

# AGENDA

Meeting of the

## CITY COUNCIL OF THE CITY OF TROY

MAY 18, 2009  
CONVENING AT 7:30 P.M.

Submitted By  
The Acting City Manager

---

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

---

TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, Acting City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

### **Outcome Statements**

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

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

Respectfully submitted,



John Szerlag, Acting City Manager

---



**CITY COUNCIL**

**AGENDA**

**May 18, 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 Randy Vinson – Bridge  
Community Church** **1**

**ROLL CALL** **1**

**CERTIFICATES OF RECOGNITION:** **1**

A-1 Presentations: 1

a) Service Commendation Presented by Mayor Schilling to Linda Thielholdt –  
Homes for Our Troops..... 1

b) Development Plans for the Troy Museum and Historic Village – 10-Minute  
Presentation by Museum Manager Loraine Campbell..... 1

**CARRYOVER ITEMS:** **1**

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** **1**

C-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) 1

**POSTPONED ITEMS:** **2**

D-1 No Postponed Items 2

---

***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.***

---

**PUBLIC COMMENT: Limited to Items Not on the Agenda** **2**

**REGULAR BUSINESS:** **2**

- E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Historic District Commission; and Historic District Study Committee 2
  
- E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Commission 3
  
- E-3 Rescind/Re-Award Contract – Hauling & Disposal, Item #4) Catch Basin Sludge and Street Sweepings – Resolution #2009-04-139-F-4b 4
  
- E-4 Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 and Request for Authorization to Institute Court Action – Safeway Acquisition Company, LLC, Safeway Oil Company, Inc. DHW, Inc., and Alsaham, Inc., DBA Fred’s Auto Service Center – Parcel 19 – Sidwell #88-20-23-100-044 4
  
- E-5 Approval of the 2009-2010 Troy Local Development Finance Authority (LDFA) Budget 5
  
- E-6 Approval of the 2009-2010 Troy Brownfield Redevelopment Authority Budget 6
  
- E-7 Bid Waiver – Troy Community Center Strength Equipment Purchase 6

**CONSENT AGENDA:** **7**

- F-1a Approval of “F” Items NOT Removed for Discussion 7
  
  - F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public 7
  
  - F-2 Approval of City Council Minutes 7
  
  - F-3 Proposed City of Troy Proclamations: 7
    - a) Service Commendation – Homes for Our Troops ..... 8
-

F-4	Standard Purchasing Resolutions	8
	a) Standard Purchasing Resolution 1: Award to Low Bidder – Overhead Door Maintenance and Repair .....	8
F-5	Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County	8
F-6	Application to Transfer SDD License Only to Wal-Mart Stores East, Limited Partnership	8
F-7	Request for Recognition as a Nonprofit Organization Status – Mark Wolodkowicz, President and Program Director for Free Desire, Inc.	9
F-8	Schedule a Public Hearing for the Purpose of Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital	9
<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>		<b>10</b>
G-1	Announcement of Public Hearings: None Submitted	10
G-2	Memorandums: None Submitted	10
<b><u>COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda</u></b>		<b>10</b>
H-1	American Public Works Association Voluntary Accreditation	10
H-2	City of Farmington – Abandoned Residential Property Registration Ordinance	10
H-3	Tree Ordinance – Private Property Issues	10
<b><u>COUNCIL COMMENTS:</u></b>		<b>10</b>
I-1	No Council Comments Advanced	10
<b><u>REPORTS:</u></b>		<b>10</b>

---

J-1	Minutes – Boards and Committees:	10
	a) Advisory Committee for Persons with Disabilities/Draft – April 1, 2009.....	10
	b) Advisory Committee for Persons with Disabilities/Final – April 1, 2009.....	10
	c) Advisory Committee for Senior Citizens/Final – April 2, 2009 .....	10
	d) Planning Commission Special/Study/Final – April 28, 2009.....	10
	e) Planning Commission Special/Study/Draft – May 5, 2009 .....	10
	f) Planning Commission Special/Study/Final – May 5, 2009 .....	10
	g) Building Code Board of Appeals/Draft – May 6, 2009 .....	10
J-2	Department Reports:	10
	a) Building Department – Permits Issued April 2009 .....	10
	b) Police Department – 2009 Year-To-Date Calls for Police Service Report.....	10
J-3	Letters of Appreciation:	10
	a) Letter of Commendation to Lt. Dave Livingston from Jon Pascal, Krav Maga Worldwide-Force Training Division Regarding the Professionalism and Commitment of Officer Dan Langbeen.....	10
J-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	10
J-5	Communication from Parks and Recreation Director Carol Anderson Regarding Non-Profit Group Meeting Room Policy at the Community Center	11
<b><u>STUDY ITEMS:</u></b>		<b>11</b>
K-1	No Study Items Submitted	11
<b><u>PUBLIC COMMENT: Address of “K” Items</u></b>		<b>11</b>
<b><u>CLOSED SESSION:</u></b>		<b>11</b>
L-1	No Closed Session Requested	11
<b><u>ADJOURNMENT</u></b>		<b>11</b>
<b><u>FUTURE CITY COUNCIL PUBLIC HEARINGS:</u></b>		<b>11</b>
	Monday, June 1, 2009 .....	11
	1. Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital (pending approval) .....	11

---

**SCHEDULED CITY COUNCIL MEETINGS:**

---

Monday, June 1, 2009	Regular City Council .....	12
Monday, June 15, 2009	Regular City Council .....	12
Monday, July 6, 2009	Regular City Council .....	12
Monday, July 20, 2009	Regular City Council .....	12
Monday, August 3, 2009	Regular City Council .....	12
Monday, August 17, 2009	Regular City Council .....	12
Monday, August 31, 2009	Regular City Council .....	12
Monday, September 14, 2009	Regular City Council.....	12
Monday, September 28, 2009	Regular City Council.....	12
Monday, October 5, 2009	Regular City Council .....	12
Monday, October 19, 2009	Regular City Council .....	12
Monday, November 9, 2009	Regular City Council.....	12
Monday, November 23, 2009	Regular City Council.....	12
Monday, December 7, 2009	Regular City Council.....	12
Monday, December 21, 2009	Regular City Council.....	12

---



**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Randy Vinson – Bridge Community Church**ROLL CALL**

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

**CERTIFICATES OF RECOGNITION:**

---

**A-1 Presentations:**

- a)** Service Commendation Presented by Mayor Schilling to Linda Thielfoldt – Homes for Our Troops
- b)** Development Plans for the Troy Museum and Historic Village – 10-Minute Presentation by Museum Manager Loraine Campbell

**CARRYOVER ITEMS:**

---

**B-1 No Carryover Items****PUBLIC HEARINGS:**

---

**C-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)**Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-3, File Number Z-736, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to B-3; and

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

Yes:

No:

## POSTPONED ITEMS:

---

**D-1** No Postponed Items

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

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

## REGULAR BUSINESS:

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

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

---

**E-1** **Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: 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 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 persons to serve on the Boards and Committees as indicated:

**Historic District Commission**

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

Murial Rounds

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

Leslie Golden Witt- **Historical Society Recommendation**

Ad Hoc

Yes:

No:

---

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

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

**Historical Society Recommendation** Term Expires 05/15/2012

Yes:

No:

**E-3 Rescind/Re-Award Contract – Hauling & Disposal, Item #4) Catch Basin Sludge and Street Sweepings – Resolution #2009-04-139-F-4b**

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, On April 20, 2009, one-year contracts to provide Hauling/Disposal of Dirt and Debris with an option to renew for one (1) additional year was awarded on an item by item basis to the low bidders: Ahern Contracting, Inc. of Chesterfield, MI, for Item #1) Broken concrete; Bedrock Maintenance Services of Ortonville, MI, Items 2) Broken asphalt and #3) Fill Dirt; and Metropolitan Demolition of Romulus, MI, Item #4) Catch basin and Street sweepings (Resolution #2009-04-139-F-4b); 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 Hauling and Disposal of Dirt and Debris under Item# 4) Catch basin and Street sweepings, with an option to renew for one (1) additional year from Metropolitan Demolition, and hereby **RE-AWARDS** the contract to the next lowest acceptable bidder, Waste Management of Michigan, at unit prices contained in the bid tabulation opened March 13, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2010; and

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

Yes:

No:

**E-4 Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 and Request for Authorization to Institute Court Action – Safeway Acquisition**

**Company, LLC, Safeway Oil Company, Inc. DHW, Inc., and Alsaham, Inc., DBA Fred's Auto Service Center – Parcel 19 – Sidwell #88-20-23-100-044**

**(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, and Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Safeway Acquisition Company, LLC, Safeway Oil Company, Inc., DHW, Inc., and Alsaham, Inc., DBA Fred's Auto Service Center, owners and interested parties of property having Sidwell #88-20-23-100-044;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to acquire the parcel known as Sidwell #88-20-23-100-044 in the amount of \$1,440,000.00 for real estate and \$21,825.00 for fixtures.

Yes:

No:

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

Suggested Resolution

Resolution #2009-05-

Moved by

Seconded by

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Safeway Acquisition Company, LLC, Safeway Oil Company, Inc., DHW, Inc., and Alsaham, Inc., DBA Fred's Auto Service Center, owners and interested parties of property having Sidwell #88-20-23-100-044;

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

Yes:

No:

---

**E-5 Approval of the 2009-2010 Troy Local Development Finance Authority (LDFA) Budget**

Suggested Resolution

Resolution #2009-05-  
Moved by  
Seconded by

WHEREAS, The Troy Local Development Finance Authority recommended approval of the 2009/10 Budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the annual budget for the Troy Local Development Finance Authority for fiscal year July 1, 2009 through June 30, 2010.

Yes:  
No:

---

**E-6 Approval of the 2009-2010 Troy Brownfield Redevelopment Authority Budget**

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

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its 2009/10 Budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the annual budget for the Troy Brownfield Redevelopment Authority for fiscal year July 1, 2009 through June 30, 2010.

Yes:  
No:

---

**E-7 Bid Waiver – Troy Community Center Strength Equipment Purchase**

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

WHEREAS, The Troy Community Center has purchased numerous pieces of Matrix fitness equipment from All-Pro Exercise of Farmington Hills;

WHEREAS, The City has determined Matrix equipment to be of commercial grade quality and favored by users of the Community Center; and

WHEREAS, All-Pro Exercise is the only authorized Matrix dealer in the State of Michigan with a local service facility providing both preferred customer and freight discounts, and the only supplier to offer a trade-in for the Keiser equipment;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to purchase seven (7) pieces of Matrix strength equipment from All Pro Exercise of Farmington Hills at an estimated total cost of \$16,000.00 including trade-ins, as detailed on the quotation dated April 30, 2009.

Yes:

No:

## CONSENT AGENDA:

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

---

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

Suggested Resolution

Resolution #2009-05-

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:

---

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

---

### F-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:00 PM Special City Council Meeting of April 16, 2009 as corrected, and the Minutes of the 7:30 PM Regular City Council Meeting of May 11, 2009 as submitted.

---

### 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) Service Commendation – Homes for Our Troops
- 

**F-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Overhead Door Maintenance and Repair**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all necessary materials, labor and equipment to provide three-year requirements of repairs and general maintenance of overhead doors to the low total bidder, Michigan Independent Door Company of Troy, Michigan, at unit prices contained in the bid tabulation opened April 23, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire May 31, 2012; 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.

---

**F-5 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **GRANTS** approval to pay the renewal of City of Troy's membership in the Traffic Improvement Association for the year 2009, in the amount of \$24,400.00 and funds are available in the 2008-2009 Traffic Engineering budget, Account Number 443.7958.

---

**F-6 Application to Transfer SDD License Only to Wal-Mart Stores East, Limited Partnership**

- (a) **Transfer License**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Wal-Mart Stores East, Limited Partnership, to transfer ownership of Escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W Maple, Troy, MI 48084, Oakland County to be held on conjunction with existing SDM license; {MLCC Req. ID # 490232}; and

---

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOMMENDS** issuance of this license.

**(b) Agreement**

Suggested Resolution

Resolution #2009-05-

WHEREAS, The Troy City Council 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 Troy City Council hereby **APPROVES** an agreement with Wal-Mart Stores East, Limited Partnership, to transfer ownership of Escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license; {MLCC Req. ID # 490232}; and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**F-7 Request for Recognition as a Nonprofit Organization Status – Mark Wolodkowicz, President and Program Director for Free Desire, Inc.**

Suggested Resolution

Resolution #2009-05-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Free Desire, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

---

**F-8 Schedule a Public Hearing for the Purpose of Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital**

Suggested Resolution

Resolution #2009-05-

WHEREAS, William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds;

WHEREAS, The Internal Revenue Code of 1986, as amended (the "Code"), requires a public hearing before authorizing the issuance of bonds by a hospital authority in all jurisdictions benefitting from the issuance; and

WHEREAS, A portion of the proceeds of the bonds will be used to finance the acquisition and installation of hospital facility equipment;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a public hearing for Monday, June 1, 2009 at 7:30 PM in Council Chambers of Troy City Hall, 500 W.

Big Beaver, Troy, MI 48084 for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority issuing tax-exempt bonds for William Beaumont Hospital.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

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

---

**G-2 Memorandums: None Submitted**

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

---

**H-1 American Public Works Association Voluntary Accreditation**

---

**H-2 City of Farmington – Abandoned Residential Property Registration Ordinance**

---

**H-3 Tree Ordinance – Private Property Issues**

**COUNCIL COMMENTS:**

---

**I-1 No Council Comments Advanced**

**REPORTS:**

---

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

- a)** Advisory Committee for Persons with Disabilities/Draft – April 1, 2009
- b)** Advisory Committee for Persons with Disabilities/Final – April 1, 2009
- c)** Advisory Committee for Senior Citizens/Final – April 2, 2009
- d)** Planning Commission Special/Study/Final – April 28, 2009
- e)** Planning Commission Special/Study/Draft – May 5, 2009
- f)** Planning Commission Special/Study/Final – May 5, 2009
- g)** Building Code Board of Appeals/Draft – May 6, 2009

---

**J-2 Department Reports:**

- a)** Building Department – Permits Issued April 2009
- b)** Police Department – 2009 Year-To-Date Calls for Police Service Report

---

**J-3 Letters of Appreciation:**

- a)** Letter of Commendation to Lt. Dave Livingston from Jon Pascal, Krav Maga Worldwide-Force Training Division Regarding the Professionalism and Commitment of Officer Dan Langbeen

---

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

- 
- J-5** Communication from Parks and Recreation Director Carol Anderson Regarding Non-Profit Group Meeting Room Policy at the Community Center

**STUDY ITEMS:**

- 
- K-1** No Study Items Submitted

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

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

**CLOSED SESSION:**

- 
- L-1** No Closed Session Requested

**ADJOURNMENT**

Respectfully submitted,



John Szerlag, Acting City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, June 1, 2009

1. Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital (pending approval)

**SCHEDULED CITY COUNCIL MEETINGS:**

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

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **HOMES FOR OUR TROOPS**

In recognition of outstanding service to the community, and

**WHEREAS**, As a non-profit organization founded in 2004, “**Homes for Our Troops**” is strongly committed to helping those men and women who have selflessly given to their country and have returned home with serious disabilities and injuries; and

**WHEREAS**, The organization assists severely injured Servicemen and Women and their immediate families by raising donations of money, building materials and professional labor and then coordinating the process of building a new home or adapting an existing home for handicapped accessibility. The finished home is then given to the veteran by “**Homes for Our Troops**,” striving to welcome them home with honor and respect; and

**WHEREAS**, Through these efforts “**Homes for Our Troops**” has furthered those ideals that contribute to a better community; and

**WHEREAS**, “**Home for Our Troops**” sponsored their 6<sup>th</sup> Annual Veterans Fundraiser in Troy on May 9<sup>th</sup> to raise money for their worthwhile organization to honor local injured veterans;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City’s appreciation and recognition for the service of this distinguished organization.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented to “**Homes for Our Troops**” as a lasting expression of the City’s gratitude and appreciation for its contribution to the betterment of the City of Troy, Michigan.

Presented this 18<sup>th</sup> day of May 2009.

DATE: May 8, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Brian Murphy, Assistant City Manager/ Economic Development Services  
John Lamerato, Assistant City Manager/ Finance and Administration  
Cathy Russ, Library Director  
Loraine Campbell, Museum Manager  
Mark Stimac, Director of Building and Zoning

SUBJECT: Development Plans for the Troy Museum & Historic Village

City Staff is in the process of formulating plans for the development of the Troy Museum & Historic Village with the firm of Hopkins Burns Design Studio, our consultant on the project. These plans include the expansion of the facility on the newly acquired land to the west of the existing facility, as well as the relocation of the Niles-Barnard house and a barn/visitor's center to the facility. We look forward to presenting and sharing those plans with Council at a future City Council meeting.

In the meantime, the current stage of those plans has shown that certain variances from the setback provisions for the Barnard house, as well as some expanded parking areas would be required. Hopkins Burns has filed an appeal application on our behalf to seek these variances on these items from the Board of Zoning Appeals. This matter will be considered at the Board of Zoning Appeals' meeting scheduled for May 19, 2009. As part of the rules and procedures of a variance request, public hearing notices have been sent to residents and property owners in the area, and the item has been published in the Somerset Gazette.

In an effort to keep you informed of the request, we have enclosed a copy of the proposed development plans for your reference. Should you have any questions about the plans or should you receive any questions from the public regarding the proposed development or the variance request, please forward those to staff so that we may address those questions.

**TOWN HALL**  
*Possible relocation on site*

**LOG CABIN**  
*Relocate on site*

**GAZEBO**  
*Relocate on site*

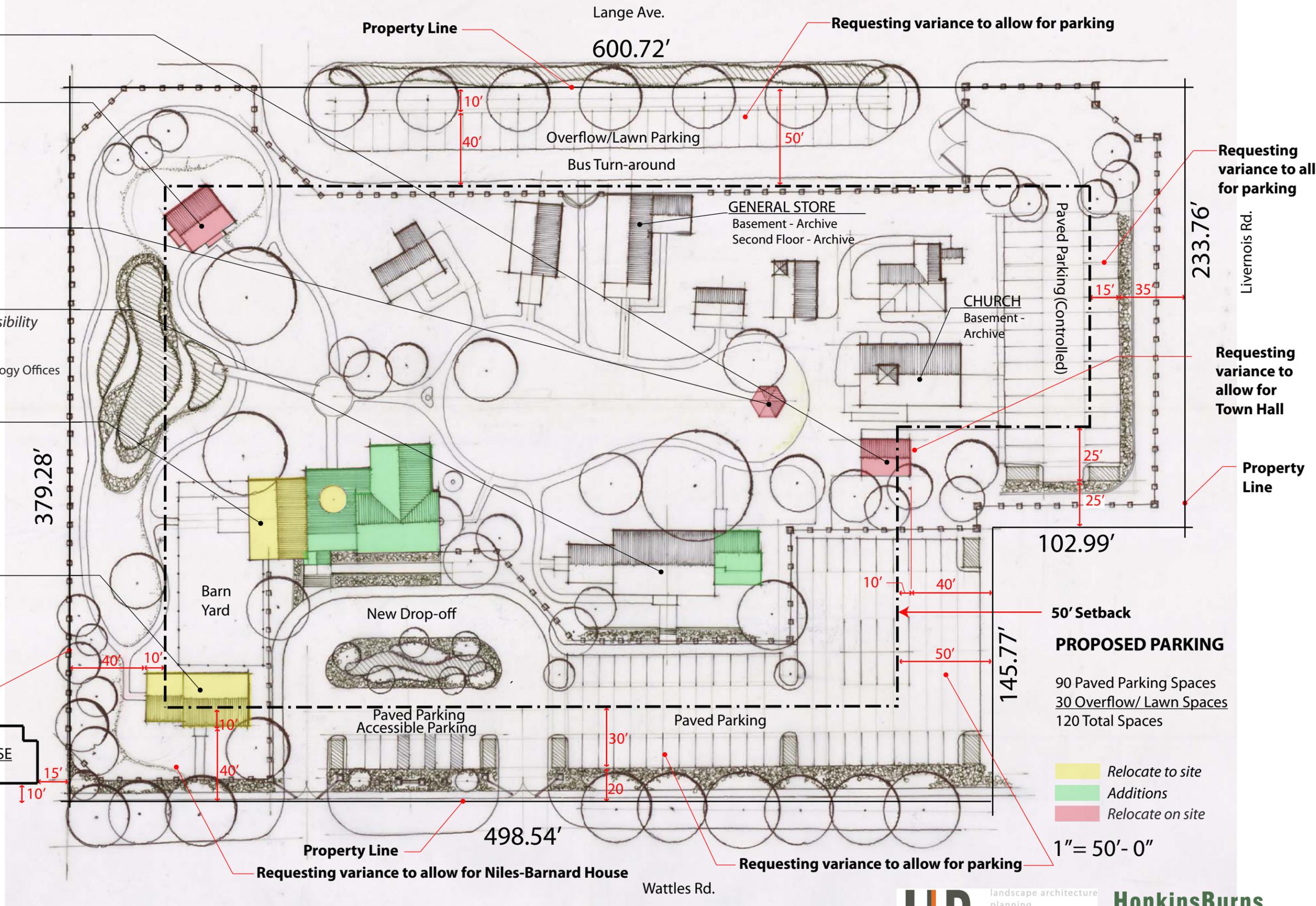
**MUSEUM BUILDING**  
*Add addition to provide accessibility*  
Basement - Archives (adds 750 sf)  
First Floor - Museum  
Second Floor - Archive and Genealogy Offices and Resource Room (1170 sf total)

**BARN BUILDING**  
*Relocate to site, add additions*  
Barn - Interpretation  
Lobby / Greeting  
Gift Shop  
Staff Offices  
Multi-purpose Room  
Toilet Rooms

**BARNARD HOUSE**  
*Relocate to site*  
Basement - Archives (adds 1400 sf)  
First Floor - Interpretation  
Second Floor - Historical Society Offices (req. stair alteration)

**Property Line**

**EXISTING HOUSE**



**PROPOSED PARKING**  
90 Paved Parking Spaces  
30 Overflow/ Lawn Spaces  
120 Total Spaces

Relocate to site  
Additions  
Relocate on site

1" = 50'-0"



## CITY COUNCIL ACTION REPORT

DATE: May 11, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: 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:

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.
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\CC Public Hearing 05 18 09.docx

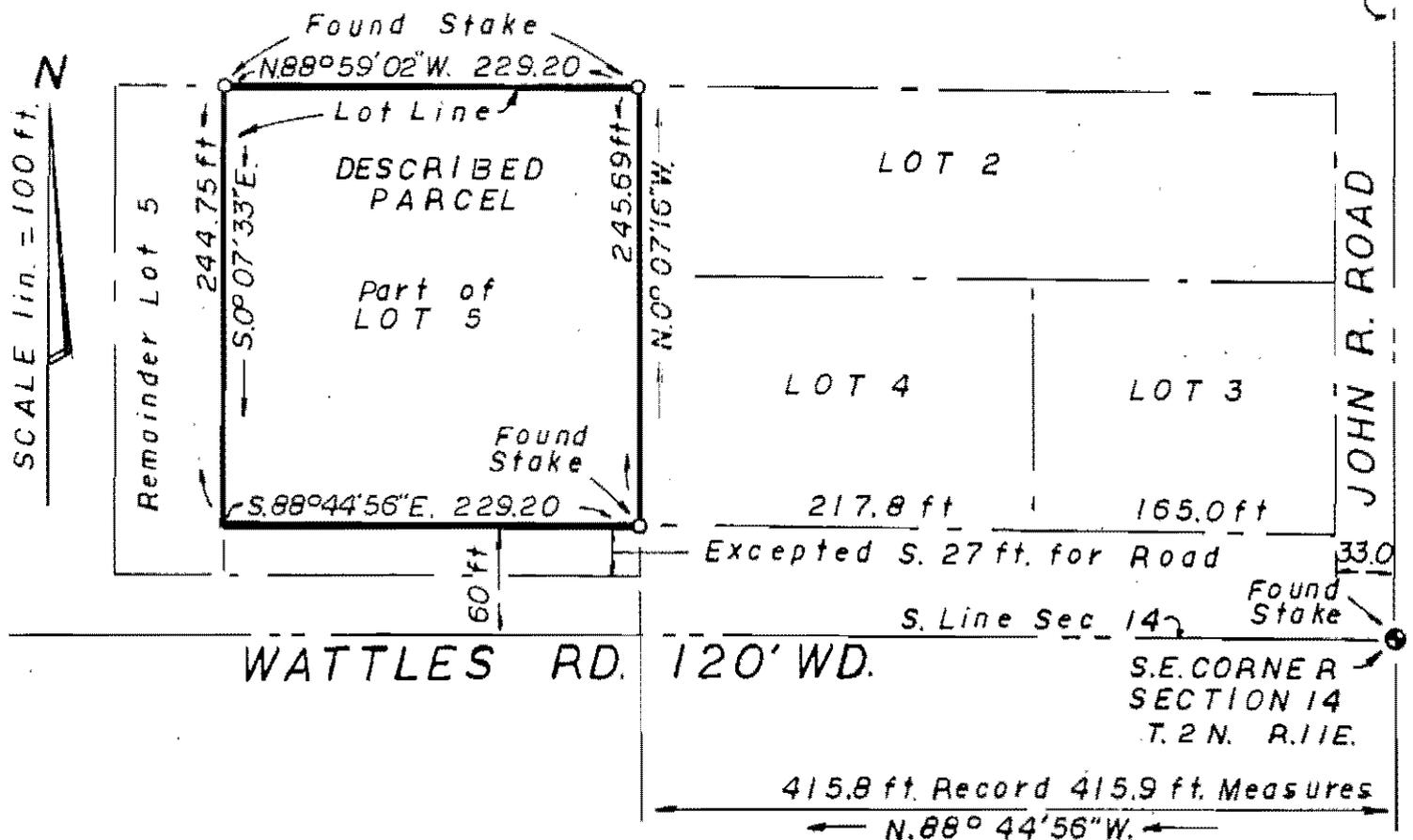
# CERTIFICATE OF SURVEY

Certified To: Lydia Hong

MAR 13 2009

Bearings are in relation to the bearings of the North Line of Section 23, as recorded in RAINTREE VILLAGE SUB. No. 2, as recorded in Liber 139, Pgs. 1-2-3, Oakland County Records.

L O T 1



**LEGAL DESCRIPTION OF PROPERTY:**

Lot 5, Except the West 65.0 ft. thereof; also Except the South 27.0 ft. taken for the widening of Wattles Road: SUPERVISOR'S PLAT No. 18, of the S. 1/2 of the S.E. 1/4 of the S.E. 1/4 of Sec. 14, T.2N., Troy Twp., now City of Troy, Oakland County, Michigan.

Plat recorded in Liber 6, Page 48, Oakland County Records.

DATE 3/1/91 Job # 171791  
**WE HEREBY CERTIFY** that I have surveyed and plotted the property herein described; and that the survey was performed with a relative error of closure of no greater than 1 in 5000 and that the requirements of P.A. 132, 1970 have been complied with.

**GUARANTY SURVEY CO.**  
 REGISTERED LAND SURVEYORS  
 1029 SOUTH WASHINGTON  
 ROYAL OAK, MICHIGAN 48067

*Peter G. Pitchford*  
 PETER G. PITCHFORD  
 LESTER G. CHARLES

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 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 \_\_\_\_\_ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 05.20.00 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as B-3 (General Business), the following described property, to wit:

T2N, R11E, S ½ OF THE S.E. ¼ OF THE S.E. ¼ OF SEC 14

SEC 14 SUPERVISOR'S PLAT NO 18 LOT 5 EXCEPT THE WEST 65 FT, ALSO  
EXCEPT THE SOUTH 27 FT TAKEN FOR THE WIDENING OF WATTLES ROAD

The subject property is located on the north side of Wattles, west of John R (1883 – 1939 E. Wattles), in section 14, within the B-1 (Local Business) Zoning District, being approximately 1.29 acres in size.

Section 3. 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 4. 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 5. 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 6. 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, Michigan, on Monday, the 18<sup>th</sup> day of May, 2009.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

**PUBLISHED:** \_\_\_\_\_

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

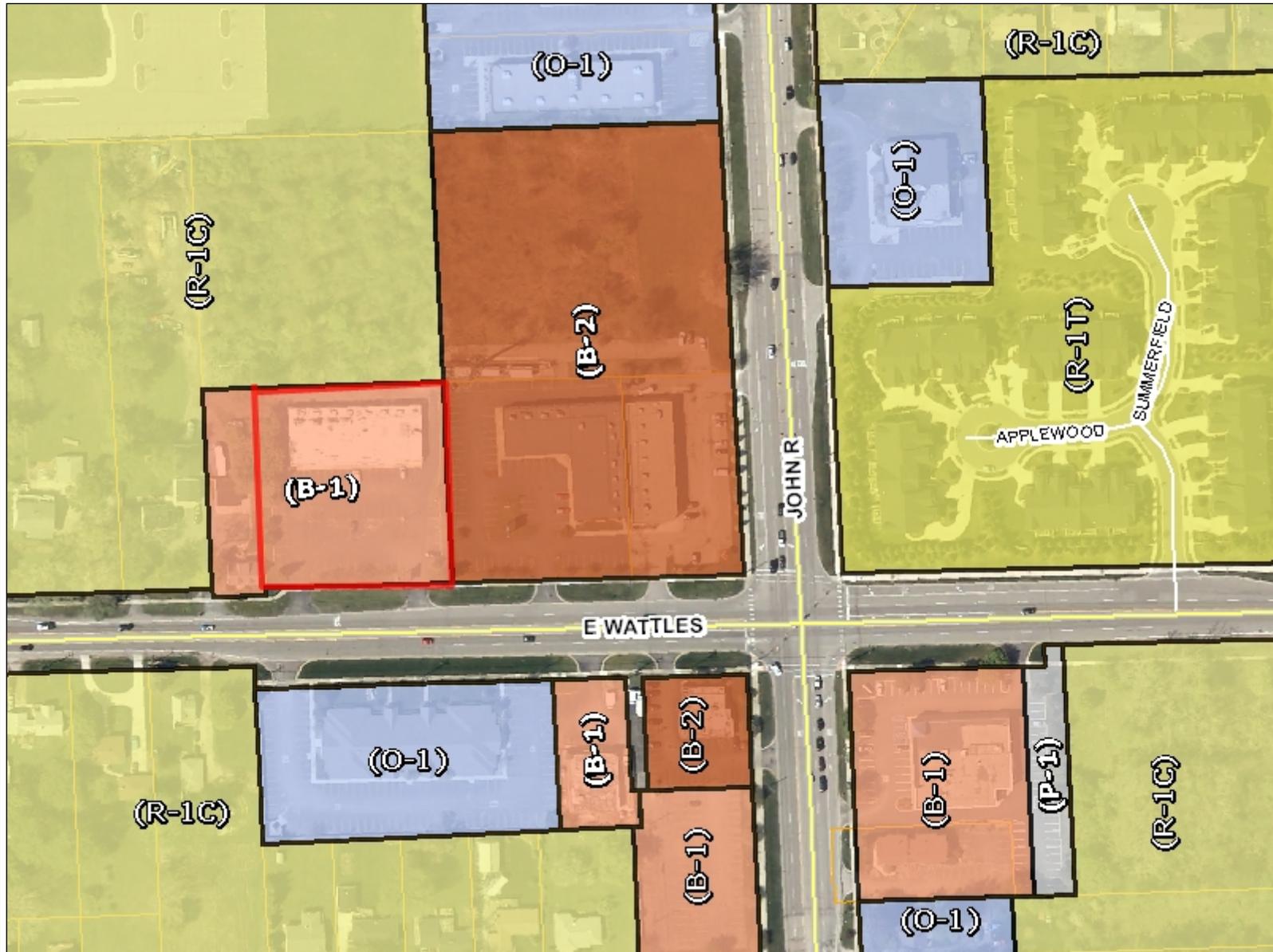
PLANNING DEPT.

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**

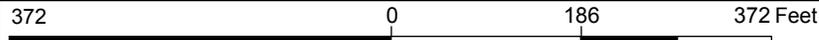
- (B-1) Local Business District
- (B-2) Community Business District
- (B-3) General Business District
- (R-C) Research Center District
- (C-F) Community Facilities District
- (C-J) Consent Judgment
- (E-P) Environmental Protection District
- (R-EC) Residential Elder Care
- (P-1) Vehicular Parking District
- (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 District
- (PUD) Planned Unit Development
- (CR-1) One Family Residential District
- (R-1A) One Family Residential District
- (R-1B) One Family Residential District
- (R-1C) One Family Residential District
- (R-1D) One Family Residential District
- (R-1E) One Family Residential District
- (R-1T) One Family Attached Residential District
- (R-2) Two Family Residential District
- (R-M) Multiple Family Residential District
- (RM-1) Multiple Family Residential District
- (RM-2) Multiple Family Residential District
- (RM-3) Multiple Family Residential District

**Parcels**

**Aerial Photos - 2008**

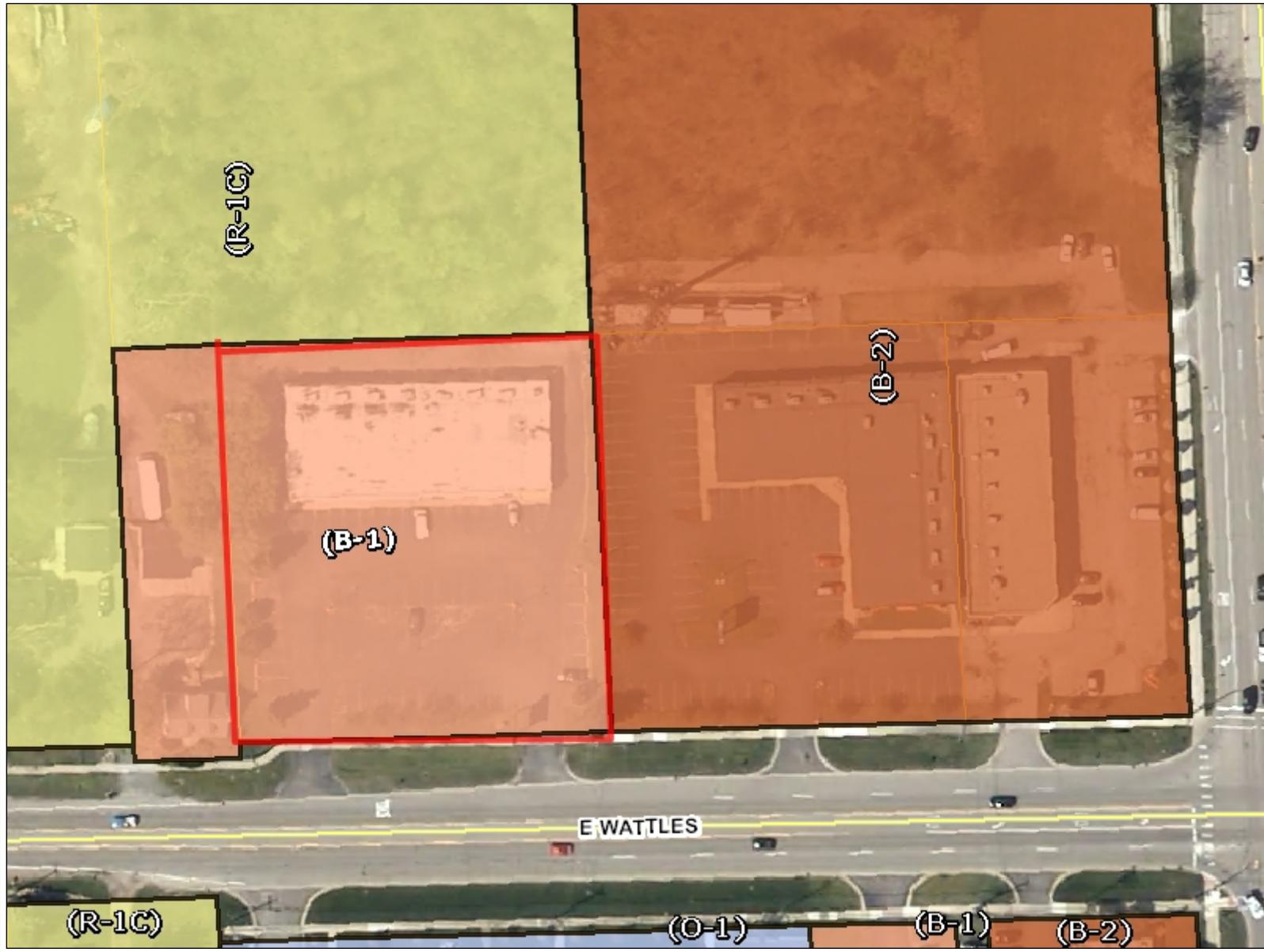
- Red: Band\_1

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

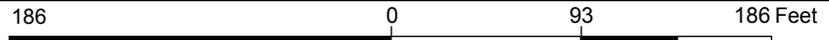
**Zoning**

- (B-1) Local Business District
- (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 Dist
- (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 Clus
- (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

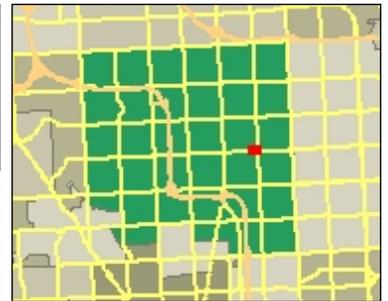


Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**Notes**  
 Z 736 PROPOSED REZONING, Section 14  
 1883-1939 E. Wattles, Proposed Learning  
 Center (Harlan Shopping Plaza), From B-2  
 to B-3

1: 1,115





- 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

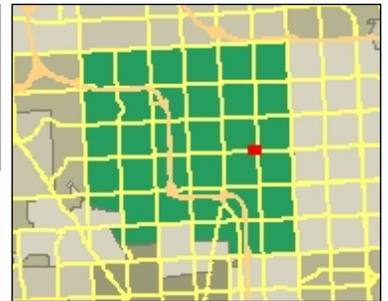


186                      0                      93                      186 Feet

NAD\_1983\_StatePlane\_Michigan\_South\_FIPS\_2113\_IntlFeet  
 City of Troy Geographical Information Systems - Department of Information Technology

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
  - Parcels**
  - Aerial Photos - 2008**
    - Red: Band\_1
    - Green: Band\_2
    - Blue: Band\_3

1:1,115

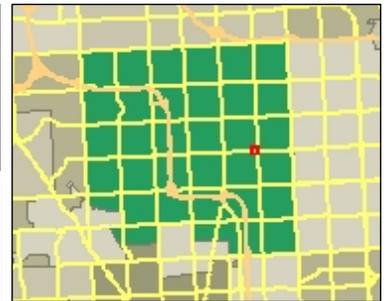


186 0 93 186 Feet

NAD\_1983\_StatePlane\_Michigan\_South\_FIPS\_2113\_IntlFeet  
 City of Troy Geographical Information Systems - Department of Information Technology

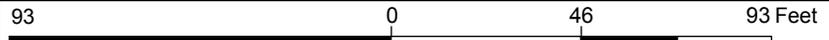
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**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
  - Parcels**
    -
  - Aerial Photos - 2008**
    - Red: Band\_1
    - Green: Band\_2
    - Blue: Band\_3

1: 557



NAD\_1983\_StatePlane\_Michigan\_South\_FIPS\_2113\_IntlFeet  
 City of Troy Geographical Information Systems - Department of Information Technology

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

## 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*

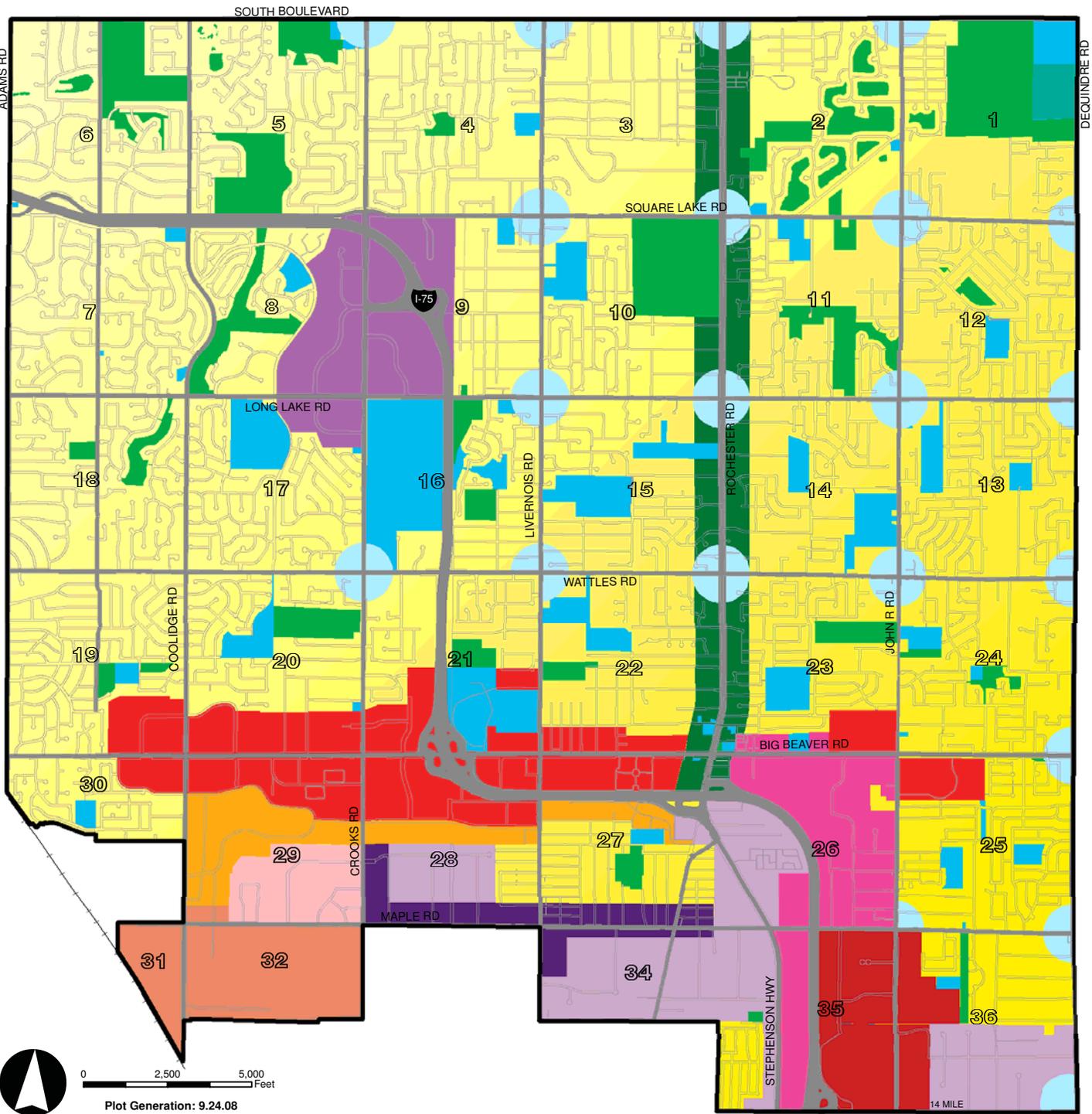
- Consider the scale and architecture of the building infrastructure.
- Foster social interaction.
- Enable multiple modes of transportation safely and efficiently.
- Are safe.
- Are good stewards of the natural environment.
- Reflect the community’s character and have unique characteristics that provide 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



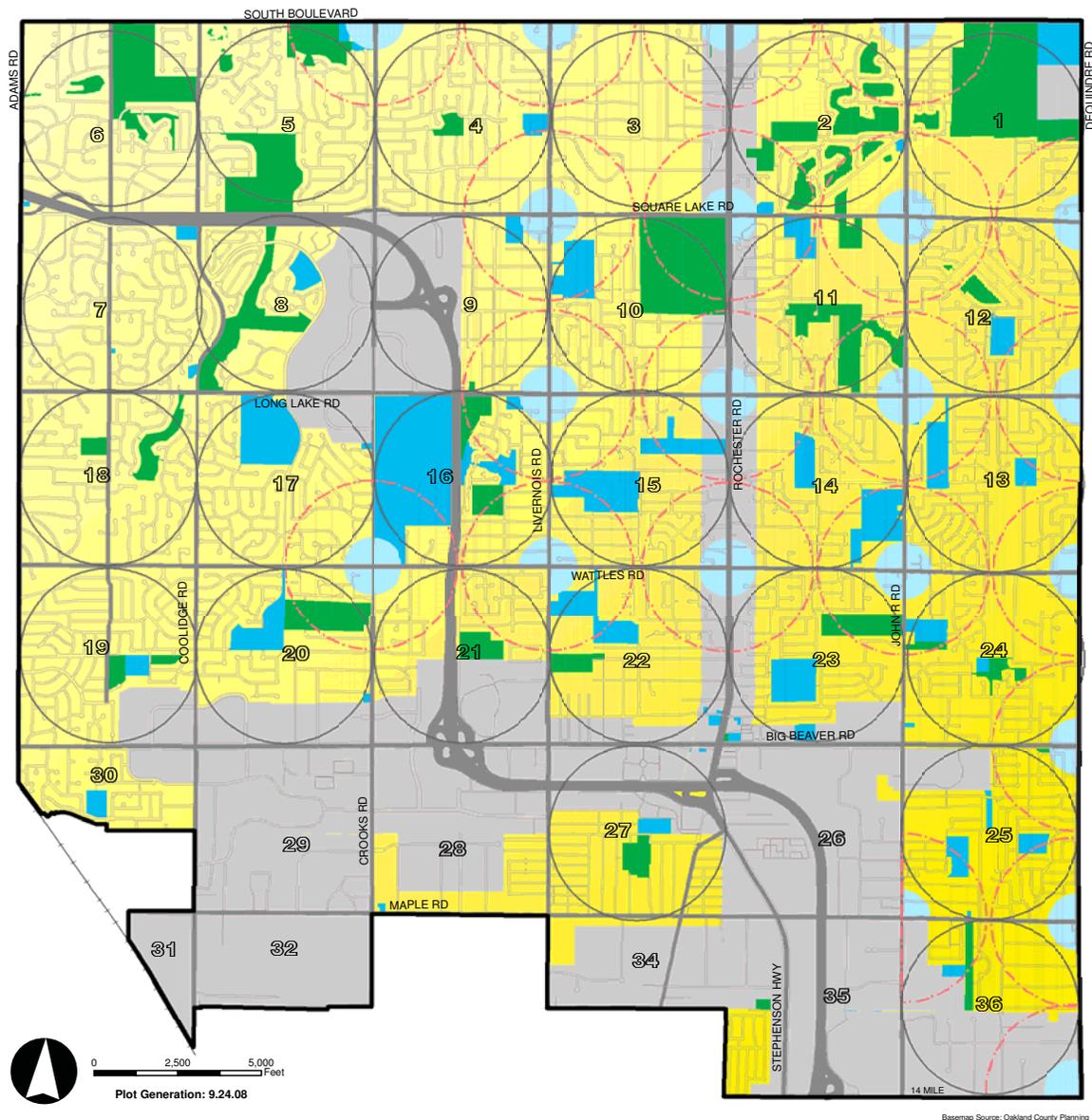
### Future Land Use

- |   |   |
|---|---|
|  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

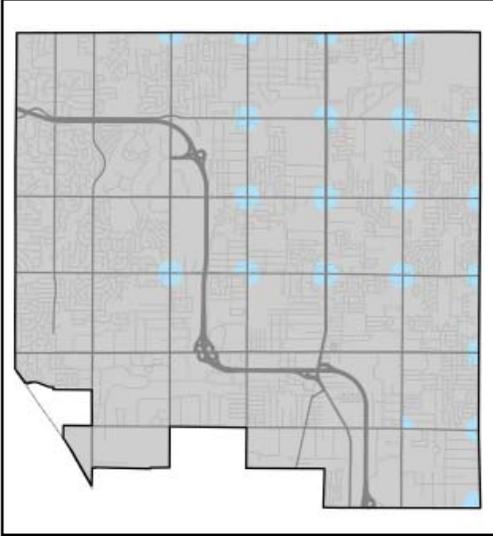
and the circles within the Social Neighborhoods are meant to demonstrate a rough service area for each neighborhood. While not necessarily precise, the circles are meant to demonstrate the basic relationship between the Social Neighborhood and the Economic Neighborhood. The circles are not meant to establish 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
- 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**

---

**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**

---

**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**

---

**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.

---

**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

---

**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

**Kathy Czarnecki**

2009.04.14

**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



## 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 / Re-Award Contract – Hauling & Disposal, Item #4) Catch Basin Sludge and Street Sweepings - Resolution #2009-04-139-F4b

### **Background**

- On April 20, 2009, Troy City Council awarded 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: Ahern Contracting Inc for Item #1) Broken concrete, Bedrock Maintenance Services, Items 2) Broken asphalt and #3) Fill Dirt, and Metropolitan Demolition for Item #4) Catch basin sludge and street sweepings (CC Res #2009-04-139-F4b)
- Items bid were awarded after consideration was given to the discounts quoted.
- 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**

- The City's total estimated cost under this contract could increase by \$145.00, due to the loss of a 1% discount for payment within fifteen (15) days.

### **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 services for the City of Troy. (Goal II)

### **Options**

- City management recommends the Troy City Council rescind with prejudice the contract approved on April 20, 2009, to Metropolitan Demolition LLC of Romulus, MI, for Item #4) Catch basin sludge and street sweepings, (Resolution #2009-04-139-F4b). Staff also recommends re-awarding the contract to the next lowest bidder, Waste Management of Michigan at unit prices contained in the bid tabulation opened March 13, 2009.

sl

Re-Award Vendor

VENDOR NAME:

\*\*

VENDOR NAME:			<b>Bedrock</b>	<b>Ahern</b>	<b>Waste</b>
			<b>Maintenance</b>	<b>Contracting Inc</b>	<b>Management</b>
			<b>Services</b>		<b>of Michigan</b>
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	\$ 4.49	<b>(w/terms \$4.2042)</b> \$ 4.29	\$ 8.00
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 4.49	\$ 4.44	\$ 8.00
3	7,000	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	\$ 5.49	\$ 8.50
4	1,000	Catch basin sludge and street sweepings.	\$ 16.89	\$ 16.45	\$ 14.50
<b>ESTIMATED TOTAL ALL ITEMS:</b>			\$ 61,790.00	\$ 67,900.00	\$ 98,000.00
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>			<b>** \$ 35,920.00</b>	<b>\$ 8,580.00</b>	<b>\$ 14,500.00</b>

DISPOSAL SITE:

APPROVED SITE EPA PERMIT #:

Y or N

CONTACT INFORMATION: Hrs of Operations  
 24 Hr Phone #

SITE VISIT: Yes/No  
 Signed

INSURANCE: Can Meet  
 Cannot Meet

EQUIPMENT LIST: Y or N

PAYMENT TERMS:

DELIVERY:

MINIMUMS:

EXCEPTIONS:

Blank	Veolia ES Solid Waste Midwest, Inc.	Blank
Blank	Yes	Blank
	Unknown	
Blank	7 AM to 5 PM	Blank
248-627-3338	888-443-1717	Blank
Blank	No	Blank
Blank	XX	Blank
Blank	No	Blank
Net 10 Days 5% Discount	Net 30 or Net 10 - 2% Disc.	No
48hrs or less	3/20/2009 weather permitting	3/13/2009
50 Tons	None	None
Already set up with City of Troy - Insurance on File	MDOT Certified, SoM Licensed & Fully Insured/ Bonded	Certificate of Insurance will be provided upon award

**BOLD FACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS**

PROPOSAL: One-Year Requirements of Hauling and Disposal of Dirt and Debris with an Option to Renew for One (1) Additional Year

Susan Leirstein CPPB  
 Purchasing Director

VENDOR NAME:

Comprehensive	Madalyn's	Default Vendor
Environmental	Contracting LLC	Metropolitan
Solutions, Inc.		Demolition, LLC

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
1	2,000	Broken concrete with & without wire, possibly mixed w/fill dirt	(w/terms \$5.88) \$ 6.00	\$ 10.00	\$10.395 \$ 10.50
2	1,000	Broken asphalt possibly mixed with fill dirt	\$ 5.88 \$ 6.00	\$ 8.00	\$ 9.405 \$ 9.50
3	7,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs & wood materials	\$ 5.88 \$ 6.00	\$ 10.00	\$ 7.6725 \$ 7.75
4	1,000	Catch basin sludge and street sweepings.	\$ 15.68 \$ 16.00	\$ 20.00	(w/terms) \$ 14.355 \$ 14.50
<b>ESTIMATED TOTAL ALL ITEMS:</b>			\$ 76,000.00	\$ 118,000.00	\$ 99,250.00
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>			<b>N/A</b>	<b>N/A</b>	<b>\$ 14,500.00</b>

DISPOSAL SITE:

APPROVED SITE  
 EPA PERMIT #:

Y or N

CONTACT INFORMATION: Hrs of Operations  
 24 Hr Phone #

SITE VISIT: Yes/No  
 Signed

INSURANCE: Can Meet  
 Cannot Meet

EQUIPMENT LIST: Y or N

PAYMENT TERMS:

DELIVERY:

MINIMUMS:

EXCEPTIONS:

Blank	Blank	N/A Depending on Time of Year
Blank	Blank	Pine Tree Acres Blank
		MID185388089
Blank	Blank	7 AM to 6 PM
Blank	Blank	734-709-5039
Blank	Blank	Yes
		5-Mar-2009
Blank	Blank	XX
Blank	Blank	Yes
2% Net 10	Net 30 - 0% Disc.	Net 30 Days 15 days or before for a 1% discount
3/13/2009	As Needed	ASAP
None	50 or \$1000	100
Blank	Blank	Hazardous/Contaminated soils/material & Hauling
		Permits/Bonds/Fees/ testing or inspections etc.....

ATTEST:  
 Cheryl Stewart  
 Thomas Rosewarne  
 Deanna Theobald  
 Linda Bockstanz

Default Vendor - Did not respond nor provide insurance as specified

Yes: All-7

## MOTION CARRIED

---

### 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

---

### 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.



# CITY COUNCIL ACTION REPORT

April 13, 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 – Hauling/Disposal of Dirt and Debris

## Background

- On March 13, 2009, bid proposals were electronically received for one-year requirements of Hauling/Disposal of Dirt and Debris with an option to renew for one additional year.
- 91 vendors were notified via the MITN system with six (6) bid responses received, as well as one incomplete bid.
- Each item on the proposal was considered as a separate bid, after consideration was given to the discounts quoted; and recommendations made to the lowest responsible bidders for each item.

## Financial Considerations

- Funds are available in the 2009-2010 Operating Budgets for the Streets and Water departments.

## Legal Considerations

- ITB-COT 09-19, Hauling/Disposal of Dirt and Debris was 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.

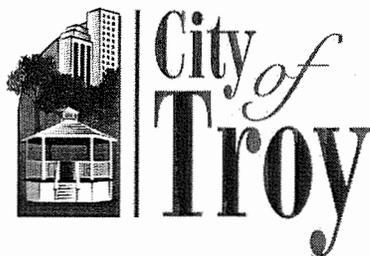
## Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in providing hauling/disposal services for the City of Troy. (Goal II)

## Options

- City management recommends awarding contracts on an item by item basis to the three low bidders.

<b>Recommended Vendors</b>	<b>Item / Description</b>	<b>Price/Ton</b>
Ahern Contracting Inc Chesterfield, MI	1). Broken Concrete with and without wire, possibly mixed w/fill dirt	\$4.29
Bedrock Maintenance Services Ortonville, MI	2). Broken asphalt possibly mixed with fill dirt	\$4.49
	3). Fill Dirt, material excavated from water and sewer repairs, as well as ditching operations. Material may include culverts, large stumps, logs and wood materials	(w/terms \$4.2655) \$4.49
Metropolitan Demolition, LLC Romulus, MI	4). Catch basin sludge and street sweepings - Pine Tree Acres -	\$14.50



# CITY COUNCIL ACTION REPORT

May 12, 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 *pkf*

SUBJECT: 1. Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5  
 2. Request for Authorization to Institute Court Action

## Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department is seeking authorization to make an unconditioned offer for the acquisition of the property at 3990 Rochester Road. As part of our negotiations the property owners and tenants will be given written offers for the City of Troy to acquire both the real estate and fixtures, and the owners will have the option to retain the remnant parcel for new development. Additionally, they will be given copies of our appraisals and plans for the project. It should also be noted that relocation benefits will be offered to the owner and tenants and those claims will be forwarded to you in the future. This parcel is located at the southeast corner of Rochester and Wattles in Section 23.

<u>PARCEL</u>	<u>SIDWELL</u>	<u>OWNERS &amp; TENANTS</u>	<u>ESTIMATED COMPENSATION</u>
19	23-100-044	Safeway Acquisition Company, LLC Safeway Oil Company, Inc. DHW, Inc. Alsaham, Inc., dba Fred's Auto Service Center	\$1,440,000 real estate \$ 21,825 fixtures

## 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 \$1,440,000 for the acquisition of the real estate and \$121,765 for the acquisition of fixtures 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 offer 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:

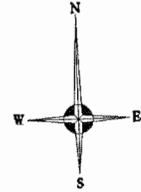
- City Management recommends that City Council authorize the unconditioned offer in the amount listed above. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right-of-way.

Approved as to Form:

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

# RIGHT OF WAY ACQUISITION

EXHIBIT 'B'  
PARCEL 19



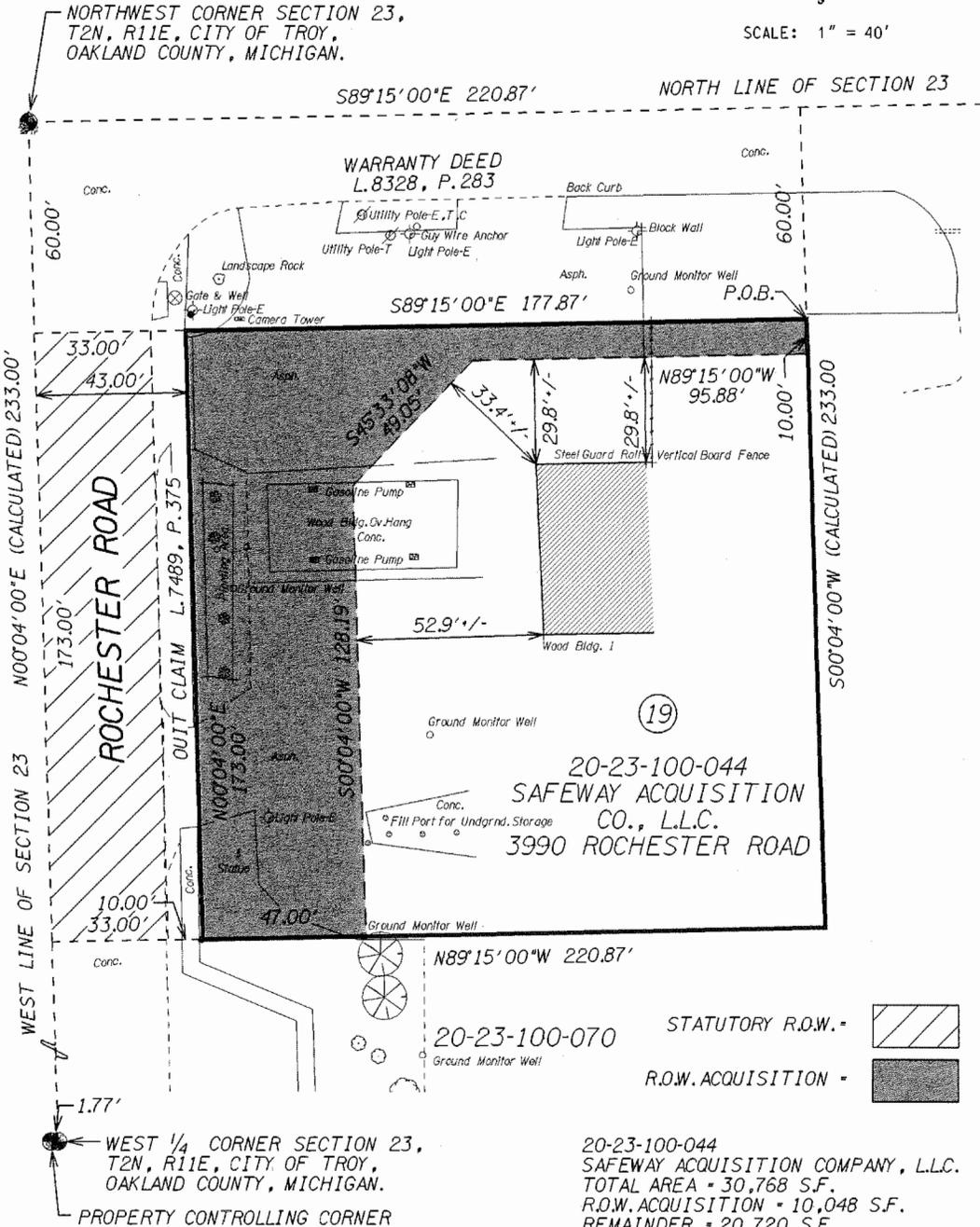
SCALE: 1" = 40'

TIME - 21 MAY 2008 15:37

QUEUE - N:\sw\CP\BWT\IFF CUR, TBL - I:\standards\Map\Bldg\Acq\Parcel 19\Bldg\block.gdb

DESIGN FILE - FA\1999\19990476\19990476.dwg

USER NAME - chb207



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



## CITY COUNCIL ACTION REPORT

DATE: May 13, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Approval of the Troy Local Development Finance Authority's (LDFA) 2009/10 Budget

The Troy Local Development Finance Authority (LDFA) recommended approval of their proposed 2009/10 budget at the April 27, 2009 LDFA meeting. City Management recommends that City Council approve the LDFA's 2009/10 budget.

Attachment: Budget 2009/10

Prepared by: MFM

**CITY OF TROY**  
**LOCAL DEVELOPMENT FINANCE AUTHORITY**  
**2009-2010**  
**PROPOSED BUDGET**

**REVENUE**

Property Tax	\$260,060
Interest Income	0
	<b>\$260,060</b>

**EXPENDITURES**

Automation Alley Tech Center - Operations	156,100
Automation Alley Tech Center - Building	0
Administrative Services	50,500
Marketing Costs	53,460
	<b>\$260,060</b>

**CAPTURED TAXABLE VALUE**  
**2009-2010**

	Base Taxable Value	2009 Taxable Value	2009 Captured Taxable Value
Commercial Personal PRE	1,431,000	2,205,360	774,360
Industrial Personal PRE	0	4,386,520	4,386,520
Industrial Real Non-H	13,016,380	19,630,100	6,613,720
<b>Total Taxable Values</b>	<b>14,447,380</b>	<b>26,221,980</b>	<b>11,774,600</b>

Millage Rates	County	City - Debt	Transportation	* 1/2 (School Op - 12)	1/2 (ISD)	Community College	Hold Harmless	Total
CP PRE	4.6461	8.7800	0.5900	3.0000	1.6845	1.5844	0.0000	20.2850
IP PRE	4.6461	8.7800	0.5900	0.0000	1.6845	1.5844	0.0000	17.2850
IR Non H	4.6461	8.7800	0.5900	9.0000	1.6845	1.5844	0.0000	26.2850

\* 1/2 School Operating minus 12 mills only for Comm Personal Property, Real is 1/2 School Operating

Captured Tax Yield	Total Captured Taxable Value	Total Captured Mills	Total Captured Taxes
Commercial Personal PRE	774,360	20.2850	15,707.89
Industrial Personal PRE	4,386,520	17.2850	75,821.00
Industrial Real Non-H	6,613,720	26.2850	173,841.63
<b>Total</b>	<b>11,774,600</b>	<b>265,370.52</b>	<b>265,370.52</b>

Note: Millage rates estimated - budget @ 98%



## CITY COUNCIL ACTION REPORT

Date: May 12, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Approval of the Troy Brownfield Redevelopment Authority's 2009/10 Budget

The Troy Brownfield Redevelopment Authority (TBRA) recommended approval of their proposed 2009/10 budget at the May 5, 2009 BRA meeting. City Management recommends that City Council approve the TBRA's 2009/10 budget.

Attachment: TBRA Budget 2009/10

Prepared by: MFM

**CITY OF TROY  
BROWNFIELD REDEVELOPMENT AUTHORITY  
2009-2010  
PROPOSED BUDGET**

<b>REVENUE</b>	Property Tax	\$13,130
		<u><u>\$13,130</u></u>

<b>EXPENDITURES</b>	Payment to TCF Bank	<u>13,130</u>
		<u><b>\$13,130</b></u>

**CAPTURED TAXABLE VALUE  
2009-2010**

	Base Taxable Value	2009 Taxable Value	2009 Captured Taxable Value
	197,940	503,530	305,590
<b>Commercial Real Non-H - TROY</b>			
<b>Grand Total</b>	<u>197,940</u>	<u>503,530</u>	<u>305,590</u>

Millage Rates	County	City - Debt	Transport- ation	State Education	Hold Harmless	School Operating - 12	ISD	Community College	Total
<b>CR Non TROY</b>	4.6461	8.7800	0.5900	6.0000	0.0000	18.0000	3.3690	1.5844	42.9695

	Total Captured Taxable Value	Total Captured Mills	Total Captured Taxes
<b>Captured Tax Yield</b>	305,590	42.9695	13,130
<b>Commercial Real Non-H - TROY</b>			
<b>Grand Total</b>			<u>13,130</u>



## CITY COUNCIL ACTION REPORT

May 11, 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: Bid Waiver: Troy Community Center Strength Equipment Purchase

### **Background**

- In January 2003, the Troy Community Center purchased (10) pieces of Keiser brand strength equipment. The Keiser equipment was reconditioned at the time of purchase and expected to last 5-7 years.
- The equipment is now scheduled to be replaced with new commercial grade strength equipment.
- The City has determined Matrix equipment to be commercial grade quality and favored by users of the Community Center when compared to the Keiser equipment.
- Informal quotes were taken from suppliers in the Midwest including Matrix, the manufacturer. It was discovered that because freight costs are based on weight, it is more expensive, even from the manufacturer to have the equipment shipped from out-of-state.
- Therefore, All Pro Exercise of Farmington Hills is being recommended at an estimated total cost of \$16,000.00, as detailed on the quotation dated 4/30/2009 for the following reasons –
  - Only authorized distributor in Michigan for Matrix equipment.
  - Local service facility in Farmington Hills
  - Preferred customer and freight discounts
  - Only supplier to offer a trade-in on the Keiser equipment

### **Financial Considerations**

- Funding for the purchase of strength equipment is available in the Parks and Recreation equipment supplies account # 101.751.31.755.7740.010

### **Legal Considerations**

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

### **Policy Considerations**

- Troy continues to enhance the health and safety of the community. (Outcome Statement I)
- Troy adds value to properties through upgrades of equipment to enhance quality of life. (Outcome Statement II)

**All-Pro Exercise, Inc.**  
 24166 Haggerty Road  
 Farmington Hills, MI 48335  
 248-442-7777

# QUOTATION

Quote Number: Troy P&R w/tradein  
 Quote Date: Apr 30, 2009  
 Page: 1

Voice: 248-442-7777  
 Fax: 248-442-7779

Quoted To:
Troy Community Center 3179 Livernois Troy, MI 48098 248 524-3484

Customer ID	Good Thru	Payment Terms	Sales Rep
TroyCC	5/30/09	Net 30 Days	KingD

Quantity	Item	Description	Unit Price	Amount
1.00	Matrix G3S23	Convq Shoulder List \$3,450	3,450.00	3,450.00
1.00	Matrix G3S70	Leg Press - List \$5,450	5,450.00	5,450.00
1.00	Matrix G3S50	Abdominal - List \$3,250	3,250.00	3,250.00
1.00	Matrix G3S72	Seated Leg Curl - List \$3,350	3,350.00	3,350.00
1.00	Matrix G3FW52	Back Extension List \$665	665.00	665.00
1.00	Matrix G3S55	Rotary Torso - List \$3,450	3,450.00	3,450.00
1.00	Matrix G3S42	Seated Dip - List \$3,350	3,350.00	3,350.00
1.00		All-Pro preferred customer discount.	7,075.00	-7,075.00
1.00		Inbound freight.	1,590.00	1,590.00
1.00		All-Pro Freight discount	890.00	-890.00
1.00		Deliver, equipment moving and set up.	390.00	390.00
1.00		Trade-in Keiser Strength circuit: Hip Add, Hip Abd, Low Back, Leg Extn, Upper Back, Chest Press, Chest Fly, Lat Pull, Abdom, Leg Press.	1,000.00	-1,000.00
			Subtotal	15,980.00
			Sales Tax	
			<b>TOTAL</b>	<b>15,980.00</b>

# KC FITNESS SERVICE

Chicagolands Fitness Equipment Experts

654 Milwaukee Ave.  
Prospect Hts., IL 60070  
Phone: (847) 215-7775  
Fax: (847) 215-8801

Prepared for: Mr. John Hug  
Troy Community Center  
3179 Livernois  
Troy, MI 48098

Phone: 248-524-3484  
[HugJD@troymi.gov](mailto:HugJD@troymi.gov)

## QUOTATION

Estimated Install Date:

Qty	Manufacturer	Description	Unit Price	Total Price
1	Matrix G3S23	Convq Shoulder	\$ 3,450.00	\$ 3,450.00
1	Matrix G3S70	Leg Press	\$ 5,450.00	\$ 5,450.00
1	Matrix G3S50	Abdominal	\$ 3,250.00	\$ 3,250.00
1	Matrix G3S72	Seated Leg Curl	\$ 3,350.00	\$ 3,350.00
1	Matrix G3FW52	Back Extension	\$ 665.00	\$ 665.00
1	Matrix G3S55	Rotary Torso	\$ 3,450.00	\$ 3,450.00
1	Matrix G3S42	Seated Dip	\$ 3,350.00	\$ 3,350.00
1		KC Fitness Preferred Customer Discount	\$ (5,990.00)	\$ (5,990.00)
10	Keiser	NO TRADE IN ALLOWANCE	\$ 00	\$ 00
1		Inbound Freight	\$ 1,600.00	\$ 1,600.00
1		Delivery & Installation	\$ 500.00	\$ 500.00

Date: 5/6/2009

Product Total: \$ 18,575.00

Quoted By: John Andriola

Tax: Exempt

Terms: 50% Down / 50% At Delivery

Customer Approval: \_\_\_\_\_

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

Total Due: \$ 18,575.00

This quotation is not a general price list, and is valid only with respect to the specific transaction for which it was generated, and only for the quantities set forth above. This quotation is valid for 30 days. Thereafter it is subject to change without notice.



**Johnson Health Tech North America**

1610 Landmark Drive - - Cottage Grove, WI 53527

Phone: 608-839-1198 - Fax: 608-839-5688 - Email: chris.kohlhoff@matrixfitness.com

**QUOTE**

Date	Quote #
05/06/09	MLMQ3108

**Sold To:** Troy Community Center

3179 Livernois  
Troy, MI 48098  
USA

**Ship To:** Troy Community Center

3179 Livernois  
Troy, MI 48098  
USA

USA  
Phone: 248-524-3484  
Fax:

USA  
Phone: 248-524-3484  
Fax:

**Freight: Inside Delivery & Installation / Debris Removal**

Terms	Issued By	NA Acct. #	Ship Via
100% PTS	Danielle De		

Ln #	Qty	Description	Unit List	Unit Price	Ext. Price
1	1	Matrix Converging Shoulder Press - G3S23P	\$3,450.00	\$2,850.00	\$2,850.00
2	1	Matrix Leg Press - G3S70P	\$5,450.00	\$4,850.00	\$4,850.00
3	1	Matrix Abdominal - G3S50P	\$3,250.00	\$2,650.00	\$2,650.00
4	1	Matrix Seated Leg Curl - G3S72P	\$3,350.00	\$2,750.00	\$2,750.00
5	1	Matrix Back Extension Bench - G3FW52P	\$665.00	\$665.00	\$665.00
6	1	Matrix Rotary Torso - G3S55P	\$3,450.00	\$2,850.00	\$2,850.00
7	1	Matrix Seated Dip - G3S42P	\$3,350.00	\$2,750.00	\$2,750.00
8	0	No TRADE-IN on 10 pc Keiser Circuit	\$0.00	\$0.00	\$0.00

SubTotal \$19,365.00  
Sales Tax \$0.00  
Frt/Asm/Del \$2,435.00

**FRAME COLOR:**

**UPHOLSTERY:**

**Total (USD) \$21,800.00**

A 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:**

---

**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.

There was a consensus of City Council members to approve the *Key Activities and Dates – City of Troy City Manager Search* timeline as amended.

The meeting **RECESSED** at 9:55 PM.

The Mayor departed at 9:57 PM.

The meeting **RECONVENED** at 10:06 PM.

**PUBLIC COMMENT**

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

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

A Regular Meeting of the Troy City Council was held Monday, May 11, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Paul Monson of St. Augustine Evangelical Lutheran 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

**ABSENT:**

Robin Beltramini – Absent from county

**CERTIFICATES OF RECOGNITION:**

---

**A-1 Presentations:**

- a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Theresa Ancick, Senior Analyst for Oakland County Community Health recognizing May, 2009 as *Mental Health Month*.

**CARRYOVER ITEMS:**

---

**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

---

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

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

Mary Ann Bernardi

Resolution  
Moved by Eisenbacher  
Seconded by Fleming

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 FURTHER RESOLVED, That the 2009/10 budget uses 8.03 of the maximum 8.10 millage rate levy, which was passed by the voters in 2008 with the Charter amendment adding Section 9.16.5 to the City Charter; 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

**Vote on Resolution to Amend Resolution C-1 Adoption of the 2009/2010 Annual Budget**

Resolution #2009-05-142

Moved by Howrylak

Moved by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** resolution C-1 *Adoption of the 2009/2010 Annual Budget* by **STRIKING**, "BE IT FURTHER RESOLVED, That the 2009/10 budget uses 8.03 of the maximum 8.10 millage rate levy, which was passed by the voters in 2008 with the Charter amendment adding Section 9.16.5 to the City Charter; and."

Yes: Broomfield, Eisenbacher, Howrylak

No: Schilling, Fleming, Kerwin

Absent: Beltramini

**MOTION FAILED**

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

Resolution #2009-05-143

Moved by Eisenbacher

Seconded by Fleming

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 FURTHER RESOLVED, That the 2009/10 budget uses 8.03 of the maximum 8.10 millage rate levy, which was passed by the voters in 2008 with the Charter amendment adding Section 9.16.5 to the City Charter; 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: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling

No: Howrylak

Absent: Beltramini

#### **MOTION CARRIED**

#### **POSTPONED ITEMS:**

---

**D-1 No Postponed Items**

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

#### **REGULAR BUSINESS:**

---

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

(a) Mayoral Appointments – None Scheduled

(b) City Council Appointments

Resolution #2009-05-144

Moved by Howrylak

Seconded by Eisenbacher

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

**MOTION CARRIED**

**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**

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

**(b) City Council Nominations**

Resolution #2009-05-145  
Moved by Howrylak  
Seconded by Kerwin

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

Muriel Rounds 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

Leslie Golden Witt Ad Hoc

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

**MOTION CARRIED**

---

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

Resolution #2009-05-146  
Moved by Eisenbacher  
Seconded by Kerwin

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

**MOTION CARRIED**

---

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

Resolution #2009-05-147  
Moved by Eisenbacher  
Seconded by Fleming

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

**MOTION CARRIED**

---

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

Resolution #2009-05-148  
Moved by Kerwin  
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, 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: Schilling, Broomfield, Eisenbacher, Fleming, Howrylak, Kerwin  
No: None  
Absent: Beltramini

**MOTION CARRIED**

---

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

Resolution #2009-05-149  
Moved by Eisenbacher  
Seconded by Broomfield

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

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

**MOTION CARRIED**

---

**E-7 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**

Resolution #2009-05-150  
Moved by Eisenbacher  
Seconded by Howrylak

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

## **MOTION CARRIED**

---

**E-8 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**

Resolution #2009-05-151  
Moved by Howrylak  
Seconded by Eisenbacher

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

## MOTION CARRIED

### (b) Authorization to Institute Court Action

Resolution #2009-05-152  
Moved by Fleming  
Seconded by Kerwin

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

## MOTION CARRIED

---

### E-9 Update on City Manager Search

Resolution #2009-05-153  
Moved by Broomfield  
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 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: Kerwin, Schilling, Broomfield, Eisenbacher, Fleming, Howrylak

No: None

Absent: Beltramini

## MOTION CARRIED

## CONSENT AGENDA:

---

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

Resolution #2009-05-154

Moved by Kerwin

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2 and F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

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

No: None

Absent: Beltramini

## MOTION CARRIED

---

### F-3 City of Troy Proclamation:

Resolution #2009-05-154-F-3

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

- a) Mental Health Month – May, 2009

---

**F-4 Standard Purchasing Resolutions**

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

Resolution #2009-05-154-F-4a

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**

Resolution #2009-05-154-F-4b

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**

Resolution #2009-05-154-F-4c

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.

---

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

Resolution #2009-05-154-F-5

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.

---

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

Resolution #2009-05-154-F-7

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”.

---

**F-8 Assessment of Delinquent Accounts**

Resolution #2009-05-154-F-8

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**

Resolution #2009-05-154-F-9

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.

---

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

---

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

Resolution #2009-05-155

Moved by Howrylak

Seconded by Broomfield

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

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

No: None

Absent: Beltramini

**MOTION CARRIED**

---

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

Resolution #2009-05-156

Moved by Eisenbacher

Seconded by Fleming

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.

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

No: None

Absent: Beltramini

## MOTION CARRIED

## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

---

### 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

Noted and Filed

---

### G-2 Memorandums: None Submitted

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

---

### H-1 No Council Referrals Advanced

## COUNCIL COMMENTS:

---

### I-1 Council Comments

Council Member Kerwin indicated that it seems the Michigan Municipal League (MML) has been taking a different aspect of the prosperity issues in their discussions. She continued by referencing an article from the most recent MML publication entitled *Diversity as an Asset and Positioning Ourselves for Twenty-first Century Communities*. She then quoted the following from the article: “Those communities that promote, seek, welcome and integrate people of all religions, ethnicities, national origins and races will be seen as the right kind of place for this key demographic as well as for global businesses.” She added that coincidentally she also attended Detroit Interfaith Group’s 5<sup>th</sup> Annual National Day of Prayer – *Lift Every Voice* which included a number of different ways to pray from our community.

Council Member Broomfield added that the Michigan Municipal League publication also included a well written article by Council Member Beltramini.

Mayor Schilling reported that she, Council Member Kerwin, Council Member Eisenbacher, Acting City Manager John Szerlag, Assistant City Manager/Economic Development Services Brian Murphy and City Attorney Lori Bloom were at Compact Power, Inc. (CPI) today in regard to the development of the lithium-ion battery development program for General Motors Chevy Volt. She added that Governor Jennifer Granholm and US Secretary of Labor, Hilda Solis also

attended and noted that they both had positive things to say about the City of Troy. The Mayor invited the Secretary of Labor to come back to visit *Automation Alley* and see for herself how the abutting counties are working together. She added that they also discussed how the talented unemployed people are currently being retrained in new careers.

Mayor Schilling reminded the public that the *Police Memorial Ceremony* is scheduled for Friday, May 15<sup>th</sup> at 10:00 AM in the Veterans Memorial Plaza in front of City Hall.

## REPORTS:

---

### 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

Noted and Filed

---

### 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

Noted and Filed

---

### 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

Noted and Filed

---

### 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

Noted and Filed

---

---

**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**

Noted and Filed

---

**J-6 Communication Regarding the Brownfield Redevelopment Authority – Mid Town Square Brownfield Plan-Local Site Remediation Revolving Fund**

Noted and Filed

---

**J-7 Communication from Michigan Liquor Control Commission Licensing Division Regarding Granite City – 699 West Big Beaver Road**

Noted and Filed

---

**J-8 Communication from Library Director Cathy Russ and Museum Manager Loraine Campbell Regarding Civil War Camp for Eighth Graders**

Noted and Filed

---

**J-9 Communication from Library Director Cathy Russ Announcing the Grand Opening of Library Café – *Cup and Chaucer***

Noted and Filed

---

**J-10 Communication from Planning Director Mark Miller Regarding Stakeholder Interviews – Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)**

Noted and Filed

---

**J-11 Communication from City Attorney Lori Grigg Bluhm and City Clerk Tonni Bartholomew Regarding Charter Revision Referrals**

Noted and Filed

**STUDY ITEMS:**

---

**K-1 No Study Items Submitted**

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

**CLOSED SESSION:**

---

**L-1 No Closed Session Requested**

**ADJOURNMENT**

The meeting **ADJOURNED** at 8:52 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **HOMES FOR OUR TROOPS**

In recognition of outstanding service to the community, and

**WHEREAS**, As a non-profit organization founded in 2004, “**Homes for Our Troops**” is strongly committed to helping those men and women who have selflessly given to their country and have returned home with serious disabilities and injuries; and

**WHEREAS**, The organization assists severely injured Servicemen and Women and their immediate families by raising donations of money, building materials and professional labor and then coordinating the process of building a new home or adapting an existing home for handicapped accessibility. The finished home is then given to the veteran by “**Homes for Our Troops**,” striving to welcome them home with honor and respect; and

**WHEREAS**, Through these efforts “**Homes for Our Troops**” has furthered those ideals that contribute to a better community; and

**WHEREAS**, “**Home for Our Troops**” sponsored their 6<sup>th</sup> Annual Veterans Fundraiser in Troy on May 9<sup>th</sup> to raise money for their worthwhile organization to honor local injured veterans;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City’s appreciation and recognition for the service of this distinguished organization.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented to “**Homes for Our Troops**” as a lasting expression of the City’s gratitude and appreciation for its contribution to the betterment of the City of Troy, Michigan.

Presented this 18<sup>th</sup> day of May 2009.



# CITY COUNCIL ACTION REPORT

May 6, 2009

TO: John Szerlag, Acting City Manager

FROM: Susan A. Leirstein, Purchasing Director  
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Overhead Door Maintenance and Repair

## **Background**

- On April 23, 2009, bids were opened to furnish all necessary materials, labor and equipment to provide three-year requirements of repairs and general maintenance of overhead doors at various locations in the City of Troy.
- 80 vendors were notified via the MITN system with six bidders responding.
- The bids were examined and compared to the bid specifications.
- The contract will provide for annual and semi-annual maintenance at buildings used by the Fire Department, Public Works Department, Parks and Recreation, Aquatic Center, and City Hall.
- Michigan Independent Door Company of Troy was the low total bidder.
- All bidders were given the opportunity to respond with their level of interest in furnishing the services as specified.
- The City is awarding this contract on a low total basis due to potential conflicts with vendors if an award was made to one vendor for maintenance and another for repairs.

## **Financial Considerations**

- Funds for these services are available in the various departmental operating budgets for Contractual Services.

## **Legal Considerations**

- ITB-COT 09-21, Repairs and Maintenance of Overhead Doors was competitively bid as required by City Charter and Code, and completely meets our bid requirements.
- The award is contingent upon contractor's submission of proper insurance certificates and all other specified requirements.

## **Policy Considerations**

- The award of this bid supports the volunteer firefighters who help to make this a safe community. (Outcome Statement I)
- Troy adds value to properties through maintenance of infrastructure and quality of life venues. (Outcome Statement II)

## **Options**

- City management recommends awarding a contract to furnish all necessary materials, labor and equipment to provide three-year requirements of repairs and general maintenance of overhead doors to the low total bidder, Michigan Independent Door Company of Troy, MI for an estimated cost of \$19,900.00 per year, at unit prices contained in the bid tabulation opened April 23, 2009, to expire May 31, 2012.

Opening Date -- 4/23/09  
Date Prepared -- 4/23/09

jh/sl

CITY OF TROY  
BID TABULATION  
OVERHEAD DOORS - Maintenance/Repair

VENDOR NAME:

Michigan Independent Door Company	Garrett Door Company	Detroit Rolling Door & Gate, Inc.

**PROPOSAL -- Furnish All Necessary Materials, Labor, and Equipment to provide Repairs and General Maintenance of Overhead Doors at Various Locations in the City of Troy for Three (3) Years.**

<b>PROPOSAL A:</b> Manual Doors - Maintenance/Repair			
<b>PARTS:</b> Discount of	0 %	10 %	30 %
Parts Price List	MIDC	#42409	Exhibit A
Dated	1/1/2006	4/20/2009	4/22/2009
<b>PARKS &amp; RECREATION</b>			
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 350.00	\$ 630.00	\$ 450.00
<b>PROPOSAL B:</b> Motorized Doors - Maintenance/Repair			
<b>PARTS:</b> Discount of	0 %	10 %	30 %
Parts Price List	MIDC	#42409	Exhibit A
Dated	1/1/2006 & 4/1/2009	4/20/2009	4/22/2009
<b>PROPOSAL B1:</b>			
<b>FIRE DEPARTMENT</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 625.00	\$ 925.00	\$ 1,050.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 1,250.00	\$ 1,850.00	\$ 2,100.00
<b>PROPOSAL B2:</b>			
<b>DPW BUILDING</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 550.00	\$ 750.00	\$ 850.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 1,100.00	\$ 1,500.00	\$ 1,700.00
<b>PROPOSAL B3:</b>			
<b>PARKS &amp; RECREATION</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 225.00	\$ 385.00	\$ 425.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 450.00	\$ 770.00	\$ 850.00
<b>PROPOSAL B4:</b>			
<b>AQUATIC CENTER</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 50.00	\$ 150.00	\$ 200.00
<b>PROPOSAL B5:</b>			
<b>CITY HALL &amp; DISTRICT COURT</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 75.00	\$ 150.00	\$ 250.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 150.00	\$ 300.00	\$ 500.00
<b>PROPOSAL B6:</b>			
<b>COMMUNITY CENTER</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 25.00	\$ 65.00	\$ 100.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 50.00	\$ 130.00	\$ 200.00
<b>PROPOSAL C:</b> REGULAR & EMERGENCY REPAIRS			
<b>PROPOSAL C1:</b> Repairs within 24 hours			
<b>REGULAR TIME:</b> Man Hours	\$ 55.00	\$ 50.00	\$ 55.00
(Est. 300 Hours) Crew Size	1	1	1
<b>PROPOSAL C1 - ESTIMATED TOTAL:</b>	\$ 16,500	\$ 15,000	\$ 16,500
<b>ESTIMATED GRAND TOTAL: per Year</b>	\$ 19,900	\$ 20,330	\$ 22,500

Opening Date -- 4/23/09  
 Date Prepared -- 4/23/09

CITY OF TROY  
 BID TABULATION  
 OVERHEAD DOORS - Maintenance/Repair

VENDOR NAME:		Michigan Independent Door Company	Garrett Door Company	Detroit Rolling Door & Gate, Inc.
<b>PROPOSAL C2:</b>	Emergency Repairs			
	Regular Time:	\$ 55.00	\$ 50.00	\$ 55.00
	Overtime:	\$ 82.50	\$ 75.00	\$ 82.00
	Holiday Time:	\$ 110.00	\$ 100.00	\$ 110.00
	Crew Size:	1	1	1 or 2
<b>PROPOSAL C3:</b>	TRAVEL TIME			<b>Per repair call</b>
	Repair Call Complete:	\$ 27.50	\$ 25.00	\$ 27.50
<b>SITE INSPECTION --</b>	Y/N	Yes	Yes	Yes
	Date	4/15 & 4/17/09	current supplier	4/21/2009
<b>CONTACT INFORMATION --</b>	Hours of Operation:	24 M-S	M - F 8 AM to 5 PM	8 AM to 5 PM M-F
	24 Hr Phone Number	248-641-9106	248-789-4234	248-398-3755
<b>INSURANCE --</b>	Can Meet	XX	XX	XX
	Cannot Meet			
<b>PAYMENT TERMS:</b>		Net 30 Days	Net 30 Days	Net 30
<b>DELIVERY</b>		<b>AS SPECIFIED</b>		
<b>WARRANTY</b>		<b>AS SPECIFIED</b>		
<b>EXCEPTIONS</b>		Blank	Blank	Blank
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes

ATTEST:  
Sam Lamerato  
Debra Painter-Deagle  
MaryAnn Hays  
Linda Bockstanz

DENOTES LOW TOTAL BIDDER

\_\_\_\_\_  
 Susan Leirstein CPPB  
 Purchasing Director

Opening Date -- 4/23/09  
Date Prepared -- 4/23/09

CITY OF TROY  
BID TABULATION  
OVERHEAD DOORS - Maintenance/Repair

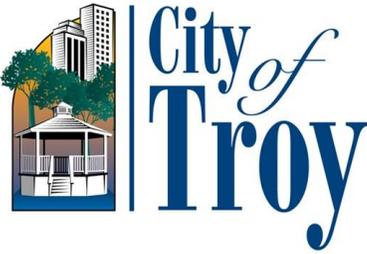
VENDOR NAME:	F J F Door Sales	Overhead Door West	Crane Technologies
	Company, Inc.	Commercial, Inc.	

<b>PROPOSAL -- Furnish All Necessary Materials, Labor, and Equipment to provide Repairs and General Maintenance of Overhead Doors at Various Locations in the City of Troy for Three (3) Years.</b>			
<b>PROPOSAL A:</b>	Manual Doors - Maintenance/Repair		
<b>PARTS:</b>	Discount of	40 %	35 %
	Parts Price List	F J F Door	Blank
	Dated	4/13/2009	4/22/2009
			4/23/2009
<b>PARKS &amp; RECREATION</b>			
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 595.00	\$ 945.00	\$ 1,599.00
<b>PROPOSAL B:</b>	Motorized Doors - Maintenance/Repair		
<b>PARTS:</b>	Discount of	40 %	35 %
	Parts Price List	F J F Door	Blank
	Dated	4/13/2009	4/22/2009
			4/23/2009
<b>PROPOSAL B1:</b>			
<b>FIRE DEPARTMENT</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 1,225.00	\$ 640.00	\$ 3,933.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 2,450.00	\$ 1,280.00	\$ 7,867.00
<b>PROPOSAL B2:</b>			
<b>DPW BUILDING</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 870.00	\$ 640.00	\$ 3,139.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 1,740.00	\$ 1,280.00	\$ 6,278.00
<b>PROPOSAL B3:</b>			
<b>PARKS &amp; RECREATION</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 495.00	\$ 640.00	\$ 1,174.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 990.00	\$ 1,280.00	\$ 2,348.00
<b>PROPOSAL B4:</b>			
<b>AQUATIC CENTER</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 140.00	\$ 200.00	\$ 350.00
<b>PROPOSAL B5:</b>			
<b>CITY HALL &amp; DISTRICT COURT</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 215.00	\$ 320.00	\$ 556.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 430.00	\$ 640.00	\$ 1,112.00
<b>PROPOSAL B6:</b>			
<b>COMMUNITY CENTER</b>			
<b>COMPLETE FOR THE SUM OF: Maintenance</b>	\$ 125.00	\$ 120.00	\$ 144.00
<b>COMPLETE FOR THE SUM OF: Per Year</b>	\$ 250.00	\$ 240.00	\$ 288.00
<b>PROPOSAL C:</b>	REGULAR & EMERGENCY REPAIRS		
<b>PROPOSAL C1:</b>	Repairs within 24 hours		
<b>REGULAR TIME:</b>	Man Hours	\$ 70.00	\$ 80.00
(Est. 300 Hours)	Crew Size	2	1
			Blank
<b>PROPOSAL C1 - ESTIMATED TOTAL:</b>	\$ 21,000	\$ 24,000	\$ 24,900
<b>ESTIMATED GRAND TOTAL: per Year</b>	\$ 27,595	\$ 29,865	\$ 44,742

Opening Date -- 4/23/09  
 Date Prepared -- 4/23/09

CITY OF TROY  
 BID TABULATION  
 OVERHEAD DOORS - Maintenance/Repair

VENDOR NAME:		F J F Door Sales	Overhead Door West	Crane Technologies
		Company, Inc.	Commercial Inc.	
<b>PROPOSAL C2:</b>	Emergency Repairs			
	Regular Time:	\$ 70.00	\$ 120.00	\$ 83.00
	Overtime:	\$ 140.00	\$ 180.00	\$ 106.00
	Holiday Time:	\$ 140.00	\$ 180.00	\$ 132.00
	Crew size:	2	2	Blank
<b>PROPOSAL C3:</b>	TRAVEL TIME			
	Repair Call Complete:	\$ 35.00	\$ 40.00	\$ 41.00
<b>SITE INSPECTION --</b>	Y/N	Yes	No	Yes
	Date	4/10, 4/13, 4/14/09		4/15/09
<b>CONTACT INFORMATION --</b>	Hours of Operation:	M - F 7:30 AM to 5 PM	7 AM to 5 PM M-F	M - F (0700 - 1530)
	24 Hr Phone Number	586-468-9787	248-669-5880	248-652-8700
<b>INSURANCE --</b>	Can Meet	XX	XX	XX
	Cannot Meet			
<b>PAYMENT TERMS:</b>		Net 30 Days	Net 30	Net 30
<b>DELIVERY</b>		<b>AS SPECIFIED</b>		
<b>WARRANTY</b>		<b>AS SPECIFIED</b>		
<b>EXCEPTIONS</b>		Blank	Blank	Blank
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes	Yes	Yes



## CITY COUNCIL ACTION REPORT

May 6, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Assistant City Manager  
John Lamerato, Assistant City Manager  
Steve Vandette, City Engineer  
Gary G. Mayer, Chief of Police

SUBJECT: Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County

### Background:

The City has been a member of the TIA since 1975. The TIA is a private non-profit organization that is responsive to the problems and needs of local traffic officials. They are a source for traffic facts, including traffic crashes and traffic operations data. The City of Troy obtains citywide traffic crash statistics (including the intersection and road segment crash reports and ranking, county traffic crash trends, location specific crash details, and alcohol related statistics and as a TIA member they are provided without charge. The TIA works with the Troy Police Department on several enforcement-related projects and grants. They facilitated the Police Department in obtaining over \$31,000 last year in federal grants for alcohol and seat belt endorsement. The TIA also works with our adjacent communities to improve traffic in the general area that can be a secondary benefit to the City.

### Financial Considerations:

The renewal membership fee for 2009 is \$24,400, a decrease of \$800 from 2008. The funds are available in the Traffic Engineering budget, account number 4437958.

### Legal Considerations:

N/A

### Policy Considerations:

Enhance the livability and safety in the community.



## CITY COUNCIL ACTION REPORT

May 14, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Gary G. Mayer, Chief of Police  
Officer James M. Feld

SUBJECT: Application to Transfer a SDD License Only to Wal-Mart Stores East, Limited Partnership

### Background:

- Wal-Mart Stores East, Limited Partnership request transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license. {MLCC Req #490232}
- On April 13, 2009, Sandy Cotter, Attorney for the applicant, and Nicole Chase, Troy Wal-Mart Store Manager, answered questions for the Liquor Advisory Committee
- Ms. Cotter and Ms. Chase explained to the Committee that the purpose of this request is to allow the Troy Wal-Mart Store to sell spirits at their store which is currently licensed to sell beer and wine only. It was also explained the store would be configured to assure the sale of spirits would be in compliance with the Troy City Ordinance.
- The Committee unanimously approved this request.

### Legal Considerations:

- The request complies with all applicable Troy City ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.

### Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."
- The Police Department did not find any disqualifying factors for this request.

A regular meeting of the Liquor Advisory Committee was held on Monday, April 13, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:05 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
W. Stan Godlewski  
Patrick C. Hall  
Andrew Kaltsounis  
David S. Ogg  
Susan Lancaster, Assistant City Attorney  
Officer James Feld  
Pat Gladysz

**ABSENT:** Timothy P. Payne  
Bohdan L. Ukraineec

**Resolution to Excuse Committee Members Payne & Ukraineec**

Resolution #LC2009-04-004  
Moved by Godlewski  
Seconded by Kaltsounis

RESOLVED, that the absence of Committee members Payne and Ukraineec at the Liquor Advisory Committee meeting of April 13, 2009 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Payne, Ukraineec

---

**Resolution to Approve Minutes of February 9, 2009 Meeting**

Resolution #LC2009-04-005  
Moved by Ogg  
Seconded by Godlewski

RESOLVED, that the Minutes of the February 9, 2009 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Payne, Ukrainec

---

**Agenda Items**

- 1. Wal-Mart Stores East, Limited Partnership** request transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license. {MLCC Req #490232} *Approval of this request would allow for the sale of spirits (21% alcohol and higher) for consumption off premise. The current license is in escrow in Troy.*

Present to answer questions from the Committee were attorney Sandy Cotter and Wal-Mart store manager Nicole Chase.

Ms. Cotter spoke to the Committee and gave the history of the liquor license in question. Diagrams and photographs were distributed showing the Wal-Mart store and the secure area where liquor will be displayed. An initial liquor inventory of \$20,000 to \$25,000 is anticipated. Ms. Cotter and Ms. Chase both answered questions from the Committee with regard to the October 2, 2008 compliance violation.

Resolution #LC2009-04-006  
Moved by Hall  
Seconded by Ogg

RESOLVED, that Wal-Mart Stores East, Limited Partnership be allowed to transfer ownership of escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W. Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license.

Yes: 5  
No: 0  
Absent: Payne, Ukrainec

---

**Tabled Items**

Officer Feld reported that M & M Troy, Inc. still has not submitted an inventory layout to the Fire Department. Officer Feld plans to contact them this week.

Assistant City Attorney Susan Lancaster spoke briefly about the recent liquor violation at Lebanese Grill, 1600 Rochester Road. She also mentioned the upcoming Michigan Liquor Control Commission event sponsored by the Troy Community Coalition. The flyer will be emailed to all Committee members.

The meeting adjourned at 7:25 p.m.

---

Max K. Ehlert, Chairman

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

This Agreement, made this 11th day of March, 2009, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and Wal-Mart Stores East, limited Partnership, whose address is 702 S.W. 8<sup>th</sup> St., Bentonville, AR 72716, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2008 SDD license only to be located at 2001 West Maple, Troy, MI 48084.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
  - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
  - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Witnesses: \_\_\_\_\_

*Lori Cottrell*

Authorized Representative  
Wal-Mart Stores East, Limited Partnership  
Lori Cottrell - Assistant Secretary

*Deborah Ann Brown*

Subscribed and sworn to before me  
this 11th day of March 2009

Notary Public, Benton Co., Arkansas  
County, Michigan

My commission expires: 11-1-2010

CITY OF TROY

Witnesses: \_\_\_\_\_

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

Notary Public, \_\_\_\_\_  
Oakland County, Michigan

My commission expires: \_\_\_\_\_



Michigan Department of Energy, Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

**FOR MLCC USE ONLY**

Request ID # 490232

Business ID # 202135

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC. **PRIVATE CHAIN**

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

WAL-MART STORES EAST, LIMITED PARTNERSHIP REQUEST TRANSFER OWNERSHIP OF ESCROWED 2008 SDD LICENSE ONLY FROM WHOLE FOODS MARKET GROUP, INC.; AND TRANSFER LOCATION FROM 4052 ROCHESTER TO 2001 W. MAPLE, TROY, MI 48084, OAKLAND COUNTY TO BE HELD IN CONJUNCTION WITH EXISTING SDM LICENSE.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: CHAIN APPLICANT APPLICANT #2:

DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED DATE FINGERPRINTED\*\*:

DATE OF BIRTH: Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  Yes  No\*  
 \*Does the applicant have a Visa? Enter status:

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

**ARREST RECORD:**  Felony  Misdemeanor  
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636  
 Are motor vehicle fuel pumps at or directly adjacent to the establishment?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No If No, indicate which state and local ordinances the location does not meet:  Building  Plumbing  Zoning  Fire  Sanitation  Health

**Section 4. RECOMMENDATION**

1. Is this applicant qualified to conduct this business if licensed?  Yes  No\*
  2. Should the MLCC grant this request?  Yes  No\*
- \*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?  Yes  No
  4. Is this recommendation subject to any other conditions?  Yes  No
- If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT

LC-1800 (Rev. 08/2008)  
 Authority: MCL 436.1217 and R 436.1105; MAC  
 Completion: Mandatory  
 Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



## CITY COUNCIL ACTION ITEM

Date May 14, 2009

TO: Mayor and City Council

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

SUBJECT: Request for Recognition as a Nonprofit Organization Status from Mark Wolodkowicz, President & Program Director for Free Desire, Inc.

### Background:

- Attached is a request from Mark Wolodkowicz, President & Program Director of Free Desire, Inc., seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes. It has been City Management's practice to support the approval of such requests.

### Options:

- City Council can approve request.

### Attachment:

- Document package supporting the request for recognition as a non-profit organization.

**FREE DESIRE, INC.**  
Alternative Education, Substance & Abuse Program  
2838 East Lang Lake Road, Ste. 100  
Troy, MI 48038-7026  
Phone: 248-726-0127 Fax: 248-726-0087  
Email: [mwfidi@aol.com](mailto:mwfidi@aol.com)

May 12, 2009

The Honorable Louise E. Schilling  
Mayor of Troy  
500 W. Big Beaver  
Troy, MI 48084

Dear Mayor Schilling,

I am writing you on behalf of our organization, Free Desire, Inc., with hope the City of Troy will allow us to organize and host a series of four events of Millionaire Party, each event four days through the remaining months of year 2009.

Our budgeted needs call for various sources of funds, such as: federal and state grants, foundations, private organizations, and fundraisers. Millionaire Party type falls in the last category of fundraisers, which is our responsibility. This particular event will help us to be operable and sustainable, while securing other sources of funds.

Free Desire Incorporated (F.D.I.), non-profit organization was established in September of 2008. F.D.I. has been a 501© (3) entity since November 21, 2008.

The program is designed for judges to send perspective clients/students to our facilities, to be given counseling, vocational training, entrepreneurial skills that will impact their future. The duration of each individual's time in the program is six months, seven days a week; from 9:00 a.m. to 10:00 p.m.

The Free Desire Life-Alternatives Substance Abuse Program provides District Court Judges in the State of Michigan with sentencing options when deciding the fate of non-violent criminals. Our purpose is rehabilitation of these offenders by a focused counseling and vocational education. One of the unique characteristics of our Program is that individual is required to participate in Cultural Enrichment Activities as a part of substance abuse treatment. FDI, Inc. provides a forum where life's complexities can be discussed, shared and understood. Participants have the opportunity to select from a variety of vocational classes that upon completion will open the door to the future employment.

Please accept in advance our thank you for your assistance in this matter.

Sincerely,



Mark Wolodkowicz

President & Program Director  
Free Desire, Inc.



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(9))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_,  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_.  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

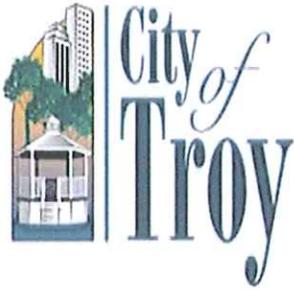
I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
 adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL  
 meeting held on \_\_\_\_\_.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R10/06)



# CITY OF TROY

## SOLICITATION – FUND RAISING

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

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT IS NOT TO EXCEED NINETY (90) DAYS.

Name of Organization:

FDI

Phone:

(248) 726-0127

Local Address:

2838 E. Long Lake Rd. suite 100

City/Zip:

TROY, MI 48065

Home Address (if different):

City/Zip:

Name of Parent Organization:

N/A

Address:

Local Representative/Officers:

Name	Title	Phone
<u>MARK WOŁODKOWICZ</u>	<u>President</u>	<u>(248) 726-0127</u>

Person in Charge of Solicitations: MARK WOŁODKOWICZ

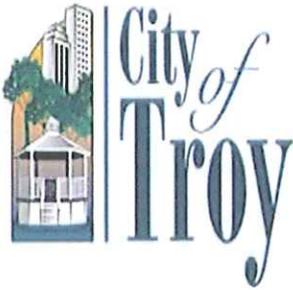
How are funds solicited: Grants, Foundations, Fundraising

Locations/Dates/Times:

Locations	Dates	Times
<u>23137 Coolidge Hwy.</u>	<u>June 7 to June 10, 09</u>	<u>2:00 PM - 2:00 AM</u>
<u>Oak Park, MI</u>	<u>June 15 to June 18, 09</u>	<u>2:00 PM - 2:00 AM</u>
<u>48237</u>	<u>July 8 to July 11, 09</u>	<u>2:00 PM - 2:00 AM</u>
	<u>July 22 to July 25, 09</u>	<u>2:00 PM - 2:00 AM</u>

To what purpose will you put these funds: Day to Day operation

What is the requested amount for contribution: \$5,000.00



# CITY OF TROY

## SOLICITOR'S APPLICATION

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

Please complete all information and return with all required solicitation documents to the City Clerk, 500 West Big Beaver, Troy, Michigan 48084

	NAME	LOCAL ADDRESS	HOME ADDRESS
1.	<del>_____</del>	2970 E. Longlake Rd Troy, 48085	Shell Gas Station
2.	New Ning Sing	2918 E. Longlake Rd. Troy MI 48085	Judy's Blue
3.	Avalon Healthcare	2838 E. Longlake Troy, MI	Yas
4.	hark	2858 E. Longlake Rd Troy, MI 48085	
5.	<del>_____</del>	2938 E. LONG LAKE RD, 212 TROY, MI 48085	
6.	and fuzi	2885 E. Long Lake Rd Troy MI 48085	
7.	<del>_____</del>	2885 E Long Lake Rd Troy MI 48085	
8.	BWS	2825 E Long Lake Rd Troy MI 48085	
9.	VIRGINIA LAMKIN	5190 RENSRAW TROY MI	SAME
10.	Amy M. Norris	5189 Renshaw Troy MI 48085	Same
11.	Syed Haider	5209 Fedora Dr Troy MI 48085	Same
12.	Kevin Stibbe	5082 Fedora Dr. Troy MI 48085	SAME

CONSTITUTION OF  
FREE DESIRE  
A NON-PROFIT CHARITABLE CORPORATION

To further common purposes, the members agree to organize under this constitution:

**ARTICLE ONE**

NAME

The name of the organization shall be FREE DESIRE. The organization shall also be known as Free Desire, Inc., Free Desire.org, and F.D.I. in the abbreviated form.

**ARTICLE TWO**

PRINCIPAL OFFICE

The principal office of the organization shall be at 2555 Crooks Rd., Suite 250, Troy, MI. 48084. The corporation may have such other offices as may from time to time be designated by its board of directors.

**ARTICLE THREE**

PURPOSES

The purposes on which this organization is formed are:

A. Primary: To help those lost in life find new directions for their future.

1. To provide a forum where life's complexities can be discussed, shared, and understood.
2. To make available to the community an educational site for the arts and vocational training.
3. To offer substance abuse counseling in a productive atmosphere emphasizing alternative pathways of life.
4. To raise funds through memberships, donations, contributions, social functions or other means such as gifts and bequests.
5. To provide programs, projects and services for the community which will motivate troubled youth in following a pathway to life fulfillment.
6. To facilitate ways and means for the advancement of educational and professional interest of our land through discussions and open forum.

B. Secondary:

1. To exercise all rights and powers conferred on non-profit organizations pursuant to the General Non-Profit Organization Law and other laws of the State of Michigan, including, but not limited to, the power to contract, rent, buy, or sell personal or real property; provided, however, that this organization shall not, except to an insubstantial degree, engage in any activity or exercise any power that is not in furtherance of the primary purposes of the organization.
2. To ensure that no part of the organization's net earnings, if any, will inure to the benefit of the officers, members or other private persons of the organization.
3. To coordinate with the local community, government agencies, and other social and civic entities in achieving its goals.

C. General:

1. The general purposes for which this organization is formed are to operate exclusively for such charitable, civic, and educational purposes as will qualify it as an exempt organization under Section 501(c)(3) of the Internal Revenue Code

*mw*

of 1986 or corresponding provisions of any subsequent federal tax laws, including, for such purposes, the making of distributions to organizations which qualify as tax-exempt organizations under that Code.

2. This organization shall not, as a substantial part of its activities, carry on propaganda or otherwise to influence legislation; nor shall it participate or intervene (by publication or distribution of any statements or otherwise) in any political campaign on behalf of any candidate for public office.

#### ARTICLE FOUR

##### POWERS

In furtherance of the objectives described above, but not limited to these, the organization shall have power, insofar as such power is conferred, or is not limited, by law,

- a) to make and perform contracts for any lawful purpose,
- b) to solicit donations, bequests and gifts from any source and to own and use the same consistent with the purpose for which this organization is formed and in accordance with the terms and conditions of the bequests, donations and gifts,
- c) to engage in various funding and fund-raising activities, and
- d) to acquire, own, hold, operate and maintain such property as to effectuate its purposes.

#### ARTICLE FIVE

##### MEMBERSHIP

The organization shall have subscribing members. Subscribing members are individuals who pay the annual membership dues. However, additional classes of membership may be added in the bylaws or upon the recommendation of the membership committee at the annual general meeting.

All voting rights and other rights, interests, and privileges of each subscribing member shall be equal.

The rights and privileges of members, their liability for dues and assessments, and the termination and transfer of membership shall be as stated in the bylaws.

#### ARTICLE SIX

##### GOVERNING BODY

The powers of the organization shall be exercised and its property controlled by the Board of Directors of the organization. The Board of Directors shall be elected from the general membership. The qualifications, the time and manner of election and terms and duties of office, and the manner of filling vacancies shall be set forth in the bylaws.

A.. Powers of the Board of Directors.

1. All appropriations and raising of funds must be made by the board of directors with the cooperation of the members; accept any donations, bequests or gifts.
2. The board of directors shall have the power to provide and maintain offices or real estate for the organization.
3. Furthermore, the board of directors may perform such other duties that are deemed beneficial to the organization.

#### ARTICLE SEVEN

##### BOARD OF DIRECTORS

Members of the Board of Directors. The directors are the policy makers of the organization. Thus, all issues, policies, resolutions and other matters relating to the organization shall be presented to the directors for deliberation. The directors shall consist of at least nine members but not more than twenty seven. The qualifications, the time and manner of electing, the duties, the terms of office, and the manner of removing directors shall be set forth in the bylaws.

B. Officers of the Board. The officers of the board shall be

1. Chairperson
2. Senior Vice Chairperson

M.W

- 3. Junior Vice Chairperson
- 4. Recording Secretary
- 5. Treasurer

Other offices and officers may be established or appointed by the board of directors of the organization at any regular or special meeting or as specified in the bylaws. The qualifications, the time and manner of electing, the duties, the terms of office, and the manner of removing officers shall be set forth in the bylaws.

C. Standing Committees. The organization shall have at least two standing committees:

- 1. Executive Committee. The executive committee shall consist of the officers of the board.
- 2. Membership Committee. A membership committee shall be established by the chairperson after the election of officers.

**ARTICLE EIGHT**

**AMENDMENTS TO CONSTITUTION**

This constitution may be amended or repealed, in whole or in part, only by a majority vote of the organization's subscribing members at a meeting of the organization that is called for this purpose.

**ARTICLE NINE**

**BYLAWS**

Bylaws will be hereafter adopted. Such bylaws may be amended or repealed, in whole or in part, in the manner provided in such bylaws, and the amendments to the bylaws shall be binding on all subscribing members, including those who may have voted against them.

**ARTICLE TEN**

**DISSOLUTION**

The organization shall be dissolved and its affairs wound up by a two thirds vote of the organization's subscribing members on a meeting especially called for the dissolution of the organization.

**ARTICLE ELEVEN**

**DISTRIBUTION OF PROPERTY UPON DISSOLUTION**

Upon the dissolution or winding up of this organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of the organization, shall be distributed to a nonprofit fund, foundation, or organization that is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws. The manner of distribution shall be determined by the members present as described in Article Ten.

This first amendment of the constitution is adopted on \_\_\_\_\_ at \_\_\_\_\_ Troy, MI.  
 This constitution shall take effect on \_\_\_\_\_.

IN WITNESS WHEREOF, we, the undersigned being the person herein below named as the Officers of FREE DESIRE certify that this constitution was adopted by a majority of the subscribing members present at the annual general meeting held on \_\_\_\_\_ at \_\_\_\_\_ Troy, Michigan.

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

MW

BYLAWS OF  
FREE DESIRE  
A NON-PROFIT ORGANIZATION

To support the constitution of the FREE DESIRE, the members agree to the following provisions of the bylaws:

**BYLAW ONE**

**MEMBERSHIP**

Any person who is eighteen years or older, is eligible to become a member of the organization, with full voting and other privileges, if qualified under such rules as the membership committee may provide.

Types of Membership:

1. Subscribing Member - A member of good standing, having paid the membership dues shall be entitled to one vote in the affairs of the organization. Subscribing members are entitled to all membership privileges including the right to vote. A subscribing member has the right to hold office.

Duration of Membership:

Duration of membership is one year, from January to December of each calendar year.

Resignation:

Any member of the organization who wishes to resign shall submit a letter of resignation addressed to the chairperson or the recording secretary of the organization. Donations given or fees paid, if any, cannot be returned or refunded to the resigning member.

Suspension and Expulsion:

If, in a written and signed communication addressed to the membership committee, any member of the organization shall be charged with conduct detrimental to the objects or interests of the organization or in violation of its constitution, bylaws, code of ethics, or rules and regulations, the membership committee shall consider the matter. If it shall decide to take further action, the corresponding secretary shall send a copy of the charges to the accused member, who shall be given thirty days to reply. The membership committee shall take further action as it may deem proper. If a majority of the members of the membership committee, after a fair and impartial hearing or due notice to the accused member, such notice to be given by the corresponding secretary by registered or certified mail to the accused member at member's last known address at least thirty days before the hearing, shall be satisfied of the truth of the charges, the membership committee may request the offending member to resign or may suspend or expel the member. Should the member elect not to resign on such request, his or her name shall be stricken from the rolls by the Membership Committee.

**BYLAW TWO**

**FEES AND DUES**

Joining Fee. There shall be no joining fee for membership in the organization. However, the board of directors may impose such fees as deemed appropriate through a Board resolution.

Annual Membership Dues. The annual dues required for subscribing membership in the organization shall be determined by the vote of the Board of Directors, on recommendation of the membership committee. Dues may be varied from year to year, but shall be the same for all subscribing members. Membership shall be effective from January to December of the same calendar year.

*MW*

## BYLAW THREE

### MEETINGS

#### A. Annual General Meeting.

There shall be an annual general meeting of the organization during the month of January, each year, unless otherwise ordered by the Board of Directors, for election of officers and directors, receiving reports, and the transaction of other business. Meetings shall be open to all members. Notice of such meetings, issued by the corresponding secretary, shall be communicated to all members at least seven days before the time appointed for the meeting.

The executive committee shall have a regular meeting at the time and place of the annual general meeting, and shall report to the membership on its activities. It shall meet on the call of the chairperson or the recording secretary. It shall meet on demand of a majority of Board of Directors or a majority of the subscribing members of the organization.

#### B. Regular Meetings.

The Board of Directors shall meet regularly on a date and place that shall be agreed upon by the majority of the Board of Directors.

#### C. Special Board Meetings.

Special Board meetings of the organization may be called at any time by the chairperson, or in the chairperson's absence by the vice chairperson or recording secretary, or on the written request of at least three of the Board of Directors. Seven days' notice of any special Board meeting must be given and the notice must state the object of the meeting.

#### D. Special General Meeting.

A special general meeting may be called by the chairperson or at least one third of the Board of Directors in writing, stating the reason for the meeting and giving at least fifteen (15) days notice to all members except in cases of extreme emergency. The corresponding secretary shall communicate to all members notice of such meeting, stating the purpose, time, date and place of the meeting.

#### D. Quorum.

One third of the Board of Directors of the organization shall constitute a quorum in any meeting, and in case there are less than this number, the presiding officer may adjourn from time to time until a quorum is present.

#### E. Order of Business.

The order of business at the annual and other meetings shall be as follows:

1. Call to order.
2. Reading of minutes of previous meeting and the adoption thereof.
3. Communications and announcements.
4. Reports of officers.
5. Reports of committee heads and committee members.
6. Unfinished business and matters arising from previous minutes.
7. New business.
8. Election of officers. This is only applicable at the annual meeting.
9. Adjournment.

The order of business may be altered or suspended at any meeting by a majority vote of the members present. The usual parliamentary rules as laid down in the latest edition of Robert's Rules of Order shall govern, when not in conflict with these bylaws.

MW

## BYLAW FOUR

### OFFICERS

#### A. Terms.

The officers of the Board shall serve for a term of one year and until successors are duly sworn in. Officers are eligible for re-election and may serve for six consecutive terms. Directors are eligible for re-election. Vacancies in any office may be filled by appointment of the Board of Directors from among the organization's subscribing members. Such appointment shall expire at the time of the annual general meeting and an elected replacement shall be voted for the remaining balance of the term thereat.

#### B. Chairperson.

The chairperson shall be the chief officer of the organization, and shall be present at meetings of the organization and of the executive committee. The chairperson shall be an ex-officio member of all committees. The chairperson shall communicate to the organization such matters and make such suggestions as may in the chairperson's opinion tend to promote the welfare and increase the usefulness of the organization, and shall perform such other duties as are necessary incident to the office.

#### C. Vice Chairperson.

The vice chairperson shall perform all duties of the chairperson during the absence of the chairperson. In the event that the chairperson resigns, dies or becomes incapacitated, the vice chairperson shall assume the duty of chairperson for the remaining term. The vice chairperson shall also be a member ex-officio of all committees.

#### D. Treasurer.

The treasurer shall keep an account of all moneys received and expended for use of the organization, and shall make disbursements authorized by the Board of Directors or such other persons as the members may prescribe. All sums received shall be deposited by the treasurer in the bank or banks approved by the Board of Directors, and the treasurer shall make a report at the annual meeting or when called upon by the chairperson or by the Board of Directors. Funds may be drawn only on the signatures of the treasurer or other officers as designated by the Board of Directors. The funds, books, and vouchers in the hands of the treasurer shall, with the exception of confidential reports submitted by members, at all times be subject to verification and inspection of the directors, officers or subscribing members of the organization. At the expiration of the treasurer's term of office, the same shall deliver to his or her successor all books, moneys, and any other property of the organization currently in the treasurer's possession.

#### E. Assistant Treasurer.

To assist the treasurer in the performance of his or her duties.

#### F. Recording Secretary.

It shall be the duty of the recording secretary:

1. To attend all meetings of the organization and all committees and to make provision for the keeping and reporting of an accurate record of proceedings;
2. To carry into execution all orders, votes, and resolutions not otherwise committed;
3. To establish machinery for the collection of dues and their payment to the treasurer;
4. To keep records of any agents retained by the organization, and to take charge of and supervise the performance of such agents of their duties;
5. To prepare, with the concurrence of the treasurer, an annual report of the transactions and condition of the organization, and generally to act in the best interests of the organization.
6. To act as the interim chairperson should the vice chairperson refuse or is unable to perform his duties.
7. To direct the activities of the organization and perform such other duties as may be defined by the Board of Directors.

#### G. Corresponding Secretary.

The corresponding secretary shall assist the recording secretary in carrying out his or her duties and perform such other duties as may be defined by the executive committee. It shall also be the duty of the corresponding secretary:

MW

1. To give notice of all meetings of the organization and all committees;
2. To conduct correspondence for the organization;
3. To keep a list of the members of the organization.

H. Public Relations Officer.

It shall be the duty of the public relations officer to represent the organization, deal with government agencies and other government instrumentalities, and other organizations in pursuant of the organization's goals and objectives. It shall also be the duty of the public relations officer to act as the keeper and administrator of any property entrusted to him or her by the organization.

I. Auditor.

It shall be the duty of the auditor to ensure and certify that the books of the organization are kept in accordance with proper accounting principles. The auditor shall assist the treasurer in preparing financial statements and other money related reports to be presented at the annual general meeting or any other meeting that may require such reports.

J. Duties and Responsibilities of Other Officers.

The duties and responsibilities of the other officers shall be defined by special resolutions by the Board of Directors.

## BYLAW FIVE

### ELECTIONS

A. Board of Directors.

At the annual meeting next held after the adoption of these bylaws, there shall be elected by vote a maximum of nine (9) Board of Directors for a term of three years. For the next two years, a maximum of nine directors shall be elected each year for a term of three years until a total number of twenty seven directors are in office. At each annual general meeting thereafter, a number of directors equal to that of those whose terms have expired or are about to expire shall be elected for a term of three years.

Any director whose term is expiring at the time of the annual general meeting shall be eligible for re-election. The elected members of the Board of Directors shall, on election, immediately enter the performance of their duties and shall continue in office until their successors are duly elected.

Vacancy. Any vacancy occurring on the Board of Directors shall be filled by appointment by the Board of Directors. The appointment shall be in force until the next elections at the annual general meeting where a director shall be elected to fulfill the rest of the three year term.

B. Qualifications.

Any subscribing member running for office shall be of good moral character and not having been convicted of any criminal or civil offense in any court of law in the United States or overseas.

C. Officers of the Board.

The election of organization officers of the board shall take place annually at the time and place of the annual general meeting. Elected members of the Board of Directors only shall be eligible for office and shall be entitled to vote. Candidates who receive a majority of votes so cast shall be elected.

D. Committee on Election.

A committee on election, consisting of at least three (but not more than five) members, shall be appointed by the chairperson prior to the annual general meeting to formulate rules and regulations, and to supervise the election of directors and officers.

MW

## BYLAW SIX

### CONDUCT AND DISCIPLINE OF THE OFFICERS AND BOARD OF DIRECTORS

1. Any officer or member of the Board or their immediate family has fiduciary relationship with the Board but he or she is prohibited from participating in deliberations that will benefit him or her or their immediate family.
2. Any officer or member of the Board charged with a felony under any federal or state law must take leave of absence until a final resolution of the charge is reached.
3. Attendance. Members of the Board shall attend at least fifty percent of all regular meetings of the organization. Failure to attend fifty percent of the regular meetings will automatically bring a request in writing for the resignation of the offending member from the Board. Failure to respond within fifteen (15) days by the member to the resignation letter will automatically result in the termination of office.

## BYLAW SEVEN

### COMMITTEES

A. Standing Committees. The organization shall have at least two standing committees: the executive committee comprising of the officers, and a membership committee of at least three persons. Additional standing committees may be established from time to time by a vote of the Board.

Each standing committee shall have a chairperson, who shall be responsible for directing and coordinating the affairs of the committee.

B. Executive Committee. The executive committee shall consist of the elected officers. The executive committee shall have supervision, control, and direction of the affairs of the organization, shall execute the policies, and decisions of the membership, shall actively prosecute the organization's objects, and shall have the responsibility of the disbursement of funds in accordance with the planned programs, orders and resolutions adopted by the Board of Directors of the organization. It may adopt such rules for the conduct of its business as shall be deemed advisable, and may, in the execution of powers granted, appoint subcommittees or agents to work on specific problems or reports.

C. Membership Committee. The membership committee shall determine those qualifications required for membership in the organization. It shall also determine those qualifications required for subscribing membership, and the terms and privileges thereof. It shall make recommendations as to the imposition and amount of dues to be paid by subscribing members, and the time for payment thereof. The membership committee shall report on matters of interest at annual meetings of the organization. Members of membership committee shall be appointed by the chairperson if no one is elected thereat. The membership committee shall compose of at least three members.

## BYLAW EIGHT

### MAIL VOTE

When, in the judgment of the Board of Directors, any question shall arise that should be put to a vote of the membership, and when it deems it inexpedient to call a special meeting for that purpose, it may, unless otherwise required by these bylaws, submit the matter to the membership in writing by mail for vote and decision, and the question thus presented shall be determined according to a majority of the votes received by mail within five weeks after such submission to the membership, provided that, in each case, votes of at least ten percent of the eligible members shall be received. Action taken in this manner shall be effective as action taken at a duly-called meeting.

## BYLAW NINE

### AMENDMENTS

These bylaws may be amended, repealed, or altered, in whole or in part, by a two thirds majority votes of the members present, provided notice, signed by at least two subscribing members, thereof to all voters, including the subject of the proposed amendment, submitted in writing to the Board, at a previous meeting, were stated in the call for the meeting.

MW

## BYLAW TEN

### LIABILITIES

Nothing in these bylaws shall constitute members of the organization as partners for any purpose. No member, officer, agent, or employee shall be liable for the acts or failure to act of any other member, officer, agent, or employee of the organization. Nor shall any member, officer, agent, or employee be liable for his or her acts or failure to act under these bylaws, excepting only acts or omissions arising out of his or her willful misfeasance.

## BYLAW ELEVEN

### FUNDS

- A. Finances. This organization is not intended as a profit-making organization, nor is it founded with the expectation of making a profit. The organization shall use its funds only for objects and purposes specified in these bylaws
- B. Bonding. Persons entrusted with the handling of the organization funds may be required, at the discretion of the Board of Directors, to furnish, at the organization's expense, a suitable fidelity bond.
- C. Checks. All checks must be signed by the treasurer or other designated signatories as prescribed by the board of directors.

## BYLAW TWELVE

### INSIGNIA

The following image is the official logo of the organization. It shall appear in all official correspondence and stationery of the organization. It shall not be used for private purposes and shall not be displayed publicly without the consent of the board of directors of the organization.

# FREE DESIRE

The board of directors may adopt or change insignias, colors, badges, and flags for the organization as it seems desirable.

## BYLAW THIRTEEN

### DISSOLUTION

The organization may be dissolved and its affairs wound up by a two thirds vote of the organization's subscribing members present on a meeting especially called for the dissolution of the organization. The property of the organization is irrevocably dedicated to social, charitable, educational and the promotion of community welfare. No part of the net income of assets of the organization shall inure to the benefit of any director, officer, or member of any private person. Upon the dissolution or winding up of this organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of the organization, shall be distributed to a nonprofit fund, foundation, or organization that is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent federal tax laws. The manner of distribution shall be determined by the subscribing members present at the meeting.

## BYLAW FOURTEEN

### ADOPTION

IN WITNESS WHEREOF, We, the undersigned being the persons herein below named as the Officers of FREE DESIRE certify that these bylaws were adopted by a majority of the subscribing members present at the special general meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2007, at 2555 Crooks Road, Suite 250, Troy, State of Michigan, 48084.

MW

**Free Desire Incorporation**  
557 Andover Ct.  
Rochester Hills, MI 48306  
Ph. 248 726 0127  
Fax 248 726 0087

**Amendment 1**

*Art II cont.*

(B) ~~Provision A~~

Said organization is organized exclusively for charitable, educational and scientific purposes, the making of distributions to the organizations under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

(C) ~~Provision B~~

Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 503 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the County in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

*MW*

*Michael W. ... 5/12/09*

CHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES

(FOR BUREAU USE ONLY)

ADJUSTED PURSUANT TO  
TELEPHONE AUTHORIZATION

*per M. Wlad Kowicz*  
This document is effective on the date filed, unless a  
subsequent effective date within 90 days after  
received date is stated in the document.

SEP 03 2008

FILED

SEP 03 2008

Administrator  
BUREAU OF COMMERCIAL SERVICES

Name			
Address			
City	State	Zip Code	

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.  
If left blank document will be mailed to the registered office.

70387G

ARTICLES OF INCORPORATION

For use by Domestic Nonprofit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

FREE DESIRE

ARTICLE II

The purpose or purposes for which the corporation is organized are: *See Attached*

(A) THE PURPOSES ARE NON PROFIT, CHARITABLE, AND CIVIC.  
THE CORPORATION SHALL ENDEAVOR TO PROVIDE ALTERNATIVES  
TO SUBSTANCE ABUSE BY FOCUSING ON THE ARTS AND DEVELOPEMENT  
OF VOCATIONAL SKILLS AND PERFORMING COMMUNITY SERVICE.

ARTICLE III

1. The corporation is organized upon a NON STOCK basis.  
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is ONE.  
If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

*348/100 120.00 1/3 113290*

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are (if none, insert "none")

NONE

b. The description and value of its personal property assets are: (if none, insert "none")

NONE

c. The corporation is to be financed under the following general plan:

FINANCING WILL COME FROM MEMBERSHIP DUES, DONATIONS, AND FUNDRAISING PROJECTS.

d. The corporation is organized on a MEMBERSHIP basis. (Membership or Directorship)

ARTICLE IV

1. The address of the registered office is

557 ANDOVER Ct, Rochester Hills, MI 48306

(Street Address)

2. The mailing address of the registered office, if different than above:

(Street Address or P.O. Box), Michigan (City) (ZIP Code)

3. The name of the resident agent at the registered office is:

MARK WOLODKOWICZ

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name

Residence or Business Address

MARK WOLODKOWICZ Free Desire Incorporation 557 Andover Ct.; Rochester Hills, MI 48306

Frederick K. Lewerenz, D.O. same

Theodore R. Densley, M.D. same

Dennis W. Mosley same

6. Nonprofit corporation only: Member, shareholder, or board approval

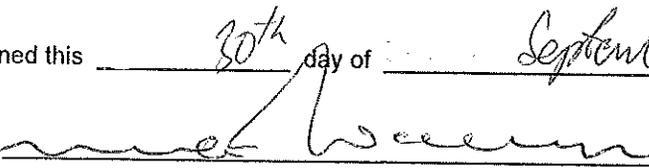
The foregoing amendment to the Articles of Incorporation was duly adopted on the 30<sup>th</sup> day of September, 2008 by the (check one of the following)

Member or shareholder approval for nonprofit corporations organized on a membership or share basis

- members or shareholders at a meeting in accordance with Section 611(2) of the Act.
- written consent of the members or shareholders having not less than the minimum number of votes required by statute in accordance with Section 407(1) and (2) of the Act. Written notice to members or shareholders who have not consented in writing has been given. (Note: Written consent by less than all of the members or shareholders is permitted only if such provision appears in the Articles of Incorporation.)
- written consent of all the members or shareholders entitled to vote in accordance with section 407(3) of the Act.

Directors (Only if the Articles state that the corporation is organized on a directorship basis)

- directors at a meeting in accordance with Section 611(2) of the Act.
- written consent of all directors pursuant to Section 525 of the Act.

Nonprofit Corporations	
Signed this	<u>30<sup>th</sup></u> day of <u>September</u> , 200 <u>8</u>
By	
(Signature of President, Vice-President, Chairperson or Vice-Chairperson)	
<u>Mark Wolodkowicz</u>	<u>President</u>
(Type or Print Name)	(Type or Print Title)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 21 2008

FREE DESIRE INCORPORATION FDI  
557 ANDOVER CT  
ROCHESTER HILLS, MI 48306-4289

Employer Identification Number:  
35-2291865  
DLN:  
17053091300038  
Contact Person:  
PAULA J MOLL-MALONE ID# 31262  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
September 3, 2008  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)



EFFECTIVE DATE  
January 02, 2009



LICENSE #  
MICS 41018

FREE DESIRE INC  
557 ANDOVER CT  
ROCHESTER HILLS, MI 48306

## *CHARITABLE SOLICITATION LICENSE*

of

### **Free Desire Inc**

**EXPIRATION DATE: July 31, 2009**

1. **Your next application to renew this license is due no later than July 01, 2009.** This is 30 days prior to the expiration date shown above. Please calendar the date now. Forms are available on the Attorney General's web site at: [www.michigan.gov/ag](http://www.michigan.gov/ag) or may be requested by contacting the Charitable Trust Section at (517) 373-1152.
2. **Extensions** of the license may be requested if required information will not be available prior to the renewal application due date. A written request for an extension must be received on or before the above expiration date of the license.
3. **Throughout the year**, notify us within 30 days of changes in the following:
  - Name or address
  - Board of directors
  - Resident agent
  - Methods of soliciting donations
  - Fiscal year end
  - Purposes
  - Amendments to the bylaws or constitution of the organization
  - Amendments to your articles of incorporation, submitting copies of amendments assumed names or name changes that show evidence of proper filing with the appropriate state agency
  - If any other state has prohibited solicitation activity by your organization
4. Any **contracts** you enter into with professional fund raisers must be submitted to our office within 10 days of execution.

# Form 1023 Checklist

(Revised June 2006)

## Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

**Note.** Retain a copy of the completed Form 1023 in your permanent records. Refer to the General Instructions regarding Public Inspection of approved applications.

**Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.**

- Assemble the application and materials in this order:
- Form 1023 Checklist
  - Form 2848, *Power of Attorney and Declaration of Representative* (if filing)
  - Form 8821, *Tax Information Authorization* (if filing)
  - Expedite request (if requesting)
  - Application (Form 1023 and Schedules A through H, as required)
  - Articles of organization
  - Amendments to articles of organization in chronological order
  - Bylaws or other rules of operation and amendments
  - Documentation of nondiscriminatory policy for schools, as required by Schedule B
  - Form 5768, *Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation* (if filing)
  - All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.
- User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.
- Employer Identification Number (EIN)
- Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.
- You must provide specific details about your past, present, and planned activities.
  - Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
  - Describe your purposes and proposed activities in specific easily understood terms
  - Financial information should correspond with proposed activities.
- Schedules. Submit only those schedules that apply to you and check either "Yes" or "No" below.
- |            |                |            |  |
|------------|----------------|------------|--|
| Schedule A | Yes ___ No ___ | Schedule E | Yes ___ No ___                                 |
| Schedule B | Yes ___ No ___ | Schedule F | Yes ___ No ___                                 |
| Schedule C | Yes ___ No ___ | Schedule G | Yes ___ No ___                                 |
| Schedule D | Yes ___ No ___ | Schedule H | Yes <input checked="" type="checkbox"/> No ___ |

An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.

- Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) \_\_\_\_\_
- Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law \_\_\_\_\_

Signature of an officer, director, trustee, or other official who is authorized to sign the application.

- Signature at Part XI of Form 1023.

Your name on the application must be the same as your legal name as it appears in your articles of organization.

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service  
P.O. Box 192  
Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service  
201 West Rivercenter Blvd.  
Attn: Extracting Stop 312  
Covington, KY 41011



**Application for Recognition of Exemption  
 Under Section 501(c)(3) of the Internal Revenue Code**

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

<b>1</b> Full name of organization (exactly as it appears in your organizing document)		<b>2</b> c/o Name (if applicable)	
Free Desire Incorporation, F.D.I.			
<b>3</b> Mailing address (Number and street) (see instructions)	Room/Suite	<b>4</b> Employer Identification Number (EIN)	
557 Andover Court		51291865	
City or town, state or country, and ZIP + 4		<b>5</b> Month the annual accounting period ends (01 - 12)	
Rochester Hills, MI 48306-4289		12	
<b>6</b> Primary contact (officer, director, trustee, or authorized representative)		<b>b</b> Phone:	
<b>a</b> Name: Mark Wolodkowicz		248 255 6392	
		<b>c</b> Fax: (optional)	
		248 637 5931	
<b>7</b> Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative.			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>8</b> Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role.			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>9a</b> Organization's website:			
<b>b</b> Organization's email: (optional) mwfdi@aol.com			
<b>10</b> Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ.			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)		13 / 02 / 2007	
<b>12</b> Were you formed under the laws of a foreign country? If "Yes," state the country.			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

**Part II Organizational Structure**

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1 Are you a corporation? If "Yes," attach a copy of your articles of incorporation showing certification of filing with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification.  Yes  No  
*ATTACHMENT A*
- 2 Are you a limited liability company (LLC)? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application.  Yes  No
- 3 Are you an unincorporated association? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments.  Yes  No
- 4a Are you a trust? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments.  Yes  No
- b Have you been funded? If "No," explain how you are formed without anything of value placed in trust.  Yes  No
- 5 Have you adopted bylaws? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected.  Yes  No  
*ATTACHMENT B*

**Part III Required Provisions in Your Organizing Document**

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): Page 5, Article I, Paragraph 1
- 2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.
- 2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. Page 6, Article VII, Paragraph 1
- 2c See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:

**Part IV Narrative Description of Your Activities**

*ATTACHMENT C*

Using an attachment, describe your *past*, *present*, and *planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors**

1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual compensation, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Mark Wolodkowicz	President	557 Andover Court Rochester Hills, MI 48306-4219	NONE
Frederick K. Lewerentz, D.O.	Vice President	557 Andover Court Rochester Hills, MI 48306-4219	NONE
Theodore R. Densley, M.D.	Board Member	557 Andover Court Rochester Hills, MI 48306-4219	NONE
Dennis W. Mosley	Treasurer	557 Andover Court Rochester Hills, MI 48306-4219	NONE

Part VII Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

b List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Table with 4 columns: Name, Title, Mailing address, Compensation amount (annual actual or estimated). Row 1 contains 'NONE'.

c List the names, names of businesses, and mailing addresses of your five highest compensated independent contractors that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Table with 4 columns: Name, Title, Mailing address, Compensation amount (annual actual or estimated). Row 1 contains 'NONE'.

The following "Yes" or "No" questions relate to past, present, or planned relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c.

2a Are any of your officers, directors, or trustees related to each other through family or business relationships? If "Yes," identify the individuals and explain the relationship. [ ] Yes [x] No

b Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees. [ ] Yes [x] No

c Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship. [ ] Yes [x] No

3a For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

b Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through common control? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement. [ ] Yes [x] No

4 In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

a Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy? [x] Yes [ ] No

b Do you or will you approve compensation arrangements in advance of paying compensation? [x] Yes [ ] No

c Do you or will you document in writing the date and terms of approved compensation arrangements? [x] Yes [ ] No

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- d Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?  Yes  No
- e Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- f Do you or will you record in writing both the information on which you relied to base your decision and its source?  Yes  No
- g If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is **reasonable** for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.

- 5a Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.  Yes  No
- b What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
- c What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?

**Note:** A conflict of interest policy is recommended though it is not required to obtain exemption Hospitals, see Schedule C, Section I, line 14.

- 6a Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- b Do you or will you compensate any of your employees, other than your officers, directors, trustees or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No

- 7a Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine that you pay no more than **fair market value**. Attach copies of any written contracts or other agreements relating to such purchases.  Yes  No
- b Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.  Yes  No

- 8a Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.  Yes  No
- b Describe any written or oral arrangements that you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at **arm's length**.
- e Explain how you determine you pay no more than **fair market value** or you are paid at least **fair market value**.
- f Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

- 9a Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.  Yes  No

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- b Describe any written or oral arrangements you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
- f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

**Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You**

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals.  Yes  No
- b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.  Yes  No  
*ATTACHMENT G*
- 2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.  Yes  No
- 3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.  Yes  No

**Part VII Your History**

The following "Yes" or "No" questions relate to your history. (See instructions.)

- 1 Are you a successor to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.  Yes  No
- 2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.  Yes  No

**Part VIII Your Specific Activities**

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1 Do you support or oppose candidates in political campaigns in any way? If "Yes," explain.  Yes  No
- 2a Do you attempt to influence legislation? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.  Yes  No
- b Have you made or are you making an election to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities.  Yes  No
- 3a Do you or will you operate bingo or gaming activities? If "Yes," describe who conducts them, a list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data.  Yes  No
- b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you make or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such arrangements.  Yes  No
- c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

**Part VIII Your Specific Activities (Continued)**

- 4a** Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.)  Yes  No
- mail solicitations
  - email solicitations
  - personal solicitations
  - vehicle, boat, plane, or similar donations
  - foundation grant solicitations
  - phone solicitations
  - accept donations on your website
  - receive donations from another organization's website
  - government grant solicitations
  - Other

Attach a description of each fundraising program.

**ATTACHMENT E**

- b** Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements.  Yes  No
- c** Do you or will you engage in fundraising activities for other organizations? If "Yes," describe the arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements.  Yes  No
- d** List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.
- e** Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors.  Yes  No

**5** Are you affiliated with a governmental unit? If "Yes," explain.  Yes  No

**6a** Do you or will you engage in **economic development**? If "Yes," describe your program.  Yes  No

**b** Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

**7a** Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees.  Yes  No

**b** Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees.  Yes  No

**c** If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

**8** Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate.  Yes  No

**9a** Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10.  Yes  No

**b** Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  Yes  No

**c** Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  Yes  No

**d** Are your services available to the general public? If "No," describe the specific group of people or whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k).  Yes  No

**10** Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.  Yes  No

**Part VII Your Specific Activities (Continued)**

**11** Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.  Yes  No

**12a** Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.  Yes  No  
**b** Name the foreign countries and regions within the countries in which you operate.  
**c** Describe your operations in each country and region in which you operate.  
**d** Describe how your operations in each country and region further your exempt purposes.

**13a** Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.  Yes  No  
**b** Describe how your grants, loans, or other distributions to organizations further your exempt purposes.  
**c** Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.  Yes  No  
**d** Identify each recipient organization and any relationship between you and the recipient organization.  
**e** Describe the records you keep with respect to the grants, loans, or other distributions you make.  
**f** Describe your selection process, including whether you do any of the following:  
 (i) Do you require an application form? If "Yes," attach a copy of the form.  Yes  No  
 (ii) Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.  Yes  No  
**g** Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.

**14a** Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.  Yes  No  
**b** Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.  
**c** Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.  Yes  No  
**d** Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.  Yes  No  
**e** Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.  Yes  No  
**f** Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.  Yes  No

**Part VIII Your Specific Activities (Continued)**

- 15 Do you have a **close connection** with any organizations? If "Yes," explain.  Yes  No
- 16 Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.  Yes  No
- 17 Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.  Yes  No
- 18 Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.  Yes  No
- 19 Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.  Yes  No
- 20 Is your main function to provide **hospital or medical care**? If "Yes," complete Schedule C.  Yes  No
- 21 Do you or will you provide **low-income housing** or housing for the **elderly or handicapped**? If "Yes," complete Schedule F.  Yes  No
- 22 Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H.  Yes  No

**Note:** Private foundations may use Schedule H to request advance approval of individual grant procedures.

Part X Financial Data (Continued)

B. Balance Sheet (for your most recently completed tax year)

Year End:

Table with columns for line numbers (1-18), descriptions of assets and liabilities, and a column for whole dollars. Assets include Cash, Accounts receivable, Inventories, Bonds and notes receivable, Corporate stocks, Loans receivable, Other investments, Depreciable and depletable assets, Land, and Other assets. Liabilities include Accounts payable, Contributions, gifts, grants, etc. payable, Mortgages and notes payable, and Other liabilities. Fund Balances or Net Assets include Total fund balances or net assets and Total Liabilities and Fund Balances or Net Assets.

19 Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. [ ] Yes [x] No

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a private operating foundation. (See instructions.)

1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions. [ ] Yes [x] No

b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2. [ ]

2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. [ ] Yes [ ] No

3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. [ ] Yes [ ] No

4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation? [ ] Yes [ ] No

5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

- a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A. [ ]
b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B. [ ]
c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C. [ ]
d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D. [ ]

Part III Public Charity Status (Continued)

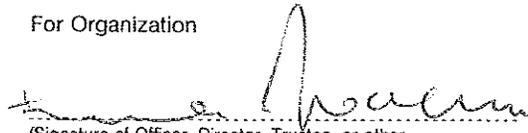
- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.
- h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).
- i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

6 If you checked box g, h, or i in question 5 above, you must request either an advance or a definitive ruling by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

- a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 1501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at [www.irs.gov](http://www.irs.gov) or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

For Organization

  
 (Signature of Officer, Director, Trustee, or other authorized official) MARK WOLODKOWICZ 3/24/08  
 (Type or print name of signer) (Date)  
 THE PRESIDENT  
 (Type or print title or authority of signer)

For IRS Use Only

IRS Director, Exempt Organizations  (Date)

b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).

- (i) (a) Enter 2% of line 8, column (e) on Part IX-A, Statement of Revenues and Expenses. \_\_\_\_\_
- (b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.
- (ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A, Statement of Revenues and Expenses, attach a list showing the name of and amount received from each disqualified person. If the answer is "None," check this box.
- (b) For each year amounts are included on line 9 of Part IX-A, Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A, Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," check this box.

7 Did you receive any unusual grants during any of the years shown on Part IX-A, Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual.  Yes  No

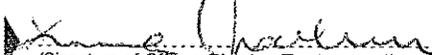
**Part XI** User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed \$10,000 annually over a 4-year period, you must submit payment of \$750. If your gross receipts have not exceeded or will not exceed \$10,000 annually over a 4-year period, the required user fee payment is \$300. See instructions for Part XI, for a definition of gross receipts over a 4-year period. Your check or money order must be made payable to the United States Treasury. User fees are subject to change. Check our website at [www.irs.gov](http://www.irs.gov) and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.

- 1 Have your annual gross receipts averaged or are they expected to average not more than \$10,000?  Yes  No  
 If "Yes," check the box on line 2 and enclose a user fee payment of \$300 (Subject to change—see above).  
 If "No," check the box on line 3 and enclose a user fee payment of \$750 (Subject to change—see above).
- 2 Check the box if you have enclosed the reduced user fee payment of \$300 (Subject to change).
- 3 Check the box if you have enclosed the user fee payment of \$750 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here

  
(Signature of Officer, Director, Trustee, or other authorized official)

MARK WOŁODKOWSKI  
(Type or print name of signer)

3/24/08  
(Date)

(Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application

**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures**

**Section I** *Names of individual recipients are not required to be listed in Schedule H.*

Public charities and private foundations complete lines 1a through 7 of this section. See the instructions to Part X if you are not sure whether you are a public charity or a private foundation.

- 1a Describe the types of educational grants you provide to individuals, such as scholarships, fellowships, loans, etc.
- b Describe the purpose and amount of your scholarships, fellowships, and other educational grants and loans that you award.
- c If you award educational loans, explain the terms of the loans (interest rate, length, forgiveness, etc.).
- d Specify how your program is publicized.
- e Provide copies of any solicitation or announcement materials.
- f Provide a sample copy of the application used.

2 Do you maintain case histories showing recipients of your scholarships, fellowships, educational loans, or other educational grants, including names, addresses, purposes of awards, amount of each grant, manner of selection, and relationship (if any) to officers, trustees, or donors of funds to you? If "No," refer to the instructions.  Yes  No

3 Describe the specific criteria you use to determine who is eligible for your program. (For example, eligibility selection criteria could consist of graduating high school students from a particular high school who will attend college, writers of scholarly works about American history, etc.)

- 4a Describe the specific criteria you use to select recipients. (For example, specific selection criteria could consist of prior academic performance, financial need, etc.)
- b Describe how you determine the number of grants that will be made annually.
- c Describe how you determine the amount of each of your grants.
- d Describe any requirement or condition that you impose on recipients to obtain, maintain, or qualify for renewal of a grant. (For example, specific requirements or conditions could consist of attendance at a four-year college, maintaining a certain grade point average, teaching in public school after graduation from college, etc.)

5 Describe your procedures for supervising the scholarships, fellowships, educational loans, or other educational grants. Describe whether you obtain reports and grade transcripts from recipients, or you pay grants directly to a school under an arrangement whereby the school will apply the grant funds only for enrolled students who are in good standing. Also, describe your procedures for taking action if the terms of the award are violated.

6 Who is on the selection committee for the awards made under your program, including names of current committee members, criteria for committee membership, and the method of replacing committee members?

7 Are relatives of members of the selection committee, or of your officers, directors, or substantial contributors eligible for awards made under your program? If "Yes," what measures are taken to ensure unbiased selections?  Yes  No

**Note.** If you are a private foundation, you are not permitted to provide educational grants to disqualified persons. Disqualified persons include your substantial contributors and foundation managers and certain family members of disqualified persons.

**Section II** *Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section.*

- 1a If we determine that you are a private foundation, do you want this application to be considered as a request for advance approval of grant making procedures?  Yes  No  N/A
- b For which section(s) do you wish to be considered?
  - 4945(g)(1)—Scholarship or fellowship grant to an individual for study at an educational institution
  - 4945(g)(3)—Other grants, including loans, to an individual for travel, study, or other similar purposes, to enhance a particular skill of the grantee or to produce a specific product

2 Do you represent that you will (1) arrange to receive and review grantee reports annually and upon completion of the purpose for which the grant was awarded, (2) investigate diversions of funds from their intended purposes, and (3) take all reasonable and appropriate steps to recover diverted funds, ensure other grant funds held by a grantee are used for their intended purposes, and withhold further payments to grantees until you obtain grantees' assurances that future diversions will not occur and that grantees will take extraordinary precautions to prevent future diversions from occurring?  Yes  No

3 Do you represent that you will maintain all records relating to individual grants, including information obtained to evaluate grantees, identify whether a grantee is a disqualified person, establish the amount and purpose of each grant, and establish that you undertook the supervision and investigation of grants described in line 2?  Yes  No

**Schedule H. Organizations Providing Scholarships, Fellowships, Educational Loans, or Other Educational Grants to Individuals and Private Foundations Requesting Advance Approval of Individual Grant Procedures (Continued)**

**Section III Private foundations complete lines 1a through 4f of this section. Public charities do not complete this section. (Continued)**

- 4a Do you or will you award scholarships, fellowships, and educational loans to attend an educational institution based on the status of an individual being an *employee of a particular employer*? If "Yes," complete lines 4b through 4f.  Yes  No
- b Will you comply with the seven conditions and either the percentage tests or facts and circumstances test for scholarships, fellowships, and educational loans to attend an educational institution as set forth in Revenue Procedures 76-47, 1976-2 C.B. 670, and 80-39, 1980-2 C.B. 772, which apply to inducement, selection committee, eligibility requirements, objective basis of selection, employment, course of study, and other objectives? (See lines 4c, 4d, and 4e, regarding the percentage tests.)  Yes  No
- c Do you or will you provide scholarships, fellowships, or educational loans to attend an educational institution to employees of a particular employer?  Yes  No  N/A  
 If "Yes," will you award grants to 10% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39?  Yes  No
- d Do you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer?  Yes  No  N/A  
 If "Yes," will you award grants to 25% or fewer of the eligible applicants who were actually considered by the selection committee in selecting recipients of grants in that year as provided by Revenue Procedures 76-47 and 80-39? If "No," go to line 4e.  Yes  No
- e If you provide scholarships, fellowships, or educational loans to attend an educational institution to children of employees of a particular employer, will you award grants to 10% or fewer of the number of employees' children who can be shown to be eligible for grants (whether or not they submitted an application) in that year, as provided by Revenue Procedures 76-47 and 80-39?  Yes  No  N/A

If "Yes," describe how you will determine who can be shown to be eligible for grants without submitting an application, such as by obtaining written statements or other information about the expectations of employees' children to attend an educational institution. If "No," go to line 4f.

**Note.** Statistical or sampling techniques are not acceptable. See Revenue Procedure 85-51, 1985-2 C.B. 717, for additional information.

- f If you provide scholarships, fellowships, or educational loans to attend an educational institution to *children of employees of a particular employer* without regard to either the 25% limitation described in line 4d, or the 10% limitation described in line 4e, will you award grants based on facts and circumstances that demonstrate that the grants will not be considered compensation for past, present, or future services or otherwise provide a significant benefit to the particular employer? If "Yes," describe the facts and circumstances that you believe will demonstrate that the grants are neither compensatory nor a significant benefit to the particular employer. In your explanation, describe why you cannot satisfy either the 25% test described in line 4d or the 10% test described in line 4e.  Yes  No

## **ATTACHMENT C**

Narrative Description of Your Activities

### **MISSION:**

The Free Desire Incorporation is a Michigan non-profit charitable corporation dedicated to alternative sentencing options for Judges concerning non-violent offenders and the rehabilitation of those offenders by utilizing counseling and vocational education.

### **GOAL:**

The Free Desire Incorporation (F.D.I.) was established to help those lost in life find new directions for their future. It provides the forum where life's complexities can be discussed, shared and understood. It makes available to the community an educational site for the arts and vocational training. It offers substance abuse counseling in a productive atmosphere emphasizing alternative pathways of life. It raises funds through membership, donations, contributions, social functions or other means such as gifts and bequests. It provides programs, projects and services for the community which will motivate troubled youth in following the pathway to life fulfillment. Free Desire has a campus type atmosphere with educational buildings, recreational areas, cafeterias, and dormitories. Proposed enrollees are individually evaluated prior to enrollment. Approved candidates are offered the chance to express their free desire to be substance free by opting for enrollment program. Those not accepted or not qualified will be sentenced by the Judges to the appropriate alternative. Those who enroll and fail to follow the program go to jail.

At the early meetings of the F.D.I., the organization worked to develop a slogan or catch phrase that would represent the message we are trying to convey. We decided on "*Labor omnia vincit*" –"Hard Work Conquers All." Our message is that by working hard on the flaws of one's character one can change. By this motto we express our aspiration to help non-violent criminals to become valuable members of our society through the hard work.

Our activities include plans for future fund raisers, banquets. We discussed options of recruiting new members. The board meeting decided on the booklet format and some other ways of becoming known in Michigan. We decided on the budget for the organization. In addition, we discussed possible locations of our facilities. Since there is a need of State Government involvement in our cause, we planned to release information on our planned activities to the state officials pertaining to our organization. We discussed the development of diverse program to help non-violent offenders become more productive members of our community.

**For the detailed description See:**

- **Attachment D (F.D.I. Booklet) and**
- **Attachment E Constitution of F.D.I.**
- **Other documents enclosed:**
- **Meeting Minutes**
- **Press Release**

**Board Meeting Minutes**  
**Free Desire Incorporation**  
**September 1, 2007**  
Meeting called at 7:00 pm

**Board Members:**

*Present:* Mark Wolodkowicz, Frederick K. Lewerenz, D.O., Theodore R. Densley, M.D.,  
Dennis W. Mosley

*Quorum present?* Yes

*Others Present:*

**Proceedings:**

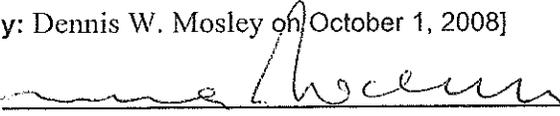
- *Meeting called to order* at 7:00 p.m. by Chairman, Mark Wolodkowicz
- (Last month's) meeting minutes were amended and approved
  
- *Chief Executive's Report:*
  - Recommends that if we not able to find a new facility by the end of this month, the organization should stay in the current location over the winter. After brief discussion, Board agreed.
  - Mr. Wolodkowicz asserts that our organization must ensure its name is associated with whatever materials are distributed at the fundraising event planned in May of 2008. The organization should generate revenues where possible from the materials, too.
- *Finance Committee report* provided by Director, Mark Wolodkowicz:
  - Mr. Wolodkowicz explained that consultant, Christopher Picciurro, reviewed the organization's bookkeeping procedures and found them to be satisfactory, in preparation for the end of the year.
  - Mr. Wolodkowicz reviewed highlights, trends and issues from the projected balance sheet, income statement and cash flow statement.
- *Board Development Committee's report* provided by Chair, Dr. Theodore Densley:
  - Dr. Densley presented members with a draft of the reworded By-laws paragraph that would allow members to conduct actions over electronic mail.
- *Assessment of the Meeting:*
  - Mr. Wolodkowicz noted that the meeting has run over the intended two-hour time slot by half an hour. He asked members to be more mindful and focused during discussions, and suggested that the Board Development Chair take an action to identify solutions to this issue. Dr. Frederick Lewerenz agreed.
  
- Meeting adjourned at 9:30 p.m.
- Minutes submitted by Secretary, Denis W. Mosley.



Additional Discussion Points:

- Additional funding venues

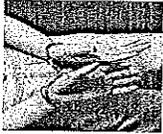
Minutes prepared by: Dennis W. Mosley on [October 1, 2008]

Minutes Approved: 

ATTACHMENT E

### Our Mission

The Free Desire Incorporation is a Michigan non-profit charitable corporation dedicated to alternative sentencing options for judges concerning non-violent offenders and the rehabilitation of those offenders by utilizing counseling and vocational education.



Sentencing Judges can now opt to sentence these offenders not to a hardened prison but to a treatment facility where they will not only receive counseling but vocational training.

Free Desire has no prison walls, bars or guards. It is not a boot camp operation. No uniformed drill sergeants yelling in faces. It has a campus type atmosphere with educational buildings, recreation areas, cafeterias, and dormitories.

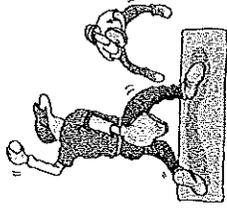
Proposed enrollees are individually evaluated prior to enrollment. There will be no violent criminals, sex offenders or other such disqualifying enrollees. Approved candidates are offered the chance to express their *free desire* to be substance free by opting for the enrollment in the program. Those not accepted will be sentenced by the judges to the appropriate alterna-

### The Program

The program is six months long. The program is a five day workweek with weekend assignments. Residents awake at 7 a.m. and participate in a full daily schedule until dinner at 6 p.m. From 8 p.m. is group meeting time. Lights out 7 days a week at 10 p.m.



Residents must participate in at least one form of the arts. Music, dance, painting, acting etc. and must pay for the needed materials and equipment.



Residents must participate in at least one sport such as softball, volleyball, tennis, track, etc. Basic sport equipment will be provided.

Head counts are not taken at night nor in the morning. Attendance is taken in each class or session.

Residents are aware that they are not allowed to leave the campus unless authorized or in emergency situations. Those who fail go to jail.

### Vocational Classes

- Hair styling
- Barbering
- Cosmetology
- Insurance and real Estate Licensing
- Small Engine Repair
- Landscaping
- Snow Removal

### Help Our Cause

Membership Amount

Platinum \$100.00

Benefactor \$500.00

Sponsor \$1000.00

Name \_\_\_\_\_

Address \_\_\_\_\_

Method of Payment

Check

Visa

MasterCard

American Express

Credit Card # \_\_\_\_\_ Exp. date \_\_\_\_\_

Signature \_\_\_\_\_

This is a chance for this offenders. This is a chance for them to express their free desire to become drug free and learn a substantially supportive occupation. F.D.I. provides programs, projects and services for the community which will motivate enrollees in following the pathway to life fulfillment.

Phone: 248 255 6392  
E-mail: mwfidi@aol.com

### Our Mission

The Free Desire Incorporation is a Michigan non-profit charitable corporation dedicated to alternative sentencing options for Judges concerning non-violent offenders.

rehabilitation of those offenders by utilizing counseling and vocational education.



Sentencing Judges can now opt to sentence these offenders not to a hardened prison but to a treatment facility where they will not only receive counseling but vocational training.

Free Desire has no prison walls, bars or guards. It is not a boot camp operation. No uniformed drill sergeants yelling in faces. It has a campus type atmosphere with educational buildings, recreation areas, cafeterias, and dormitories.

Proposed enrollees are individually evaluated prior to enrollment. There will be no violent criminals, sex offenders or other such disqualifying enrollees. Approved candidates are offered the chance to express their *free desire* to be substance free by opting for the enrollment in the program. Those not accepted will be sentenced by the judges to the appropriate alterna-

### The Program

The program is six months long. The program is a five day workweek with weekend assignments. Residents awake at 7 a.m. and participate in a full daily schedule until dinner at 6 p.m. From 8 p.m. is group meet-

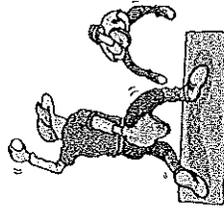


Residents must participate in at least one form of the arts. Music, dance, painting, acting etc. and must pay for the needed materials and equipment.

Residents must participate in at least one sport such as softball, volleyball, tennis, track, etc. Basic sport equipment will be provided.

Head counts are not taken at night nor in the morning. Attendance is taken in each class or session.

Residents are aware that they are not allowed to leave the campus unless authorized or in emergency situations. Those who fail go to jail.



Heating & Cooling  
Painting  
Carpentry  
Dry Cleaning

Bookkeeping  
Keyboarding  
Catering

Custodial Skills  
Plumbing  
Agriculture  
Welding

### Counseling

Drug Abuse  
Alcohol Abuse  
Spousal Abuse  
Anxiety Neurosis  
Depression

This is a chance for this offenders. This is a chance for them to express their free desire to become drug free and learn a substantially supportive occupation. F.D.I. provides programs, projects and services for the community which will motivate enrollees in following the pathway to life fulfillment.

### Vocational Classes

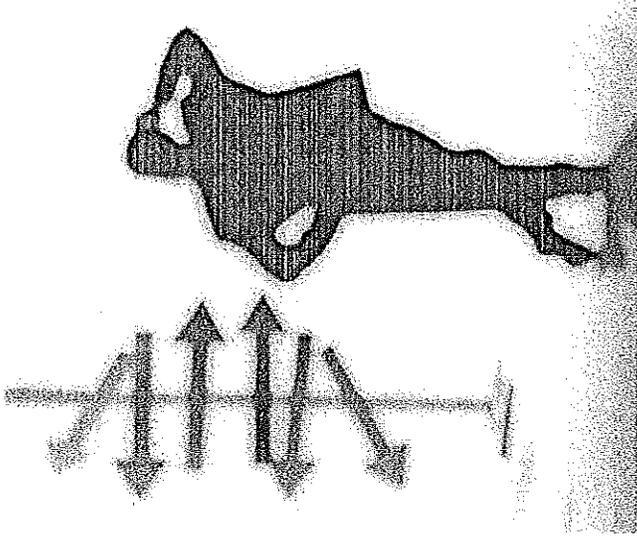
Hair styling  
Barbering  
Cosmetology

Insurance and real Estate Licensing  
Small Engine Repair  
Landscaping  
Snow Removal

Phone: 248 255 6392  
E-mail: mwfdi@aol.com

F.D.I.

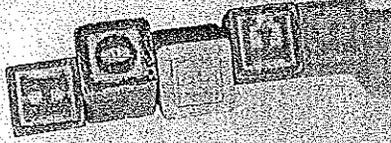
The Free Desire Incorporation (F.D.I.) was established to help those lost in life find new directions for their future. It provides the forum where life's complexities can be discussed, shared and understood. It makes available to the community an educational site for the arts and vocational training. It offers substance abuse counseling in a productive atmosphere emphasizing alternative path ways of life. It raises funds through membership, donations, contributions, social functions or other means such as gifts and bequests. It provides programs, projects and services for the community which will motivate troubled youth in following the pathway to life fulfillment.



This is a chance for this offenders. This is a chance for them to express their free desire to become drug free and learn a substantially supportive occupation. F.D.I. provides for the community which will motivate enrollees in following the pathway to life fulfillment.

Phone: 248 255 6392  
E-mail: [mwfdi@aol.com](mailto:mwfdi@aol.com)

F.D.I.



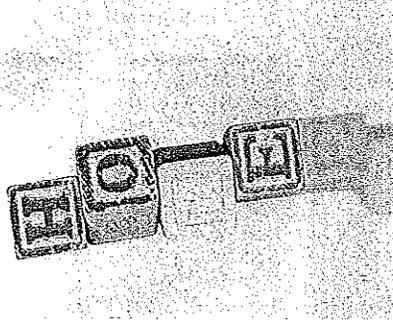
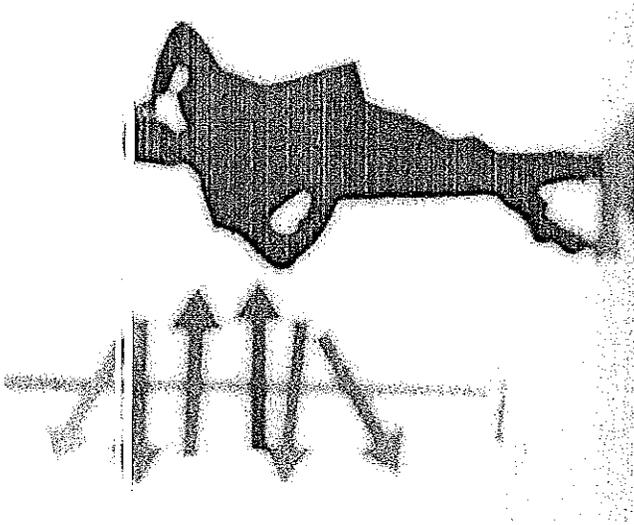
FREE DESIRE  
INCORPORATION

"Labor  
Omnia Vincit"

**F.D.I.**



**F.D.I.**



This is a chance for this offenders. This is a chance for them to express their free desire to become drug free and learn a substantially supportive occupation. F.D.I. provides programs, projects and services for the community which will motivate enrollees in following the pathway to life fulfillment.

**FREE DESIRE  
INCORPORATION**

*"Labor Omnia Vincit"*

Phone: 248 255 6392  
E-mail: [mwfdi@aol.com](mailto:mwfdi@aol.com)

# Free Desire Incorporation Conflict of Interest Policy

## Article I

### Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

## Article II

### Definitions

#### 1. Interested Person

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

#### 2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
- b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

## Article III

### Procedures

#### 1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

#### Article V

##### Compensation

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

#### Article VI

##### Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

a. Has received a copy of the conflicts of interest policy,

b. Has read and understands the policy,

c. Has agreed to comply with the policy, and

d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish or are or more of its tax-exempt purposes.

#### Article VII

##### Periodic Reviews

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt

## **2. Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

## **3. Procedures for Addressing the Conflict of Interest**

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

## **4. Violations of the Conflicts of Interest Policy**

a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

## **Article IV**

### **Records of Proceedings**

The minutes of the governing board and all committees with board delegated powers shall contain:

status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

#### Article VIII

#### Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

Signature	Date	Name	Title
	9/10/07	MARK WOLODKOWICZ	President
Signature	Date	Name	Title
		William W. Masley	Secretary
Signature	Date	Name	Title
			Treasurer
Signature	Date	Name	Title
		Theodore Denclay	Vice President
Signature	Date	Name	Title

Conflict of Interest



PECK, SHAFFER & WILLIAMS LLP  
ATTORNEYS AT LAW  
201 EAST FIFTH STREET, SUITE 900  
CINCINNATI, OHIO 45202

TEL 513 621 3394  
800 927 2663  
FAX 513 621 3813  
WWW.PECKSHAFFER.COM

Bradley N. Ruwe  
Attorney  
513 639 9237  
Fax 513 621 3813  
bruwe@peckshaffer.com

May 12, 2009

**VIA ELECTRONIC MAIL**

City of Troy, Michigan  
500 W. Big Beaver Road  
Troy, Michigan 48084  
Attention: John M. Lamerato  
Assistant City Manager/Finance & Administration

Re: WILLIAM BEAUMONT HOSPITAL  
Tax-Exempt Financing

Dear Mr. Lamerato:

This correspondence is to apprise you of a potential financing for the benefit of William Beaumont Hospital (the "Hospital"). The Hospital is in the process of negotiating financing terms with Fifth Third Bank in order to finance the acquisition of certain information technology equipment (the "Project") for use at the Hospital. In order for the financing to qualify as "tax-exempt," the Hospital has requested that the Royal Oak Hospital Finance Authority (the "Authority") participate as the "issuer" of its tax-exempt obligations, which would be evidenced by a bond issued by the Authority and purchased by Fifth Third Bank, which bond shall be secured by payments under a lease-purchase agreement and assignment thereof. The Authority would be considered the conduit issuer of the tax-exempt obligations. The proposed tax-exempt obligations will be revenue obligations payable solely from revenue sources provided by the Hospital, and will not constitute a pledge of assets of the Authority nor will these obligations involve a full faith and credit pledge or pledge of the taxing power of the City of Troy (the "City") or any other political subdivision of the State of Michigan. Further, the issuance of these obligations will not involve the City of Troy's debt limitations under state law. Please note that in the financing documents, the Hospital will provide comprehensive indemnification for the City of Troy.

Moreover, the anticipated tax-exempt obligations will not affect the City's "qualified tax-exempt status," as newly enacted provisions pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code") now treat a 501(c)(3) borrower, such as the Hospital, as an issuer separate and a part from the Authority and the City for purposes of "bank qualification." Tentatively, the principal amount of the proposed financing is estimated not to exceed \$20,000,000. For federal tax purposes, this transaction would be a "qualified 501(c)(3)" financing.

PECK, SHAFFER & WILLIAMS LLP

City of Troy, Michigan

May 12, 2009

Page 2

In order to issue "qualified 501(c)(3)," tax-exempt obligations, pursuant to Section 147(f) of the Code, it is necessary to obtain the approval of the "applicable elected representative" within the applicable jurisdiction or jurisdictions where proceeds of the tax-exempt obligation will be spent or utilized. Because the members of the Authority do not qualify for this purpose, it is necessary to request that the City of Troy, through its Council and ultimately, its Mayor, provide this approval.

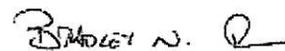
Procedurally, we have apprised the Authority of the Hospital's intention to provide for the issuance of tax-exempt obligations. It is our intention to schedule a public hearing with the City on Monday, June 1, 2009 (which requires publication of notice in a newspaper of general circulation at least fourteen days in advance of the public hearing). At the same meeting as the public hearing, it is anticipated that there will be legislation for the City Commission to consider with respect to proving its approval for purposes of satisfying the "applicable elected representative" requirement under the Code, as well as acknowledging that the Project will be acquired and utilized within its territorial jurisdiction (or "host approval" as it is referred to under the Code and the applicable Treasury Regulations). Accordingly, the Hospital requests your assistance in scheduling, as an agenda item, consideration of a resolution for the purposes of approving the proposed tax-exempt obligations from the standpoint of satisfying the "applicable elected representative" requirement under the Code, as well as providing for "host approval." We request that this matter be placed on the City's agenda at its regularly scheduled council meeting on **Monday, June 1, 2009**. We would be glad to further discuss this request during a working group or committee meeting. We have enclosed a draft of the proposed resolution, as well as the Certificate of Applicable Elected Representative for your review.

Thank you for your consideration of this matter and please do not hesitate to call with any questions (513-639-9237).

Very truly yours,

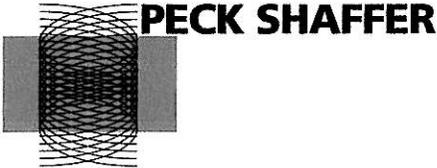
PECK, SHAFFER & WILLIAMS LLP

Per



Bradley N. Ruwe

cc: John Peetz  
Jay Hughes, Esq.  
Peter Ecklund, Esq.  
Lana Anderson  
Scot Masell  
Christian Hyek



PECK, SHAFFER & WILLIAMS LLP  
ATTORNEYS AT LAW  
201 EAST FIFTH STREET, SUITE 900  
CINCINNATI, OHIO 45202

TEL 513 621 3394  
800 927 2663  
FAX 513 621 3813  
WWW.PECKSHAFFER.COM

Bradley N. Ruwe  
Attorney  
513 639 9237  
Fax 513 621 3813  
bruwe@peckshaffer.com

**MEMORANDUM**

TO: Legal Ads, *Troy-Somerset Gazette*  
(Via E-mail: editor@troy-somersetgazette.com)

FROM: Bradley N. Ruwe

DATE: May \_\_, 2009

RE: Notice of Public Hearing for the Royal Oak Hospital Finance Authority

---

The attached legal notice is to be published once in the *Troy-Somerset Gazette* on **May 18, 2009**. In the event this notice cannot be run on or before **May 18, 2009** please call my secretary, Christy Burnette, at 513-639-9220 immediately.

Please acknowledge receipt of this correspondence by executing the following acknowledgement and faxing it to Christy Burnette at 513-621-3813. Please call Christy Burnette as soon as possible with a proof of the legal ad and the price of publication and then forward your invoice and the Affidavit of Publication at your earliest convenience.

Thank you for your assistance in this matter.

---

The undersigned acknowledges receipt of the foregoing request for publication on **May 18, 2009** of a Notice of Public Hearing for the Royal Oak Hospital Finance Authority.

**TROY-SOMERSET GAZETTE**

By: \_\_\_\_\_

Dated: May \_\_, 2009

## NOTICE OF PUBLIC HEARING

The City of Troy, Michigan will conduct a public hearing on Monday, June 1, 2009 at 7:30 p.m. in City Council Chambers located at 500 W. Big Beaver Road, Troy, Michigan 48084 to discuss the possible issuance of tax-exempt obligations by the Royal Oak Hospital Finance Authority (the "Authority") for the benefit of William Beaumont Hospital (the "Hospital"), which obligations shall be purchased by Fifth Third Bank and secured by a lease-purchase agreement between the Authority and the Hospital, and an assignment of rights thereof. The principal amount of the tax-exempt financing benefiting the Hospital will not exceed twenty million dollars (\$20,000,000). The tax-exempt financing will be entered into by the Authority pursuant to Chapter 331 of the Hospital Finance Authority Act (Act 38 of 1969) of the Michigan Compiled Laws. The proceeds evidenced by this financing shall be used to: (A) finance the acquisition and installation of hospital facility equipment, including without limitation, the acquisition and installation of information technology hardware and software relating to servers, switches, disc storage, licenses, network voice and data improvements, and related information technology equipment, improvements, infrastructure, upgrades and service contracts related thereto (the "Hospital Facilities"), all to be located at William Beaumont Hospital, 3601 W. 13 Mile Road, Royal Oak, Michigan 48073; 44201 Dequindre Road, Troy, Michigan 48085; 44199 Dequindre Road, Troy, Michigan 48085; and 1350 Stephenson Highway, Troy, Michigan 48083 and (B) pay certain costs of issuance, if any. THIS FINANCING WILL BE A SPECIAL OBLIGATION OF THE AUTHORITY, PAYABLE SOLELY FROM PAYMENTS TO BE MADE BY THE HOSPITAL. NEITHER THE BOND NOR THE LEASE-PURCHASE AGREEMENT (OR PAYMENTS THEREUNDER) SHALL REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE AUTHORITY OR THE STATE OF MICHIGAN OR ANY POLITICAL SUBDIVISION THEREOF. The primary user of the Hospital Facilities is presently anticipated to be William Beaumont Hospital, which is a Michigan nonprofit corporation. Interested persons are invited to attend this public hearing and will be given an opportunity to express their views concerning the proposed issuance of the tax-exempt obligations. Persons wishing to submit written comments should send them to the following address prior to the hearing date: 500 W. Big Beaver Road, Troy, Michigan 48084, Attn: City Clerk (with a copy to William Beaumont Hospital, 16500 W. 12 Mile Road, Southfield, Michigan 48076-2975, Attn: Vice President, Treasury Administration.). This notice is given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

/s/ Tonni Barthlowmew

Title: City Clerk



## CITY COUNCIL REPORT

Date May 13, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian Murphy, Asst. City Manager Economic Development and Services  
Timothy Richnak, Public Works Director

SUBJECT: American Public Works Association Voluntary Accreditation

### Background:

- There have been communication and discussion in reference to the American Public Works Association Voluntary Accreditation. It is the intent of this report to detail information about this accreditation and provide the process from start to finish and continuous reaccreditation.
- The Voluntary Accreditation process provides review and assessment of many aspects of government agencies. These include but are not limited to organization, personnel, management, planning, communications, record keeping, construction, buildings, facilities management, equipment, solid waste, storm water, traffic engineering, cemeteries, parks, right of way, water and sewer and many other operations.
- Attached are copies of the Application for Voluntary Accreditation, Checklist and Application for requesting Site Visit Evaluation and Voluntary Re-accreditation, A brief description of the accreditation concept and the Public Works Accreditation Process Guide

### Financial Considerations:

- Accreditation Application Fees are based on population and the number of function areas. The fees for the City of Troy are estimated to be approximately \$11,000. The Assessment process would require City of Troy staff time estimated to be approximately 1,500 hours over the 2.5 to 3 year process. Staff involvement is at all levels and staff costs would likely range from \$30,000 to \$40,000.
- The accreditation once received is for a 4 year period. Semi-annual updates are required and the Reaccreditation Application Fees are approximately \$11,000. At this time it is difficult to calculate the long term staff time and costs that will be required for updates and reaccreditation.

ACCREDITATION COUNCIL  
OF THE  
AMERICAN PUBLIC WORKS ASSOCIATION  
APPLICATION  
FOR  
VOLUNTARY ACCREDITATION

Agency Name: \* \_\_\_\_\_

\*An entire operating division of a public works agency can apply for accreditation if it is a separate, semi-autonomous unit of government.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(if different from street address)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

• Parent Agency's Chief Executive Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Elected -  Or Appointed -

• Public Works Agency's Chief Executive: \_\_\_\_\_

Title: \_\_\_\_\_ Elected -  Or Appointed -

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

APWA Member?  -- Yes, I.D. Number \_\_\_\_\_  -- No

APWA Agency Member?  -- Yes, Contact \_\_\_\_\_  -- No

• Public Works Agency's Accreditation Manager: \_\_\_\_\_

Title: \_\_\_\_\_

APWA Member?  -- Yes, I.D. Number \_\_\_\_\_  -- No

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

The public works agency is responsible for the Functional Areas, which are checked on the reverse side of this application form. The agency is responsible for addressing all recommended practices in the Functional Areas for which the public works agency has responsibility. Each area is covered by a separate chapter in the *Public Works Management Practices Manual* and forms the basis for fees charged for the accreditation process.

We hereby apply for voluntary accreditation by the Accreditation Council of the American Public Works Association. By this application, the agency acknowledges its commitment to accreditation and is willing to devote the resources necessary to complete the accreditation process. The agency is prepared to provide such information necessary for the Council to fairly evaluate the agency's eligibility for accreditation.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_, Title: \_\_\_\_\_

(typed or printed name)

Continued



ACCREDITATION COUNCIL  
OF THE  
AMERICAN PUBLIC WORKS ASSOCIATION

APPLICATION  
FOR  
VOLUNTARY RE-ACCREDITATION  
Public Works Management Practices Manual - Sixth Edition

Agency Name: \* \_\_\_\_\_

\*An entire operating division of a public works agency can apply for accreditation if it is a separate, semi-autonomous unit of government.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(if different from street address)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

• Parent Agency's Chief Executive Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Elected -  Or Appointed -

• Public Works Agency's Chief Executive: \_\_\_\_\_

Title: \_\_\_\_\_ Elected -  Or Appointed -

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

APWA Member?  -- Yes, I.D. Number \_\_\_\_\_  -- No

APWA Agency Member?  -- Yes, Contact \_\_\_\_\_  -- No

• Public Works Agency's Accreditation Manager: \_\_\_\_\_

Title: \_\_\_\_\_

APWA Member?  -- Yes, I.D. Number \_\_\_\_\_  -- No

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

The public works agency is responsible for the Functional Areas, which are checked on the reverse side of this application form. The agency is responsible for addressing all recommended practices in the Functional Areas which the public works agency has responsibility. Each area is covered by a separate chapter in the *Public Works Management Practices Manual* and forms the basis for fees charged for the accreditation process.

We hereby apply for a site evaluation for voluntary accreditation by the Accreditation Council of the American Public Works Association. By this application, the agency acknowledges its commitment to accreditation and is willing to devote the resources necessary to complete the re-accreditation process. The agency is prepared to provide such information necessary for the Council to fairly evaluate the agency's eligibility for re-accreditation.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_, Title: \_\_\_\_\_

\_\_\_\_\_  
(typed or printed name)

continued

**APPLICABLE FUNCTIONAL AREAS**

Which of the following functions does your department administer, manage or provide services -- either directly or through a contractor or outside vendor? Explain reason for not being responsible for a particular functional area.

<b>FUNCTIONAL AREA (Chapter Number)</b>	<b>YES</b>	<b>NO</b>	<b>REASON FOR NON-RESPONSIBILITY</b>
Chapter 1-9	<b>Required</b>		
Planning and Development ( 10)			
Engineering Design (11)			
Bid Process (12)			
Project Management (13)			
Right-of-Way Management (14)			
Utility Coordination (15)			
Facilities Management (16)			
Equipment and Fleet Management (17)			
Parks, Grounds and Forestry (18)			
Solid Waste Management (19)			
Solid Waste Collection (20)			
Solid Waste Recycling and Reuse (21)			
Solid Waste Disposal (22)			
Street Maintenance (23)			
Street Cleaning (24)			
Snow Removal and Ice Control (25)			
Storm Water and Flood Management (26)			
Vector Control (27)			
Potable Water (28)			
Wastewater Collection and Conveyance (29)			
Wastewater Treatment and Disposal (30)			
Traffic Operations (31)			
Parking (32)			
Cemeteries (33)			
Airports (34)			
Transit Operations (35)			
Bridges (36)			
<b>TOTALS (please enter a number for both Yes and No)</b>			

**Re-Accreditation Fee Calculation**

**Part A: Base Fee by Agency Population (2000 Census Data)**

Check	POPULATION		Extension
	Under 10,000	\$1,000	
	10,001 to 25,000	\$2,000	
	25,001 to 50,000	\$5,000	
	50,001 to 100,000	\$7,000	
	100,001 to 300,000	\$9,000	
	300,001 to 1,000,000	\$12,000	
	More than 1,000,000	\$15,000	
	<b>Subtotal Base Fee</b>		<b>\$</b>

**Part B: Functional Area Fee (Added to the Base Fee)**

Functional Areas	FUNCTIONAL AREAS		Extension
9	First 9 Chapters (Required for all agencies)	\$800	\$800
	Each additional chapter (Maximum fee for additional chapters is \$4,800)	\$200 each	\$
	<b>Subtotal Functional Area Fee</b>		<b>\$</b>

**Total Fee (add Base Fee and Functional Area Fee)    \$ \_\_\_\_\_ X 50% = \$ \_\_\_\_\_ (amount due)**

Continued

YES

NO

COMMENTS OR EXPLANATION

**TIMELINE/REQUIRED DOCUMENTATION**

**90 days prior to site visit**

Preferred Date of Site Visit



**45 days prior to site visit**

Copy of Original Re-Accreditation Application

Copy of Original Re-Accreditation Agreement

Payment of Re-Accreditation Fees (see previous chart)

List of agency staff members and their responsibilities relating to individual chapters

Written Request for Waivers

**30 days prior to site visit**

On-Line Tracking Software Files Containing IPSR's – Must be completed and notify appropriate APWA staff of completion )

Verification that Outline of Self Assessment/Re-Accreditation Findings have been conveyed to Elected Governing Body

Brief Description of Community and Agency



# **PUBLIC WORKS ACCREDITATION**



*A brief description of a public works accreditation concept and what it offers to the public works community.*



## **INTRODUCTION TO ACCREDITATION**

The American Public Works Association (APWA) has developed a program to enhance the effectiveness of agencies and their competencies in the public works field. This voluntary, multifaceted program is designed to provide guidance and technical resources to agency managers as they seek to evaluate and upgrade the performance of their agencies. This program has as its foundation the *Public Works Management Practices Manual* (often referred to as "The Manual.")

*Public Works Management Practices* is a manual of more than 500 procedures necessary to perform as a public works agency. The manual provides the framework for an objective evaluation of an agency. Many public works agencies in the United States and Canada have used the manual to conduct self assessments of their operations. These assessments have lead to improvements in how these agencies conduct their work.

Self assessment is an agency-wide review of management and operations policies and practices as compared to nationally recognized "recommended" practices developed by members of APWA. It is an internal, voluntary effort with a focus on improvement opportunities. There are many benefits to conducting a self assessment and they vary from agency to agency. Some of the benefits that can be realized by an agency are: providing a framework for strategic planning, gaining insight into how services are provided, creating the catalyst for change, orienting employees, training supervisors, and becoming a better managed agency.

APWA has developed a toolbox of workshops, publications and software which provide guidance on using the manual to conduct a self assessment. APWA is committed to developing additional tools to assist agencies in performing a self assessment, making continuous improvement and attaining accreditation.



Public works accreditation is the recognition that the agency subscribes to the concept of continuous improvement and has conducted an in-depth self assessment of the agencies policies, procedures and practices. It is the verification and recognition of an agency for conformance with a recognized body of management practices.

### **WHAT IS PUBLIC WORKS ACCREDITATION?**

**A:** The purpose of the accreditation program is to provide a means of formally verifying and recognizing public works agencies for compliance with the recommended practices set forth in the *Public Works Management Practices Manual*. It is a voluntary, self-motivated approach to objectively evaluate, verify and recognize compliance with the recommended management practices. The objectives of the accreditation program are to:

- Create impetus for organizational self improvement and stimulate a general raising of standards;
- Offer a voluntary evaluation and educational program rather than government regulated activity;
- Recognize good performance and provide motivation to maintain and improve performance;
- Improve public works performance and the provision of services;
- Increase professionalism;
- Instill pride among agency staff, elected officials and the local community.

### **WHAT ARE THE GUIDELINES USED TO ACCREDIT AN AGENCY?**

**A:** The *Public Works Management Practices Manual* is the basis for the accreditation program. It contains the practices identified by public works practitioners as being important in providing services. The practices are not standards since they do not dictate how a function or activity should be accomplished. They provide a systematic method to evaluate every function in the organization. Each agency is responsible for establishing policies, procedures and practices. The criteria established by each agency must withstand the scrutiny of the evaluation team and the Accreditation Council.

---

**IS ACCREDITATION REQUIRED OF PUBLIC WORKS AGENCIES?**

**A:** The accreditation program is strictly voluntary. There are no mandates or requirements that public works agencies seek accreditation. As a voluntary program, an agency sets its own timeline for submitting an application and completing the accreditation process. It is important that this program be maintained as a voluntary effort.

**MUST AN AGENCY MEET ALL PRACTICES IN THE MANUAL TO BE ACCREDITED?**

**A:** Agencies that seek accreditation are required to comply only with practices specifically applicable to them. This is determined by the type of agency and the functions it performs. Each agency must document how they comply with all applicable practices. An agency must demonstrate compliance with the recommended practices which are applicable. The accreditation program is flexible to meet the responsibilities and characteristics of each agency.

**WHAT IF AN AGENCY IS PROHIBITED FROM COMPLYING WITH A PRACTICE?**

**A:** If an agency cannot comply with a practice because it is prohibited by legislation, labor agreement, court orders or case law, waivers can be sought to set aside that practice statement for the agency.

**WHAT AGENCIES ARE ELIGIBLE FOR ACCREDITATION?**

**A:** All governmental agencies with responsibilities for public works functions are eligible for accreditation. Accreditation is awarded to the department that provides the public works service. Eligibility for public works accreditation is verified by the Accreditation Council. There is no quota, or annual limit on the number of agencies that can apply for accreditation.

**WHO IS THE ACCREDITING BODY?**

**A:** The accreditation program has been established within APWA with representation from other national organizations and groups that affect the public works field or are notable for their contributions to the field. An operating policy has been established which outlines the roles and responsibilities of the Accreditation Council.

**HOW LONG DOES THE ACCREDITATION LAST BEFORE IT MUST BE REPEATED?**

**A:** Initial accreditation is for a four-year period. A semi-annual updates will be required to demonstrate continuing compliance. A re-accreditation process has been developed which builds on the original accreditation to encourage continuous improvement and compliance with newly identified practices.

**IS THERE AN APPEAL PROCESS?**

**A:** An appeals process is provided for an agency to review process issues raised during the accreditation process.

**WHAT IS THE SELF ASSESSMENT PROCESS?**

**A:** Accreditation is a major step in a program of continuous improvement of public works services. Before applying for accreditation, an agency must conduct an internal evaluation of its policies, procedures and practices to determine its strengths and areas for improvement. This self assessment is documented and forms the basis for making continuous improvements in agency operations. The accreditation component involves an objective review by experienced public works professional. The self assessment process prepares an agency for this review and leads to the preparation of necessary documentation.

---

### **IS ACCREDITATION AN INTENSIVE PROCESS?**

**A:** Accreditation does require an agency to document its policies, procedures and practices. The amount of effort required to do this will depend on what the agency already has in place and how committed they are to the process. The program requires that existing policies, procedures and practices are well documented and communicated to those that should know about them. The self assessment process provides the systematic framework to gauge how well an agency has documented its policies, procedures and practices, and how effective it is at getting the job done. An agency must provide proof that it does comply with each practice that is applicable.

### **HOW IS PROOF OF COMPLIANCE WITH THE PRACTICES ACCOMPLISHED?**

**A:** Compliance with the recommended practices is determined through an on-site evaluation. The site evaluation team is composed of public works practitioners. They are selected to serve on the site evaluation team because of their knowledge in the public works field. Proof of compliance will be demonstrated by review of written records, policies, practices and procedures; interviews with staff, managers, elected officials and community leaders; supplemented by field observations.

### **WHO CONDUCTS THE ON-SITE ASSESSMENT?**

**A:** Experienced public works professional are recruited and trained to serve as evaluators. Wherever possible, these volunteers will be assigned to evaluate agencies of similar size and type as the agencies they serve. This interaction with peers is a key part of the accreditation program as it provides a valuable source of information, networking and support. Agencies are encouraged to make the process an educational experience. Evaluators will not be assigned to conduct assessments where they may have a potential conflict of interest.

**CAN AN AGENCY  
REVIEW THE NAMES AND  
QUALIFICATIONS OF EVALUATORS  
IN ADVANCE?**

**A:** The agency will be notified of the identities and backgrounds of potential evaluators in advance and can indicate any potential conflicts of interest or other concerns, and may request the assignment of an alternate evaluator.

**ONCE AGAIN, WHAT ARE  
THE MAJOR STEPS IN THE  
ACCREDITATION PROCESS?**

**A:** Once an agency submits a formal application for accreditation, the APWA staff and Accreditation Council determines whether the agency meets eligibility criteria. The agency conducts a self assessment to determine the extent to which it meets applicable practices and assembles the necessary documentation of compliance with the recommended practices. It is important to remember that the practices are not standards, and do not dictate how to accomplish a task or set standards for performance. The practices identify the need to address an issue or requirement of operating a public works agency. The agency creates its own policies, procedures and practices which are appropriate for its community. The time period for completion of the self assessment is flexible.

Next the agency makes improvements necessary to comply with all applicable practices. The results of the final self assessment are submitted to APWA for review.

Upon reviewing the self assessment report and finding it meets the criteria established by the Accreditation Council, the staff will schedule a team of evaluators to conduct a site visit to the agency for the purpose of verifying its compliance with the recommended practices. This involves examining the documentation for proof of compliance that the agency prepared during the self assessment process. The evaluation team report is forwarded to the Accreditation Council which either awards or denies accreditation. If accreditation is denied or deferred, the agency is provided with an outline of the steps required to gain full compliance with the practices.

### **WHAT RESOURCES ARE AVAILABLE TO PREPARE FOR ACCREDITATION?**

**A:** APWA has developed, through its membership, the manual of practices that is the basis for the accreditation program. The manual is updated as practices evolve and technologies change. A self assessment process has been developed to guide agencies in organizing their internal assessment. Workshops are available through APWA for training staff members who will be conducting self assessments. APWA provides assistance to an agency seeking to conduct a Peer Review of specific practices for the purpose of improving them. A group of agencies involved in self assessment may also be organized to exchange information on the self assessment programs. APWA chapters are another resource for agencies and individuals that can help prepare for accreditation by providing a forum for discussion and exchange of ideas. Additional guidance materials will be developed to assist agencies in preparing for accreditation as the needs are identified. A specific infoNOW community is available for agencies who have signed contracts which allows questions and responses to be directed towards others who have already completed the program.

### **ARE THERE DISADVANTAGES TO ACCREDITATION?**

**A:** There are obvious risks and other implications associated with pursuing accreditation. It does require a significant amount of effort to conduct a self assessment and make necessary improvements in the operations and management of your agency. There are also costs involved for the accreditation process, though efforts will be made to keep these reasonable and affordable to all agencies regardless of size. It is expected accreditation will bring sufficient improvement to the operations and management of agencies to offset most, if not all of the potential disadvantages. Potential benefits as more agencies become accredited may parallel those experienced by the law enforcement community.

## **WHAT DOES ACCREDITATION COST?**

**A:** The program is very sensitive to the need to keep costs at an affordable level. The fee schedule has been established which is based on the agency's population and number of functional areas provided by the agency and included for review. Accreditation fees are designed to recover the actual costs associated with administering the program such as staff salaries, postage, and printing and production of materials. An estimate of total accreditation costs based on the characteristics of each agency will be provided to applicants at the time of application. The costs of the on-site evaluation represent the unknown cost, since the agencies will be responsible for actual costs. Accreditation fees for a medium size municipal agency are expected to be between \$10,000 and \$15,000, over the two- to three-year process, not including the agency's staff expenses.

## **WHAT IF AN AGENCY FAILS TO ACHIEVE ACCREDITATION?**

**A:** Agencies are encouraged to conduct a thorough self assessment prior to applying for accreditation. The self assessment provides benefits in evaluating your agency and identifying areas that need to be improved before accreditation could be conferred. Self assessment provides the information necessary to help agencies that may want to pursue accreditation. Once steps are taken to address the shortcomings identified by the self assessment process, the agency could apply for accreditation. The Accreditation Council and APWA staff will use the initial application to gauge whether an agency has adequately prepared for accreditation. Serious deficiencies may be noted before the site visit is scheduled and the application can be held until corrections are made. If an agency completes its accreditation site assessment and is found to have a few deficiencies in meeting the practices, the council may award partial accreditation and set conditions that would provide for accreditation if minor corrections are made within certain time frames.

## **WHAT IS INVOLVED IN RE-ACCREDITATION?**

**A:** Re-accreditation begins with the preparing of semi-annual updates by the agency to verify it is continuing to comply with the spirit and intent of accreditation. This is an important step as it provides a target for each agency to use to ensure continuous improvements of its operations. The reporting process provides a framework for noting how the agency has advanced over the accreditation period. Accreditation is part of a continuous improvement process, not a destination.

## **WHAT ARE THE BENEFITS OF THE ACCREDITATION PROCESS?**

**A:** Accreditation provides a systematic approach to perform an objective assessment by an independent entity. Accreditation also provides a visible indication that the agency complies with the recommended practices established by the American Public Works Association, as published in the *Public Works Management Practices Manual*.

The benefits of conducting a self assessment and achieving accreditation include:

- Formal recognition of well run agencies
- A mechanism to evaluate the organization
- A target for improving operations
- Public recognition of public works function
- Justifying budget requests
- Instilling pride in personnel
- Reducing liability
- Lowering insurance premiums
- Raising national public works profiles
- Benefiting in personnel recruitment
- Encouraging documentation of policies
- Encouraging improvement of procedures
- Raising competencies in public works
- Consistent, comprehensive practices
- Fostering interaction among personnel
- Encouraging employee involvement.

## **WHERE CAN I GET MORE INFORMATION?**

**A:** From the Technical Services Department

### ***American Public Works Association***

2345 Grand Boulevard, Suite 700

Kansas City, MO 64108-2641

**Phone:** 816-472-6100

**Fax:** 816-472-0405

**E-mail:** apwa@apwa.net

### ***Public Works Management Practices Manual***



Developed by, and for, public works professionals, this widely-used Public Works Management Practices Manual represents the state of the practice and the standard of public works performance. The Manual updates and improves statements on more than 500 practices which describe the basic criteria and procedures necessary to perform as a full service public works agency and provides the framework for the objective self-evaluation of an agency. Organized into multiple chapters relating to specific areas, the manual deals with such topics as organization, personnel management, planning, finance, risk management, communications, record keeping, construction, buildings, equipment, solid waste, storm water, and traffic engineering, cemeteries, airports, and many others.

### ***Accreditation Process Guide***

A step-by-step guide to assist in working through the process, from Self-Assessment through Accreditation, is now available online at: [www.apwa.net/Documents/Accreditation/Acc\\_Process\\_Guide.pdf](http://www.apwa.net/Documents/Accreditation/Acc_Process_Guide.pdf)



***Self-Assessment Tracking Software***  
Software designed to assist agencies in managing the self assessment process and keeping track of supporting documentation.

These resources can be purchased through the APWA Bookstore at 816-472-6100, or on our website: [www.apwa.net/bookstore/](http://www.apwa.net/bookstore/)



**American Public Works Association**

2345 Grand Boulevard, Suite 700

Kansas City, MO 64108-2641

Phone: (816) 472-6100

Fax: (816) 472-1610

Toll-Free: (800) 848-APWA



# **PUBLIC WORKS ACCREDITATION PROCESS GUIDE**

**March 2007**

AMERICAN PUBLIC WORKS ASSOCIATION  
2345 GRAND BOULEVARD, SUITE 700  
KANSAS CITY, MO 64108-2625  
(816) 472-6100  
FAX (816) 472-1610  
[www.apwa.net](http://www.apwa.net)

# **PUBLIC WORKS ACCREDITATION PROCESS GUIDE**

EDITED BY  
ANN DANIELS  
DIRECTOR OF TECHNICAL SERVICES

AMERICAN PUBLIC WORKS ASSOCIATION  
KANSAS CITY, MISSOURI

## **Limitation of Liability**

The American Public Works Association nor any of its agents, such as the Accreditation Council, makes no warranty, express or implied, for the benefit of any person or entity with regard to any aspect of its Accreditation Process Guide. It is intended for the sole use of the APWA, the Accreditation Council, accredited local agencies, or those seeking accreditation or re-accreditation. There being no intended third party beneficiaries hereof, express or implied. The contents to this guide are subject to change or adjustment without notice. This guide, as with all APWA publications, is available, subject to costs, to any interested individual. The guide shall in no way be construed to be an individual act of an APWA employee, the Accreditation Council, any agent, member, individual, or legal entity associated with APWA.

Copyright © 1998-2007 by the American Public Works Association

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by an information storage and retrieval system, without permission in writing from the publisher.

American Public Works Association  
2345 Grand Boulevard, Suite 700  
Kansas City, Missouri 64108-2625

Printed in the United States of America

March 2007



# TABLE OF CONTENTS

Preface.....	ii
Chapter 1 - Introduction to Accreditation.....	1-1
Chapter 2 - The Accreditation Council.....	2-1
Chapter 3 - The Accreditation Process .....	3-1
Chapter 4 - Appeal Provisions and Procedures.....	4-1
Chapter 5 - Process Concerns, Disputes And Complaints.....	5-1
Chapter 6 - Recognition and Awards.....	6-1

Appendix A. Publications Order Form

Appendix B. Application for Voluntary Accreditation

Appendix C. Accreditation Agreement

Appendix D. Sample Submittal Letter

Appendix E. Checklist for Requesting On-Site Evaluation

Appendix F. Sample Accreditation Site Evaluation Visit Agenda

Appendix G. Registration and Update Tracking Forms

## Preface

This *ACCREDITATION PROCESS GUIDE* is the principal source of information about the American Public Works Association's Accreditation Program. It provides details about the Accreditation Council and instructions on navigating the accreditation process: from the time the Agency becomes interested in accreditation until it becomes accredited. The process book also assists accredited agencies in maintaining their accredited status and guides them through the re-accreditation process, which must be completed every four years.

There is currently one other publication that completes the library of documents that comprise the Accreditation Program:

APWA's Fifth Edition of the *Public Works Management Practices Manual* (referred to as the "Manual") contains more than 500 standards, termed practice statements, which define those basic criteria and procedures that a public agency would need to perform as a full service public works agency. It details uniform criteria and procedures to perform all public works services and assist public works managers in planning and controlling operations, improving performance, and increasing productivity.

Software is also available to assist agencies in organizing information and tracking the process of the self assessment phase of accreditation. Use of the software is mandatory for agencies applying for accreditation.

These publications may be ordered from:

APWA Bookstore  
American Public Works Association  
2345 Grand Boulevard, Suite 700  
Kansas City, MO 64108-2625  
(816) 472-6100, FAX (816) 472-1610  
Online: [www.apwa.net/bookstore/](http://www.apwa.net/bookstore/)

APWA also produces *Q & A About APWA Accreditation*, a pamphlet giving a brief overview of the public works accreditation concept and what it offers the public works community. Written in easy to read question and answer format, it provides a brief description of the process and of the benefits of accreditation. Information is also available on APWA's Internet web site at <http://www.apwa.net/accreditation/>.

Additionally, APWA periodically offers workshops entitled *Self Assessment Using Management Practices: A Tool for Improving Operations and Management*. This one day training course discusses the implementation of a self assessment program and is designed to guide the Agency in performing a self evaluation of an agency's current management policies and practices and how to improve overall effectiveness through continuous process improvement.

# Acknowledgement

The American Public Works Association would like to acknowledge the dedication of APWA members, estimated to number more than a thousand, who have been involved bringing the program of Voluntary Accreditation for Public Works Agencies into reality.

From its earliest beginnings as a focus group at a Northwest Municipal Conference meeting, trying to identify the essential management practices that could be used by public works managers across the U.S. and Canada. To the research project developed by APWA that resulted in the publication of the *Public Works Management Practices Manual* in 1991. To the members of the Management Practices Advisory Committee, who were responsible for assembling the more than 500 recommended practices contained in the current edition of the Manual and who developed the initial criteria for the accreditation program. To the APWA Board of Directors who finally approved the concept for the Accreditation Program in 1996.

Since its inception, thirty-four agencies have completed the self assessment and have attained full accreditation. Over three-dozen agencies have formally applied for Accreditation and are conducting the Self Assessment phase of the program. Hundreds of agencies are using the *Public Works Management Practices Manual* as a tool for evaluating their policies, practices and procedures.

Literally thousands of volunteer hours have been invested in developing the accreditation program that is summarized here, in this document, in but a few pages. The brevity of this document is a tribute to the members' ability to refine and focus on the key steps that are required to successfully attain the status of an Accredited Public Works Agency.

As with other massive projects, it is impossible to individually list all of those who have accepted the responsibility for producing portions of this document.

June 1, 2006  
Ann Daniels  
Director of Technical Services  
American Public Works Association  
Kansas City, Missouri



# **Chapter 1** INTRODUCTION TO ACCREDITATION

## **What Is Accreditation?**

Accreditation is the mark of professionalism that indicates that a public works agency has made the commitment to continuous improvement in the delivery of public works operations and services in the community it serves. Accreditation recognizes that an Agency's policies, procedures, and practices have been evaluated against nationally recognized, recommended practices.<sup>1</sup>

## **Why Is Accreditation Important?**

Accreditation is important to agencies that seek a method of demonstrating that the Agency is well managed, complies with recommended practices, and is dedicated to continuous improvement of public works management practices. Accreditation is important to your organization because it provides:

- International recognition for the commitment to processes that promote good government;
- Recognition for the commitment to policies, procedures and processes that promote effective delivery of projects and services;
- A process for conducting a needs assessment to ensure that all critical services have been addressed;
- A process for setting goals for improvement of all practices, facilities and services;
- Increased productivity and effectiveness through critical evaluation of programs and services;
- Tools for establishing performance measurement systems and internal performance standards for operations, management and administrative functions;
- A visible form of recognition that can be used to gain community support for improvement of public works facilities and services;
- An opportunity for professional development of the Agency's staff;
- A process for staying abreast of the latest developments in public works operation and maintenance

## **What Is the Process?**

In summary, accreditation involves five phases:

---

<sup>1</sup> The term practice(s) is intended to be inclusive of the terms practice, policy and procedure.

1. **Application Phase** - During this phase information regarding self assessment and accreditation is exchanged. The Agency may submit a formal application for accreditation; thereby fixing terms and conditions required for accreditation.
2. **Self Assessment Phase** - During this phase the applying Agency performs an analysis of its practices using the criteria contained in APWA's *Public Works Management Practices Manual*.
3. **Improvement Phase** - Using the results of the self assessment phase, the Agency makes improvements to the various processes indicated by the self assessment as needing further enhancement in order to be considered in substantial or full compliance.
4. **Evaluation Phase** - Once the Agency believes it complies with all applicable practices, an evaluation team performs a "site visit" to affirm compliance.
5. **Accreditation Phase** - This is the final approval stage of accreditation by the Accreditation Council and the renewal process.

Accreditation is a voluntary process offered through the Accreditation Council (the Council), the accreditation-granting arm of the American Public Works Association (APWA). The Council is made up of professional managers with public and private sector experience in the delivery of governmental services. The Council is a subordinate entity, supported by the American Public Works Association.

Since self assessment and accreditation are voluntary programs, each public works agency has the ability to select how far they wish to proceed in the process. An agency can choose to participate only in the self assessment process as a needs assessment or quality improvement program. It is up to each agency to decide how to use the tools that have been developed for the accreditation program.

Chapter 2 contains a detailed discussion of each of the steps necessary to complete the accreditation process.

## **Who Is Eligible for Accreditation?**

Any government agency with responsibility for management of public works infrastructure and services is eligible for accreditation by the Accreditation Council, the accrediting body established by the American Public Works Association. Major departments or divisions within large agencies can be accredited individually. There are no limits on the number of departments or divisions that can apply for accreditation.

## **How Much Does Accreditation Cost?**

**Fees and Charges.** The fees paid to APWA for administering the accreditation program are determined by several factors:

- first, the population of the governmental body
- second, the administration fee for the first nine chapters of the Manual
- third, the administration fee for the individual chapters for which the agency has full responsibility

Payment of the fees can be made in a lump sum at the time the contract is signed or with fifty percent paid when the contract is signed and the remaining fifty percent being due eighteen months into the three year contract or when the Site Visit is requested.

(See the Application for Voluntary Accreditation form at [www.apwa.net/About/Accreditation](http://www.apwa.net/About/Accreditation) to compute the fees for your own agency.

The local agency will be billed for the direct costs incurred with the On-Site Evaluation. This includes cost of airfare, hotel, ground transportation, and meals. The average charge is between five and six thousand dollars.

### **Re-Accreditation fees**

When an agency has reached their fourth year of their Accreditation and are ready to request an On Site Evaluation Visit, an Application for Voluntary Re-Accreditation must be submitted. Fees for Re-Accreditation are calculated just as for the original Accreditation, including the amount due for the population of the governmental body, the administration fees for the first nine chapters of the Manual, and the administration fee for the individual chapters for which the agency has full responsibility, **but based upon the fee structure currently in place at the time of Re-Accreditation.**

Once these fees have been calculated, the amount is divided by 50% and this becomes the amount due from the Agency to APWA.

On Site Visits costs are billed for actual costs and are usually reduced from the first visit due to one less evaluator needed for Re-Accreditation.

**Fees for Nonmember Agencies.** The cost of administration and operation of the accreditation program are partially subsidized by dues paid by member agencies, corporate members, and individual members of APWA. Nonmember agencies are encouraged to apply for accreditation but are charged a 50% surcharge, not to exceed the cost of agency membership.

A nonmember agency is defined as one not holding "Agency Member" standing in APWA. The Director of Technical Services can reduce or waive the requirements or fees for nonmember agencies, subject to the concurrence of the Executive Director of APWA.

### **Who Pays The Costs Of Accreditation?**

The costs of the accreditation program are met by application fee and by charges paid by agencies for site visits. The Council may accumulate a reasonable surplus for future contingent needs. The Council normally sets fees on a three-year basis, but reserves the right to adjust fees upon written notice to all current applicants and accredited agencies. Site visit costs are charged to the Public Works Agency on an actual cost basis. Current schedules of fees and site visit charges are available from APWA or on the web site at [www.apwa.net/About/Accreditation](http://www.apwa.net/About/Accreditation). Payments may be made by lump sum at the beginning of the program or in installments as agreed to contractually.

## **Can an Accreditation Be Revoked?**

The Council has the authority to revoke an accreditation award when the Council has sufficient documentary evidence that the Public Works Agency is no longer meeting the accreditation criteria as defined in the *Management Practices Manual*. At a subsequent time, the Public Works Agency may reapply for accreditation without prejudice.

## **Can an Agency Withdraw From Accreditation?**

The chief elected or appointed official of the public agency in which a Public Works Agency is located may request the removal of a Public Works Agency from the published list of accredited agencies. The Council will comply with that request and delete the Public Works Agency's name. At a subsequent time, the Public Works Agency may reapply for accreditation without prejudice.

## **Are Records Confidential?**

The records of the Council and of ad hoc Appeal Panels used in making decisions on the accreditation of agencies and recommendations on all applications before it, and all records of the Council relating to accreditation, shall be kept confidential except:

- a. Listings of all categories of accredited agencies are published, as determined by the Council and specified above;
- b. Disclosure is made in those instances in which the Council is legally required to disclose information;
- c. At the request of the chief elected or appointed official of the Agency, information on a specific Public Works Agency may be made available to other agencies or organizations;
- d. In the case of an appeal, the Council's decision as recorded in the minutes is available to the Board of Directors of the American Public Works Association.



## **Chapter 2**    **THE ACCREDITATION COUNCIL**

The Council on Accreditation of the American Public Works Association accredits public works agencies. The APWA Board of Directors approved the voluntary accreditation process at their meeting on August 23, 1996. Their approval was based on the description contained in Section 2 of the publication *Improving Public Works Operations and Management: a Guide to Self Assessment Using the Management Practices Manual*.

### **PURPOSE**

The purpose of accreditation is to promote excellence in the operation and management of a Public Works Agency, its programs and employees. Accreditation is designed to assist the Agency in improving operations and management; in educating and training public works professionals; and in providing a valid and objective evaluation of Agency programs as a service to the public and the profession.

The principal function of the Council is to exercise professional judgment in making decisions on accreditation of agencies. The Council also:

- Develops guidance documents and data-gathering instruments necessary to carry out this principal function,
- Institutes programs for the training of site evaluators,
- Provides consultation to agencies,
- Interacts with other elements of the governance structure of the American Public Works Association on matters related to accreditation, and
- Takes such actions as required to enable it to carry out its functions.

The Council will periodically evaluate the site evaluators and their written reports as a quality assurance function of the program.

### **ACCREDITATION PROGRAM**

Participation in the Accreditation Program is voluntary and self-motivated with the goal to objectively evaluate, verify and recognize compliance with nationally recognized “recommended” practices developed by members of APWA. The objectives of the accreditation program are:

- Create impetus for organizational self-improvement and stimulate a general raising of standards;
- Offer a voluntary evaluation and education program rather than government regulated activity;
- Recognize good performance and provide motivation to maintain and improve performance;
- Improve public works performance and the provision of services;

- Increase professionalism; and
- Instill pride among Agency staff, elected officials and local community.

All governmental agencies with responsibilities for public works functions are eligible for accreditation. Accreditation is awarded to the department that provides the public works service. Major divisions of a public works agency that operate as a semi-autonomous unit may also be eligible for accreditation. The Accreditation Council verifies eligibility for accreditation. There is no quota, or annual limit on the number of agencies that can apply for accreditation.

The process is described in detail in Chapter 3 of this manual as five major steps:

1. Application Phase
2. Self Assessment Phase
3. Improvement Phase
4. Evaluation Phase
5. Accreditation Phase

## **COUNCIL MEMBERSHIP**

The “Council” is comprised of public works professionals and members of allied professions such as city/county management, government finance, law, public administration, human resource management, planning and others involved in administration of local, regional, state, provincial and federal government agencies. The Council determines the criteria for accreditation and will recommend changes to the *Public Works Management Practices Manual*. The Council will establish policies and criteria for accreditation.

The Council consists of not fewer than six members appointed by the APWA President on the recommendation of the Executive Director. Council members serve staggered three-year terms. From these, the president of the American Public Works Association appoints one member as chairperson for a one-year term. All appointments are subject to ratification by the Board of Directors of the American Public Works Association. The membership of the Council may include public members who are not members of the public works profession. The number of public members may not exceed the number of public works professionals. Members of the profession, who serve on site evaluation teams or other bodies that may seek Council accreditation, may not accept concurrent membership on the Council.

Two-thirds of the members constitute a quorum for the purpose of making a decision on the status of a Public Works Agency. When a Council member is withdrawn from a portion of the meeting, that position is not counted in determining a quorum. A vote of the majority of the Council members at a meeting at which a quorum is present is required to make a decision on the status of any applicant or Public Works Agency.

Should a member of the Council be in a possible conflict of interest with respect to any Public Works Agency scheduled for review by the Council at any particular meeting, that member is excused during discussion and decision on that Public Works Agency. Furthermore, the Council may in its judgment determine that a member is in possible conflict of interest and ask that member to withdraw from discussion of and decision on a particular Public Works Agency.

An Executive Committee, including at least one member each in the third, second, and first year on the Council, may be appointed by the chairperson of the Council to act for the Council between meetings on matters other than agency accreditation.

## **COUNCIL DECISIONS ON ACCREDITATION**

A high degree of professional judgment will be exercised in the review of applications, in the conduct and reporting of site visits, and during the decision making process of the Council. A detailed description on the entire decision making process is contained within the various individual steps in Section 2. The following describes the Council's process and guidelines for decision making.

- a. Documentary Bases for Decisions. Before rendering a decision on the award, denial, renewal, placement on probation, or revocation of accreditation, the Council reviews the current self assessment by the Public Works Agency (application or mid-term report), the most recent site visit report, the Public Works Agency's response to that report, other relevant materials and the Public Works Agency's comments on these materials. The Council may make a decision or may defer action until its next scheduled meeting in order to obtain more information on which to base a decision. The decision of the Council is recorded in the minutes and transmitted not later than one month following the decision to the chief public works officer of the Public Works Agency, together with a statement of the factual basis for the decision and, in the case of an adverse decision, the criteria the Public Works Agency did not meet. That communication of the final accrediting decision clearly distinguishes between statements addressing actual or potential deficiencies in meeting criteria and statements offering consultative recommendations to the Public Works Agency.
- b. Award, Renewal, or Denial of Accreditation. Four types of decisions may be made by the Council to award, renew, or deny accreditation:
  - (1) In the case of a new Public Works Agency applying for accreditation, the Council first votes whether to grant accreditation. If the Council votes not to grant final accreditation, then the Council votes whether to grant provisional accreditation. Agencies that receive neither provisional nor full accreditation are denied accreditation.

(2) In the case of a provisionally accredited Public Works Agency, the Council first votes whether to grant full accreditation. If the Council votes not to grant full accreditation, the Council votes whether to renew provisional accreditation for a specified period. Agencies that receive neither accreditation nor continued provisional accreditation have their provisional accreditation revoked.

(3) In the case of a fully accredited Public Works Agency, the Council votes whether to renew accreditation. A Public Works Agency whose full accreditation is not renewed is automatically placed on probation for a period of not less than one year.

(4) In the case of a Public Works Agency on probation, the Council votes whether to reinstate full accreditation. If the Council votes against reinstatement, it then votes whether to continue probation for a specified period. A Public Works Agency that is neither reinstated nor granted continued probation has its accreditation revoked.

- c. Effective Date of a Decision and its Public Announcement. Award of full or provisional accreditation is effective as of the adjournment of the Council meeting in which the decision was made. The next site visit is scheduled from this same date. An annual listing of accredited agencies is placed in an appropriate professional journal selected by the Council to reflect the latest decisions of the Council, including revocations, except that no change in the status of a Public Works Agency is reflected in these listings if the Public Works Agency has filed an appeal that has not been decided. In the same public listing, notice is given of agencies that voluntarily withdraw from accredited status. The Council will take action to correct any errors of fact or possibly misleading statements in its public listing in a timely manner.
- d. Revocation of Accreditation. A provisionally approved Public Works Agency that receives neither full accreditation nor continued provisional accreditation has its provisional accreditation revoked. A Public Works Agency on probation that is neither reinstated to full accreditation nor granted continued probation has its accreditation revoked.

A Public Works Agency on full accreditation that does not have its full accreditation continued is automatically placed on probationary status for a period of not less than one year. The placement of a Public Works Agency on probation is a clear warning that, if it does not substantially correct the deficiencies noted by the Council, the Public Works Agency will have its accreditation revoked at the end of the probationary period.

The Council has the authority to delete a Public Works Agency from the list of approved agencies when the Council has sufficient documentary evidence that the Public Works Agency is no longer a functioning entity. At a subsequent time, the Public Works Agency may reapply for accreditation without prejudice.

## **APPEAL OF DECISION OF COUNCIL**

The chief elected or appointed official of the public agency, or the chief public works officer may appeal any eligible decisions of the Council within 30 days of receipt of written notice of the Council's decision. The only decisions eligible for appeal are specified in Chapter 4, which contains a detailed discussion of the appeals process. The burden of presenting the argument initially, and/or persuading the appeals body, rests with the Public Works Agency filing the appeal.

Within 30 days of receipt of the appeal, the Executive Director of APWA will appoint three members of an ad hoc Appeal Panel along with three alternates. No one of these designees may have had affiliation with the Public Works Agency filing the appeal or with the accreditation process relating to that Public Works Agency. The Public Works Agency must concur in the selection of the panel or by showing good cause why a Panel member would be unacceptable, in which case an alternate who is acceptable to both parties is selected.

The Appeal Panel meets within 90 days of the date on which the Public Works Agency is notified of the adverse decision by the Council or on a date mutually acceptable to the Public Works Agency, the Appeal Panel, and the Council representative. The Public Works Agency along with a representative from the Council will appear before the Panel to make oral and/or written presentations and to respond to questions from the Panel.

## **STAFF AND MEETINGS**

Certain functions in the accreditation process are strictly administrative and are permanently delegated to the Executive Director, or staff designee. The Council does not have any governance responsibility within APWA and reports to the Executive Director.

The Council meets at the International Congress and Exposition, and such other time as necessary to conduct Council business.

The Director of Technical Services is the primary staff contact at APWA responsible for the administration of the program. Specific duties are detailed throughout this guide.



## **Chapter 3** THE ACCREDITATION PROCESS

Accreditation is an administrative function within APWA, with control and oversight from the Accreditation Council, which is responsible for establishing the criteria for accreditation. Accreditation is defined as the process of recognizing agencies that comply with the recommended management practices established by APWA's Accreditation Council. These practices are contained in the *Public Works Management Practices Manual*, referred to as the "Manual."

APWA is responsible for continuously updating the recommended practices through the Management Practices Advisory Committee and the Director of Technical Services. The Council is responsible for setting standards for accreditation and evaluating agencies that choose to apply for accreditation.

The accreditation program is strictly voluntary. There are no mandates or requirements that public works agencies seek accreditation. As a voluntary program, an agency can control the length of time necessary to complete the process.

### **ACCREDITATION PHASES**

The Accreditation Process Map outlining the phases and steps are on page 3-4.

#### **Application Phase (Steps 1-4)**

This first phase is the normal starting point toward accreditation. Information is exchanged between the Agency and APWA that should help the Agency in understanding the process and commitments, and eventually helps to make the decision to pursue accreditation. Once the decision has been made to commit to the accreditation process, the Agency submits a formal application along with the application fee. APWA in turn will review the application, and if acceptable, will issue an accreditation agreement based on the *Application for Voluntary Accreditation*. (See Appendix B for sample.)

#### **Self Assessment Phase (Steps 5-8)**

The next step toward accreditation is the completion of a needs assessment, termed a **self assessment**, using the *Public Works Management Practices Manual*. Self assessment is an internal review of an agency's practices combined with a comparison of the recommended practices contained in the manual. At the completion of the self assessment, the Agency will have a broad knowledge of its strengths and areas where improvement is needed to bring the Agency into compliance with the recommended practices. To become accredited, the results of the self assessment must be carefully documented. This documentation establishes the basis for setting goals and evaluating the Agency's effectiveness in attaining compliance with the recommended practices. *The self assessment is required before requesting a site evaluation, and is the core element in the*

*accreditation process.* The Self Assessment *Tracking Software* program, available from APWA, is a requirement for applying for accreditation.

### **Improvement Phase (Steps 9-12)**

Once the Agency has completed the self assessment and identified areas needing improvement, the Agency will work to bring all practices into an acceptable level of compliance with the recommended practices. Refinement and improvement to policies practices and procedures are encouraged even if the Agency's practices might be considered in compliance with recommended practices. Continuous improvement is the ultimate goal of the self assessment process; therefore, the improvement phase is extremely important. Agencies are encouraged to make continuous improvements to processes and procedures regardless of their status in the accreditation process.

### **Evaluation Phase (Steps 13-20)**

This is the most critical phase of the process. The Agency requests a visit by a site evaluation team appointed by the Accreditation Council<sup>2</sup>. The Agency will have the opportunity to review the team composition to avoid conflicts of interest. The Team will make an on-site review and evaluation of the Agency to determine the level of compliance with all applicable practices. Following the on-site evaluation, a final report will be developed, which the Agency will have the opportunity to review.

### **Accreditation Phase (Steps 21-25)**

Periodically, the Accreditation Council will meet to take action on accreditation site visit results. The report will be used in the decision making process. The Council may then grant full or provisional accreditation or may modify the recommendation of the evaluation team.

The Council has the power to revoke or cancel accreditation based on due process. The Council has the power to place an accredited agency on probation if the Council suspects that an agency is no longer able to assure compliance with established criteria.

Accreditation is granted for a set period, four (4) years, at which time the Agency's accreditation shall expire. Biennial written updates are required to demonstrate continuing compliance and progress with self-imposed goals for improvement.

Appeal procedures have been established and are described in detail in Chapter 4.

## **THE PROCESS – STEP BY STEP**

---

<sup>2</sup> Agencies that have not previously applied for Accreditation may do so at this point. Agencies that have not previously executed an Accreditation Agreement will be subject to fees and criteria in effect at the time of application.

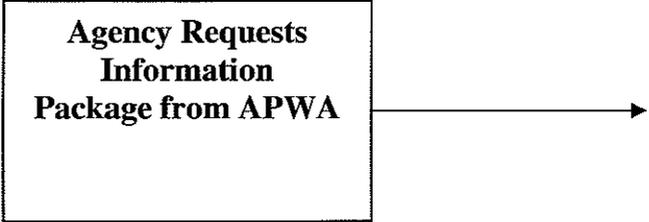
The remaining pages in this chapter illustrate and explain the twenty-five steps of the accreditation process. The responsibilities and protocol of each step are depicted as a flow chart. The entire accreditation process forms a cycle. A first-time agency enters at Step 1 and proceeds through Step 23 to attain the initial accreditation. Biennial/mid-term written updates are required to maintain accreditation for the four (4) year period. At this time, the Agency will apply for re-accreditation and begin the process again.

# American Public Works Association

## Accreditation Process Map

Application Phase	Self Assessment Phase	Improvement Phase	Evaluation Phase	Accreditation Phase
1 Agency Requests Information or Application Package from APWA	5 Agency Conducts Self Assessment (if Not Completed)	9 Agency Makes Improvements Identified During Self Assessment	13 APWA Acknowledges Request for Site Visit	21 Accreditation Council Meets to Consider Agency Accreditation
2 Agency Reviews Accreditation Process Guide	6 Agency Presents Results of Self Assessment to Elected Body	10 Agency Updates Self Assessment Documentation Agency	14 APWA Identifies Evaluation Team and Informs Agency	22 APWA Notifies Agency of Results
3 Agency Makes Formal Application and Pays Fees	7 Agency Mails Notice of Completion and Documentation	11 Agency Submits Documentation of Completion of Self Assessment	15 Agency Reviews Evaluation Team for conflict of Interest	23 Certificate of Accreditation Awarded to Agency
4 APWA Reviews Application and Approves Accreditation Agreement	8 APWA Mails Acknowledgement and Certificate to Agency	12 Agency Mails Documentation and Request for Site Visit with Waiver Requests	16 APWA Confirms Site Visit With Evaluators and Agency	24 Continuous Improvement And Annual Reporting
			17 APWA Provides Evaluators with Self Assessment Documentation	25 Re-accreditation
			18 Evaluators Conduct Site Visit and Prepare Report	
			19 Evaluation Team Submit Report to APWA and Agency	
			20 Agency Acknowledges Report and Submits Comments	

**Agency Requests  
Information  
Package from APWA**



## **STEP 1: THE AGENCY REQUESTS GENERAL INFORMATION**

The APWA provides information about the accreditation program to public works agencies in a variety of ways. In addition to this Guide, there are currently two other resources described in the Preface that may be purchased and complete the library of documents that comprise the entire Accreditation Program:

- 1) *Public Works Management Practices Manual*
- 2) *Required Self Assessment Tracking Software*

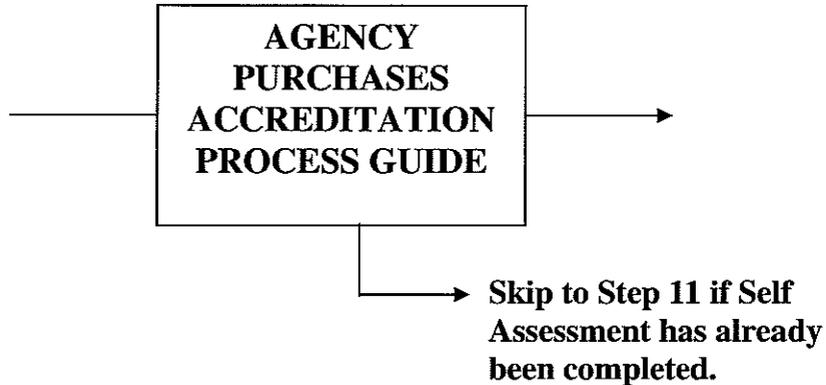
These publications are extremely useful regardless of whether the Agency chooses to pursue full accreditation.

Additionally, a pamphlet entitled *Public Works Accreditation* is available as a brief description of the program and may be useful for distribution to interested persons.

The Agency may have sufficient general information about the program and then may proceed to request a formal application package.

All requests for publications, information, and forms should be directed to the following:

Technical Services Department  
American Public Works Association  
2345 Grand Boulevard, Suite 700  
Kansas City, MO 64108-2625  
(816) 472-6100  
FAX: (816) 472-1610  
[www.apwa.net](http://www.apwa.net)



## **STEP 2: AGENCY REVIEWS ACCREDITATION PROCESS GUIDE**

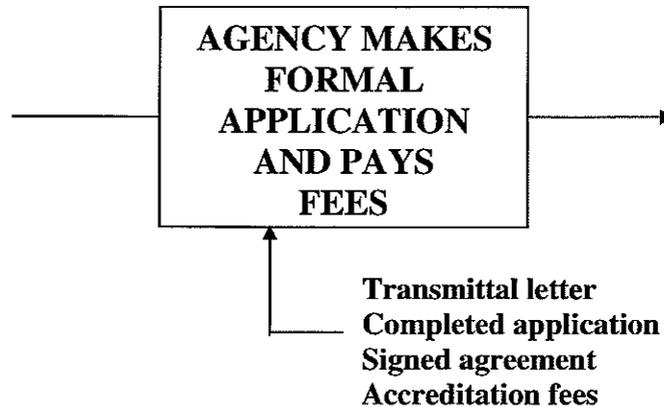
General program information will be mailed at no cost. Such items include:

- Order form for publications and application package
- Fee schedule
- General program statistics
- Published articles
- Accreditation process map

The *Process Guide* is located on the APWA web site and includes

- *Detailed information on the Self Assessment and Accreditation programs*
- *Sample letter of Application (Appendix A)*
- *Application form (Appendix B)*
- *Sample Accreditation Agreement (Appendix C) – Contact APWA for current form or view on the web site at [www.apwa.net/About/Accreditation](http://www.apwa.net/About/Accreditation)*
- *Sample Checklist for Requesting Site Evaluation for Voluntary Accreditation (Appendix D)*
- *Sample Accreditation Site Visit Agenda (Appendix E)*

If the Agency has already completed a self assessment, skip to Step 11.



### **STEP 3: AGENCY MAKES FORMAL APPLICATION AND PAYS ACCREDITATION FEES**

Because the accreditation process is initiated by the Agency that submits itself for review, the burden of proof of compliance with the criteria rests with the applicant. Therefore, an application must be prepared with a degree of thoroughness that will satisfy detailed review by staff, a site visit team, and the Council.

The Application constitutes a commitment to conduct a self assessment by the Agency, organized in accordance with guidelines furnished by the Council. A letter of commitment must accompany the application. Agencies desiring to contractually establish their fees and criteria for accreditation may submit an Accreditation Agreement and pay all, or a portion of the accreditation fees.

The complete application for accreditation consists of a letter of intent, a completed application, and a signed agreement. The application letter from an Agency *must be signed by the chief elected or appointed official of the Agency*. The accreditation application form may be signed by the chief public works officer(s) responsible for the department being accredited. The completed application must be submitted to the Accreditation Council as follows:

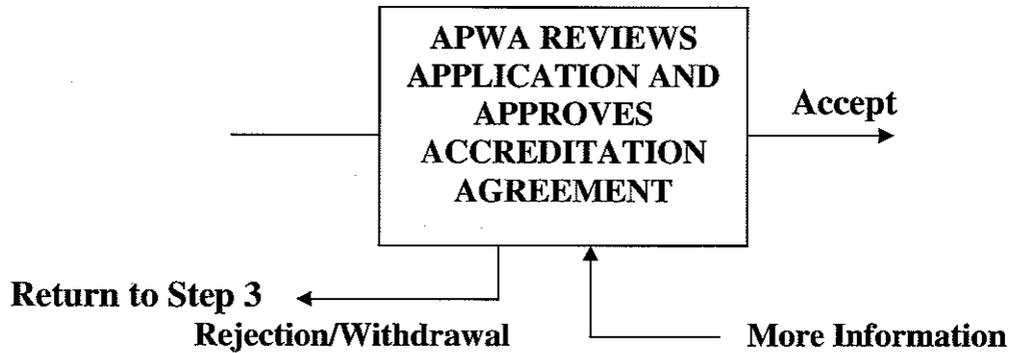
Accreditation Council  
 Technical Services Department  
 American Public Works Association  
 2345 Grand Boulevard, Suite 700  
 Kansas City, MO 64108-2641

During the application process, agencies are required to identify each functional area (represented by a chapter in the Manual) where the Agency has any responsibility. Each agency is required to comply with the recommended management practices specifically applicable to the functional areas. Each agency must consider its mission, legally mandated responsibilities, and the demands of community in determining which practices are applicable and how to comply with them.

Waivers for specific practices may be requested for agencies that cannot comply due to legislation, labor agreement, court orders, case law, or other legitimate reasons. The Agency must submit the request for the waivers in writing, citing the extenuating circumstances that preclude the Agency from complying with the recommended practice to the Director of Technical Services prior to the Site Visit. Simply not having funding or staff resources will not be considered a valid reason for non-compliance.

When applying for accreditation, the Agency declares which practices apply and which are not applicable. The Agency, in conjunction with APWA staff, will propose those practices that will be evaluated throughout the accreditation process. The Accreditation Council can accept, reject or modify the list of practices that the Agency must address during the accreditation process. The Agency must substantially or fully comply with *all* of the applicable practices as defined later in this document.

An agency can declare its candidacy for accreditation without executing an Accreditation Agreement by submitting a completed application, together with the application fee. This step allows an agency to announce its intent to become accredited without paying the accreditation fees. However, all fees and requirements for accreditation are subject to change until an agency executes an Accreditation Agreement. Agencies are encouraged to execute an Accreditation Agreement early in the process to avoid the potential for increased fees or the need to revise the self assessment to conform to the recommended practices published in any later editions of the *Public Works Management Practices Manual*.



#### **STEP 4: APWA REVIEWS APPLICATION AND APPROVES ACCREDITATION AGREEMENT**

##### **Acceptance of the Application:**

In order to expedite processing, the staff of the Council reviews each application and may schedule the initial site visits. When the application seems to be incomplete in its response to one or more criteria-related topics in the application guidelines, Council members may request additional information from an Agency before making this decision. All applications that may not clearly meet the criteria to warrant a site visit are referred to the Council. The Council then decides, by vote of the majority of the Council members at which a quorum is present, to:

- (1) Accept the application and instruct the Agency to begin the self assessment, or
- (2) Accept the application and schedule a site visit (for Agencies that have previously completed a self assessment); or
- (3) Reject the application because, in the opinion of the Council, the applicant does not meet the criteria for accreditation; or
- (4) Request additional information.

##### **Agreement Approval:**

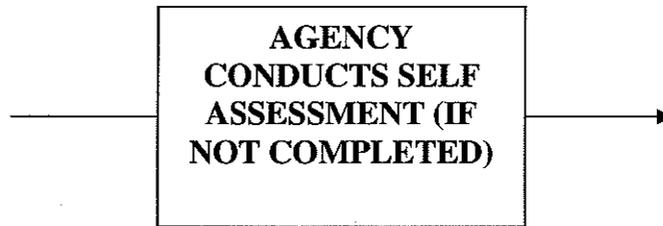
If the Council decides to accept the application, the Agency will be formally notified of the latest version of the *Management Practices Manual* and the required tracking software to be used, together with the completed agreement signed by the AWPA Executive Director.

##### **Notice of Rejection:**

In the event the Council rejects the application, it advises the Agency in writing of the reasons for its rejection. The Agency may appeal the rejection to the Executive Director of the American Public Works Association as provided in Step 11 below.

##### **Withdrawal of Application:**

At any time before the Council takes final action to grant or refuse accreditation to an applicant Agency, the senior signatory may withdraw the application without prejudice.



## **STEP 5: AGENCY CONDUCTS SELF ASSESSMENT (IF NOT COMPLETED)**

The next step toward accreditation is the completion of a management and operational needs assessment, termed a self assessment, using the *Public Works Management Practices Manual*. Self assessment is an internal review of the Agency's practices combined with a comparison of the recommended practices contained in the manual. To become accredited, the results of the self assessment must be documented and presented to the elected body of the agency. The self assessment findings establish the basis for setting goals and evaluating the Agency's effectiveness in attaining compliance with recommended practices. *The self assessment and improvements to bring the Agency into full or substantial compliance with all applicable practices are required before receiving accreditation.*

Workshops, reference materials, documentation software and on-site training sessions are available from APWA to assist the Agency in conducting a self assessment, documenting the self assessment process, setting goals for improvement and preparing for final accreditation.

**Overview of Process:** Before the self assessment is initiated, an implementation plan should be developed that includes responsibilities, resources, and processes for conducting the self assessment. One overall manager should be identified, but a team approach to conducting the self assessment is encouraged where feasible. A filing system should be established that creates a file for each applicable practice. Each folder should contain applicable standards and procedures along with background documentation and working documents for bringing the practice into compliance. The Self Assessment Tracking software must be used to document the findings and those findings are required to be submitted to the Council before the site evaluation.

**Practice Statements:** Practice statements contained in the *Public Works Management Practices Manual* do not represent standards since they do not dictate how a function or activity must be accomplished. Nor do they represent quotas or unit productivity. The recommended practices provide a series of statements and commentary designed to help an agency conduct a self-examination of each aspect of its performance and determine how the practice ensures effective delivery of public works services.

Each recommended practice is composed of two parts: the recommended *practice statement* and a *commentary* intended to assist the Agency staff in understanding the

practice statement. The practice statement is a declarative sentence that places a clear-cut requirement or multiple requirements on the Agency. The practice statement, if applicable, must be met in order for the Agency to become accredited. The Agency must demonstrate that they are in either full or substantial compliance with the recommended practice.

The commentary supports the practice statement as an example, but is not binding on either the Agency or the Council. It serves as an expanded discussion of the practice, which will help the Agency understand the reason for the practice. The commentary can be thought of as a prompt, which provides guidance to clarify the intent of the practice, or as an example of one possible way to comply with the practice. Since the Agency has the latitude to determine how it will comply with the practices to effectively meet its needs, and since the burden of proof to verify this compliance is the Agency's responsibility, it may simply use the commentary as a guideline.

**Compliance With Recommended Practices:** The Agency must determine whether it complies with the recommended practice. The level of compliance must be classified as one of the following:

- Full Compliance (FC) -- Fully complies with the practice, without exception.
- Substantial Compliance (SC) -- Indicates that the agency consistently meets all major provisions of the practice.
- Partial Compliance (PC) -- Indicates that the agency meets some of the provisions of the practice.
- Non-Compliance (NC) -- Indicates that the agency fails to meet the provisions of the practice
- Non-Applicable (NA) -- The practice does not apply to the agency.
- Waived (WV) -- The practice has been waived. Requires written approval before the site visit.

Waiver requests must be made in writing to the Director of Technical Services, citing the reason for requesting the waiver. Proof of compliance must be demonstrated by review of written records, interviews, and field observations during the on-site evaluation by the accreditation team.

Substantial compliance means that an agency complies with the intent of each recommended practice in a manner that will ensure that the public's interest and investment of capital is protected. Minor areas of non-compliance within a recommended practice will not necessarily preclude an agency from attaining accreditation, so long as a specific goal and an implementation plan is adopted to bring the Agency into compliance.

Each agency is responsible for determining the appropriate practices for its community, subject to concurrence of the site evaluation team. The Agency must be able to demonstrate that it is in full or substantial compliance through documentation, subject to verification during the on-site accreditation visit.

**Optional Paths for Self Assessment:** Each agency may choose one of three paths to accomplish the self assessment phase –

- **Option 1 - Conduct the self assessment without assistance**

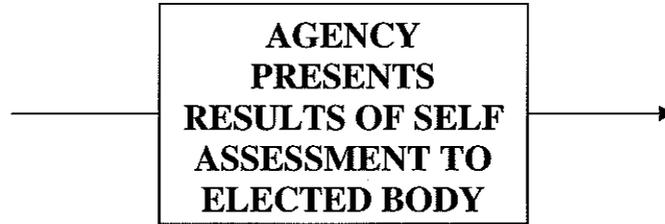
The Agency conducts the self assessment using the Agency's staff in conjunction with reference materials and workshops available from APWA. The Agency could expect tremendous benefit by participating in the self assessment program, even if they stopped at this point. At any time, in the future the Agency could complete the documentation and apply for accreditation.

- **Option 2 - Conduct the self assessment with a Mentor**

Under this option, the Agency would select mentors, public works professionals who have experience with management, self assessment and accreditation, to work with the agency throughout the self assessment and accreditation process. Two or more agencies could work cooperatively to create a self-help mentoring relationship to assist each other through the process. The Agency would complete the required documentation and apply for accreditation.

- **Option 3 - Conduct the self assessment with reviews by peer review team at key points during the self assessment**

In this last option, the Agency could request that a peer review team visit the Agency during the final stages of the self assessment phase. The peer review team could assist the Agency in ensuring that the documentation was satisfactory and assist in establishing goals for improvement of the agency's management practices. The Agency would apply for accreditation upon completion of the self assessment process. Note: This option will significantly increase the cost of accreditation since there would be more than one on-site visitation.



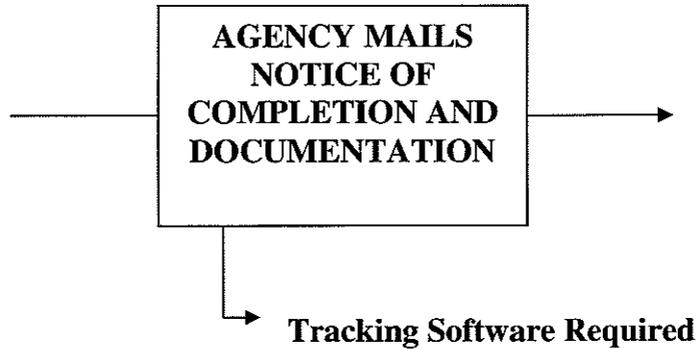
## **STEP 6: AGENCY PRESENTS RESULTS OF SELF ASSESSMENT TO ELECTED BODY**

The Agency must present the results of its self assessment to the local elected body in writing. Agencies are encouraged to present the information to their elected officials when they are comfortable with the results. Agencies may also choose to present the completed self assessment prior to completion of the improvement phase, together with a strategy for improving those practices that the Agency believes are rated as either Partial Compliance or Noncompliance.

The documentation developed during the self assessment should be used as the basis for making such presentations. The presentation must be made in a forum that allows the public the opportunity to comment on the findings and improvements made because of the self assessment.

Most agencies will choose to make the presentation to the elected body at one of their normal meetings. Use of a work session, which is open to the public, is also an excellent way to highlight the accomplishments of the public works agency. The presentation could become part of the formal budget process or an agency-wide strategic planning effort. Each agency will need to determine the appropriate content and venue for such a presentation.

Agencies that complete this process, even if they are not interested in obtaining accredited status, will be recognized by APWA (see Chapter 6).

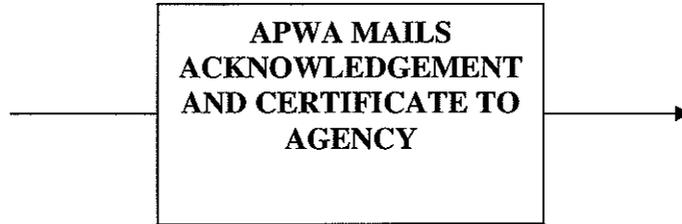


### **STEP 7: AGENCY MAILS NOTICE OF COMPLETION AND DOCUMENTATION**

After presentation of the results of the self assessment to the elected body, agencies must submit the following information as verification of the self assessment to the Director of Technical Services at APWA:

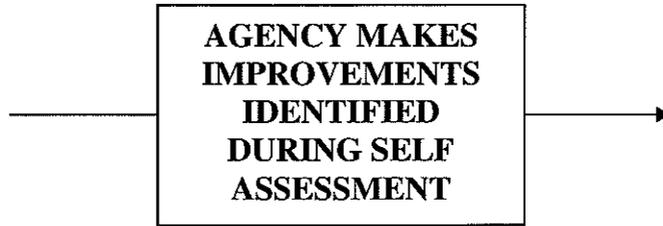
- 1) Cover letter detailing the process and plans for bringing all practices into compliance with the recommended practices.
- 2) Copy of the legal notice for the public meeting and staff report presented to the elected body at that meeting.
- 3) Copy of agenda and minutes from the public meeting where the self assessment results was presented to the elected body.
- 4) Summary of any comments received during the public meeting.
- 5) A copy of the Self Assessment Tracking Software database files.
- 6) Summary table of the Agency's determination of level of compliance for all practices and plan for bringing each practice into compliance.

A checklist form to be used in submitting proper documentation to APWA has been developed and is included as Appendix D and available on the web site at [www.apwa.net/About/Accreditation](http://www.apwa.net/About/Accreditation).



### **STEP 8: APWA MAILS ACKNOWLEDGEMENT AND CERTIFICATE TO AGENCY**

After it is determined that all required documentation is satisfactory, APWA will issue the Agency a letter acknowledging the completion of the self assessment, together with a certificate that can be displayed by the agency. This in itself is a significant accomplishment in the journey for self improvement.

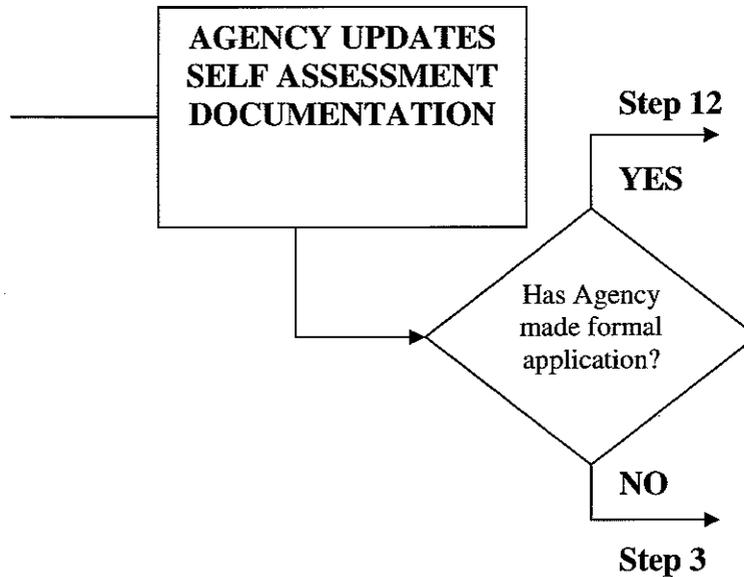


## **STEP 9: AGENCY MAKES IMPROVEMENTS IDENTIFIED DURING SELF ASSESSMENT**

One of the primary goals in conducting a self assessment, as well as the entire accreditation process, is to enhance the efficiency and effectiveness of the Agency. Besides taking the first critical step toward self improvement through a process of self evaluation, the next most important step is to take action to address those areas needing improvement. In many cases, bringing an Agency's practice into compliance may simply require documenting existing processes or standards more completely. Others may require a complete reevaluation of the Agency's policies, practices or procedures.

The practice statements in the *Public Works Management Practices Manual* contain those elements considered necessary to minimally address a given subject matter. They do not state how an agency must satisfy a given practice, only that the Agency must adequately address the requirements of the practice. Other public works practitioners developed these practices over a long period. By doing so, the Agency is comparing itself against this set of recommended practices.

During this step, the Agency should modify or establish processes, standards, and procedures that it finds to be in less than substantial compliance. Agencies are also encouraged to make improvements where feasible and practical to bring all practices into full compliance.



## STEP 10: AGENCY UPDATES SELF ASSESSMENT DOCUMENTATION

Following all modifications to agency policies, standards, and procedures that the Agency believes is necessary to attain an acceptable level of compliance, the Agency updates the documentation, including the required tracking software in Step 7.

At this time the Agency might consider performing a “mock” on-site evaluation, or a peer review, as a final check of documentation prior to fully committing to beginning the remainder of the accreditation process and committing to further expenditures. This “mock” evaluation or peer review is purely optional, but if performed, this simulation should utilize knowledgeable practitioners in the role of the assessors and be conducted as stringently as the actual on-site evaluation.

**Form of Documentation.** Preparing for accreditation requires that each applicable practice be documented -- that is, that proof of compliance is provided. Each agency desiring accreditation must provide the documentation through use of **required tracking software**<sup>3</sup> that provides many of the details needed for the accreditation review.

Agencies are required to maintain a central filing system containing all written documentation, interview results and copies of supporting documents during the site visit by the accreditation evaluation team. If several of the practices apply to one document (a snow and ice plan for example) only one copy is required, however multiple copies of applicable sections placed in files for each management practice help to speed the on-site review in Step 18.

---

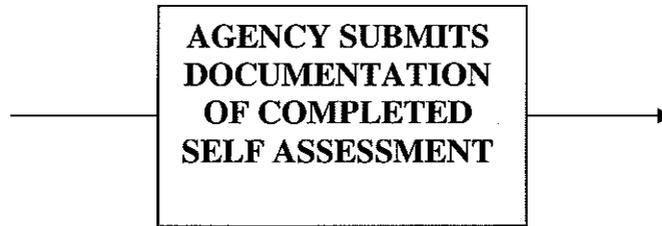
<sup>3</sup>Agencies not applying for accreditation are not required to use APWA's tracking software. Any logical database or word processing program may be used to document the findings of the self assessment.

For Agencies submitting hard copy documentation, a completed copy of an Individual Practice Status Report (IPSR) for ALL practices contained in the applicable edition of *Public Works Management Practices Manual* must be submitted.

All agencies applying for accreditation must use the required tracking software that corresponds to the edition of the *Manual* being used.

Agencies not desiring accreditation are encouraged to use the tracking software to assist in the self assessment process.

The Agency should not proceed to the next step until the chief public works officer is personally satisfied that all documentation has been updated and that it is ready to commit to the additional costs of the on-site evaluation (see Step 11).



### **STEP 11: AGENCY SUBMITS DOCUMENTATION OF COMPLETED SELF ASSESSMENT**

The Agency completes and submits the following items:

- Transmittal letter
- The dates that the self assessment was started and completed.
- Public meeting agenda and proof of publishing
- Minutes of meeting
- Complete copy of agenda package submitted to elected officials
- Remaining accreditation fees, if the payment option was selected in the Accreditation Agreement
- The updated documentation in approved format (software files)

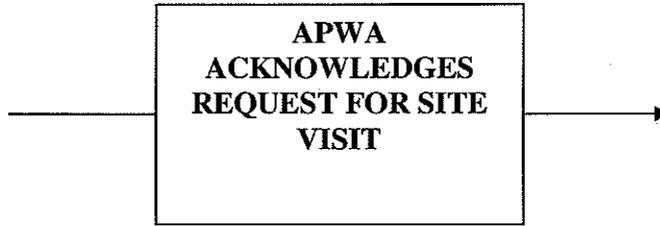
If this step is applicable, APWA will respond by combining Steps 4 and 13.



## **STEP 12: AGENCY MAILS REQUEST FOR SITE VISIT**

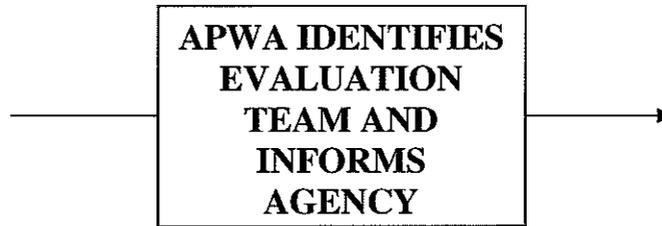
The package must include this information:

- A confirmation or a request to adjust the practices from the original application (Step 3) that are not applicable, along with a waiver request.
- Documentation on why waiver is justified
- The preferred schedule for the on-site evaluation by the evaluation team. A minimum of 90 days is required from receipt of the complete application package. Every effort will be made to accommodate the Agency's requested dates for the accreditation team visitation; however, the Accreditation Council and APWA reserve the right to establish the actual dates of the site visit
- Five copies of a brief narrative (three to five pages) describing the community served (demographics, highlights, etc.) and the agency's organizational structure, services offered, etc.
- Five copies of the latest adopted budget for the Agency being accredited, including summary information for the entire parent agency
- Five copies of any additional information that may help the site evaluation team understand how the Agency fits into the parent organization, including information about other public works related departments, which are not being evaluated.
- One full set of the printed forms from the Tracking Software, in a three-ring binder with index tabs.
- List of individuals that will be the responsible for explaining the documentation, listed by area (i.e. chapter.)
- The balance of accreditation fees, if not already paid in full.



### **STEP 13: APWA ACKNOWLEDGES REQUEST FOR SITE VISIT**

The AWPA will provide a formal acknowledgement for the request for a site visit. The acknowledgement will describe in detail the process to be used and probable schedule.



## **STEP 14: APWA IDENTIFIES EVALUATION TEAM AND INFORMS AGENCY**

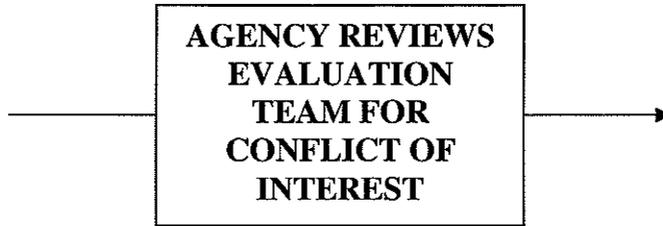
Upon receipt of the invitation, the Staff develops a list of potential evaluation team members. No fewer than three persons constitute a team to visit an Agency, except by mutual agreement between the Council and the Agency. The list of potential team members is then submitted to the Agency for information and identification of potential conflicts of interest.

The Director of Technical Services will select the on-site evaluation team. Wherever possible team members and support staff will be selected based on relevant experience in agencies that are comparable to the agency being accredited.

Depending upon the number of functional areas (chapters in the *Management Practices Manual*) being reviewed and the size of the organization, the typical assessment team may range in size from 3 to 5 evaluators and will include an APWA staff member. Large organizations with multiple sites or large numbers of staff may require larger teams, longer visits, or both.

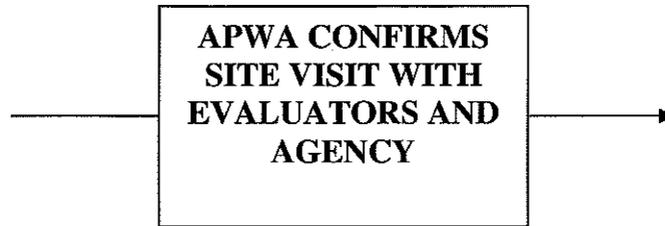
An evaluation team leader will be designated from one of the evaluators. The team leader is responsible for conducting the review with the Agency's project manager. The team leader will provide an orientation at the beginning and a debriefing at the conclusion of the on-site review. The team leader is responsible for assuring that the accreditation team follows the adopted procedure, provides support to the team members and is responsible for logistical issues related to the on-site evaluation.

During the on-site evaluation, the evaluators acting as representatives of the Council will review the Agency's management practices against recommended practices contained in the then-current edition of the *Public Works Management Practices Manual* in effect at the time that the Accreditation Agreement is executed.



### **STEP 15: AGENCY REVIEWS EVALUATION TEAM FOR CONFLICT OF INTEREST**

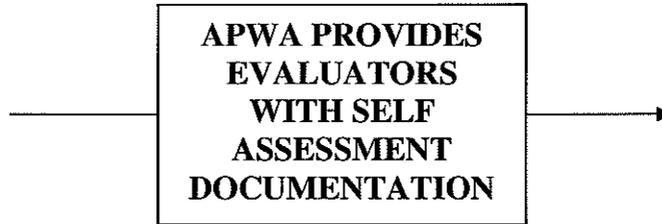
The Agency shall have thirty (30) days from the date of the notification to provide the Council with a list of the proposed evaluators who they believe might not be objective in their evaluation of the Agency's application. The Agency is not required to provide any reason but is expected to act professionally in making such a response. Requesting removal of an evaluator is only to be requested when the Agency has specific knowledge of a team member's potential conflict of interest.



### **STEP 16: APWA CONFIRMS SITE VISIT WITH EVALUATORS AND AGENCY**

After an Agency has responded to the notification of the proposed evaluation team, or thirty days after the notice was sent, whichever occurs first, APWA's Director of Technical Services will send the Agency official notification of the evaluation team and leader. The Agency is responsible for contacting the director of technical services to set a proposed date for the site evaluation visit.

Detailed arrangements for the site visit are made through direct contact between the Agency and the Director of Technical Services, who may designate the team leader as the primary contact. The exact dates of the on-site evaluation will be negotiated based on the Agency's and team members' schedules. A tentative agenda will be proposed by the team leader based on the number of practices to be reviewed and the number of team members. The Agency will offer suggestions for site tours, group dinners, and other agenda items and the agenda will be adjusted as mutually agreed. See Appendix E for a sample agenda.



**STEP 17: APWA PROVIDES EVALUATORS WITH SELF ASSESSMENT DOCUMENTATION**

Evaluators are provided in advance with self assessment documentation prepared by the Agency along with other pertinent information on the locality or agency provided by the Agency in Step 12. Agencies are encouraged to submit copies of supporting documentation, which will be furnished to the evaluator assigned to review the related practices.



## **STEP 18: EVALUATORS CONDUCT SITE VISIT AND PREPARE REPORT**

The site visit, also known as an on-site evaluation or site evaluation, constitutes an essential and unique step in the initial award and renewal of accreditation. It provides for peer interaction between experienced professional members of the evaluation team and professionals associated with the Agency and appropriate elected or appointed officials of the parent agency.

Through discussions with members of the parent agency staff, Agency staff, support personnel, and by inspection of facilities and equipment, the evaluators are able to form professional judgments about the Agency's degree of compliance with the Criteria. The evaluation team will review and rate the Agency's compliance with each recommended practice on one of the levels of compliance described in Figure 1 (Page 3-11).

*In order to be accredited, the Agency must demonstrate "full or substantial compliance" with all applicable practices. Evaluators will be looking for evidence that the Agency's stated practices are actually being followed by the Agency. This will include copies of completed forms, rather than blank ones, to demonstrate the program is actually being used.*

The accreditation team is responsible for validating the Agency's compliance with all applicable practices through interviews and observations. The accreditation team will provide the Agency with feedback on its progress during and at the conclusion of the site visit.

**On-Site Arrangements:** Upon arrival in the agency's city, the evaluation team will secure transportation to various agency facilities to allow inspection and observation. Any expenses that are related to the site visit incurred by the evaluation team are subject to reimbursement by the Agency, this includes meals, airfare, and lodging. Agencies are expected to make arrangements for hotel rooms to be direct billed to the agency and to arrange for payment of the evaluation team's expenses for group meals and entertainment while on-site. Additional normal expenses will be reimbursed by expense voucher. Agencies are cautioned to avoid extravagant or "special" arrangements that would be inconsistent with travel policies in effect for the Agency's own management or executive personnel.

The Agency should arrange for appropriate opportunities to introduce key staff to the evaluators. The Agency should also provide a brief orientation, e.g., briefing and tour to acclimate the evaluators to the Agency and its environment.

During the site visit, the Agency must provide the evaluators with all reasonable assistance to facilitate their on-site review. There are three caveats:

1. The burden of proof regarding compliance rests with the Agency.
2. **Evaluators do not need to review sensitive or confidential documents to confirm compliance.** Appropriate alternatives may be substituted.
3. Evaluators are bound by the confidentiality provisions of the Accreditation Agreement and are not permitted to discuss their findings with persons outside of the Agency or Council, unless authorized by the Agency.

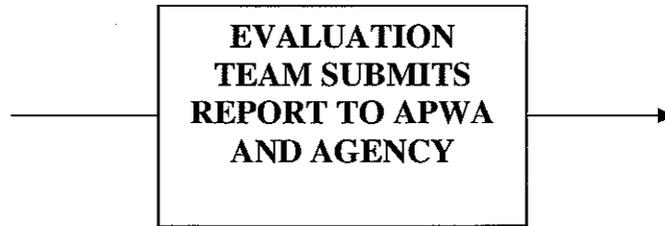
Physical arrangements for evaluators to conduct reviews must take into account the following things:

1. Number of host agency staff to participate with individual reviewers
2. Noise level of multiple groups in one room
3. Access to jointly required files or agency documentation
4. Computer connections if documentation is to be viewed on intra-net

Amenities should include:

- Easy access to water, coffee, soda
- Light snacks
- Easy access to restrooms
- One area with computer access to the internet

Lunch each day will be provided on-site by the Agency and a private room should be available for the Team to meet together during the lunch break.



### **STEP 19: EVALUATION TEAM SUBMITS REPORT TO APWA AND AGENCY**

Within forty-five (45) days of the completion of the site visit, the team leader forwards a written report to the Agency and chair of the Council, in a format prescribed by the Council. The Report includes a recommendation to the Council of the accreditation status to be awarded the Agency. This recommendation is advisory to, but not binding on the council.

The recommendation of the site visit team is transmitted to the Agency along with the detailed site evaluation report. The written report of the team should clearly distinguish between statements of actual or potential deficiencies in meeting criteria, and consultative statements offering recommendations to the Agency.

In addition to providing the Council with a report of the team findings, the site visit is expected to be of benefit to the Agency in its quest for excellence.

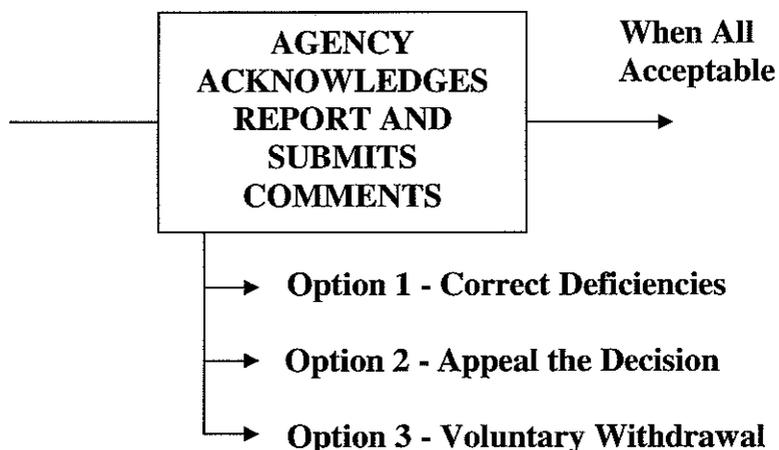
The team leader is responsible for preparing a written report that details the activities and findings of the accreditation review. This formal report is forwarded to the Agency, with a copy to the Director of Technical Services. It will become part of the accreditation submittal to the Council. The site visit team may recommend that the Agency complete additional work on documentation, set additional goals, or improve specific practices before final review by the Council.

The Director of Technical Services will prepare the final accreditation package for submission to the Accreditation Council for action. The report will contain a synopsis of the Agency's application for accreditation, including initial documentation, and the accreditation team's findings and report.

The site evaluation team's report includes:

- A chronological description of events that occurred during the on-site evaluation;
- Team chapter assignments (i.e., which chapters were reviewed by which evaluators);
- Copies of self assessment logs, duly annotated with compliance indicators;
- Documentation of practices with which the Agency was not in compliance or came into compliance during the on-site evaluation;
- Information about operational programs, policies, or procedures that the on-site evaluation team considered as worthy of comment and inclusion in the APWA's database of model practices; and

If the final report indicates areas of noncompliance or other unresolved conditions, APWA staff coordinates their completion with the Agency, the evaluators, or both.



## **STEP 20: AGENCY ACKNOWLEDGES REPORT AND SUBMITS COMMENTS**

The Agency acknowledges receipt of, and may file with the Council a written response ("Response") to the site visit team's Report. The Response is filed within forty-five (45) days of receipt of the Report by the Agency; however, upon written request, the period for responding may be extended for an additional 30 days. The Agency includes in its Response any objections, corrections, additional facts, exhibits, or comments it has to the Report of the site visit team. Any statement of fact in the Report that is not disputed in the Response is considered by the Council to be undisputed.

If the final report reflects full or substantial compliance with all applicable practices, the Agency accreditation review will be scheduled for the next Accreditation Council meeting. If the site visit team or APWA's Director of Technical Services determine that the Agency has not completed all of the requirements for accreditation, the Agency has three options:

### **Option 1 - Correct Deficiencies**

The Agency corrects any deficiencies identified during the accreditation process, thereby fully complying with the recommended practices. The Agency then provides supplemental proof of compliance within 90 days of the receipt of the site visit team's written report. The Evaluation Team may recommend up to 180 days for providing supplemental proof of compliance, if included in their report.

### **Option 2 - Appeal the Decision.**

The Agency has the option to request an appeal of the decision of the site visit team or the Director of Technical Services. The Agency shall submit a written request for appeal to the Accreditation Council, setting forth the specific issues being appealed and the reason that the Council should allow a full hearing on the application for accreditation.

The Director of Technical Services shall submit the request to the Accreditation Council within 30 days of receipt of a written request for appeal. The Council will consider the appeal at the next regularly scheduled meeting, provided the request is received at least 15 days before the meeting. The Agency is not required to send a representative and can request a conference call as an alternative. The application for accreditation cannot be considered at the same meeting as the appeal.

**Option 3 - Voluntary Withdrawal.**

If accreditation is not recommended by either the accreditation team or the Director of Technical Services, the Agency will be provided with a written report outlining the steps required to attain full compliance with the recommended practices. An agency that does not choose to continue the accreditation process is requested to notify the Director of Technical Services in writing.

Any agency that does not respond in writing of their intent to continue the accreditation process within 90 days of receipt of the written report on the findings of the site visit team, will be deemed to have voluntarily withdrawn its application for accreditation. The Agency may reapply for accreditation at any time.

Agencies who voluntarily withdraw from the accreditation process shall have three years from their withdrawal to re-apply for accreditation under the re-accreditation program.



## **STEP 21: ACCREDITATION COUNCIL MEETS TO CONSIDER AGENCY ACCREDITATION**

Applications for accreditation are evaluated by experienced public works professionals from across the United States and Canada. APWA's Director of Technical Services is responsible for coordinating the accreditation program through the Council, which is the governing body with the sole authority to award or deny accreditation.

Documentation of Basis for Decisions. Before rendering a decision on the award, denial, renewal, placement on probation, or revocation of accreditation, the Council reviews the current self assessment by the Agency (application or mid-term report), the most recent site visit report, the Agency's Response to that Report, and other relevant materials and the Agency's comments on these materials. The Council may make a decision or may defer action until its next scheduled meeting in order to obtain more information on which to base a decision. The decision of the Council is recorded in the minutes and transmitted not later than thirty (30) days following the decision to the chief public works officer of the Agency, together with a statement of the factual basis for the decision and, in the case of an adverse decision, the criteria the Agency did not meet. That communication of the final accrediting decision clearly distinguishes between statements speaking to actual or potential deficiencies in meeting criteria and statements offering consultative recommendations to the Agency. In the decision letter, the Council encourages the Agency to share information about its accredited status appropriately.

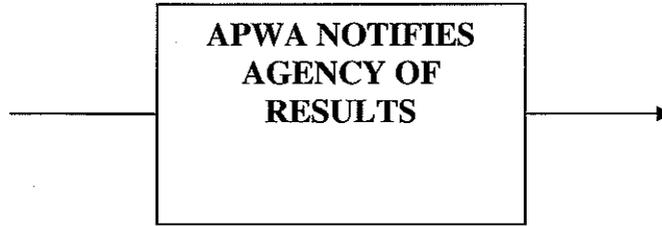
Award, Renewal, or Denial of Accreditation. Four types of decisions may be made by the Council to award, renew, or deny accreditation.

(1) In the case of a new Agency applying for accreditation, the Council first votes whether to grant accreditation. If the Council votes not to grant full accreditation, then the Council votes whether to grant provisional accreditation. Agencies that receive neither provisional nor full accreditation are denied accreditation.

(2) In the case of a provisionally accredited Agency, the Council first votes whether to grant full accreditation. If the Council votes not to grant full accreditation, the Council votes whether to renew provisional accreditation for a specified period. Agencies that receive neither accreditation nor continued provisional accreditation have their provisional accreditation revoked.

(3) In the case of a fully accredited Agency, the Council votes whether to re-accredit the Agency. An Agency whose full accreditation is not renewed is automatically placed on probation for a period of not less than one full year.

(4) In the case of an Agency on probation, the Council votes whether to reinstate full accreditation. If the Council votes against reinstatement, it then votes whether to continue probation for a specified period. An Agency that is neither reinstated nor granted continued probation has its accreditation revoked.



## **STEP 22: APWA NOTIFIES AGENCY OF RESULTS**

The Council will make a decision based on the report of the on-site evaluation team and other information supplied by the Director of Technical Services. The Council will deny accreditation to those agencies not meeting the minimum criteria. The Council has two options to approve accreditation:

***Full Accreditation.*** Accreditation represents a mark of excellence that recognizes agencies for their commitment to improving the quality of service provided to the community. Agencies that achieve full accreditation are expected to maintain the recommended practices that were documented as part of the accreditation process. In addition, it is expected that accredited agencies will continue to improve their management practices as a condition of continued accreditation.

***Provisional Accreditation.*** The Council may grant provisional accreditation to agencies that complete the on-site evaluation but are not in full compliance with all applicable recommended practices. Accreditation may be granted on a provisional basis, subject to conditions imposed by the Council.

The Agency shall have 90 days to comply with the conditions imposed by the Council and submit documentation to the Director of Technical Services. The Director of Technical Services will determine whether the Agency has complied with the conditions set by the Accreditation Council in their action, and is empowered to enroll the Agency as a fully accredited agency if the conditions are met. If in the opinion of the Director of Technical Services the Agency has not met the conditions, a written determination will be sent to the Agency and the matter will be scheduled for the next Council meeting.

The Council also has the power to revoke or cancel accreditation based on due process. The Council has the power to award provisional accreditation, or to place an accredited agency on probation if the Council suspects that an agency is no longer able to assure compliance with established standards.

The Council will require accredited agencies to maintain compliance and live by the letter and spirit of the accreditation program. There is a presumption on the part of the Council that all accredited agencies will operate in compliance with the established practices, in a manner that most effectively meet the needs of their Agency and the citizens they serve.

Accreditation is granted for a set period, four (4) years, at which time the Agency's accreditation shall expire.

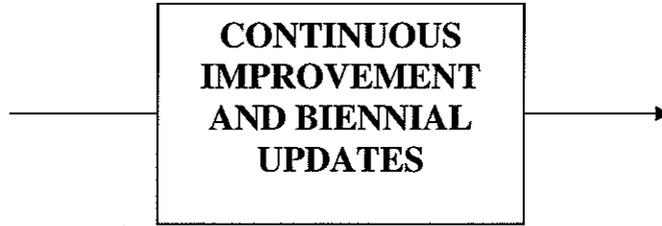


### **STEP 23: CERTIFICATE OF ACCREDITATION AWARDED TO AGENCY**

The Council and APWA will jointly award accreditation to the Agency. Representatives of the Council and APWA will present the award at a meeting of the Agency's elected officials. APWA will issue a press release from national headquarters recognizing the achievement of accreditation by the Agency.

Recognition for achieving accreditation will also be given at the International Public Works Congress. All agencies achieving accreditation since the last Congress will be recognized at the annual awards reception. Recognition will also be given in APWA's official publication, *The Reporter*, or other publications.

Effective Date of a Decision and its Public Announcement. Award of full or provisional accreditation is effective as of the adjournment of the Council meeting in which the decision was made. The next site visit is scheduled from this same date. An annual listing of accredited agencies will be placed in an appropriate professional journal selected by the Council. The listing reflects the latest decisions of the Council, including revocations, except that no change in the status of an Agency will be made if the Agency has filed an appeal still under evaluation. In the same public listing, notice is given of agencies that voluntarily withdraw from accredited status. The Council will make every effort to correct in a timely manner any errors of fact or possibly misleading statements in its public listing.



## **STEP 24: CONTINUOUS IMPROVEMENT AND ANNUAL UPDATES**

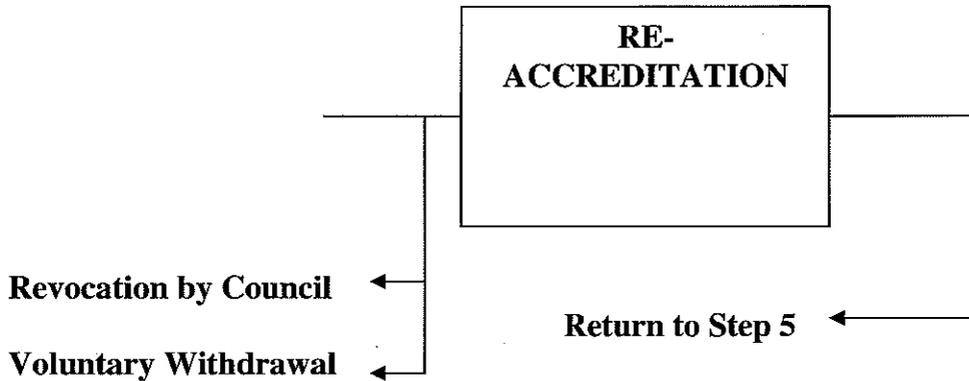
Agencies are strongly encouraged to constantly strive to improve their practices, regardless of accreditation status. For those agencies that are granted accreditation, biennial written updates are required to demonstrate continuing compliance and progress with self-imposed goals for improvement.

Agencies awarded accreditation must submit a biennial update, due on the second anniversary date of the original accreditation. The mid-term report must address significant changes in the Agency. The report must include an overview of changes in the parent agency that might affect management or operation of the Agency.

It is expected that an accredited agency will work toward improvement of its management and operational practices on a continual basis. The report should address the goals set during the accreditation process and may propose changes in existing goals or new goals. The reporting process provides a framework for measuring the Agency's progress since the original accreditation. The report must include the following:

1. A description of improvement efforts completed during the past year.
2. Identification and discussion of practices, which had a change in applicability to a given agency.
3. Certification that the Agency is still in full or substantial compliance with *all* of the applicable practices.

Reports should be submitted to the Director of Technical Services at APWA Headquarters.



### **STEP 25: RE-ACCREDITATION**

Re-Accreditation is required every four (4) years. In order to be considered for re-accreditation, the Agency must have submitted the required biennial update of the documentation described in the previous step.

An on-site evaluation team will visit the Agency and conduct a re-accreditation review in a similar manner as utilized for the initial accreditation review but will likely be less intensive. Agencies that are in full compliance with all applicable recommended practices will be expected to focus on how the Agency is going to improve its level of service to the community.

The intent of the accreditation process is to provide a continuous cycle of self assessment, evaluation, and continuous improvement. Accreditation, or re-accreditation, is not an end product of a linear process. Rather it can be likened to an element of a circular process often referred to as continuous improvement.

Revocation of Accreditation. A provisionally approved Agency that receives neither full accreditation nor continued provisional accreditation has its provisional accreditation revoked. An Agency on probation that is neither reinstated to full accreditation nor granted continued probation has its accreditation revoked.

An Agency on full accreditation that does not have its full accreditation continued is automatically placed on probationary status for a period of not less than one year. The placement of an Agency on probation is a clear warning that, if it does not substantially correct the deficiencies noted by the Council, the Agency would have its accreditation revoked at the end of the probationary period.

The Council has the authority to delete an Agency from the list of approved agencies when the Council has sufficient documentary evidence that the Agency is no longer a functional entity. At a subsequent time, the Agency may reapply for accreditation without prejudice.

Voluntary Withdrawal From Accredited Status: The chief elected or appointed official of the community may request the removal of an agency from the published list of accredited agencies. The Council will comply with that request and delete the Agency's name from the list. At a subsequent time, the Agency may reapply for accreditation without prejudice.



## **Chapter 4**    **APPEAL PROVISIONS AND PROCEDURES**

The fee for appeal will be due with the appeal filing.

a. Documentary Basis for Decisions. Before rendering a decision on the award, denial, renewal, placement on probation, or revocation of accreditation, the Council reviews the current self assessment by the Public Works Agency (application or mid-term report), the most recent site visit report, the Public Works Agency's Response to that Report, and other relevant materials and the Public Works Agency's comments on these materials. The Council may make a decision or may defer action until its next scheduled meeting in order to obtain more information on which to base a decision. The decision of the Council is recorded in the minutes and transmitted not later than thirty (30) days following the decision to the chief public works officer of the Public Works Agency, together with a statement of the factual basis for the decision and, in the case of an adverse decision, the criteria the Public Works Agency did not meet. That communication of the final accreditation decision clearly distinguishes between statements speaking to actual or potential deficiencies in meeting criteria and statements offering consultative recommendations to the Public Works Agency. In the decision letter, the Council encourages the Public Works Agency to share information about its accredited status appropriately.

b. Award, Renewal, or Denial of Accreditation. Four types of decisions may be made by the Council to award, renew, or deny accreditation.

See Step 21 (page 3-32) for detail of this process.

c. Effective Date of a Decision and Its Public Announcement. Award of full or provisional accreditation is effective as of the adjournment of the Council meeting in which the decision was made. The next site visit is scheduled from this same date. An annual listing of accredited agencies will be placed on the APWA web site. The listing will reflect the latest decisions of the Council, including revocations, except that no change in the status of a Public Works Agency is reflected for a Public Works Agency that has an unresolved appeal. In the same public listing, notice is given of agencies that voluntarily withdraw from accredited status. The Council will make every effort to correct in a timely manner any errors of fact or possibly misleading statements in its public listing.

d. Revocation of Accreditation. A provisionally approved Public Works Agency that receives neither full accreditation nor continued provisional accreditation has its provisional accreditation revoked. A Public Works Agency on probation that is neither reinstated on full accreditation nor granted continued probation has its accreditation revoked.

A Public Works Agency on full accreditation that does not have its full accreditation continued is automatically placed on probationary status for a period of not less than one year. The placement of a Public Works Agency on probation is a clear warning that, if it does not substantially correct the deficiencies noted by the Council, the Public Works Agency would have its accreditation revoked at the end of the probationary period.

The Council has the authority to delete a Public Works Agency from the list of approved agencies when the Council has sufficient documentary evidence that the Public Works Agency is no longer a functional entity. At a subsequent time, the Public Works Agency may reapply for accreditation without prejudice.

## **APPEAL OF DECISION OF THE COUNCIL**

a. Filing an Appeal. The chief elected or appointed official of the public agency, or the chief public works officer may appeal any of the decisions of the Council within 30 days of receipt of written notice of the Council's decision. The appeal must specify the grounds on which the appeal is made. The appeal should be addressed to the Executive Director of the American Public Works Association. The burden of presenting the argument initially, and/or persuading the appeals body, rests with the Public Works Agency filing the appeal.

b. Appealable Decisions. Only the following decisions of the Council may be appealed:

- (1) In the case of a Public Works Agency applying for an initial site visit, a denial of the initial visit;
- (2) In the case of a Public Works Agency applying for accreditation, a denial of full or provisional accreditation;
- (3) In the case of a Public Works Agency applying for accreditation, the award of provisional instead of full accreditation;
- (4) In the case of a provisionally or full accredited Public Works Agency, a denial of full accreditation, continued provisional accreditation, or revocation of provisional accreditation;
- (5) In the case of a provisionally accredited Public Works Agency, a decision to place the Public Works Agency on probation;
- (6) In the case of a Public Works Agency on probationary status, a decision to continue probation or to revoke accreditation;
- (7) In the case where the Council decides to request the next site visit in a fewer number of years than the normal intervals defined in Section 4.b. above.

(8) In the case where the Council denies re-accreditation of any Agency.

c. Formation of ad hoc Appeal Panel. Within 30 days of receipt of the appeal, the Executive Director of the American Public Works Association will name three members of an ad hoc Appeal Panel and three alternates. None of the designees will have had affiliation with the Public Works Agency filing the appeal or with the accreditation process relating to that Public Works Agency. Staff of the Council determines the willingness of the designated principals and alternates to serve and notifies the Public Works Agency of the names of the three principals. If the Public Works Agency shows good cause why a named principal is unacceptable, an alternate who is acceptable to both parties is selected.

d. The Meeting of the Appeal Panel. The Appeal Panel shall meet within 90 days of the date on which the Public Works Agency submits an appeal to the Council or on a date mutually acceptable to the Public Works Agency, the Appeal Panel, and the Council representative. The Public Works Agency may have one or more representatives appear before the Panel to make an oral and/or written presentation and to respond to questions from the Panel. The Chairperson of the Council designates a representative to appear before the Appeal Panel to support the decision of the Council and to respond to questions of the Appeal Panel. Counsel may represent either party; however, the proceeding is conducted on an informal basis. The Appeal Panel may request the assistance of counsel to provide guidance in the interpretation and resolution of legal or procedural problems that may arise in the context of an appeal.

e. Documents To Be Considered by the Appeal Panel. The issues addressed by the Appeal Panel are limited to those included in the appeal made by the Public Works Agency. The panel, the appellant, the Council's representative, and legal counsel will be furnished with all of the documents reviewed by the Council in making its decision and the letter notifying the Public Works Agency of the Council's decision. The Appeal Panel may not consider changes that may have been made by the Public Works Agency that would alter the nature of the programs described in these documents.

f. Decisions of the Panel. The function of an Appeal Panel in a given case is to review the decision of the Council based on the record that was before the Council at the time of its decision. In the event that the decision of the Council is not upheld, the case will be remanded to the Council for disposition in a manner consistent with the findings of the Appeal Panel. The decision of the Council shall stand if the Appeal Panel does not remand the appeal to the Council.

g. Reporting of the Decision of the Panel. The report of the Panel, including the decision and reasons for such, is prepared within 30 days and is addressed to the Executive Director of the American Public Works Association. Copies are forwarded to the chief elected or appointed official of the public agency, to the chief public works officer, and to the chairperson of the Council.



## **Chapter 5**    **PROCESS CONCERNS, DISPUTES AND COMPLAINTS**

The following section describes procedures that will be followed for handling concerns regarding the accreditation process, status of a Public Works Agency, or about evaluators during the conduct of the on-site evaluation. The section also discusses complaints received from third parties about accredited agencies.

a. Complaints on the Operation of an Accredited Agency from a Third Party. To be considered by the Council, a complaint about the operation of an accredited Public Works Agency must:

- (1) Be written and signed;
- (2) Identify the individual group or legal entity represented by the complainant;
- (3) Present substantial evidence that the subject Public Works Agency is not in compliance with one or more of the criteria in use at the time referred to in the complaint;
- (4) Demonstrate, when reasonably possible, that serious effort has been made to pursue all review procedures provided within the public agency in which the Public Works Agency is located; and
- (5) Grant permission to send the complaint, in its entirety, to the Public Works Agency.

Receipt of a complaint meeting these requirements is acknowledged by Council staff and sent to the Public Works Agency for comment. Both complaint and comment are placed on the Council agenda for its next scheduled meeting. The Council may reach a decision at that meeting, wherein the matter is resolved and the Public Works Agency will be so informed. Alternatively, the Council may vote to pursue the matter further, either by further correspondence with the Public Works Agency or by means of a special site visit to provide additional information on which to reach a decision on the accreditation status of the Public Works Agency. The Public Works Agency is afforded the opportunity to comment on any additional information provided to the Council by means of a special site visit. The Council communicates the disposition of the complaint, in writing, to the complainant and the Public Works Agency.

b. Against Actions of Site Evaluation Team Members or Visitors. The chief elected or appointed official of the public agency, or the chief public works officer may file a complaint regarding the actions of the site evaluators. That official must notify the Council of the Agency's intent to file a complaint within 14 days after completion of the site visit. Subsequently, the complaint should be addressed to the Council and must:

- (1) Be written and signed by the chief public works official;
- (2) Be sent *before* the host institution has received the written report from the site visit team and within 30 days after completion of the site visit;
- (3) Provide a clear description of the critical incident(s) in question; and,

- (4) Grant permission to send the complaint, in its entirety, to the evaluation team members or others named in the complaint.

Receipt of a complaint meeting these requirements is acknowledged by the Council's staff and held until the Report of the evaluation team is received. The complaint is sent to all members of the evaluation team with request for comment within 30 days. At the same time, the site evaluation Report is sent to the Public Works Agency for comment. Upon receipt of (1) the comments by evaluators on the complaint and (2) the Response of the Public Works Agency to the site visit report, both sets of documents are placed on the Council's agenda for its next scheduled meeting.

In mailing the agenda to the Council members, the complaint is covered separately and not bound with the site visit report and Public Works Agency's response in the main agenda book. In preparation for the meeting, Council members are requested to observe the following procedures. Each member is asked to review the complaint and evaluators' comments, and then to review the site visit Report and Response to it and to form an opinion as to whether the action(s) of the evaluators were such to void the site visit report.

Based upon its review of the relevant materials, the Council may reach the following decisions by a majority vote:

- (1) Deny the complaint, thereby sustaining the evaluators;
- (2) Sustain the complaint, thereby requiring a reprimand of the evaluators, which may include deletion from the list of potential evaluators maintained by the Council; or
- (3) Vote to pursue the matter further, by further correspondence either with the parties involved, or by means of a special fact-finding group, to provide additional information on which to reach a decision.

In the event the Council votes to sustain the complaint, it then must determine whether the critical incident(s) influenced the content of the site evaluation report. If the incident is determined to have influenced the site visit report, the Council voids the site visit Report and will schedule a second on-site evaluation at the Council's expense. If the incident is determined not to have influenced the site visit Report, the Council proceeds with its decision regarding the Public Works Agency's compliance.

In no case is the Council's decision regarding the Public Works Agency's compliance with the Criteria made until the complaint has been disposed of by the Council. The Council communicates the disposition of the complaint, in writing, to the chief public works officer and to the evaluators.

c. Processing of Accreditation Complaint that is in Litigation. If in the course of processing a complaint, the Council finds that the party against which the complaint is filed is involved in litigation over the same issue, the Council, upon advice from legal counsel, may exercise its discretion in determining the most appropriate action to take. That discretion can be guided by a number of factors, including whether the individual expressing the complaint is willing to cooperate with the Council, how protracted the litigation is likely to be. Whether the failure to initiate action against the Public Works Agency immediately might damage the public interest, and the impact on the confidentiality of the Council's deliberations if its files are subpoenaed during the course of litigation. In all instances, the Council should consider the potential effect of its action upon the interests of the public and the profession.



## **Chapter 6**    **RECOGNITION AND AWARDS**

**Awards.** Two levels of recognition are provided for agencies that participate in the Self Assessment and/or Accreditation processes. The two awards are for:

- (1) Completion of the self assessment process and submission of the results to the elected body; and
- (2) Achieving full accreditation or re-accreditation through an on-site evaluation.

**Recognition.** Any agency that completes the Self Assessment process, whether or not it intends to apply for accreditation, is eligible for recognition by APWA. Requirements for recognizing an agency include completion of the Self Assessment, including preparation of complete documentation, presentation of a report to the Agency's elected officials at a public hearing, and submission of documentation to the Director of Technical Services. The recognition is available to any agency, regardless of its intention to apply for full accreditation.

**Full Accreditation.** A representative of APWA will present a plaque to the Agency at a meeting of the Agency's elected board. A press release will be issued from APWA Headquarters to news media in the Agency's service area. In addition, the Agency will be recognized in APWA's official magazine, *The APWA Reporter* and/or other publications of the Association.



# APPENDIX A

## SAMPLE LETTER OF APPLICATION

(Print on Agency Letterhead)

Date

American Public Works Association  
Director of Technical Services  
2345 Grand Blvd, Suite 500  
Kansas City, MO 64108-2641

Subject: Application for Accreditation

The [insert Parent Agency name] is pleased to submit an application for Accreditation of the [insert Agency/Department name].

[Insert a statement of support from the elected body, or appointed CEO, indicating that the whole agency will support the Self Assessment and Accreditation phases of the program]

[Insert additional text as desired to indicate support]

Enclosed is a completed application, Accreditation Agreement, and [check or purchase order information, including amount].

Please contact [insert name and contact information] if you have any questions.

Sincerely,

[insert name]

[insert title—must be chief elected or appointed official]

Enclosures



**ACCREDITATION COUNCIL  
OF THE  
AMERICAN PUBLIC WORKS ASSOCIATION  
APPLICATION FOR  
VOLUNTARY ACCREDITATION**

Agency Name: \* \_\_\_\_\_

\*An entire operating division of a public works agency can apply for accreditation if it is a separate, semi-autonomous unit of government.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(If different from street address)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

• Parent Agency's Chief Executive Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Elected - Or Appointed -

• Public Works Agency's Chief Executive: \_\_\_\_\_

Title: \_\_\_\_\_ Elected - Or Appointed -

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

APWA Member? -- Yes, I.D. Number \_\_\_\_\_ -- No

APWA Agency Member? -- Yes, Contact Individual \_\_\_\_\_ -- No

Web address: \_\_\_\_\_

• Public Works Agency's Accreditation Manager: \_\_\_\_\_

Title: \_\_\_\_\_

APWA Member? -- Yes, I.D. Number \_\_\_\_\_ -- No

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

The public works agency is responsible for the Functional Areas, which are checked on the reverse side of this application form. The agency is responsible for complying with all recommended practices in the Functional Areas for which the public works agency has responsibility. Each area is covered by a separate chapter in the *Public Works Management Practices Manual* and forms the basis for fees charged for the accreditation process.

We hereby apply for voluntary accreditation by the Accreditation Council of the American Public Works Association. By means of this application, the agency acknowledges its commitment to accreditation and is willing to devote the resources necessary to complete the accreditation process. The agency is prepared to provide such information necessary for the Council to fairly evaluate the agency's eligibility for accreditation.

Agency will indemnify and hold harmless APWA and the Council from liability, claims, suits, expenses, including court costs and attorneys' fees, and other obligations arising out of or attributable to APWA's and the Council's negligence in such accreditation. Agency releases APWA and the Council, and will indemnify them against and hold them harmless from, any claim or liability of Agency or its employees and agents, for damages for defamation, libel or slander, arising out of, or attributable to, Agency's Application for Accreditation and/or the approval, denial, renewal or termination thereof.

Enclosed is a letter of commitment from the parent agency's Chief Executive Officer, a completed Accreditation Agreement and a check or purchase order for the fees. We understand that our agency is entering into a non-adversarial, collaborative relationship with the Council for the purpose of attaining accredited status. The agency can terminate its application status at any time upon notice as indicated in the aforementioned Accreditation Agreement, Sections 4.2, 6.2, and 6.4, but will be eligible for only a partial refund as contained in the Agreement.

Executed this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

By: \_\_\_\_\_, Title: \_\_\_\_\_

(Typed or printed name)



# APPENDIX C

## ACCREDITATION AGREEMENT

This agreement is entered into between the \_\_\_\_\_ (full name of agency) with principal offices located at \_\_\_\_\_ herewith referred to as the "Agency"; the "Accreditation Council of the APWA", herewith referred to as the "Council"; and the APWA, a non-profit 501(c)(3) corporation, herewith referred to as "APWA."

### WITNESSETH

The Agency and the Council, for and in consideration of the mutual covenants set forth in this Agreement and the compensation to be paid to the APWA, acting as the fiduciary agent for the Council, as hereafter specified, covenant and agree to be bound by the provisions, terms, and covenants contained herein. WHEREFORE, each party covenants and agrees as follows:

#### Section 1. PURPOSE OF THIS AGREEMENT:

1.1 The purpose of this Agreement is to establish the relationships between, and set the responsibilities of, the parties of the Agreement (a) by the Council assessing the Agency's compliance with recommended practices established by the APWA in order for the Council to determine if the Agency is eligible for designation as accredited, and (b) by the Agency's maintaining compliance with those standards by which they were accredited.

#### Section 2. AGENCY'S RESPONSIBILITIES:

The Agency agrees to:

- 2.1 Provide all information, using its best and honest judgment in good faith, requested by the Council.
- 2.2 Provide all documents, files, records, and other data as required by the Council and APWA so far as the same may be provided in accordance with laws, regulations, and ordinances of the state, county, locality, or municipality in which the agency is located.
- 2.3 Conduct a self assessment as to compliance with recommended practices, and provide full and accurate results thereof to the Council using software developed and approved by the Council.
- 2.4 Provide one or more persons to assist the Council representatives, hereafter referred to as the "Evaluators," in making the necessary inquiries and assessments of agency information relative to compliance with recommended practices; provide access to files and records; and provide necessary facilities that are requested by the Evaluators\*.
- 2.5 Respond to all communications from the Council within ten (10) business days from the receipt thereof.

#### Section 3. COUNCIL'S RESPONSIBILITIES:

The Council agrees to:

- 3.1 Provide necessary documentation, forms, and instructions regarding the accreditation process.
- 3.2 Provide Evaluators for the purpose of conducting an on-site evaluation of the Agency's compliance with recommended practices, \*
- 3.3 Promptly analyze compliance data and advise the Agency of the results of the on-site evaluation and the need for additional information, if any. \*
- 3.4 Conduct a hearing and certify the Agency as accredited if the relevant standards are complied with. \*
- 3.5 If the Agency is accredited, (a) provide a certificate, and (b) make available indicia of accreditation.
- 3.6 If the Agency is not accredited following an examination of compliance with recommended practices, provide the Agency with reasons for the Council decision.

\*This provision applies only after payment of on-site evaluation costs by the agency.

#### Section 4. TIME PERIOD COVERED BY THIS AGREEMENT:

- 4.1 This agreement shall take effect when the Agency's Chief Executive Officer, or authorized representative, and the Executive Director of the APWA, acting on its behalf, sign the Agreement. This Agreement shall be effective upon signing by the second party.
- 4.2 The terms and covenants of this Agreement shall terminate in the following circumstances:
  - (a) Upon execution of a Re-accreditation Agreement between the Agency and Council: or

March 2007

- (b) Upon expiration of the 36th month following the effective date of this Agreement unless a successful on-site evaluation if completed within that period of time; or
- (c) Upon written notice by the Agency that it withdraws from the accreditation process; or
- (d) Upon termination pursuant to Section 5.2 or 6.3 hereof; or
- (e) Upon expiration or revocation of the Agency's accredited status.

4.3 Council may, at its discretion, upon request by the Agency, extend this Agreement in accordance with Section

**Section 5. MODIFICATION:**

5.1 There shall be no modifications of this Agreement except in writing, signed by both parties, and executed with the same formalities as this document.

5.2 The Agency recognizes and acknowledges that it will be necessary for the Council to make reasonable modifications and amendments to this Agreement and other related documents, including but NOT limited to the accreditation standards and procedures thereof and hereby agrees to endorse all modifications and amendments, which the Agency deems reasonable. In the event the Agency deems such modifications or amendments unreasonable, the Council reserves the right to terminate this Agreement after due consideration thereof by giving notice by registered or certified mail, return receipt requested, that in the event the Agency refuses to accept and execute such modifications or amendments, then and in such event, this Agreement will be terminated.

**Section 6. TIME AND MANNER OF PAYMENTS:**

6.1 The Agency may elect one of two options (lump sum or installment) for payment of the accreditation fee, which is not refundable (except as noted in Section 6.3). Under either option, the fees do not include the Agency's responsibility to reimburse for costs associated with the on-site evaluation. On-site evaluation costs will be determined by the APWA and will be billed separately upon completion of the on-site evaluation.

The Agency agrees to one of the following options by checking the appropriate block

(a) Lump Sum Option

The Agency is responsible for directly or indirectly administering, managing or providing public works related services in \_\_\_\_\_ functional areas, more fully described on the Agency's Application for Accreditation, which is hereby incorporated into this agreement. The Agency will remit to APWA a single payment in the lump-sum amount for processing of the accreditation of \$ \_\_\_\_\_, upon the signing of this Agreement by the Agency's Chief Executive Officer.

The total amount of \$ \_\_\_\_\_ is herein remitted to the American Public Works Association via check number \_\_\_\_\_; or

Purchase Order No. \_\_\_\_\_ is herein remitted to the APWA in the amount of \$ \_\_\_\_\_.

OR

(b) Installment Option

The Agency is responsible for directly or indirectly administering, managing or providing public works related services in \_\_\_\_\_ functional areas, more fully described on the Agency's Application for Accreditation, which is hereby incorporated into this agreement. The Agency will remit to APWA a total payment of \$ \_\_\_\_\_ for processing of the accreditation. The first installment of \$ \_\_\_\_\_ (50% of total fee) is due at the signing of this Agreement by the Agency's Chief Executive Officer. The second installment of \$ \_\_\_\_\_ (remaining 50% of fee) is payable by the end of the eighteenth (18<sup>th</sup>) month from the effective date of this Agreement or at the time of submission of the completed self evaluation and request for the onsite evaluation, whichever occurs first

The first installment of \$ \_\_\_\_\_ is herein remitted to the American Public Works Association via check number \_\_\_\_\_; or

Purchase Order No. \_\_\_\_\_ is herein remitted to the APWA in the amount of \$ \_\_\_\_\_.

\*The Council reserves the right to terminate this Agreement if an installment payment is delinquent by more than sixty days.

6.2 If the Agency is determined ineligible to apply for participation in the accreditation program, subsequent to execution of this Agreement and payment of fees, a refund of fees received will be paid to the Agency, less a \$1,000 processing fee.

6.3 The Agency may be invoiced for the Council's and APWA's projected on-site evaluation costs plus a 10% contingency (based on estimated costs,) and payment would be required at least thirty (30) days before the on-site evaluations. If the projected costs exceed the actual on-site costs, the excess amount deposited will be returned promptly to the Agency by APWA. If the actual costs exceed the deposit, the Agency agrees to reimburse APWA within thirty (30) days of receipt of an invoice for the additional costs.

6.4 If an Agency voluntarily withdraws its application for Accreditation subsequent to execution of this Agreement, the Agency shall receive a refund based on the following schedule, based on the effective date of this agreement:

March 2007

Less than one-year:	Seventy percent (70%) of the total fee
More than one-year, but less than two years:	Fifty percent (50%) of the total fee
More than two-years	No refund allowed

Refunds shall not exceed the amount actually paid by the Agency.

6.5 If the Agency requires more than 36 months to complete a successful on-site evaluation, the Agency agrees to pay a non-refundable annual fee amounting to 25% of the fee in effect on the effective date of this Accreditation Agreement. This annual fee shall be due and payable 36 months after the effective date of this Agreement, and every 12 months thereafter, until a successful on-site evaluation has been achieved or this Agreement has been terminated in accordance with Section 4 supra. No such additional fee will be levied where the Council or APWA delays the on-site evaluation for their convenience or where the on-site evaluation cannot be reasonably scheduled within the original 36-month period.

6.6 If the Agency's initial on-site evaluation is not successful (i.e., work after the initial on-site evaluation is required to achieve compliance with recommended practices), the Agency shall prepay estimated costs, plus a 10% contingency, (based on estimated costs) for a subsequent on-site evaluation and/or additional staff/evaluator assistance required on or off site. The additional work required (on and/or off site) must be completed within six (6) months. If the projected costs exceed the actual costs, the APWA will promptly return the excess amount to the Agency.

#### **Section 7. CONFIDENTIALITY:**

7.1 The Council shall receive and hold confidential any and all reports, files, records and other data obtained from the Agency pursuant to this Agreement. The Council shall not disclose, distribute, or release to any person or organization, except authorized Agency officials, employees or agents, or upon order of any court, state or federal, any materials or contents thereof, either provided by the Agency or developed by the Council and APWA in the furtherance of its responsibilities under this Agreement. Notwithstanding anything in this Agreement to the contrary including the above, the Council is authorized, but not required, in the exercise of its sole discretion, to conduct an open meeting regarding the Agency's candidacy for accreditation or its continued compliance with applicable standards, including but not limited to all factual matters relating to the assessment, appraisal, and determination of accreditation and all comments which form a basis for the opinion either in favor of or against accreditation, unless specifically notified by the Agency in writing to the contrary, in which case such meeting shall be closed to the public. Nothing herein shall be construed to require the Council to conduct all or part of its meeting in public, including but not limited to the right of the Council, in the exercise of its sole discretion, to terminate an open meeting at any time and conclude such meeting in a closed session.

7.2 In response to inquiries concerning the Agency, the Council's reply will be to identify the Agency's status. All other requests for information will be directed to the Agency's Chief Executive Officer.

#### **Section 8. NEWS RELEASES:**

8.1 Notwithstanding any provision of this Agreement to the contrary, the Council and APWA shall have the right to identify the Agency in news releases and its publicity program after the Agency's on-site evaluation has been scheduled; the purpose of said news release and publicity program will be to identify the Agency as seeking accreditation. Where specific mention of the Agency is used in this regard, a copy of the news release or publicity material will be provided to the Agency for its information.

8.2 The Agency shall provide Council with a copy of all its news releases or publicity material concerning its accreditation activities.

8.3 The Council and APWA may release the identity of the Agency to other agencies considering or involved in either a self assessment or accreditation. The express purpose of releasing the identity is to encourage, promote and facilitate networking among agencies.

#### **Section 9. THE COUNCIL AS AN INDEPENDENT CONTRACTOR:**

9.1 In all matters pertaining to this Agreement, the Council shall be acting as an independent contractor, and neither the Council and APWA nor any officer, employee, or agent of the Council and APWA will be deemed an employee of the Agency. The selection and designation of the personnel of the Council and APWA in performance of its responsibilities under this Agreement shall be made by the Council and APWA.

9.2 In all matters pertaining to this Agreement and the relationship between the parties thereto, the Executive Director of the Council and APWA will act in the name of the Council and APWA.

#### **Section 10. INDEMNIFICATION:**

10.1 The Agency shall indemnify and hold harmless the Council and APWA from all claims, demands, suits, and actions against the Council and APWA as a result of the distribution by the Agency to third persons of any reports, results of analyses, recommendations, or other communications furnished to it by the Council and APWA.

10.2 The Agency shall indemnify and hold harmless the Council and APWA, its officers, employees, and agents from any and all liability, loss or damage, which may be suffered or incurred as a result of claims, demands, suits, or actions arising out of the performance of either party to this Agreement.

10.3 The person signing on behalf of the Agency hereby represents and warrants that he or she has the power and authority to execute this Agreement and to bind said Agency to all terms and covenants contained herein including, but not limited to, the provisions of this Section 10.

10.4 Agency will indemnify and hold harmless APWA and the Council from liability, claims, suits, expenses, including court costs and attorneys' fees, and other obligations arising out of or attributable to APWA's and the Council's negligence in such accreditation. Agency releases APWA and the Council, and will indemnify them against and hold them harmless from, any claim or liability of Agency or its employees and agents, for damages for defamation, libel or slander, arising out of, or attributable to, Agency's Application for Accreditation and/or the approval, denial, renewal or termination thereof.

**Section 11. INTEGRATION:**

11.1 This instrument embodies the whole Agreement of the parties. The parties warrant that there are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto.

**Section 12. SEVERABILITY:**

12.1 If any provision of this Agreement or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Agreement and the application of such provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

**Section 13. CHOICE OF LAW:**

13.1 This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the law of the State of Missouri.

**Section 14. MAINTAINING THE AGENCY'S ACCREDITATION STATUS:**

14.1 When the Agency is awarded accreditation by the Council, the Agency agrees to maintain compliance with those applicable standards under which accreditation was awarded. After award of accreditation, the Agency agrees to (a) file a mid-term report on forms supplied by the Council that testify to its continuing compliance, and (b) promptly notify the Council when it cannot or does not maintain compliance with recommended practices.

14.2 As regards maintaining the agency's accreditation status, the Agency and the Council acknowledge and agree to be bound by the provisions of the Accreditation Process Guide.

**Section 15. WARRANTY NOT INTENDED OR IMPLIED:**

15.1 It is understood that the Council's award of accreditation does not constitute a warranty, express, or implied, of total or continued compliance by the Agency with all recommended practices of accreditation and, further, that it is not a substitute for the Agency's ongoing and in-depth monitoring and evaluation of its activities and the quality of its services.

**Section 16. WAIVER:**

16.1 Any waiver by the Council or any breach of this Agreement by the Agency shall relate only to that particular breach and shall not amount to a general waiver.

**Section 17. NOTICE:**

17.1 Any notice between the parties shall be in writing and set postage prepaid, to the addresses as specified in the preamble of this Agreement or to such other address as either party may specify in writing in accordance with this section.

**Section 18. HEADINGS:**

18.1 The heading of this Agreement shall not be deemed part of it and shall not in any way effect its construction.

**Section 19. ESTABLISHMENT OF RECOMMENDED PRACTICES:**

19.1 The Agency and Council agree that the Fifth Edition of the *Public Works Management Practices Manual* (referred to as the "Manual") published in September 2004, shall be the basis for the self assessment conducted by the Agency, unless otherwise agreed to in writing by the Council.

19.2 The Council's evaluation of the self assessment prepared by the Agency and determination of the Agency's compliance with recommended practices and thus eligibility for accreditation shall be based on the edition of the Manual cited in Section 19.1.

19.3 The Agency agrees to submit results of the self assessment using software developed and approved by the Accreditation Council for use with the Fifth Edition of the Manual.

March 2007

19.4 The Agency has read the following documents and agrees to and accepts them:

- (a) *Public Works Management Practices Manual, Fifth Edition*
- (b) Accreditation Process Guide

**IN WITNESS WHEREOF**, the Agency has caused this Agreement to be executed in duplicate on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Witness: By: \_\_\_\_\_

\_\_\_\_\_  
(Typed name)

\_\_\_\_\_  
(Title)\*

Witness: By: \_\_\_\_\_

\_\_\_\_\_  
(Typed name)

\_\_\_\_\_  
(Title)\*

\*Title of the Agency's Chief Executive Officer or Chief Elected Official and title and that of the appropriate civil authority in the event such signature is required to effect this Agreement. If not required, please so note in this signature block.

**IN WITNESS WHEREOF**, the Council has caused this Agreement to be executed by the Executive Director of the American Public Works Association, acting on its behalf.

Witness: By: \_\_\_\_\_

M. Kaye Sullivan  
Deputy Executive Director, COO

ACCREDITATION COUNCIL  
OF THE  
AMERICAN PUBLIC WORKS ASSOCIATION

CHECKLIST FOR  
REQUESTING SITE EVALUATION FOR  
VOLUNTARY ACCREDITATION  
Public Works Management Practices Manual - Fifth Edition

Agency Name: \* \_\_\_\_\_

\*An entire operating division of a public works agency can apply for accreditation if it is a separate, semi-autonomous unit of government.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(if different from street address)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

• Parent Agency's Chief Executive Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Elected - Or Appointed -

• Public Works Agency's Chief Executive: \_\_\_\_\_

Title: \_\_\_\_\_ Elected - Or Appointed -

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

APWA Member? -- Yes, I.D. Number \_\_\_\_\_ -- No

APWA Agency Member? -- Yes, Contact \_\_\_\_\_ -- No

• Public Works Agency's Accreditation Manager: \_\_\_\_\_

Title: \_\_\_\_\_

APWA Member? -- Yes, I.D. Number \_\_\_\_\_ -- No

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ E-Mail \_\_\_\_\_

The public works agency is responsible for the Functional Areas, which are checked on the reverse side of this application form. A total of \_\_\_\_\_ Functional Areas have been checked. The agency is responsible for complying with all recommended practices in the Functional Areas which the public works agency has responsibility. Each area is covered by a separate chapter in the *Public Works Management Practices Manual* and forms the basis for fees charged for the accreditation process.

We hereby apply for a site evaluation for voluntary accreditation by the Accreditation Council of the American Public Works Association. By this application, the agency affirms that we are in compliance with all applicable practices, have submitted the findings of the Agency's Self Assessment to the elected governing body, and are prepared to demonstrate compliance through written documentation. The agency is prepared to provide such documentation and information necessary for the Council to fairly evaluate the agency's eligibility for accreditation.

Agency will indemnify and hold harmless APWA and the Council from liability, claims, suits, expenses, including court costs and attorneys' fees, and other obligations arising out of or attributable to, APWA's and the Council's negligence in such accreditation. Agency releases APWA and the Council, and will indemnify them against and hold them harmless from, any claim or liability of Agency or its employees and agents, for damages for defamation, libel or slander, arising out of, or attributable to, Agency's Application for Accreditation and/or the approval, denial, renewal or termination thereof.

The Agency hereby requests that a site evaluation be scheduled upon the determination by the Accreditation Council that the required information has been submitted, as enumerated in this checklist or subsequent correspondence.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_, Title: \_\_\_\_\_

(typed or printed name)

## APPLICABLE FUNCTIONAL AREAS

Which of the following functions does your department administer, manage or provide services -- either directly or through a contractor or outside vendor? Explain reason for not being responsible for a particular functional area.

FUNCTIONAL AREA (Chapter Number)	YES	NO	REASON FOR NON-RESPONSIBILITY
Chapter 1-9			
Planning and Development ( 10)			
Engineering Design (11)			
Bid Process (12)			
Project Management (13)			
Right-of-Way Management (14)			
Utility Coordination (15)			
Facilities Management (16)			
Equipment and Fleet Management (17)			
Parks, Grounds and Forestry (18)			
Solid Waste Management (19)			
Solid Waste Collection (20)			
Solid Waste Recycling and Reuse (21)			
Solid Waste Disposal (22)			
Street Maintenance (23)			
Street Cleaning (24)			
Snow Removal and Ice Control (25)			
Storm Water and Flood Management (26)			
Vector Control (27)			
Potable Water (28)			
Wastewater Collection and Conveyance (29)			
Wastewater Treatment and Disposal (30)			
Traffic Operations (31)			
Parking (32)			
Cemeteries (33)			
Airports (34)			
Transit Operations (35)			
<b>TOTALS (please enter a number for both Yes and No)</b>			

TIMELINE/REQUIRED DOCUMENTATION	YES	NO	COMMENTS OR EXPLANATION
<b>90 days prior to site visit</b>			
Preferred Date of Site Visit			
<b>45 days prior to site visit</b>			
Copy of Original Accreditation Application			
Copy of Original Accreditation Agreement			
Final Payment of Accreditation Fees (if not already paid)			
List of agency staff members and their responsibilities relating to individual practices			
Written Request for Waivers			
<b>30 days prior to site visit</b>			
Individual Practice Statement Records (IPSR's) divided equally among five binders (must be in written form, complete and clearly state Agency's practice)			
Tracking Software Files Containing IPSR's (must be in standard format)			
Verification that Outline of Self Assessment Findings have been conveyed to Elected Governing Body			
Brief Description of Community and Agency			
Maps and Guides of Agency's Service Area			
Maps and Guides of Surrounding Region			



# APPENDIX E

## (Name of Agency)

### Accreditation Site Visit Agenda

Typical Schedule for Medium Size Agency Responsible for 22 Chapters

#### Saturday

Location	Time	Activity
		Travel to Agency
	4:00 – 9:00 P.M.	Register at Hotel
		Dinner On Your Own

Site Visit Team Lead:                      Evaluator 1

Chapter Assignments:                      Evaluator 1: 1, 9, 15, 16, 18, 24, and 25  
 ( \_\_\_\_\_ Edition)                      Evaluator 2: 3, 4, 11, 17, and 30  
    Evaluator 3: 2, 5, 6, 12, and 27  
    Evaluator 4: 8, 7, 10, 13, and 14  
    APWA Staff: Logistical Support and Quality Control

Chapters Represented as Not Applicable: 19, 20, 21, 22, 23, 26, 28, 29, and 31.

A total of 339 Practices will be reviewed

(Numbers in parentheses are total number in chapter—not all apply)

#### Sunday

Location	Time	Activity
	9:00 A.M.	Meet in lobby
	11:30 – 1:30	Lunch with PW staff and Evaluation Team; Orientation, Agency presentation
	1:30 – 3:30 p.m.	Tour of Agency (Includes drive-by of major facilities, but does not include detailed inspection)
	3:30-4:30 P.M	Joint Review of Chapter 1
	4:30-5:00 P.M.	Wrap-up and Discuss Agenda for Monday
	6:00 P.M.	Reception and/or Dinner – Evaluation Team & Agency Self Assessment Team, Elected Officials, Others

**Monday**

<b>Location</b>	<b>Time</b>	<b>Activity</b>
Hotel	6:30-7:30 A.M.	Evaluator Breakfast – Meet at Hotel Coffee Shop
	7:45 A.M.	Team Departs for Meeting Facility
	8:00 – 12 Noon	Review of Chapters by Evaluators and local agency staff Evaluator 1 – Chapter 2 Evaluator 2 – Chapter 26, 27 Evaluator 3 – Chapter 5, 6 Evaluator 4 – Chapter 10, 11
	12 Noon – 1:00 p.m.	Working lunch provided for Evaluator Team
	1:00-5:00 P.M.	Afternoon Session Reviews: Evaluator 1 – Chapters 24 Evaluator 3 – Chapters 5, 6 Evaluator 4 – Chapters Chapter 8 Evaluator 2 – Chapter 3, 17 APWA Staff – Waiver Requests and N/A Chapters 19, 20, 21, 22, 23, 26, 28, 29, and 31.
Hotel	5:00 P.M.	Return to Hotel
Restaurant	6:00 P.M.	Dinner for Evaluators (on their own)
Hotel	8:00 P.M.	Return to Hotel – Discussion of Requirements for Partial & Non-Compliant Practices as needed

**Tuesday**

<b>Location</b>	<b>Time</b>	<b>Activity</b>
Hotel	6:30-7:30 A.M.	Breakfast – On Your Own
	7:45 A.M.	Evaluators leave for Meeting Facility
	8:00 – Noon	Morning Session Reviews: Evaluator 1 – Chapters 15, 18, 25 Evaluator 2 – Chapter 30 Evaluator 3 – Chapters 12, 27 Evaluator 4 – Chapters 10, 13
	Noon-1:00 P.M	Working Lunch – catered by Agency
	1:00-5:00 P.M	Afternoon Session Reviews: Evaluator 1 – Chapter 9, 16 Evaluator 2 – Chapter 4, 11 Evaluator 3 – Chapter 2 Evaluator 4 – Chapters 7, 14
	5:00 P.M.	Evaluators return to hotel
Restaurant	7:00-11:00 P.M.	Dinner and Debriefing (Evaluation Team Only)

**Wednesday**

<b>Location</b>	<b>Time</b>	<b>Activity</b>
Hotel	6:30-7:30 A.M.	Breakfast – On Your Own
	7:45 A.M.	Transportation to Meeting Facility
	8:30 - 10:00 A.M.	Missed Practices and Prepare Report
	10:30 A.M.	Review Findings with Department Director. Discussion of practices requiring further action.
	11:30 A.M.	Depart for Airport



## CITY COUNCIL REPORT

DATE: May 12, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Brian Murphy, Assistant City Manager/ Economic Development Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: City of Farmington  
Abandoned Residential Property Registration Ordinance

### Background:

- The maintenance of structures within the City of Troy is regulated by a number of ordinances of the City Code. This includes Property Maintenance Ordinance, Litter Ordinance, Weed Ordinance, Nuisance Ordinance, and Fire Prevention Code. City Council asked that we look at the abandoned property registration ordinance that the City of Farmington has recently adopted to see if there is a need or desire to adopt similar language in the City of Troy Ordinances. A copy of the ordinance is attached for your reference.

In general most of the provisions contained within the Farmington Ordinance are currently contained within the Troy Ordinances in one form or another with the exception of three items. The first is a requirement that the owners of vacant properties must annually and within 10 days of ownership or vacancy of a home, register their ownership of a vacant residential property. Their fee for this registration is \$250 per calendar year. Owners that fail to register can be fined in addition to the cost of registration. We have a requirement that the ownership of vacant property be registered with the City within 60 days, however, we do not charge a fee for such registration.

The second is a requirement that the properties be maintained to a "neighborhood standard". This requires the properties to be maintained to a level equal to the standard on a majority of homes within 300' of the subject home. Even though there may be homes within that 300' distance that are legally maintained to a lesser standard, the vacant home would be required to be maintained to this potentially higher average standard. We apply the same minimum standard to all homes regardless of their state of occupancy.

The third requirement is for a new Certificate of Occupancy to be issued before a vacant home can be re-occupied. This is regardless of whether there were any conditions at the home that

would make a previous certificate invalid. We would only require a new certificate of occupancy if the previous certificate was deemed to be invalid due to the conditions of the structure.

In general, we believe that the current City of Troy Ordinances sufficiently address the conditions of homes within the City of Troy and will be further enhanced when the new edition of the Property Maintenance Code is adopted by City Council.

We will be happy to discuss this matter further if you desire.

**STATE OF MICHIGAN**  
**CITY OF FARMINGTON**  
**ORDINANCE NO. C-740-2009**

**AN ORDINANCE TO AMEND THE FARMINGTON CITY CODE,  
CHAPTER 19, NUISANCE, TO ADD A NEW ARTICLE, ARTICLE IX,  
“ABANDONED RESIDENTIAL PROPERTY REGISTRATION AND  
MAINTENANCE”**

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1 of Ordinance**

Chapter 19, Nuisance, of the Farmington Code of Ordinances, is hereby amended to add Article IX, Abandoned Residential Property Registration and Maintenance,” to read as follows:

**Section 19-200. Purpose.**

It is the purpose and intent of the City of Farmington through the adoption of this ordinance, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

**Section 19-201. Definitions.**

For the purposes of this ordinance, certain words and phrases are defined as follows:

- A. “Abandoned” means a property that is vacant and is under a current complaint for foreclosure or notice of foreclosure and/or notice of trustee’s sale, pending tax sale, and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- B. “Accessible property” means a property that is accessible through a compromised/breached gate, fence, wall, etc.
- C. “Accessible structure” means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.
- D. “Agreement” means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer, or exchange.

- E. “Assignment of rents” means an instrument that transfers the beneficial interest under a mortgage from one lender/entity to another.
- F. “Beneficiary” means a lender under a note secured by a mortgage.
- G. “Buyer” means any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.
- H. “Dangerous building” means any building/structure that is in violation of any condition referenced in Chapter 19, Article II of the City Code.
- I. “Days” means consecutive calendar days.
- J. “Deed in lieu of foreclosure/sale” means a recorded document that transfers ownership of a property from the trustor to the holder of a mortgage upon consent of the beneficiary of the mortgage.
- K. “Default” means the failure to fulfill a contractual obligation, monetary, or conditional.
- L. “Distressed” means a property that is under a current notice of default and/or notice of trustee’s sale and/or pending tax assessor’s lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.
- M. “Evidence of vacancy” means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/nor mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.
- N. “Foreclosure” means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.
- O. “Local” means within 40 road/driving miles distance of the subject property.
- P. “Mortgage” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan.
- Q. “Neighborhood standard” means those conditions that are present on a simple majority of properties within a 300-foot radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.

- R. “Out of area” means in excess of 40 road/driving miles distance of the subject property.
- S. “Owner” means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.
- T. “Owner of record” means the person having recorded title to the property.
- U. “Property” means any unimproved or improved real property, or portion thereof, situated in the Township and includes the buildings or structures located on the property regardless of condition.
- V. “Residential building” means any improved real property, or portion thereof, situated in the City, designed, or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as “residential” whether or not it is legally permitted and/or zoned for such use.
- W. “Secure” or “secured” means such measures as may be directed by the City of Farmington Code Official or his or her designee that render the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, and the repair or boarding of doors, broken windows and/or other openings. In the case of broken windows, securing means the reglazing or boarding of the window. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required. In addition, “secure” or “secured” means closing and locking windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a person to access the interior of a property and/or structure(s).
- X. “Trustee” means the person, firm, or corporation holding a mortgage on a property.
- Y. “Trustor” means a borrower under a mortgage, who deeds property to a trustee as security for the payment of a debt.
- Z. “Vacant” means a building/structure that is not legally occupied.

**Section 19-202. Registration.**

Any beneficiary/trustee, who holds a mortgage on a property located within the City, shall perform an inspection, to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the trustor, within five (5) days after either filing a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement). If the property is found to be vacant or shows evidence of vacancy, it is, by this ordinance, deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the City of Farmington Code Official head or his or her designee on forms provided by the City.

If the property is occupied but remains in default it shall be inspected, to the extent permitted by law and the mortgage, by the beneficiary/trustee, or his designee, monthly until (1) the trustor or other party remedies the default or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the trustee shall, within 10 days of that inspection, register the property with the City of Farmington Code Official head or his or her designee on forms provided by the City.

In either case the registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee (no P.O. boxes), a direct contact name and phone number for the beneficiary/trustee and, in the case of a corporation or out-of-area beneficiary/trustee, the local property management company responsible for the security, maintenance, and marketing of the property. Registration fees will not be prorated.

An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1<sup>st</sup> of each year and must be received no later than January 31<sup>st</sup> of the year due.

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. Such properties shall be registered with the City in accordance with the terms of this section upon transfer even if occupied at the time of the transfer.

Properties subject to this ordinance shall remain under the annual registration requirement, security, and maintenance standards of this section as long as they remain vacant.

Any person, firm, or corporation that has registered a property under this ordinance must report any change of information contained in the registration to the City of Farmington Building Department within 10 days of the change.

### **Section 19-203. Maintenance requirements.**

Vacant and abandoned properties subject to this section shall be, in comparison to the neighborhood standard, kept free of weeds, dry bush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Visible front and side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

Maintenance includes but is not limited to regular watering, irrigation, cutting, pruning, and moving of required landscape and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the State of Michigan.

Adherence to this section does not relieve the beneficiary/trustee or property owner of any obligations set forth in any covenants, conditions, and restrictions and/or homeowners' association rules and regulations which may apply to the property.

**Section 19-204. Security requirements.**

Properties subject to this section shall be secured so as not to be accessible to unauthorized persons.

If the property is owned by a corporation and/or out-of-area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this ordinance.

**Section 19-205. Additional authority.**

In addition to the enforcement remedies established in this Chapter 19 or in Chapter 24 of the City of Farmington Code of Ordinances, the City of Farmington Code Official head or his or her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all door, window, or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

**Section 19-206. Fees.**

The fee for registering an abandoned residential property shall be set by resolution of the City of Farmington.

**Section 19-207. Right of Entry.**

If the owner has failed to secure a property and it has been secured by the City, the City and/or its contracted agent, may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous health and safety conditions in existence.

**Section 19-208. Re-Occupancy.**

An abandoned residential structure shall not be occupied until a Certificate of Occupancy has been issued by the City, and all violations have been corrected in accordance with the applicable requirements of the Michigan Building/Residential Code, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code, International Property Maintenance Code and applicable provisions of the City of Farmington Code of Ordinances. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a Certificate of Occupancy shall not be issued until all outstanding costs, assessments and/or liens owed to the City have been paid in full.

**Section 19-209. Violation/Abatement.**

Violations of this ordinance shall be treated as a strict liability offense regardless of intent. Violations of this ordinance may be enforced as allowed in Chapter 24, Property Maintenance, of the City of Farmington Code of Ordinances. Alternatively, at the sole discretion of the City, the City may issue to the beneficiary/trustee/owner and/or owner of record a Notice to Abate. The Notice to Abate shall include:

- (1) The nature and location of the violation;
- (2) The time within which the violation must be abated;
- (3) Notice that the City may act to abate the violation if it is not abated by the owner within a reasonable time stated in the Notice, but which may not exceed fifteen (15) days;
- (4) Notice that the cost of such action by the City, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid; and
- (5) Notice that any refusal to allow the City to abate an uncorrected violation shall be a separate violation under this Code.

**Section 19-210. Authorization for City Abatement.**

Upon failure of a beneficiary/trustee/owner and/or owner of record to abate a violation as ordered in a Notice to Abate, the City may abate the nuisance. This abatement may be performed by the City, by a contract vendor, or by other means determined by the City.

**Section 19-211. Administrative Fees.**

The fees necessary for the administration of this Article and authorized by Section 19-213 shall be established from time to time by resolution of the City Council. Such administrative fees shall include the following:

- (1) Notice to Abate;
- (2) Search Warrant;
- (3) Contact Request or Warning of Abatement Action;
- (4) Warning Letter;
- (5) Civil Infraction Preparation;
- (6) Additional Inspections;
- (7) Vending;
- (8) Second and Subsequent Vending;
- (9) Vehicle Removal;
- (10) Second and Subsequent Vehicle Removal; and
- (11) Denied Entry.

**Section 19-212. Charge to Owner.**

When the City has abated a cited nuisance, the cost of abatement, plus any applicable administrative charges as established by City Council resolution, shall be billed to the property owner. Such billing shall be a personal debt of the owner to the City, which may be assessed as a lien against the property, including interest thereon, until paid.

**Section 19-213. Appeals.**

Any person aggrieved by any of the requirements of this section may appeal to the City Council of the City of Farmington, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, the requirements of this code are adequately satisfied by other means, or the strict application of any requirement of this code would cause an undo hardship.

**Section 19-214. Penalty.**

Violation of this Article is a civil infraction.

**Section 2 of Ordinance**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3 of Ordinance**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4 of Ordinance**

That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5 of Ordinance**

That the City Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation in the City.

**Section 6 of Ordinance**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon publication.

Motion by Councilmember McShane, seconded by Councilmember Wiggins.

Ayes: Knol, McShane, Wiggins, Wright, Buck.  
Nays: None.  
Abstentions: None.  
Absent: None.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, OAKLAND COUNTY, MICHIGAN, ON THE 6th DAY OF APRIL, 2009.

CITY OF FARMINGTON

\_\_\_\_\_  
VALERIE S. KNOL, Mayor

\_\_\_\_\_  
SUSAN K. HALBERSTADT, Clerk

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the 6th day of April 2009, the original of which is on file in my office.

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

Re-Introduced:        March 16, 2009  
Adopted:               April 6, 2009  
Published:             April 12, 2009 Farmington Observer  
Effective:             April 16, 2009



## CITY COUNCIL REPORT

May 8, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Brian P. Murphy, Assistant City Manager/Economic Development Services  
Mark Stimac, Director of Building and Zoning  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Tree Ordinance: Private Property Issues

The infestation of the Emerald Ash Borer has caused most ash trees in the city to die. City owned ash trees have been removed, however many ash trees on private property have not been removed. Property owners contact the Parks and Recreation department frequently (5-10 calls/week) asking the city to intercede to require the adjacent property owner to remove dead trees. The tree ordinance gives authority and duty to order removal on private property necessary for public safety or to prevent spread of disease or insects to public trees or places. If the fall line of a tree intersects the Right of Way and there is a danger to public property, we have the authority to order removal. There is no provision in the ordinance to order removal when the tree is a hazard to adjoining property unless that adjacent property is publicly owned. If a tree does fall on private property due to disease or other means, the Property Maintenance Code does require that the property owner remove the debris.

Mt. Clemens, Ann Arbor, and Lapeer have ordinance language similar to Troy. Novi requires property owners to maintain trees so that they do not become a danger to the public or adjacent property owners. The city of Southfield ordinance is similar to the Novi language however, they have available a loan program which offers residents the option of a low-interest loan to finance removal of trees under the ordinance.

Should the ordinance be changed whereby the city would have authority to require removal of trees on private property, it is estimated that a minimum of 520 hours/year of staff time (25% of one full time equivalent) would be spent doing this enforcement work. This estimate is based on current complaints and does not include inspection based enforcement.

The issue has economic implications for both property owners and the City. Property owners with dead trees must bear the cost of removal. Adjacent property owners may incur costs if damage occurs as a result of a tree falling onto their property. There will be costs associated with this work if the City begins inspecting trees and ordering removal of private property trees.

Adding additional services given the budget constraints and reduction of staff is not recommended. Absent further direction, staff will proceed as current policy dictates.

cc: Laura Balyeat

## Mary F Redden

---

**From:** Mary Kerwin [marykerwin5@hotmail.com]  
**Sent:** Wednesday, April 29, 2009 10:10 AM  
**To:** John Szerlag  
**Subject:** FW: Danger of Dead trees and no power

Please address this concern.

---

To: Louise.Schilling@troymi.gov; rbeltram@wideopenwest.com; cristinabroomfield@yahoo.com; david@eisenbacher.org; wade.fleming@troymi.gov; Mfhowryl@umich.edu; marykerwin5@hotmail.com  
CC: council@troymi.gov  
Subject: Danger of Dead trees and no power  
Date: Wed, 29 Apr 2009 10:00:20 -0400

The back of my rather large lot had 10 or 12 large dead trees and a few smaller ones. All were dead or so close to dead that they might as well have been. I think they were all ash. My neighbor already had a tree that had fallen into the "V" divide of one and split the trunk. When I was out there clearing the drainage area that goes under Rochester Road. I was more than a bit nervous. I realized that not only was I endanger of a tree just falling over on me but that any children playing within 60 feet of that area could be injured should some of them choose to topple in the wrong direction and that they were also a danger to my neighbors should they fall on their property, kids, fences, whatever.

With a neighborhood full of children and my 2 grandchildren living here I made the decision to have that whole area cleared. The trees are down.... Some of the wood is gone.. but the clearing will have to wait until the ground dries out. While I did not spend the \$1200-\$3000 a tree some of these tree services charge, it still cost what was for me a lot of money.

My neighbors have dead trees as well, some of them long dead with no bark, etc. There are trees that have already partially fallen and look like dominos ready to topple. If their trees fall on my property I have to remove the part that falls on mine. If these folks wait until those trees fall then not only will I have to spend more money removing trees they should have had removed but the kids still aren't safe back there.

Last week I called the city and asked if I went to my neighbors was there any city ordinance regarding their obligation that I could fall back if they didn't want to do anything about them. According to Candy Griffith (Griffin?), The only ordinance related to trees has to do with litter. If a tree is down you have to clean up the mess. Well, it looks like until the ground dries out and they can get a truck to the back of my yard, I am the one in violation of the ordinance.

If you drive down Vanderpool, Trombley, or most of the streets between Livernois and Rochester you will see these partially fallen trees. The woods along the bridge between Wattles School and the Hidden Ridge homes looks dangerous as well. There are woods across from Schroder Elementary that are in bad shape and the homes along the creek on Walker in Emerald Lakes are terrible. Over there they continue to take down power lines when they fall. These examples are only the ones I view on a regular basis.

I believe we have serious problem that needs to be addressed by some ordinance. I know people are under a great deal of financial pressure. I also know that the regular tree services aren't their only option for the removal of trees. While I paid for a "whole" job, I have a friend who just found an insured guy to do take down 2 of hers for \$200. She will dispose of the wood. (I know a couple years ago it was \$51 a ton dispose of ash wood - Yes.. I have over the past 2 years had 7 other trees removed.)

The problem with Ash trees in particular is that "death by infestation" has happened. The trees have been dead for a couple years now. It isn't a matter of "if they die". It isn't a matter of "if they fall" It is a matter of them being long dead and when they fall. I don't want to see anyone killed by a falling tree that someone knew was dead but chose not to take down. Trees lose limbs without notice, not all trees are healthy but they are alive and folks may not know they are a risk ahead of an incident but some trees are obviously dead and really need to be taken down.

If you all choose to help get and ordinance in place the sooner the better. The situation has, in my estimation, already reached critical status.

If there is something I can do to help here, let me know.

Laura Balyeat  
965 Vanderpool

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – ROUGH –  
APRIL 1, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 1, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:11 p.m.

Present: C. Buchanan M. Chaffee  
D. Chong, student A. Done  
B. Harrell E. Kempen  
L. Patton

Present: Mitchell Grusnick, staff

Absent: Kelly Clark  
Paul Chu Lin  
Kristin Mayer  
Jeffrey Stewart  
Anita Vasudevan, student  
Michael Wilson

**ITEM III – APPROVAL OF MINUTES OF MEETING OF FEBRUARY 4, 2009**

Patton made a motion to approve the minutes of February 4, 2009; supported by Kempen; all voted in favor.

**ITEM IV – PUBLIC COMMENT**

**ITEM V - SCHEDULED PRESENTATIONS**

**ITEM VI – UNFINISHED BUSINESS**

Brent Savidant, Planning Commission, met with members on March 4 and requested that this Committee have a couple of volunteers attend the Planning Commission seminar to submit ideas for the rewrite of Chapter 39, Zoning Ordinance. Patton and Chaffee volunteered. Grusnick will obtain copies of Chapter 39 for them to study. Brent also suggested that this Committee have an assignment of 1 or 2 members to make monthly contact with the Planning Commission to review new site plan submittals. Mitch will check into the possibility of bringing newly submitted plans to the ACPD meeting for this Committee to review.

**ITEM VII – NEW BUSINESS**

Buchanan will draft a new commendation letter to be used by this Committee and bring to the next meeting. Grusnick will also bring in previously sent letters to review.

**ITEM VIII – REPORTS**

**ITEM IX – MEMBER COMMENT**

Done contacted Bob Burke regarding Troy Daze. He will contact her in May to inform us where the booth or table will be located.

Done will contact Cathy Russ, Library Director, to thank her for her work in planning four additional handicap parking spaces for the Library parking lot.

**ITEM X – ADJOURNMENT**

Done adjourned the meeting at 8:30 p.m.

---

Angela Done, Chairperson

---

Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –  
APRIL 1, 2009

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 1, 2009 in the lower level Conference Room at City Hall. Done called the meeting to order at 7:11 p.m.

Present: C. Buchanan M. Chaffee  
D. Chong, student A. Done  
B. Harrell E. Kempen  
L. Patton

Present: Mitchell Grusnick, staff

Absent: Kelly Clark  
Paul Chu Lin  
Kristin Mayer  
Jeffrey Stewart  
Anita Vasudevan, student  
Michael Wilson

**ITEM III – APPROVAL OF MINUTES OF MEETING OF FEBRUARY 4, 2009**

Patton made a motion to approve the minutes of February 4, 2009; supported by Kempen; all voted in favor.

**ITEM IV – PUBLIC COMMENT**

**ITEM V - SCHEDULED PRESENTATIONS**

**ITEM VI – UNFINISHED BUSINESS**

Brent Savidant, Planning Commission, met with members on March 4 and requested that this Committee have a couple of volunteers attend the Planning Commission seminar to submit ideas for the rewrite of Chapter 39, Zoning Ordinance. Patton and Chaffee volunteered. Grusnick will obtain copies of Chapter 39 for them to study. Brent also suggested that this Committee have an assignment of 1 or 2 members to make monthly contact with the Planning Commission to review new site plan submittals. Mitch will check into the possibility of bringing newly submitted plans to the ACPD meeting for this Committee to review.

**ITEM VII – NEW BUSINESS**

Buchanan will draft a new commendation letter to be used by this Committee and bring to the next meeting. Grusnick will also bring in previously sent letters to review.

**ITEM VIII – REPORTS**

**ITEM IX – MEMBER COMMENT**

Done contacted Bob Burke regarding Troy Daze. He will contact her in May to inform us where the booth or table will be located.

Done will contact Cathy Russ, Library Director, to thank her for her work in planning four additional handicap parking spaces for the Library parking lot.

**ITEM X – ADJOURNMENT**

Done adjourned the meeting at 8:30 p.m.

---

Cynthia Buchanan, Member

---

Kathy Jearls, Recording Secretary

## Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 2, 2009 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:02PM.

**Present:** James Berar, Member  
Frank Shier, Member  
David Ogg, Member  
Bud Black, Member  
Betty Coven, Member  
JoAnn Thompson, Member  
Jo Rhoads, Member  
Pauline Noce, Member  
Merrill Dixon, Member  
Carla Vaughan, Staff

**Excused:** None

**Visitors:** None

**Approval of Minutes**

Resolution # SC-2009-04-001  
Moved by Rhoads  
Seconded by Noce

RESOLVED, That the Minutes of March 5, 2009 be approved as submitted.

Yes: 9

No: 0

MOTION CARRIED

**Visitor Comments**

None.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Suggestion Box:** There were no suggestions.

**Election of Officers and Recommendation for Park Board Representative:**

Resolution # SC-2009-4-002

Moved by Shier  
Seconded by Noce

RESOLVED That David Ogg was elected Chair.  
Yes: 9  
No: 0

MOTION CARRIED

Resolution # SC-2009-4-003  
Moved by Shier  
Seconded by Noce

RESOLVED That Jo Rhoads was elected as Vice Chair  
  
Yes: 9  
No: 0

MOTION CARRIED

Resolution # SC-2009-4-003  
Moved by Noce  
Seconded by Rhoads

RESOLVED That JoAnn Thompson was recommended for appointment to the Park Board  
  
Yes: 9  
No: 0

MOTION CARRIED

**REPORTS**

**Park Board:** No report.

**Senior Program:** Carla reported that Signature Reverse Mortgage Company donated a Wii game system that the seniors can check out and use at the Community Center. There is one person signed up for the shuffleboard league and two for the bocce league. Carla will double check to see that the instructions for checking out the equipment is posted by the courts. More publicity will be done for the leagues. Lynn was laid off and Carla and Elaine are picking up her program responsibilities. The only program of Lynn’s that has been dropped is the walking club due to lack of participation.

**Medi-Go:** Jo Rhoads reported that they have a gold party fund raiser coming up April 17 and 18.

**OLHSA:** Jo Rhoads reported that they had a speaker from Catholic Social Services.

**Oakland County Senior Advisory Board:** Jo Rhoads reported that they are discussing topics for the upcoming legislative breakfast.

**Comments**

The meeting was adjourned at 1:55 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, 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 28, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
Mark Maxwell  
Robert M. Schultz  
John J. Tagle  
Lon M. Ullmann  
Mark J. Vleck

Absent:

Donald Edmunds  
Philip Sanzica  
Thomas Strat

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.

Mr. Edmunds is attending the American Planning Association (APA) National Conference.

2. APPROVAL OF AGENDA

**Resolution # PC-2009-04-037**

Moved by: Hutson  
Seconded by: Maxwell

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (6)  
Absent: Edmunds, Sanzica, Strat

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2009-04-038**

Moved by: Hutson  
Seconded by: Maxwell

**RESOLVED**, To approve the minutes of the April 7, 2009 Special/Study meeting and the April 14, 2009 Regular meeting as submitted.

Yes: All present (6)  
Absent: Edmunds, Sanzica, Strat

**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 April 21, 2009 Board of Zoning Appeals (BZA) meeting. He specifically addressed the application by Sonic Restaurant for six variances (all denied), a variance by Ocean Prime to construct their outdoor seating area within the required front yard setback (approved) and a commercial vehicle appeal for a van in a residential neighborhood (approved).

There was discussion about the disconnect between the Planning Commission and BZA on some items. A joint future meeting was suggested, including discussing concrete examples of projects where there was a disconnect.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported that the April DDA meeting was cancelled.

7. PLANNING AND ZONING REPORT

Mr. Miller discussed the Sonic Restaurant item and how it is intended that it go before the Planning Commission for discussion.

Mr. Branigan discussed the Rapid Energy Assessment Process program that Carlisle/Wortman Associates, Inc. puts on as a result of the funding provided under the American Recovery and Reinvestment Act.

### STUDY ITEMS

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 238) - Social Service Agencies in M-1

Mr. Miller summarized the item.

Chairman Schultz opened the Public Hearing.

There was no one present who wished to speak.

Chairman Schultz closed the Public Hearing.

There was some general discussion on the item.

**Resolution # PC-2009-04-039**

Moved by: Vleck  
Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends approval of ZOTA 238 to City Council.

Yes: All present (6)  
Absent: Edmunds, Sanzica, Strat

**MOTION CARRIED****STUDY ITEMS**

9. **PLANNED UNIT DEVELOPMENT (PUD-10)** – BBK Mixed Use Project – Northeast corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10

Mr. Miller summarized the item.

Ryan Marsh, 32121 Woodward, Royal Oak, MI, the applicant, summarized the need for the revision to the Preliminary Development Plan. In his attempt to secure landscape easements from residential neighbors to the north, so landscaping could be installed on neighboring properties, one of the residents preferred a fence over a 6-foot high masonry wall.

Mr. Forsyth reminded the Planning Commission that the PUD Agreement requires that the landscaping along the northern property line be installed when the retail phase is constructed.

Jerry Savel, 466 Langston, explained his desire for a fence over a wall (1) tunnel effect of wind and increased temperatures (2) desire to see proposed landscaping in northeast corner of PUD (3) aesthetics of fence over a wall. He stated the neighbor to the west plans to move and has no preference of a fence or wall.

The Planning Commission gave design direction as follows:

- The wall shall be constructed of masonry brick, not poured concrete or concrete block.
- Approximately ten (10') to twelve (12') foot maximum sections of fence connecting to masonry brick piers.
- There shall be consistency in design between the fence, brick piers and brick wall.
- The transition from wall to fence shall be at either the northern or southern corner of the "jog" in the property line.
- Shrubs to be evergreen and 3' to 4' in height.
- Details to be provided on site plan.

10. T-MOBILE WIRELESS FACILITY AT TROY BOWLING

Mr. Miller introduced the item.

Wally Haley, Attorney for T-Mobile, summarized the item and the need for coverage in this area. He stated the tower will be 125' in height.

Mr. Wally indicated AT&T has already indicated they wish to collocate on the tower.

Mr. Haley suggested the Planning Commission look at an existing tower near the intersection of Quarton and Woodward.

**OTHER BUSINESS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

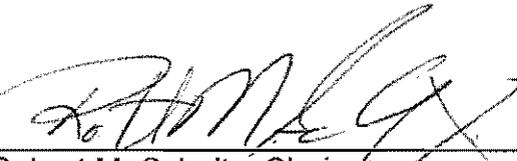
12. PLANNING COMMISSION COMMENT

There were general comments.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:05 p.m.

Respectfully submitted,



---

Robert M. Schultz, Chair



---

R. Brent Savidant

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:33 p.m. on May 5, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Mark Maxwell  
Philip Sanzica  
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Mr. Hutson suggested that Agenda items #5, #6 and #7 be stricken from the agenda because the items were addressed at a previous meeting.

**Resolution # PC-2009-05-040**

Moved by: Hutson  
Seconded by: Tagle

**RESOLVED**, To approve the Agenda as revised.

Yes: All present (6)  
Absent: Maxwell, Sanzica, Vleck

**MOTION CARRIED**

3. MINUTES – April 28, 2009 Special/Study Meeting

Mr. Edmunds requested the minutes reflect he was absent from the meeting because he attended the American Planning Association (APA) National Conference.

Mr. Tagle requested two bullet points be revised under Agenda item #9, page 3, to read as follows:

- Approximately ten (10') to twelve (12') foot maximum sections of fence connecting to masonry brick piers.
- There shall be consistency in design between the fence, brick piers and brick wall.

**Resolution # PC-2009-05-041**

Moved by: Tagle  
Seconded by: Edmunds

**RESOLVED**, To approve the minutes of the April 28, 2009 Special/Study meeting as revised.

Yes: Edmunds, Hutson, Schultz, Tagle, Ullmann  
Abstain: Strat  
Absent: Maxwell, Sanzica, Vleck

**MOTION CARRIED****4. PUBLIC COMMENT – For Items Not on the Agenda**

There was no one present who wished to speak.

**STUDY ITEMS****8. POTENTIAL REZONING – 34613 Dequindre Road**

Mr. Miller briefly addressed the subject parcel:

- Southwest corner of Dequindre and Iowa, Section 36.
- Zoned R-1E (One Family Residential).
- Approximate one-third acre in size.
- Surrounding zoning.
- Master Plan Neighborhood Node.

The property owner, Luziana Shtylla of 34613 Dequindre Road, Troy, was present. Ms. Shtylla shared her interest in selling the property for potential commercial development.

After a brief discussion, members concurred, as follows:

- A flat rezoning to commercial would not be favorable.
- A Conditional Rezoning would be considered.
- Intent of use should be determined.
- Assemblage of parcels strongly recommended.
- Assure compatibility with surrounding uses and Master Plan neighborhood node.
- Property owner is encouraged to seek professional assistance with future submission/application.

9. SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Miller briefly reviewed the status of the proposed Sonic Restaurant. Mr. Miller said the Planning Department has not reviewed the revised site plan that was distributed to members prior to the beginning of tonight's meeting. He said the petitioner is present to discuss the revisions made to the site plan and would welcome input from the Planning Commission.

Jim Butler of Professional Engineering Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler provided a review of the site plan application from its inception of rezoning to H-S (Highway Service) through the April 21, 2009 Board of Zoning Appeals (BZA) meeting, in which six variances were denied.

Mr. Butler said the BZA denied the variances because of concerns relating to traffic, access on John R and the number of variances requested. Mr. Butler said the newly revised site plan eliminates the need for three variances as relates to landscaping, stacking spaces, and rear yard setback. He indicated their intent to go before the BZA with three variance requests with the newly revised site plan. The variances relate to: 1) lane width; 2) front yard setback for canopy; and 3) greenbelt encroachment.

Mr. Butler addressed the following:

- Site configuration and size.
- Traffic study conducted by Wells & Associates.
- Taper lane and deceleration lane. Oakland County Road Commission (OCRC) provided a written statement confirming deceleration lane is not required.
- Access on John R.
- Landscaping (exceeds Zoning Ordinance requirement).

Mr. Butler displayed several renderings of the proposed restaurant.

A brief question and answer period followed.

Mr. Forsyth addressed the County's jurisdiction of John R Road.

Bob Middleton, a local Real Estate/Finance representative of Sonic Restaurant, 1044 River Mist, Rochester, was present. Mr. Middleton said Sonic is very committed to locating one of their restaurants in Troy. Mr. Middleton addressed the challenging site layout, a typical restaurant opening, traffic, safety concerns, and John R access as relates to safety and revenues. He specifically addressed traffic management during a restaurant opening, to which he relates is "down to a science" after opening 3,000 Sonic Restaurants. Traffic would be directed to three holding areas and the retail plaza parking spaces to the east would be utilized. After two months of operation, Mr. Middleton said store sales drop dramatically and the restaurant operation is similar to a typical restaurant operation.

Ben Cheshire, local Sonic Restaurant Operator/Trainer, 5388 Ridge Court, Troy, was also present.

Discussion continued on:

- Curb cut on John R with exit to the north only.
- One-way -vs- two-way traffic onto John R.
- Utilization of mall service drives in lieu of John R.
- Bypass lane for drive-through.
- Providing landscaping on County right of way.
- Overrun of cars/traffic.

Mr. Butler said they would like to resubmit the revised site plan to the Planning Department for the June 9, 2009 Regular Planning Commission meeting and go before the BZA with the requested variances at their June 16, 2009 meeting.

Direction from the Planning Commission:

- General support of the revised site plan.
- Concerns remain on John R access, deceleration lane and interior driveway.
- General acceptance of requested BZA variances.

10. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Intent and Use – Residential Districts

Zak Branigan of Carlisle/Wortman Associates, Inc. reviewed the establishment of districts and specifically the intent and use of the following residential districts:

- Single-family Residential Districts (R-1A through R-1E)
- Townhouse Residential District (R-1T)
- Multiple Family Residential (R-M)
- Urban Residential (R-U)

General discussion and comments followed.

### OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

## 12. PLANNING COMMISSION COMMENT

Mr. Edmunds expressed appreciation in having the opportunity to attend the American Planning Association National Conference in Minneapolis, Minnesota. He was impressed with their regional transit plan, parks and trails, and public art. Mr. Edmunds distributed handouts and said photographs and an audio slide presentation would be available soon.

Mr. Strat attended an American Institute of Architects (AIA) seminar on form based code.

Mr. Hutson addressed the digital submission of Planning Commission agenda meeting packets. He suggested that the Agenda be provided in Word format and the PDF document formatted for easier reference and printing.

Mr. Savidant said there has been a positive response from petitioners submitting applications digitally.

Mr. Miller said a future study meeting would be dedicated to the Zoning Ordinance rewrite. He also indicated that Richard Carlisle is working on BZA standards and would most likely have a draft document for review soon.

Mr. Miller said Members Hutson and Strat, as well as Mr. Savidant and himself would be attending Session 201 of the Form Base Code training in Lansing on May 18-19.

Chair Schultz addressed a meeting he had with the Acting City Manager as relates to Planning Commission matters.

## ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:43 p.m.

Respectfully submitted,

---

Robert M. Schultz, Chair

---

Kathy L. Czarnecki

G:\Planning Commission Minutes\2009 PC Minutes\Draft\05-05-09 Special Study Meeting\_Draft.doc

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:33 p.m. on May 5, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Mark Maxwell  
Philip Sanzica  
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Zak Branigan, Carlisle/Wortman Associates, Inc.  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Mr. Hutson suggested that Agenda items #5, #6 and #7 be stricken from the agenda because the items were addressed at a previous meeting.

**Resolution # PC-2009-05-040**

Moved by: Hutson  
Seconded by: Tagle

**RESOLVED**, To approve the Agenda as revised.

Yes: All present (6)  
Absent: Maxwell, Sanzica, Vleck

**MOTION CARRIED**

3. MINUTES – April 28, 2009 Special/Study Meeting

Mr. Edmunds requested the minutes reflect he was absent from the meeting because he attended the American Planning Association (APA) National Conference.

Mr. Tagle requested two bullet points be revised under Agenda item #9, page 3, to read as follows:

- Approximately ten (10') to twelve (12') foot maximum sections of fence connecting to masonry brick piers.
- There shall be consistency in design between the fence, brick piers and brick wall.

**Resolution # PC-2009-05-041**

Moved by: Tagle  
Seconded by: Edmunds

**RESOLVED**, To approve the minutes of the April 28, 2009 Special/Study meeting as revised.

Yes: Edmunds, Hutson, Schultz, Tagle, Ullmann  
Abstain: Strat  
Absent: Maxwell, Sanzica, Vleck

**MOTION CARRIED**4. **PUBLIC COMMENT** – For Items Not on the Agenda

There was no one present who wished to speak.

**STUDY ITEMS**8. **POTENTIAL REZONING** – 34613 Dequindre Road

Mr. Miller briefly addressed the subject parcel:

- Southwest corner of Dequindre and Iowa, Section 36.
- Zoned R-1E (One Family Residential).
- Approximate one-third acre in size.
- Surrounding zoning.
- Master Plan Neighborhood Node.

The property owner, Luziana Shtylla of 34613 Dequindre Road, Troy, was present. Ms. Shtylla shared her interest in selling the property for potential commercial development.

After a brief discussion, members concurred, as follows:

- A flat rezoning to commercial would not be favorable.
- A Conditional Rezoning would be considered.
- Intent of use should be determined.
- Assemblage of parcels strongly recommended.
- Assure compatibility with surrounding uses and Master Plan neighborhood node.
- Property owner is encouraged to seek professional assistance with future submission/application.

9. SPECIAL USE REQUEST (SU 366) – Proposed Sonic Restaurant, East side of John R, North of Fourteen Mile Road, Section 36, H-S (Highway Service) District

Mr. Miller briefly reviewed the status of the proposed Sonic Restaurant. Mr. Miller said the Planning Department has not reviewed the revised site plan that was distributed to members prior to the beginning of tonight's meeting. He said the petitioner is present to discuss the revisions made to the site plan and would welcome input from the Planning Commission.

Jim Butler of Professional Engineering Associates (PEA), 2430 Rochester Court, Troy, was present. Mr. Butler provided a review of the site plan application from its inception of rezoning to H-S (Highway Service) through the April 21, 2009 Board of Zoning Appeals (BZA) meeting, in which six variances were denied.

Mr. Butler said the BZA denied the variances because of concerns relating to traffic, access on John R and the number of variances requested. Mr. Butler said the newly revised site plan eliminates the need for three variances as relates to landscaping, stacking spaces, and rear yard setback. He indicated their intent to go before the BZA with three variance requests with the newly revised site plan. The variances relate to: 1) lane width; 2) front yard setback for canopy; and 3) greenbelt encroachment.

Mr. Butler addressed the following:

- Site configuration and size.
- Traffic study conducted by Wells & Associates.
- Taper lane and deceleration lane. Oakland County Road Commission (OCRC) provided a written statement confirming deceleration lane is not required.
- Access on John R.
- Landscaping (exceeds Zoning Ordinance requirement).

Mr. Butler displayed several renderings of the proposed restaurant.

A brief question and answer period followed.

Mr. Forsyth addressed the County's jurisdiction of John R Road.

Bob Middleton, a local Real Estate/Finance representative of Sonic Restaurant, 1044 River Mist, Rochester, was present. Mr. Middleton said Sonic is very committed to locating one of their restaurants in Troy. Mr. Middleton addressed the challenging site layout, a typical restaurant opening, traffic, safety concerns, and John R access as relates to safety and revenues. He specifically addressed traffic management during a restaurant opening, to which he relates is "down to a science" after opening 3,000 Sonic Restaurants. Traffic would be directed to three holding areas and the retail plaza parking spaces to the east would be utilized. After two months of operation, Mr. Middleton said store sales drop dramatically and the restaurant operation is similar to a typical restaurant operation.

Ben Cheshire, local Sonic Restaurant Operator/Trainer, 5388 Ridge Court, Troy, was also present.

Discussion continued on:

- Curb cut on John R with exit to the north only.
- One-way -vs- two-way traffic onto John R.
- Utilization of mall service drives in lieu of John R.
- Bypass lane for drive-through.
- Providing landscaping on County right of way.
- Overrun of cars/traffic.

Mr. Butler said they would like to resubmit the revised site plan to the Planning Department for the June 9, 2009 Regular Planning Commission meeting and go before the BZA with the requested variances at their June 16, 2009 meeting.

Direction from the Planning Commission:

- General support of the revised site plan.
- Concerns remain on John R access, deceleration lane and interior driveway.
- General acceptance of requested BZA variances.

10. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Review of Intent and Use – Residential Districts

Zak Branigan of Carlisle/Wortman Associates, Inc. reviewed the establishment of districts and specifically the intent and use of the following residential districts:

- Single-family Residential Districts (R-1A through R-1E)
- Townhouse Residential District (R-1T)
- Multiple Family Residential (R-M)
- Urban Residential (R-U)

General discussion and comments followed.

**OTHER BUSINESS**

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

## 12. PLANNING COMMISSION COMMENT

Mr. Edmunds expressed appreciation in having the opportunity to attend the American Planning Association National Conference in Minneapolis, Minnesota. He was impressed with their regional transit plan, parks and trails, and public art. Mr. Edmunds distributed handouts and said photographs and an audio slide presentation would be available soon.

Mr. Strat attended an American Institute of Architects (AIA) seminar on form based code.

Mr. Hutson addressed the digital submission of Planning Commission agenda meeting packets. He suggested that the Agenda be provided in Word format and the PDF document formatted for easier reference and printing.

Mr. Savidant said there has been a positive response from petitioners submitting applications digitally.

Mr. Miller said a future study meeting would be dedicated to the Zoning Ordinance rewrite. He also indicated that Richard Carlisle is working on BZA standards and would most likely have a draft document for review soon.

Mr. Miller said Members Hutson and Strat, as well as Mr. Savidant and himself would be attending Session 201 of the Form Base Code training in Lansing on May 18-19.

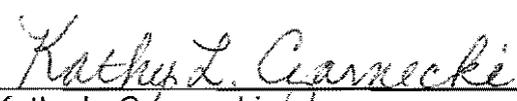
Chair Schultz addressed a meeting he had with the Acting City Manager as relates to Planning Commission matters.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:43 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Robert M. Schultz, Chair

  
\_\_\_\_\_  
Kathy L. Czarnecki

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, May 6, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Keith Lenderman  
Tim Richnak  
Mark Stimac  
Frank Zuazo

ALSO PRESENT: Paul Evans, Inspector Supervisor  
Pam Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF April 1, 2009**

Motion by Richnak  
Supported by Zuazo

MOVED, to approve the minutes of the meeting of April 1, 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 indicated that the Board had received a letter from the petitioner asking that this request be postponed until the meeting of June 3, 2009.

Motion by Richnak  
Supported by Stimac

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 June 3, 2009.

- At the request of the petitioner.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL JUNE 3, 2009 CARRIED

**ITEM #3 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 150 – 250 & 350 STEPHENSON,** for relief to maintain a ground sign with tenant identification where such signs were prohibited by a condition of a variance.

**ITEM #3 – con't.**

Mr. Stimac explained that the petitioner is requesting relief to maintain an existing ground sign with the name of each tenant listed on this sign. On November 7, 2007, this Board granted a variance for a wall sign at 150 Stephenson with the stipulation that there would not be any ground signs identifying the business. However, the petitioner had already obtained a permit which included the tenant's name as part of a ground sign.

On June 4, 2008 this Board granted a sign variance at 250 Stephenson with the stipulations that there would not be any ground signs identifying the business.

On May 7, 2008 this Board granted a sign variance at 350 Stephenson with the stipulation that there would not be any other signs at this location.

The tenant's names for 250 and 350 Stephenson were added to the ground sign as a "face change" not requiring a sign permit.

Mr. Jay Johnson of Johnson Sign Company was present as well as representatives from the businesses at these sites. Mr. Johnson apologized to his clients and stated that on the surface it appears as though Mr. Johnson had misled them; however, Mr. Johnson said that his company did not do anything to intentionally deceive the City. All of the signs that were installed were done in accordance with the variances received.

Mr. Dziurman questioned the fact that at the meeting of November 7, 2007 it was stipulated that a wall sign could be installed as long as there was not ground sign.

Mr. Johnson stated that they had obtained a sign permit for a ground sign at the end of October 2007 for 250 Stephenson, and did not believe that ground sign applied to 150 Stephenson. These buildings are each allowed one wall sign up to 200 square feet, and two (2) ground signs. The ground sign was installed at 250 Stephenson as there is only one main entrance from Stephenson and this sign was used as the identification sign for this entrance. The monument ground sign was installed on December 28, 2007.

Mr. Johnson further explained that the question was asked at the meeting of May 7, 2008 regarding whether or not they would add a ground sign and Mr. Johnson said that they did not take this tenant sign into consideration. Each building is a separate site and Mr. Johnson said that he believes each building is allowed a ground sign. They did not plan to add a separate ground sign for each location. Mr. Johnson also stated that he did not remember any discussion that states they could not have a ground sign. The ground sign was already installed.

Mr. Stimac stated that the minutes of the meeting of November 7, 2007 indicate that Mr. Lyng stated that only addresses were to be displayed on the ground sign.

**ITEM #3 – con't.**

Mr. Johnson stated that two (2) representatives from Valeo were present and they all assumed that the Board was addressing a 36 square foot sign at the entrance of this building which was never installed. They only wanted a directional sign that would direct people to their building.

Mr. Dziurman asked what the petitioner was asking for at the meeting of November 2007.

Mr. Stimac explained that they wanted four (4) wall signs where the Ordinance only allows for one (1) wall sign.

Ron Floyd of Valeo, 150 Stephenson was present and stated that they were allowed 436 square feet of signage and they were going to put up signs that totaled less than 400 square feet.

Mr. Stimac stated that if each building is allowed 436 square feet of signage the total allowable square footage would be 1308 square feet total for all three buildings. Mr. Stimac asked how much square footage of signage was at this site.

Mr. Johnson said that he had no idea as he had never added the square footage up.

Mr. Stimac stated that his calculations, based upon the minutes, indicate that right now they have 1338 square footage of signage at this site, which is more than what is allowable by Ordinance.

Mr. Dziurman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Stimac asked what the size of each individual panel was on the existing ground sign.

Mr. Johnson said that each one was approximately 14.67" x 116", which is about 11.8 square feet of copy for each of the tenants on the sign.

Mr. Stimac said that overall the panels are about twelve (12) square feet.

Mr. Dziurman asked how important it was to have the tenants' names on the panels since there are existing wall signs.

Mr. Johnson stated that they were trying to avoid sign clutter by putting a sign on the building rather than separate ground signs. Mr. Johnson said that they thought they

**ITEM #3 – con't.**

had done everything they were approved to do. Instead of a bunch of pole signs and ground signs, they went from six (6) ground signs to one.

Mr. Don Voyles, 350 Stephenson, Kostal of North America was present and stated that at the time they moved into this location the ground sign was already in place. The wall signs are 115 square feet and Mr. Voyles stated that if the names of the tenants could remain it would be very helpful. The second entrance to this site is farther up Stephenson.

Mr. Dziurman stated that Johnson Sign Company took out a permit for the ground sign and misinterpreted the intentions of the Board when it was determined that no ground signs would be allowed.

Mr. Howard Morok, 250 Stephenson, North American Bancard, was present and stated that they had received the variance for their building in the summer of 2008. Mr. Morok stated that he did not believe there were discussions of any substance at all regarding the square footage of what would be allowed. The monument sign is in place and there have been plenty of opportunities to address that sign at the time the variance was requested. Originally this was a single-tenant site and now there are three (3) separate tenants. Mr. Morok does not believe this is an unreasonable request.

Mr. Lenderman stated that apparently there were permitted and installed signs in place when the petitioners came to the Board and asked for variances. In November 2007 they were told there were to be no ground signs with names on them. Mr. Lenderman also asked if everything that has been installed was approved.

Mr. Stimac said that was correct although at the meeting of November 2007, it was with the stipulation that there would not be any ground signs.

Mr. Lenderman stated that he did not feel that the petitioner had attempted to deceive the City in any way and asked how this item came before the Board.

Mr. Stimac stated that a member of the Board had brought this to his attention. At the meeting of February 4, 2009 it was determined that the existing monument sign was prohibited by the variances granted.

Mr. Dziurman stated that this particular Board member may have approved the request for a variance for a wall sign based on the fact that there were not going to be any ground signs. Obviously there is a concern that this was misunderstood and the Board wants to be fair on the previous decisions made.

Mr. Stimac stated that the existing ground sign this Board is talking about is very small. The panel size is based on the size of the tenant that goes in. If one of these tenants were to leave the Board could place a condition on the variance that any new tenant

**ITEM #3 – con't.**

name would be limited to not more than 12 square feet per panel. The sign is more directional in nature rather than advertisement. The additional four (4) square feet is not a significant detriment to the City.

Motion by Richnak  
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 150, 250 & 350 Stephenson relief of Chapter 85 to maintain a ground sign with tenant identification.

- Tenant names are to be limited to 12 square feet.
- Total signage on site is not to exceed 1338 square feet.
- No additional signs may be added without a variance.
- No other ground signs will be allowed.
- Signs will not be in conflict with Chapter 2 of the City Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #4 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 3801 ROCHESTER ROAD**, for relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where the Section 85.02.05 of the Sign Ordinance would require a 20' setback for a sign of this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to relocate the existing 20' tall, 100 square foot ground sign at 3801 Rochester to a location that will be setback 13' from the front property line. The sign is being relocated as part of the Rochester Road widening project. Chapter 85, Table 85.02.05 requires signs 100 square feet in area to be setback at least 20' from the front property line.

Mr. Jay Johnson of Johnson Sign Company and Jamie Brown of Uncle Ed's Oil Shop were present and stated that customers enter this location from the back of the building. They do not want the sign to interfere with higher profile vehicles and they are asking to move the existing sign back.

Mr. Zuazo asked if when this sign was moved back, the overhang would be over the easement.

Mr. Johnson stated that it would be 1' back from the 13' easement. Mr. Evans had met them on the site to help determine setbacks for this sign.

Mr. Zuazo stated that since there a number of bays on the site one could be designated for high profile vehicles.

**ITEM #4 – con't.**

Ms. Brown stated that they have a number of delivery trucks at the site also. The success of this business is based on convenience, “a 10-minute oil change” and when they have attempted to designate one bay for a certain vehicle it limits the flexibility of getting their customers in and out of the site. They cannot bring the drive back any further and it is a very tight turn. The sign will not hang over the parking lot.

Mr. Zuazo asked how far back the sign could be moved.

Ms. Brown said that what they are proposing is as far back as they can put the sign.

Mr. Richnak asked how far back the proposed sign would be from the proposed sidewalk.

Mr. Stimac stated that the sidewalk will be east of the 12' utility easement.

Mr. Richnak confirmed that there will be 12' from the leading edge of the sign to the sidewalk and 1' back from paved surface of driveway.

Mr. Stimac confirmed that this request is only for the relocation of the existing sign.

Mr. Johnson said that was correct and they are considering a changeable copy sign underneath the sign. In order to maximize the square footage they would reduce the height of the pole. They would bring it down 2' and would still have a sign that is 100 square feet in area, 13' from the setback.

Mr. Stimac asked if the same sign box was going to be used and Mr. Johnson said that it was.

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.

Motion by Richnak  
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 3801 Rochester Road, relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where Section 85.02.05 of the Sign Ordinance requires a 20' setback for a sign this size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies to the property described in this petition only.

**ITEM #4 – con't.**

Yeas: 4 – Dziurman, Lenderman, Richnak, Zuazo

Abstain: 1 – Stimac

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #5 – VARIANCE REQUESTED. KATHIE TOMLANOVICH, 2971 BINBROOKE,** for relief of Chapter 83 to install a 6' high privacy fence where the Fence Ordinance would limit the height to a maximum of 30".

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The property is located at the southeast corner of Binbrooke and Adams. Because of the location of this property and the orientation of the adjacent homes, this property is a double front corner lot. Therefore, it has front yard requirements along both Binbrooke and Adams. Chapter 83 limits the height of fences in front setbacks on this property to not more than 30 inches. The permit application submitted indicates a 6' high privacy fence and a portion of 5' high metal fence setback approximately 6' from the property line along Adams Road.

Ms. Tomlanovich was present and stated that she works full time and has two year old twins. Her mother and grandmother provide child care and it is very difficult for them to keep up with these children. Ms. Tomlanovich would like to maximize the use of her yard as well as create security and privacy for her family.

Mr. Dziurman asked about the circumstances making this a double front corner lot.

Mr. Stimac explained that the house to the south fronts on Adams Road which creates the double front. Mr. Stimac stated that in one of the pictures provided by the petitioner it appears as though the privacy fence is located right next to the sidewalk, and asked if the petitioner wanted her fence this close to the sidewalk.

Ms. Tomlanovich stated that the pictured fence is on Wattles and Coolidge and she would like to bring her fence back behind the tree line in order to limit visibility along Adams Road. Ms. Tomlanovich also stated that this is a heavily wooded lot and the neighbors will not be able to see the fence because of the trees. The house located behind Ms. Tomlanovich is vacant and this fence would not have an impact on that property.

Mr. Richnak clarified the amount of fencing that the petitioner was requesting as well as the type of materials that would be used.

Ms. Tomlanovich stated that her neighbors had stated that children go into the woods and she is proposing a chain link fence in this area to keep her children out of the woods.

**ITEM #5 – con't.**

Mr. Richnak confirmed that the chain link fence at the back of the property would not need a variance.

Mr. Stimac asked about the proposed fence coming from the back corner of the house out to the fence along Adams.

Ms. Tomlanovich stated that she likes the fact that their yards go together, but is trying to build an enclosed area where the children can play and the caregivers won't have to chase them.

Mr. Richnak asked if this 60' fence line is to prevent anyone from leaving the property.

Ms. Tomlanovich said that due to the age of the caregivers she has watching her children; this area would aid them in not having to chase the children.

Mr. Richnak asked why Ms. Tomlanovich is not proposing to put any fencing along the west side of the property.

Ms. Tomlanovich stated that she has talked to her neighbor, who also has young children, and she was planning to put up a safety gate made of orange mesh in between the houses that could be opened and closed rather than have the extra expense of more fencing. The majority of the yard will be fenced in and will provide the privacy they are looking for. The neighbor can see into the main TV room and into their kitchen.

Mr. Stimac asked why the fence couldn't be installed where it complies with the Ordinance.

Ms. Tomlanovich stated that would block out a portion of the yard and she would like to maximize the use of this yard for her children. If the fence were installed in compliance with the Ordinance it would limit the use of the land.

Mr. Stimac stated the fence could be 40' back which would allow the children to be secure in the yard and cut down on the noise. Mr. Stimac also pointed out that in order for a variance to be granted, there has to be a hardship that runs with the land that would justify a variance. The action of the Board is forever and stays with the land rather than with the occupants.

Ms. Tomlanovich stated that before this meeting she had driven around the area and found several addresses that have privacy fences and are on corner lots.

Mr. Richnak stated that he could understand wanting to create a safe environment for her children and asked what the hardship is that would allow a variance. Mr. Richnak also asked if a variance would be required if this was not a corner lot.

**ITEM #5 – con't.**

Mr. Stimac said that if this was an interior lot a 6' high fence would be allowed.

Ms. Tomlanovich stated that she could make it a 5' high fence and move the fence back 5'.

Mr. Lenderman asked if any part of the fence would be visible.

Ms. Tomlanovich stated that this is a very wooded lot and they had been looking at this home for six months before they purchased it. Between the fence line and sidewalk are a number of trees and bushes and Ms. Tomlanovich does not believe the fence will be visible especially when moved back behind the tree line.

Mr. Richnak stated that the Board is looking to make decisions within the intent of the Ordinance and it is possible that because of the trees the fence may not be able to be installed in that area.

Ms. Tomlanovich said that she is more than willing to move the fence back 5' and would also be willing to make it a 5' high fence.

Mr. Zuazo stated that the petitioner wants to install a fence for the sake of keeping her children from leaving the property but does not want to install a fence on the other side of the property.

Ms. Tomlanovich said that she is concerned about the traffic on Adams Road and had spoken to her neighbor and they believe that the installation of a temporary fence will work.

Mr. Zuazo asked if the 60' portion of the fence would be temporary or permanent.

Ms. Tomlanovich said that it would be a permanent fence with a gate.

Mr. Richnak asked which portion of the fence requires a variance.

Mr. Stimac explained that the line of fencing to the west of the front line of the home would be limited to not more than 30" in height.

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. There are no written objections on file.

Mr. Zuazo asked how high the fence would be along Adams.

**ITEM #5 – con't.**

Mr. Stimac said that the petitioner is proposing a 6' high fence in that area.

Ms. Tomlanovich stated that the fence would be 5' high along the driveway.

Mr. Richnak stated that the land slopes down toward the house along Adams. The fence would probably appear to be closer to 4' or 4 ½' when viewed from the Road.

Mr. Zuazo asked how much further back the fence would be from Adams.

Ms. Tomlanovich stated that it is about 15' from the sidewalk. 5' back from the tree line.

Mr. Richnak stated that there is heavy brush farther back and it is possible that the fence would be more visible.

Mr. Zuazo asked if the petitioner planned to add more landscaping.

Ms. Tomlanovich stated that she had thought about adding arborvitae.

Mr. Richnak stated that he thought the only location that the fence would be visible would be in the southwest corner and he feels that two or three arborvitae would limit visibility of the fence.

Mr. Zuazo asked if the fence would pose any type of problem with the Fire Department and Mr. Lenderman stated that it would not.

Mr. Stimac asked if the petitioner planned to keep the larger trees and shrubs on the property.

Ms. Tomlanovich stated that she did.

Motion by Richnak  
Supported by Stimac

MOVED, to grant Kathie Tomlanovich, 2971 Binbrooke, relief of Chapter 83 to install a 6' high privacy fence where the Ordinance limits the height of fences in front setbacks to not more than 30" in height.

- Fence will be moved back 5' east of the tree line.
- Three arborvitae will be planted along the southwest corner of the property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6 – VARIANCE REQUESTED. SUNIL BAJAJ, 6074 ATKINS,** for relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 1/2" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code.

Mr. Stimac explained that the petitioner is requesting relief of the 2006 Michigan Residential Code to finish a basement that will result in a 6'-9 1/2" main ceiling height and two drop ceiling areas with 5'-6" and 6'-2" heights. Section R305 of the 2006 Michigan Residential Code requires a 7' minimum ceiling height in finished basements and 6'-6" minimum heights under dropped areas.

Mr. Sunil Bajaj was present and stated that both he and his wife were doctors and have lived in Michigan four (4) years. They would like to use this space as a place to put their books and use it as a study room. Mr. Bajaj's mother lives with them and this would give them the extra space they need.

Mr. Dziurman asked if the petitioner had a contractor to do the work.

Mr. Bajaj said that they did.

It was explained to the petitioner that usually the contractor appears before the Board and the Board can explain to him what conditions would be placed on the variance.

Mr. Bajaj said that he believes the maximum height of the basement ceiling is around 7'.

Mr. Dziurman asked if the petitioner planned to use this area as living space.

Mr. Bajaj said that it would only be used as place to store their books and allow them a study. They also plan to have an egress window added.

Mr. Stimac stated that the area to the left of the stairway indicates a height of 74" and the other area indicates a ceiling height of 83 1/2". Mr. Stimac asked Mr. Bajaj if the transition between the ceiling heights starts on the left hand side of the stairway.

Mr. Bajaj said that was correct.

Mr. Stimac expressed concern regarding the ceiling height of 66" and stated that the drawing indicates that there is a duct there that runs about 1.9" from the wall. This is a very troubling dimension. Mr. Stimac understands that the duct work is there and stated that he thought bookshelves could be put in this area.

Mr. Bajaj said their intention was to put bookshelves in this area so that no one would walk into that space.

Mr. Stimac also asked if the drywall was attached directly to the bottom of the joists.

**ITEM #6 – con't.**

Mr. Bajaj said that there is nothing else attached to the joists but drywall. Mr. and Mrs. Bajaj need a place to work on their daily work from the hospital.

Mr. Dziurman said that this request is not unusual and that usually the Board recommends in areas where the ceiling height is very low that something else be constructed in the space.

Mr. Stimac stated that the plans submitted indicate that the area to the left of the stairway has a ceiling height of 74" and a width of 4'-11". Mr. Stimac asked what the height was from the floor to the bottom of the duct.

Mr. Bajaj said that he did not know as this area was covered at the time they moved into this house.

Mr. Richnak asked if part of this basement was finished.

Mr. Bajaj stated that when they purchased this home the basement was already finished.

Mr. Stimac asked if they plan to remove the ceiling.

Mr. Bajaj said that they are planning on putting in shelving.

Mr. Stimac stated that this area could also be used as a closet which would alleviate the ceiling problem.

Mr. Richnak agreed that the petitioner may be better off to put in a closet in this area.

Motion by Stimac  
Supported by Richnak

MOVED, to grant Sunil Bajaj relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 ½" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code and also to have two drop ceiling areas with 5'-6" and 6'-2" heights where a 6'-6" minimum heights is required.

- A closet will be installed in the area that has a 5'-6" ceiling height.
- Ceiling should be installed to obtain the maximum height possible.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:10 A.M.

---

Ted Dziurman, Chairman

---

Pamela Pasternak, Recording Secretary

DATE: May 1, 2009

TO: John Szerlag, Acting City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued April 2009

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Add/Alter	2	\$69,000.00	\$920.00
Parking Lot	1	\$75,000.00	\$865.00
Repair	1	\$12,000.00	\$235.00
<b>Sub Total</b>	<b>4</b>	<b>\$156,000.00</b>	<b>\$2,020.00</b>
<b><u>COMMERCIAL</u></b>			
Add/Alter	20	\$2,156,119.00	\$23,410.00
<b>Sub Total</b>	<b>20</b>	<b>\$2,156,119.00</b>	<b>\$23,410.00</b>
<b><u>RESIDENTIAL</u></b>			
New	1	\$200,000.00	\$2,115.00
Add/Alter	16	\$358,481.00	\$5,010.00
Garage/Acc. Structure	8	\$22,508.00	\$660.00
Pool/Spa/Hot Tub	1	\$34,995.00	\$465.00
Repair	3	\$13,616.00	\$345.00
Wreck	1	\$0.00	\$50.00
<b>Sub Total</b>	<b>30</b>	<b>\$629,600.00</b>	<b>\$8,645.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
Repair	4	\$56,657.00	\$1,050.00
<b>Sub Total</b>	<b>4</b>	<b>\$56,657.00</b>	<b>\$1,050.00</b>
<b><u>MULTIPLE</u></b>			
Repair	1	\$6,850.00	\$155.00
<b>Sub Total</b>	<b>1</b>	<b>\$6,850.00</b>	<b>\$155.00</b>
<b><u>MISCELLANEOUS</u></b>			
Signs	13	\$0.00	\$1,525.00
Fences	23	\$0.00	\$375.00
<b>Sub Total</b>	<b>36</b>	<b>\$0.00</b>	<b>\$1,900.00</b>
<b>TOTAL</b>	<b>95</b>	<b>\$3,005,226.00</b>	<b>\$37,180.00</b>

**PERMITS ISSUED DURING THE MONTH OF APRIL 2009**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	179	\$1,790.00
Cert. of Occupancy	21	\$1,308.00
Plan Review	55	\$2,303.75
Microfilm	22	\$263.00
Building Permits	95	\$37,180.00
Electrical Permits	113	\$5,964.00
Heating Permits	77	\$3,180.00
Air Cond. Permits	25	\$1,010.00
Refrigeration Permits	2	\$90.00
Plumbing Permits	69	\$3,635.00
Storm Sewer Permits	11	\$695.00
Sanitary Sewer Permits	6	\$188.00
Sewer Taps	3	\$258.00
<b>TOTAL</b>	<b>678</b>	<b>\$57,864.75</b>

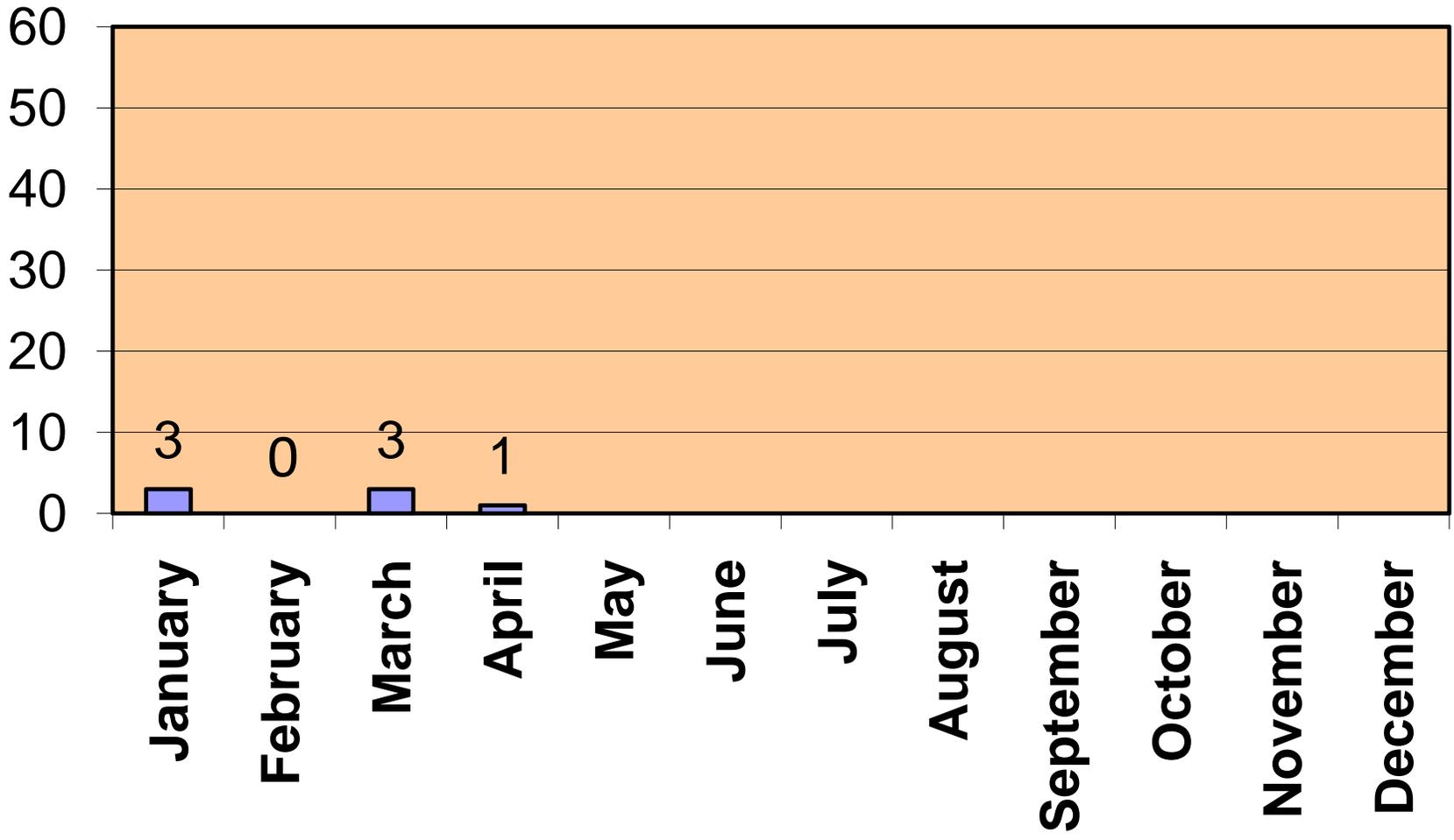
**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF APRIL 2009**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	20	\$100.00
Elec. Contr.-Reg.	27	\$405.00
Master Plmb.-Reg.	14	\$70.00
Sign Inst. - Reg.	3	\$30.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	5	\$50.00
F.Alarm Contr.-Reg.	1	\$15.00
<b>TOTAL</b>	<b>73</b>	<b>\$705.00</b>

## BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>	<u>BUILDING PERMITS 2009</u>	<u>PERMIT VALUATION 2009</u>
JANUARY	71	\$4,678,432.00	66	\$5,215,813.00
FEBRUARY	81	\$5,464,681.00	39	\$2,463,134.00
MARCH	107	\$3,480,525.00	76	\$3,344,007.00
APRIL	141	\$10,518,298.00	95	\$3,005,226.00
MAY	161	\$4,357,036.00	0	\$0.00
JUNE	161	\$8,178,329.00	0	\$0.00
JULY	160	\$10,497,107.00	0	\$0.00
AUGUST	122	\$15,981,779.00	0	\$0.00
SEPTEMBER	134	\$13,136,548.00	0	\$0.00
OCTOBER	114	\$3,760,152.00	0	\$0.00
NOVEMBER	109	\$35,574,774.00	0	\$0.00
DECEMBER	66	\$1,762,444.00	0	\$0.00
<b>TOTAL</b>	<b>1427</b>	<b>\$117,390,105.00</b>	<b>276</b>	<b>\$14,028,180.00</b>

# SINGLE FAMILY DWELLING PERMITS 2009



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF APRIL 2009

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	ALLEGHENY DESIGN MANAGEMENT, INC.	470 W FOURTEEN MILE	252,364
Commercial, Add/Alter	CONTRACTING RESOURCES, INC.	750 STEPHENSON 500	400,713
Commercial, Add/Alter	CONTRACTING RESOURCES, INC.	750 STEPHENSON 700	200,357
Commercial, Add/Alter	CONTRACTING RESOURCES, INC.	750 STEPHENSON 600	400,713
Commercial, Add/Alter	CONTRACTING RESOURCE, INC	750 STEPHENSON 400	400,713
Commercial, Add/Alter	DEJAGER CONSTRUCTION INC	2800 W BIG BEAVER P-135	205,299
Total Commercial, Add/Alter			1,860,159

Records 7

Total Valuation: 1,860,159



## CITY COUNCIL REPORT

May 7, 2009

TO: John Szerlag, Acting City Manager

FROM: Gary Mayer, Chief of Police  
Wendell Moore, Research & Technology Administrator

SUBJECT: 2009 Year-To-Date Calls for Police Service Report

Each quarter the police department publishes a year-to-date report comparing the current year's data to the previous year. This data includes calls for police service, criminal offenses, arrests, clearance rates, traffic crashes and citations issued. The police department data reporting complies with the National Incident Based Reporting System (NIBRS).

The first quarter statistics reflect an overall decrease in Group A crimes. Group A crimes are typically the most serious offenses and closely correspond to the categories the FBI uses to determine serious crime rates for a community. Of additional interest are several areas that depict increasing trends, specifically drugs/narcotics offenses, drunk driving incidents/arrests, and traffic citations. Rising numbers in these categories typically reflect increased found on patrol activity by officers engaged in problem solving rather than an underlying increase in criminal activity. Examples would include traffic law enforcement related to accident causing behaviors, traffic enforcement at locations with high accident frequencies, responding to traffic complaints reported by citizens, detecting and arresting intoxicated drivers, as well as finding and taking enforcement actions against persons violating drug/narcotics laws by officers on patrol.

- Group A Crime decreased 9.4% (79 incidents) from the 2008 level. Within the group, the following categories show notable variations:
  - Breaking and Entering: Down 50.6% (43 incidents)
  - Destruction/Damage to Property/Vandalism: Down 18.8% (13 incidents)
  - Robbery: Down 42.9% (3 incidents)
  - Assault Offenses: Up 33.3% (42 incidents)
  - Larceny/Theft Offenses: Down 7.3% (26 incidents)
  - Drug/Narcotics Offenses: Up 26.7% (12 incidents)
  - Fraud Offenses: Down 12.5% (7 incidents)
  - Motor Vehicle Theft: Down 62.5% (30 incidents)
- Group B Crime increased 17.8% (46 incidents). Significant variations from the 2008 levels occurred in the following:
  - Drunk Driving: Up 18.7% (17 incidents)

- Total incidents of crime (Group A & B combined) decreased by 3.0% (46 incidents).
- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
  - 34.7% of reported Group A Crime
  - 82.6% of reported Group B Crime
  - 49.6% of all reported crime has been cleared
- Total Arrests increased 11.7% (62 arrests)
  - Group A Crime Arrests: Increased 6.2% (18 arrests)
  - Group B Crime Arrests: Increased 18.5% (44 arrests)
- Group C (non-criminal) calls for police service decreased by 12.1% (1006 incidents).
- Year to date reported traffic crashes and citations issued are:
  - Property Damage crashes decreased 18.7% (136 crashes)
  - Injury crashes decreased 8.3% (11 crashes)
  - Fatal crashes decreased from 2 to 1
- Total traffic citations issued increased 21.2% (689 citations):
  - Hazardous traffic citations issued increased 0.6% (15 citations)
  - Non-hazardous citations increased 223.9% (197 citations)
  - License/title/registration citations increased 63.1% (328 citations)
  - Parking citations increased 111.2% (149 citations)
- Overall crimes and non-criminal calls for police service are down 11.0% (1039 crimes/calls for service)

# Troy Police Department

## 1st Quarter 2009/2008 Comparison

Group A Crime Categories	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent Change	1st Quarter		Percent Change	1st Quarter		Percent Change	1st Quarter	
	2009	2008		2009	2008		2009	2008		2009	Percent
Arson	1	0	+	1	0	+	0	0	NC	0	0.0%
Assault Offenses	168	126	33.3%	171	132	29.5%	40	26	53.8%	39	22.8%
Bribery	0	0	NC	0	1	-	0	0	NC	0	0.0%
Breaking and Entering	42	85	-50.6%	43	85	-49.4%	12	7	71.4%	4	9.3%
Counterfeiting/Forgery	10	11	-9.1%	10	11	-9.1%	3	3	NC	2	20.0%
Destruction/Damage/Vandalism	56	69	-18.8%	58	75	-22.7%	1	3	-66.7%	2	3.4%
Drug/Narcotic Offenses	57	45	26.7%	92	73	26.0%	72	50	44.0%	88	95.7%
Embezzlement	13	21	-38.1%	13	22	-40.9%	10	17	-41.2%	7	53.8%
Extortion/Blackmail	0	0	NC	0	1	-	0	0	NC	0	0.0%
Fraud Offenses	49	56	-12.5%	51	62	-17.7%	4	13	-69.2%	3	5.9%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	1	-	0	2	-	0	2	-	0	0.0%
Kidnapping/Abduction	0	0	NC	2	0	+	0	0	NC	0	0.0%
Larceny/Theft Offenses	332	358	-7.3%	340	373	-8.8%	158	161	-1.9%	128	37.6%
Motor Vehicle Theft	18	48	-62.5%	18	48	-62.5%	0	0	NC	0	0.0%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	1	-	0	1	-	0	1	-	0	0.0%
Robbery	4	7	-42.9%	4	7	-42.9%	1	2	-50.0%	1	25.0%
Sex Offenses, Forcible	7	9	-22.2%	7	9	-22.2%	0	2	-	0	0.0%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	2	3	-33.3%	7	4	75.0%	5	2	150.0%	6	85.7%
Weapon Law Violations	4	2	100.0%	5	4	25.0%	3	2	50.0%	5	100.0%
<b>Group A Total</b>	<b>763</b>	<b>842</b>	<b>-9.4%</b>	<b>822</b>	<b>910</b>	<b>-9.7%</b>	<b>309</b>	<b>291</b>	<b>6.2%</b>	<b>285</b>	<b>34.7%</b>
<b>Group B Crime Categories</b>											
Bad Checks	17	13	30.8%	17	14	21.4%	3	6	-50.0%	3	17.6%
Curfew/Loitering/Vagrancy	1	0	+	1	0	+	0	0	NC	0	0.0%
Disorderly Conduct	25	22	13.6%	30	23	30.4%	6	6	NC	7	23.3%
Driving Under the Influence	108	91	18.7%	128	111	15.3%	111	99	12.1%	124	96.9%
Drunkenness	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Family Offenses, Nonviolent	2	6	-66.7%	2	6	-66.7%	1	0	+	0	0.0%
Liquor Law Violations	12	14	-14.3%	25	32	-21.9%	39	31	25.8%	25	100.0%
Peeping Tom	0	1	-	0	1	-	0	1	-	0	0.0%
Runaway (Under 18)	3	2	50.0%	3	2	50.0%	0	0	NC	0	0.0%
Trespass of Real Property	6	2	200.0%	6	4	50.0%	2	1	100.0%	2	33.3%
All Other	130	107	21.5%	161	135	19.3%	120	94	27.7%	147	91.3%
<b>Group B Total</b>	<b>304</b>	<b>258</b>	<b>17.8%</b>	<b>373</b>	<b>328</b>	<b>13.7%</b>	<b>282</b>	<b>238</b>	<b>18.5%</b>	<b>308</b>	<b>82.6%</b>
<b>Group A and B Total</b>	<b>1,067</b>	<b>1,100</b>	<b>-3.0%</b>	<b>1,195</b>	<b>1,238</b>	<b>-3.5%</b>	<b>591</b>	<b>529</b>	<b>11.7%</b>	<b>593</b>	<b>49.6%</b>
Above data includes both completed and attempted offenses.											



April 27, 2009

Lieutenant Dave Livingston  
Troy Police Department  
500 W. Big Beaver Road  
Troy, MI 48085

Re: Letter of Commendation for:

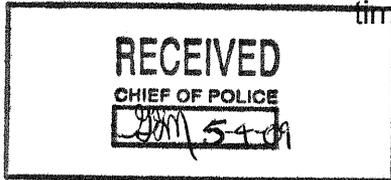
**Officer Dan Langbeen**

Dear Sir,

My name is Jon Pascal and I am the Director of the Krav Maga Force Training Division. From March 2-6, 2009, we conducted a Krav Maga Defensive Tactics Law Enforcement Instructor Certification Course at the Troy Police Department Training Center in Troy, Michigan.

During this course we had the pleasure of working with Officer Dan Langbeen. Our instructor was very impressed by his professionalism, dynamic work ethic and commitment to excellence in training. During my 15 years of defensive tactics training, I have taught personnel from over 400 agencies and academies throughout the United States. Your agency should be proud to have sent Officer Langbeen as a representative. During this physically demanding course we saw his passion and uncompromising commitment to bringing the very best in law enforcement training to your agency personnel as exemplified by his hard work throughout the week.

I encourage you to take the opportunity to personally view some of the recently learned Krav Maga training methods in a dynamic demonstration. These training methods are designed to give your sworn personnel the ability to use the appropriate level of force in a time of need, and build the skills and attributes desired in your officers.



DAN-  
THANKS FOR YOUR COMMITMENT TO THIS  
IMPORTANT TRAINING.  
*Jon*

PFILE  
MGR



**KRAV MAGA**  
FORCE TRAINING DIVISION

A Division of Krav Maga Worldwide

The mission of the Krav Maga Force Training Division is "to save lives by providing the best law enforcement training possible."

Again, it was a pleasure to work with such a fine representative of your staff. I look forward to fostering this relationship.

Sincerely,



Jon Pascal  
Krav Maga Worldwide, Inc.  
Force Training Division  
1500 Olympic Blvd. Suite 545  
Los Angeles, CA 90064  
(310) 477-9977  
(310) 477-9722 (fax)  
jpascal@kravmaga.com



**KRAV MAGA**  
FORCE TRAINING DIVISION

A Division of Krav Maga Worldwide

11500 west olympic boulevard • suite 150 • los angeles • california • 90064  
ph: 310.477.9977 • 800.KRAV.MAGA • [www.kravmaga.com](http://www.kravmaga.com) • fax: 310.477.9722



## CITY COUNCIL REPORT

DATE: March 6, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager, Finance and Administration  
Carol Anderson, Parks and Recreation Director

SUBJECT: Non-Profit Group Meeting Room Policy at Community Center

### Background:

- Under current room usage policy at the Community Center, any 501 (C) non-profit tax exempt corporation, community/civic organization, church, fraternal body, educational unit, or government organization that consists of at least 75% Troy residents are not charged to use a Community Center meeting room during regular business hours (Monday – Friday, 8 am – 10 pm; Saturday 8 am – 1 pm). In addition, these groups are not required to pay for use of the audio visual equipment and are exempt from the Community Center Food Policy (Exhibit 1).
- This policy was developed prior to the renovation of the existing Community Center in 2002 when the rooms in the facility were not available for rent to the general public and fewer programs were offered by the Parks and Recreation Department. The intent was for non-profit groups to be able to use the rooms primarily for monthly meetings.
- After the renovation was complete and additional rooms were added to the Community Center, the total number of reservations increased from 2,116 in 2001-02 to 10,782 in 2007-08. Of this total, 27% were reserved for non-profit groups, 54% for parks and recreation sponsored activities/programs and 19% for public groups who pay a rental fee.
- There are approximately 50 non-profit organizations that reserve rooms under the no fee policy (Exhibit 2). A majority of these groups reserve one or more rooms on a weekly basis and run programs that are advertised to be free to their members.
- Approximately 20 non profit groups (i.e. High School Sport Teams, Scout Groups, Homeowner Associations, Ethnic Organizations) hold special events such as banquets and holiday parties for no charge despite extensive set up, take down and cleaning that is involved with the event.
- Due to the quality accommodations that are provided at the Community Center, the quantity of non-profit group meetings has increased to the point that it is difficult for new revenue producing Parks and Recreation programs or private rentals to find space for their activity at peak times.
- The cost to provide services and utilities to these non profit groups has increased since the facility has opened yet the general fund subsidy to accommodate these groups has remained the same.
- In order to increase revenue, City Council adopted revenue enhancements on February 16, 2009 that included the establishment of a room rental fee for non profit groups who stage meetings and activities at the Community Center (Resolution #2009-02-045).

### Policy Considerations:

- City management has developed a revenue producing fee structure for non profit groups to use the Community Center. Under this new policy, non-profit groups will be limited to one reservation per month and be charged \$20 per hour (50% of the Troy Business Rate) to reserve space for any additional meetings during the month. This will impact the groups that are listed in Exhibit 2 that meet weekly or bi-weekly. In addition, non profit groups that hold events in Room 304-305 will be charged a \$30 set up/cleaning fee. This new fee structure will be implemented at the conclusion of the current reservation period (September 1, 2009).
- As a result of this change, it is anticipated that \$27,500 of additional revenue would be earned (Exhibit 3).

## **Troy Community Center Food/Beverage Policy**

Groups that would like to serve food or beverages at their events in the Troy Community Center have the following options:

1. Order from the Community Center “preferred” caterer(s). If a qualifying meal is ordered, the group will receive a 35% discount on the room rental charges (excluding labor) provided the following minimum conditions are met:
  - Qualifying food order must be \$5 or more per person
  - Group size of 20
  - Two hour room rental
  
2. Order from a caterer that is not “preferred”. Groups may hire another caterer to provide food and beverages but are subject to the following charges and conditions:
  - Cleaning Fee - \$30
  - Service Fee (per person) - \$.75 for breakfast, \$1 for lunch, \$2 for dinner (There is no service fee if beverage or snacks are served)
  - Breakfast items include bagels, muffins and pastries. Snack foods include pre-packaged non-perishable items and desserts.
  - Caterer must have valid kitchen license.
  - Caterer or group will not have access to the kitchen area.
  
3. Carry in food prepared from home, store or restaurant. Groups, with the exception of non-profit groups (see below) may bring in their own food and beverages but are subject to the following charges and conditions:
  - Cleaning Fee - \$30
  - Service Fee (per person) - \$.75 for breakfast, \$1 for lunch, \$2 for dinner (There is no service fee if beverage or snacks are served)
  - Breakfast items include bagels, muffins and pastries. Snack foods include pre-packaged non-perishable items and desserts.
  - Group will not have access to the kitchen area.
  - The food being served is only available to members of the group. It cannot be served to the public.

### Other Information

1. Any non-profit tax exempt (501c) corporations, community/civic organizations, churches, fraternal bodies, educational units or government organizations that consist of at least 75% Troy residents in attendance are permitted to carry in food prepared from home without incurring the service fee and will be subject to the cleaning fee if the room does not pass a post event inspection.
2. Individuals visiting the Community Center may consume food brought from home or purchased at a restaurant without incurring a cleaning fee or service fee as long as the food is not being served for a group function. For example, a patron may eat their individual lunch anywhere in the facility.
3. The kitchen is not available for use by any group except by a “preferred” caterer who may use it in the process of staging their meal.

## Exhibit 2

The following non-profit groups meet at the Community Center under the no-fee policy.

### Groups That Meet Weekly or More (22)

Troy Noontimers (Alcoholics Anonymous) - Monday, Friday  
Nothin But the Book (Alcoholics Anonymous) – Wednesday  
Al-Anon (Alcoholics Anonymous) - Friday  
Church in Troy - Monday, Saturday  
Indian Dance Club - Monday, Saturday  
Troy Chinese School - Tuesday, Friday  
ACACAE/CAGD (Chinese Association of Greater Detroit) – Tuesday, Wednesday, Friday, Saturday  
Chinese Dance Club - Thursday  
Michigan Chinese Folk Dance Club - Thursday, Friday  
Performing Arts Club - Wednesday  
Nadanta - Wednesday  
ARC of Oakland County (Weight Watchers for the Disabled) - Thursday  
Wattles Robotics Club - Thursday  
Charity Cup (Religious Group) - Thursday  
Path Bhaban (Bengali Organization) - Friday  
Buddha's Light International Association - Friday, Saturday  
Girl Scout Troop (Multiple Troops) – Various days  
Waray-Waray International Organization (Philippine Dance Group) - Friday  
Falun Dafa (Chinese Meditation Group) - Saturday  
Oriental Art - Saturday  
Hindu Swayamsevak Organization - Saturday  
Mizuno Dance Club – Saturday  
Troy High School Cheerleaders - Monday to Friday  
Troy High School Winterguard – Monday to Friday

### Groups That Meet Twice per Month (4)

Cub Scout Troop (Multiple Groups) – Monday, Wednesday  
Democratic Club - Wednesday  
American Romanian School – Saturday

### Groups That Meet Monthly (16)

AAll Fast Track – Monday  
AAll Fast Track - Tuesday  
Community Chorus - Monday  
Troy Soccer League- Monday, Tuesday  
Primrose Garden - Tuesday  
Troy Women's Association - Tuesday  
Girl Scout Troop – Tuesday, Thursday  
Troy Garden Club -Wednesday  
Leadership Troy - Wednesday  
Beachwood Recreation - Wednesday  
Troy Youth Soccer League -Thursday

Troy Newcomers - Thursday  
 Senator Pappageorge - Saturday  
 Homeowner Associations (Multiple Associations)

Special Events and Banquets in Room 304 - 305

Troy School Sports Teams Annual Banquet (6)  
 Boy Scout Blue and Gold Banquet (3)  
 Pine Wood Derby (3)  
 Indus Science Fair  
 Troy Elementary School Fun Fairs and Dances (6)  
 Community Coalition Banquet

Exhibit 3  
Revenue Projections

New Policy – One reservation per month for no charge, \$20 per hour room rental for other reservations, cleaning charge

<b>Source of New Revenue</b>	<b>Estimated Revenue Calculation</b>	<b>Amount</b>
Non Profit Groups	10 groups renting space x \$40 per meeting x 3 per month x 12 months	\$14,400
Private Rentals	2 new rentals per week x \$100 per meeting x 50 weeks	\$10,000
Recreation Programs	1 new program per week x \$50 per meeting x 50 weeks	\$2,500
Cleaning Fee	20 banquet events x \$30 cleaning fee	\$600
<b>Total Revenue</b>		<b>\$27,500</b>