
Hrs of Operation		8 AM to 5 PM M-F	8 AM to 5 PM	8 AM to 5 PM
Phone Number		248-310-7521	248-866-0995	734-320-1161
SUBCONTRACTORS: Marked as		NA	Blank	N/A
INSURANCE: Can Meet		XX	XX	XX
Cannot Meet				
COMPLETION DATE:		<b>MAY 31, 2009</b>		
Can Meet		XX	XX	XX
Cannot Meet				
SITE INSPECTION: Y/N		Yes	Yes	Yes
Date		April 7th & 17th	4/14/2009	4/17/2009
PAYMENT TERMS:		30 Days	30 Days	Net 20
GUARANTEE:		<b>SEE SPECIFICATIONS, Page 5-6 of 10</b>		
EXCEPTIONS:		Blank	None	Blank
ACKNOWLEDGEMENT SIGNED	Y or N	Yes	Yes	Yes
ADDENDA #1, #2, & #3 Attached:	Y or N	Yes - #1 & #3	Yes - #1 & #3	Yes - #1 only

**ATTEST:**

Jeff Biegler  
 Diane Fisher  
 Linda Bockstanz

**\*\* DENOTES LOW BIDDER**

Susan Leirstein CPPB  
 Purchasing Director

Opening Date -- 4/21/09  
 Date Prepared -- 4/28/09

CITY OF TROY  
 BID TABULATION  
 IRRIGATION PROJECT - CROOKS ROAD - WEST

ITB-COT 09-20  
 Pg 2 of 3

VENDOR NAME:	TechSeven	American Lawn	Michigan Irrigation
CHECK # --	837282899	697710167	697747524
CHECK AMOUNT --	<b>\$1,500.00</b>	<b>\$1,500.00</b>	<b>\$1,500.00</b>
<b>PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION PROJECT FOR CROOKS ROAD - WEST SIDE IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWING</b>			
<b>COMPLETE FOR THE SUM OF:</b>	\$ 14,875.00	\$ 16,750.00	\$ 20,183.00
SCHEDULE OF VALUES: Attached Y or N	Yes	Yes	Yes
CONTACT INFORMATION:			
Hrs of Operation	9 AM to 5 PM	8 AM to 4 PM	7 AM to 7 PM
Phone Number	586-491-8974	810-499-2480	586-899-9384
SUBCONTRACTORS: Marked as	Subcon	Sub List	Check mark <input checked="" type="checkbox"/>
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
COMPLETION DATE:	<b>MAY 31, 2009</b>		
Can Meet	XX	XX	XX
Cannot Meet	XX		
SITE INSPECTION: Y/N	Offer: 6/30/09		
Date	Yes	Yes	Yes
	3/27/2009	4/9/2009	4/20/2009
PAYMENT TERMS:	Net 30	Paid in full after completion & acceptance	Net 30
GUARANTEE:	<b>SEE SPECIFICATIONS, Page 5-6 of 10</b>		
EXCEPTIONS:	Attached To Bid	Blank	Blank
ACKNOWLEDGEMENT SIGNED Y or N	Yes	Yes	Yes
ADDENDA #1, #2, & #3 Attached: Y or N	Yes - #1, #2 & #3	Yes - #3 only	Yes - #1 & #3

Opening Date -- 4/21/09  
 Date Prepared -- 4/28/09

CITY OF TROY  
 BID TABULATION  
 IRRIGATION PROJECT - CROOKS ROAD - WEST

ITB-COT 09-20  
 Pg 3 of 3

VENDOR NAME:	Bob's Landscaping		
	Service, Inc.		
CHECK # --	68715		
CHECK AMOUNT --	<b>\$1,500.00</b>		
<b>PROPOSAL -- FURNISH ALL NECESSARY MATERIALS, LABOR AND EQUIPMENT TO COMPLETE THE CITY OF TROY IRRIGATION PROJECT FOR CROOKS ROAD - WEST SIDE IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWING</b>			
<b>COMPLETE FOR THE SUM OF:</b>	\$ 27,749.00		
SCHEDULE OF VALUES: Attached Y or N	Yes		
CONTACT INFORMATION:			
Hrs of Operation	9 AM to 5 PM		
Phone Number	810-499-5043		
SUBCONTRACTORS: Marked as	1A		
INSURANCE: Can Meet	XX		
Cannot Meet			
COMPLETION DATE:	<b>MAY 31, 2009</b>		
Can Meet	XX		
Cannot Meet			
SITE INSPECTION: Y/N	Yes		
Date	4/17/2009		
PAYMENT TERMS:	Net 30		
GUARANTEE:	<b>SEE SPECIFICATIONS, Page 5-6 of 10</b>		
EXCEPTIONS:	Blank		
ACKNOWLEDGEMENT SIGNED Y or N	Yes		
ADDENDA #1, #2, & #3 Attached: Y or N	Yes - #1 #2 #3		



## CITY COUNCIL ACTION REPORT

May 4, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
Steven J. Vandette, City Engineer *SV*

SUBJECT: Standard Purchasing Resolution #1: Award to Low Bidder  
Contract 09-7 – Beach, Ring and Technology Pavement Rehabilitation

### Recommendation:

- It is recommended that City Council award a contract for the Beach, Ring and Technology Road Rehabilitation project to Asphalt Specialists, Inc., 1780 E. Highwood, Pontiac, MI 48340, for their low bid amount of \$298,384.00. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown joint conditions exposed after the milling operation and prior to placement of the asphalt overlay.

### Background:

- Bids were received and publicly read on April 30, 2009. The low bid of \$298,384.00 was submitted by Asphalt Specialists, Inc., 1780 E. Highwood, Pontiac, MI 48340, as shown on the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$330,236.00. The low bid is \$31,852.00 or 9.64% below the Engineer's estimate.
- The work to be performed includes approximately 7,600 square yards of pavement milling (grinding) and 1,800 tons of asphalt overlay.
- Work is scheduled to begin late May 2009 and be complete by June 30, 2009.

### Financial Considerations:

- Funds for this work are included in the 2008/09 Major Road fund, account number 401.447.479.7989.300. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

### Legal Considerations:

- Work was competitively bid and publicly opened with eight (8) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

### Policy Considerations:

- Enhance the livability and safety of the community (Goal I).
- Retain and attract investment while encouraging redevelopment (Goal III).
- Maintain relevance of public infrastructure to meet changing public needs (Goal V).

## Bid Comparison

**Contract ID:** 09-7  
**Contract Year:** 2009  
**Description:** Beach, Ring and Technology  
**Location:**  
**Projects(s):** Contract 09-7

Rank	Bidder	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	\$330,236.00	10.67%	0%
1	Asphalt Specialists, Inc.	\$298,384.00	0%	-9.64%
2	Ajax Paving Industries, Inc.	\$333,300.45	11.70%	0.92%
3	Cadillac Asphalt, LLC.	\$343,916.00	15.25%	4.14%
4	ABC Paving Company	\$345,871.90	15.91%	4.73%
5	Al's Asphalt Paving Co., Inc.	\$350,759.15	17.55%	6.21%
6	Barrett Paving Materials, Inc.	\$354,545.40	18.82%	7.36%
7	Florence Cement Company	\$365,098.30	22.35%	10.55%
8	John Carlo, Inc.	\$393,614.89	31.91%	19.19%

Line	Pay Item Code	Quantity	Units	(0) ENGINEER'S ESTIMATE		(1) Asphalt Specialists, Inc.		(2) Ajax Paving Industries, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0001	1000001	1.00	LS	\$10,000.00	\$10,000.00	\$5,249.30	\$5,249.30	\$5,700.00	\$5,700.00
	Mobilization, Max. _____			\$10,000.00					
0002	2040006	400.00	Ft	\$6.00	\$2,400.00	\$5.00	\$2,000.00	\$9.00	\$3,600.00
	Curb and Gutter, Rem								
0003	2040011	980.00	Syd	\$5.00	\$4,900.00	\$5.50	\$5,390.00	\$9.00	\$8,820.00
	Pavt, Rem								
0004	2040013	1,859.00	Syd	\$6.00	\$11,154.00	\$1.00	\$1,859.00	\$7.85	\$14,593.15
	Sidewalk, Rem								
0005	2050041	100.00	Cyd	\$20.00	\$2,000.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00
	Subgrade Undercutting, Type II , Modified								
0006	2080011	8.00	Ea	\$200.00	\$1,600.00	\$95.00	\$760.00	\$95.00	\$760.00
	Erosion Control, Filter Bag								
0007	3020001	100.00	Ton	\$15.00	\$1,500.00	\$20.00	\$2,000.00	\$25.00	\$2,500.00
	Aggregate Base , 21AA Limestone								
0008	4030050	3.00	Ft	\$100.00	\$300.00	\$200.00	\$600.00	\$250.00	\$750.00
	Dr Structure, Adj, Add Depth								
0009	4030051	2,000.00	Lb	\$1.00	\$2,000.00	\$1.10	\$2,200.00	\$1.25	\$2,500.00
	Dr Structure Cover								
0010	4030052	8.00	Ea	\$300.00	\$2,400.00	\$600.00	\$4,800.00	\$565.00	\$4,520.00
	Dr Structure Cover, Adj, Case 1								
0011	5020004	7,600.00	Syd	\$5.00	\$38,000.00	\$2.70	\$20,520.00	\$3.40	\$25,840.00
	Cold Milling Conc Pavt								
0012	5020015	400.00	Ft	\$1.50	\$600.00	\$1.90	\$760.00	\$0.50	\$200.00
	Joint and Crack, Cleanout								
0013	5020020	1,200.00	Ft	\$6.00	\$7,200.00	\$6.25	\$7,500.00	\$0.50	\$600.00
	Pavt Joint and Crack Repr, Det 7								
0014	5020021	400.00	Ft	\$7.00	\$2,800.00	\$8.00	\$3,200.00	\$0.50	\$200.00
	Pavt Joint and Crack Repr, Det 8								
0015	5020025	10.00	Ton	\$100.00	\$1,000.00	\$190.00	\$1,900.00	\$743.00	\$7,430.00
	Hand Patching								
0016	5020031	630.00	Ton	\$50.00	\$31,500.00	\$56.00	\$35,280.00	\$59.00	\$37,170.00
	HMA, 3C								

Line	Pay Item Code	Quantity	Units	(0) ENGINEER'S ESTIMATE		(1) Asphalt Specialists, Inc.		(2) Ajax Paving Industries, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0017	5020032 HMA, 4C	630.00	Ton	\$55.00	\$34,650.00	\$58.00	\$36,540.00	\$57.50	\$36,225.00
0018	5027011 _ Interlayer Paving Mat	7,600.00	Syd	\$3.50	\$26,600.00	\$3.00	\$22,800.00	\$3.01	\$22,876.00
0019	5027031 _ Wedging	50.00	Ton	\$100.00	\$5,000.00	\$65.00	\$3,250.00	\$61.50	\$3,075.00
0020	6020015 Conc Base Cse, Nonreinf, 6 inch	400.00	Syd	\$20.00	\$8,000.00	\$28.50	\$11,400.00	\$28.50	\$11,400.00
0021	6020166 Conc Pavt with Integral Curb, Nonreinf, 9 inch	580.00	Syd	\$40.00	\$23,200.00	\$33.00	\$19,140.00	\$36.75	\$21,315.00
0022	8020031 Curb and Gutter, Conc, Det D2 , Modified	400.00	Ft	\$15.00	\$6,000.00	\$16.75	\$6,700.00	\$16.00	\$6,400.00
0023	8030002 Sidewalk, Conc, 4 inch	1,321.00	Sft	\$4.00	\$5,284.00	\$3.50	\$4,623.50	\$4.00	\$5,284.00
0024	8030011 Sidewalk Ramp, ADA , Modified	538.00	Sft	\$6.00	\$3,228.00	\$7.90	\$4,250.20	\$6.50	\$3,497.00
0025	8110025 Pavt Mrkg, Ovly Cold Plastic, 4 inch, White , WRI	300.00	Ft	\$2.50	\$750.00	\$3.60	\$1,080.00	\$3.50	\$1,050.00
0026	8110026 Pavt Mrkg, Ovly Cold Plastic, 4 inch, Yellow , WRI	3,800.00	Ft	\$4.50	\$17,100.00	\$3.60	\$13,680.00	\$3.50	\$13,300.00
0027	8110031 Pavt Mrkg, Ovly Cold Plastic, 12 inch, White , WRI	100.00	Ft	\$7.00	\$700.00	\$10.10	\$1,010.00	\$9.90	\$990.00
0028	8110040 Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar , WRI	44.00	Ft	\$15.00	\$660.00	\$20.25	\$891.00	\$19.85	\$873.40
0029	8110045 Pavt Mrkg, Ovly Cold Plastic, Lt Turn Arrow Sym , WRI	2.00	Ea	\$150.00	\$300.00	\$210.00	\$420.00	\$205.00	\$410.00
0030	8110050 Pavt Mrkg, Ovly Cold Plastic, Only , WRI	3.00	Ea	\$150.00	\$450.00	\$235.00	\$705.00	\$230.00	\$690.00
0031	8110052 Pavt Mrkg, Ovly Cold Plastic, Rt Turn Arrow Sym , WRI	1.00	Ea	\$150.00	\$150.00	\$210.00	\$210.00	\$205.00	\$205.00
0032	8120030 Flag Control	1.00	LS	\$5,000.00	\$5,000.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00

Line	Pay Item Code	Quantity	Units	(0) ENGINEER'S ESTIMATE		(1) Asphalt Specialists, Inc.		(2) Ajax Paving Industries, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0033	8120050	1.00	LS	\$5,000.00	\$5,000.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00
	Minor Traf Devices								
0034	8507041	380.00	Cday	\$20.00	\$7,600.00	\$12.00	\$4,560.00	\$14.00	\$5,320.00
	_ Inspection Day								
0035	8507051	1.00	LS	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	_ RCOC Permit								
0036	2040011	400.00	Syd	\$5.00	\$2,000.00	\$6.00	\$2,400.00	\$13.50	\$5,400.00
	Pavt, Rem								
0037	6020106	100.00	Syd	\$35.00	\$3,500.00	\$34.00	\$3,400.00	\$36.75	\$3,675.00
	Conc Pavt, Nonreinf, 9 inch								
0038	6020166	300.00	Syd	\$40.00	\$12,000.00	\$35.00	\$10,500.00	\$36.75	\$11,025.00
	Conc Pavt with Integral Curb, Nonreinf, 9 inch								
0039	2040011	2,462.00	Syd	\$5.00	\$12,310.00	\$3.00	\$7,386.00	\$4.95	\$12,186.90
	Pavt, Rem								
0040	5020031	280.00	Ton	\$50.00	\$14,000.00	\$74.00	\$20,720.00	\$80.00	\$22,400.00
	HMA, 3C								
0041	5020032	280.00	Ton	\$55.00	\$15,400.00	\$75.00	\$21,000.00	\$84.00	\$23,520.00
	HMA, 4C								
<b>Bid Totals:</b>					<b>\$330,236.00</b>		<b>\$298,384.00</b>		<b>\$333,300.45</b>

Line	Pay Item Code	Quantity	Units	(3) Cadillac Asphalt, LLC.		(4) ABC Paving Company		(5) Al's Asphalt Paving Co., Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0001	1000001	1.00	LS	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00
	Mobilization, Max. _____			\$10,000.00					
0002	2040006	400.00	Ft	\$9.00	\$3,600.00	\$4.00	\$1,600.00	\$8.00	\$3,200.00
	Curb and Gutter, Rem								
0003	2040011	980.00	Syd	\$9.00	\$8,820.00	\$9.50	\$9,310.00	\$9.50	\$9,310.00
	Pavt, Rem								
0004	2040013	1,859.00	Syd	\$0.50	\$929.50	\$3.50	\$6,506.50	\$5.65	\$10,503.35
	Sidewalk, Rem								
0005	2050041	100.00	Cyd	\$30.00	\$3,000.00	\$25.00	\$2,500.00	\$25.00	\$2,500.00
	Subgrade Undercutting, Type II , Modified								
0006	2080011	8.00	Ea	\$50.00	\$400.00	\$50.00	\$400.00	\$75.00	\$600.00
	Erosion Control, Filter Bag								
0007	3020001	100.00	Ton	\$35.00	\$3,500.00	\$18.75	\$1,875.00	\$7.50	\$750.00
	Aggregate Base , 21AA Limestone								
0008	4030050	3.00	Ft	\$250.00	\$750.00	\$300.00	\$900.00	\$200.00	\$600.00
	Dr Structure, Adj, Add Depth								
0009	4030051	2,000.00	Lb	\$1.25	\$2,500.00	\$1.00	\$2,000.00	\$1.15	\$2,300.00
	Dr Structure Cover								
0010	4030052	8.00	Ea	\$655.00	\$5,240.00	\$650.00	\$5,200.00	\$300.00	\$2,400.00
	Dr Structure Cover, Adj, Case 1								
0011	5020004	7,600.00	Syd	\$2.80	\$21,280.00	\$3.75	\$28,500.00	\$4.75	\$36,100.00
	Cold Milling Conc Pavt								
0012	5020015	400.00	Ft	\$3.00	\$1,200.00	\$2.40	\$960.00	\$1.50	\$600.00
	Joint and Crack, Cleanout								
0013	5020020	1,200.00	Ft	\$5.00	\$6,000.00	\$5.25	\$6,300.00	\$7.75	\$9,300.00
	Pavt Joint and Crack Repr, Det 7								
0014	5020021	400.00	Ft	\$6.00	\$2,400.00	\$14.00	\$5,600.00	\$12.00	\$4,800.00
	Pavt Joint and Crack Repr, Det 8								
0015	5020025	10.00	Ton	\$100.00	\$1,000.00	\$145.00	\$1,450.00	\$105.00	\$1,050.00
	Hand Patching								
0016	5020031	630.00	Ton	\$58.30	\$36,729.00	\$65.00	\$40,950.00	\$64.50	\$40,635.00
	HMA, 3C								

Line	Pay Item Code	Quantity	Units	(3) Cadillac Asphalt, LLC.		(4) ABC Paving Company		(5) Al's Asphalt Paving Co., Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0017	5020032 HMA, 4C	630.00	Ton	\$58.30	\$36,729.00	\$65.50	\$41,265.00	\$67.00	\$42,210.00
0018	5027011 _ Interlayer Paving Mat	7,600.00	Syd	\$2.93	\$22,268.00	\$3.00	\$22,800.00	\$2.93	\$22,268.00
0019	5027031 _ Wedging	50.00	Ton	\$58.30	\$2,915.00	\$70.00	\$3,500.00	\$60.00	\$3,000.00
0020	6020015 Conc Base Cse, Nonreinf, 6 inch	400.00	Syd	\$28.50	\$11,400.00	\$28.50	\$11,400.00	\$21.50	\$8,600.00
0021	6020166 Conc Pavt with Integral Curb, Nonreinf, 9 inch	580.00	Syd	\$36.75	\$21,315.00	\$36.75	\$21,315.00	\$40.00	\$23,200.00
0022	8020031 Curb and Gutter, Conc, Det D2 , Modified	400.00	Ft	\$18.00	\$7,200.00	\$16.00	\$6,400.00	\$18.00	\$7,200.00
0023	8030002 Sidewalk, Conc, 4 inch	1,321.00	Sft	\$5.90	\$7,793.90	\$4.00	\$5,284.00	\$2.40	\$3,170.40
0024	8030011 Sidewalk Ramp, ADA , Modified	538.00	Sft	\$8.90	\$4,788.20	\$6.50	\$3,497.00	\$7.50	\$4,035.00
0025	8110025 Pavt Mrkg, Ovly Cold Plastic, 4 inch, White , WRI	300.00	Ft	\$3.50	\$1,050.00	\$3.50	\$1,050.00	\$3.50	\$1,050.00
0026	8110026 Pavt Mrkg, Ovly Cold Plastic, 4 inch, Yellow , WRI	3,800.00	Ft	\$3.50	\$13,300.00	\$3.50	\$13,300.00	\$3.50	\$13,300.00
0027	8110031 Pavt Mrkg, Ovly Cold Plastic, 12 inch, White , WRI	100.00	Ft	\$9.90	\$990.00	\$9.90	\$990.00	\$9.90	\$990.00
0028	8110040 Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar , WRI	44.00	Ft	\$19.85	\$873.40	\$19.85	\$873.40	\$19.85	\$873.40
0029	8110045 Pavt Mrkg, Ovly Cold Plastic, Lt Turn Arrow Sym , WRI	2.00	Ea	\$205.00	\$410.00	\$205.00	\$410.00	\$205.00	\$410.00
0030	8110050 Pavt Mrkg, Ovly Cold Plastic, Only , WRI	3.00	Ea	\$230.00	\$690.00	\$230.00	\$690.00	\$230.00	\$690.00
0031	8110052 Pavt Mrkg, Ovly Cold Plastic, Rt Turn Arrow Sym , WRI	1.00	Ea	\$205.00	\$205.00	\$205.00	\$205.00	\$205.00	\$205.00
0032	8120030 Flag Control	1.00	LS	\$2,000.00	\$2,000.00	\$6,000.00	\$6,000.00	\$2,000.00	\$2,000.00

Line	Pay Item Code	Quantity	Units	(3) Cadillac Asphalt, LLC.		(4) ABC Paving Company		(5) Al's Asphalt Paving Co., Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0033	8120050 Minor Traf Devices	1.00	LS	\$1,750.00	\$1,750.00	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00
0034	8507041 _ Inspection Day	380.00	Cday	\$16.00	\$6,080.00	\$10.00	\$3,800.00	\$10.00	\$3,800.00
0035	8507051 _ RCOC Permit	1.00	LS	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
0036	2040011 Pavt, Rem	400.00	Syd	\$15.50	\$6,200.00	\$8.00	\$3,200.00	\$10.00	\$4,000.00
0037	6020106 Conc Pavt, Nonreinf, 9 inch	100.00	Syd	\$36.75	\$3,675.00	\$36.75	\$3,675.00	\$39.00	\$3,900.00
0038	6020166 Conc Pavt with Integral Curb, Nonreinf, 9 inch	300.00	Syd	\$36.75	\$11,025.00	\$36.75	\$11,025.00	\$40.00	\$12,000.00
0039	2040011 Pavt, Rem	2,462.00	Syd	\$5.00	\$12,310.00	\$5.50	\$13,541.00	\$9.50	\$23,389.00
0040	5020031 HMA, 3C	280.00	Ton	\$110.00	\$30,800.00	\$71.00	\$19,880.00	\$64.50	\$18,060.00
0041	5020032 HMA, 4C	280.00	Ton	\$110.00	\$30,800.00	\$74.00	\$20,720.00	\$67.00	\$18,760.00
<b>Bid Totals:</b>				<b>\$343,916.00</b>		<b>\$345,871.90</b>		<b>\$350,759.15</b>	

Line	Pay Item Code	Quantity	Units	(6) Barrett Paving Materials, Inc.		(7) Florence Cement Company		(8) John Carlo, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0001	1000001	1.00	LS	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
	Mobilization, Max. _____			\$10,000.00					
0002	2040006	400.00	Ft	\$13.00	\$5,200.00	\$8.00	\$3,200.00	\$8.80	\$3,520.00
	Curb and Gutter, Rem								
0003	2040011	980.00	Syd	\$16.00	\$15,680.00	\$12.00	\$11,760.00	\$9.80	\$9,604.00
	Pavt, Rem								
0004	2040013	1,859.00	Syd	\$7.00	\$13,013.00	\$0.10	\$185.90	\$0.01	\$18.59
	Sidewalk, Rem								
0005	2050041	100.00	Cyd	\$45.00	\$4,500.00	\$45.00	\$4,500.00	\$33.00	\$3,300.00
	Subgrade Undercutting, Type II , Modified								
0006	2080011	8.00	Ea	\$95.00	\$760.00	\$40.00	\$320.00	\$81.00	\$648.00
	Erosion Control, Filter Bag								
0007	3020001	100.00	Ton	\$25.00	\$2,500.00	\$17.00	\$1,700.00	\$27.15	\$2,715.00
	Aggregate Base , 21AA Limestone								
0008	4030050	3.00	Ft	\$150.00	\$450.00	\$235.00	\$705.00	\$180.00	\$540.00
	Dr Structure, Adj, Add Depth								
0009	4030051	2,000.00	Lb	\$1.25	\$2,500.00	\$1.30	\$2,600.00	\$1.15	\$2,300.00
	Dr Structure Cover								
0010	4030052	8.00	Ea	\$600.00	\$4,800.00	\$365.00	\$2,920.00	\$670.00	\$5,360.00
	Dr Structure Cover, Adj, Case 1								
0011	5020004	7,600.00	Syd	\$2.65	\$20,140.00	\$3.00	\$22,800.00	\$4.75	\$36,100.00
	Cold Milling Conc Pavt								
0012	5020015	400.00	Ft	\$0.25	\$100.00	\$2.00	\$800.00	\$2.00	\$800.00
	Joint and Crack, Cleanout								
0013	5020020	1,200.00	Ft	\$4.00	\$4,800.00	\$7.50	\$9,000.00	\$3.00	\$3,600.00
	Pavt Joint and Crack Repr, Det 7								
0014	5020021	400.00	Ft	\$8.00	\$3,200.00	\$9.00	\$3,600.00	\$8.00	\$3,200.00
	Pavt Joint and Crack Repr, Det 8								
0015	5020025	10.00	Ton	\$250.00	\$2,500.00	\$150.00	\$1,500.00	\$135.00	\$1,350.00
	Hand Patching								
0016	5020031	630.00	Ton	\$62.00	\$39,060.00	\$70.00	\$44,100.00	\$55.00	\$34,650.00
	HMA, 3C								

Line	Pay Item Code	Quantity	Units	(6) Barrett Paving Materials, Inc.		(7) Florence Cement Company		(8) John Carlo, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0017	5020032 HMA, 4C	630.00	Ton	\$62.00	\$39,060.00	\$71.00	\$44,730.00	\$57.40	\$36,162.00
0018	5027011 _ Interlayer Paving Mat	7,600.00	Syd	\$2.93	\$22,268.00	\$2.90	\$22,040.00	\$3.35	\$25,460.00
0019	5027031 _ Wedging	50.00	Ton	\$62.00	\$3,100.00	\$70.00	\$3,500.00	\$120.00	\$6,000.00
0020	6020015 Conc Base Cse, Nonreinf, 6 inch	400.00	Syd	\$31.00	\$12,400.00	\$30.00	\$12,000.00	\$31.00	\$12,400.00
0021	6020166 Conc Pavt with Integral Curb, Nonreinf, 9 inch	580.00	Syd	\$39.25	\$22,765.00	\$36.00	\$20,880.00	\$40.00	\$23,200.00
0022	8020031 Curb and Gutter, Conc, Det D2 , Modified	400.00	Ft	\$18.00	\$7,200.00	\$16.00	\$6,400.00	\$17.00	\$6,800.00
0023	8030002 Sidewalk, Conc, 4 inch	1,321.00	Sft	\$5.00	\$6,605.00	\$6.00	\$7,926.00	\$4.30	\$5,680.30
0024	8030011 Sidewalk Ramp, ADA , Modified	538.00	Sft	\$8.00	\$4,304.00	\$8.00	\$4,304.00	\$7.00	\$3,766.00
0025	8110025 Pavt Mrkg, Ovly Cold Plastic, 4 inch, White , WRI	300.00	Ft	\$3.50	\$1,050.00	\$3.50	\$1,050.00	\$3.75	\$1,125.00
0026	8110026 Pavt Mrkg, Ovly Cold Plastic, 4 inch, Yellow , WRI	3,800.00	Ft	\$3.50	\$13,300.00	\$3.50	\$13,300.00	\$3.75	\$14,250.00
0027	8110031 Pavt Mrkg, Ovly Cold Plastic, 12 inch, White , WRI	100.00	Ft	\$9.90	\$990.00	\$9.90	\$990.00	\$10.00	\$1,000.00
0028	8110040 Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar , WRI	44.00	Ft	\$19.85	\$873.40	\$19.85	\$873.40	\$21.00	\$924.00
0029	8110045 Pavt Mrkg, Ovly Cold Plastic, Lt Turn Arrow Sym , WRI	2.00	Ea	\$205.00	\$410.00	\$205.00	\$410.00	\$220.00	\$440.00
0030	8110050 Pavt Mrkg, Ovly Cold Plastic, Only , WRI	3.00	Ea	\$230.00	\$690.00	\$230.00	\$690.00	\$250.00	\$750.00
0031	8110052 Pavt Mrkg, Ovly Cold Plastic, Rt Turn Arrow Sym , WRI	1.00	Ea	\$205.00	\$205.00	\$205.00	\$205.00	\$220.00	\$220.00
0032	8120030 Flag Control	1.00	LS	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$13,000.00	\$13,000.00

Line	Pay Item Code	Quantity	Units	(6) Barrett Paving Materials, Inc.		(7) Florence Cement Company		(8) John Carlo, Inc.	
				Bid Price	Total	Bid Price	Total	Bid Price	Total
0033	8120050	1.00	LS	\$1,800.00	\$1,800.00	\$1,000.00	\$1,000.00	\$20,000.00	\$20,000.00
	Minor Traf Devices								
0034	8507041	380.00	Cday	\$25.00	\$9,500.00	\$24.00	\$9,120.00	\$38.00	\$14,440.00
	_ Inspection Day								
0035	8507051	1.00	LS	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
	_ RCOC Permit								
0036	2040011	400.00	Syd	\$16.00	\$6,400.00	\$15.00	\$6,000.00	\$13.25	\$5,300.00
	Pavt, Rem								
0037	6020106	100.00	Syd	\$39.25	\$3,925.00	\$43.00	\$4,300.00	\$40.00	\$4,000.00
	Conc Pavt, Nonreinf, 9 inch								
0038	6020166	300.00	Syd	\$39.25	\$11,775.00	\$41.00	\$12,300.00	\$40.00	\$12,000.00
	Conc Pavt with Integral Curb, Nonreinf, 9 inch								
0039	2040011	2,462.00	Syd	\$6.00	\$14,772.00	\$9.50	\$23,389.00	\$6.00	\$14,772.00
	Pavt, Rem								
0040	5020031	280.00	Ton	\$70.00	\$19,600.00	\$85.00	\$23,800.00	\$92.00	\$25,760.00
	HMA, 3C								
0041	5020032	280.00	Ton	\$70.00	\$19,600.00	\$90.00	\$25,200.00	\$94.50	\$26,460.00
	HMA, 4C								
<b>Bid Totals:</b>					<b>\$354,545.40</b>		<b>\$365,098.30</b>		<b>\$393,614.89</b>



## CITY COUNCIL ACTION ITEM

Date April 20, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Tonni L. Bartholomew, City Clerk

SUBJECT: Correction to City Council Minutes for Regular Meeting of December 15, 2008

### Background:

- A typographical error was recently discovered by the City Clerk's office in the final and approved version of the City Council Minutes for the Regular Meeting of December 15, 2008. The correction involves the insertion of the Roll Call and will be made upon the approval of City Council.

### Options:

- City Council can approve the proposed correction.

### Attachment:

- A proposed corrected copy of the page of the final version of the December 15, 2008 City Council meeting minutes illustrating the correction.

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

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

**ROLL CALL**

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

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**CERTIFICATES OF RECOGNITION:**

**A-1 Presentations:**

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

**CARRYOVER ITEMS:**

**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

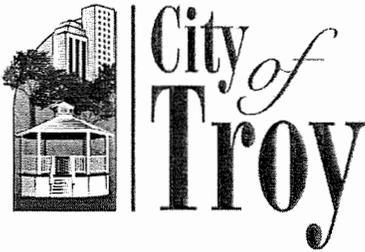
**C-1 Rezoning Application – Proposed Office Building, South Side of Wattles, East of Rochester Road (1100 and 1120 E. Wattles), Section 23 – R-1C to O-1 (File Number Z-732)**

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

- Kimberly Flag-Opposed
- James Ther-Opposed
- Mike Flores-Opposed
- Anne Marie Garvin-Opposed

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

Resolution #2008-12-362  
Moved by Kerwin  
Seconded by Eisenbacher



# CITY COUNCIL ACTION REPORT

April 23, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer *[Signature]*

SUBJECT: Allocation of 2008 and 2009 Tri-Party Funds  
Cost Participation Agreement for 2009 Concrete Program

## Recommendation:

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the 2009 Concrete Program at an estimated cost to the City of Troy of \$198,392. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

## Background:

Portions of Big Beaver, Dequindre, John R, Crooks, Long Lake and Livernois, all county roads, have numerous pothole patches and broken concrete pavement that have gotten worse during the spring pothole season, which has been among the worst in recent years. The Engineering Department proposed to the Board that concrete slab replacements be started this spring using the remainder of 2008 Tri-Party funds and the new allocation of 2009 Tri-Party Program Funds for this much-needed work. Tri-Party Program funds can only be used to improve County roads within the City of Troy.

The balance of 2008 Tri-Party funds, in the amount of \$50,585, is due to the Livernois Road resurfacing project from Maple to Big Beaver being completed for less than the amount programmed. The available 2009 Tri-Party funds total \$544,591 for a total 2009 Concrete Program of \$595,176.

## Financial Considerations:

The City of Troy's share of the Tri-Party program is one-third (1/3) or \$198,392 of the total amount. The remaining two-thirds (2/3) or \$396,784 is shared equally by the Board and the Oakland County Board of Commissioners (County). The Board will provide inspection services to the project at no cost to the city.

Funds for the City of Troy's share of the project are included in the 2008-09 and 2009-10 Major Road fund, account numbers 401.447.479.7989.500 and 401.447.479.7989.091016.

Legal Considerations:

The format and content of the agreement is consistent with previously approved Cost Participation Agreements between the city and Board as approved by the Legal Department and City Council.

Policy Considerations:

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



QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE"

Board of Road Commissioners

Gregory C. Jamian  
Commissioner

Richard G. Skarritt  
Commissioner

Eric S. Wilson  
Commissioner

Brent O. Bair  
Managing Director

Dennis G. Kolar, P.E.  
Deputy Managing Director

Programming Division  
Engineering Department

31001 Lahser Road  
Beverly Hills, MI  
48025

248-645-2000

FAX  
248-645-0618

TDD  
248-645-9923

[www.rcocweb.org](http://www.rcocweb.org)

April 20, 2009

Bill Huotari, Deputy City Engineer  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084-5285

RE: 2009 Concrete Program  
Big Beaver, Dequindre, John R, Crooks, Long Lake and Livernois  
RCOC Project #49871  
Cost Participation Agreement

Dear Mr. Huotari:

Enclosed for your review and approval are two original sets of the cost participation agreement for the referenced project.

Please arrange for signatures but **do not date** the original sets. Please forward the signed agreements to me and our Board will return a fully executed original to you after their action.

Please call me at 248 645-2000, extension 2213, if you should have any questions.

Respectfully,

Shauna S. Knight  
Engineering Aide  
[sknight@rcoc.org](mailto:sknight@rcoc.org)

Enclosures (2)

RECEIVED

APR 22 2009

ENGINEERING

## COST PARTICIPATION AGREEMENT

### 2009 CONCRETE PROGRAM

Big Beaver Road, Dequindre Road, John R Road,  
Crooks Road, Long Lake Road & Livernois Road

City of Troy

BOARD Project Number 49871

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the concrete slab replacement on various county roads, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$595,176; and

WHEREAS, portions of said PROJECT costs involve certain designated and approved funding in accordance with the Tri-Party Program in the amount of \$595,176, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all preliminary engineering services and administration in reference thereto. The BOARD shall perform the inspection for the PROJECT.

2. The actual total cost of the PROJECT may include total payments to the contractor.
3. The COMMUNITY shall comply with the provisions as setforth in Exhibit B attached hereto.
4. The estimated total PROJECT cost of \$595,176 shall be funded as detailed below:
  - a. The estimated total amount from the Tri-Party Program is \$595,176 and is proposed from the 2009 Tri-Party Program.
  - b. The BOARD shall administer the payments toward the PROJECT cost for the COUNTY'S Tri-Party contribution, along with the BOARD'S Tri-Party contribution in an amount equal thereto.
  - c. The COMMUNITY shall invoice the BOARD for any cost overages associated with the PROJECT up to the amount allocated to the COMMUNITY from the 2009 Tri-Party Program. The COMMUNITY agrees that any cost overages exceeding the actual 2009 Tri-Party Program allocation will be funded 100% by the COMMUNITY.
5. Upon execution of this Agreement, the COMMUNITY shall submit an invoice to the BOARD for \$198,392 as initial payment to the PROJECT, described as follows:

50% of the BOARD'S total Tri-Party contribution to the PROJECT	\$ 99,196
50% of the COUNTY'S total Tri-Party contribution to the PROJECT	99,196
Total Initial Payment	\$198,392

6. The COMMUNITY shall determine the final total PROJECT cost and submit to the BOARD for reimbursement following the implementation of the 2009 Tri-Party Program along with following required documents:
  - a. A cover letter originated by the COMMUNITY certifying that the PROJECT is now complete.
  - b. A copy of the FINAL payment estimate paid to the contractor.
  - c. An invoice reflecting the total remaining balance due for the BOARD'S share and the COUNTY'S share of the final PROJECT costs.

**EXHIBIT A**

**TRI-PARTY PROGRAM**

2009

County Supported Road Improvements

In the

City of Troy

Project No.	Location	Type of Work
49311	Big Beaver Road Dequindre Road John R Road Crooks Road Long Lake Road Livernois Road	Concrete Slab replacement

<b>TOTAL ESTIMATED PROJECT COST</b>
-------------------------------------

Contractor Payments	\$595,176
Total Estimated Project Cost	<u>\$595,176</u>

COST PARTICIPATION BREAKDOWN				
	COMMUNITY	BOARD	COUNTY	TOTAL
2008 Tri-Party Program	\$ 16,862	\$ 16,862	\$ 16,861	\$ 50,585
2009 Tri-Party Program	181,530	181,530	181,531	\$544,591
<b>TOTAL SHARE(S)</b>	<b>\$198,392</b>	<b>\$198,392</b>	<b>\$198,392</b>	<b>\$595,176</b>

**Exhibit B  
PROVISIONS**

**Bidding:** The COMMUNITY shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

**Bonds – Insurance:** The COMMUNITY shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further the COMMUNITY shall require the contractor to provide insurance naming the BOARD and the Road Commission for Oakland County as additional named insureds. Coverages shall be substantial

**Records:** The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

**EEO:** The COMMUNITY shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

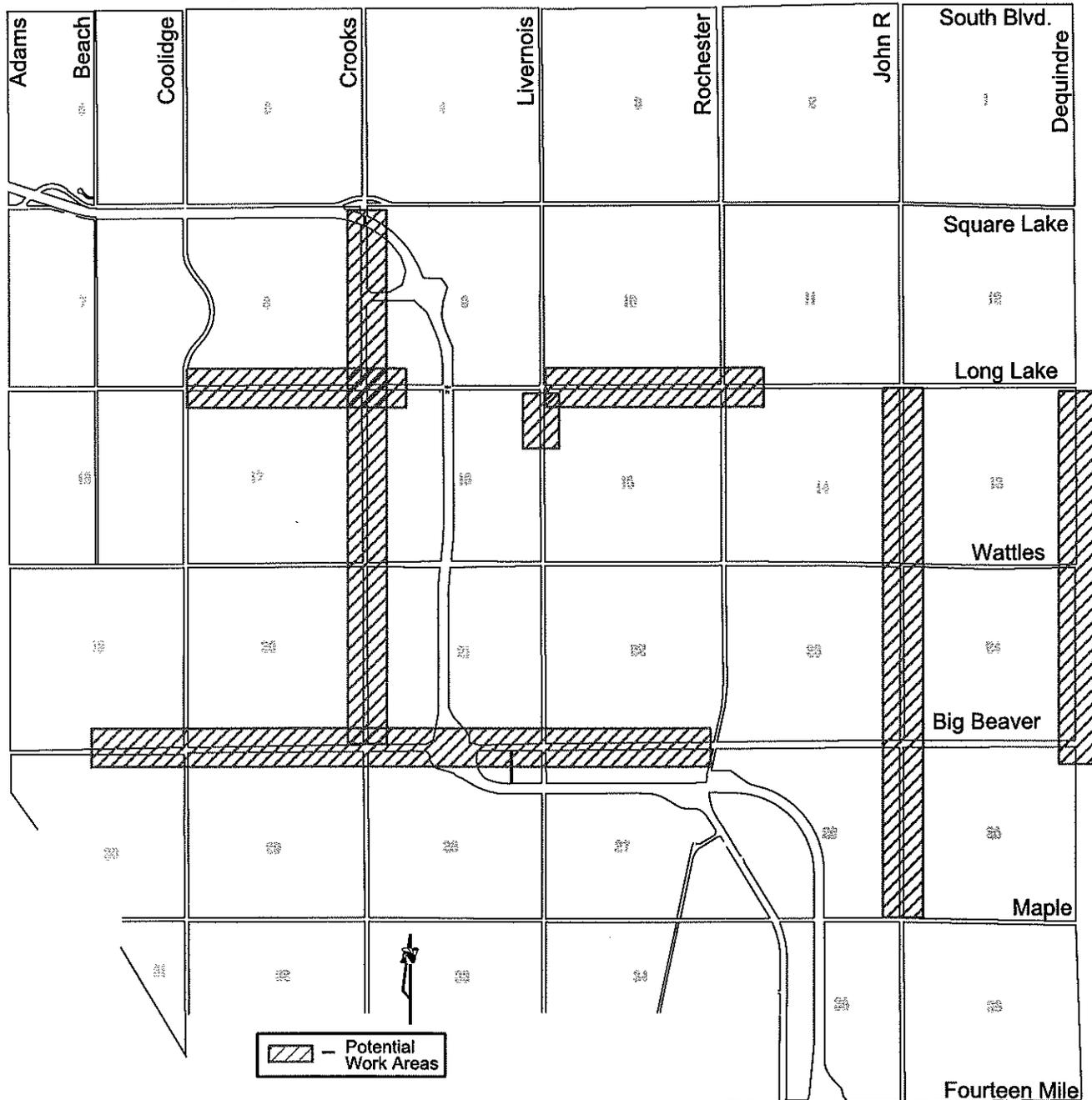
In accordance with Michigan 1976 PA 453, the COMMUNITY hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

The COMMUNITY further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

**Governmental Function, Scope:** It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and the COMMUNITY.

**Third Parties:** This AGREEMENT is not for the benefit of any third party.

# 2009 Tri-Party Program - Scattered Concrete Slab Replacement





## CITY COUNCIL ACTION REPORT

May 5, 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: Rescind Contract – Aggregates, Item 7) Crushed Concrete 3”-6”  
Resolution #2009-04-129-F4a

### **Background**

- On April 6, 2009, Troy City Council awarded one-year contracts to provide Aggregates with an option to renew for one (1) additional year on an item by item basis to the low bidders: Metropolitan Demolition for Item 7) Crushed Concrete 3”-6” and Bedrock Maintenance Services, Items 1-6 and #8-13. (CC Res #2009-04-129-F4a)
- Items bid were awarded after consideration was given to the 5% discount quoted by Bedrock Maintenance.
- The awards were contingent upon contractors’ submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.
- On May 4, 2009, after numerous attempts to clear insurance have failed with Metropolitan Demolition, the City recommends the company be placed in default of contract for being non-compliant and non-responsive to providing insurance requirements as specified.
- The bid document states – After approval by Troy City Council, the City’s Risk Manager will review the insurance certificate(s) to ensure all acceptable documents have been received, and allow (5) additional days after verbal / electronic notification to submit final insurance certificates(s) in accordance with specifications. If not so received, the company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.

### **Financial Considerations**

- Since no other bids were received for this item, staff recommends utilizing the informal three (3) quote process for future purchases of crushed concrete, 3”-6”.

### **Legal Considerations**

- Metropolitan Demolition will receive a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

### **Policy Considerations**

- All bidders were given the opportunity to respond with their level of interest in supplying aggregates for the City of Troy. (Goal I)

### **Options**

- City management recommends the Troy City Council rescind with prejudice the contract approved on April 6, 2009, to Metropolitan Demolition of Romulus, MI, for Item 7), Crushed Concrete 3”-6” (Resolution #2009-04-129-F4a).

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

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2009-04-129  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

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

**MOTION CARRIED**

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

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

Resolution #2009-04-129-F-2

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

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

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**F-4 Standard Purchasing Resolutions**

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

Resolution #2009-04-129-F-4a

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	
		<b>5% Discount</b>	
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**

Resolution #2009-04-129-F-4b

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

Resolution #2009-04-129-F-5



# 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.

<b>Recommended Vendors</b>	<b>Item / Description</b>	<b>Price/Ton</b>	
Metropolitan Demolition – Romulus, MI	Item 7) Crushed Concrete 3"-6"		\$17.50
		<b>5% Discount</b>	
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
<b>ESTIMATED TOTAL:</b>			<b>\$ 86,092.50</b>	<b>\$ 105,275.00</b>	<b>\$ 86,493.00</b>	<b>\$ 46,125.00</b>
<b>ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:</b>			<b>\$ 81,787.88</b>	<b>\$ 1,750.00</b>	<b>N/A</b>	<b>N/A</b>
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

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

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		

<b>ESTIMATED TOTAL:</b>		<b>\$ 76,417.50</b>	<b>\$ 104,375.00</b>		
<b>ESTIMATED TOTAL AWARDED ITEMS W/DISCOUNT:</b>		<b>N/A</b>	<b>N/A</b>		
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

May 5, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
James A. Nash, Financial Services Director  
Sandra L. Kasperek, City Treasurer

SUBJECT: Agenda Item – Assessment of Delinquent Accounts

### Background:

The code of ordinances provides for transfer of delinquent accounts to the city tax roll.

### Financial Considerations:

The delinquent accounts from the various funds to be assessed to the 2009 tax roll are as follows:

General Fund Invoices	\$ 17,850.88	
Penalties	<u>1,785.08</u>	\$ 19,635.96
Special Assessments	\$ 3,842.73	
Penalties & Interest	<u>1,441.51</u>	5,284.24
Water & Sewer Accounts		
District 1	\$178,951.06	
District 2	235,000.93	
District 3	278,704.13	
Invoices	23,169.48	
Penalties	<u>71,583.02</u>	787,408.62
Total to be assessed		\$812,328.82

Policy Considerations:

- Adoption will satisfy Goal II.

Options:

Staff recommends that City Council approve the assessment of delinquent accounts.



## CITY COUNCIL ACTION REPORT

May 7, 2009

TO: John Szerlag, City Manager  
 FROM: Gary Mayer, Chief of Police  
 SUBJECT: 2009 Edward Byrne Justice Assistance Grant

### Background:

The Edward Byrne Memorial Justice Assistance Grant program is administered by the federal Bureau of Justice Assistance. This grant funds support of a broad range of activities to prevent and control crime and improve the criminal justice system. The procedure for allocating these grants is based on a formula of population and violent crime statistics. Since our violent crime statistics are low based upon our population density our award is lower than other communities of similar population. We were awarded \$40,445. After deducting a three percent grant management and fiduciary fee to Oakland County our total grant is \$39,233 with no matching funds required.

We will use our funds to enhance officer safety and increase our technological ability. We will purchase ballistic protection and patrol vests for active shooter response, computer equipment for computer forensics and GPS tracking, enhancements of our site security system monitoring and new night vision optics for our tactical support team rifles.

A resolution by the City Council accepting the grant and approval of the Inter-local agreement between the City of Troy and Oakland County is required.

### Financial Considerations:

There is no negative financial impact on the city. This is an improvement of our officer safety and technological ability at no cost to our budget.

### Legal Considerations:

Agreement was reviewed by our Legal Department

### Policy Considerations:

Enhance the livability and safety of the community

**Intergovernmental Agreement**  
**Between and Among**  
**Participants in the 2009 Federal Bureau of Justice Assistance**  
**Edward Byrne Justice Assistance Grant Program**

This Intergovernmental Agreement (Agreement) is made between and among the governmental entities, Constitutional and Municipal Corporations in the State of Michigan whose names are listed in Appendix A. In this Agreement, any reference to a "Party" is a reference to each and every governmental entity that is identified in Appendix A and any reference to "Parties" is a reference to all the governmental entities listed in Appendix A.

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

1. **Purpose of Agreement**

The Parties to this Agreement are Governmental Entities, including the County of Oakland and various cities, villages and townships within the County of Oakland, that have been, are, or may be certified as disparate by the Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program. By entering into this Agreement, the Parties acknowledge their intention to submit a joint application for the aggregate JAG Program funds that may be available to them in FY 2009, or, at the Parties' discretion, to submit a joint application in any year through 2013 in which the JAG Program requires a joint Grant application. In any Grant application required by the JAG Program, the Parties shall specify the amount of funds that are to be distributed to each of them and the purposes for which the funds will be used and their individual and collective intention to comply with any and all Grant requirements established by the Bureau of Justice Assistance.

2. **Definitions**

- 2.1. **Agreement** means the terms and conditions of this Agreement, any Appendices to this Agreement, and any other mutually agreed upon written modification, amendment, or addendum signed by the Parties to this Agreement.
- 2.2. **Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program** means the Grant program of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, by which Federal funds are made available to support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives, as further and more fully defined in the Grant application and other federal Grant information.

- 2.3. **The Grant or Grant** means the funds awarded to the Governmental Entities pursuant to BJA Grant Application number 2009-G1382-MI-SB submitted to the Edward Byrne Justice Assistance Grant (JAG) Program by the County of Oakland on behalf of itself and the Governmental Entities identified in Appendix A.
- 2.4. **Disparate Certification**  
A disparate allocation occurs when a city or municipality is scheduled to receive one and one-half times (150 percent) more than a county with concurrent jurisdiction, while that county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. Multiple disparate allocations occur when multiple cities or municipalities are collectively eligible to receive four times (400 percent) more than the county. JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. As used in this Agreement, "certified as disparate" means that the Parties to this Agreement fit the criteria described in this section.
- 2.5. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgment, deficiency, liability, penalty, fine, litigation, costs, and/or expenses, including, but not limited to, reimbursement for attorney fees, witness fees, court costs, investigation expenses, litigation expenses, and amounts paid in settlement, which are imposed on, incurred by, or asserted against the Fiscal Agent or Governmental Entity, as defined herein, whether such claim is brought in law, equity, tort, contract, or otherwise.
- 2.6. **Fiscal Agent** means the County of Oakland, a constitutional Corporation including, but not limited to, its Board, any and all of its departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
- 2.7. **Governmental Entity** (or the name of any governmental entity referenced in Appendix A) each shall be defined to include any and all departments, divisions, commissioners, elected and appointed officials, boards, councils, directors, board members, council members, authorities, committees, employees, agents, subcontractors, volunteers and/or any such persons' successors of the referenced governmental entity or unit ("Agents").
- 2.8. **Recovery Act** means the American Recovery and Reinvestment Act of 2009, Public Law 111-5, which provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring. DOJ is committed to working with our national, state, local and tribal partnerships to ensure this

funding invests in the American workforce. The “Recovery Act” imposes various requirements upon successful applicants for awards under the Office of Justice Programs (OJP) with which the Parties agree to fully comply.

3. **Appendices**

- 3.1. **Appendix A:** List of Governmental Entities Certified as Disparate by the Bureau of Justice Assistance for Purposes of Applying for Edward Byrne Justice Assistance Grant Funds.
- 3.2. **Appendix B:** Grant Fund Allocations
- 3.3. **Appendix C:** Transfer of Ownership Agreement/Equipment Receipt and Acceptance for Purchases under CFDA Number 16.804
- 3.4. **Appendix D:** Use of the Equipment
- 3.5. **Appendix E:** Equipment Request Form

4. **Terms**

- 4.1. **Grant Compliance.** Each Party agrees that any and all funds granted to it pursuant to the joint Grant application to the Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program shall be used by it only as described in the Grant application, only according to the provisions in the Grant agreement and its amendments, if any, and only in a manner that will serve the purposes defined in the Grant.
- 4.2. **Grant Assurances, Certifications and Audit Requirements.** Each Party agrees that it will comply with any and all standard assurances set forth in the grant application and grant contract; will conform its behavior to the requirements set forth in the relevant United States Office of Management and Budget (OMB) circulars identified in the grant application and grant contract; will remain in compliance with the Federal requirements regarding lobbying, debarment, responsibility, drug free environment, and non-discrimination; and, will conduct such audits as may be required by the grant application, contract and award of grant funds.
- 4.3. **Intergovernmental Agreement Requirement.** The Parties acknowledge that in order to be eligible for the JAG funds, the Federal Government, and not any individual Party to this Agreement, requires them to enter into this Intergovernmental Agreement setting forth their obligations regarding the management and oversight of Grant funds.
- 4.4. **Intergovernmental Agreement Compliance.** The Parties agree to abide by the terms and conditions set forth in this Intergovernmental Agreement relating to any and all aspects of the Grant and management of Grant funds, including but not limited to: receipt of Grant funds; use of Grant funds; reporting on the use of Grant funds; and the effectiveness of Grant funds in achieving the purposes for which they were granted. The Parties shall comply with all other requirements

established now, or in the future, by the BJA and as may be required by the BJA or the Fiscal Agent to achieve the smooth and efficient administration of the Grant, including, but not limited to, the timely filing of reports as required by the Bureau of Justice Assistance and management of property and assets acquired with Grant funds.

- 4.5. **Allocation of Grant Funds.** Any funds granted to the Parties by the Department of Justice under the JAG shall be allocated and expended only as prescribed and permitted by the JAG Grant. For the grant period 2009-2010, the total Grant allocation is one million, nine hundred ninety-one thousand, two hundred seven dollars (\$1,991,207). The sum allocated to each Party is set forth in Appendix B which is fully incorporated here by reference, and may be expended over the four (4) year grant period which extends through 2013. Any interest earned on funds placed in the trust fund shall inure to the benefit of the Parties to this Agreement and, unless the Parties agree otherwise, will be allocated to each Party in an amount proportionate to that Party's grant.
- 4.6. **Dispersal of Grant Funds.** The County agrees to act as Fiscal Agent for any funds granted to the Parties pursuant to their joint Grant application, including initial acceptance of funds from the BJA, establishment of a Trust Fund which shall be the repository of Grant funds until dispersed according to the agreed-upon procedures, and the dispersal of Grant funds to the Parties up to the amounts established by BJA. Any interest earned on funds placed in the trust fund shall inure to the benefit of the Parties to this Agreement and, unless the Parties agree otherwise, will be allocated to each Party in an amount proportionate to that Party's grant.
- 4.7. **Reporting Obligations.** Each Party shall be fully responsible for timely completing any and all compliance reports required by BJA or timely providing the County with information, in the agreed-upon format, necessary to complete any and all BJA compliance reports that are or may be required under the Grant. The Parties agree that given the size of the Grant, the 4 year period in which funds may be expended, and the number of Parties involved, providing required reporting information related to its utilization of Grant funds is the sole responsibility of each Party. The County agrees that, provided it has received the required reporting information, it shall be responsible for submitting to BJA any and all reports and information that may be required in order to fulfill the conditions of the Grant in a timely manner that fully comports with the requirements of the Grant. The County will provide reports to the Parties on their individual and collective expenditure of Grant funds and remaining balance at least annually.
- 4.8. **Communication Among Parties.** Each Party agrees, upon request, to provide summary information on its compliance with Grant requirements to the other Parties' Grant administrators and to provide the County with other information that may be required or that the County may request to ensure that the County, as

original recipient of the Grant funds, is able to perform all tasks and activities necessary to satisfy its obligations as Fiscal Agent under the Grant.

**4.9. Equipment and Property Acquisition.**

4.9.1. If Grant funds are provided to any Party to purchase equipment or property, the County shall be responsible for procuring and paying for the equipment according to the County's procurement policies or as otherwise required by the Grant agreement.

4.9.2. Title to the equipment or property shall be transferred to the requesting Party according to the provisions in Appendix C, Transfer of Ownership Agreement/Equipment Receipt and Acceptance, which is fully incorporated here by reference. The Parties represent and warrant that only those Agents duly authorized and empowered to transfer or accept property or equipment on behalf of the County and the Party shall sign the Transfer of Ownership/Equipment Receipt and Acceptance.

4.9.3. The Governmental Entity agrees that it will refrain from using or permitting any Agent to use the equipment until the Fiscal Agent has acknowledged receipt of the Transfer of Ownership Agreement/Equipment Receipt and Acceptance. Upon transfer of title, the Party's rights and obligations regarding the property are as described in Appendix D, which is fully incorporated into this Agreement.

4.9.4. Each Party shall be responsible for creating, maintaining and updating a list/inventory of all equipment purchased for it with Grant funds, beginning on the date on which title to the property is transferred to the Party and ending three (3) years after the Grant has expired.

4.9.5. Annually, no later than 30 days following the end of the calendar year, each Party shall submit an updated report on the property and equipment it has received under the Grant to the County. The list/inventory shall include 1) the name of the equipment and any identifying tracking numbers; 2) the cost of the item; 3) the physical location of the equipment; and, 4) the condition of the equipment.

4.10. **Hiring Employees.** Parties shall complete such reporting requirements as may be set forth in the grant agreement that will be executed by the County and is the subject of this intergovernmental agreement. Parties agree to provide, as required by the Grant agreement, salary certifications and any other detail that may be required for each and every position.

4.11. **Administrative Fee.** Each Party, other than Oakland County, for whom Oakland County is acting as Fiscal Agent for purposes of this Grant agrees to pay three percent (3%) of its Grant award for the work the County must perform in the role

of Fiscal Agent to ensure the management of The Grant, as more fully described in this Agreement and the Grant agreement.

- 4.12. **Duration.** Unless terminated according to the provisions of Sections 4.14 or 4.15 or extended by a signed Amendment to this Agreement, this Interlocal Agreement shall expire by its own terms at 11:59:59 on 5 June 2013.
- 4.13. **Office of the Great Seal.** The County will file a copy of this Agreement with the Clerk of the County of Oakland and the Office of the Great Seal of the State of Michigan, as required by MCL 124.510, after it has been approved pursuant to resolution of the authorized legislative body of each Party, and signed by its authorized representative.
- 4.14. **Termination for Convenience.** This Agreement may be terminated by any Party provided the Party fully and completely withdraws from participation in the BJA Grant for which this Agreement was developed and executed, and only if it has, until the date of termination or for any other period required by BJA, fully complied with the terms and conditions of the Grant and fulfilled all of its obligations set forth in the Grant and this Agreement. Termination of this Agreement does not release any Party from any obligations that Party may have to the Grantor under the Grant application or Grant agreement or as otherwise required by the BJA.
- 4.15. **Termination for Breach.** If a Party is alleged to or fails to comply with the requirements of the BJA regarding the Grant, or is alleged to or fails to comply with the terms of this Agreement, the remaining Parties to this Agreement may terminate their Agreement with the non-compliant Party and continue this Agreement among themselves. A Party who is non-compliant with the Grant requirements assumes sole risk and liability for its non-compliance including liability for any penalties that may be imposed by the BJA or other department or agency of the Federal Government because of its alleged non-compliance. The non-compliant Party agrees that it will refrain from any actions to shift or assign liability or responsibility for its non-compliance onto other Parties to this Agreement.
- 4.16. **Non-Supplanting.** Each Party, by entering into this Agreement, warrants and represents that the funds for which the County will apply on behalf of all of the Parties will not supplant or replace other state or local funding allocated to cover the identified services.
- 4.17. **Other Grant Warranties.** Each Party entering into this Agreement warrants and certifies that it is in compliance with the warranties and certifications required in the Grant application and authorizes the County to make such warranties and certifications on its behalf. Each Party will fully comply with the warranties and certifications throughout the term of the Grant and this Agreement.

- 4.18. **No Employee-Employer Relationship.** Nothing in this Agreement shall be construed as creating an employer-employee relationship between any Party (including any of its Agents), and any other Party (including any of its Agents).
- 4.19. **No Indemnification.** Each Party shall be responsible for its own acts and/or omissions and the acts and/or omissions of its Agents. Nothing in this Agreement shall be construed as creating an obligation to indemnify or defend any other Party or Parties for any claim, damage or liability arising out of or stemming from any act or action of any Party, including, but not limited to the use of Grant funds pursuant to this Agreement.
- 4.20. **No Third Party Beneficiaries.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation and/or any other right in favor of any other person or entity.
- 4.21. **Reservation of Rights.** This Agreement does not, and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity.
- 4.22. **Agreement Modifications or Amendments.** Any modifications, amendments, recessions, waivers, or releases to this Agreement must be in writing and agreed to by the Parties.
- 4.23. **No Implied Waiver.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by any Party shall subsequently affect its right to require strict performance of this Agreement.
- 4.24. **Severability.** If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force and effect.
- 4.25. **Discrimination.** The Parties shall not discriminate against their employees, agents, applicants for employment, or another person or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
- 4.26. **Permits and Licenses.** Each party shall be responsible for obtaining and

maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations necessary to carry out its obligations and duties pursuant to this Agreement.

- 4.27. **Delegation/Subcontract/Assignment.** No Party shall delegate, subcontract, and/or assign any obligations or rights under this Agreement without the prior written consent of the BJA Edward Byrne Justice Assistance Grant (JAG) Program and notice of such consent to the Fiscal Agent.
- 4.28. **Survival of Terms.** The following sections shall survive termination of this Agreement: Grant Compliance; Reporting Obligations; Reservation of Rights; Governing Law; Severability; No Indemnification; Equipment and Property Acquisition; Full Compliance and Survival of Terms.
- 4.29. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- 4.30. **Sole and Exclusive Agreement.** Any and all intergovernmental agreements between or among any of the Parties entered into for purposes of applying for and obtaining BJA Grant funds at any time in the past shall remain in full force and effect as to any earlier grants, including, but not limited to, the BJA grants for 2005, 2006, 2007, and 2008 for which the County of Oakland and the Cities of Pontiac and Southfield entered into Intergovernmental Agreements as required by the Bureau of Justice Assistance as a result of their certification as disparate. Notwithstanding the preceding sentence this Agreement shall be the sole and exclusive Intergovernmental Agreement presented to the BJA by the Parties for the purpose of applying for disparate funding for fiscal year 2009 or, at the Parties' discretion, to submit a joint application in any year through 2013 in which the JAG Program requires a joint Grant application..
- 4.31. **Knowledge of Terms and Conditions.** Each Party has fully reviewed the terms, conditions and requirements of the Grant and this Agreement and accepts that the obligations set forth in those terms, conditions and requirements apply fully and completely to it regardless of the amount of its individual Grant or its percentage of the full dollar amount granted by BJA to the entities listed in Appendix A. Each Party acknowledges its obligation to fulfill those conditions, requirements and obligations in order to ensure compliance with Grant requirements. A Party who fails to fulfill those terms, conditions and requirements will also be in breach of this Agreement.
- 4.32. **Full Compliance.** Each Party shall use its best efforts to ensure that it has fully complied with all Grant requirements and agrees that its full compliance is necessary in order to ensure that all other Parties are not subject to any penalty as a result of a Party's failure to fully comply with the Grant requirements. Each Party shall bear its own risk of grant-related penalties up to and including

debarment in the event that the BJA determines that the Party has misused granted funds or failed to abide by the terms and conditions of the Grant Agreement or if the BJA determines that the Party’s representations made in preparation of the Grant application or acceptance of the Grant Agreement regarding, by way of example and not limitation, lobbying, supplanting and compliance with other federal regulations require, in the BJA’s opinion, a penalty.

- 4.33. **Notice.** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail, postage prepaid and addressed to the contact persons listed in Appendix A. Notice will be deemed given on the date when one of the following first occurs: 1) the date of actual receipt; 2) the next business day when notice is sent express delivery service or personal delivery; or 3) three days after mailing first class or certified U.S. mail. A Party may change the contact person by notifying the other Parties in writing.
- 4.34. **Governing Law.** This Agreement shall be governed, interpreted and enforced by the laws of the State of Michigan.
- 4.35. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained here.
- 4.36. **Entire Agreement.** This Agreement represents the entire Agreement between the Parties and supercedes all other Agreements between the Parties governing the matters described here. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, pursuant to the requirements of the Edward Byrne Justice Assistance Grant (JAG) Program that, in order to make application for Grant funds that may be available, the Parties enter into this Agreement.

**For the City of: Troy**

\_\_\_\_\_  
(print name) Mayor Schilling

\_\_\_\_\_  
Date

**For the City of: Troy**

\_\_\_\_\_  
(print name) John Szerlag, City Manager

\_\_\_\_\_  
Date

Application Number: 2009-G1382-MI-SB

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, pursuant to the requirements of the Edward Byrne Justice Assistance Grant (JAG) Program that, in order to make application for Grant funds that may be available, the Parties enter into this Agreement.

**For the County of Oakland:**

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
Date

**Appendix A**

**List of Governmental Entities Certified as Disparate by the Bureau of Justice Assistance  
for Purposes of Applying for Edward Byrne Justice Assistance Grant Funds**

<u>State</u>	<u>Jurisdiction Name</u>	<u>Contact</u>
MI	OAKLAND COUNTY	Gaia Piir
MI	BIRMINGHAM CITY	Deputy Chief Don Studt
MI	FERNDALE CITY	Captain Tim Collins
MI	HAZEL PARK CITY	Lieutenant Mike Kolp
MI	LATHRUP VILLAGE CITY	Chief Robert Jones
MI	MADISON HEIGHTS CITY	Chief Kevin Sagan
MI	OAK PARK CITY	Admin. Lt./Fire Marshal Christopher Petrides
MI	PONTIAC CITY	Sergeant Robert Ford
MI	ROYAL OAK CITY	Interim Chief Chris Jahnke
MI	SOUTH LYON CITY	Lieutenant Steve Sharpe
MI	TROY CITY	Sergeant Don Ostrowski
MI	WALLED LAKE CITY	Sergeant Paul Shakinis
MI	WIXOM CITY	Sergeant Charles Yon
MI	NOVI CITY	Chief David Malloy
MI	SOUTHFIELD CITY	Sergeant Michele Kuzila
MI	AUBURN HILLS CITY	Chief Doreen Olko
MI	FARMINGTON HILLS CITY	Commander Tim Connor
MI	BLOOMFIELD TOWNSHIP	Deputy Chief Geof Gaudard
MI	WATERFORD CHARTER TOWNSHIP	Deputy Chief Jeff James
MI	WEST BLOOMFIELD CHARTER TOWNSHIP	Lieutenant Curt Lawson
MI	WHITE LAKE CHARTER TOWNSHIP	Chief Ron Stephens

**Appendix B**  
**Grant Fund Allocations**

<u>Jurisdiction Name</u>	<u>Allocation</u>
OAKLAND COUNTY	\$232,769
3% ADMIN FEE	\$52,753
BIRMINGHAM CITY	\$16,116
FERNDALE CITY	\$49,325
HAZEL PARK CITY	\$47,208
LATHRUP VILLAGE CITY	\$9,767
MADISON HEIGHTS CITY	\$40,045
OAK PARK CITY	\$80,417
PONTIAC CITY	\$610,290
ROYAL OAK CITY	\$66,743
SOUTH LYON CITY	\$10,581
TROY CITY	\$39,232
WALLED LAKE CITY	\$10,256
WIXOM CITY	\$13,674
NOVI CITY	\$23,604
SOUTHFIELD CITY	\$443,759
AUBURN HILLS CITY	\$40,534
FARMINGTON HILLS CITY	\$74,068
BLOOMFIELD TOWNSHIP	\$12,534
WATERFORD CHARTER TOWNSHIP	\$86,115
WEST BLOOMFIELD CHARTER TOWNSHIP	\$18,558
WHITE LAKE CHARTER TOWNSHIP	\$12,860
TOTAL	\$1,991,207

## Appendix C

### TRANSFER OF OWNERSHIP AGREEMENT/EQUIPMENT RECEIPT AND ACCEPTANCE FOR PURCHASES UNDER CFDA NUMBER 16.804

This Transfer of Ownership Agreement (“Ownership Agreement”) is executed by and between the County of Oakland, 1200 North Telegraph Road, Pontiac, Michigan 48341 (Fiscal Agent) and **City of Troy, 500 W. Big Beaver troy Michigan 48084** (Governmental Entity) on **May 12 2009**.

In consideration of the mutual promises, obligations, representations, and assurances in this Ownership Agreement, the Fiscal Agent and Governmental Entity agree to the following terms and conditions:

#### 1. **Definitions.**

- 1.1. **Ownership Agreement** means the terms and conditions of this Ownership Agreement and any other mutually agreed to written and executed modification, amendment, or addendum.
- 1.2. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgment, deficiency, liability, penalty, fine, litigation, costs, and/or expenses, including, but not limited to, reimbursement for attorney fees, witness fees, court costs, investigation expenses, litigation expenses, and amounts paid in settlement, which are imposed on, incurred by, or asserted against the Fiscal Agent and Governmental Entity, as defined herein, whether such claim is brought in law or equity, tort, contract, or otherwise.
- 1.3. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
- 1.4. **Equipment** means the equipment purchased with Grant Program funds which is listed and described in Section 2 of this Ownership Agreement.
- 1.5. **Fiscal Agent** means Oakland County, a Constitutional Corporation including, but not limited to, its Board, any and all of its departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons successors.
- 1.6. **Governmental Entity** means the City of Troy, a Michigan Municipal Corporation, including any and all departments, divisions, commissioners, elected and appointed officials, boards, councils, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors,

volunteers and/or any such persons' successors of the referenced governmental entity or unit (Agents).

2. **Transfer of Title.**

2.1. Pursuant to the Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program Intergovernmental Agreement, the Fiscal Agent purchased the following Equipment with Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program funds as directed by the Governmental Entity:

2.1.1. **[List Equipment Purchased, including model and serial numbers]**

2.2. The Fiscal Agent grants all right, title, and interest in and to the Equipment to the Governmental Entity.

3. **Acceptance of Equipment.**

3.1. By signing this Ownership Agreement, the Governmental Entity accepts the Equipment in its current condition, "AS IS", and acknowledges that it had an opportunity to inspect the Equipment.

4. **Fiscal Agent Assurances.** The Fiscal Agent represents the following:

4.1. The Fiscal Agent has full right and title to transfer ownership of the Equipment to the Governmental Entity.

4.2. The Fiscal Agent has no knowledge of any judgments, liens, mortgages, pledges, claims, rights, security, interests, encumbrances, or any other adverse interests against the Equipment.

4.3. To the extent possible, the Fiscal Agent transfers all warranties to the Equipment to the Governmental Entity.

5. **Governmental Entity Responsibilities.**

5.1. Upon execution of this Ownership Agreement the Governmental Entity shall be solely responsible for the Equipment, including but not limited to the following:

5.1.1. Operating the equipment;

5.1.2. Maintaining and repairing the equipment;

5.1.3. Replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed;

5.1.4. Investigating, documenting, and including information regarding any loss, damage or theft of equipment in the official Grant Program records;

- 5.1.5. Insuring the equipment if required by law or if the Governmental Entity deems it appropriate in its discretion;
- 5.1.6. Training for use of the equipment, if training is not included with the purchase of the equipment; and
- 5.1.7. Assuming Liability for all Claims arising out of the Governmental Entity's use of the equipment.
- 5.2. The Governmental Entity shall comply with and shall use the Equipment in accordance with the Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG) Program and the associated Intergovernmental Agreement
- 5.3. The Governmental Entity shall keep the Fiscal Agent informed of the location of the Equipment. If the Equipment by its nature is mobile, the Governmental Entity must provide a general location or "home-base" where the Equipment can be found. If the location of the Equipment changes, the Governmental Entity shall provide the new location to the Fiscal Agent immediately. The information required by this Section shall be provided to the Fiscal Agent upon execution of this Ownership Agreement and continue until three (3) years after the close of this Grant Program.
- 5.4. The Governmental Entity shall list all Equipment transferred to it pursuant to this Ownership Agreement on its Schedule of Expenditures of Federal Awards.
- 5.5. Except for Equipment that is disposable or expendable, the Governmental Entity shall inform the Fiscal Agent if it plans to dispose of the Equipment and work with the Fiscal Agent regarding any issues associated with disposal of the Equipment.
- 5.6. The Governmental Entity shall be solely responsible for all costs, fines, and fees associated with the use and misuse of the Equipment, including but not limited to, costs for replacing the Equipment or costs, fines, or fees associated with an ineligible use determination by auditors.
- 5.7. The Governmental Entity shall make any Equipment purchased with grant funds available for inspection to the Fiscal Agent and State and Federal Auditors upon request.
6. **No Third Party Beneficiaries.** Except as provided for the benefit of the Parties, this Ownership Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
7. **Discrimination.** The Parties shall not discriminate against their employees, agents, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.

8. **Permits and Licenses.** Each Party shall be responsible for obtaining and maintaining, throughout the term of this Ownership Agreement, all licenses, permits, certificates, and governmental authorizations necessary to carry out its obligations and duties pursuant to this Ownership Agreement.
9. **Reservation of Rights.** This Ownership Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
10. **Delegation/Subcontract/Assignment.** Neither Party shall delegate, subcontract, and/or assign any obligations or rights under this Ownership Agreement without the prior written consent of the other Party.
11. **No Implied Waiver.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Ownership Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Ownership Agreement. No waiver of any term, condition, or provision of this Ownership Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Ownership Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Ownership Agreement.
12. **Severability.** If a court of competent jurisdiction finds a term, or condition, of this Ownership Agreement to be illegal or invalid, then the term, or condition, shall be deemed severed from this Ownership Agreement. All other terms, conditions, and provisions of this Ownership Agreement shall remain in full force.
13. **Captions.** The section and subsection numbers, captions, and any index to such sections and subsections contained in this Ownership Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Ownership Agreement. Any use of a word's singular or plural, any reference to male, female, or neuter genders, and possessive case in this Ownership Agreement shall be deemed the appropriate plurality, gender or case as the context requires.
14. **Notices.** Notices given under this Ownership Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
  - 14.1. If notice is sent to the Fiscal Agent, it shall be addressed and sent to: Oakland County Board of Commissioners Chairperson, 1200 North Telegraph, Pontiac, Michigan 48341, and to Oakland County Fiscal Services, Grant Administrator, 1200 N. Telegraph Dept 410, Building 47 West, Pontiac, Michigan 48341.

- 14.2. If notice is sent to the Governmental Entity, it shall be addressed to: City of Troy Police Department, 500 W. Big Beaver Troy Michigan 48084
- 14.3. Either Party may change the address and/or individual to which notice is sent by notifying the other Party in writing of the change.
- 15. **Governing Law.** This Ownership Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.
- 16. **Agreement Modifications or Amendments.** Any modifications, amendments, recessions, waivers, or releases to this Ownership Agreement must be in writing and executed to by both Parties.
- 17. **Entire Agreement.** This Ownership Agreement represents the entire agreement and understanding between the Parties. This Ownership Agreement supersedes all other oral or written agreements between the Parties. The language of this Ownership Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

The individual or official executing this Ownership Agreement certifies that by his or her signature that he or she is authorized to sign this Ownership Agreement and bind the Fiscal Agent and Governmental Entity to the terms and conditions of this Ownership Agreement.

Fiscal Agent: The County of Oakland

\_\_\_\_\_  
Date

Governmental Entity: **City of Troy**

\_\_\_\_\_  
Date

**Appendix D**  
**Use of Equipment and Property**

1. Upon execution of the Transfer of Ownership Agreement/Equipment Receipt and Acceptance, the Governmental Entity shall be solely responsible for the equipment, including but not limited to the following:
  - 1.1. Operating the equipment;
  - 1.2. Maintaining and repairing the equipment;
  - 1.3. Replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed;
  - 1.4. Investigating, documenting, and including information regarding any loss, damage or theft of equipment in the official Grant Program records;
  - 1.5. Insuring the equipment if required by law or if the Governmental Entity deems it appropriate in its discretion;
  - 1.6. Training for use of the equipment, if training is not included with the purchase of the equipment; and
  - 1.7. Assuming Liability for all Claims arising out of the Governmental Entity's use of the equipment.
  - 1.8. Complying with and using the equipment in accordance with the BJA Edward Byrne Justice Assistance Grant (JAG) Program Guidance.
2. The Governmental Entity shall keep the Fiscal Agent informed of the location of the equipment. If the equipment by its nature is mobile, the Governmental Entity must provide a general location or "home-base" where the equipment can be found. If the location of the equipment changes, the Governmental Entity shall provide the new location to the Fiscal Agent immediately. The information required by this Section shall be provided to the Fiscal Agent upon execution of the Transfer Ownership Agreement and continue until three (3) years after the close of this Grant Program.
3. The Governmental Entity shall list all equipment transferred to it pursuant to the Transfer Ownership Agreement on its Schedule of Expenditures of Federal Awards.
4. Except for equipment that is disposable or expendable, the Governmental Entity shall inform the Fiscal Agent if it plans to dispose of the equipment and work with the Fiscal Agent regarding any issues associated with disposal of the equipment.
5. The Governmental Entity shall be solely responsible for all costs, fines, and fees associated with the use and misuse of the equipment, including but not limited to, costs for replacing the equipment or costs, fines, or fees associated with an ineligible use determination by auditors.
6. The Governmental Entity shall make any Equipment purchased with grant funds available for inspection to the Fiscal Agent and State and Federal Auditors upon request.

**Appendix E  
2009 Justice Assistance Grant (JAG) Program  
Purchase Request Form**

Fund	Department	Program	Account	Grant #	Bud Ref	Op Unit	PCBU	Activity

**Above is for Fiscal Agent use**

**Agency Information**

Agency Name	
Agency Contact	
Contact Phone	
Contact e-mail	

**Equipment Information**

Type of Equipment	
-------------------	--

**Delivery Information**

Contact Name	
Delivery Location	
Street Address	
City, State, ZIP	
Contact phone #	
Contact e-mail	

**Potential Vendor Information**

Suggested Vendor	
Street Address	
City, State, ZIP	
Vendor Contact	
Contact Phone	

Project Description:

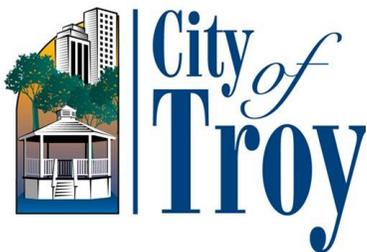
--

Quantity desired	
Cost each	
Total cost	

**Instructions:**

- Use this form for all equipment requests from the 2009 Justice Assistance Grant (JAG) Program.
- Please fill out all requested information. Requests cannot be processed without all of the requested information.
- Do not include separate projects on the same form. Multiple equipment pieces that work together may be placed on the same form.
- Please be as thorough as possible when describing the equipment and services to be procured.

**Note:** Per Oakland County policy, vendors may not be awarded or benefit from a contract in which they played a role in the project development.



## CITY COUNCIL REPORT

DATE: April 28, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Harlan Shopping Plaza,  
North side of Wattles, West of John R, Section 14 – B-1 to B-3 (File Number: Z-736)

### Background:

A public hearing is scheduled for the May 18, 2009 City Council meeting. The Planning Commission recommended approval of the request to rezone the parcel to B-3 at the April 14, 2009 Regular meeting (minutes and report attached).

The subject parcel is zoned B-1 Local Commercial and is used for a commercial strip mall. The applicant proposes to make the property more marketable by rezoning to B-3 General Business and expanding the range of potential permitted uses on the site, including a learning center. Abutting parcels to the east and west are also zoned commercial, with the property to the east being used as a commercial strip mall. Rezoning the parcel to B-3 would have the effect of expanding the range of potential uses for the property, including office uses.

The Master Plan designates a Neighborhood Node at the corner of Wattles and John R (Neighborhood Node F). The Master Plan proposes that the node include high-density residential in combination with restaurants, limited office, and retail. The subject parcel lies within the established Neighborhood Node and is presently used for commercial uses. While the zoning proposed does not specifically propose a mixed use development, rezoning the parcel to B-3 expands the range of potential uses, including permitting certain types of offices.

### City Management Recommendation:

The proposed B-3 district is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses. City Management recommends approval of the rezoning request to B-3 General Business.

Attachments:

1. Minutes from the April 14, 2009 Planning Commission Regular meeting (draft).
2. Planning Commission report dated April 3, 2009.
3. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /Z 736

G:\REZONING REQUESTS\Z-736 Harlan Shopping Plaza Sec 14\Announce CC Public Hearing 05 04 09.docx

5. PUBLIC HEARING – REZONING APPLICATION (Z 736) – Proposed Learning Center, Harlan Shopping Plaza, North side of Wattles, West of John R (1883-1939 E. Wattles), Section 14, From B-1 (Local Business) to B-2 (Community Business) or B-3 (General Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning application. Mr. Savidant announced the Planning Department received a letter of opposition, of which a copy was distributed to members prior to the beginning of tonight's meeting. Mr. Savidant addressed the petitioner's written request to rezone the subject parcel to only the B-3 zoning district.

Mr. Savidant reported the proposed B-3 district is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses. It is the recommendation of City Management to approve the rezoning request to the B-3 zoning district.

Mr. Miller addressed the rezoning application with respect to the petitioner's original request to B-2 or B-3 and the relation of B-3 zoning to the Master Plan.

The petitioner, Lydia Hong of 16050 Fairfax, Southfield, was present.

Dan DeYonker, Associate Broker of ReMax First, was present also to represent the petitioner. Mr. DeYonker addressed the petitioner's request to rezone to only the B-3 zoning district with respect to the current economy and the setback requirements of the B-2 district.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson spoke favorably of the rezoning request to B-3.

**Resolution # PC-2009-04-034**

Moved by: Vleck  
Seconded by: Tagle

**WHEREAS**, That the Planning Commission hereby recommends to the City Council that the B-1 to B-3 rezoning request, located on the north side of Wattles, west of John R, within Section 14, being approximately 1.29 acres in size, be granted.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

DATE: April 3, 2009

TO: Planning Commission

FROM: Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner

SUBJECT: PUBLIC HEARING – REZONING APPLICATION – Harlan Shopping Plaza, North side of Wattles, West of John R, Section 14 – B-1 to B-3 (Z-736)

Although this item was advertised to be rezoned to B-2 or B-3, the applicant submitted a letter on April 3, 2009 requesting that the Planning Commission consider only B-3 zoning.

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner and applicant is the Lydia Hong Trust.

Location of Subject Property:

The property is located on the north side of Wattles, west of John R, in section 14.

Size of Subject Property:

The property is approximately 1.29 acres in size.

Current Use of Subject Property:

The Harlan Shopping Plaza.

Current Zoning Classification:

B-1 Community Business.

Proposed Zoning of Subject Parcel:

The applicant proposes rezoning the parcel to B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:

The application indicates the applicant proposes to make the property more marketable by expanding the range of potential permitted uses on the site, including a learning center.

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential.

South: O-1 Low Rise Office.

East: B-2 Community Business.

West: B-1 Local Business.

Current Use of Adjacent Parcels:

North: Vacant.

South: Medical office.

East: Infinity Square retail center.

West: Single Family Residential.

**ANALYSIS**

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

PRINCIPAL USES PERMITTED:

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

Mortuary establishments.

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

Parking garages and off-street parking areas.

Sales, showrooms, and incidental repair of recreational vehicles.

New and used car salesroom, showroom, or office.

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

Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

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

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

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

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

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

#### USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

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

Motel or hotel.

Veterinary hospitals.

Commercial kennels.

Automobile repair garages.

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

#### Comparison of B-2 Community Business District and B-3 General Commercial District:

The B-3 district permits all of the uses permitted by right or by special conditions in the B-2 district, plus some additional uses. Footnote G of Section 31.30.00 requires a 75-foot rear yard setback for the B-2 district, when a parcel abuts a residential zoning district. This requirement does not apply to the B-3 district, which has a 30 foot rear yard setback requirement. The abutting parcel to the north is zoned R-1C One Family Residential. The building is set back only 30 feet from the rear property line. Therefore, rezoning the parcel to B-2 would create a legal non-conforming structure. This means if the building were to be destroyed for any reason it could not be rebuilt on its existing footprint, within the required rear yard setback, without first being granted a variance to do so by the BZA.

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

There are no Location Standards for the B-3 General Commercial District.

#### Potential Storm Water and Utility Issues:

The applicant proposes no additional construction on the property.

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

#### Quality of Life Considerations:

Rezoning the parcel would expand its development potential, as B-3 permits a wider range of uses than does B-1.

#### Design and Community Character Considerations:

The parcel abuts retail zoning on the east and west, and office to the south. The existing building on the subject parcel could be re-used under the provisions of the B-3 zoning district. If rezoned from B-1 to B-3, the underlying zoning will remain retail. The B-3 district permits a wider range of uses than B-1.

Preservation and Enhancement of Natural Features:

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

Low Impact Development Considerations:

The application indicates the applicants intend to continue to use the existing building. There is no indication that the applicant intends to utilize LID techniques.

Non-motorized Access Considerations:

There is a 5-foot wide sidewalk on the north side of Wattles when an 8-foot sidewalk is required. Also, the building lacks a connecting sidewalk linking the building to the public sidewalk on Wattles.

Access Management Considerations:

Access to the property is provided by two curb cuts on Long Lake Road. Access management could be improved in this area through the reduction in the number of curb cuts and the use of cross-access easements and shared parking.

Compliance with Ten Tenets of Smart Growth:

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

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

It appears the applicant wishes to continue to use the existing building on the site, with an extended range of permitted uses.

Compliance with Future Land Use Plan of the Master Plan:

The Master Plan calls for a Neighborhood Node at the corner of Wattles and John R (Neighborhood Node F). The Master Plan proposes that the node include high-density residential in combination with restaurants, limited office, and retail.

The parcel is within the established Neighborhood Node area described in the Future Land Use Plan. While not specifically proposing a mixed use development, rezoning the parcel to B-3 expands the range of potential uses, including permitting certain types of offices. The rezoning application is consistent with the Future Land Use Plan.

## **CITY MANAGEMENT RECOMMENDATION**

The parcel is presently zoned B-1 Local Commercial. Abutting parcels to the east and west are also zoned commercial. Rezoning the parcel to B-3 would have the effect of expanding the range of potential uses for the property, including office uses.

The proposed B-3 district is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses. City Management recommends approval of the rezoning request to B-3 General Business.

### **Attachments:**

1. Letter from Petitioner, dated April 3, 2009
2. Zoning Maps
3. Aerial Map
4. Master Plan Maps

cc: Applicant  
File / Z 736

G:\REZONING REQUESTS\Z-736 Harlan Shopping Plaza Sec 14\PC Report Z-736 4 14 09.docx

To:  
Planning Department  
City of Troy  
RE: Harlan Shopping Plaza  
1883-1939 E. Wattles  
Troy Mi 48085  
Planning File No. Z-736

REC'D

APR - 3 2009

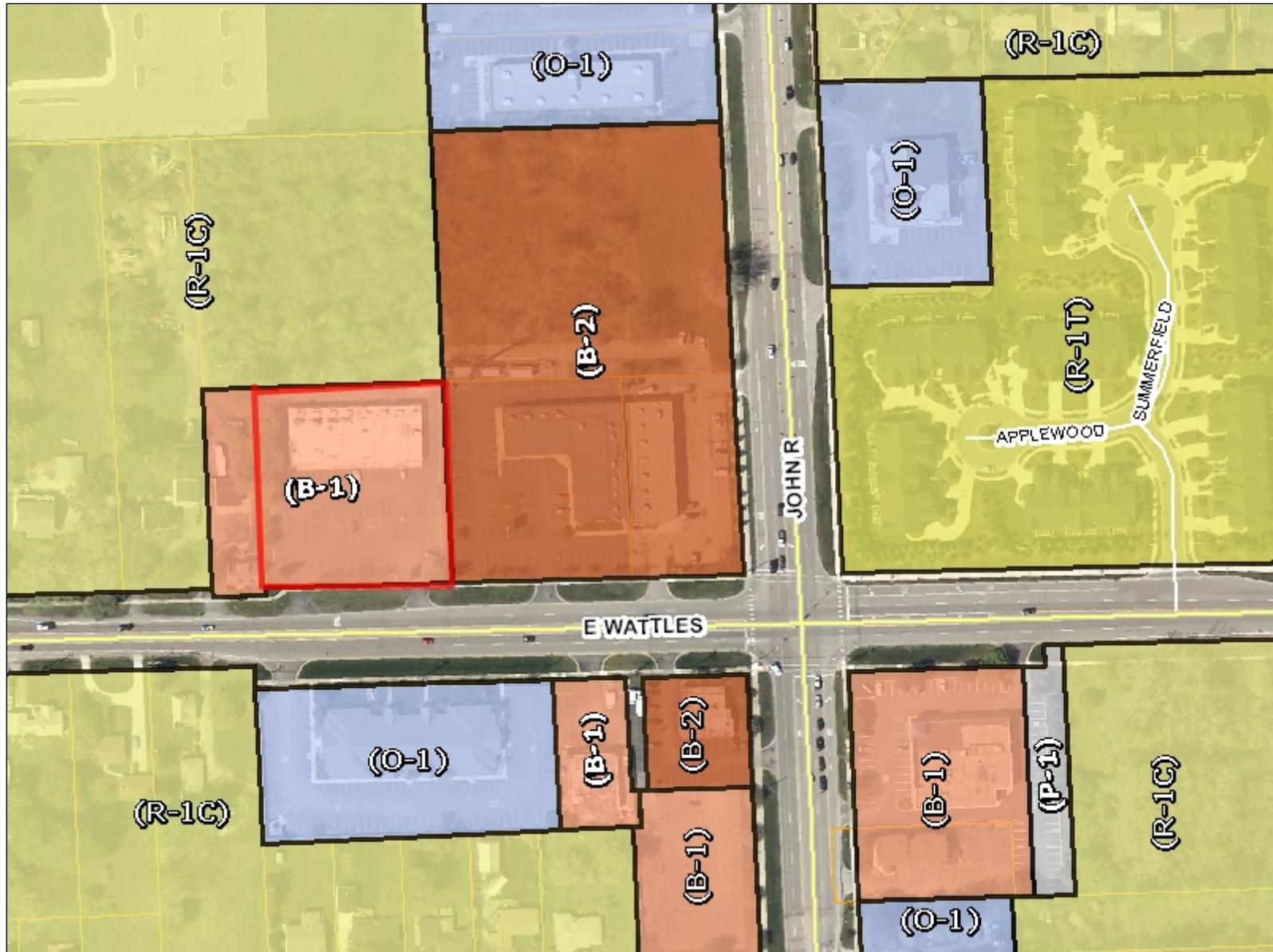
PLANNING DEPT.

I Lydia Hong am requesting that my original application for rezoning of my property located at 1883-1939 E. Wattles Parcel # 88-20-14-426-034 be changed from B2, B3 to only **B 3 Zoning**.

Thank you,



Lydia Hong-Owner  
Lydia Hong Trust  
4/3/2009



**Legend**

**Road Centerline**

- Major Road
- Industrial Road
- Local Road

**Zoning**

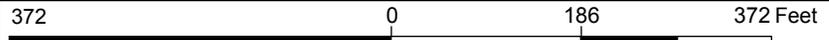
- (B-1) Local Business District
- (B-2) Community Business District
- (B-3) General Business District
- (R-C) Research Center District
- (C-F) Community Facilities District
- (C-J) Consent Judgment
- (E-P) Environmental Protection Clu
- (R-EC) Residential Elder Care
- (P-1) Vehicular Parking District
- (H-S) Highway Service District
- (M-1) Light Industrial District
- (O-1) Office Building District
- (O-M) Office Mid-Rise District
- (OSC) Office Service Commercial I
- (PUD) Planned Unit Development
- (CR-1) One Family Residential Clu
- (R-1A) One Family Residential Dist
- (R-1B) One Family Residential Dist
- (R-1C) One Family Residential Dist
- (R-1D) One Family Residential Dist
- (R-1E) One Family Residential Dist
- (R-1T) One Family Attached Reside
- (R-2) Two Family Residential Distri
- (R-M) Multiple Family Residential I
- (RM-1) Multiple Family Residential
- (RM-2) Multiple Family Residential
- (RM-3) Multiple Family Residential

**Parcels**

**Aerial Photos - 2008**

- Red: Band\_1

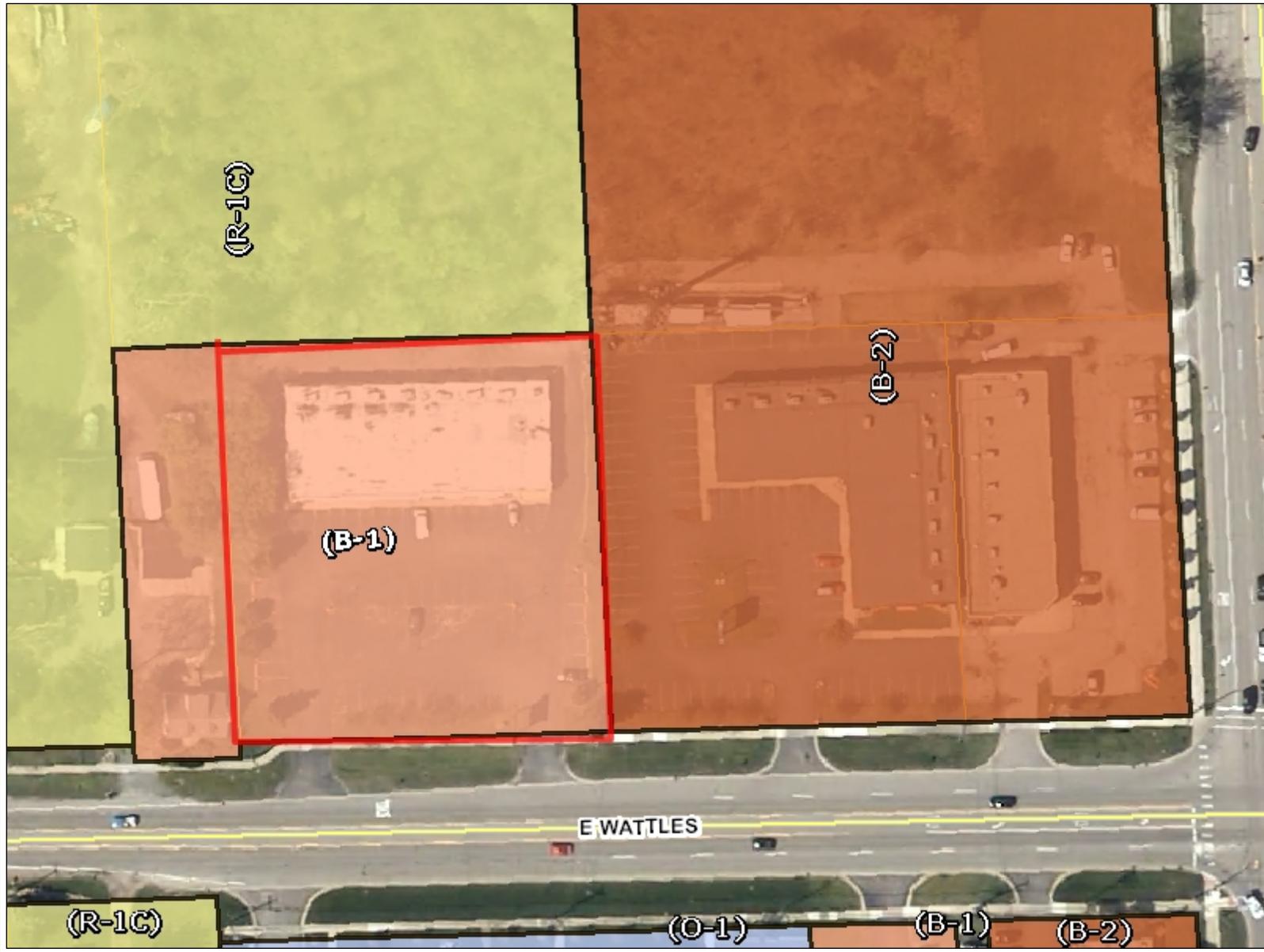
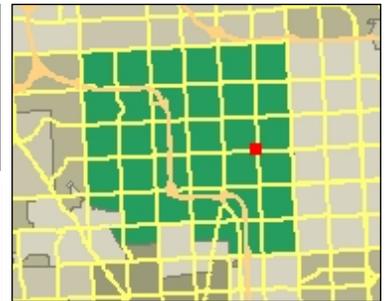
1:2,230



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**Notes**

Z 736 PROPOSED REZONING, Section 14  
 1883-1939 E. Wattles, Proposed Learning Center (Harlan Shopping Plaza), From B-2 to B-3



### Legend

**Road Centerline**

- Major Road
- Industrial Road
- Local Road

**Zoning**

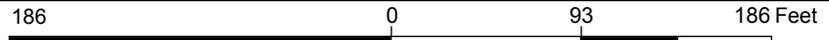
- (B-1) Local Business District
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- (R-M) Multiple Family Residential I
- (RM-1) Multiple Family Residential
- (RM-2) Multiple Family Residential
- (RM-3) Multiple Family Residential

**Parcels**

**Aerial Photos - 2008**

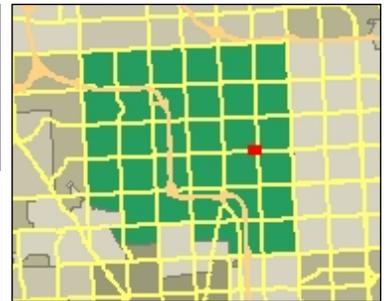
- Red: Band\_1

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**Notes**  
 Z 736 PROPOSED REZONING, Section 14  
 1883-1939 E. Wattles, Proposed Learning  
 Center (Harlan Shopping Plaza), From B-2  
 to B-3



- Legend**
- Road Centerline**
    - Major Road
    - Industrial Road
    - Local Road
  - Parcels**
    -
  - Aerial Photos - 2008**
    - Red: Band\_1
    - Green: Band\_2
    - Blue: Band\_3

1: 1,115



186                      0                      93                      186 Feet

NAD\_1983\_StatePlane\_Michigan\_South\_FIPS\_2113\_IntlFeet  
 City of Troy Geographical Information Systems - Department of Information Technology

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**Notes**  
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## Land Patterns: City Design and Image

### Future Land Use Categories

Single Family Residential	91
Neighborhood Nodes	93
High Density Residential	99
Big Beaver Road	101
Rochester Road	103
Maple Road	105
South John R Road	107
Northfield	109
Smart Zone	111
Automall	113
Transit Center	115
21st Century Industry	117
Recreation and Open Space	119
Public and Quasi-Public	119

The term “Future Land Use” brings to mind a prescription for isolated, parcel-by-parcel land use classifications that permit the development of a very limited number of land uses. This model tends to perpetuate the separation of land uses, even when it is not always the best option. This type of traditional land use planning was brought about in an age when zoning was in its infancy and land was readily available. There was less concern about the conservation of natural resources, and economic factors took precedence. While frequently effective, this kind of planning has had unintended consequences.

**As cities and regions have grown over the years, traditional land use plans have fostered sprawl in Southeast Michigan and impeded compact communities served by close proximity to jobs, schools, and community services.** At risk has been quality of life, an area which is critical to remaining competitive in the 21st Century, as discussed in detail in many Chapters of this Plan.

Today, Troy and many other communities have begun looking for new ways to improve quality of life by creating vibrant, mixed-use areas where jobs, great schools, opportunities for social interaction, excellent services and shopping, and high-quality neighborhoods exist in close proximity. Techniques such as Planned Unit Development (PUD) have been developed for just this reason. PUDs demonstrate that different land uses are compatible and supportive of each another.

**As a result, this Future Land Use Plan will expand on the concept of “villaging” established by Troy Vision 2020, and translate that concept into policies that manifest themselves on the Future Land Use Map.** It will introduce the concept of the “Social Neighborhood” and describe how it is intended to interact with the “Economic Neighborhood.” It will describe the character and role of places like the Big Beaver Corridor and Oakland Mall, an alternative way to think about Maple and Rochester Roads, and the industrial areas of the City.

**There are many traditional land use elements that should be maintained in Troy. Adherence to conventional approaches in all areas of the community will not allow the City to realize its vision.**

A shortfall of traditional land use planning is the primary focus on land use, and the lack of attention toward physical form. The Troy Master Plan will incorporate city design and image as primary areas of focus. This Chapter will establish future land use categories on which the Plan is based, and define the urban design characteristics of established categories.

## Land Use and City Design

The Troy Future Land Use Map does not allocate specific uses on a parcel-by-parcel basis, but **represents a graphic illustration of the overall policies of this Plan, and describes the intended character of the various areas of the City.** The primary categories will be supported by urban design guidelines and, in certain cases, sub-area plans which provide additional detail with regard to the intended styles and patterns of development.

The Future Land Use Plan of the City of Troy will be implemented through a variety of techniques. The most significant of these tools is the application of Zoning Classifications consistent with the Plan. It is important to note, however, that the Future Land Use Map is a long-range guide, and is not a “Zoning Map” intended to indicate the geographic extent of all land use classifications or to enable all indicated uses to occur immediately. The Future Land Use Map is included on the following page.

Neighborhoods are vital components of the City. **Historically, neighborhoods provide societal, educational, recreational and economic needs within a half-mile walking distance.** The Vision 2020 strategy establishes the idea of fostering “villages” within the City. Residents want to enjoy a personal sense of place which is best found at the neighborhood scale. **For Troy, the ingredients are in place for classic walkable neighborhoods.** Major thoroughfares delineate square mile grid patterns. Elementary and Middle Schools are centrally located within many of the neighborhoods. The corners of most neighborhoods are developed with convenience retail and service businesses.

The Master Plan recognizes that current lifestyles warrant modifying the walkable neighborhood concept. Not every person will walk a half-mile to get to a store or school. Most

### *Elements of Great Streets and Neighborhoods*

#### *Great Streets*

- Accommodate many users with various modes of transportation.
- Connect smoothly with the rest of the street network.
- Encourage social interaction.
- Allow for safe and pleasant pedestrian activity.
- Have a unique sense of public space created through physical elements.
- Consider the scale and architecture of surrounding building infrastructure.
- Benefits from community involvement.
- Reflect the culture or history of the community.
- Complement the visual qualities of the community.
- Utilize green and sustainable practices.

#### *Great Neighborhoods*

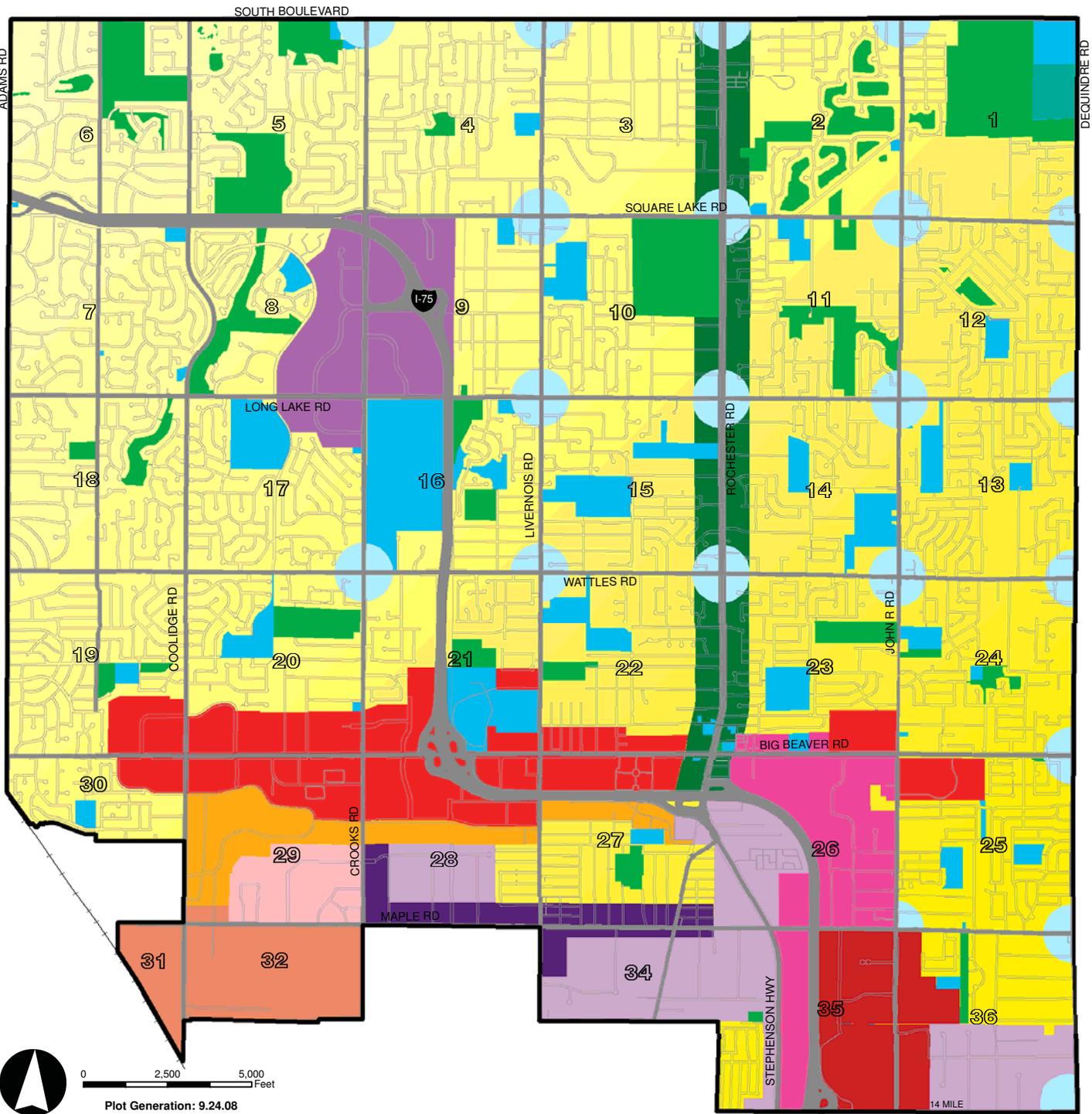
- Consider the scale and architecture of the building infrastructure.
- Foster social interaction.
- Enable multiple modes of transportation safely and efficiently.
- Are safe.
- Are good stewards of the natural environment.
- Reflect the community’s character and have unique characteristics that provide a sense of place.
- Retain the community’s history.
- Promote and protect air quality and stewardship of natural resources.
- Protect or enhance the local environment and biodiversity.

#### *Great Streets and Neighborhoods:*

- Implement LEED standards in construction and neighborhood design.
- Have planted street trees.
- Reuse materials when possible.
- Make recycling convenient.
- Facilitate non-motorized and/or public transportation.

*Planning and Zoning News, October 2007*

people will walk five minutes, or about one quarter of a mile. Typical comparison shopping for clothing, hardware and the like are measured by service radii related to drive times which



0 2,500 5,000 Feet

Plot Generation: 9.24.08

Basemap Source: Oakland County Planning

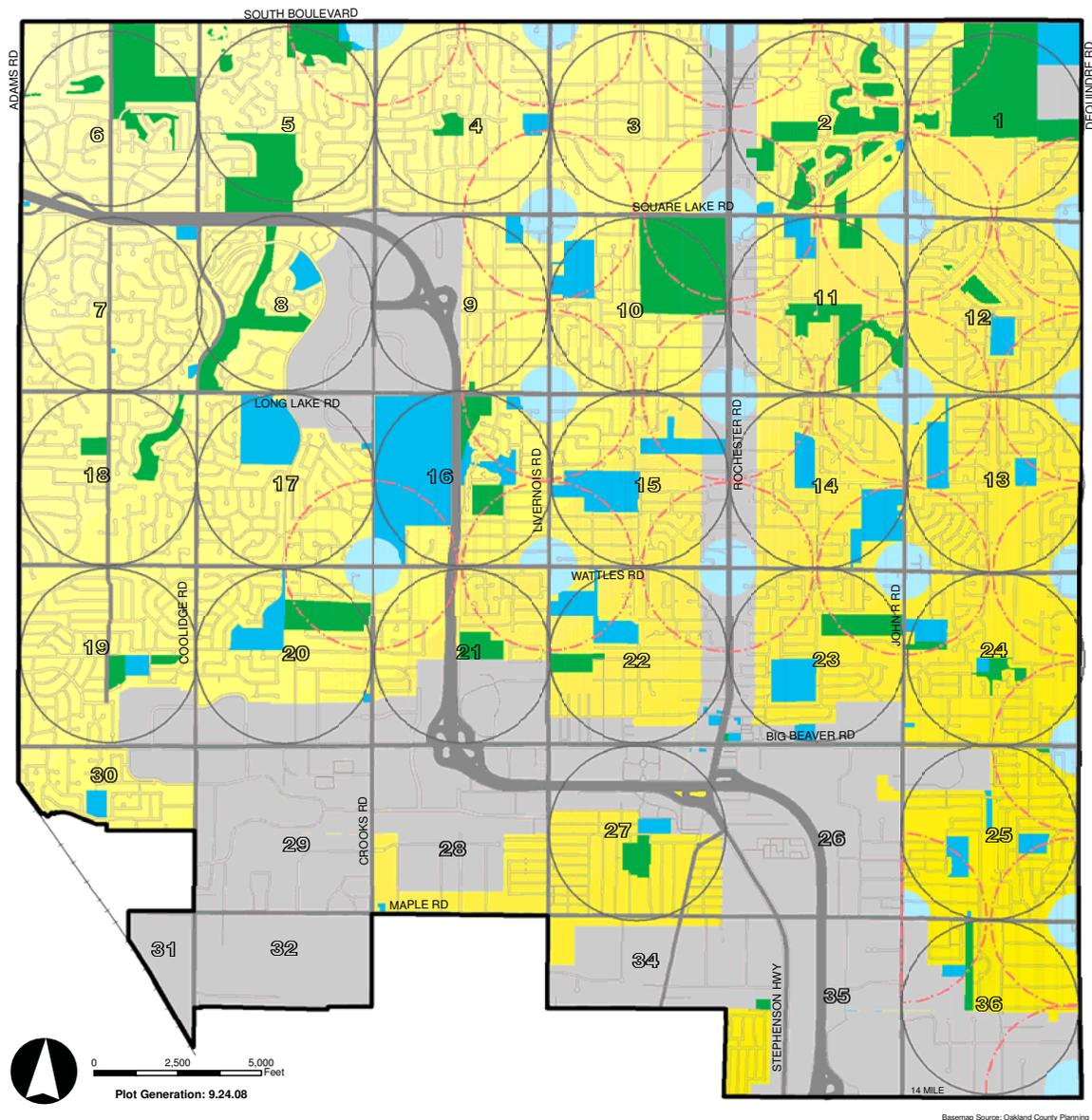
### Future Land Use

- |   |   |
|---|---|
|  Single Family Residential |  The Smart Zone            |
|  High Density Residential  |  Automall                  |
|  Neighborhood Nodes        |  The Transit Center        |
|  South John R. Road        |  21st Century Industrial   |
|  Big Beaver Road           |  Public and Quasi-Public   |
|  Rochester Road            |  Recreation and Open Space |
|  Maple Road                |  15 Section Number         |
|  Northfield                |   |

are not realistically walkable. Furthermore, Michigan has cold winters that limit year-round walkability. Troy's neighborhoods, now and in the foreseeable future, will serve its residents in two roles: the Social Neighborhood and the Economic Neighborhood.

The Social and Economic Neighborhoods of the City are shown on this Neighborhoods Map. The circles surrounding the Neighborhood Nodes

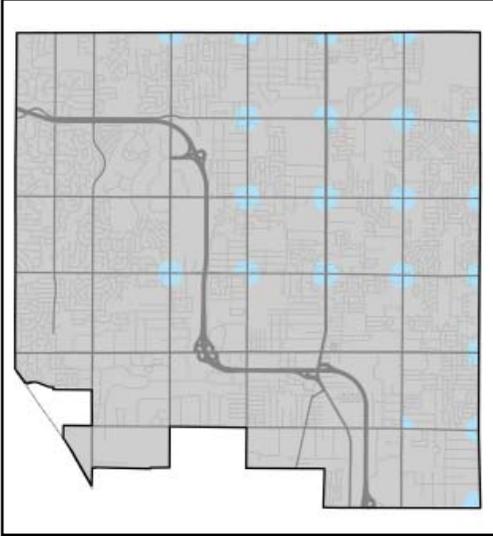
and the circles within the Social Neighborhoods are meant to demonstrate a rough service area for each neighborhood. While not necessarily precise, the circles are meant to demonstrate the basic relationship between the Social Neighborhood and the Economic Neighborhood. The circles are not meant to establish a formal land use category or policy in and of themselves, but rather to validate the planned uses at and around the Economic Nodes.



**Neighborhoods**

- Social Neighborhood
- Single Family Residential: The Social Neighborhood
- Economic Neighborhood
- Neighborhood Nodes: The Economic Neighborhood
- Recreation and Open Space: Extraordinary Amenities
- Public and Quasi-Public: The Foundation of Troy's Neighborhoods
- All Other Uses
- 15 Section Number

## Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

**Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods.** The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

## **DESIGN CONCEPT**

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

## **SITE DESIGN ATTRIBUTES**

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

## **BUILDING DESIGN ATTRIBUTES**

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

*The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.*

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.

**Kathy Czarnecki**

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**From:** John Trublowski [jtrublowski5885@wowway.com]  
**Sent:** Sunday, April 19, 2009 2:16 PM  
**To:** Kathy Czarnecki  
**Subject:** potential rezoning of Harlan Plaza

Dear Planning Commission,

Please do not recommend that the Harlan Plaza, located on Wattles west of John R be allowed to be rezoned. If the owner wants to encourage potential tenants, maybe they should paint/update the current structure, not look to be rezoned. Thank you.

Margaret Trublowski

Troy resident since 1987

**Kathy Czarnecki**

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**From:** Cathy Killian [onekillian@comcast.net]  
**Sent:** Sunday, April 19, 2009 3:05 PM  
**To:** Kathy Czarnecki  
**Subject:** Rezoning of Harlan Plaza

I have been a resident of Troy since 1977. I watched Harlan Plaza being built. When it was first built it was a nice looking plaza. Years have gone by and the owners have not taken care of the plaza. The plaza now is an eye sore for the City of Troy. If the owner wants to attract new businesses, the owner first should update the plaza. Asking for rezoning from B1 To B3 should not be granted until the owner has updated the plaza, first to see what businesses could be attracted with a new look. Giving the owner rezoning to help fill the storefronts should not happen. I understand the company marketing the plaza feels if the rezoning took place new businesses might become interested in Harlan Plaza. But as a long time residence of Troy, I feel updating the Plaza should be the first move. Changing the rezoning should be the last thing done, not the first thing. Also it is my understanding that B3 would allow for Adult type of businesses. The plaza is very close to a church and high school. I know that the any adult businesses would need to be at least 500 feet from residences. But any residence that backs up to commercial is able to go commercial. Once you have opened Pandora's Box you can not close it. Please do not allow the Harlan Plaza to be rezoned to B3.

Thank you,  
Cathy and Mike Killian  
3972 Kings Point Dr  
Troy, MI 48083

**Kathy Czarnecki**

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**From:** Mark F Miller  
**Sent:** Monday, April 20, 2009 2:43 PM  
**To:** Brent Savidant; Kathy Czarnecki  
**Subject:** FW: Rezoning of Harlan Plaza

Public comment for City Council Public Hearing.

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**From:** Cynthia A Stewart  
**Sent:** Monday, April 20, 2009 8:33 AM  
**To:** John Szerlag; Brian P Murphy  
**Cc:** Mark F Miller  
**Subject:** FW: Rezoning of Harlan Plaza

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**From:** Cathy Killian [mailto:onekillian@comcast.net]  
**Sent:** Sunday, April 19, 2009 3:11 PM  
**To:** Louise Schilling; rbeltram@wideopenwest.com; cristinabroomfield@yahoo.com; david@eisenbacher.org; Wade Fleming; Mfhowryl@umich.edu; marykerwin5@hotmail.com  
**Cc:** Cynthia A Stewart  
**Subject:** Rezoning of Harlan Plaza

We have been a resident of Troy since 1977. I watched Harlan Plaza being built. When it was first built it was a nice looking plaza. Years have gone by and the owners have not taken care of the plaza. The plaza now is an eye sore for the City of Troy. If the owner wants to attract new businesses, the owner first should update the plaza. Asking for rezoning from B1 To B3 should not be granted until the owner has updated the plaza, first to see what businesses could be attracted with a new look. Giving the owner rezoning to help fill the storefronts should not happen. I understand the company marketing the plaza feels if the rezoning took place new businesses might become interested in Harlan Plaza. But as a long time residence of Troy, I feel updating the Plaza should be the first move. Changing the rezoning should be the last thing done, not the first thing. Also it is my understanding that B3 would allow for Adult type of businesses. The plaza is very close to a church and high school. I know that the any adult businesses would need to be at least 500 feet from residences. But any residence that backs up to commercial is able to go commercial. Once you have opened Pandora's Box you can not close it. Please do not allow the Harlan Plaza to be rezoned to B3. We have also sent this letter to the planning commission.

Thank you,  
Cathy and Mike Killian  
3972 Kings Point Dr  
Troy, MI 48083

2009.04.14

**Kathy Czarnecki**

**From:** Kim Flaig [KBDFlaig@wowway.com]  
**Sent:** Saturday, April 11, 2009 2:38 PM  
**To:** Kathy Czarnecki  
**Subject:** Rezoning at Wattles between John R and Rochester Road

The traffic congestion is horrendous! Between 3 and 6 pm, it is almost impossible to turn left onto Wattles Road. There are abandoned strip malls on Wattles and Rochester Roads that are real eyesores. Some have been vacant for years. There is still an onset of construction on Rochester Road erecting more strip malls that will allow drivers to make left hand turns in or out of the condos and/or strip malls, which may be the culprit for many accidents to occur. Rochester Road alone is terrible for accidents because most drivers do not stop for red lights, a fine example is at Bishop and Rochester Road. Many times, drivers turn left onto Bishop and the ongoing traffic heading north either block the traffic signal or go through it causing broadside collisions. A police officer could sit at that traffic signal and ticket many drivers for going through the light or blocking the traffic – those funds could be used to assist in road repair.

The shopping center would definitely cause traffic congestion and there is no guarantee that the shopping center would be completely filled as demonstrated with these other abandoned buildings – SYMS, the aforementioned strip mall on Wattles and John R, a few restaurant buildings.

Why not build a small park buffered by tall trees with a gazebo, a small flower garden, a few swings, and green environmental garbage receptacles encased in wood to match the environment, whereby passersby could rest whether they bicycle, jog or walk? Today's world is going green, not concrete? It may be wise for someone to travel to the location of Square Lake and Franklin. On the northwest corner, there is a quaint, well-maintained park. It may be wise for the City of Troy to follow the building of that type of park.

There is a day care center at this location and to have a little park would be nice for those parents who need to wait to pick up their children. Maybe give the children a little down time at the park before wrestling with the traffic congestion.

It is food for thought to help the City of Troy go green!

Kimberley Flaig

BROWNFIELD REDEVELOPMENT AUTHORITY FINAL  
SPECIAL MEETING MINUTES

March 20, 2008

The meeting was called to order at 3:04 p.m. at Troy City Hall, Council Boardroom by Chair, Bruce Wilberding.

Members Present: Jim Campbell\*  
Art Cotsonika  
Victor Lenivov  
Robert Swartz  
Lon Ullmann  
Bruce Wilberding (Chairman)

Members Absent: Katherine Lee  
Philip Sanzica (arrived @ 3:06 p.m.)

Also Present: Brian Murphy, Assistant City Manager/Economic  
Development Services  
Lori Bluhm, City Attorney  
Mark Miller, Planning Director  
James Nash, Finance Director  
Patti Holland, Real Estate and Development Secretary

**NEW BUSINESS**

A. Brownfield Plan #5 – Pavilions of Troy

Presentation given by Hunter Richardson, Paul Bohn and Rick Rattner on the Pavilions of Troy – Brownfield Plan #5. The Board will review the Plan and meet again on March 31, 2008.

**EXCUSE ABSENT MEMBERS**

Resolution # BRA – 08-01  
Moved by: Ullmann  
Seconded by: Sanzica

Yeas: All (5)  
Absent: Lee

RESOLVED, That Lee be excused.

**PUBLIC COMMENT**

None

\* Jim Campbell not a board member. Term effective 05/01/08.

The meeting was adjourned at 4:37 p.m.

***The next regular scheduled meeting is April 15, 2008 in the Council Boardroom.***

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Bruce Wilberding, Chair

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Mark Miller, Secretary/Treasurer

BROWNFIELD REDEVELOPMENT AUTHORITY  
SPECIAL MEETING MINUTES

FINAL

March 31, 2008

The meeting was called to order at 10:05 a.m. at Troy City Hall, Council Boardroom by Bruce Wilberding.

Members Present: Jim Campbell\*  
Art Cotsonika  
Victor Lenivov  
Robert Swartz  
Philip Sanzica  
Lon Ullmann  
Bruce Wilberding (Chairman)

Members Absent: Katherine Lee

Also Present: Brian Murphy, Assistant City Manager/Economic  
Development Services  
Lori Bluhm, City Attorney  
Mark Miller, Planning Director  
Patti Holland, Real Estate and Development Secretary

**OLD BUSINESS**

A. Presentation on Brownfield Plan #5 – Pavilions of Troy

Presentation given by Rick Rattner and Paul Bohn on the Pavilions of Troy – Brownfield Plan #5 followed with discussion from the Board regarding the Agreement.

B. Brownfield Tax Increment Financing Reimbursement Agreement Resolution for Brownfield Plan # 5 - Pavilions of Troy

Resolution # BRA-08-02  
Moved by: Sanzica  
Seconded by: Campbell\*

WHEREAS, on March 20, 2008, the City of Troy Brownfield Redevelopment Authority (TBRA) was presented with the March 17, 2008 draft of proposed Brownfield Plan #5, Brownfield Plan for the Pavilions of Troy Redevelopment Project; and

WHEREAS, the TBRA had the opportunity to review the concepts of the TBRA Brownfield Plan #5, as well as to ask questions and obtain additional details about the plan at the March 20, 2008 TRBA meeting; and

WHEREAS, the TBRA also had the opportunity to review a proposed Brownfield Reimbursement Agreement between the TBRA and the developer, Diamond Troy JV, LLC, a Delaware limited liability company; and

WHEREAS, the final authority for the approval of the TBRA Brownfield Plan #5 rests with the Troy City Council, after public notice and a public hearing, which is anticipated to be scheduled on April 21, 2008.

NOW THEREFORE, BE IT RESOLVED that the TBRA recommends approval of the TBRA Brownfield Plan #5, Brownfield Plan for the Pavilions of Troy Redevelopment Project, since the proposed plan is permitted under the recent amendments to PA 1996, No. 381 (MCL 125.2651 et. seq.), which allows for eligible activities, including the demolition of structures and lead and asbestos abatement, on eligible properties that are functionally obsolete; and

BE IT FURTHER RESOLVED, that the TBRA has determined that the proposed Brownfield Plan #5 constitutes a public purpose under PA 1996, No. 381 (MCL 125.2651), and recommends that Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has determined that the proposed Brownfield Plan #5 satisfies all of the statutory requirements for a Brownfield Plan, as set forth in Section 13 of the Act (MCL 125.2663), and recommends that Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has determined that the proposed method of financing the costs of the eligible activities, as described in the proposed Brownfield Plan #5, are reasonable and necessary to carry out the purposes of PA 1996, No. 381 (MCL 125.2651), and recommends that Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that the TBRA has determined that the amount of captured taxable value estimated to result from the adoption or approval of TBRA Brownfield Plan #5 is reasonable, and recommends that Troy City Council concur in this determination; and

BE IT FURTHER RESOLVED, that upon the approval of Brownfield Plan #5, the TBRA also recommends approval of a Brownfield Reimbursement Agreement that provides for reimbursement of the Developer's costs for eligible activities on eligible properties from the tax increment capture for the Property, in an amount not to exceed \$8,440,000.00, plus actual interest expense, as long as the total amount of reimbursement does not exceed \$13,200,000.00, provided that the capture of the TBRA controlled millages (SMART, ISD) shall not exceed \$3,872,203.00, and shall not be captured for a period that exceeds 20 years; and

BE IT FURTHER RESOLVED, that a copy of the TBRA Brownfield Plan #5, and the Brownfield Reimbursement Agreement, shall incorporate the changes discussed at the TBRA meeting of March 31, 2008, and that the revised TBRA Brownfield Plan #5 and the Brownfield Reimbursement Agreement shall be distributed to TBRA members on or before April 8, 2008, to allow for TBRA final review before submittal to Troy City Council.

Yes: Campbell\*, Cotsonika, Sanzica, Wilberding  
No: Lenivov, Swartz, Ullmann  
Absent: Lee

MOTION FAILED

**NEW BUSINESS**

None

**EXCUSE ABSENT MEMBERS**

Resolution # BRA-08-03  
Moved by: Ullmann  
Seconded by: Sanzica

Yeas: All (6)  
Absent: Lee

RESOLVED, That Lee be excused.

**PUBLIC COMMENT**

Mary Ann Bernardi and Frank Howrylak commented on Brownfield Plan # 5 – Pavilions of Troy.

\* Jim Campbell not a board member. Term effective 05/01/08.

The meeting was adjourned at 2:08 p.m.

***The next meeting scheduled is April 15, 2008.***

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Bruce Wilberding, Chairman

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Mark Miller, Secretary/Treasurer

BRA Special Meeting Minutes

03-31-08

BROWNFIELD REDEVELOPMENT AUTHORITY  
FINAL MEETING MINUTES

October 21, 2008

The meeting was called to order at 3:03 p.m. at Troy City Hall, Council Boardroom by Bruce Wilberding.

Members Present: Art Cotsonika  
Victor Lenivov  
Donald Schenk  
Robert Swartz  
Joseph Vassallo  
Bruce Wilberding (Chairman)

Members Absent: Jim Campbell

Also Present: Lori Grigg Bluhm, City Attorney  
Mark F. Miller, Secretary/Treasurer

**APPROVAL OF MINUTES**

Resolution # BRA 08-13  
Moved by: Vassallo  
Seconded by: Schenk

RESOLVED, that the BRA approve the minutes of July 15, 2008.

Yeas: All (6)  
Absent: Campbell

MOTION PASSED

**OLD BUSINESS**

Resolution # BRA 08-14  
Moved by: Cotsonika  
Seconded by: Schenk

WHEREAS, On July 15, 2008, the Troy Brownfield Redevelopment Authority (TBRA) approved the TBRA minutes of March 20, 2008; and

WHEREAS, Subsequent to that date, there is newly discovered information that requires a correction to these minutes;

J-1c

NOW THEREFORE, BE IT RESOLVED, that the TBRA minutes of March 20, 2008 are hereby corrected as noted on the attached Brownfield Redevelopment Authority Special Meeting Minutes of March 20, 2008, as amended.

Yeas: All (6)  
Absent: Campbell

MOTION PASSED

Resolution # BRA 08-15  
Moved by: Cotsonika  
Seconded by: Schenk

WHEREAS, On July 15, 2008, the Troy Brownfield Redevelopment Authority (TBRA) approved the TBRA minutes of March 31, 2008; and

WHEREAS, Subsequent to that date, there is newly discovered information that requires a correction to these minutes;

NOW THEREFORE, BE IT RESOLVED, that the TBRA minutes of March 31, 2008 are hereby corrected as noted on the attached Brownfield Redevelopment Authority Special Meeting Minutes of March 31, 2008, as amended.

Yeas: All (6)  
Absent: Campbell

MOTION PASSED

There were comments requesting revolving loan fund examples. In addition, a request was made for legislative updates, especially if legislation is adopted at the state level that impacts the TBRA.

## **NEW BUSINESS**

### A. Brownfield Website Update

Mark Miller, Planning Director, demonstrated the City of Troy's website live. He maneuvered the updated Brownfield Redevelopment Authority section of the website, along with the Real Estate and Economic Development, Planning Department and Planning Commission pages. Mr. Miller asked the TBRA members to review the website and feel free to submit suggestions for improvement.

**BOARD MEMBER COMMENTS**

There was lengthy discussion regarding submittal requirements for a Brownfield Plan.

City staff indicated that enabling legislation includes the Brownfield Plan submittal requirements. Further, staff added that the applicant and their legal counsel are responsible for the submittal.

TBRA members indicated that they would like to receive an update when there are legislative changes that impact the TBRA.

City staff responded that if there are legislative actions affecting the TBRA, a legislative update will be prepared.

The meeting was adjourned at 4:37 p.m.

**The next meeting scheduled is January 20, 2009**

  
\_\_\_\_\_  
Bruce Wilberding, Chairman

  
\_\_\_\_\_  
Mark Miller, Secretary/Treasurer

A meeting of the **Joint Local Development Finance Authority – Troy Subcommittee (LDFA)** was held on Monday, November 17, 2008 at 3:30 p.m., at City Hall in the Council Board Room. Beltramini called the meeting to order at 3:32 p.m.

**PRESENT:** Robin Beltramini, Chair  
Brian Murphy, Assistant City Manager/Economic Development Services  
Mike Adamczyk  
Stephanie Bergeron

**ABSENT:** Mike Kidder  
Doug Smith

**ALSO PRESENT:** Mark Miller, Planning Director  
Lori Grigg Bluhm, City Attorney  
Patti Holland, Real Estate and Development Secretary

#### **VOTE TO APPROVE OF MINUTES FROM PREVIOUS MEETING**

***Resolution # LD-2008-11-001***

Moved by Murphy

Seconded by Bergeron

RESOLVED, That the minutes of April 28, 2008 be approved.

Yeas: All – 4  
Nays: None  
Absent: Kidder, Smith

#### **OLD BUSINESS**

A. Boundaries Update

Mark Miller discussed the expansion of the boundaries.

#### **NEW BUSINESS**

A. Automation Alley Foundation Membership

Mark Miller presented the foundation membership benefits to the board.

J-1d

**Resolution # LD-2008-11-002**

Moved by Murphy

Seconded by Bergeron

RESOLVED, That the LDFA Board approves a one-year Automation Alley Foundation Membership at a cost of \$15,000.

Yeas:            All – 4

Nays:            None

Absent:          Kidder, Smith

B. LDFA Reference Book

A presentation was given by Lori Bluhm regarding the contents of the reference book.

C. 2009 Meeting Schedule Dates

**Resolution # LD-2008-11-003**

Moved by Murphy

Seconded by Adamczyk

RESOLVED, That the board approves the 2009 meeting schedule.

Yeas:            All – 4

Nays:            None

Absent:          Kidder, Smith

**PUBLIC COMMENT**

None

The meeting adjourned at 4:15 p.m.

**Next Meeting: February 2, 2009**



Robin Beltramini, Chair

**CALL TO ORDER**

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, January 27, 2009 at the Troy Community Center at 7:02 pm.

**ROLL CALL**

Members Present:           Jeff Stewart  
                                  Mike Gonda  
                                  Sandy Macknis  
                                  Jim Hattan  
                                  Bob Berk  
                                  Jeff Super  
                                  Alison Miller  
                                  Bob Preston  
                                  Sarah Wunderlich, student  
                                  Dan O'Brien

Absent:

City Staff Present:       Cindy Stewart  
                                  Jeff Biegler  
                                  Tonya Perry  
                                  Mike Lyczkowski

Others:                     Doris Schuchter  
                                  Poncho Massaini  
                                  Lynn Clark

**Approval of Minutes**

Motion by: Jeff Super  
Seconded by: Alison Miller

RESOLVED, that the minutes of October 28, 2008 are approved with correction to the spelling of Russ Harden's name. MOTION CARRIED

**New Business**

- a. Update on City Council's Budget discussions. Expenses in 2008 totaled \$139,985.21/ Revenue was \$75,289.05. The shortfall was \$64,696.16. (Parking, amusements and corporate sponsors down due to cancellation)

Budgeted sponsorships: \$36,000      Actual: \$23,250

Suggestion was made to submit a similar budget for 2009. City Staff has been instructed that there are to be no increases for the 2009/10 budget.

Police & Fire Explorers were paid a portion of their contracted fees for service. We'll have less summer laborers for Parks & Rec in 2009. We could have student volunteers reassigned to the jobs they would have done.

Troy Daze Festival Committee agrees on the ideas to reduce costs - that it would be better to have the festival every other year instead of shortening the duration. Setup and tear down are the large costs and those costs don't change if days are cut.

Police have adjusted overtime as well as Parks & Rec staff to reduce costs over the years.

In terms of every other year, we just reduce risk of losing any money by not holding the festival. But the Committee hopes it can continue each year.

The trailer vendor only charged half their costs for 2008 due to the weather. Entertainers were okay since they were promised they'd be back in 2009.

Jeff Biegler will share tent specs with Bob Berk and Mike Gonda to get the bid out by February.

**b. Suggestions from 2008 Festival**

- Hold a weather-related drill with vendors (at Booth Meeting). Bob will review the procedure drawn up for clearing the park. State Code Public Act 207 - Fire Department has the authority to evacuate any facility/public place in case of emergency. There was discussion about revising festival policies/evacuation process
- Bob and Mike to schedule a meeting in April with Wayne and Terry regarding Police Explorers.

**c. Review of 2009 Festival, Sept. 17-20**

- Photography co-chair's name to Bob Berk.
- EthniCity – EIAB are exploring other options instead of EthniCity Tent with booths.

- Jim Hattan saved all the flags from EthniCity Tent, dried and stored in his basement.
- Miss Troy – ways to cut costs: Hold event at Troy High School on a Friday instead of a Saturday. Check local churches regarding costs if pageant is held at one of their locations.
- Fire Trucks in the parade: Chief Nelson does not care where the trucks are located in the lineup.

**Member Comment**

City Council cut the Appreciation Banquet out of the budget; they do appreciate everyone's service.

Office Nickie Kaptur, Community Services Section, had a heart attack and is recuperating at home. All members wish her a speedy recovery.

**Adjourn**

Meeting adjourned at 7:55 pm.

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Bob Berk, Co-Chairperson

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Cindy Stewart, Community Affairs Director

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.

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Matthew Kovacs, Chairman

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Pamela Pasternak, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 1, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Bill Nelson  
Tim Richnak  
Mark Stimac  
Frank Zuazo

ALSO PRESENT: Pam Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 4, 2009**

Motion by Richnak  
Supported by Nelson

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

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

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

Mr. Dziurman explained that Mr. Emerson had submitted a letter requesting that this item be postponed until the meeting of May 6, 2009.

Motion by Nelson  
Supported by Richnak

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 meeting of May 6, 2009.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL MAY 6, 2009 CARRIED

**ITEM #3 – VARIANCE REQUESTED. SENTRY SECURITY SYSTEMS, 1163 SOUTER,**  
for relief of Chapter 83 to install an electrified security fence.

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

**ITEM #3 – con't.**

This item last appeared before this Board at the meeting of March 4, 2009 and was postponed to allow the petitioner the opportunity to contact surrounding property owners to determine whether they would be in favor of this electrified security fence.

Mr. Stimac further stated that the petitioner had provided six (6) letters of approval from owners, as well as tenants of the adjacent property.

Cindy Vaughn of Sentry Security Systems was present and distributed three (3) additional approvals. Mr. John Westendorf of Old Dominion Freight Lines was also present.

Mr. Richnak asked how the notices were sent out.

Ms. Vaughn said that they had mailed each letter and included a self-addressed stamped envelope for return. The only property that she did not receive a response from was the DHL building which is vacant.

Mr. Dziurman asked about the signage on the fence.

Ms. Vaughn said that the standard is a yellow warning sign and they are placed at 50' intervals along the fence. Ms. Vaughn also stated that if the Board wished they could place the signs at 25' intervals. The signs are written in both English and Spanish.

Mr. Dziurman asked if the issues with the gate have been taken care of.

Mr. Nelson said that he had met with the petitioner and the concerns that he had with the gate have been taken care of.

There is one (1) written objection on file. There are nine (9) written approvals on file.

Motion by Nelson  
Supported by Richnak

MOVED, to grant the request of Sentry Security Systems, 1163 Souter, for relief of Chapter 83 to install an electrified security fence.

- All requirements of the Fire Department as sent to petitioner on February 24, 2009 will be met.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Nelson, Richnak, Zuazo  
Abstain: 1 – Stimac

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Stimac explained that according to the provisions of Chapter 79, he is a member of the Building Code Board of Appeals. However, the petitioners are before the Board to appeal a decision made by him. In the past an employee of the Building Department has been appointed to serve as a designee of the Building Official. This procedure has been in place for the past thirty (30) years. Mr. Stimac would like to approach Council to change Chapter 79 so that there is no appearance of conflict of interest and appoint a person with the necessary qualifications to this position. Until this happens, Mr. Stimac indicated that he would abstain from voting on certain issues.

Mr. Richnak stated that he does not feel there has ever been any type of conflict and each member expresses concerns when necessary.

Mr. Stimac stated that he has never had issues with any of the Board members and it has not come up in the past.

Mr. Dziurman stated that he feels that this is a logical way to go.

Mr. Richnak pointed out that the City has the expertise to know what is required in the field that a lay person may not address. Mr. Richnak feels that this Board is a well-rounded group of people.

Mr. Nelson also said that he thought it would be a good idea to explore the possibility of having someone else address the Fire Codes. Mr. Nelson pointed out that very often he is voting on a decision made by someone in his Department also.

Mr. Stimac further stated that he was going to discuss his concerns with the City Attorney's office to determine if these changes could be made and would keep the Board apprised of the situation.

The Building Code Board of Appeals meeting adjourned at 8:58 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 7, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Philip Sanzica  
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2009-04-029**

Moved by: Edmunds  
Seconded by: Maxwell

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)  
Absent: Sanzica, Vleck

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2009-04-030**

Moved by: Edmunds  
Seconded by: Tagle

**RESOLVED**, To approve the minutes of the March 10, 2009 Regular meeting as submitted.

Yes: All present (7)  
Absent: Sanzica, Vleck

**MOTION CARRIED**

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Ullmann reported on the March 17, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the proposed Sonic Restaurant and circulated the application and photographs relating to the request for six variances.

Mr. Ullmann also addressed the process for which variances are sought in relation to site plan approval.

Discussion followed.

**Resolution # PC-2009-04-031**

Moved by: Strat  
Seconded by: Ullmann

**RESOLVED**, That the Planning Director and Planning Department staff review the appropriate section of the Zoning Ordinance (Article 43 of Chapter 39) and come back to the Planning Commission with a draft within 45 days of their recommended revisions of that section of the Zoning Ordinance.

Yes: All present (7)  
Absent: Sanzica, Vleck

**MOTION CARRIED**

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the March 18, 2009 Downtown Development Authority (DDA) meeting, and addressed the Big Beaver Corridor as follows:

- Update on Design Guidelines and Design Standards
- Timeframe to roll out the project.

Mr. Miller announced the April DDA meeting is cancelled.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- ZOTA 234 Automobile Repair in M-1 – Approved by City Council, 03/23/09.
- ZOTA 235 Submittal Requirements for Site Plan Review/Approval and Special Use Approval Application – Approved by City Council, 03/23/09.

- PUD #10 Big Beaver Kilmer – Item will be coming back to Planning Commission to address request from neighboring property owner request for wrought iron fence in lieu of wall.
- Michigan Municipal League (MML) Form Based Code courses.
- Special Joint Meeting with the City of Birmingham – April 16, 2009.
- Special/Study Meeting – May 5, 2009.

Other items discussed:

- Comments from those in attendance at MML Form Based Code course.
- Formation of a joint commission with the City of Birmingham.
- Role of site plan review/approval relating to Intermodal Transit Center.
- “Program Requirement” relating to Intermodal Transit Center.

### **STUDY ITEMS**

#### 8. ZONING ORDINANCE COMPREHENSIVE REWRITE (ZOTA 236)

Mr. Miller addressed the following and asked for input and suggestions:

- Interviewees.
- Interview questions.
- Master plan purpose and key considerations.
- Zoning Ordinance purpose and key considerations.

It was agreed to make the following revisions to the interview questions.

- Add “And why?” to the question, “What specific provisions would you like to see added to the Zoning Ordinance?”
- Add “Reason or rationale” to question, “What specific provisions would you like to see modified or eliminated from the Zoning Ordinance?”

Discussion continued on the format/style of interviews and the departmental role and collaboration in the Zoning Ordinance rewrite.

Mr. Branigan presented an analysis of the office and light industrial districts.

Discussion followed.

Mr. Branigan said the next steps were to flush out a written description and rough draft of the zoning map.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 238) – Social Service Agencies in M-1

Mr. Miller briefly reviewed the proposed zoning ordinance text amendment and draft text relating to Social Services Agencies in the M-1 district. He announced a public hearing is scheduled for the April 28, 2009 Special/Study meeting.

Discussion followed specifically addressing profit, non-profit or privately funded agencies.

It was agreed to revise the definition. *Italics* designate the revisions.

*A facility or business operated by an organization which provides services, products, and/or information for an individual or entire community (omit "citizens in need"), including but not limited to training, counseling, health, or the distribution of food or clothing.*

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 237) – Neighborhood Node Overlay Zone District Mapping

Mr. Miller addressed the display maps of delineated Neighborhood Node Overlay Zone G (Wattles and Rochester) and Zone K (Long Lake and John R). He indicated that the maps would be fine-tuned to include a description, title block, intersection and arrow scale.

Discussion followed on the approach to delineate the Neighborhood Node Overlay Zones.

**OTHER BUSINESS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

There were general comments.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:37 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 7, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Philip Sanzica  
 Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
 Christopher Forsyth, Assistant City Attorney  
 Zak Branigan, Carlisle/Wortman Associates, Inc.  
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2009-04-029**

Moved by: Edmunds  
 Seconded by: Maxwell

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)  
 Absent: Sanzica, Vleck

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2009-04-030**

Moved by: Edmunds  
 Seconded by: Tagle

**RESOLVED**, To approve the minutes of the March 10, 2009 Regular meeting as submitted.

Yes: All present (7)  
 Absent: Sanzica, Vleck

**MOTION CARRIED**

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Ullmann reported on the March 17, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the proposed Sonic Restaurant and circulated the application and photographs relating to the request for six variances.

Mr. Ullmann also addressed the process for which variances are sought in relation to site plan approval.

Discussion followed.

**Resolution # PC-2009-04-031**

Moved by: Strat  
Seconded by: Ullmann

**RESOLVED**, That the Planning Director and Planning Department staff review the appropriate section of the Zoning Ordinance (Article 43 of Chapter 39) and come back to the Planning Commission with a draft within 45 days of their recommended revisions of that section of the Zoning Ordinance.

Yes: All present (7)  
Absent: Sanzica, Vleck

**MOTION CARRIED**

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the March 18, 2009 Downtown Development Authority (DDA) meeting, and addressed the Big Beaver Corridor as follows:

- Update on Design Guidelines and Design Standards
- Timeframe to roll out the project.

Mr. Miller announced the April DDA meeting is cancelled.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- ZOTA 234 Automobile Repair in M-1 – Approved by City Council, 03/23/09.
- ZOTA 235 Submittal Requirements for Site Plan Review/Approval and Special Use Approval Application – Approved by City Council, 03/23/09.

- PUD #10 Big Beaver Kilmer – Item will be coming back to Planning Commission to address request from neighboring property owner request for wrought iron fence in lieu of wall.
- Michigan Municipal League (MML) Form Based Code courses.
- Special Joint Meeting with the City of Birmingham – April 16, 2009.
- Special/Study Meeting – May 5, 2009.

Other items discussed:

- Comments from those in attendance at MML Form Based Code course.
- Formation of a joint commission with the City of Birmingham.
- Role of site plan review/approval relating to Intermodal Transit Center.
- “Program Requirement” relating to Intermodal Transit Center.

### **STUDY ITEMS**

#### 8. **ZONING ORDINANCE COMPREHENSIVE REWRITE (ZOTA 236)**

Mr. Miller addressed the following and asked for input and suggestions:

- Interviewees.
- Interview questions.
- Master plan purpose and key considerations.
- Zoning Ordinance purpose and key considerations.

It was agreed to make the following revisions to the interview questions.

- Add “And why?” to the question, “What specific provisions would you like to see added to the Zoning Ordinance?”
- Add “Reason or rationale” to question, “What specific provisions would you like to see modified or eliminated from the Zoning Ordinance?”

Discussion continued on the format/style of interviews and the departmental role and collaboration in the Zoning Ordinance rewrite.

Mr. Branigan presented an analysis of the office and light industrial districts.

Discussion followed.

Mr. Branigan said the next steps were to flush out a written description and rough draft of the zoning map.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 238) – Social Service Agencies in M-1

Mr. Miller briefly reviewed the proposed zoning ordinance text amendment and draft text relating to Social Services Agencies in the M-1 district. He announced a public hearing is scheduled for the April 28, 2009 Special/Study meeting.

Discussion followed specifically addressing profit, non-profit or privately funded agencies.

It was agreed to revise the definition. *Italics* designate the revisions.

*A facility or business operated by an organization which provides services, products, and/or information for an individual or entire community (omit "citizens in need"), including but not limited to training, counseling, health, or the distribution of food or clothing.*

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 237) – Neighborhood Node Overlay Zone District Mapping

Mr. Miller addressed the display maps of delineated Neighborhood Node Overlay Zone G (Wattles and Rochester) and Zone K (Long Lake and John R). He indicated that the maps would be fine-tuned to include a description, title block, intersection and arrow scale.

Discussion followed on the approach to delineate the Neighborhood Node Overlay Zones.

**OTHER BUSINESS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

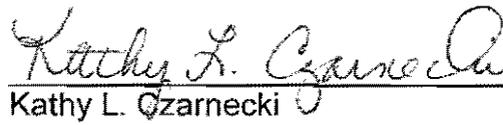
There were general comments.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:37 p.m.

Respectfully submitted,

  
Robert M. Schultz, Chair

  
Kathy L. Gzarnecki

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 14, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Philip Sanzica

Also Present:

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

2. APPROVAL OF AGENDA

**Resolution # PC-2009-04-032**

Moved by: Maxwell  
 Seconded by: Tagle

**RESOLVED**, To approve the Agenda as submitted.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PUBLIC HEARINGS**

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 367) – Outdoor Storage of Vehicles (2927 Elliott), North and South sides of Elliott, West side of Dequindre, Section 36, Zoned M-1

Mr. Savidant reported the Planning Department received a request from the petitioner to postpone the matter and reschedule the Public Hearing. The petitioner was not able to provide a complete set of site plans by the Agenda deadline.

**Resolution # PC-2009-04-033**

Moved by: Hutson  
Seconded by: Strat

**RESOLVED**, To postpone the matter until the appropriate documentation is submitted to us.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

5. **PUBLIC HEARING – REZONING APPLICATION (Z 736)** – Proposed Learning Center, Harlan Shopping Plaza, North side of Wattles, West of John R (1883-1939 E. Wattles), Section 14, From B-1 (Local Business) to B-2 (Community Business) or B-3 (General Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning application. Mr. Savidant announced the Planning Department received a letter of opposition, of which a copy was distributed to members prior to the beginning of tonight's meeting. Mr. Savidant addressed the petitioner's written request to rezone the subject parcel to only the B-3 zoning district.

Mr. Savidant reported the proposed B-3 district is consistent with the intent of the Master Plan and compatible with abutting zoning districts and uses. It is the recommendation of City Management to approve the rezoning request to the B-3 zoning district.

Mr. Miller addressed the rezoning application with respect to the petitioner's original request to B-2 or B-3 and the relation of B-3 zoning to the Master Plan.

The petitioner, Lydia Hong of 16050 Fairfax, Southfield, was present.

Dan DeYonker, Associate Broker of ReMax First, was present also to represent the petitioner. Mr. DeYonker addressed the petitioner's request to rezone to only the B-3 zoning district with respect to the current economy and the setback requirements of the B-2 district.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

Mr. Hutson spoke favorably of the rezoning request to B-3.

**Resolution # PC-2009-04-034**

Moved by: Vleck  
Seconded by: Tagle

**WHEREAS**, That the Planning Commission hereby recommends to the City Council that the B-1 to B-3 rezoning request, located on the north side of Wattles, west of John R, within Section 14, being approximately 1.29 acres in size, be granted.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED****SPECIAL USE REQUEST**

6. **SPECIAL USE REQUEST (SU 364)** – Pet Suite Retreat, Commercial Kennel, East side of Bellingham, North of Brinston (2300 Bellingham), Section 26, M-1 (Light Industrial) District

Mr. Savidant reviewed the Special Use application. The application was considered at two previous Planning Commission meetings, and was postponed at the February 24, 2009 Special/Study meeting to allow the petitioner time to develop a plan that would address fencing and drainage issues. Mr. Savidant reported on the revisions made to the site plan with respect to stormwater and waste management and fencing.

It is the recommendation of City Management to approve the Special Use and Preliminary Site Plan with two conditions relating to waste management, as specified in the Planning Department report.

Mr. Miller indicated the Planning Department omitted to include in their recommendation and proposed Resolution a condition relating to the parking deviation.

There was discussion on:

- Noise factor to adjacent residential and land uses.
- Zoning Ordinance requirement to maintain minimum 300-foot distance from commercial kennel to residential.
- Zoning Ordinance requirements in M-1 district relating to walls.
- Capacity of dogs at peak time.

The petitioner, Dino Giulietti of Ron Jona & Associates, 29000 Inkster Road, Southfield, was present.

Karen Knopper of 26245 Michigan Avenue, Inkster, was present. Ms. Knopper, owner and operator of Pet Suite Retreat in Inkster, addressed in detail the following items:

- Noise factor and noise considerations.
- Number of dogs at peak times (approximately 85-100).
- Number of dogs on regular business days (approximately 40).
- Daily and evening routine of dogs.
- Liquid waste management.
- Interior building design/layout as relates to doors and windows.

Discussion continued on the following:

- Impose condition that all openings and interior doors remain closed during evening hours.
- Fencing (stockade, chain link, material).
- Canopy or roof system to cover Liquid Waste Containment Area (material and administrative approval).
- Reuse of existing facility in light industrial district.
- Increase in the ball size of proposed trees.
- Final Site Plan approval process by City departments.
- Code enforcement violation if Liquid Waste Containment Area is not used.
- Review by Oakland County Water Quality Management.
- Stormwater standards.

Mr. Ullmann voiced concerns on the proposed liquid waste management plan.

Mr. Maxwell voiced concerns with the noise factor in relation to residential and adjacent land uses.

**Resolution # PC-2009-04-035**

Moved by: Vleck  
Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby approves the reduction of the number of required parking spaces for the proposed Pet Suite Retreat to fifteen (15) when twenty-eight (28) are required. The thirteen (13) space reduction is justified based upon the parking needs statement submitted by the applicant, and therefore meets the standards of Article 40.20.12.

**THEREFORE BE IT RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed Pet Suite Retreat Commercial Kennel, located on the east side of Bellingham, north of Brinston, in Section 26, within the M-1 zoning district, be granted, subject to the following conditions:

1. The 10-foot wide Liquid Waste Containment Area shall be covered by a canopy or roof system as approved by the Planning Department so that rainwater does not fall onto the area and enter the sanitary sewer system.

2. Issues related to liquid animal waste, including soil and storm water quality and site drainage, shall be adequately addressed by the applicant prior to Final Site Plan Approval, as determined by the City Engineering Department.
3. All fencing on the exterior of the dog run areas shall be constructed of a stockade style fence that will be located on the outside of any existing fencing that is to remain.

**FURTHERMORE**, The following **design recommendations** are provided to City Management:

1. The City Engineering Department shall seek a review by the Oakland County Water Quality Department.

Yes: Edmunds, Hutson, Schultz, Strat, Tagle, Vleck  
 No: Maxwell, Ullmann  
 Absent: Sanzica

### **MOTION CARRIED**

Mr. Maxwell said the application did not adequately address noise issues.

Mr. Ullmann said the application did not address his concerns. He is confident Engineering staff will address them. Mr. Ullmann would like to see water quality testing done in the vicinity. He indicated existing kennels are being tested now for water quality. He said test results could be used as a baseline in the future to determine if the Liquid Waste Containment Area works.

(Mr. Raine exited the meeting.)

### **SITE PLAN APPROVAL**

7. PRELIMINARY SITE PLAN APPROVAL (SU 360) – Proposed Restaurant, Existing Columbia Center Office Buildings, South side of Big Beaver Road, West of Livernois (101 and 201 W. Big Beaver), Section 28, Zoned O-S-C (Office-Service-Commercial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed Restaurant at the Columbia Center Office Buildings. City Management recommends approval of the Preliminary Site Plan, with conditions relating to a variance from the Board of Zoning Appeals (BZA) and improvements within the Big Beaver right-of-way, as specified in the Planning Department report.

Items briefly discussed:

- Future parking deck expansion.
- Service drives.
- Restaurant waiting area.

Modris Pudists of Yamasaki Associates, 900 Tower Drive, Troy, was present to represent the petitioner. Mr. Pudists addressed the future expansion of the parking deck.

Chair Schultz commended the petitioner on an outstanding development. Chair Schultz asked if it would be possible to add underplantings to the landscaping on the south side of the service drive to shield vehicles fronting Big Beaver Road and the service drives.

**Resolution # PC-2009-04-036**

Moved by: Edmunds  
Seconded by: Strat

**WHEREAS**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed Columbia Center Restaurant to 2,288 when a total of 2,962 spaces are required on the site based on the off-street parking space requirements for the uses on the Columbia Center property, as per Article XL. This 674-space reduction is justified through shared parking, as outlined in the parking study prepared by Parsons, and therefore meets the standards of Article 40.20.12.

**THEREFORE BE IT RESOLVED**, That the proposed restaurant, located on the south side of Big Beaver, west of Livernois, Section 28, approximately 18.5 acres, within the O-S-C zoning district, be granted, subject to the following conditions:

1. The applicant shall seek and be granted a variance from the Board of Zoning Appeals for relief of the intensity control standard of 30,000 square feet of gross building area per net acre of site area (Section 26.70.00).
2. All improvements within the Big Beaver right-of-way subject to review and approval of the Road Commission for Oakland County.
3. Add underplantings at an approximate one (1) foot height below the trees that are proposed in an effort to shield the visibility of the fronts of vehicles from both Big Beaver Road and the service drives.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

**OTHER BUSINESS**

8. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Vleck apologized he would not be able to attend the joint meeting with the City of Birmingham this week.

Mr. Strat suggested addressing outdoor seating areas in the future.

Mr. Miller said outdoor seating areas could be addressed in the Zoning Ordinance re-write.

Mr. Maxwell suggested meeting with the Board of Appeals (BZA) in the very near future, with respect to the role and function of each body.

Mr. Miller said he would entertain a Resolution to get the matter on a future study meeting agenda.

Mr. Miller addressed the April 16<sup>th</sup> Joint Meeting with the City of Birmingham.

Chair Schultz commented on the Columbia Center addition to Big Beaver Road.

The Regular Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 14, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
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 Robert Schultz  
 Thomas Strat  
 John J. Tagle  
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 Mark J. Vleck

Absent:

Philip Sanzica

Also Present:

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

2. APPROVAL OF AGENDA

**Resolution # PC-2009-04-032**

Moved by: Maxwell  
 Seconded by: Tagle

**RESOLVED**, To approve the Agenda as submitted.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**PUBLIC HEARINGS**

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 367) – Outdoor Storage of Vehicles (2927 Elliott), North and South sides of Elliott, West side of Dequindre, Section 36, Zoned M-1

Mr. Savidant reported the Planning Department received a request from the petitioner to postpone the matter and reschedule the Public Hearing. The petitioner was not able to provide a complete set of site plans by the Agenda deadline.

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### **MOTION CARRIED**

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(Mr. Raine exited the meeting.)

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**Resolution # PC-2009-04-036**

Moved by: Edmunds  
Seconded by: Strat

**WHEREAS**, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed Columbia Center Restaurant to 2,288 when a total of 2,962 spaces are required on the site based on the off-street parking space requirements for the uses on the Columbia Center property, as per Article XL. This 674-space reduction is justified through shared parking, as outlined in the parking study prepared by Parsons, and therefore meets the standards of Article 40.20.12.

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Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

**OTHER BUSINESS**

8. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Vleck apologized he would not be able to attend the joint meeting with the City of Birmingham this week.

Mr. Strat suggested addressing outdoor seating areas in the future.

Mr. Miller said outdoor seating areas could be addressed in the Zoning Ordinance re-write.

Mr. Maxwell suggested meeting with the Board of Appeals (BZA) in the very near future, with respect to the role and function of each body.

Mr. Miller said he would entertain a Resolution to get the matter on a future study meeting agenda.

Mr. Miller addressed the April 16<sup>th</sup> Joint Meeting with the City of Birmingham.

Chair Schultz commented on the Columbia Center addition to Big Beaver Road.

The Regular Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Robert M. Schultz, Chair

  
\_\_\_\_\_  
Kathy L. Czarniecki, Recording Secretary

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**SPECIAL JOINT MEETING OF THE CITY OF BIRMINGHAM  
PLANNING BOARD AND CITY OF TROY PLANNING COMMISSION  
ACTION ITEMS OF THURSDAY, APRIL 16, 2009**

Item	Page
There were no motions made this evening. Charrette to take place June 15 and 16 from 9 a.m. to 7 p.m.	6

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**SPECIAL JOINT MEETING OF THE CITY OF BIRMINGHAM  
PLANNING BOARD AND CITY OF TROY PLANNING COMMISSION  
THURSDAY, APRIL 16, 2009**

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Minutes of the joint meeting of the Birmingham Planning Board and Troy Planning Commission held April 16, 2009. Chairman Robin Boyle convened the meeting at 5:43 p.m.

*Birmingham Planning Board*

**Present:** Chairman Robin Boyle; Board Members Carroll DeWeese Gillian Lazar, Mark Nickita, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Board Member Sam Haberman

**Birmingham Administration:** Matthew Baka, Planning Intern  
Sheila Bashiri, City Planner  
Jana Ecker, Planning Director  
Jill Robinson, City Planner  
Carole Salutes, Recording Secretary

*Troy Planning Commission*

**Present:** Chairman Robert Schultz; Commission Members Donald Edmunds, Michael Hutson, Mark Maxwell, Thomas Strat (arrived at 5:50 p.m.), John Tagle, Lon Ullmann

**Absent:** Commission Members Philip Sanzica, Mark Vleck

**Troy Administration:** Zak Branigan, Planning Consultant  
Hal Haberman, Deputy City Engineer  
Allan Motzny, Asst. City Attorney  
Mark Miller, Planning Director  
Brent Savidant, Principal Planner

**04-40-09**

**CHAIRPERSON'S COMMENTS AND INTRODUCTION OF GUESTS**

Chairman Boyle welcomed the audience and everyone around the table introduced themselves. Additionally the chairman recognized Carroll DeWeese, the Birmingham

Planning Board's newest member, and David Potts, a one-time Birmingham Planning Board member who is currently an Oakland County Commissioner.

**04-41-09**

**REVIEW AND APPROVAL OF THE MINUTES OF THE JOINT MEETING OF  
DECEMBER 2, 2008**

**Motion by Mr. Williams**

**Seconded by Mr. Tagle to approve the Minutes of December 2 as presented.**

**Motion carried unanimously.**

**04-42-09**

**REVIEW AND APPROVAL OF THE AGENDA (no changes)**

**04-43-09**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no one spoke)**

**04-44-09**

**PRELIMINARY SITE PLAN AND DESIGN REVIEW**

**100 Doyle Drive**

**Construction of multi-modal transit center to serve Birmingham and Troy**

The Cities of Troy and Birmingham have entered into an Interlocal Agreement to develop a Multi-Modal Transit Center to be located where the two communities meet, in the area of Maple and Coolidge Roads. The Transit Center is to be located on property that has been established as a Brownfield and made available for development pursuant to the provisions of a consent judgment with developer Grand Sakwa. This agreement requires the site to be developed as a transit center by 2010, or the property will return to private ownership.

Design of the Transit Center will encourage increased rail travel, expanded multi-modal transit coordination and integration with other modes of transportation. A pedestrian tunnel will connect the Transit Center in Troy to a loading platform in Birmingham.

Ms. Ecker offered background information. The two city staffs have been working with Wendel Duchscherer, Architects and Engineers, to come up with a proposed design for the tunnel and building. Tonight they seek input from the two planning groups. Hubbell Roth and Clark ("HRC") has been hired jointly by the two cities to bring the plans ready for bidding. Mr. Miller added that HRC has already started work on the tunnel.

Ms. Ecker advised they have hired Clark Hill to work as lobbyists help the cities obtain some federal funding and they are going after many different avenues of federal funding. Congressman Gary Peters has requested an earmark amount of \$2 million for this project. They have been meeting with Detroit Regional Mass Transit and SEMCOG. Also they will meet with M-Dot officials and SMART officials to bring as much partnership as possible to this type of application. Hopefully this will optimize the chances of getting funding.

Chairman Boyle explained how he sees this facility as being very much part of a much bigger and potentially achievable improvement to the rail network in the Midwest.

Mr. David Duchscherer from Wendel Duchscherer recognized representatives of his company who were present: Laird Pylkas, Project Manager; David Zielinski, Architect; and Matt Zinski. Wally Alix and Larry Ancopa from HRC were also present.

Mr. Duchscherer said their company has been working on the project for twenty months. They were picked for the project because of their overwhelming experience in dealing with inter-modal train and bus facilities. Their slide presentation focused on award winning projects that are sustainable and LEED focused. Wendel Duchscherer wants this facility to reflect the values of the two communities and their goal tonight is to receive direction from this group as to which of three options to move forward on.

Ms. Pylkas offered a history of how they got to this point.

Mr. Zielinski outlined the landscape design, sidewalks, retaining wall, building placement, 300 ft. platform, and canopy. He showed slides of projects that have used the construction materials corton and terra cotta. A benefit of corton, which is a steel product, is that it replenishes itself. Terra cotta provides flexibility in terms of finishes, colors and shapes. It adds richness to the space, which is what they are trying to incorporate into this project.

Mr. Zinski talked about the fundamental design objectives for this building:

- Security is a big issue, therefore, create a clear view of the site and the tunnel for passers-by and users;
- Simple, high quality materials;
- Create a link between the two communities; and
- Presence and energy efficiency of the site and of the building.

Design Option 1 features simplicity and transparency.

Design Option 2 looks at not as much transparency around the glass and creates a more dynamic roofscape.

Design Option 3 starts to bring more dynamic form to the building. The floor plan is similar to Option 1. This option allows a vegetative roof.

At this time a walk-thru video tour of the site was presented. The landscape undulates and has a very sculptural feel.

Mr. Hutson inquired how the proposed models fit into future expansion. Mr. Duchscherer replied expansion is difficult because of the size of the site. The size of the building could be increased by as much as 2,000 sq. ft. but the shape would end up slightly different. Constructing a larger building initially doesn't fit into the budget. As to security in the tunnel, there is the option to provide TV camera screens.

In response to a further question from Mr. Hutson, Ms. Ecker said the facility is moving more and more toward being manned. Mr. Miller added they will look for potential concessionaires to set up kiosks in the space.

Mr. Schultz hoped the initial design would include as much potential for expansion as possible. He does not see how a future addition fits into any of the three options. Therefore, conceptual drawings of expansion might be included in the initial design. Ms. Pylkas pointed out that expansion could go in the direction of the shopping center.

Mr. Duchscherer responded to a question from Ms. Lazar. The glass would need to be cleaned every couple of months. He confirmed for Mr. DeWeese that Option 2 has about 300 sq. feet more floor space than the other two options. Mr. DeWeese described how more space could be added to Option 1 or Option 3 by taking the wall back so it aligns with the other wall. That would create a core so the public could see the train coming from both directions. Expansion could flip the back side and not add necessarily any more building but add floor space. Mr. Duchscherer agreed there is room to do that out into the triangular space.

Mr. Nickita received confirmation from Mr. Duchscherer that the tunnel length at 144 ft. is at its absolute minimum length. Mr. Nickita suggested the following:

- The entrances be widened at each end in order to minimize the narrowness of the tunnel and optimize the view into the tunnel;
- Minimize the distance from the door to the ramp or stair so that people will find it most convenient to get in and out of the building;
- On the Birmingham side construct a stair going directly up from the train so people don't tread on the grass. Of course there is the ramp for people who need it;
- Also on the Birmingham side, find a way provide direct access from the Rail District sidewalk grid to the ramping system;
- Minimize the amount of impervious surface at the entry area to the space; and lastly,
- There is a disconnect aesthetically in his mind on the arches relative to the rest of the building.

Mr. Williams was concerned with traffic flow in and out of the site. He did not see where the cars would queue. With as many pedestrians in and out of the facility along with the high traffic volumes coming to and from the shopping center he did not think the project

could go forward without making a decision where to put waiting cars. If they don't plan now there will be congestion and a safety hazard.

Mr. Maxwell asked about handicap accessibility to the site. Mr. Zielinski explained the slope of the ramp, curb cuts on the sidewalk, building is at grade, restrooms are ADA accessible, stairs and ramp are options for the tunnel. On the Birmingham side once again they have the stairwell as well as the ramp. There are several landings along the path to break up the slope. Mr. Maxwell inquired about the distance from handicapped parking space in the parking lot to the terminal. Mr. Zielinski estimated it would be roughly 600 ft. Mr. Maxwell thought the distance should be kept to a minimum.

Mr. Nickita pointed out there is no crossing point from the parking lot directly to the train. Mr. Alix explained there are paths going down 14 ft. below surface elevation. Mr. Nickita thought a lot of study still needs to be done in terms of circulation.

Mr. Ullmann saw a problem because there is not a direct route from the parking lot to the ramp.

Mr. Williams asked if it is possible to relocate Doyle Drive in order to alleviate the congestion of merging shopping center traffic with traffic from the train. Mr. Miller said it would be very difficult given the development is already in place and all the agreements have occurred. Ms. Ecker added they are looking at getting about thirty parking spaces on the Birmingham side, which would provide much closer access to the platform.

Mr. Strat questioned if the architects have investigated partially depressing the structure and being able to go with the expandability that people have discussed. It was discussed that they are working toward a park-like setting.

Mr. Tagle asked about rotating the building almost 90 degrees so it would be parallel to the busses. Mr. Duchscherer replied that would block the views to the tunnel from the street. Mr. Tagle said he would like to see a building that is more vertical that would provide some presence at the back of the shopping center and also from down the tracks, especially when some lighting is introduced at night. A last thought was to provide covering to protect the stairs.

Mr. DeWeese recommended expansion of the sidewalk along the street. He sees the ramp closest to the building as the drop-off ramp rather than the bus ramp. The buses should be on the far side. Pay attention to the transition down in the corner so that people don't have to cross where the road expands. Keep the corner as a clear area. Think walkability.

Mr. Whipple-Boyce thought the tunnel may be a prime space for graffiti. Mr. Duchscherer responded that lighting and wall treatment will be important. Mr. Miller added that HRC is working with their city engineer on providing video cameras and with the police chief about security issues as part of the overall planning of the project. Ms.

Whipple-Boyce felt the building is somewhat dwarfed and there is a conflict between it and the retaining walls.

Mr. Edmunds said he would like to see the canopy on the platform tied in more with the building. It would be nice if the building had more presence or height. He likes the canted walls because they would be less maintenance. He received confirmation that Options 1 and 3 are most conducive to a green roof.

Chairman Boyle was concerned that he sees a building that responds to today, not tomorrow. The drawings do not give a sense of the color and excitement of transit. Not one drawing shows an LED display of where the train is. Further, there are no seats or bike racks in any of the drawings.

The chairman took comments from the public at 7:10 p.m.

Mr. Phillip Marcuse who lives on Villa in Birmingham thought that vehicles should be able to access the shopping center through the tunnel under the tracks. In further discussion Ms. Ecker noted there is only a canopy on the Birmingham side is because that is the only track that the passenger rail runs on. The AMTRAK trains cannot be accessed from the east side of the tracks. Mr. Marcuse thought the building should be placed parallel to the tracks with the canopy on the back.

Mr. Larry Bertollini from Webster in Birmingham asked the architect to talk about energy efficiency. He inquired about having an elevator or ramps in the building to get down to the tunnel. He commended the excellent concept and asked about the relationship of the building and the canopy. Mr. Zinski replied they are continuing to investigate energy efficiency such as insulated glass, geothermal heating, solar panels, water efficient plumbing fixtures that use recycled rain water. Further they are looking at elevating the ramps.

Ms. Barb Quincy who resides in the Towne Square condos in Troy said the drawing shows crossings on the lower side where no one can walk. There should be a walkway to go down without entering the building. Lighting would be a concern at night. She said Doyle is not safe and asked about putting up stop signs if the routing of the road cannot be changed. Mr. Miller advised that currently Doyle is a private road that was built to public road standards. They are trying to convert it to a public road in order to have much more ability to control situations that are related to pedestrians and vehicles.

Mr. Branigan encouraged only looking at passive systems such as skylights and daylight if the goal is to have a LEED certified project. Active systems such as a green roof can cost a lot of money.

**04-45-09**

**TRANSIT-ORIENTED DEVELOPMENT CHARRETTE**

1. Selection of date, location and time

Ms. Ecker announced that the folks at the Big Rock have generously offered their space for a charrette in for two days June. The charrette seeks to get as much public input as possible on the creation of transit-oriented design standards for the District that would cross into both the City of Birmingham and the City of Troy. They are going on the assumption of not only using the AMTRAK lines that are there now, but that the transit center will tie into the Detroit Regional Mass Transit Plan as one of the hubs of that whole system.

The decision was made to run the charrette on Monday and Tuesday, June 15 and 16 starting at 9 a.m. and ending at 7 p.m.

2. Proposed schedule of events

On the first night there will be a presentation to convey information. The wind-up presentation on the second night will employ some of the input that was garnered over the last two days and it will start to show some potential form-based regulations.

3. Formation of Discussion Group

A couple of members will be needed from the Birmingham Planning Board and the Troy Planning Commission, along with some residents and property owners, to attend a series of meetings over the next couple of months to work out a lot of the details before they are brought to this group. If board members want to be part of that planning group, they can sign up through an e-mail to staff.

## **WALKABILITY STUDY – SEMCOG UNIVERSITY**

SEMCOG would like to do a walkability audit on this project. They are looking at April 29 from 8 a.m. until noon. A number of experts will be participating on this project to identify some of the strengths and weaknesses of what is being proposed. Interested persons are invited to attend.

**04-46-09**

## **MEETING OPEN TO THE PUBLIC FOR ITEMS ON THE AGENDA**

Ms. Lazar noted that if this is going to be a main hub the group should consider the needs of people from other communities who will be drawn to the transit center. Such amenities as wayfinding and luggage carts would make the facility appealing and functional for them.

**04-47-09**

**ADJOURNMENT**

No further business being evident, meeting adjourned at 7:38 p.m.

Respectfully submitted,

Jana Ecker  
Planning Director  
City of Birmingham

Mark Miller  
Planning Director  
City of Troy

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, April 21, 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 MARCH 17, 2009**

Motion by Courtney  
Supported by Clark

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

Yeas: All – 7

#### **MOTION TO APPROVE MINUTES CARRIED**

Motion by Courtney  
Supported by Clark

MOVED, to move Item #5, Urbancaal-Oakland Plaza, LLC 124 John R. (proposed address) for relief of the Ordinance to construct a new commercial building, (Sonic Restaurant) to the end of the agenda, Item #9, due to the fact that the Board feels this item will need more discussion than other items on the Agenda.

Yeas: All – 7

#### **MOTION TO MOVE ITEM #5 TO ITEM #9 CARRIED**

Mr. Stimac explained that the Item #4 would be corrected to indicate that a 6' high wall rather than a 4'-6" high wall is required along the north property line of the site, 1819 E. Big Beaver.

**ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4**

Motion by Lambert  
Supported by Clark

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

Yeas: All – 7

**MOTION TO APPROVE RENEWALS CARRIED**

**ITEM #3 – RENEWAL REQUEST. S.O.C. CREDIT UNION, 4555 INVESTMENT DR.**, for relief to maintain a landscaped berm in lieu of the 6’ high masonry-screening wall required along the south property line where the property abuts residential property.

MOVED, to grant S.O.C. Credit Union, 4555 Investment Dr., a three-year (3) renewal of relief to maintain a landscaped berm in lieu of the 6’ high masonry-screening wall required along the south property line where the property abuts residential property.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. DENNIS BOSTICK, TROY SPORTS CENTER, 1819 E. BIG BEAVER**, for relief of the Ordinance to provide a landscaped berm in place of the 6’ high wall required along the north property line.

MOVED, to grant Dennis Bostick, Troy Sports Center, 1819 E. Big Beaver, a three-year (3) renewal of relief to provide a landscaped berm in place of the 6’ high wall required along the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance will not have an adverse effect to surrounding property.

**ITEM #6 – 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 appeared before this Board at the meeting of March 20, 2007 and was granted approval for one-year. That approval has now expired. The new plan shows

**ITEM #6 – con't.**

that the petitioner has extended the driveway on the north side of his home such that the vehicle is now proposed to be parked an additional 20' back from the front property line.

This item last appeared before this Board at the meeting of March 17, 2009 and the Board's authority to grant a renewal was questioned. Since that meeting it has been determined that the Ordinance does not address granting a renewal of a Commercial Vehicle appeal and therefore each request must be considered as a new request at a Public Hearing. The Building Department has sent out the appropriate notices to property owners within 300' of this site and also has published this notice in the Somerset Gazette.

Mr. Nafsu was present and stated that he is using this vehicle as a personal vehicle and if he could sell it he would. Mr. Nafsu also stated that he has spoken to his neighbors and they have given him their approval to keep this vehicle on the property. The vehicle is not visible when parked at the back of the property.

Mr. Bartnik asked if there was any way screening could be added on the east side of the house as the truck was very visible as he was heading west on Scottsdale.

Mr. Kovacs stated that he believes when the truck is parked at the back of the drive it is not visible and is not sure that additional screening would help.

Mr. Bartnik said that perhaps the owner could put a gate across the drive.

Mr. Courtney stated that he thought the truck was probably not parked at the back of the driveway and this is the reason it was visible to Mr. Bartnik. When the truck is at the back of the lot oncoming traffic cannot see the vehicle.

The Chairman opened the Public Hearing.

John Stier of 3785 Meadowbrook was present and stated that he lives right next door to the petitioner and has no objection to this vehicle. Mr. Stier believes that parking this vehicle at another location would cause a hardship for the petitioner. Mr. Stier is in favor of this request.

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

There are three (3) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs asked how long the apron was from the front of the house to the back.

Mr. Stimac stated that according to the plans provided by the petitioner it is approximately 45' from the front corner of the house to the rear of the driveway.

**ITEM #6 – con't.**

Mr. Lambert stated that he feels the petitioner meets the criteria listed in the application, especially B and C.

Motion by Clark  
Supported by Courtney

MOVED, to grant Mazin & Sennica Nafsu, 3769 Meadowbrook, approval under Section 43.74.00 to park a commercial vehicle outside on residential property for a period of two (2) years.

- Vehicle is to be parked at the rear of the driveway.
- Petitioner has met B and C of the criteria for approval.
- Vehicle will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT APPROVAL FOR TWO (2) YEARS CARRIED

**ITEM #7 – VARIANCE REQUESTED. CAMERON MITCHELL RESTAURANTS, 2915 COOLIDGE**, for relief of the Ordinance to construct a covered outdoor seating area with an 11' front setback where Section 30.20.03 requires a 30' front yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the ordinance to expand the outdoor seating area and install a new roof over the existing and new seating area at the existing Ocean Prime Restaurant. This property is located in the O-S-C (Office-Service-Commercial) Zoning District. Section 30.20.03 requires a 30' minimum front yard setback for buildings in the O-S-C Zoning District. The proposed new roof covering over the patio results in a front setback of 11' from the property line along Coolidge.

Mr. Kovacs asked if in the event the variance was granted, a stipulation could be made that would not permit this addition to be permanently enclosed.

Mr. Stimac stated that if it was the Board's preference that this was to remain a covered outdoor dining room area, a stipulation stating that should be made.

Mr. Bartnik asked if a temporary type of sheeting could be added to the sides of this outdoor seating area.

Mr. Stimac said that it depend on the decision of the Board, a stipulation could be made that this would remain a covered and unenclosed area.

Mark Knauer, President of Knauer Incorporated, was present and stated that Ocean Prime has been in this location for two years and the restaurant has improved this

**ITEM #7 – con't.**

corner of what was a parking lot. Originally they had planned to put the restaurant at the back of the lot and have parking surrounding it. The Planning Commission felt that this area would be enhanced by having the restaurant at the corner. Unfortunately due to the Michigan weather it is sometimes difficult to predict whether or not people can be seated outside. They have tried using umbrellas, and also make use of heaters, but people sitting outside are often uncomfortable.

Mr. Courtney asked how much seating was provided inside the restaurant.

Mr. Knauer said there were about 280 seats. Mr. Knauer also stated that they do not plan on adding any type of foundation or enclosing this area. Absent a variance, literal enforcement of the Ordinance would be unnecessarily burdensome.

Mr. Lambert stated that with Michigan weather he can certainly understand the need to cover this area.

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

There is one (1) written approval on file.

Mr. Kovacs stated that he does not want to see this space enclosed as part of the restaurant and would like strict language that would not allow for a foundation to be built.

Motion by Bartnik

Supported by Courtney

MOVED, to grant Cameron Mitchell Restaurants, 2915 Coolidge, relief of the Ordinance to construct a covered outdoor seating area with an 11' front setback where Section 30.20.03 requires a 30' front yard setback.

- This covered outdoor seating area will not be enclosed as a permanent seating area.
- Absent a variance the welfare of the guests would be adversely affected.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 – VARIANCE REQUESTED. DON TREFRY, TROYWOOD SHOPS, LLC, 3718-3734 ROCHESTER ROAD,** for relief of the Ordinance to alter an existing tenant space for a new 50-seat restaurant that will result in a parking requirement for this shopping center of 153 spaces per Section 40.21.00 where only 121 parking spaces are available.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter an existing tenant space at 3734 Rochester Road for a new 50-seat restaurant. The addition of a 50-seat restaurant to the other existing uses within the shopping center results in a required number of parking spaces of 153 per the requirements of Section 40.21.00 of the Troy Zoning Ordinance. The site plan submitted indicates that there are only 121 parking spaces available on the site.

Don Trefry, the representative of the property owners of Troywood Shops, LLC was present. Mr. Trefry passed out a site plan to the Board members showing how the spaces have changed. Pecar Home Theater has downsized from leasing 5,304 square feet to 2,758 square feet. The new restaurant coming in serves Indian Cuisine and 55% of their business is take-out. Most of the sit down dining would be in the evening when the other restaurants do not have the high volume of traffic they have at lunch time. Without a variance this space will probably remain vacant. Mr. Trefry also pointed out that from October 1990 to December 2002 152 parking spaces were required and there were only 121 available.

Mr. Kovacs asked why a variance was not required at that time.

Mr. Stimac stated that he would have to go back and research the records. The plans that were submitted to the City as part of this request indicate that Pecar Home Theater occupied 2,564 square feet. The plans submitted by the petitioner tonight indicate that the actual square footage is 2,758 square feet, which will require 154 parking spaces. The Board will have two (2) options regarding this request. This item can either be postponed so that the Building Department will have the opportunity to re-advertise this request; or the Board may grant a variance based on 32 parking spaces as advertised.

Mr. Courtney asked if the parking required is different now from what it was.

Mr. Trefry said that he did not think so. The focus is more on lunch than dinner.

Mr. Bartnik stated that he had never seen this parking lot full and did not feel this variance would be a problem.

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

There are no written approvals or objections on file.

**ITEM #8 – con't.**

Mr. Kempen asked if the petitioner knew what percentage of business was done between lunch and dinner.

Mr. Trefrey stated that take-out for lunch is the primary use for two of the restaurants in this strip mall. Mr. Trefrey believes that there is more traffic during the lunch hour rather than the dinner hour.

Motion by Bartnik  
Supported by Lambert

MOVED, to approve the request of Don Trefrey, Troywood Shops, LLC, 3718-3734 Rochester Road, relief of the Ordinance to alter an existing tenant space for a new 50-seat restaurant that will result in a parking requirement for this shopping center of 153 spaces per Section 40.21.00 where only 121 parking spaces are available.

- Variance is not contrary to public interest.
- Variance will not permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance is unnecessarily burdensome.
- Variance is approved for a reduction of 32 parking spaces.

Yeas: All – 7

**MOTION TO GRANT VARIANCE CARRIED**

The Chairman called for a short recess at 8:27 P.M. The Board of Zoning Appeals meeting resumed at 8:32 P.M.

**ITEM #9 – (ITEM #5) - VARIANCE REQUESTED. URBANCAL-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

**ITEM #9 – con't.**

landscaping where Section 39.70.04 requires a minimum of 4,408 square feet of landscaping for a site this size.

This item first appeared before this Board at the meeting of March 17, 2009 and was postponed to allow the petitioner the opportunity to provide the Board members with the numbers of cars using the drive-thru an hour; the wait time involved; the total number of customers per hour; the percentage of business that goes through the drive through; and a traffic impact study of this area; and to allow the petitioner to determine if they can eliminate one drive from John R.

Mr. Kovacs asked a question regarding the traffic plan in this area.

Mr. Stimac stated that the requirement for a deceleration lane was something that was noted by the County and also identified by the City. Due to the fact that the amount of the land is narrower the use of a right turn lane and deceleration lane may require that the existing sidewalk be moved.

Mr. Kovacs asked what the length of a deceleration lane was and Mr. Stimac stated that he did not know.

Mr. Courtney stated that he had visited the other locations in Michigan and found that at the location in Macomb, customers used the entrance going into the Meijer parking lot rather than the entrance on Groesbeck. Mr. Courtney did not see a large backup of traffic at this location. Mr. Courtney would still like to see the entrance off of John R. closed at this location, which would also eliminate the need for a deceleration lane.

Mr. John Gaber, the attorney for Sonic Restaurants as well as a number of other representatives from Sonic were present. Mr. Gaber explained that they do need all of the variances and stated that they have kept their request to the minimum required. Due to the economy the retail center is hurting and this restaurant would bring in an influx of customers. Fast food restaurants are usually clustered together and if they cannot construct this restaurant no other reasonable use can be made of this property. Other efforts have been made to make use of this property and have failed. Literal enforcement of the Ordinance makes conformance unnecessarily burdensome.

Mr. Logan from Sonic Restaurants was present and stated that he is responsible for working with the new franchisees. He will be on-site for approximately two (2) weeks and will oversee the operation. Sonic has a program that not only coaches the new franchisees but also has a traffic control program. When determining the best traffic pattern the engineers go from the center of the store and determine how to direct traffic. There are several different plans that they work with.

Mr. Kovacs asked what type of traffic control plans would be used. The concern among Board members is the drive on John R.

**ITEM #9 – con't.**

Mr. Hornsby of Sonic restaurants stated that they are hoping to open this location in mid July. Traffic will drop off in August and September and they will have employees that will direct traffic so that their customers will be able to get in and out as quickly as possible. Mr. Hornsby also stated that they have new equipment coming in, which will increase the speed that food is prepared.

Mr. Kovacs asked what criteria was used to determine which stores were in the study sheets regarding wait time that were given to the Board.

Mr. Logan stated that he was unable to give out specific locations, but all of the stores listed had been opened within the last year.

Mr. Ullmann asked how they determine which stores to use for this study.

Mr. Logan said that the stores used were based on the amount of business they are predicting for this store.

Mr. Kovacs said that it appears that the wait time is between 3 and 4 minutes.

Mr. Kempen asked which states these stores were in.

Mr. Logan stated that they were in Ohio, Michigan, Kentucky and Tennessee.

Mr. Stimac asked if the wait times indicated were the times the vehicles arrived or ordered.

Mr. Logan stated that the wait times shown were from when the customer actually placed their order until they drive away from the window.

Mr. Stimac said that there are five waiting spaces between the window and where the order is taken, which would indicate that in some cases the wait time per car would be 30 seconds.

Mr. Hornsby said that there are opportunities when their staff can pull a vehicle around a vehicle that has a large order.

Mr. Kovacs asked what the ideal wait time was.

Mr. Logan said that 3 minutes at the drive through window and 3 ½ minutes at the drive-in is considered ideal.

Mr. Bartnik asked what type of on-site traffic control is available after the grand opening.

**ITEM #9 – con't.**

Mr. Logan stated that they keep staff on for as long as necessary and traffic control has been provided for as much as three or four weeks.

Mr. Ullmann expressed concern regarding the amount of landscaping space between John R and the sidewalk. Mr. Ullmann said that in his opinion there is not enough room for a deceleration lane.

David Hunter of PEA Associates was present and stated that the Road Commission does not require a deceleration lane and they are not planning to put one in. There is approximately 12' of space available and if they have to move the sidewalk they will.

Mr. Ullmann said that the sidewalk would come right up to the cars parked in the drive in and with only 5' there is not a lot of room for landscaping.

Mr. Hunter said that landscaping in this area may be impossible to put in, but is quite sure they do not have to have a deceleration lane.

Mr. Ullmann said that the setbacks have changed a number of times due to re-zoning and in his opinion the landscaping proposed is minimal.

Mr. Hunter said that there is approximately 20' of space near the driveway approach, which means there is probably 12' available from the sidewalk to the back of curb.

Mr. Ullmann said that the sidewalk will be right next to a deceleration lane. There is not more than 6' to 8' of space.

Mr. Hunter said that the sidewalk is about 5' from the curb.

The Chairman opened the Public Hearing.

Ben Cheshire, 5388 Ridge was present. Mr. Cheshire is the new franchisee for this location. Mr. Cheshire spent the last six weeks in Cincinnati training to operate this store. He worked at a store that has been opened for approximately 1 ½ years and stated that traffic control is a non-issue. A deceleration lane was not needed and customers could get to this location either through a drive at the front of the store or through an entrance at the back. This location will be the 7<sup>th</sup> store in Michigan. Sonic is a novelty and they will add the most landscaping they can. The Sonic in Clinton Township increased the business at the existing Meijers store by 15%.

Mike Lucci was present. Mr. Lucci stated that he owns sixteen (16) Burger King restaurants in Michigan including the one next door to this site. The property for this Burger King was purchased from Douglas Mossman. The lack of a deceleration lane in this area could cause a great deal of congestion at the corner of John R and Fourteen Mile. There are requirements by the City and people should comply with those

**ITEM #9 – con't.**

requirements. Mr. Lucci believes that the petitioner is trying to put too much on a small piece of property. There are other locations in Troy that this restaurant would be a better fit on. At the time the Burger King on Fourteen Mile was constructed they had requested a drive onto John R and were turned down.

Mr. Stimac asked Mr. Lucci if the City had turned them down.

Mr. Lucci explained that the entrance would have been too close to the gas station and the County did not want another curb cut in the area.

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

There is one (1) written objection on file. There are no approvals on file.

Mr. Bartnik asked if the owner or broker for this property was present.

A man from the audience came forward and stated that he is the Real Estate negotiator. He indicated that in his opinion a Sonic Restaurant would have the smallest impact on the traffic in this area.

Mr. Courtney asked who he worked for and he stated that he was working for the franchisee and was not the owner of the property.

Mr. Jeff Shostak representing Urbancal was present and stated that they had purchased the property in November 2007. They saw this piece of dirt as an opportunity. Times are tough and there are not a lot of businesses that want to build in Michigan.

Mr. Courtney stated that since Mr. Shostak has purchased the property, the economic climate has taken a downturn and this is not an ideal time to develop a piece of property. Mr. Courtney believes that when the economy picks up there will be other businesses that will want to expand.

Mr. Shostak stated that he believed the previous owner had attempted to sell or lease this property for a long time and was unable to do so. Sonic is a solution that will work for this area.

Mr. Kovacs asked how long this property has been vacant.

Mr. Stimac stated that he thought the current configuration of the property has been in place since the middle 80's.

Mr. Clark stated that he did not believe it was the Board's job to decide how this property is to be developed. This is a postage stamp size parcel and there are other

**ITEM #9 – con't.**

businesses that would fit and would not increase the amount of traffic. Mr. Clark stated that he believes this restaurant would cause a massive influx of vehicles and also thinks the petitioner is asking for an excessive amount of variances. Furthermore, Mr. Clark does not see this as a piece of dirt but considers it be a greenbelt. Fourteen Mile is at the border of Madison Heights and there are some businesses on the south side of the City that are not very well kept. Burger King is very well maintained. Mr. Clark stated that he has a problem with the number of variances requested and believes it is the job of this Board to protect the property owners in Troy.

Mr. Lucci stated that he believes 30% of the traffic will come in through Burger King. The existing roads are at a failure level and he is not only concerned about the increase of traffic on John R. but also about the access that emergency vehicles will have.

Mr. Clark stated that the drive into Oakland Plaza is very close and could be utilized.

Motion by Bartnik  
Supported by Lambert

MOVED, to grant Urbancal-Oakland Plaza, LLC relief of the Ordinance to construct a new commercial building. (Sonic Restaurant) The variances are as follows: 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.

- Variance is not contrary to public interest.
- Variances will not establish a permitted use in a Zoning District.
- Variances will not have an adverse effect to surrounding property.
- Absent a variance no other reasonable use can be made of the property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Variances are not excessive due to the size of the property.
- Practical difficulties result from the size and configuration of the property.
- Location of this property creates a practical difficulty as it is near the corners of Troy and Madison Heights.

Mr. Courtney stated that a deceleration might help.

**ITEM #9 – con't.**

A discussion began regarding the installation of a deceleration and the criteria required by the Oakland County Road Commission as John R is a county road. It was also stated that it was possible that when this item appeared before the Planning Commission as part of the consideration of the Special Use Approval, it may be determined that a drive on John R would have a detrimental effect to surrounding property.

Mr. Kovacs stated that the Planning Commission could also deny the Special Use Approval as this site would be both a drive through and drive in restaurant.

Mr. Stimac stated that the Planning Commission would look at the ability to safely get to and from this site as part of their consideration.

Mr. Kovacs stated he believes traffic congestion would only occur for the first few weeks this business is opened. Businesses have to keep people moving in and out, otherwise people will choose to go to another location. Mr. Kovacs expressed concern that if a deceleration lane was added the safety of pedestrians would be comprised and also that absent a variance no reasonable use can be made of this property.

Mr. Ullmann stated that he does not think this is the perfect site for this business as there is too much stuff put into too small a space. There is not sufficient space for a sidewalk and a deceleration lane and this is not the best use of this property. Mr. Ullmann further stated that this site should not be utilized to throw away landscaping. Six (6) variances are excessive and the driveway onto John R should be eliminated. There will be no landscaping with a deceleration lane and the petitioner should be able to find another site to build this restaurant.

Mr. Kovacs stated that he would like to see the concrete remain in one location rather than move it to another location. This area is mostly commercial and industrial and he does not see this as a concern.

Mr. Kempen said that he has some serious concern about the safety of the people in this area. Many times drivers use the Burger King entrance as a short cut to avoid the light at Fourteen Mile and John R and this will affect Burger King as well.

Mr. Bartnik disagreed and stated that there are various restaurants that line up against the curb and there is not a lot of pedestrian traffic. Concrete is on both sides of Fourteen Mile and the only opposition to this request is from a competing business. The population in Michigan is declining and he sees this restaurant as something positive.

Mr. Clark stated that he lives in this area and the Oakland Mall area is congested most of the year. It is only fair for each business to follow the rules. Mr. Clark stated that this

Board had asked the petitioners to come back with other options. There are a lot of cars that come through this area and Troy is the largest City in Oakland County. Mr. Clark believes that six (6) variances are excessive and also that the petitioners can find another space for this restaurant. There are other businesses that would fit on this parcel. The Planning Commission is encouraging property owners to add more landscaping.

Motion by Courtney

MOVED, to postpone the request of Urbancaal-Oakland Plaza, LLC, 124 John R. (proposed address) for relief of the Ordinance to construct a new commercial building, (Sonic Restaurant), to the meeting of May 19, 2009.

- To allow the petitioner to come back to the Board with other options.

Motion dies due to lack of support.

Mr. Kovacs stated that he does believe there have been other businesses in Troy that have asked for a large number of variances. Mr. Kovacs also stated that a decision should be made on the type of variances proposed and not the total number of variances.

Mr. Lambert stated that there are definite traffic concerns and there are definite challenges as well with the number of variances requested. Mr. Lambert also stated that he is in support of this request as this is a commercial area, it would be a benefit to the adjoining property owners and it would have a positive effect on that part of Troy.

Mr. Clark asked how soon this petitioner could come back before this Board if this request was denied.

Mr. Stimac explained the deadline for the Board of Zoning Appeals.

Mr. Clark stated that he would be voting “no” on this request.

Mr. Courtney asked the petitioner if they would be willing to eliminate the driveway from John R.

Mr. Gaber stated that they cannot eliminate that driveway.

Vote on Mr. Bartnik’s motion to approve this request.

Yeas: 3 – Bartnik, Kovacs, Lambert  
Nays: 4 – Clark, Courtney, Kempen, Ullmann

MOTION TO APPROVE REQUEST FAILS – NO OTHER MOTIONS MADE BY THE BOARD

The Board of Zoning Appeals meeting adjourned at 10:17 P.M.

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Matthew Kovacs – Chairman

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Pamela Pasternak, Recording Secretary

**A. CALL TO ORDER**

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, April 28, 2009 at the Troy Community Center at 7:02 pm.

**B. ROLL CALL**

Members Present:                    Jeff Stewart  
    Sandy Macknis  
    Alison Miller  
    Bob Berk  
    Mike Gonda  
    Jeff Super  
    Bob Preston  
    Dan O'Brien  
    Sarah Wunderlich, student rep

Absent:                                 Jim Hattan

City Staff Present:                 Cindy Stewart  
    Jeff Biegler  
    Tonya Perry  
    Mike Lyczkowski

Others:                                 Doris Schuchter  
    Poncho Massaini  
    Diana McKay  
    Margaret Julian  
    Lisa Neel

**C. ADDITIONS TO AGENDA** Under new Business add 2010 Festival dates

**D. APPROVAL OF MINUTES**

Motion by: Mike Gonda  
Seconded by: Jeff Stewart

RESOLVED, that the minutes of January 27, 2009 are approved. MOTION CARRIED.

## **E. NEW BUSINESS**

### **a. Review of 2009 Festival – Sept. 17-20.**

All committee chairs will return with the exception of Photography. Bob is trying to contact Steve Wassaf to assume this role.

We will also try to get a co-chair for Student Art to help Jeff McCoy.

Diana Dulock will not be back to help with Senior Sensation due to health issues, but Margaret Julian is back.

Ethnic Issues Advisory Board will not run EthniCity – too difficult to get countries to run booths because they can't get volunteers to man it.

We can get rid of one tent (40x100) keep EthniCity Tent (60x80) for Student Art/Photography and Poster Contest.

We'll save \$900 on tent plus cost of table and chairs and time to set up electricity.

### **b. Parade Discussion**

Due to Shir Tikvah's Rosh Hashana (Jewish New Year), our issue is holding the parade on Saturday. We'd like to accommodate them by not having a Saturday morning parade. The idea for holding the parade on Thursday has several negatives: it's a school night, parents are just coming home from work, and rush hour traffic. The idea for holding on Sunday also has several negatives: DPW/Police overtime costs and the longer hours for staffing due to the Fireworks event later that same night.

**Motion** to postpone the parade for one year was made by Mike Gonda and seconded by Sandy Macknis. MOTION CARRIED UNANIMOUSLY.

It was noted that it's tough to postpone the parade because we might not get the momentum back, but the committee feels it's the right thing to do this year.

### **c. Event Chairpersons Reports**

**Operations:** Mike Gonda expressed concerns regarding economic times and the problems that arise if GM and Chrysler go bankrupt. Families won't be able to come to the festival and spend money for food and rides.

Ideas for saving money were brainstormed and explored:

- No EthniCity tent

- One less storage trailer
- Groups to clean Boulan (trash pickup)
- Miss Troy on a Friday, not Saturday at Troy High.
- We have to be very conscious of the money we spend, and find more ways to save money.
- For future: meeting with DPW ahead of the Festival to talk about situations that could occur, like the 2008 “flood.”
- **Sponsors:** Commitments are coming in slow – ITC, Michigan Schools and Government Credit Union and Tringali are in. For the first time ever, DTE cannot be a sponsor. We’re unsure what HealthPlus will contribute (our major 2008 sponsor).
- **Operations** and Police will meet in 2-3 weeks regarding parking.
- **Senior Sensation:** hopefully businesses will donate prizes. We will need to find a new caterer with Buscemi’s gone. (Try Marinelli’s.) Perhaps pizza and salad.
- **Publicity:** small brochure again and one page in Troy Today, Summer and Fall.
- **Miss Troy:** will be held on Friday, August 21 at Troy High School. Looking at soliciting advertising in the program book. Also, looking to hold interviews on another day at the Community Center so there is less time at Troy High, thereby reducing costs.
- **Special Needs Children:** they will do rides and bring a brown bag lunch. Ronald McDonald and other clowns will appear, plus a Glitter Tattoo Artist.
- **Special Needs Adults:** We received a donation for pizza from Marinelli’s plus funding from the parents of a special needs adult. There will be no band on Thursday night since the attendees want to ride the rides. Donation of pop from Kroger’s is 50 percent less.
- **Entertainment:** all entertainers who did not perform last year due to weather will return. No performer on Friday evening due to Shir Tikvah’s sundown service. The Entertainment is \$1,800 under budget.
- **Student volunteers:** Sandy Macknis talked to THS student government, Project Lead, and the National Honor Society regarding volunteers.
- **Kids Corner:** Alison Miller raised the question of whether it is worth having this event. She noted that Kids Crafts is a draw, but Kids Games/Entertainment is not. Parents do not want to pay more money. They don’t get crowds of people for entertainment that costs money (\$550 per hour of entertainment). The student volunteers have also noted the low number of children coming to this event.

**Motion** was made by Alison Miller to cancel the Kids Corner Tent with games and seconded by Mike Gonda. MOTION CARRIED UNANIMOUSLY.

- **Cutest Toddler:** the display needs to be checked for water damage.
  - **Parade:** Diana McKay offered the idea to charge each group to be in the parade as a possible way to offset costs.
  - **Mr. Troy:** will contact all 2008 contestants to see if they are interested in participating in 2009.
  - **Talent Show:** Lisa Neel and Karen Yelder will chair. Letters will be sent to the 2008 applicants to see if they'll be back in 2009. Reminder: bring safety pins to attach to their numbers. Jeff will be getting prizes from McDonald's for the winners.
  - **Parking:** Mike Lyczkowski will schedule a parking meeting with Bob Berk, Mike Gonda, Russ Harden and Cindy Stewart.
  - **Shuttle Drivers:** Jeff Super will need volunteers, but he won't need as many since there is no parade. Also order less shuttle carts which will save money.
  - **Contingency Plan:** Discussion about having a plan in the event Troy Daze has to be canceled due to the economy. Times are not good, but moving ahead, as far as committee is concerned, we're still a "go" working to get the best value for our dollars. It was noted that often in times like this Festivals are a good thing. We might not see the same numbers of people riding rides, but families can come to gather with friends. We are making every effort to cut costs, save money and cut out unnecessary expenses.
  - **Petting Zoo:** Jeff Biegler will look for the 2008 contract.
  - **Shirts:** Birch grey for 2009. No need to order new ones since we didn't wear them in 2008.
  - **Booths:** Applications have been reviewed by the Attorney's Office. Ready to go out in the mail on Friday. Last year's applicants have until June 1 to apply. Applications will be on the website after June 1 – rules and policies will be attached to the application. Will look at more outside booths after we sell out the indoor area.
  - **Food Booths:** Usually there are only 1-3 open spots after last year's get their applications in.
  - **Student Rep - A motion** was made by Mike Gonda and seconded by Jeff Stewart to recommend Sarah Wunderlich for Troy Daze Student Representative again for 2009. MOTION CARRIED UNANIMOUSLY.
- d. **2010 Festival Dates:** September 16-19, 2010. Yom Kippur is this same weekend. They asked us to consider moving ahead one week (Sept. 9-12) or back one week (Sept. 23-26). Is there a problem with Arnold Amusements and their dates? Cindy will check with Louise Arnold regarding the conflict. We'll meet with a representative from Shir Tikvah, Police and Operations to discuss.

**Adjourn**

A motion to adjourn was made by Jeff Super and seconded by Mike Gonda. The motion passed unanimously. Meeting adjourned at 8:35 pm.

The next meeting is Tuesday, June 23, 2009.

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Bob Berk, Co-Chairperson

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Cindy Stewart, Community Affairs Director



**CITY OF TROY**  
**QUARTERLY FINANCIAL REPORT**  
**FOR THE NINE MONTHS ENDED MARCH 31, 2009**

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- BANK BALANCES (LOCATION, FUND, BALANCE)

# QUARTER END HIGHLIGHTS (MARCH 31, 2009)

## GENERAL FUND

- REVENUE THRU THE 3RD QTR. APPEARS IN LINE WITH THE BUDGET
- INVESTMENT INCOME IS DOWN \$37,000 COMPARED TO THE SAME PERIOD LAST YEAR.
- YEAR TO DATE EXPENDITURES AS A PERCENTAGE OF BUDGET (67.4%) ARE 3.1% LESS THAN LAST YEAR.
- LICENSE AND PERMIT REVENUE IS UP \$24,000 COMPARED TO THE SAME PERIOD LAST YEAR.
- STATE SHARED REVENUE IS UP \$48,000 YTD WHEN COMPARED TO ORIGINAL STATE ESTIMATES.

## SYLVAN GLEN GOLF COURSE

- REVENUE IS UP \$15,000 COMPARED TO THE SAME PERIOD LAST YEAR.

## SANCTUARY LAKE GOLF COURSE

- REVENUE IS DOWN \$48,000 COMPARED TO THE SAME PERIOD LAST YEAR.

## AQUATIC CENTER

- REVENUE IS UP \$43,700 COMPARED TO THE SAME PERIOD LAST YEAR.

## DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU MAR.) – 1,170 TRANSACTIONS; 438 PHOTOS GENERATING \$51,905 IN REVENUE.

	<u>2008/09</u>	<u>2007/08</u>
• NEW RESIDENT PACKET DISTRIBUTION JULY – MAR. (415)		JULY – MAR. (513)
BREAKDOWN:		
OUT OF COUNTRY	15	27
OUT OF STATE	28	53
TROY-TO-TROY	122	145
IN STATE	250	288

## CAPITAL PROJECTS

- THROUGH MARCH 31, 2009 WE HAVE EXPENDED \$11.3 MILLION ON CAPITAL PROJECTS.



**Monthly Financial Report  
General Fund  
For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>General Fund Revenues</b>					
TAXES	36,667,414	36,333,690	1,461	36,078,618	99.30
LICENSES AND PERMITS - BUSINESS	38,344	40,000	1,580	34,160	85.40
LICENSES AND PERMITS - NON-BUSINESS	1,355,291	1,794,500	61,641	1,004,311	55.97
FEDERAL GRANTS	14,577	12,100	0	5,228	43.21
STATE GRANTS	6,814,812	6,760,500	1,155,154	3,693,997	54.64
CONTRIBUTIONS FROM LOCAL UNITS	181,243	180,000	0	69,607	38.67
CHARGES FOR SERVICES - FEES	1,553,481	1,275,000	36,655	748,022	58.67
CHARGES FOR SERVICES - RENDERED	2,008,339	1,712,150	235,831	680,866	39.77
CHARGES FOR SERVICES - SALES	114,395	150,500	9,526	94,812	63.00
CHARGES FOR SERVICES - REC	3,737,137	3,857,000	415,087	2,799,571	72.58
FINES AND FORFEITURES	886,174	996,000	56,191	676,215	67.89
INTEREST & RENT	1,676,427	1,467,800	43,259	948,858	64.64
OTHER REVENUE	530,628	486,070	114,703	481,242	99.01
OTHER FINANCING SOURCES	5,664,702	9,372,690	1,311,428	3,934,283	41.98
	<b>61,242,965</b>	<b>64,438,000</b>	<b>3,442,516</b>	<b>51,249,789</b>	<b>79.53</b>
<b>General Fund Expenditures</b>					
FINANCE	3,003,877	3,095,880	189,106	2,285,080	73.81
POLICE	24,269,902	25,042,630	1,520,494	17,108,285	68.32
FIRE	4,373,012	4,335,950	189,506	3,197,090	73.73
BUILDING INSPECTION	2,121,746	2,342,420	140,351	1,541,315	65.80
ENGINEERING	2,676,846	2,882,290	156,553	1,742,324	60.45
STREETS AND DRAINS	5,600,747	5,770,460	282,402	4,013,138	69.55
OTHER GENERAL GOVERNMENT	2,428,143	2,530,800	163,697	1,525,666	60.28
COUNCIL/EXEC ADMINISTRATION	3,749,742	4,062,510	217,900	2,676,961	65.89
PARKS AND RECREATION	9,413,684	10,043,680	627,844	6,508,571	64.80
LIBRARY/MUSEUM	4,831,439	4,331,380	275,432	2,834,197	65.43
TRANSFERS OUT	10,000	0	0	0	0.00
	<b>62,479,136</b>	<b>64,438,000</b>	<b>3,763,286</b>	<b>43,432,629</b>	<b>67.40</b>



**Monthly Financial Report  
Refuse Fund  
For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Refuse Fund Revenues</b>					
TAXES	3,563,759	3,556,000	0	3,571,136	100.43
CHARGES FOR SERVICES - SALES	3,510	2,000	540	4,709	235.43
INTEREST & RENT	125,535	95,000	0	33,090	34.83
OTHER FINANCING SOURCES	0	264,120	0	0	0.00
	<b>3,692,804</b>	<b>3,917,120</b>	<b>540</b>	<b>3,608,934</b>	<b>92.13</b>
<b>Refuse Fund Expenditures</b>					
CONTRACTORS SERVICE	3,736,262	3,745,120	323,791	2,730,733	72.91
OTHER REFUSE EXPENDITURE	58,672	55,200	10,262	40,367	73.13
RECYCLING	97,554	116,800	7,437	82,276	70.44
	<b>3,892,488</b>	<b>3,917,120</b>	<b>341,490</b>	<b>2,853,376</b>	<b>72.84</b>



**Monthly Financial Report**  
**Downtown Dev Authority Fund**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Downtown Dev Authority Fund Revenues</b>					
TAXES	3,747,729	3,819,000	0	3,845,251	100.69
INTEREST & RENT	578,589	300,000	0	183,690	61.23
OTHER FINANCING SOURCES	0	3,031,880	0	0	0.00
	<b>4,326,318</b>	<b>7,150,880</b>		<b>4,028,940</b>	<b>56.34</b>
<b>Downtown Dev Authority Fund Expenditures</b>					
OTHER GENERAL GOVERNMENT	284,412	3,350,000	16,268	200,482	5.98
TRANSFERS OUT	3,539,758	3,800,880	116,470	2,869,621	75.50
	<b>3,824,170</b>	<b>7,150,880</b>	<b>132,738</b>	<b>3,070,104</b>	<b>42.93</b>



**Monthly Financial Report  
Capital Fund  
For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Capital Fund Revenues</b>					
TAXES	8,385,316	8,368,000	0	8,402,672	100.41
FEDERAL GRANTS	19,426	0	0	0	0.00
STATE GRANTS	1,382,100	6,814,000	0	89,443	1.31
CONTRIBUTIONS FROM LOCAL UNITS	244,567	0	0	0	0.00
CHARGES FOR SERVICES - FEES	92,563	90,000	0	51,403	57.11
CHARGES FOR SERVICES - RENDERED	235,287	100,000	89	-10,480	-10.48
FINES AND FORFEITURES	597,610	100,000	0	800	0.80
INTEREST & RENT	1,053,602	807,200	600	325,223	40.29
OTHER REVENUE	266,753	0	415	217,243	0.00
OTHER FINANCING SOURCES	3,783,000	18,540,000	0	0	0.00
	<b>16,060,223</b>	<b>34,819,200</b>	<b>1,104</b>	<b>9,076,304</b>	<b>26.07</b>
<b>Capital Fund Expenditures</b>					
TRANSFERS OUT	848,522	103,100	0	0	0.00
OTHER GENERAL GOVERNMENT	537,469	3,823,600	44,054	594,512	15.55
POLICE	476,830	1,577,000	19,565	276,735	17.55
FIRE	108,775	1,028,000	89	193,055	18.78
BUILDING INSPECTION	0	0	0	0	0.00
ENGINEERING	0	50,000	0	0	0.00
STREETS AND DRAINS	9,031,195	20,569,000	1,487,202	9,229,693	44.87
COUNCIL/EXEC ADMINISTRATION	36,687	158,000	0	0	0.00
PARKS AND RECREATION	2,171,440	5,563,500	0	431,020	7.75
LIBRARY/MUSEUM	222,134	1,947,000	121,542	621,146	31.90
	<b>13,433,051</b>	<b>34,819,200</b>	<b>1,672,451</b>	<b>11,346,161</b>	<b>32.59</b>



**Monthly Financial Report**  
**Sanctuary Lake Golf Course**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Sanctuary Lake Golf Course Revenues</b>					
CHARGES FOR SERVICES - SALES	32,339	38,500	24	13,246	34.41
CHARGES FOR SERVICES - REC	948,858	1,363,000	5,179	526,188	38.61
INTEREST & RENT	4,306	10,000	2,721	2,721	27.21
OTHER REVENUE	310	0	1	55	0.00
	<b>985,813</b>	<b>1,411,500</b>	<b>7,924</b>	<b>542,210</b>	<b>38.41</b>
<b>Sanctuary Lake Golf Course Expenditures</b>					
SANCTUARY LAKE GREENS	773,127	839,300	104,594	547,682	65.25
SANCTUARY LAKE PRO SHOP	847,477	1,141,910	16,389	779,406	68.25
SANCTUARY LAKE CAPITAL	0	0	0	0	0.00
	<b>1,620,604</b>	<b>1,981,210</b>	<b>120,983</b>	<b>1,327,088</b>	<b>66.98</b>



**Monthly Financial Report**  
**Sylvan Glen Golf Course**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Sylvan Glen Golf Course Revenues</b>					
CHARGES FOR SERVICES - SALES	25,406	35,000	191	13,955	39.87
CHARGES FOR SERVICES - REC	935,896	1,057,140	20,574	522,708	49.45
INTEREST & RENT	238,384	226,720	8,084	205,227	90.52
OTHER REVENUE	14,626	0	10	-39	0.00
OTHER FINANCING SOURCES	0	67,510	0	0	0.00
	<b>1,214,313</b>	<b>1,386,370</b>	<b>28,859</b>	<b>741,851</b>	<b>53.51</b>
<b>Sylvan Glen Golf Course Expenditures</b>					
SYLVAN GLEN GREENS	772,805	800,740	67,926	529,975	66.19
SYLVAN GLEN PRO SHOP	332,750	339,730	15,498	204,985	60.34
SYLVAN GLEN CAPITAL	0	245,900	0	27,087	11.02
	<b>1,105,555</b>	<b>1,386,370</b>	<b>83,424</b>	<b>762,046</b>	<b>54.97</b>



**Monthly Financial Report**  
**Aquatic Center Fund**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Aquatic Center Fund Revenues</b>					
CHARGES FOR SERVICES - REC	413,996	457,000	2,187	215,072	47.06
INTEREST & RENT	24,436	30,200	0	26,077	86.35
OTHER REVENUE	-1	0	0	-30	0.00
	<b>438,431</b>	<b>487,200</b>	<b>2,187</b>	<b>241,119</b>	<b>49.49</b>
<b>Aquatic Center Fund Expenditures</b>					
AQUATIC CENTER	588,549	633,510	47,970	391,209	61.75
CAPITAL	0	118,000	0	0	0.00
	<b>588,549</b>	<b>751,510</b>	<b>47,970</b>	<b>391,209</b>	<b>52.06</b>



**Monthly Financial Report**  
**Sewer Fund**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Sewer Fund Revenues</b>					
CHARGES FOR SERVICES - FEES	355,862	350,000	1,306	88,655	25.33
CHARGES FOR SERVICES - RENDERED	11,256,901	12,284,000	0	4,948,705	40.29
INTEREST & RENT	1,122,397	820,000	188	371,815	45.34
	<b>12,735,161</b>	<b>13,454,000</b>	<b>1,494</b>	<b>5,409,175</b>	<b>40.20</b>
<b>Sewer Fund Expenditures</b>					
ADMINISTRATION	8,866,421	10,066,690	636,775	5,673,892	56.36
CAPITAL	0	2,756,000	0	556,039	20.18
MAINTENANCE	696,325	932,460	36,701	496,633	53.26
TRANSFERS OUT	682,140	704,200	176,050	528,150	75.00
	<b>10,244,886</b>	<b>14,459,350</b>	<b>849,526</b>	<b>7,254,713</b>	<b>50.17</b>



**Monthly Financial Report  
Water Fund  
For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Water Fund Revenues</b>					
CHARGES FOR SERVICES - FEES	778,990	685,000	7,711	382,985	55.91
CHARGES FOR SERVICES - RENDERED	63,890	60,000	789	30,293	50.49
CHARGES FOR SERVICES - SALES	14,700,959	15,879,000	70	6,367,605	40.10
INTEREST & RENT	920,173	902,000	17,554	353,949	39.24
OTHER REVENUE	0	0	0	3,188	0.00
	<b>16,464,013</b>	<b>17,526,000</b>	<b>26,124</b>	<b>7,138,021</b>	<b>40.73</b>
<b>Water Fund Expenditures</b>					
TRANS AND DISTRIBUTION	228,525	232,290	12,322	125,372	53.97
CUSTOMER INSTALLATION	86,970	104,380	6,900	68,056	65.20
CONTRACTORS SERVICE	161,553	278,750	5,651	89,346	32.05
MAIN TESTING	43,709	97,170	6,138	31,071	31.98
MAINTENANCE OF MAINS	448,375	492,920	14,135	200,093	40.59
MAINTENANCE OF SERVICES	188,265	313,760	16,015	150,966	48.12
MAINTENANCE OF METERS	514,997	623,610	10,600	333,523	53.48
MAINTENANCE OF HYDRANTS	380,889	438,370	1,757	256,873	58.60
WATER METERS & TAP-INS	314,024	427,120	1,929	484,013	113.32
ADMINISTRATION	11,088,917	12,167,930	1,068,856	6,818,017	56.03
CAPITAL	0	8,760,000	537,776	1,959,686	22.37
WATER METER READING	170,626	114,860	4,747	84,214	73.32
ACCOUNTING & COLLECTING	149,951	74,880	4,532	111,283	148.62
	<b>13,776,801</b>	<b>24,126,040</b>	<b>1,691,359</b>	<b>10,712,512</b>	<b>44.40</b>



**Monthly Financial Report**  
**Motor Pool**  
**For the Period Ending March 31, 2009**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
<b>Motor Pool Revenues</b>					
CHARGES FOR SERVICES - RENDERED	118,813	125,800	6,673	64,036	50.90
INTEREST & RENT	4,001,442	3,920,900	104,297	2,773,445	70.73
OTHER REVENUE	500,063	424,500	0	272,418	64.17
OTHER FINANCING SOURCES	0	1,849,020	0	0	0.00
	<b>4,620,318</b>	<b>6,320,220</b>	<b>110,970</b>	<b>3,109,900</b>	<b>49.21</b>
<b>Motor Pool Expenditures</b>					
ADMINISTRATION	559,832	598,200	41,087	411,024	68.71
OPERATION AND MAINTENANCE	3,532,582	3,773,180	415,125	2,529,005	67.03
DPW FACILITY MAINTENANCE	353,090	404,740	21,663	222,169	54.89
CAPITAL	0	1,544,100	0	389,446	25.22
	<b>4,445,505</b>	<b>6,320,220</b>	<b>477,875</b>	<b>3,551,644</b>	<b>56.19</b>

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2009	4	2	7	FITB	2009	1	22	.870	CD	2,095,427		2,095,426.47
	2009	4	2	7	CHART ONE	2009	1	22	.750	CD	2,024,026		2,024,026.05
	2009	4	2	7	CITIZENS	2009	1	29	1.000	CD	2,218,846		2,218,845.51
	2009	4	2	7	CITIZENS	2009	2	5	.750	CD	2,410,955		2,410,955.45
	2009	4	9	7	FITB	2009	1	8	1.350	CD	1,124,841		1,124,840.71
	2009	4	9	7	PRIV BANK	2009	2	26	1.050	CD	1,710,821		1,710,821.04
	2009	4	16	7	FITB	2008	2	5	.950	CD	2,020,514		2,020,514.22
	2009	4	16	7	FITB	2009	1	16	1.140	CD	2,090,795		2,090,795.06
	2009	4	16	7	CHART ONE	2009	1	29	.710	CD	2,025,299		2,025,299.43
	2009	4	23	7	CHART ONE	2008	2	5	.750	CD	2,209,023		2,209,023.25
	2009	4	23	7	CHART ONE	2009	1	29	.710	CD	2,094,069		2,094,069.23
	2009	4	28	7	ML	2008	4	30	1.120	MM	237		237.12
	2009	4	30	9	FITB	2003	2	27	.820	MAX SAVER	7,232,337		7,232,336.71
	2009	4	30	7	HUNT BANK	2004	8	27	.700	MM	597,093		597,093.46
	2009	4	30	9	MBIA	2005	11	18	.780	MBIA	1,683,304		1,683,304.38
	2009	4	30	9	CITIZENS	2006	5	4	1.050	MMIA	1,154,887		1,154,886.88
	2009	4	30	9	FITB	2006	9	8	.840	MAXSAVER+	2,120,787		2,120,786.91
	2009	4	30	7	FITB	2008	5	31	.750	MM	2,782,189		2,782,189.29
	2009	4	30	7	COMERICA	2009	2	12	.700	CD	2,093,718		2,093,717.77
	2009	4	30	7	TCF BANK	2009	2	19	1.000	CD	2,329,453		2,329,453.01
	2009	4	30	7	HUNT BANK	2009	3	5	.650	CD	2,216,148		2,216,147.96
	2009	4	30	7	PRIV BANK	2009	3	26	1.150	CD	2,106,307		2,106,306.57
	2009	5	7	7	JPM CHASE	2009	2	9	.210	CD	2,089,486		2,089,485.50
	2009	5	7	7	TCF BANK	2009	2	19	1.000	CD	3,064,196		3,064,195.68
	2009	5	7	7	FITB	2009	2	26	.910	CD	2,020,911		2,020,911.26
	2009	5	7	7	CITIZENS	2009	3	5	.700	CD	2,102,217		2,102,217.42
	2009	5	14	7	FITB	2009	2	19	1.000	CD	2,022,315		2,022,314.88
	2009	5	21	9	CITI SM BY	2008	2	26	.260	FNMA	2,024,000		2,022,786.72
	2009	5	28	7	HUNT BANK	2009	2	19	.910	CD	2,096,907		2,096,907.43
	2009	5	28	7	FLAGSTAR	2009	2	26	.900	CD ARS	3,640,732		3,640,731.52
	2009	6	3	9	ML	2009	1	26	.470	FHLB	2,408,000		2,403,975.96
	2009	6	4	9	ML	2009	1	6	.320	FHLB	2,504,000		2,500,683.59
	2009	6	4	7	PRIV BANK	2009	2	19	1.500	CD	2,018,394		2,018,393.72
	2009	6	11	7	CHART ONE	2009	3	12	1.120	CD	2,007,811		2,007,811.23
	2009	6	12	7	PRIV BANK	2009	3	19	1.000	CD	1,032,763		1,032,763.04
	2009	6	15	9	FITB	2008	7	30	5.000	3451	284,155		284,154.51
	2009	6	18	7	CITIZENS	2009	1	22	.700	CD	2,475,783		2,475,782.63
	2009	6	18	7	NATL CITY	2009	3	12	.490	CD	2,094,589		2,094,588.53
	2009	6	18	7	COMERICA	2009	3	26	.610	CD	1,055,262		1,055,261.90
	2009	6	18	7	CITIZENS	2009	3	26	.650	CD	1,219,386		1,219,386.27
	2009	6	25	9	ML	2009	3	20	.180	TBILL	2,395,000		2,393,838.43
	2009	6	25	7	BOM	2009	3	26	1.450	CD	200,715		200,714.55
	2009	6	25	7	FITB	2009	3	31	.890	CD	3,051,411		3,051,410.95
	2009	6	30	9	FITB	2003	5	19	5.000	FHLM 95237	289,586		289,586.46
	2009	7	30	9	NAT CITY	2009	1	26	.451	FHLB	1,169,000	2,250.31	1,166,296.69
	2009	8	25	9	FITB	2006	6	30	5.000	86	318,170		318,169.49
	2009	8	25	9	FITB	2007	1	9	5.500	2003-80	188,646		188,646.09

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2009	9	3	9	FITB	2008	6	13	4.500	2872	454,043		454,043.10
	2009	9	15	9	FITB	2005	11	30	5.000	2802	367,201		367,201.48
	2009	9	25	9	FITB	2008	4	25	6.000	2006-43	374,304		374,303.52
	2009	11	25	9	FITB	2008	1	25	5.500	13	105,507		105,506.71
	2009	11	25	9	FITB	2008	1	25	5.500	3072	127,274		127,274.28
	2009	11	30	9	FITB	2008	2	1	5.000	FHLM 3000	1,080,315		1,080,315.16
	2009	11	30	9	FITB	2008	2	25	5.500	FHLM 2687	1,811,800		1,811,750.00
	2009	12	15	9	FITB	2007	12	27	6.000	3075	389,000		389,000.00
	2009	12	15	9	FITB	2008	8	26	4.000	2780	308,691		308,690.91
	2009	12	15	9	FITB	2008	8	29	5.000	68	40,301		40,301.22
	2009	12	25	9	FITB	2007	9	28	5.500	FNMA 3061	555,621		548,000.00
	2009	12	30	9	FITB	2007	2	9	6.000	3243	89,414		89,414.34
	2009	12	30	9	FITB	2007	8	27	5.500	2549	596,000		596,000.00
	2009	12	30	9	FITB	2008	5	30	3.600	FHR03 2640	278,522		278,521.98
	2009	12	31	9	FITB	2007	11	26	5.000	2649	372,000		372,000.00
	2009	12	31	9	FITB	2007	11	26	5.000	2898	279,210		279,209.78
	2010	1	30	9	FITB	2008	2	25	6.000	2006-26	3,514,185		3,514,185.10
	2010	2	15	9	FITB	2008	4	25	6.000	FHLM 3376	273,485		273,484.92
	2010	2	15	9	FITB	2008	12	26	5.000	2777	541,000		541,000.00
	2010	8	15	9	FITB	2008	12	26	4.080	2006-66	1,371,370		1,371,370.45
	2010	9	25	9	FITB	2008	9	25	6.000	2006-58	2,578,914		2,578,913.60
	2010	10	1	9	FITB	2008	11	25	5.000	89	1,209,332		1,209,332.21
	2010	10	1	9	FITB	2008	11	25	5.000	2966	462,029		462,028.61
	2010	11	15	9	FITB	2008	12	30	6.000	3499	2,287,018		2,287,017.85
	2010	12	31	9	FITB	2006	8	25	5.500	FNMA 73	411,270		411,269.85
	2013	11	1	9	FITB	2009	3	31	5.550	MMBDA 09	510,000		510,000.00
	2014	11	1	8	FITB	2009	3	31	5.800	MMBA 09	300,000		300,000.00
	2015	11	1	8	FITB	2009	3	31	6.370	MMBA 2009	500,000		500,000.00
										TOTAL		2,250.31	111,282,226.00
591	2009	4	2	7	CITIZENS	2009	1	29	1.000	CD	164,996		164,996.59
	2009	4	28	8	BOA	2007	7	31	.500	MMA	2,090,850		2,090,850.42
	2009	4	30	7	COMERICA	1997	7	1	.250	GOV'T POOL	2,140,030		2,140,029.84
	2009	4	30	8	FITB	2008	5	31	.750	MM	424,202		424,202.29
	2009	4	30	7	BOA	2008	12	31	.250	FIDELITY	1,063,071		1,063,071.08
	2009	5	21	7	NATL CITY	2009	2	19	.490	CD	1,648,623		1,648,623.18
	2009	5	25	9	FITB	2008	4	25	6.000	FNMA 40	104,000		103,923.75
	2009	5	28	7	HUNT BANK	2008	12	23	1.030	CD	179,790		179,789.56
	2009	6	25	9	FITB	2006	8	9	5.500	FNMA 73	68,850		68,847.73
	2009	6	26	9	FITB	2008	5	27	3.500	2640	195,332		195,331.66
	2009	10	15	9	FITB	2007	5	25	4.500	FHLM 2693	98,930		98,929.71
	2009	10	31	9	FITB	2007	12	27	5.500	2781	145,000		145,000.00
	2009	10	31	9	FITB	2008	2	25	6.000	FNMA 26	1,240,000		1,240,000.00
	2009	12	15	9	FITB	2008	8	14	4.000	2630	49,180		49,179.15
	2009	12	30	9	FITB	2006	3	3	5.000	FHLM 2561	4,170		4,167.11
	2009	12	31	9	FITB	2007	2	9	6.000	3243	67,632		67,631.23

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T-Bills, Commercial Paper, C.D. etc.

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2010	5	1	7	FITB	2009	3	30	3.250	LYON TWP	210,000		212,824.79
	2010	11	15	9	FITB	2008	12	30	6.000	3499	882,042		882,041.67
	2010	11	25	9	FITB	2008	11	25	5.000	FHLM 2966	205,500		205,494.13
TOTAL												10,984,933.89	
TOTAL											2,250.31	122,267,159.89	

\*\*\* END OF REPORT \*\*\*

7 = CD 8 = Paper 9 = T-Bills

**BANK ACCOUNTS**  
**3/31/2009**

BANK	FUND	BANK BALANCE POOLED INVESTMENT BALANCE	
Fifth Third	General	\$	5,170,697.07
Fifth Third	Trust & Agency		3,453,058.51
Huntington Bank	Investment-MM		597,093.46
TOTAL		\$	<u>9,220,849.04</u>



## **CITY COUNCIL REPORT & COMMUNICATION**

May 6, 2009

TO: John Szerlag, Acting City Manager

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

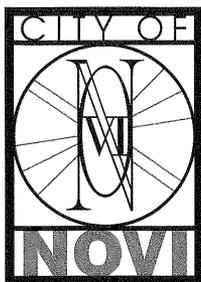
SUBJECT: 2009 Assessment Roll and Board of Review Report

**Background:**

- This year, the 2009 Assessment Roll and Board of Review Report is on the Assessing Web page (<http://www.troymi.gov/Assessing/> under the heading “2009 Assessment Roll and Board of Review Report”). This is necessitated by the increased size of the report, caused by the dramatic increase in the number of appeals heard at the Board. The report runs 724 pages (362 pages, back to back).

Of particular import to Council are the first seven (7) pages of the Assessor’s summary memorandum, and the three (3) following pages of statistics that summarize the 2009 Assessment Roll.

The minutes of the Board of Review follow those pages.



**CITY COUNCIL**

**Mayor**  
David B. Landry

**Mayor Pro Tem**  
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Brian Burke

**City Manager**  
Clay J. Pearson

**Chief of Police**  
David E. Molloy

**Deputy Chief of Police**  
Thomas C. Lindberg

February 13, 2009

Chief Charles T. Craft  
Troy Police Department  
500 W. Big Beaver Rd.  
Troy, Michigan 48084

Dear Chief ~~Craft~~, *CHARLIE*

Thank you for allowing Captain Colleen Mott to take time away from her regular duties to participate on the panel of the Novi Police Department's Sergeant oral board interviews. I appreciate Captain Mott's professional expertise in conducting this evaluation which ultimately allows for the promotion of the most qualified individuals in our department.

Again, thank you for your contribution. If the Novi Police Department can be of service to you in the future, please do not hesitate to contact me.

Sincerely,

*DAVID M.*

David E. Molloy  
Chief of Police

**Novi Police Department**  
45125 W. Ten Mile Road  
Novi, Michigan 48375  
248.348.7100  
248.347.0590 fax

cityofnovi.org

*MGR  
FILES*



# City of Southfield

26000 Evergreen Rd. • P.O. Box 2055 • Southfield, MI 48037-2055 • www.cityofsouthfield.com

February 19, 2009

Troy Police Department  
 Charles T. Craft, Chief of Police  
 500 W. Big Beaver Road  
 Troy, Michigan 48084

Dear Chief Craft,

Please accept my sincere thanks to you and members of your agency for your assistance on January 12, 2009, when William Blaszkiewicz was arrested for committing several armed robberies in Southfield and surrounding cities.

On January 8, 2009, a bank robbery occurred in our city in which a lone male implied that he had explosives. This male matched the description of a suspect who had robbed a Birmingham bank approximately one week earlier. The S.I.U. from Troy P.D., received a tip on the suspect's identity from the Birmingham robbery. Working together it was determined that the Birmingham and Southfield robberies were committed by the same suspect.

After a multi-day surveillance involving considerable leg work, cultivation of informants and electronic tracking by Southfield T.C.S.U., Troy S.I.U. and the U.S. Marshal Mobile Cell Tracking Unit, Blaszkiewicz was placed into custody on January 12<sup>th</sup>. Detectives were able to link him to a total of five armed robberies in Southfield, Birmingham, Detroit and Royal Oak.

The involvement of the Troy Police Department and the U.S. Marshal's Service were critical in bringing this case to a rapid, successful close. Please commend your officers for the degree of professionalism shown in performing their duty on our behalf.

Sincerely,

Dr. Joseph E. Thomas, Jr.  
 Chief of Police

cc: Detective/ Sergeant Salter  
 Detective Bragg  
 Detective Satterfield  
 Detective J. Jones  
 Detective Dyjewski

**Mayor**  
 Brenda L. Lawrence

**Council President**  
 Donald F. Fracassi

**City Clerk**  
 Nancy L. M. Banks

**City Treasurer**  
 Irv M. Lowenberg

Myron A. Frasier

Sylvia Jordan

Sidney Lantz

William Lattimore

Joan Seymour

Kenson J. Siver

**Gary G Mayer**

---

**From:** Patricia A Gladysz  
**Sent:** Thursday, April 16, 2009 2:21 PM  
**To:** Gary G Mayer  
**Subject:** Telephone message

Chief Mayer:

I received a telephone call from Price Funeral Home expressing their gratitude to Sgt. Dan Daniel for his assistance today in stopping traffic at intersections during a funeral procession. The funeral home heard from the family they were serving that there was nearly an accident when a motorist attempted to pass through the procession.

Sgt. Daniel's assistance was greatly appreciated by both the family and funeral home staff.

Pat Gladysz

Sgt. DANIELS FILE  
MGR.

April 20<sup>th</sup>, 2009

Erik J. Mott  
3102 N. Vermont Ave  
Royal Oak, MI 48073

Chief Gary G. Mayer  
Troy Police Department  
Troy, MI 48084

Dear Chief Mayer

Recently I was afforded the chance to do an internship with your department as part of my degree program at Oakland Community College. This internship involved me riding along with a number of officers as they carried out their day-to-day duties. I am writing to you today to thank and recognize the people who made this internship possible. Wendell Moore set me up on all my ride alongs and was very valuable in helping me gather any information that I was unable to obtain on my own.

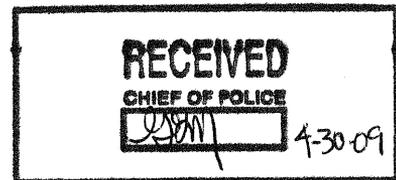
In addition to Mr. Moore, thanks and recognition must be given to Officers Joe Mouch, Chris Huck, Brian Warzecka and Ryan Whiteside. I rode with all four of these officers and they did not disappoint in making this experience worthwhile. All four were very welcoming and really helped make everything enjoyable for me. The entire experience was very educational and beneficial to me and I have these four officers to thank for that.

Thank you again to Mr. Moore and Officer's Mouch, Huck, Warzecka and Whiteside. I leave this internship with an even deeper commitment to a career in law enforcement.

Sincerely,

*Erik Mott*

Erik J. Mott



WENDELL MOORE  
P.O. MOUCH  
P.O. HUCK  
P.O. WARZECKA  
P.O. WHITESIDE

THANKS FOR  
MAKING SUCH  
A GOOD IMPRESSION  
AND REPRESENTING  
TROY P.D. SO WELL.

*Gary*

MGRS. OFFICE  
P-FILES

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- 
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General Offices  
 10651 Northend  
 Ferndale, Mi 48220  
 Phone: 248-398-2323  
 Fax: 248-398-1802

# 1-800-Mini Storage of Troy.....

February 13, 2009

City of Troy Police Department  
 Police Chief Charles Craft  
 500 West Big Beaver  
 Troy, Mi 48084

Dear Chief Craft:

This letter is to thank your department for their outstanding service to the Troy community.

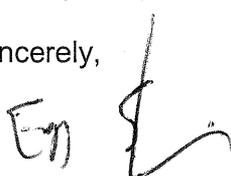
On Wednesday, February 4, 2009, at 4 o'clock in the morning your dedicated officers noticed that an overhead door was open at the 1-800-MINI STORAGE facility located at 2477 West Maple. The responding officer investigated and then contacted the facilities alarm company. The alarm company promptly called me to respond to the situation on my property. It is reassuring to know that the City of Troy is being patrolled and protected by conscientious officers who are aware of their surroundings and take action when needed.

I recall when we opened our facility your department promptly contacted us and recorded relevant information about our business. Your efficiency at that time clearly helped us out in this situation. Thank you for the impressive organization and follow through your department exhibited.

If 1-800 MINI STORAGE can ever be of service to your department please do not hesitate to contact me.

Thank you again,

Sincerely,



Eugene Sherizen

Owner

P.O. STEVE BRAZEL -  
 THANKS FOR YOUR CONTINUING GOOD  
 WORK. AS YOU CAN SEE THE CITIZENS  
 ALSO APPRECIATE IT. *Gay Meyer*  
 #094082

MGR  
 P-FILES

Miscellaneous Resolution #09094

**BY:** Commissioner Helaine Zack, District #22 and Michael J. Gingell, District #3

**RE: Board of Commissioners – Declaring May 2009 – Mental Health Month in Oakland County**

**TO:** Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

**WHEREAS**, mental health is critical for our individual well-being and vitality as well as that of our families, communities and businesses; and

**WHEREAS**, one in four (25%) of all Americans experience a mental health illness that requires treatment at some point in their lives; and

**WHEREAS**, one in 10 children has a serious mental illness that, if untreated, can lead to school failure, physical illness, substance use, jail and even suicide; and

**WHEREAS**, May 7th has been designated the National Children's Mental Health Awareness Day; and

**WHEREAS**, stigma and stereotypes associated with mental illnesses often keeps those living with such an illness from seeking treatment that could improve their quality of life and help them manage the illness effectively; and

**WHEREAS**, mental illness is a biologically based brain disorder that cannot be overcome through "will power" and is not related to a defect in a person's "character" or intelligence; and

**WHEREAS**, the National Institute of Mental Health reports that mental disorders are the leading cause of disability in the United States and Canada for ages 15-44; and

**WHEREAS**, mental health recovery is a journey of healing and transformation enabling a person with a mental illness to live a meaningful life in a community of his or her choice while striving to achieve his or her full potential; and

**WHEREAS**, mental health recovery not only benefits individuals with mental health disabilities by focusing on their abilities to live, work, learn and fully participate in our society, but also enriches the texture of our community life; and

**WHEREAS**, the Oakland County Community Mental Health Authority has established and is committed to empowering the individuals we serve to live full self-determined lives, embracing recovery, resilience responsibility and independence.

**NOW, THEREFORE, BE IT RESOLVED** that, the Oakland County Board of Commissioners, hereby proclaim the month of May, 2009 as Mental Health Month.

**BE IT FURTHER RESOLVED** that the Oakland County Board of Commissioners calls upon the citizens, government agencies, public and private institutions, businesses and schools of Oakland County to recommit themselves to increasing the awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses to promote recovery.

**BE IT FURTHER RESOLVED** that the Oakland County Clerk is requested to forward copies of this adopted resolution to the Oakland County Community Mental Health Authority and to all of the cities, villages and townships in Oakland County.

Chairperson, we move the adoption of the foregoing Resolution.

Melaine Zack  
Commissioner Melaine Zack  
District #22

Harry R. McHelling  
Commissioner  
District # 24

[Signature]  
Commissioner  
District # 21

[Signature]  
Commissioner  
District #

[Signature]  
Commissioner  
District # 5

[Signature]  
Commissioner  
District #

Matthew W. Mitchell  
Commissioner  
District # 10

[Signature]  
Commissioner  
District # 20

Bill Bullard Jr  
Commissioner  
District # 2

Tom Gremel  
Commissioner  
District # 11

\_\_\_\_\_  
Commissioner  
District #

\_\_\_\_\_  
Commissioner  
District #

Michael J. Gingell  
Commissioner Michael J. Gingell  
District #3

[Signature]  
Commissioner  
District # 14

Thomas F. Medda  
Commissioner  
District #

[Signature]  
Commissioner  
District # 13

[Signature]  
Commissioner  
District # 8

Christie Aleng  
Commissioner  
District # 7

Shelley S. Taus  
Commissioner  
District # 16

[Signature]  
Commissioner  
District # 1

Maria Heikens  
Commissioner  
District # 17

[Signature]  
Commissioner  
District # 19

\_\_\_\_\_  
Commissioner  
District #

\_\_\_\_\_  
Commissioner  
District #

Moved by Zack supported by Gingell to suspend the rules and vote on MISCELLANEOUS RESOLUTION #09094 - BOARD OF COMMISSIONERS – DECLARING MAY 2009 – MENTAL HEALTH MONTH IN OAKLAND COUNTY.

Vote on motion to suspend the rules:

AYES: Nash, Potter, Potts, Schwartz, Scott, Taub, Woodward, Zack, Bullard, Burns, Capello, Douglas, Gershenson, Gingell, Gosselin, Greimel, Hatchett, Jackson, Jacobsen, Long, McGillivray, Middleton. (22)

NAYS: None. (0)

A sufficient majority having voted in favor, the motion to suspend the rules and vote on MISCELLANEOUS RESOLUTION #09094 - BOARD OF COMMISSIONERS – DECLARING MAY 2009 – MENTAL HEALTH MONTH IN OAKLAND COUNTY carried.

Moved by Zack supported by Gingell the resolution be adopted.

AYES: Potter, Potts, Schwartz, Scott, Taub, Woodward, Zack, Bullard, Burns, Capello, Douglas, Gershenson, Gingell, Gosselin, Greimel, Hatchett, Jackson, Jacobsen, Long, McGillivray, Middleton, Nash. (22)

NAYS: None. (0)

A sufficient majority having voted in favor, the resolution was adopted.



I HEREBY APPROVE THE FOREGOING RESOLUTION  
ACTING PURSUANT TO 1973 PA 139

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on April 23, 2009, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 23rd day of April, 2009.



Ruth Johnson, County Clerk

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

**NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
THE DETROIT EDISON COMPANY  
CASE NO. U-15417-R**

- The Detroit Edison Company (Detroit Edison) may reconcile its power supply cost recovery plan for the net underrecovery of \$18,616,159 including interest, from all of its power supply cost recovery customers for the 12-month period ending December 31, 2008, and its pension equalization mechanism for the overrecovery of \$49,865,636 from its customers for the 12-month period ending December 31, 2008. Detroit Edison may also reconcile its overrecovery of its 2005 PSCR undercollection surcharge from its Commercial & Industrial customers at year-end 2008 of \$9,707,008, including interest through the 2009 PSCR billing factors, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

**DATE/TIME:** May 6, 2009, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Barbara A. Stump

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the March 31, 2009 application of The Detroit Edison Company to reconcile its power supply cost recovery (PSCR) plan for the 12-month period ending December 31, 2008, and to reconcile its pension equalization mechanism (PEM) for the 12-month period ending December 31, 2008. Detroit Edison proposes to collect the underrecovery of \$18,616,159 including interest, from all of its PSCR customers through the operation of the PSCR for the year 2009. Detroit Edison proposes to refund an overrecovery of \$49,865,636 to its PEM customers for the 2008 PEM reconciliation period. Detroit Edison also proposes to refund an overrecovery from the 2005 PSCR

reconciliation period from its Commercial & Industrial customers of \$9,707,008, including interest to all commercial and industrial customers in its 2009 PSCR billing factors.

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

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by April 29, 2009. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, One Energy Plaza, Detroit, Michigan 48226-1279.

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

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

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

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

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

April 9, 2009



## CITY COUNCIL REPORT

DATE: April 24, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
 Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Nino Licari, City Assessor  
 James A. Nash, Financial Services Director  
 Mark F. Miller, Planning Director

SUBJECT: Brownfield Redevelopment Authority - Mid Town Square Brownfield Plan-Local Site  
 Remediation Revolving Fund

### Background

In preparation of the April 21, 2009 Brownfield Redevelopment Authority meeting City Management developed a proposed 2009/10 budget. Due to attendance issues the meeting was re-scheduled to May 5, 2009. In addition, the Remediation Revolving Fund generated from the Mid Town Brownfield has grown to \$1,903,199. In 2008/09 the amount budgeted was \$856,000 and projected to increase in 2009/2010 to \$1,732,402, due to the capture of special millage according to state law. These captured tax revenues are accumulated after the "eligible expenditures" were reimbursed to Grand/Sakwa. The Mid Town Square brownfield will dedicate captured tax revenues to a Revolving Loan Fund until December 31, 2012. There is very little interest from the development community to utilize this Revolving Loan Fund. It appears that the current Revolving Loan Fund balance will be sufficient for future Revolving Fund demand.

### Conclusion

City Management will recommend to the Brownfield Redevelopment Authority the elimination of the tax capture from the Mid Town Square brownfield that provides revenue for the Revolving Loan Fund. It is estimated that \$1.7 million would be distributed to the taxing jurisdictions, whose funds are currently "captured" (city share \$392,000). City Management will proceed with the process of eliminating the future tax capture dedicated for the Revolving Loan Fund. In terms of methodology, the 2009/10 budget and resolution would first have to be endorsed by the Brownfield Redevelopment Authority and then advanced to City Council for final approval/disapproval.

Attachment: Local Site Remediation Revolving Fund Information Sheet

Cc: Lori Grigg Bluhm, City Attorney  
 Brownfield Redevelopment Authority

Prepared by MFM

G:\Brownfield Redevelopment Authority\Brownfield Plan\CC Report 04 24 09.docx

### **Local Site Remediation Revolving Fund**

The Troy Brownfield Redevelopment Authority established a Site Remediation Revolving Fund to further promote the redevelopment of Brownfield sites located in the City of Troy. The Authority established the following terms and conditions to the Revolving Loan Fund in October 2006:

1. No grants shall be provided to an entity. Moneys in the BRA Local Site Remediation Revolving fund are limited to loans, where there is sufficient funds to insure repayment of the loans.
2. The tax increment financing shall be collected only for a maximum period of five years after the time that the tax increment revenues are equal to the amount of eligible expenses paid, pursuant to an approved brownfield plan.
3. Loan proceeds can only be used for eligible expenses for eligible properties, as defined within the Brownfield Redevelopment Authority Act.
4. An application should be submitted for any request for a loan. The application must detail the site assessment activities completed to date. The application must also describe the overall Brownfield project, and how the loan funding would advance the project goals.
5. Complete applications must either be approved or denied within 90 days of the date of submission to the Authority, unless a longer time is agreed to by the applicant and the BRA.
6. All applicants must have completed Phase I and Phase II site assessment in order to qualify for a revolving loan fund. The fund may not be used to complete a Phase I and Phase II site assessment.
7. A Loan Agreement shall be executed prior to the payment of any loan from the fund.
8. The interest in the loan shall not exceed the interest rate collected by the City in special assessments.
9. The extent of the applicant's contribution to environmental contamination on the property will be considered. A property that is subject to a unilateral administrative order, consent or judicial decree under CERCLA shall not qualify for a revolving loan fund.
10. Each loan shall not exceed \$1,000,000.
11. The repayment term for each loan shall not exceed 7 years absent extraordinary circumstances.
12. The total amount of loans and grants received shall not be more than 100% of the total approved environmental project costs.

13. An amount not exceeding 10% of the total loan can be used for administrative purposes, including but not limited to attorney fees, permit fees, BEA fees.
14. In multi-phase projects, loans should be distributed only on a phase-by-phase basis.
15. Tax increment financing from an approved BRA Plan can be used to repay the revolving loan funds.
16. The BRA shall be afforded flexibility in the approval of collateral for the loan. Acceptable collateral can include security interest in accounts, liens on property, and/or personal guarantees, as long as the BRA is satisfied that the collateral is sufficient to insure payment of the loan.
17. The loan applicants shall be the owners of the property or persons with a substantial interest in the property where a brownfield is located.
18. The loan applicants shall disclose whether they are currently or have in the past, subject to any penalties resulting from environmental non-compliance.
19. In the event of a default, there shall be reasonable efforts to enforce the terms of the loan agreement, as permitted by law. The choice of remedies are at the option of the BRA, and include but are not limited to: charging a penalty; proceeding against the assets pledged as collateral to cover losses to the loan; placing a lien on the property, and also recovering court costs and attorney fees necessarily incurred in enforcing the terms of the loan agreement.
20. The applicant must be compliant with federal, state, and local laws, and shall also be compliant with any court order, consent decree, or similar governing documents.
21. The loan recipients shall retain financial records including federal tax returns for a period of at least 3 years after repayment. These records shall document the use of the loan funds.
22. In accordance with the provisions of the City Charter, any BRA member or City officer or employee shall disclose and recuse themselves if they have any significant financial interest in, or benefit from, brownfield activities associated with the loan.
23. Loan applications must be current with all federal, state, and local tax obligations.
24. The MDEQ must approve a loan application where school tax increments are going to be used to fund eligible activities.
25. The school tax increment should be segregated from all other moneys received.

Attached is a copy of the Site Remediation Revolving Fund Application. Please submit a completed application to the Brownfield Redevelopment Authority at:

Mark Miller, Secretary  
Troy Brownfield Redevelopment Authority  
500 West Big Beaver  
Troy, Michigan 48084



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
LIQUOR CONTROL COMMISSION  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
STANLEY "SKIP" PRUSS, DIRECTOR

NIDA R. SAMONA  
CHAIRPERSON

April 22, 2009

REQ ID# 474714

Lesters, Inc.  
c/o Les-Lee Robinson  
3684 Cliffs Drive  
Petoskey MI 49770

Dear Applicant:

We are canceling your request to ownership of 2008 Resort Class C licensed business, issued under MCL 436.1531(2) and SDM license in conjunction with Sunday Sales, Official Permit (Food) and Outdoor Service (1 area) to Granite City Restaurant Operations, Inc. (A Minnesota Corporation), located in escrow at 7568 S US-31, Alanson MI 49706, Emmet County; transfer location (governmental unit) to 699 W Big Beaver, Troy MI 48084, Oakland County; cancel existing Outdoor Service (1 area); request new Brewpub license to be held in conjunction.

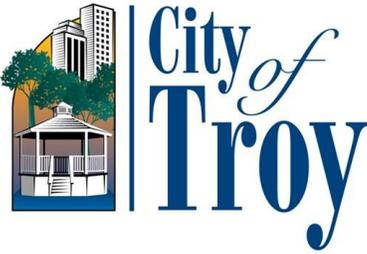
If you wish to proceed with a request to transfer ownership, you must submit a new application.

Our records are being marked accordingly and all concerned parties notified. If you have any questions, please contact the Licensing Division at (517) 636-0204.

MICHIGAN LIQUOR CONTROL COMMISSION  
Licensing Division

ljt

cc: Granite City Restaurant Operations, Inc. (A Minnesota Corporation)  
Attorney Jennifer G. Gallery  
Farmington District Office  
Troy Police Department  
Troy City Council



## CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

FROM: John Lamerato, Assistant City Manager, Finance and Administration  
Cathy Russ, Library Director  
Loraine Campbell, Museum Manager

SUBJECT: Civil War Camp for Troy Eighth Graders

DATE: May 6, 2009

### Background:

- The Troy Museum staff and teachers from the four Troy middle schools have developed an exciting new program for 1,000 Troy eighth graders that meets their curriculum requirements.
- Students from each middle school will participate in a daylong Civil War Camp (May 18-21). Students will rotate through seven stations that feature interactive learning :
  - *Military Life: drills weapons and uniforms*– demonstrated by re-enactors from Historic Fort Wayne Coalition
  - *Communication through letters, journals, telegraph and newspapers*– presented by Mrs. Christen’s Miscellanea
  - *Camp Life: food, health and shelter*– presented by re-enactors
  - *Blacksmithing, horseshoeing and woodworking*– presented by a local farrier, volunteer blacksmiths and woodworkers
  - *History of dance during the 1800s*- presented by Glen Morningstar
  - *Meeting Sojourner Truth*– depicted by actor Jacinta Shanae
  - *Gettysburg Address by Abraham Lincoln*– depicted by actor Taras Berezowsky
- Following evaluation by staff, teachers and presenters, this program may be expanded and offered to Troy and other school districts in the 2009/10 school year.

### Financial Considerations:

- This educational program will generate new revenue and provide programs for an important target market. Until now educational programs have primarily drawn elementary students grades K-5.

### Options:

- Members of Council are invited to observe the camp activities during the week of May 18- 21.

[\[c/CivilWarCamp\]](#)



## CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Grand Opening of Library Cafe

### 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.

- Over 190 entries were received in the “Name the Café” contest.
- The contest judges—John Lamerato; Cathleen Russ; Library Advisory Board member Audre Zembrzuski; Friends of the Library President Jeff Stewart; and City Intern Monica Ireland—met on Monday, May 4, 2009, to select the winning entry.
- The name of the library’s café is “Cup and Chaucer,” which was submitted by Mrs. Alanda Slusser. Mrs. Slusser will be invited to join the ribbon cutting ceremony at the Grand Opening of the café.
- The Grand Opening of the library’s café will be on Monday, June 1, 2009, at 6:30 p.m.
- All city council members and city staff, as well as the general public, are invited to attend the Grand Opening on June 1, 2009.



## CITY COUNCIL REPORT

DATE: May 5, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Stakeholder Interviews - Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)

The City of Troy Master Plan was adopted by the Planning Commission on October 14, 2008. It was the first comprehensive rewrite of the Master Plan since 1965. The Master Plan is a statement of the City's goals and policies that provides a comprehensive view of the community's desire for the future. Many of the goals listed in the Master Plan are very innovative and were not contemplated when the existing Zoning Ordinance was adopted. Mixed use and low impact development are two examples of these innovative goals identified in the Master Plan.

The most important tool used to implement the Master Plan is the Zoning Ordinance. The City of Troy Zoning Ordinance is over 35 years old and requires dramatic revisions in order to implement the Master Plan. The City is undertaking a collaborative professional effort between the Planning Department and Carlisle/Wortman Associates, Inc. (CWA) to completely rewrite the Zoning Ordinance. The projected completion date is in FY 2010-11.

The Planning Department will undertake interviews with stakeholders in the City to seek input regarding the existing Zoning Ordinance. These interviews should identify the Zoning Ordinance shortcomings or needs and suggest revisions or new provisions for the Zoning Ordinance. This public input process with community stakeholders will assist in creating a document that is relevant, effective and easy to use. Interviewees will include development professionals and people who regularly use the Zoning Ordinance (such as Board of Zoning Appeals representatives, Planning Commissioners and City staff) and non-professionals and people who do not regularly use the document (such as representatives of Advisory Committee for Persons with Disabilities, and City Council).

Interview sessions will be conducted by Mark Miller, Planning Director and Brent Savidant, Principal Planner, and will vary depending on the experience of the interviewee. The results of the interviews will be provided to the Planning Consultant and Planning Commission. The

attached Master Plan and Zoning Ordinance Purpose and Key Considerations handout will be provided to potential interviewees prior to the interview.

Attachments:

1. Master Plan Purpose and Key Considerations.
2. Zoning Ordinance Purpose and Key Considerations.
3. Potential Interviewees and Interview Questions.

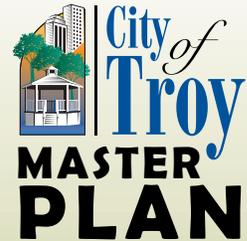
Prepared by RBS/MFM

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## City of Troy

# Master Plan

## Purpose and Key Considerations

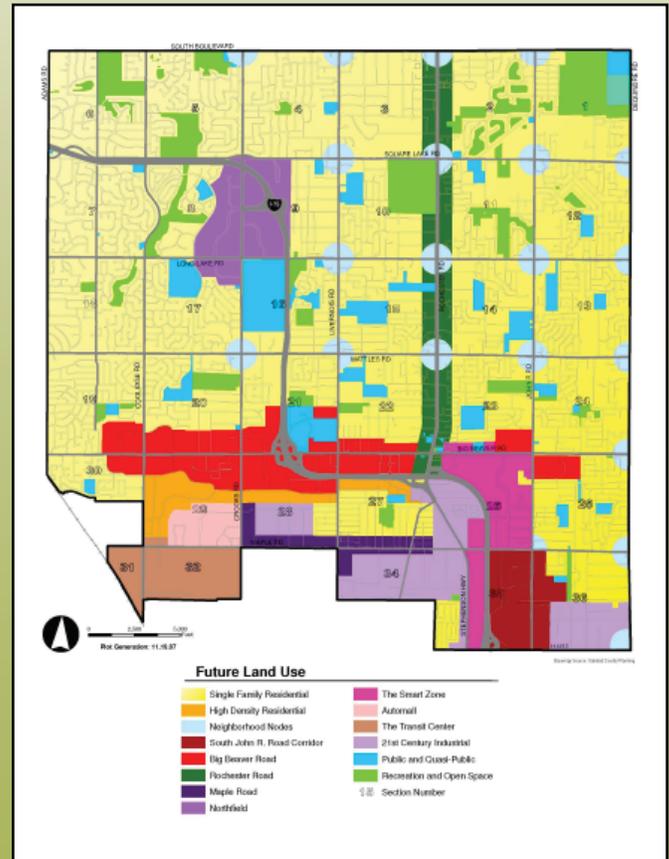


### Statement of Purpose

The Troy Master Plan is the official policy guide to be used by City officials to resolve existing and anticipated community development issues. Through the text and maps, the Master Plan illustrates the desires of the City with regard to future growth and development. Further, the Master Plan promotes continuity in development policy as members of the Planning Commission and City Council change over the years. To ensure that land use and development policies reflect current conditions in the City, it is essential that the Master Plan is periodically evaluated. In recent years, Troy has undergone many changes. To address these changes, the goals, objectives, and policies contained within this Master Plan were prepared to respond to existing conditions and projected trends to make Troy an attractive place to live and work.

### Process and Community Connection

On the heels of the Troy Futures Vision 2020 process, the City of Troy Master Plan process included a multi-step public involvement process. After recruiting participants, the City engaged those willing stakeholders in complex assessments of the quality of life in Troy and identify areas of potential improvement.



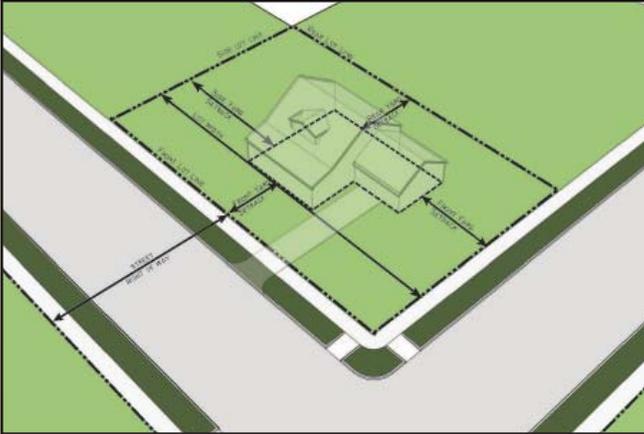
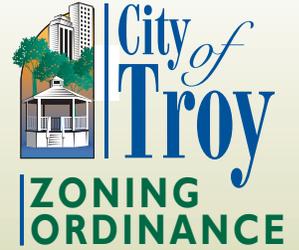
### Innovation

The 2008 City of Troy Master Plan throws convention to the wind by directly addressing the quality of life of Troy in a unique, user-friendly format. Supporting data and extraneous maps are kept in a series of appendices, allowing the document to clearly state the intentions of the people of Troy in concentrated, topic-based chapters addressing transportation, sustainability, housing, and other important issues. The Master Plan is designed to clearly and accurately reflect the philosophies established by the participants in the City's extensive public participation process. This unique format and approach to Master Planning is fast becoming a model for communities statewide.

- Extensive public input was part of the Master Plan process.
- A progressive new direction for the City, directly from the residents and of Troy, emerged.
- The new ideas required a whole new approach to the Master Plan.
- The Plan encourages mixed-use, sustainability, alternative transportation, and density.
- The central idea of the Master Plan is that by cultivating a world class quality of life, Troy can compete for world-class workers, which in turn will attract world-class jobs.
- The Master Plan analyzes and establishes philosophies towards a number of topic areas critical to enhancing the quality of life for current and future residents.
- Each chapter was designed as one of a series of stand alone policy documents centered on a theme.
- Every Chapter is related directly back to public input.
- The Master Plan emphasizes the form and function of buildings and amenities as much as the use of buildings and land, a new approach to land use regulation.

# Zoning Ordinance

## Purpose and Key Considerations



### Statement of Purpose

The Zoning Ordinance is a critical community development tool. While supported by other City plans and ordinances, the Zoning Ordinance is the primary method through which the City can implement the vision of the Master Plan. Elements regulated by zoning include land use, building height and form, parking requirements, special performance standards for certain unique land uses, and many other general provisions. Designed to promote and protect the health safety and welfare, the Zoning Ordinance protects the rights of landowners to use their land, while not impeding the ability of others to use theirs. It is designed to bring about a predictable outcome and a planned physical environment that allows for the highest possible quality of life.



### Process and Community Connection

The public will be invited to take a vital role in the development of the Zoning Ordinance. Currently, you are invited to attend the regular meetings of the Planning Commission, where this issue is discussed regularly. Additional information on future activities will be widely publicized to solicit participation.

### Innovation

The approach to the preparation of the Zoning Ordinance is to challenge the standards established by conventional regulatory documents. The ground-breaking City of Troy Master Plan created a need to think outside the box. The City will apply the same critical thinking to the zoning ordinance preparation process as was undertaken with the 2008 Master Plan. This process will generate new approaches to old problems and tackling new problems like never before. The City will develop superior content for the new Zoning Ordinance, and create a new and better way to present that content, innovating both how the document works and how it is used.

- The Zoning Ordinance will include a wide variety of color graphics, flow-charts and tables.
- Progressive and applicable definitions will be added. Extensive graphic representations will also be included in this section.
- In response to the Master Plan, the Ordinance will incorporate new form-emphasized approaches that supplement Planned Unit Development and other current zoning provisions to allow for 21st century development.
- The Ordinance will address green building, energy use, innovative stormwater management, and other issues relating to overall community sustainability like never before.
- The Ordinance will build on the City's fast, fair, and predictable review process for all applicants.
- The new Ordinance will be designed from the ground up for online use, avoiding costly printing and updating.
- Zoning language will be clearly stated in a manner that is reasonable to administrate and enforce, as well as amend and manipulate to evolve with Troy's needs.
- The development of the new Zoning Ordinance will be a multi-year process, and will be comprehensive in nature.

## **POTENTIAL INTERVIEWEES AND INTERVIEW QUESTIONS**

### **Professionals and people who regularly use the Zoning Ordinance:**

- Board of Zoning Appeals representatives
- City staff (Building, Engineering, Legal, Fire)
- Planning Commission representatives
- Select builders/developers
- Select professionals (architects, engineers, planners, attorneys, landscape architects)

The following is a list of potential interview questions for professionals:

- Describe your experiences of using the City of Troy Zoning Ordinance.
- Is there anything about the content of the Zoning Ordinance that causes you difficulty in using the document?
- Is there anything about the format of the Zoning Ordinance that causes you difficulty in using the document?
- What specific provisions would you like to see added to the Zoning Ordinance, and why?
- What specific provisions would you like to see modified or eliminated from the Zoning Ordinance, and why?

### **Non-professionals and people who do not regularly use the Zoning Ordinance:**

- Advisory Committee For Persons With Disabilities representatives
- Advisory Committee for Senior Citizens representatives
- Chamber of Commerce representatives
- City Council representatives
- Troy Chamber of Commerce representatives
- Select property owners
- Downtown Development Authority representatives
- Historic District Commission representatives
- Traffic Committee representatives
- Youth Council representatives

The following is a list of potential interview questions for non-professionals:

- What is your level of knowledge or experience in using the City of Troy Zoning Ordinance?
- What characteristics of the City would you like to see preserved or enhanced?
- What characteristics of the City would you like to see diminished or eliminated?
- Do you have any suggestions you would like to be considered that could be applied during the development review process?



## CITY COUNCIL REPORT

Date May 7, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Referrals

### Background:

The City Council at their Regular meeting on Monday, April 20, 2009, identified the following potential Charter Revisions:

1. Increasing the time an Acting City Manager can serve prior to the appointment of a permanent City Manager to something more than the current 120-day period – Section 3.10 – City Manager; Appointment and Qualification
2. Annual Term of Mayor Protem – Section 3.7 – Election of Mayor Protem
3. Election of Mayor by the Council or in a manner other than directly by the electorate – Sections 3.7 Election of Mayor (new), 3.1 – City Council, 3.4 – Elective Officers and Terms of Office, 3.4.1 – Elective Officers Term Limitations, 3.5 Qualifications of Councilmen, and 3.6 - Compensation of Councilmen
4. Additional consideration of the process wherein a Council member chooses to run for an elected office other than their own – Section 6.2(g)
5. Requirement of the minimum number of Charter Revision Committee members present and voting to recommend items to Council.

City Administration has isolated the sections of the Charter governing each of Council's requested revisions.

The first and second items, increasing the term of an Acting City Manager and changing the term of the Mayor Protem, appear to be relatively simple amendments.

The third item, election of the Mayor, is governed or referenced in several Charter Sections. Several of the amendments are relatively minor in nature. The most significant amendment, the creation of a new section specifically providing for the election of a Mayor, is also fairly easy to create ballot language once City Council provides direction. The significant and perhaps unforeseen result of the elimination of the election of the Mayor directly by the electorate would require a tie-bar of the ballot questions to assure passage of all of the Sections before adoption. Additionally, it should be noted that the elimination of the Mayor's position as a direct elect position would also eliminate the two terms associated with the office, and thus reduce the potential terms for Council members who were seeking to serve in that capacity. The change could result in the elimination of

two four-year terms.

The fourth item, revisions to Section 6.2(g) has been discussed several times by the Council and the Charter Revision Committee. The proposed language for the recommended amendments is included. Section 6.2(g) could also potentially be impacted with the voter approved elimination of the current Mayoral election process.

Finally, the fifth item requiring a full complement of Charter Revision Committee members to vote on items recommended to the Council could have unforeseen restrictions. Council could, by resolution enact the same requirement.

Since City Council has not yet been provided with the potential impact of the Charter revision items discussed at the April 20, 2009 City Council Meeting, this memo is submitted prior to the compilation of statistics from other communities.

City Administration will prepare ballot wording upon receiving direction from Council. The wording can then be forwarded to the Charter Revision Committee for review and consideration.

The City Charter is the primary organizational document that was adopted over 50 years ago, and it should be changed only after deliberate consideration. City Administration respectfully requests that due to the gravity of any changes to the Charter, that Council formally approve a resolution to direct the Charter Revision Committee to review and recommend to Council possible Charter revision questions that would be submitted to the Troy voters.

### **Section 3.1 - City Council:**

The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be, elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

### **Section 3.4- Elective Officers and Terms of Office:**

The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

### **Section 3.4.1- Elective Officers Term Limitations:**

An elected member of the City Council shall not serve more than three terms as Councilperson. ~~The Mayor shall not serve more than two terms as Mayor.~~ Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

### **Section 3.5 - Qualifications of Councilmen:**

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

### **Section 3.6 - Compensation of Councilmen:**

Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

### **Section 3.7 - Election of Mayor:**

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

### **Section 3.7.5 - Election of Mayor Protem:**

The Council shall, at its first meeting in November, annually, ~~following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

**Section 3.10 - City Manager; Appointment and Qualification:**

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within \_\_\_\_\_  
\_\_\_\_\_ ~~one hundred and twenty (120)~~ days.

**Section 6.2 - Vacancies in Elective Office:**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

**STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office ~~other than their own~~ except to succeed oneself, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120<sup>th</sup> day prior to the next General City Election.”?

YES \_\_\_ NO \_\_\_

**CHARTER REVISION COMMITTEE - Action of June 30, 2008:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.”?

YES \_\_\_ NO \_\_\_

Yes: Barno, Bliss, Kanoza, Wilsher  
No: Bernardi, Bloom  
Absent: Solomon

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE - Action of July 31, 2007:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES \_\_\_ NO \_\_\_

**COUNCILMEMBER HOWRYLAK’S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election”, be deleted in its entirety?

YES \_\_\_ NO \_\_\_

**STAFF PROPOSED AMENDMENT – March 5, 2009:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election

and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election.”?

YES \_\_\_ NO \_\_\_