

# **AGENDA**

**Meeting of the**

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

**JUNE 1, 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@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.***

---

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.

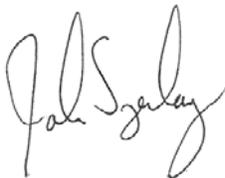
Identified below are outcome statements for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **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**

**June 1, 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: Joe Mastro – Kensington Church** **1**

**ROLL CALL** **1**

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

- A-1 Presentations: 1
  - a) Proclamation to Honor Melinda Weingart – 2008 Police Officer of the Year ..... 1
  - b) Proclamation to Honor Jessica Morse – 2008 Non-Sworn Police Employee of the Year ..... 1
  - c) Proclamation to Honor Tony Pabian – 2009 Fire Fighter of the Year ..... 1
  - d) Update on Oakland Fire Mutual Aid Association ..... 1

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

B-1 No Carryover Items 1

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

C-1 Receive Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy 1

---

***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.***

---

**POSTPONED ITEMS: 3**

- D-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) 3

**PUBLIC COMMENT: Limited to Items Not on the Agenda 3**

**REGULAR BUSINESS: 3**

- E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Historic District Commission 4
- E-2 Nominations for Appointments to Boards and Committees: None Scheduled 4
- E-3 Standard Purchasing Resolution #1 – Award to Low Bidder – Contract 09-8 – Fire Training Center Parking Lot Expansion 4
- E-4 Consumers Energy Utility Relocation Costs – Rochester Road, Torpey to Barclay – Project No. 99.203.5 5
- E-5 Rescind Bid Award/Re-Award Contract – Rough Mow Various Municipal Sites 5
- E-6 Approval of the Troy Downtown Development Authority Proposed Fiscal Year 2009/10 Budget 6

**CONSENT AGENDA: 6**

- F-1a Approval of “F” Items NOT Removed for Discussion 6
  - 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) Melinda Weingart – 2008 Police Officer of the Year ..... 7
    - b) Jessica Morse – 2008 Non-Sworn Police Department Employee of the Year..... 7
    - c) Tony Pabian – 2009 Fire Fighter of the Year ..... 7
-

F-4	Standard Purchasing Resolutions	7
	a) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fire Alarm Panel Replacement Troy Public Library.....	7
	b) Standard Purchasing Resolution 3: Exercise Renewal Option – Pool Maintenance and Repair Services.....	7
	c) Standard Purchasing Resolution 3: Exercise Renewal Option – Photographic Services.....	8
F-5	Medi-Go Service Agreement	8
F-6	Request to Abandon Part of an Original Sanitary Sewer Easement – Troy Commons, LLC, Sidwell #88-20-22-477-062	9
F-7	Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Request for Authorization to Institute Court Action – BG’s, LLC – Parcel 30 – Sidwell #88-20-22-277-027	9

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:** **10**

G-1	Announcement of Public Hearings:	10
	a) Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10 – June 15, 2009.....	10
	b) Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 – June 15, 2009 .....	10
G-2	Memorandums: None Submitted	10

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda** **10**

H-1	No Council Referrals Advanced	10
-----	-------------------------------	----

**COUNCIL COMMENTS:** **10**

I-1	No Council Comments Advanced	10
-----	------------------------------	----

**REPORTS:** **10**

J-1	Minutes – Boards and Committees:	10
	a) Downtown Development Authority/Final – March 18, 2009.....	10
	b) Employees’ Retirement System Board of Trustees/Final – April 8, 2009.....	10
	c) Board of Zoning Appeals/Final – April 21, 2009.....	10
J-2	Department Reports:	10
	a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – April 2009 .....	10
J-3	Letters of Appreciation:	10
	a) Letter of Thanks to Chief Mayer from Gregory Booton Regarding the Commitment and Enthusiasm of Officer Craig Fitzpatrick during Police Mountain Bike Training.....	10
	b) Letter of Thanks to Chief Mayer from West Bloomfield Assistant Fire Chief Jay Wiseman Regarding the Assistance from Detective Mork in Forensic Hard Drive Recovery .....	10
	c) Email to Chief Mayer from Alan Thompson Regarding Assistance Received from Officer Mark Cole .....	10
J-4	Proposed Proclamations/Resolutions from Other Organizations:	10
	a) Oakland County Board of Commissioners Resolution #09075 – Supports Educating Mobile Telephone Users to Store “In Case of Emergency” (ICE) Listing on their Devices .....	10
J-5	Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14838-R	10
J-6	Communication from City Attorney Lori Grigg Bluhm Regarding Kendricks Lawsuit	11
J-7	Communication from Police Department Regarding Proof of TIPS/TAMS Server Training	11
J-8	Communication from Clark Hill Team Regarding Transit Center Update	11
J-9	Communication from Assistant City Manager/Economic Development Services Regarding Automation Alley Annual Audit	11
J-10	Communication from Engineering Department Regarding Status of Water Quality Sampling of Outfalls to Sandshores Lake and Proposed Ferry Drain Project with US Army Corps of Engineers	11

---

J-11	Communication from Director of Building and Zoning Mark Stimac Regarding Property Maintenance Issues Relating to Vacant Residential Properties	11
J-12	Communication from Library Director Cathleen Russ Announcing the Grand Opening of Library Café, <i>Cup &amp; Chaucer</i>	11
<b>STUDY ITEMS:</b>		<b>11</b>
K-1	Charter Revision Referrals	11
<b>PUBLIC COMMENT: Address of “K” Items</b>		<b>11</b>
<b>CLOSED SESSION:</b>		<b>12</b>
L-1	Closed Session	12
<b>RECESSED</b>		<b>12</b>
<b>RECONVENED</b>		<b>12</b>
<b>ADJOURNMENT</b>		<b>12</b>
<b>FUTURE CITY COUNCIL PUBLIC HEARINGS:</b>		<b>12</b>
	Monday, June 15, 2009 .....	12
	1. Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10.....	12
	2. Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 .....	12
<b>SCHEDULED CITY COUNCIL MEETINGS:</b>		<b>13</b>
	Monday, June 15, 2009 Regular City Council .....	13
	Monday, June 22, 2009 5:00 PM – 7:00 PM Closed Session .....	13
	Monday, July 6, 2009 5:00 PM – 7:00 PM Closed Session.....	13
	Monday, July 6, 2009 Regular City Council .....	13
	Tuesday, July 7, 2009 5:30 PM – 7:30 PM Special City Council .....	13
	Wednesday, July 8, 2009 9:00 AM Special City Council .....	13
	Thursday, July 9, 2009 7:00 PM Special City Council .....	13
	Monday, July 20, 2009 Regular City Council .....	13
	Monday, August 3, 2009 Regular City Council .....	13

---

Monday, August 17, 2009	Regular City Council	13
Monday, August 31, 2009	Regular City Council	13
Monday, September 14, 2009	Regular City Council	13
Monday, September 28, 2009	Regular City Council	13
Monday, October 5, 2009	Regular City Council	13
Monday, October 19, 2009	Regular City Council	13
Monday, November 9, 2009	Regular City Council	13
Monday, November 23, 2009	Regular City Council	13
Monday, December 7, 2009	Regular City Council	13
Monday, December 21, 2009	Regular City Council	13

**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE: Joe Mastro – Kensington 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)** Proclamation to Honor Melinda Weingart – 2008 Police Officer of the Year
- b)** Proclamation to Honor Jessica Morse – 2008 Non-Sworn Police Employee of the Year
- c)** Proclamation to Honor Tony Pabian – 2009 Fire Fighter of the Year
- d)** Update on Oakland Fire Mutual Aid Association

**CARRYOVER ITEMS:**

---

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

---

**C-1 Receive Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy**Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

WHEREAS, The Royal Oak Hospital Finance Authority (the "Authority") proposes to lease certain equipment to William Beaumont Hospital (the "Hospital"), which equipment constitutes "hospital facilities" to be acquired and used by the Hospital at its existing hospital facilities located in the City of Troy, Michigan and the City of Royal Oak, Michigan;

WHEREAS, The Authority intends to enter into a Master Lease-Purchase Agreement, dated on or about June 1, 2009 (the "Master Lease") with the Hospital under which terms the equipment shall be leased by the Authority to the Hospital;

WHEREAS, In connection with the execution of the Master Lease, the Authority intends to issue hospital lease revenue bonds (the "Bonds") in the principal amount of not to exceed \$20,000,000 to provide funds with which to lease the equipment to the Hospital;

WHEREAS, The Hospital shall make Rental Payments (as defined in the Master Lease) and certain other payments directly to the Authority to the credit of the Hospital under the Master Lease for the possession and use and the eventual ownership of the equipment;

WHEREAS, The Rental Payments made by Hospital to Authority under the Master Lease shall be assigned (pursuant to a Assignment Agreement) by the Authority to Fifth Third Bank, as bondholder of the Bond issued in connection therewith, and said Rental Payments shall be treated as a credit to the Authority under the Bonds, and together with any other credits pursuant to the terms of the Bond, shall be sufficient to satisfy any and all amounts due under the terms of the Bonds;

WHEREAS, The Bonds will be limited obligations of the Authority and will not be an obligation or debt of the City of Troy, the State of Michigan or any political subdivision thereof;

WHEREAS, On the date hereof, the City Council conducted a public hearing after notice was published as provided in, and in satisfaction of, the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, In order to facilitate the issuance of the Bonds, this City Council desires to authorize the Mayor, as the chief elected executive officer of the City of Troy, Michigan, to execute a certificate providing the requisite approval pursuant to Section 147(f) of the Code;

NOW, THEREFORE, THE CITY OF TROY RESOLVES:

1. That, after due authorization of the Bonds by the Authority, the Mayor of the City of Troy, Michigan, as the highest "applicable elected representative" of the City of Troy, Michigan, for purposes of Section 147(f) of the Code, is hereby **AUTHORIZED** to provide a "Certificate of Applicable Elected Representatives" in order to facilitate the issuance of the Bonds by the Authority. The proceeds of the Bonds shall not be obligations of the City of Troy, Michigan; and
2. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all applicable open meeting laws, and the applicable rules of this City Council; and
3. This resolution shall take effect upon its adoption by this City Council and approval by the Mayor.

Yes:

No:

**POSTPONED ITEMS:****D-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)**Pending Resolution

Resolution

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-2, 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-2; and

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

Yes:

No:

**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**

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 #2009-06-

Moved by

Seconded by

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

**Historic District Commission**

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

Doris Schuchter

**Historical Society Recommendation**

Term Expires 05/15/2012

Yes:

No:

---

**E-2 Nominations for Appointments to Boards and Committees: None Scheduled**

---

**E-3 Standard Purchasing Resolution #1 – Award to Low Bidder – Contract 09-8 – Fire Training Center Parking Lot Expansion**

Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-8, Fire Training Center Parking Lot Expansion to A.W. Excavating, Inc., P.O. Box 228, Hadley, MI 48440 at an estimated total cost of \$28,680.00; 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 10% of the total project cost.

Yes:

No:

---

**E-4 Consumers Energy Utility Relocation Costs – Rochester Road, Torpey to Barclay – Project No. 99.203.5**

Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the relocation costs for Consumers Energy facilities, within private easements, required in connection with the reconstruction of Rochester Road, from Torpey to Barclay in the amount of \$237,224.00 with the City's share estimated at \$47,444.00.

Yes:

No:

---

**E-5 Rescind Bid Award/Re-Award Contract – Rough Mow Various Municipal Sites**

Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

WHEREAS, On December 18, 2006, a contract to furnish three-year requirements for Rough Mowing of Various Municipal Sites and Abandoned Properties with an option to renew for two additional years was awarded to the low total bidder, Great Lakes Landscaping of Warren, MI (Resolution # 2006-12-379-E4a);

WHEREAS, On January 28, 2008, the contract with Great Lakes Landscaping was rescinded and re-awarded to Steele's Services of Auburn Hills, MI as Great Lakes Landscaping found it to be economically unfeasible to continue (Resolution # 2008-01-017-E-2); and

WHEREAS, Steele's Services has requested termination of the contract due to circumstances beyond their control;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to furnish all labor, tools, equipment and transportation for Rough Mowing of Various Municipal Sites and Abandoned Properties from Steele's Services, and hereby **RE-AWARDS** the contract to the next lowest acceptable bidder, B & B Landscaping, Inc. of Fenton, MI, at unit prices contained in the bid tabulation opened November 21, 2006, a copy of which shall be

**ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2009.

Yes:

No:

---

**E-6 Approval of the Troy Downtown Development Authority Proposed Fiscal Year 2009/10 Budget**

Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2009/10 budget;

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

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 #2009-06-

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 #2009-06-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of May 18, 2009 as submitted.

---

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

Resolution #2009-06-

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

- a) Melinda Weingart – 2008 Police Officer of the Year
- b) Jessica Morse – 2008 Non-Sworn Police Department Employee of the Year
- c) Tony Pabian – 2009 Fire Fighter of the Year

---

**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fire Alarm Panel Replacement Troy Public Library**Suggested Resolution

Resolution #2009-06-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a new Fire Alarm Panel Replacement at the Troy Public Library to the lowest acceptable bidder, Summit Electric, Inc. of Troy, MI, for an estimated total cost of \$33,500.00, as detailed in the bid tabulation opened May 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 and contract documents, including insurance certificates, bonds, and all other specified requirements.

**b) Standard Purchasing Resolution 3: Exercise Renewal Option – Pool Maintenance and Repair Services**Suggested Resolution

Resolution #2009-06-

WHEREAS, On June 4, 2007, a two-year contract for pool maintenance and repairs on City pools (outdoor and indoor) with two (2) one-year options to renew was awarded to the low bidder, B&B Pools and Spas of Livonia, MI (Res #2007-06-172-E4a); and

WHEREAS, B&B Pools and Spas has agreed to exercise the first of two (2) one-year options to renew under the same prices, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year contract renewal option with B&B Pools and Spas of Livonia to provide pool maintenance and repair under the same prices, terms, and conditions as the original contract expiring June 30, 2010.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Photographic Services**

Suggested Resolution  
Resolution #2009-06-

WHEREAS, On June 19, 2006, a three-year contract to provide Photographic Services with an option to renew for three additional years was awarded to Laura K. Freeman Photography of Dearborn, MI, the vendor with the highest final weighted score as a result of a best value process at an estimated cost of \$24,070.00 per year, which includes insurance. (Council Resolution #2006-06-261-E4b); and

WHEREAS, Laura K. Freeman Photography has agreed to a three-year contract renewal for Photographic Services under the same pricing structure, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew for three (3) additional years to provide Photographic Services with Laura K. Freeman Photography of Dearborn, MI, for an estimated cost of \$24,070.00 per year, which includes \$1,000.00 for insurance, with all original contract requirements the same to expire June 30, 2012.

---

**F-5 Medi-Go Service Agreement**

Suggested Resolution  
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **APPROVES** the request for funding in the amount of \$180,000.00 or entire municipal community credits transferred from SMART (whichever is more) for Troy Medi-Go Plus for fiscal year 2009/2010, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2009 through June 30, 2010; and

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

---

**F-6 Request to Abandon Part of an Original Sanitary Sewer Easement – Troy Commons, LLC, Sidwell #88-20-22-477-062**

Suggested Resolution  
Resolution #2009-06-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign a Quit Claim Deed to Troy Commons, LLC, to complete the abandonment of part of the original sanitary sewer, as recorded in L6438 P8, of the Oakland County Register of Deeds; and

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

---

**F-7 Request for Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Request for Authorization to Institute Court Action – BG's, LLC – Parcel 30 – Sidwell #88-20-22-277-027****(a) Authorization to Make Unconditioned Offer**

Suggested Resolution  
Resolution #2009-06-

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 BG's, LLC, owner of property having Sidwell #88-20-22-277-027;

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 #88-20-22-277-027 in the amount of \$230,000.00 for real estate and an amount not to exceed \$60,000.00 for fixtures.

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

Suggested Resolution  
Resolution #2009-06-

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 BG's, LLC, owner of property having Sidwell #88-20-22-277-027;

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.

---

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

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

- a) Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10 – June 15, 2009
  - b) Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1 – June 15, 2009
- 

**G-2 Memorandums: None Submitted**

---

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

---

**H-1 No Council Referrals Advanced**

---

**COUNCIL COMMENTS:**

---

**I-1 No Council Comments Advanced**

---

**REPORTS:**

---

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

- a) Downtown Development Authority/Final – March 18, 2009
  - b) Employees' Retirement System Board of Trustees/Final – April 8, 2009
  - c) Board of Zoning Appeals/Final – April 21, 2009
- 

**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – April 2009
- 

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Mayer from Gregory Booton Regarding the Commitment and Enthusiasm of Officer Craig Fitzpatrick during Police Mountain Bike Training
  - b) Letter of Thanks to Chief Mayer from West Bloomfield Assistant Fire Chief Jay Wiseman Regarding the Assistance from Detective Mork in Forensic Hard Drive Recovery
  - c) Email to Chief Mayer from Alan Thompson Regarding Assistance Received from Officer Mark Cole
- 

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

- a) Oakland County Board of Commissioners Resolution #09075 – Supports Educating Mobile Telephone Users to Store "In Case of Emergency" (ICE) Listing on their Devices
- 

**J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14838-R**

---

- 
- J-6** Communication from City Attorney Lori Grigg Bluhm Regarding Kendricks Lawsuit
- 
- J-7** Communication from Police Department Regarding Proof of TIPS/TAMS Server Training
- 
- J-8** Communication from Clark Hill Team Regarding Transit Center Update
- 
- J-9** Communication from Assistant City Manager/Economic Development Services Regarding Automation Alley Annual Audit
- 
- J-10** Communication from Engineering Department Regarding Status of Water Quality Sampling of Outfalls to Sandshores Lake and Proposed Ferry Drain Project with US Army Corps of Engineers
- 
- J-11** Communication from Director of Building and Zoning Mark Stimac Regarding Property Maintenance Issues Relating to Vacant Residential Properties
- 
- J-12** Communication from Library Director Cathleen Russ Announcing the Grand Opening of Library Café, *Cup & Chaucer*

**STUDY ITEMS:**

- 
- K-1** Charter Revision Referrals

**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 Closed Session**Suggested Resolution

Resolution #2009-06-

Moved by

Seconded by

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

Yes:

No:

**RECESSED****RECONVENED****ADJOURNMENT**

Respectfully submitted,



John Szerlag, Acting City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, June 15, 2009

1. Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10
2. Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1

**SCHEDULED CITY COUNCIL MEETINGS:**

Monday, June 15, 2009..... Regular City Council  
Monday, June 22, 2009 ..... 5:00 PM – 7:00 PM Closed Session  
Monday, July 6, 2009 ..... 5:00 PM – 7:00 PM Closed Session  
Monday, July 6, 2009 ..... Regular City Council  
Tuesday, July 7, 2009 ..... 5:30 PM – 7:30 PM Special City Council  
Wednesday, July 8, 2009..... 9:00 AM Special City Council  
Thursday, July 9, 2009 ..... 7:00 PM Special City Council  
Monday, July 20, 2009 ..... Regular City Council  
Monday, August 3, 2009 ..... Regular City Council  
Monday, August 17, 2009 ..... Regular City Council  
Monday, August 31, 2009 ..... Regular City Council  
Monday, September 14, 2009 ..... Regular City Council  
Monday, September 28, 2009 ..... Regular City Council  
Monday, October 5, 2009 ..... Regular City Council  
Monday, October 19, 2009 ..... Regular City Council  
Monday, November 9, 2009 ..... Regular City Council  
Monday, November 23, 2009 ..... Regular City Council  
Monday, December 7, 2009 ..... Regular City Council  
Monday, December 21, 2009 ..... Regular City Council

**PROCLAMATION TO HONOR  
MELINDA WEINGART  
2008 POLICE OFFICER OF THE YEAR**

**WHEREAS, Officer Melinda Weingart** has been a member of the Troy Police Department since 2003 when she was hired in the Patrol/Operations Division and Traffic Safety Unit. She is currently assigned to the Operations Division Patrol Shift 3; and

**WHEREAS,** Her selection was based on her commitment to both the department and the community, as well as her superior performance, hard work, enthusiasm and dedication to duty, as well as her commitment to providing the best service to the residents of Troy; and

**WHEREAS, Officer Weingart** has continuously shown her bravery in the face of danger – in February 2008 she performed CPR on a non-responsive citizen; In April 2008 she performed an arrest for Operating While Intoxicated 2<sup>nd</sup> Offense where she confiscated a loaded handgun, marijuana and open intoxicants; and she interrupted two suspects in the process of committing a Larceny from an Automobile; and

**WHEREAS, Officer Weingart** always acts promptly to assist other officers and follows through on all her case investigations. In 2007, her thoroughness resulted in the apprehension of a suspect in a Criminal Sexual Conduct incident and an arrest in a Home Invasion; and

**WHEREAS, Officer Weingart** received the Mothers Against Drunk Drivers (MADD) award for Excellence in the Enforcement of Drinking and Driving Laws for 2004, 2005, 2006, 2007 and 2008. She holds the Troy Police Department's record for yearly Operating While Intoxicated arrests, with a five year total of 272; and

**WHEREAS, Officer Weingart** goes above and beyond the call of duty displaying the ability to fulfill the diverse and numerous expectations of a Police Officer and is a tremendous asset to the Troy Police Department and the City of Troy;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer Melinda Weingart** on the occasion of being chosen **2008 Police Officer of the Year** by the Troy Police Department;

**BE IT FURTHER RESOLVED** that the City Council commends **Officer Weingart** for her leadership, dedication and commitment to providing the best possible service to the citizens of Troy and her fellow employees.

Presented this 1<sup>st</sup> day of June 2009.

**PROCLAMATION TO HONOR  
JESSICA MORSE  
2008 NON-SWORN POLICE DEPARTMENT  
EMPLOYEE OF THE YEAR**

**WHEREAS, Jessica Morse** has served the Troy Police Department since September 14, 1998 when she was hired as a Police Service Aide, working in the Communications and Lockup Sections. She is currently assigned to the Investigative Services Division Property Unit; and

**WHEREAS, Jessica** is being honored as the **2008 Non-Sworn Police Department Employee of the Year** for her outstanding performance, dedication to her position, professionalism, and commitment to providing the best service to the residents of Troy; and

**WHEREAS, Jessica** plays a key role in developing the relationship between the Troy Police Department and citizens of Troy by providing professional and helpful service as the first point of contact for citizens through her work in the Communications Section; and

**WHEREAS,** In November 2008, **Jessica's** technical and research abilities with the various Police Department electronic communications and records management systems caused her to identify the address of a heart attack victim who was unable to provide his location; and

**WHEREAS,** Despite the demands that come with the position and the technological abilities required, **Jessica** has continuously risen to each occasion providing assurance to citizens, thoroughly assessing each situation, and utilizing her skills to perform a service that is vital to the quality of life for our community; and

**WHEREAS,** In 2008, **Jessica** served as a Communications Training Officer, responsible for the in service training of new PSA's assigned to the Communications section. She also goes above and beyond by volunteering her time to assist with the annual Police Memorial Day Ceremony and assisting needy families during the holiday season by organizing the Communications Section's collection of gifts; and

**WHEREAS,** Through **Jessica's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Jessica Morse** on the occasion of being chosen **2008 Non-Sworn Employee of the Year by the Troy Police Department.**

**BE IT FURTHER RESOLVED** that the City Council commends **Jessica** for her leadership, dedication and commitment to providing the best possible service to the citizens of Troy and the Troy Police Department.

Presented this 1<sup>st</sup> day of June 2009.

**PROCLAMATION TO HONOR  
TONY PABIAN  
2009 FIRE FIGHTER OF THE YEAR**

**WHEREAS, Tony Pabian** has been a volunteer Fire Fighter since joining Troy's Fire Station 4 on October 14, 1985, more than 23 years ago; and

**WHEREAS,** His selection as **Fire Fighter of the Year** is due to his many years of dedication to the Troy Fire Department, having served with honor and dignity in all of his roles at the station, including leadership roles; and

**WHEREAS, Tony** has served as a Fire Fighter, Lieutenant, and Captain of Station 4. Additionally, Fire Fighter Pabian was selected as the Station Member of the Year for Station 4 in 1997; and

**WHEREAS,** In addition to being a committed and knowledgeable fire officer, **Tony** works tirelessly to develop and hone the skills of new firefighters within the department. He has volunteered to attend specialized training classes and then applies the knowledge gained to improve department operations and train other departments members; and

**WHEREAS, Tony** has represented Station 4 on the Safety Committee and the Firefighters Incentive Committee, and serves as Training Officer for his station. He is always willing to undertake special projects to improve department operations and capabilities as evidence by the leadership and effort he has provided to the rescue truck conversion project; and

**WHEREAS,** Through **Fire Fighter Tony's** leadership, commitment, hard work and countless hours of service, the Troy Fire Department has become even more efficient in its delivery of quality fire protection to the community;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fire Fighter Tony Pabian** on the occasion of being chosen **2009 Fire Fighter of the Year** by the Troy Fire Department.

**BE IT FURTHER RESOLVED** that the City Council commends **Tony** for his achievement, leadership and dedicated service to the citizens of Troy.

Presented this 1<sup>st</sup> day of June 2009.



## CITY COUNCIL ACTION REPORT

May 26, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance and Administration

SUBJECT: Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy

### BACKGROUND

As required by the Internal Revenue Code of 1986, as amended (the "Code") the City of Troy is holding a public hearing to receive public input in advance of authorizing the City of Royal Oak Hospital Finance Authority to issue bonds that will be used for the acquisition and installation of hospital facility equipment to William Beaumont Hospital – Troy.

It should be noted that approval of the issuance of bonds by the City of Royal Oak Hospital Finance Authority for the benefit of the City of Troy will not have any effect on the ability of the City of Troy to issue bonds, nor will it involve any liability to the City of Troy for the bonds.



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.

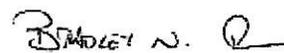
Procedurally, we have apprised the Authority of the Hospital's intention to provide for the issuance of tax-exempt obligations. It is our intention to schedule a public hearing with the City on Monday, June 1, 2009 (which requires publication of notice in a newspaper of general circulation at least fourteen 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

**MEMORANDUM**

**TO:** John M. Lamerato  
City of Troy, Michigan

**FROM:** Brad Ruwe  
Peck, Shaffer & Williams LLP

**DATE:** May 12, 2009

**RE:** Request for Mayor's approval for the issuance of Lease Revenue Bonds for William Beaumont Hospital, pursuant to Section 147(f) of the Internal Revenue Code of 1986

---

As a condition for the tax exemption of interest for all private activity bonds, Section 147(f) of the Internal Revenue Code of 1986, as amended, provides that the bonds must be approved by the chief elected executive officer of the governmental unit from which the issuer of the Bonds derives its authority. In this case, the approval is requested from the Mayor of the City of Troy, Michigan, as the chief elected executive officer of the City of Troy, which has established and given authority to the Royal Oak Hospital Finance Authority. In connection with this request, we provide the following information:

**NAME OF ISSUER:** Royal Oak Hospital Finance Authority  
211 S. Williams Street  
Royal Oak, Michigan 48067  
Attention: Mayor

**BOND DESCRIPTION:** Not to exceed \$20,000,000 Royal Oak Hospital Finance Authority Limited Obligation Lease Revenue Bonds (William Beaumont Hospital)

**PURPOSE OF BOND ISSUE:** The Project consists of assisting William Beaumont Hospital (the "Hospital") in financing the acquisition 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 and upgrades and service contracts related thereto, all for use as hospital facilities and all to be located at one or more of the following locations: 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.

**PURCHASER OF BONDS:**

Fifth Third Bank, a Michigan banking corporation, has committed to purchase, and hold in its portfolio of investments, all of the Lease Revenue Bonds.

**LIABILITY FOR PAYMENT OF BONDS:**

The Lease Revenue Bonds will be payable solely from rental payments and other amounts due under a Master Lease-Purchase Agreement made to the Authority by the Hospital. The Lease Revenue Bonds will not be a general obligation of the Authority, the City of Troy, the State of Michigan or any other governmental unit, and will not be payable from the tax revenues or other funds of any of the Authority, the City of Troy, the State of Michigan or any other governmental unit.

**REVIEW OF DOCUMENTS AND PROCEEDINGS:**

In our capacity as Special Counsel, we have reviewed the Notice of Public Hearing attached as Exhibit A, the Record of Public Hearing attached as Exhibit B and the form of Approval of Issuance of Bonds attached as Exhibit C, the proceedings of the Royal Oak Hospital Finance Authority and the applicable documents for the Lease Revenue Bonds and have concluded that the Royal Oak Hospital Finance Authority has taken the necessary actions and prepared the proper documentation to allow the Mayor of the City of Troy to approve the issuance of the Lease Revenue Bonds under the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended.

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 OF TROY, MICHIGAN  
RECORD OF PUBLIC HEARING**

The City of Troy conducted a public hearing on \_\_\_\_\_, 2009 at \_\_\_\_\_ p.m. at \_\_\_\_\_, pursuant to posted and published notice, in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended.

Present:

Guests:

\_\_\_\_\_ opened the public hearing at \_\_\_\_\_ p.m. and stated that the purpose of the public hearing was to permit the Royal Oak Hospital Finance Authority to receive comments, both written and verbal, from the public concerning the proposal to issue limited obligation Lease Revenue Bonds in a principal amount not to exceed \$20,000,000, the proceeds of which shall be used by the Authority to lease certain equipment (constituting "hospital facilities") to William Beaumont Hospital, which equipment shall be used at William Beaumont Hospital, which equipment shall be located in the Cities of Troy and Royal Oak, Michigan.

\_\_\_\_\_ explained the nature and extent of the equipment acquisition to be financed by the Lease Revenue Bonds.

Comments from guests:

The hearing was declared closed by \_\_\_\_\_ at \_\_\_\_\_ p.m.

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Dated: \_\_\_\_\_, 2009

### Certificate of Applicable Elected Representative

The undersigned, \_\_\_\_\_, Mayor of the City of Troy, Michigan (the "City") hereby certifies as follows:

1. I am the Mayor of the City, elected directly by the people of the City.
2. The Royal Oak Hospital Finance Authority, (the "Authority") has undertaken a plan of finance whereby it shall enter into a Master Lease-Purchase Agreement and schedules thereto (collectively, the "Master Lease") with William Beaumont Hospital (the "Hospital"). In connection with the Master Lease, the Authority shall issue a lease revenue bond, the proceeds of which bond shall be used by the Hospital for the acquisition of certain hospital equipment, as specified in *Exhibit A* hereto (the "Project"). Debt service payments on the bond shall be made by the Hospital to the Authority and those debt service payments will be assigned from the Authority to Fifth Third Bank (as the bondholder) pursuant to an Assignment Agreement between the Authority and Fifth Third Bank.
3. The Hospital has represented in the Master Lease that the Project will be operated and eventually owned by the Hospital and shall be part of the Hospital's facilities, the addresses of which facilities are attached hereto as *Exhibit A*.
4. The Hospital published in a newspaper (*Troy-Somerset Gazette*) on Monday, April 18, 2009, a notice of hearing concerning the financing of the Project (see *Exhibit A* hereto).
5. On June 1, 2009, the City Council of the City of Troy, Michigan passed a resolution authorizing the Mayor of the City to execute this Certificate of Applicable Elected Representative in connection with the issuance of the lease obligations to be issued pursuant to the Master Lease. On Monday, June 1, 2009, at \_\_\_\_ p.m., the Lessee conducted a public hearing pursuant to Section 147(f) of the Code and the related Treasury Regulations. Neither the undersigned person in his/her individual or official capacity nor other officers or officials of the City shall assume any direct or indirect financial responsibility for the payment of any amounts under the Master Lease or any present or future schedule thereto.

[Remainder of this page intentionally left blank]

Executed this \_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF TROY, MICHIGAN

By: \_\_\_\_\_  
Title: Mayor

**CERTIFICATE**

The undersigned, Clerk of the City Council of the City of Troy, Michigan does hereby certify that the foregoing is a true and correct copy of a resolution adopted by such City Council on \_\_\_\_\_, 2009.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
Clerk



## CITY COUNCIL ACTION REPORT

DATE: May 27, 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:**

City Council considered this item at the May 18, 2009 Regular meeting and postponed the item to the June 1, 2009 Regular meeting (draft minutes attached).

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.

The Assessing Department researched the issue of vacancy rates for neighborhood shopping centers in Troy. They determined that the vacancy rate for Harlan Plaza is currently 25% vacant (2,720 sq ft vacant of 10,880 total square feet). It has had this same vacancy since 2007. Further, it was determined that there are 59 Neighborhood Shopping Centers of this type in Troy. The overall vacancy for these properties is 11.37%. Of the 59 total centers, 31 (53%) show some amount of vacancy, from a low of 5% vacancy, to a high of 100% vacancy (2 properties).

A mortgage survey provided by the applicant indicates the existing building is set back approximately 24 feet from the northern property line. The required rear yard setback in B-1 is 20 feet. The required rear yard in B-2 is 75 feet when the parcel abuts residentially-zoned property, which this parcel does. The required rear yard setback in B-3 is 30 feet. Rezoning the parcel to B-2 or B-3 would have the effect of creating a non-conforming building; however, B-3 would be significantly less non-conforming than B-2.

**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. Photo.
2. Minutes from May 18, 2009 City Council Regular meeting (draft).
3. Letter from the applicant, dated May 26, 2009.
4. Minutes from the April 14, 2009 Planning Commission Regular meeting.
5. Planning Commission report dated April 3, 2009.
6. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /Z 736

G:\REZONING REQUESTS\Z-736 Harlan Shopping Plaza Sec 14\CC Public Hearing 06 01 09.docx

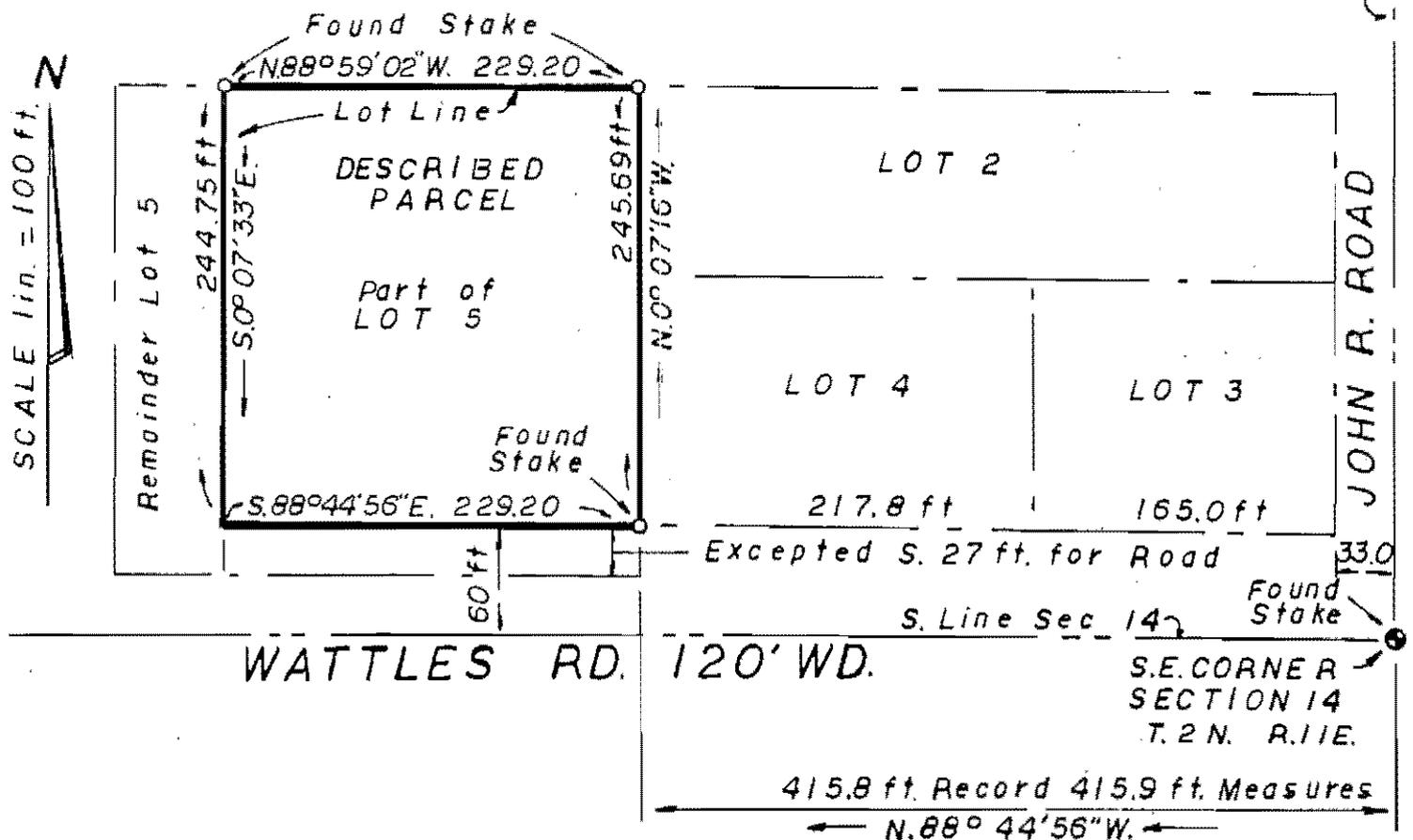
# CERTIFICATE OF SURVEY

Certified To: Lydia Hong

MAR 13 2009

Bearings are in relation to the bearings of the North Line of Section 23, as recorded in RAIN TREE 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 platted the property herein described; and that the survey was performed with a relative error 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:** \_\_\_\_\_

City of Troy (88)

Print Layout: 2 per page

PIN: 20-14-426-034

PIN STATUS: Active

Print Date: 5/27/2009

1883 E Wattles Rd # -1939

Troy MI 48065-5082

View: Front Structure: Primary

Photo Date: 6/5/2008 12:00:00 AM



**C-1 Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-2 (File Number Z-736)**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from Dan DeYonker, Associate Broker of ReMax First on behalf of the petitioner and the following members of the public:

Cathy Killian - Oppose

Resolution

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-2, 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-2; and

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

**Vote on Resolution to Postpone C-1 Rezoning Application – Harlan Shopping Plaza (File Number Z-736)**

Resolution #2009-05-157

Moved by Beltramini

Seconded Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item C-1 *Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-2 (File Number Z-736)* until the petitioner is present.

Yes: All-7

**MOTION CARRIED**

REC'D

MAY 26 2009

Troy City Council:

PLANNING DEPT

As the original owner of the Harlan Shopping Center in Troy since 1980 I made application for rezoning of my building Harlan Shopping Plaza before the Troy planning commission in April of this year were the planning commission unanimously approved the rezoning from B1 to B3 zoning. My intention for requesting the rezoning was to improve my chances for obtaining tenants and to offer a broad selection for businesses to rent. With the current B1 zoning recently missed 1 opportunity to rent for a learning center which the prospective tenant rented at Square Lake and Livernois, and I have had other prospective tenants that have inquired but the current zoning would not comply with there business type. With the current zoning if I were to apply for B2 zoning, as I was informed for example and my building were destroyed I would not be able to rebuild under the current zoning setback requirements so B3 would be the preferred zoning. I have over 4,080 square feet of unrented space over the last 3 years of the approximate 11,000 total square feet building. Having this much space not rented makes it very challenging in this current real estate market. Currently there are B3 zoned properties at the S. E and N.E corners of Long Lake and John R. There are also 2 more buildings at the N W and NE Corners of Big Beaver and John R and multiple other B3 zoned buildings at S. E corner of Wattles and Rochester Road. All of these B3 zoned buildings are within a 1 mile radius of my building. My intention is "not" to put any car dealer showrooms nor any bus transit bus transit businesses as my property is not suitable for these businesses types.

Over the last few years I have made many improvements to the plaza. In 2008 I repaved, sealed and striped my parking lot. This year I remodeled the interior of the smaller unit with fresh paint, new fixtures and I am including new carpeting to make it more desirable to prospective tenants. The larger unit was completely renovated a few years ago. I am also in the process having a decorator choose a good paint scheme for the exterior to give it a face lift in June to compliment the other 2 strip centers to the east of the Harlan Plaza who have recently done similar facelifts. I am making every effort to make Harlan Plaza a great location for the community to enjoy and provide services to them would greatly appreciate your help in doing so.

Sincerely



Lydia Hong

May 26, 2009

Owner/Harlan Shopping Plaza

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

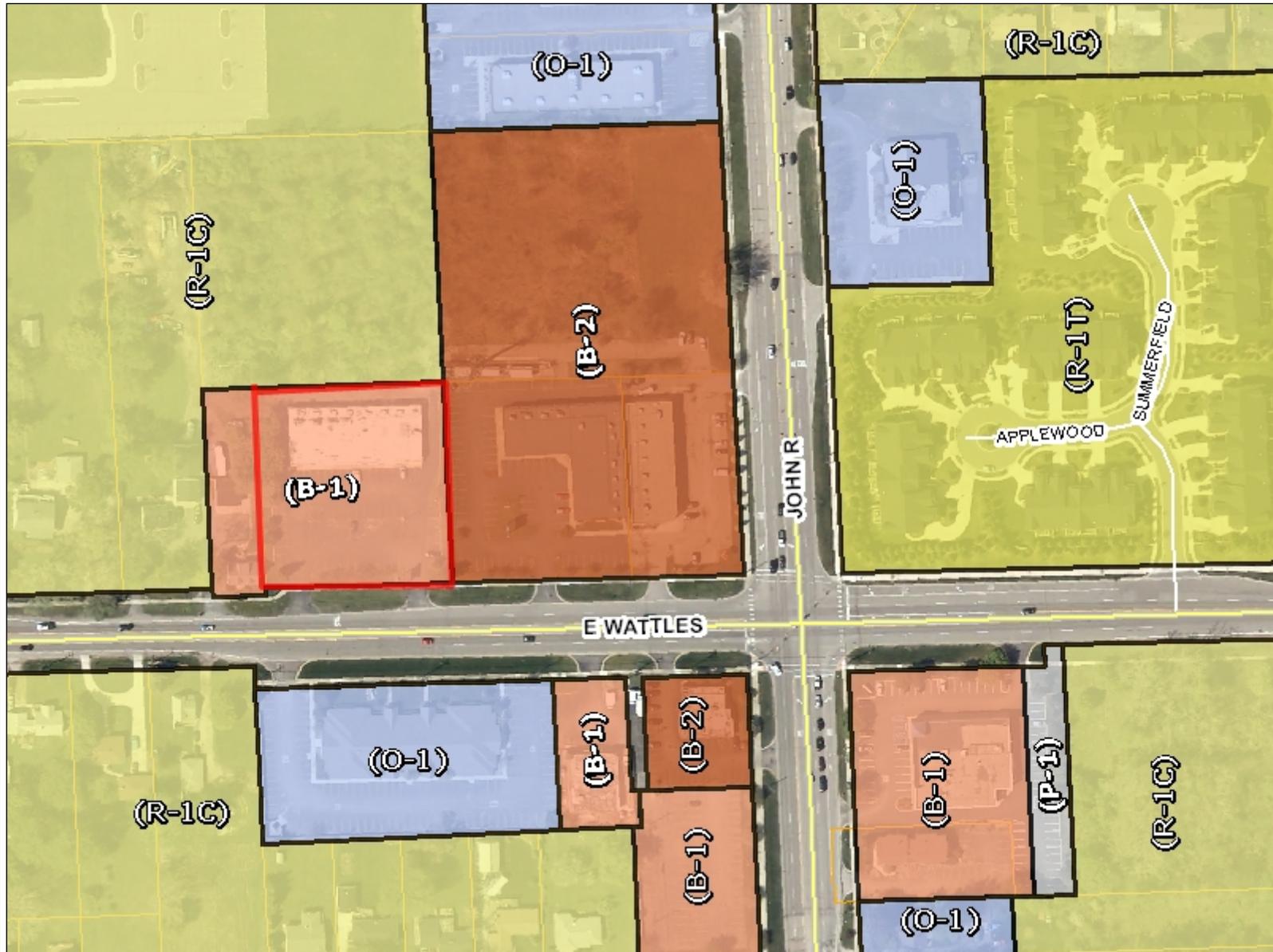
PLANNING DEPT.

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**

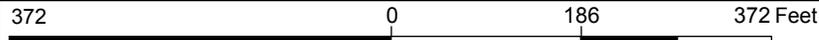
- (B-1) Local Business District
- (B-2) Community Business District
- (B-3) General Business District
- (R-C) Research Center District
- (C-F) Community Facilities District
- (C-J) Consent Judgment
- (E-P) Environmental Protection District
- (R-EC) Residential Elder Care
- (P-1) Vehicular Parking District
- (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**

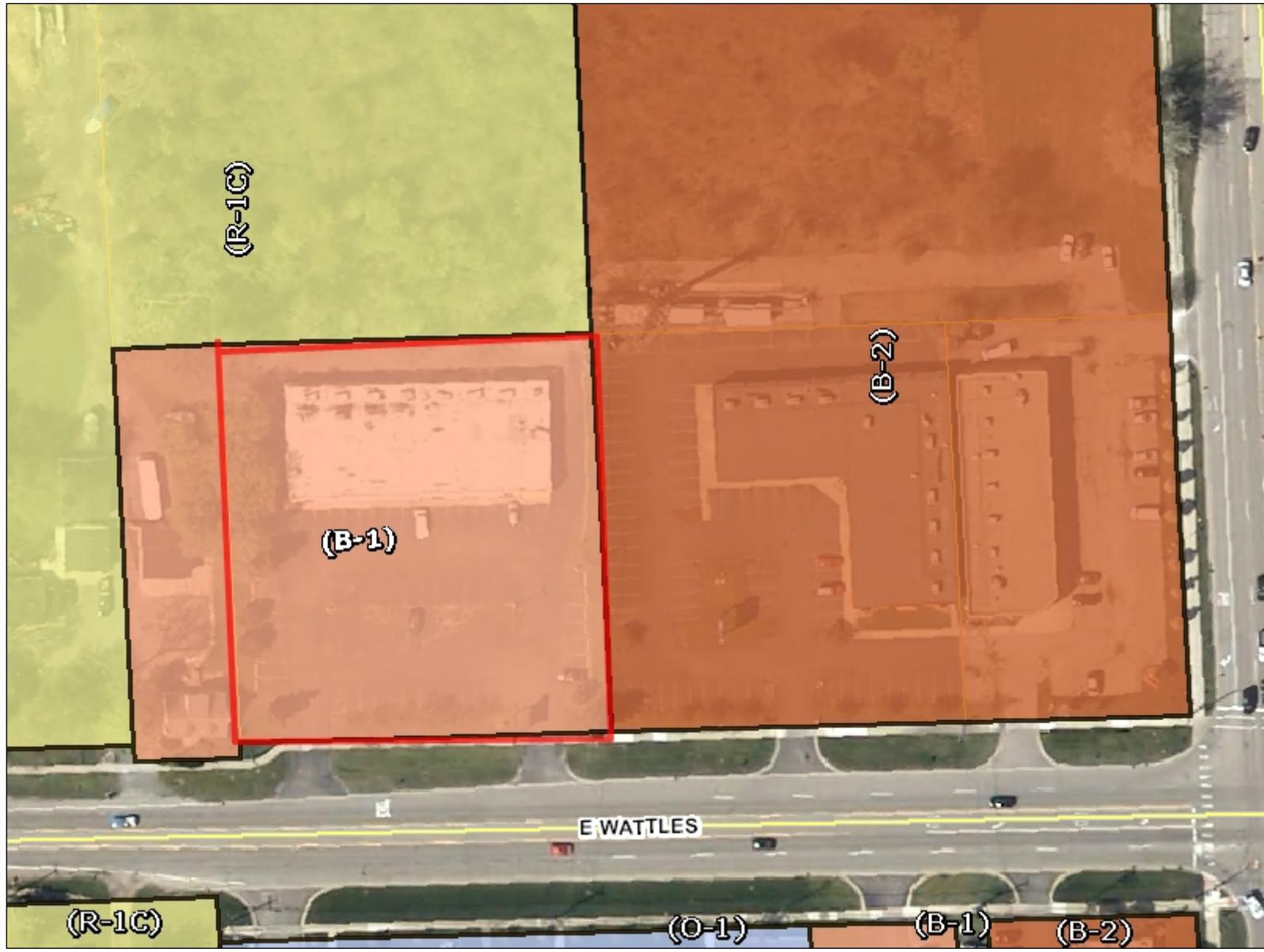
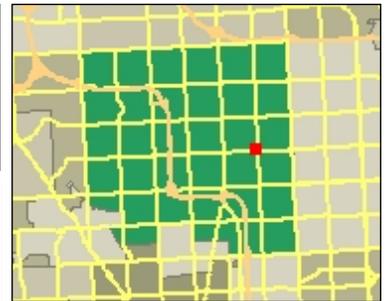
- Red: Band\_1

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**

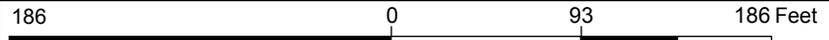
- (B-1) Local Business District
- (B-2) Community Business District
- (B-3) General Business District
- (R-C) Research Center District
- (C-F) Community Facilities District
- (C-J) Consent Judgment
- (E-P) Environmental Protection Dist
- (R-EC) Residential Elder Care
- (P-1) Vehicular Parking District
- (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

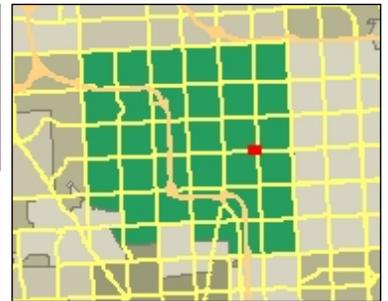
1: 1,115



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

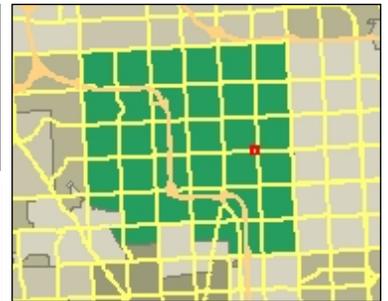


186 0 93 186 Feet

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

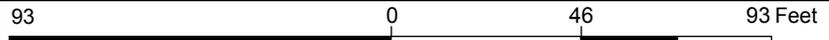
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**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*

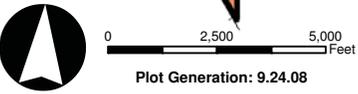
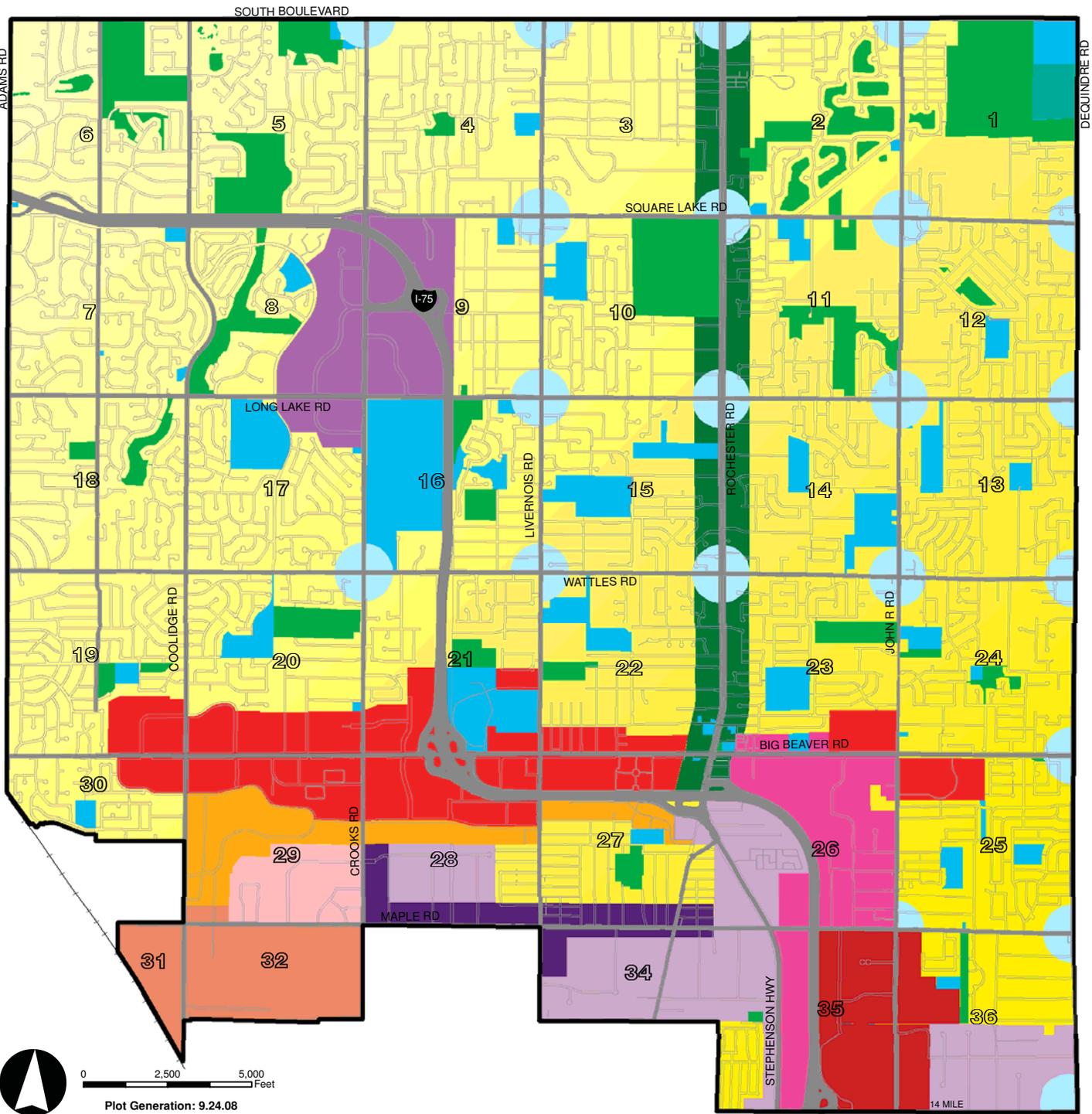
- Consider the scale and architecture of the building infrastructure.
- Foster social interaction.
- Enable multiple modes of transportation safely and efficiently.
- Are safe.
- Are good stewards of the natural environment.
- Reflect the community’s character and have unique characteristics that provide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



Basemap Source: Oakland County Planning

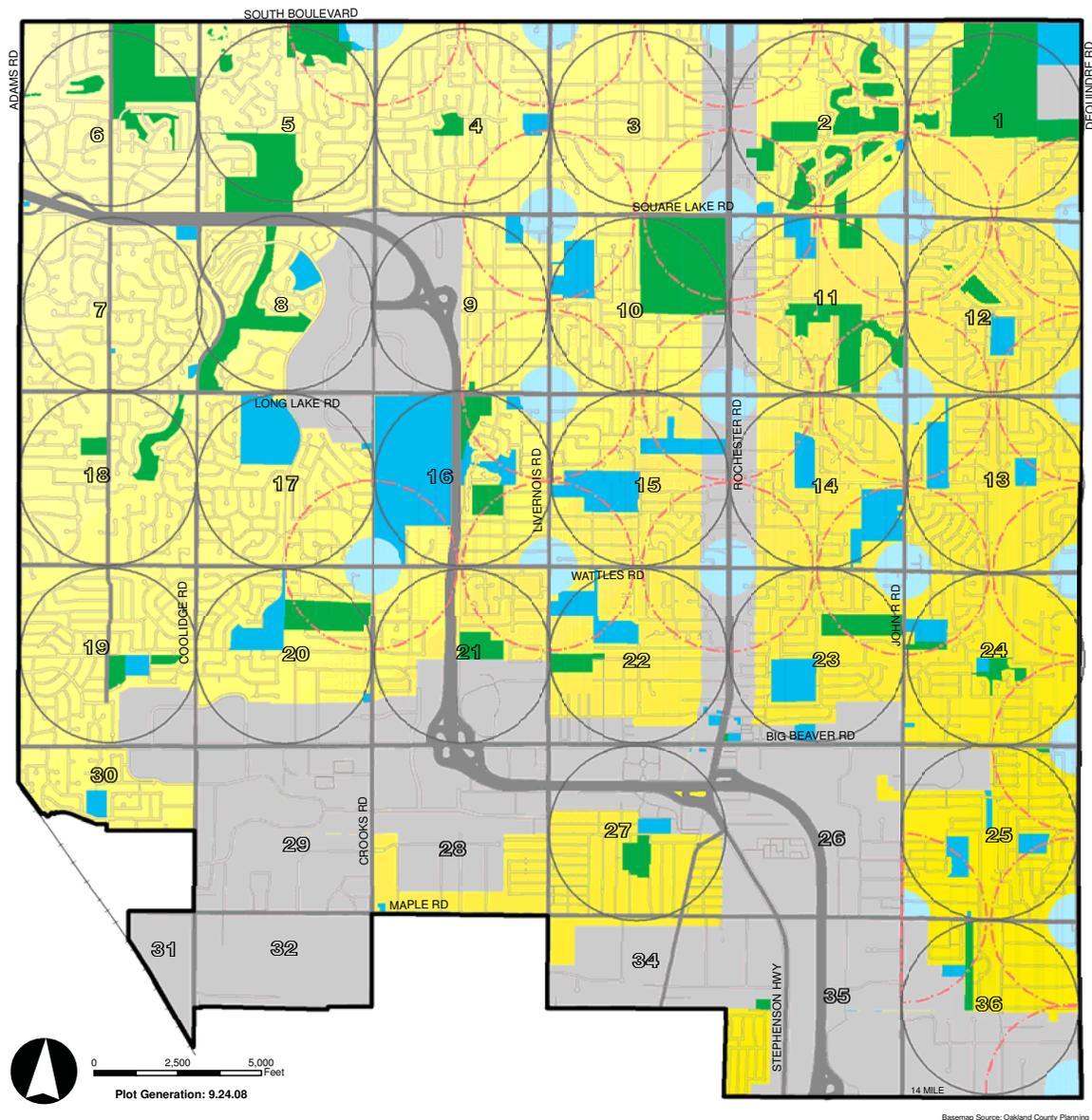
### Future Land Use

- |   |   |
|---|---|
|  Single Family Residential |  The Smart Zone            |
|  High Density Residential  |  Automall                  |
|  Neighborhood Nodes        |  The Transit Center        |
|  South John R. Road        |  21st Century Industrial   |
|  Big Beaver Road           |  Public and Quasi-Public   |
|  Rochester Road            |  Recreation and Open Space |
|  Maple Road                |  15 Section Number         |
|  Northfield                |   |

are not realistically walkable. Furthermore, Michigan has cold winters that limit year-round walkability. Troy's neighborhoods, now and in the foreseeable future, will serve its residents in two roles: the Social Neighborhood and the Economic Neighborhood.

The Social and Economic Neighborhoods of the City are shown on this Neighborhoods Map. The circles surrounding the Neighborhood Nodes

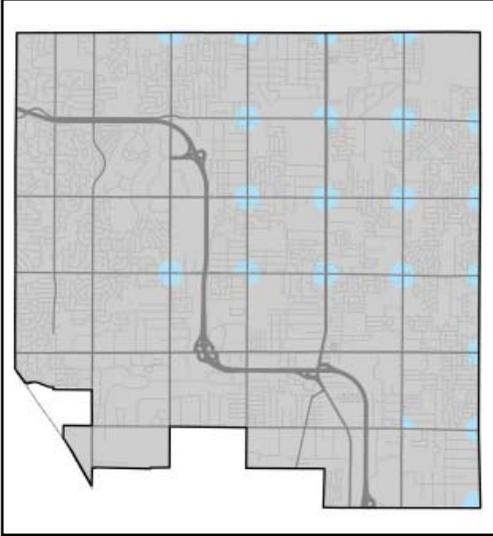
and the circles within the Social Neighborhoods are meant to demonstrate a rough service area for each neighborhood. While not necessarily precise, the circles are meant to demonstrate the basic relationship between the Social Neighborhood and the Economic Neighborhood. The circles are not meant to establish a formal land use category or policy in and of themselves, but rather to validate the planned uses at and around the Economic Nodes.



### Neighborhoods

- Social Neighborhood
- Single Family Residential: The Social Neighborhood
- Economic Neighborhood
- Neighborhood Nodes: The Economic Neighborhood
- Recreation and Open Space: Extraordinary Amenities
- Public and Quasi-Public: The Foundation of Troy's Neighborhoods
- All Other Uses
- 15 Section Number

## Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

**Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods.** The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and

96. Industrial uses will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

## **DESIGN CONCEPT**

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

## **SITE DESIGN ATTRIBUTES**

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

## **BUILDING DESIGN ATTRIBUTES**

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

*The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.*

	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with its complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as an office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar to the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.

**Kathy Czarnecki**

---

**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.

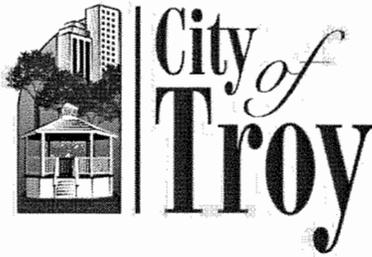
The shopping center would definitely cause traffic congestion and there is no guarantee that the shopping center would be completely filled as demonstrated with these other abandoned buildings – SYMS, the aforementioned strip mall on Wattles and John R, a few restaurant buildings.

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 26, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution #1: Award to Low Bidder  
 Contract 09-8 – Fire Training Center Parking Lot Expansion

Recommendation:

- It is recommended that City Council award a contract for the Fire Training Center Parking Lot Expansion project to A.W. Excavating, Inc., P.O. Box 228, Hadley, MI 48440, for their low bid amount of \$28,680.00. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

Background:

- Bids were received and publicly read on May 20, 2009. The low bid of \$28,680.00 was submitted by A.W. Excavating, Inc., P.O. Box 228, Hadley, MI 48440, as shown on the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$46,580.00. The low bid is \$17,900.00 or 38.42% below the Engineer's estimate.
- The work to be performed includes approximately 500 cubic yards of earth excavation and 1,100 square yards of gravel parking.
- Work is scheduled to begin mid June 2009 and be complete by June 30, 2009.

Financial Considerations:

- Funds for this work are included in the Capital fund, account number 401.336.344.7975-085. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

### Legal Considerations:

- Work was competitively bid and publicly opened with four (4) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

### Policy Considerations:

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

## Bid Tabulation Summary

**Contract ID:** 09-8

**Contract Year:** 2009

**Description:**

**Location:**

**Project Number:** 00.965.4

**Estimate Number:** 1

**Project Type:** Miscellaneous

**Location:** Fire-Police Training Center

**Project Engineer:** Scott Finlay

**Date Created:** 4/28/2009

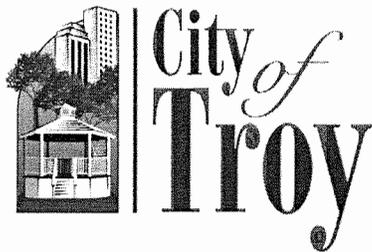
**Fed/State #:**

**Fed Item:**

**Control Section:**

**Description:**

Rank	Vendor	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	\$46,580.00	62.41%	0%
1	A.W. Excavating Inc.	\$28,680.00	0%	-38.42%
2	Tyger Excavating Inc	\$29,490.00	2.82%	-36.68%
3	D&R Earthmoving, LLC	\$37,287.00	30.01%	-19.95%
4	ABC Paving Company	\$48,735.00	69.92%	4.62%



## CITY COUNCIL ACTION REPORT

May 26, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Asst. City Manager/Finance & Administration  
 Brian P. Murphy, Asst. City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item – Consumers Energy Utility Relocation Costs  
 Rochester Road, Torpey to Barclay – Project No. 99.203.5

### Recommendation:

- Staff recommends that City Council approve the relocation costs for Consumers Energy facilities, within private easements, required in connection with the reconstruction of Rochester Road, from Torpey to Barclay at an estimated amount of \$237,224.

### Background:

- The widening and reconstruction of Rochester Road, Torpey to Barclay to a six-lane boulevard and Wattles Road, 1,000' east and west of Rochester Road to a four-lane boulevard is anticipated to commence in early 2010.
- Numerous private utilities (AT&T, Consumers Energy, DTE, cable, etc.) will be required to relocate their facilities to facilitate the road construction project.
- Consumers Energy has underground facilities that are required to be relocated.
- A portion of Consumers Energy facilities are currently located within private easements acquired and owned by Consumers Energy along Rochester Road.
- When a private utility is required to relocate from a private easement to public right-of-way or public easements, the public agency is responsible for the relocation costs.
- Consumers Energy will be relocating 12,907 feet of gas main along Rochester Road; 5,574 feet of this gas main is within private easement areas along Rochester Road.
- The estimated cost to relocate Consumers Energy facilities from private easement areas is \$237,224.

### Financial Considerations:

- Private utility relocation costs are eligible for reimbursement with federal funds if the utility being relocated has a property interest in its present location.
- 80% of the cost is reimbursable with federal funds, estimated at \$189,780.
- The city's share is estimated at \$47,444.
- The city's actual cost will be based on the actual work completed by Consumers Energy within private easement areas.

- Capital Funds are available in the 2008-09 budget with the remainder included in the proposed 2009-10 Major Road fund, account #401.447.479.7989.992035.

Legal Considerations:

- The Consumers Energy costs have been reviewed by MDOT and the format and content of these costs are acceptable to MDOT for purposes of reimbursement with federal funds.

Policy Considerations:

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

May 19, 2009

City of Troy  
500 West Big Beaver  
Troy, MI 48084  
Attn: Bill Huotari

RE: **Rochester/Wattles Road Reconstruction, HRC Job Number 20060551**  
**CECo Order Number 10197535**

**BILLING AUTHORIZATION FOR THIRD PARTY CONSTRUCTION**

The following has been coordinated amongst City of Troy and Consumers Energy, Royal Oak Gas Engineering.

City of Troy hereby authorizes Consumers Energy to bill them a lump sum cost to relocate approximately 5,574 feet of 6" and 2" gas main, along with 22 service tie-over's and 2 renewals within a Consumers Energy easement along Rochester Rd. This gas work was requested for the future and proposed Rochester and Wattles Road Reconstruction project. Other gas lines within the project scope will be relocated at Consumers Energy expense. The total relocation for this project will be 12,907 feet.

The cost of this above described gas work is estimated at **\$237,224**, but can be affected by circumstances beyond our control, i.e. job site readiness/coordination, traffic, weather, and labor disputes. A lump sum payment of **\$237,224** will be due prior to start of construction. This payment schedule does not include any winter construction charges.

Consumers Energy requires on site staking of the proposed right-of-way and storm sewer crossing prior to construction of the gas main. Consumers Energy is not responsible for permanent replacement of any hard surface (i.e., blacktop, asphalt, concrete) in any road, parking lot, or sidewalk.

Please sign and return this letter, along with payment, as promptly as possible and we will coordinate an appropriate time to release this work to construction. You will be notified of the date this work is to be completed. Should you have any questions, please contact John Hill at 248-433-5618.

---

Authorization signature

Date

---

Printed Name and Title

Thank you,

Jeffrey G. George  
Gas Distribution Engineering Supervisor,  
Royal Oak Service Center  
248-433-5728

John Hill  
Gas Distribution Engineering  
Royal Oak Service Center  
248-433-5618

# Cost Estimate Form

## Location Information

Report Date: 5/19/09  
 Job Name: Rochester and Wattles RO-08-0024  
 MDOT Job Number:  
 MDOT Control Section #:  
 City: Troy  
 County: Oakland  
 Township: Troy  
 Town Range Section (TRS): T2N,R11E 15,14,22,23

## Job Information

Designer: Amy Frysigner  
 Construction Measure: 100000080999  
 Notification Number:

## Cost

Item	Amount \$
Consumers Energy Material and Labor Cost	\$106,224
Total Contractor Labor Cost	\$131,000
<b>Total Cost Estimate</b>	<b>\$237,224</b>

## Material

Compatible Unit Description	Action	QTY	Labor Mult.
C&W STEEL MAIN 6"	RET ABN	95	1.00
C&W STEEL MAIN 6" (100')	RET ABN	28	1.00
C&W STEEL MAIN 6" (100')	RET ABN	2	1.00
C&W STEEL MAIN 6"	RET ABN	50	1.00
PLASTIC MAIN 2"	RET ABN	20	1.00
C&W STEEL MAIN 2"	RET ABN	40	1.00
PLASTIC MAIN 1 1/4"	RET ABN	70	1.00
PLASTIC MAIN 1 1/4" (100')	RET ABN	3	1.00
PLASTIC MAIN 6" (100')	INSTALL	31	1.00
PLASTIC MAIN 6"	INSTALL	78	1.00
PLASTIC MAIN 2" (100')	INSTALL	23	1.00
PLASTIC MAIN 2"	INSTALL	96	1.00
PLASTIC CAP PURGE POINT 2" SP/MP	INSTALL	2	1.00
STEEL CAP 2" MP/HP	INSTALL	1	1.00
90 PLASTIC ELBOW 6" SP/MP	INSTALL	2	1.00
90 PLASTIC ELBOW 2" SP/MP	INSTALL	1	1.00
90 STEEL ELBOW 2" LONG RADIUS MP/HP	INSTALL	1	1.00
PLASTIC REDUCER 6" X 4" SP/MP	INSTALL	2	1.00
PLASTIC REDUCER 4" X 2" SP/MP	INSTALL	2	1.00

## Cost Estimate Form

<b>Compatible Unit Description</b>	<b>Action</b>	<b>QTY</b>	<b>Labor Mult.</b>
PLASTIC BRANCH TEE 6" SP/MP	INSTALL	3	1.00
PLASTIC BRANCH TEE 2" SP/MP	INSTALL	1	1.00
TRANSITION FITTING 2" SP/MP	INSTALL	1	1.00
MUELLER BOTTOM CUT 2" (NO ELBOW) MP	INSTALL	1	1.00
ELECTROFUSE SERVICE TEE 2"P OFF 2"P	INSTALL	1	1.00
GCON RELOCATE MAIN ORDER	INSTALL	1	1.00
MUELLER BOTTOM CUT 6" (NO ELBOW) MP	INSTALL	2	1.00
TRANSITION FITTING 6" SP/MP	INSTALL	2	1.00
90 STEEL ELBOW 6" LONG RADIUS MP/HP	INSTALL	2	1.00
STEEL CAP 6" MP/HP	INSTALL	2	1.00
BORING < 500' & NORMAL DEPTH	INSTALL	1	1.00
CONCRETE BREAK & REPR	INSTALL	352	1.00
SAND	INSTALL	150	1.00
PLASTIC 1" & 1 1/8" STUB	INSTALL	170	1.00
PLASTIC 1" & 1 1/8" EXT	INSTALL	900	1.00
PLASTIC REDUCER 1 1/8"CTS X5/8" SP/MP	INSTALL	15	1.00
PLASTIC RISER UNDER 2"	INSTALL	8	1.00



## CITY COUNCIL ACTION REPORT

May 21, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Rescind Bid Award/Re-award Contract – Rough Mow Various Municipal Sites

### **Background**

- The City of Troy Parks & Recreation Department manages mowing operations for various sites in the City. A contract for rough mowing of various municipal sites was approved by City Council on December 18, 2006, with Great Lakes Landscaping of Warren, MI (Resolution #2006-12-379-E4a).
- On December 13, 2007, Great Lakes requested termination of their contract as it proved to be “economically unfeasible to continue without filing claims for additional compensation.”
- The next low bidder for this contract was Rasins Landscape. However, due to a default situation for the Streets Rough Mowing contract on August 6, 2007, they could not be considered for an award.
- Steele’s Services was the next lowest acceptable bidder and they agreed to provide the rough mowing services for the City. The contract with Great Lakes Landscaping was rescinded and the contract was re-awarded to Steele’s Services on January 28, 2008. (Resolution # 2008-01-017-E-2).
- On May 15, 2009, Steele’s Services requested termination of their contract stating the reason were circumstances beyond their control.
- The next lowest bidder, Parks Landscaping, indicated they were not interested in providing these services as specified.
- B & B Landscaping is the next lowest acceptable bidder and has agreed to provide rough mowing services for the remaining 2009 season.

### **Financial Considerations**

- The City will be shifting all the acreage into a split mowing schedule. The split mowing schedule requires weekly mowing April-June and early September-the end of the season. In July and August the mowing is reduced to bi-weekly. The costs under the new mowing schedule for 2009 with B & B Landscaping will increase an estimated \$7,000.00 when compared with pricing for 2008.
- The rates the City paid in 2007 and 2008 are shown below and compared with those for the upcoming year (2009).

May 21, 2009

To: John Szerlag, Acting City Manager

Re: Rescind Bid Award/Re-award Contract – Rough Mow Various Municipal Sites

**Financial Considerations** - continued

	# of Acres	(Default) Great Lakes (2007)	(Default) Steele Services (2008) Cost per Acre	B & B Landscaping (2009)
Group #1 Weekly mowing –	42.07	\$22.00	\$33.50	\$34.99
<b>Group #2 Split mowing –</b>	<b>41.45</b>	<b>\$20.00</b>	<b>\$29.50</b>	<b>\$30.49</b>
Group #3 Bi-weekly mowing –	39.12	\$20.00	\$25.50	\$25.00
Group #4 Abandon / Foreclosed Properties - varies annually - \$ per 1000 SqFt		\$ 5.00	\$ .90	\$11.43

- Even though the City initially pays the cost to mow abandoned and/or foreclosed properties, the property owners are invoiced for services rendered. The City eventually collects the revenue either from the property owners directly or the County, if placed on the tax roll.

**Legal Considerations**

- Steele's Services will immediately receive a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

**Policy Considerations**

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

**Options**

- City management recommends the Troy City Council rescind with prejudice the contract approved on January 28, 2008, to Steele's Services, for Rough Mowing of Various Municipal Sites (Resolution #2008-01-017-E-2). Staff also recommends re-awarding the contract to the next lowest acceptable bidder, B & B Landscaping, Inc. of Fenton, MI, at unit prices contained in the bid tabulation opened November 21, 2006.

**B & B Landscaping Inc.**  
**\*FOR ALL YOUR OUTDOOR NEEDS\***  
Email: [bblandscaping1@yahoo.com](mailto:bblandscaping1@yahoo.com)

P.O. Box 405  
Wayne, MI 48184  
Phone/Fax: (734)-326-6719

5392 Pleasant Hill Dr.  
Fenton, MI 48430  
Phone/Fax: (810)-632-6061

Ron Hynd

Per our conversation B&B is interested in taking over the mowing contract for the City of Troy for the 2009 season. We are looking forward to working with you.

Thanks

A handwritten signature in black ink, appearing to read 'Robert Anton', with a long horizontal flourish extending to the right.

Robert Anton  
Cell/810-343-3884



PO Box 214415 Auburn Hills, MI 48321  
Phone: 248-852-6140 Fax: 248-620-5426

May 14, 2009

City of Troy  
Attn: Ron Hynd  
500 W. Big Beaver Rd.  
Troy, MI 48084

MAY15 09 2:50PM

Dear Mr. Hynd,

Steele's Services, LLC will be withdrawing from the 2009 portion of contract **ITB-COT 06-41 Mowing** effective end-of-day May 15, 2009 due to circumstances beyond our control.

It has been a pleasure doing business with the City of Troy.

Sincerely,

Thomas E. Steele

**Board of Zoning Appeals**

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

Wayne Wright Planning Commission Rep Term Expires 01/31/09

Thomas Strat Planning Commission Alternate Rep Term Expires 01/31/09

**Traffic Committee**

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

Jan L. Hubbell Term Expires 01/31/11

Yes: All-7

---

**E-2 Rescind Bid Award/Re-Award Contract – Rough Mow Various Municipal Sites**

Resolution #2008-01-017

Moved by Howrylak

Seconded by Broomfield

WHEREAS, On December 18, 2006, a contract to furnish three-year requirements for rough mowing of various municipal sites and abandoned properties with an option to renew for two additional years was awarded to the low total bidder, Great Lakes Landscaping of Warren, MI (Resolution # 2006-12-379-E4a); and

WHEREAS, Great Lakes Landscaping has requested termination of the contract as they found it to be economically unfeasible to continue;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to furnish all labor, tools, equipment and transportation for rough mowing of various municipal sites and abandoned properties from Great Lakes Landscaping, and hereby **RE- AWARDS** to the next lowest acceptable bidder, Steele’s Services of Auburn Hills, at unit prices contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2009.

Yes: All-7

---

**E-3 2008 Poverty Exemption Guidelines**

Resolution #2008-01-018

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That pursuant to MCL 211.7u, Troy City Council hereby **APPROVES** the proposed “Poverty Exemption Guidelines” for 2008, as presented by the City Assessor in a memorandum dated December 18, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.



# CITY COUNCIL ACTION REPORT

January 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Rescind Bid Award/Re-award Contract – Rough Mow Various Municipal Sites

## FIVE-YEAR HISTORY

YEAR	CONTRACTOR	WEEKLY MOWING	SPLIT MOWING	BI-WEEKLY MOWING	ABANDON PROPERTIES	YEARLY TOTAL
		<b>NUMBER OF ACRES</b>				
		42.07	41.45	39.12		
		<b>COST PER ACRE</b>			Per 1000 SQ FT	
2008	Steele Services (recommended vendor)	\$33.50	\$29.50	\$25.50	\$ .90	\$82,820
2007	Great Lakes Landscaping	\$22.00	\$20.00	\$20.00	\$5.00	\$57,000
		<b>NUMBER OF ACRES</b>				
		37.54	89.11	108.95		
		<b>COST PER ACRE</b>				
2003-2006	Parks Landscaping	\$36.00	\$31.00	\$25.00	N/A	\$142,270

Note: Rasins Landscape cannot be considered for award due to defaulting on another mowing contract with the City in August 2007.



## CITY COUNCIL ACTION REPORT

January 8, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Rescind Bid Award/Re-award Contract – Rough Mow Various Municipal Sites

### **Background**

The City of Troy - Parks & Recreation Department manages mowing operations for various sites in the City. A contract for rough mowing of various municipal sites was approved by City Council on December 18, 2006, with Great Lakes Landscaping of Warren, MI (Resolution #2006-12-379-E4a).

- Great Lakes started mowing operations on April 18, 2007.
- At first services provided were in the acceptable range for a new contractor. Improvements were communicated via e-mail and Great Lakes addressed these concerns.
- However, on June 25, 2007, City crews were notified to weed the medians of John R /14 Mile Roads, due to a lack of performance by Great Lakes. \$585.00 was deducted from Great Lakes invoices for that month.
- On June 26, 2007, Great Lakes requested an increase in their contracted amounts. Request was denied.
- A major component of the contract was the mulching of all beds and trees in the contracted areas. According to the specifications, all mulching was to be completed by July 31, 2007.
- Mulching operations started the second week of June and 1/3 of the operation was completed by August 6, 2007.
- Despite a good faith extension by the City, mulching was not completed as of August 13, 2007. As per specifications, another City contractor, who is performing similar work on civic center property, W. H. Canon, was called to complete the operation. All costs associated with this operation were deducted from Great Lakes invoices. (\$11,767.50)
- Great Lakes again asked for an increase in their contract prices. Request could not be honored.
- With the exception of the weeding and mulching incidents, Great Lakes continued working at acceptable levels.
- December 13, 2007, Great Lakes requested termination of their contract as it proved to be “economically unfeasible to continue without filing claims for additional compensation.”

January 8, 2008

To: Phillip L. Nelson, City Manager

Re: Rescind Bid Award/Re-award Contract – Rough Mow Various Municipal Sites

### **Financial Considerations**

- The next low bidder for this contract was Rasin’s Landscape. However, due to a default situation for the Streets Rough Mowing contract on August 6, 2007, they could not be considered for an award.
- Steele’s Services is the next lowest acceptable bidder and the City’s cost under the new contract when compared with 2007 will increase an estimated \$25,800 each year (2008/2009).
- The rates the City paid in 2006 and 2007 are shown below and compared with those for the upcoming years (2008/2009).

	Parks Landscaping (2006)	Great Lakes (2007)	Steele Services (2008/2009)
Group #1 Weekly mowing –	\$36.00	Cost per Acre \$22.00	\$33.50
Group #2 Split mowing -	\$31.00	\$20.00	\$29.50
Group #3 Bi-weekly mowing –	\$25.00	\$20.00	\$25.50
Group #4 Abandon Properties - varies annually	N/A	\$ 5.00	\$ .90

### **Legal Considerations**

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

### **Policy Considerations**

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

### **Options**

- City management recommends the Troy City Council rescind with prejudice the contract approved on December 18, 2006, to Great Lakes Landscaping, for Rough Mowing of Various Municipal Sites (Resolution #2006-12-379-E4a). Staff also recommends re-awarding the contract to the next lowest acceptable bidder, Steele’s Services of Auburn Hills, at unit prices contained in the bid tabulation opened November 21, 2006.



PO Box 214415 Auburn Hills, MI 48321  
Phone: 248-852-6140 Fax: 248-852-7569

January 2, 2008

City of Troy  
Attn: Ron Hynd  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Mr. Hynd,

Steele's Services, LLC is pleased to accept the opportunity to fulfill the mowing contract with the City of Troy for the 2008 and 2009 seasons.

The proposal submitted to the City of Troy in 2006 under **ITB-COT 06-41 Mowing** by Steele's Services, LLC will be honored as submitted.

We look forward to doing business with you and the City of Troy.

Sincerely,

Thomas E. Steele

Enclosure (1)

December 13, 2007

Ron Hynd  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

RE: Parks Maintenance Work

Dear Mr. Hynd:

With respect to the above referenced contract it is clear that Great Lakes' interpretation of the contract requirements is substantially different than the City of Troy's interpretation. The contract requirements as Troy states them make the project economically unfeasible to continue without filing claims for additional compensation for costs not anticipated at the time of the contract.

Rather than discuss claims for additional compensation, it is my understanding that Troy has agreed to terminate Great Lakes' contract subject only to the default penalties identified in Susan Leirstein's email of October 22, 2007 to Derrick Drumm of this office. Provided that the above is true, please be advised that Great Lakes agrees to the termination of the contract.

Please contact me if there are any questions or comments concerning the above.

Very truly yours,

Great Lakes Landscaping & Construction, Inc.

Michael Gorney  
President

Received via email to Ron Hynd 12/13/07 3:58pm

---

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

Resolution #2006-12-379-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of December 4, 2006 be **APPROVED** as submitted.

---

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

---

**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Rough Mow Various Municipal Sites**

Resolution #2006-12-379-E-4a

RESOLVED, That a contract to provide three-year requirements of landscape maintenance services including mowing for municipal grounds and abandon properties with an option to renew for two additional years is hereby **AWARDED** to the low total bidder, Great Lakes Landscaping of Warren, MI, at unit prices as contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

---

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

---

**E-5 City of Troy Investment Policy and Establishment of Investment Accounts**

Resolution #2006-12-380

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from John M. Lamerato, Assistant City Manager/Finance and Administration, dated December 4, 2006 with annual review and approval is hereby **APPROVED**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Stine, Schilling, Beltramini, Broomfield

No: Lambert

Absent: Howrylak

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



## CITY COUNCIL ACTION REPORT

December 6, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Rough Mow – Various Municipal Sites

### Background

- On November 21, 2006, sixteen (16) bids were received and opened for ITB-COT 06-41, to provide all labor, tools, equipment, and landscape maintenance services including mowing for municipal grounds and abandon properties for three years with an option to renew for two additional years.
- 193 Vendors were notified via the MITN system with 4 vendor walk-ins.
- Sixteen bidders responded, five statements of no bid received, and one vendor did not meet specifications for failure to provide the \$500.00 bid surety check.

### Financial Considerations

- Funds are available in the various contractual service accounts:
 

780.7802.070	Street Island Maintenance - Major
782.7802.070	Street Island Maintenance - Northfield Hills
344.7802.050	Fire Halls
276.7802.050	Cemetery Maintenance
807.7802.070	Museum Grounds

### Legal Considerations

- ITB-COT 06-41 was competitively bid and vendors were given the opportunity to respond with their level of interest in supplying landscape maintenance services including mowing for the City of Troy municipal grounds.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

### Policy Considerations

- Bidding services of this type help minimize cost and increase efficiency of City government. (Goal #1)
- Property maintenance helps retain and attract investment while encouraging redevelopment (Goal #2)
- Maintenance of these properties reduces visual barriers blockages and reduces the incident of mosquitoes in the neighborhoods. (Goal #6)

### Options

- City management and the Park and Recreation department recommend awarding the three-year contract for landscape maintenance services including mowing with an option to renew for two (2) additional years to low total bidder, Great Lakes Landscaping of Warren, for an estimated total cost of \$57,010.00 for 2007, 2008, and 2009, at unit prices contained in the bid tabulation opened 11/21/06.

VENDOR NAME:

**	<b>Great Lakes Landscaping</b>	Rasins Landscape & Assoc Inc
	477165190	314172145

\$500.00 Check # -

**PROPOSAL: Mowing Services - Landscape Maintenance**

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres - 28 times per year</b>					
YEAR	ACRES				
2007	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
2008	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
2009	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
			<b>\$ 77,745.36</b>		<b>\$ 116,618.04</b>
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES - 24 times per year</b>					
YEAR	ACRES				
2007	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
2008	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
2009	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
			<b>\$ 59,688.00</b>		<b>\$ 83,563.20</b>
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES - 14 times per year</b>					
YEAR	ACRES				
2007	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
2008	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
2009	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
			<b>\$ 32,860.80</b>		<b>\$ 37,707.77</b>
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
2008	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
2009	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
			<b>\$ 735.00</b>		<b>\$ 102.90</b>
ESTIMATED GRAND TOTAL: 2007		<b>\$ 57,009.72</b>		\$ 79,330.64	
2008		<b>\$ 57,009.72</b>		\$ 79,330.64	
2009		<b>\$ 57,009.72</b>		\$ 79,330.64	
ESTIMATED CONTRACT TOTAL:			<b>\$ 171,029.16</b>		<b>\$ 237,991.91</b>
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/15 &11/17			11/19 &11/20
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		6am-5pm			8am-6pm
Contact Phone #		810-523-8066			248.830.9288
Pager					
LICENSE #:		174747			179375
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		30 Days		Net 30	

VENDOR NAME:	**	Great Lakes Landscaping	Rasins Landscape & Assoc Inc
EXCEPTIONS:	Blank		Blank
ACKNOWLEDGEMENT Y or N	Yes		Yes

DMS:  
Trybuski's Landscaping & Lawn Service - Reason: No \$500.00 bid deposit check as specified

- NO BIDS:  
J.Q. Inc  
Kingspointe Services  
Lazoen Hay & Feed  
Troy Clogg Landscape  
Williams Weed Mowing

**\*\* DENOTES LOW BIDDER**

- ATTEST:  
Cheryl Stewart  
Ron Hynd  
Linda Bockstanz

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

VENDOR NAME:

Steel's Services LLC	Parks Landscaping &
	Snow Service
\$500.00 Check # - 002592	681957299-8

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
2008	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
2009	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
			\$ 118,384.98		\$ 123,403.09
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
2008	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
2009	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
			\$ 88,039.80		\$ 89,740.91
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
2008	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
2009	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
			\$ 41,897.52		\$ 39,843.72
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
2008	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
2009	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
			\$ 132.30		\$ 735.00
ESTIMATED GRAND TOTAL: 2007			\$ 82,818.20	\$ 84,574.24	
2008			\$ 82,818.20	\$ 84,574.24	
2009			\$ 82,818.20	\$ 84,574.24	
ESTIMATED CONTRACT TOTAL:			\$ 248,454.60		\$ 253,722.72
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/3 & 11/20			11/11/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-5pm			24/7
Contact Phone #		810.265.5610			248.765.7844
Pager					
LICENSE #:		179713		Available Upon Request	
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Blank		Net 30 Days	

VENDOR NAME:		Steele's Services LLC		Parks Landscaping & Snow Service	
EXCEPTIONS:		Blank		None	
ACKNOWLEDGEMENT		Yes		Yes	
Y or N					

VENDOR NAME:

B&B Lawn Service Inc	Precision Landscaping
	Services Inc
\$500.00 Check # - 4974468592	324103

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
2008	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
2009	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
			\$ 123,650.46		\$ 117,148.12
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
2008	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
2009	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
			\$ 90,994.36		\$ 98,932.86
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
2008	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
2009	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
			\$ 41,076.00		\$ 42,719.04
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
2008	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
2009	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
			\$ 1,680.21		\$ 113.19
ESTIMATED GRAND TOTAL: 2007		\$ 85,800.34		\$ 86,304.40	
2008		\$ 85,800.34		\$ 86,304.40	
2009		\$ 85,800.34		\$ 86,304.40	
ESTIMATED CONTRACT TOTAL:			\$ 257,401.03		\$ 258,913.21
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/8/2006			11/14,15,16,20
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-4pm			24/7
Contact Phone #		810.343.3884			586.531.1927
Pager					
LICENSE #:		Blank			C007950381
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30		30 Days	

VENDOR NAME:		B&B Lawn Service Inc		Precision Landscaping	
				Services Inc	
EXCEPTIONS:		N/A		Does not include mulching	
				Does not include tree & shrub	
				pruning.	
ACKNOWLEDGEMENT	Y or N	Yes		Yes	

VENDOR NAME:

Cal Fleming Landscaping & Tree Service Inc	Quality Landscape
\$500.00 Check # - 424450457	477742834

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 38.00	\$ 44,762.5	\$ 35.95	\$ 42,347.7
2008	42.07	\$ 37.24	\$ 43,867.2	\$ 35.95	\$ 42,347.7
2009	42.07	\$ 36.50	\$ 42,995.5	\$ 35.95	\$ 42,347.7
			\$ 131,625.25		\$ 127,042.99
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 32.00	\$ 31,833.60	\$ 33.95	\$ 33,773.46
2008	41.45	\$ 31.36	\$ 31,196.93	\$ 33.95	\$ 33,773.46
2009	41.45	\$ 30.74	\$ 30,580.15	\$ 33.95	\$ 33,773.46
			\$ 93,610.68		\$ 101,320.38
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 27.00	\$ 14,787.36	\$ 29.50	\$ 16,156.56
2008	39.12	\$ 26.46	\$ 14,491.61	\$ 29.50	\$ 16,156.56
2009	39.12	\$ 24.94	\$ 13,659.14	\$ 29.50	\$ 16,156.56
			\$ 42,938.11		\$ 48,469.68
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
2008	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
2009	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
			\$ 1,323.00		\$ 183.75
ESTIMATED GRAND TOTAL: 2007		\$ 91,824.44		\$ 92,338.93	
2008		\$ 89,996.77		\$ 92,338.93	
2009		\$ 87,675.83		\$ 92,338.93	
ESTIMATED CONTRACT TOTAL:			\$ 269,497.04		\$ 277,016.80
SITE INSPECTION: Y/N		Yes			Yes
DATE		1/16/2006			11/15 & 11/16
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-5pm			6am-8pm
Contact Phone #		586.823.5971			248.379.9630
Pager					
LICENSE #:		179384			C002890001
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30 Days		Net 30 Days	

VENDOR NAME:		Cal Fleming Landscaping &		Quality Landscape	
		Tree Service Inc			
EXCEPTIONS:		Blank		N/A	
ACKNOWLEDGEMENT		Y or N	Yes	Yes	

VENDOR NAME:

	Tiede Landscaping	Naturalistic Landscapes
\$500.00 Check # -	624112731	808846500-3

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 38.50	\$ 45,351.5	\$ 39.00	\$ 45,940.4
2008	42.07	\$ 38.50	\$ 45,351.5	\$ 40.00	\$ 47,118.4
2009	42.07	\$ 38.50	\$ 45,351.5	\$ 41.00	\$ 48,296.4
			\$ 136,054.38		\$ 141,355.20
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 33.50	\$ 33,325.80	\$ 40.00	\$ 39,792.00
2008	41.45	\$ 33.50	\$ 33,325.80	\$ 41.00	\$ 40,786.80
2009	41.45	\$ 33.50	\$ 33,325.80	\$ 42.00	\$ 41,781.60
			\$ 99,977.40		\$ 122,360.40
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 27.50	\$ 15,061.20	\$ 42.00	\$ 23,002.56
2008	39.12	\$ 27.50	\$ 15,061.20	\$ 43.00	\$ 23,550.24
2009	39.12	\$ 27.50	\$ 15,061.20	\$ 44.00	\$ 24,097.92
			\$ 45,183.60		\$ 70,650.72
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 9.00	\$ 441.00	\$ 0.98	\$ 48.02
2008	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.00	\$ 49.00
2009	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.02	\$ 49.98
			\$ 1,323.00		\$ 147.00
ESTIMATED GRAND TOTAL: 2007		\$ 94,179.46		\$ 108,783.02	
2008		\$ 94,179.46		\$ 111,504.44	
2009		\$ 94,179.46		\$ 114,225.86	
ESTIMATED CONTRACT TOTAL:			\$ 282,538.38		\$ 334,513.32
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/15/2006			11/18/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		6am-7pm			7am-6pm
Contact Phone #		313.549.5500			586.876.1665
Pager					248.610.5078
LICENSE #:		NDS013511			Blank
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 15 2% discount		Net 30	

VENDOR NAME:		Tiede Landscaping		Naturalistic Landscapes LLC	
EXCEPTIONS:		Blank		None	
ACKNOWLEDGEMENT		Y or N	Yes	Yes	

VENDOR NAME:

Commercial Mowing Services Inc	United Lawnscape Inc
2116187	083461853-7

\$500.00 Check # -

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 54.60	\$ 64,316.6	\$ 94.40	\$ 111,199.4
2008	42.07	\$ 54.60	\$ 64,316.6	\$ 94.40	\$ 111,199.4
2009	42.07	\$ 56.65	\$ 66,731.4	\$ 94.40	\$ 111,199.4
			\$ 195,364.67		\$ 333,598.27
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 48.84	\$ 48,586.03	\$ 79.40	\$ 78,987.12
2008	41.45	\$ 48.84	\$ 48,586.03	\$ 79.40	\$ 78,987.12
2009	41.45	\$ 50.67	\$ 50,406.52	\$ 79.40	\$ 78,987.12
			\$ 147,578.58		\$ 236,961.36
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 41.41	\$ 22,679.43	\$ 34.40	\$ 18,840.19
2008	39.12	\$ 41.41	\$ 22,679.43	\$ 34.40	\$ 18,840.19
2009	39.12	\$ 42.96	\$ 23,528.33	\$ 34.40	\$ 18,840.19
			\$ 68,887.19		\$ 56,520.58
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 12.57	\$ 615.93	\$ 2.00	\$ 98.00
2008	49,000 SF	\$ 12.57	\$ 615.93	\$ 2.00	\$ 98.00
2009	49,000 SF	\$ 13.04	\$ 638.96	\$ 2.00	\$ 98.00
			\$ 1,870.82		\$ 294.00
ESTIMATED GRAND TOTAL: 2007		\$ 136,198.01		\$ 209,124.74	
2008		\$ 136,198.01		\$ 209,124.74	
2009		\$ 141,305.24		\$ 209,124.74	
ESTIMATED CONTRACT TOTAL:			\$ 413,701.26		\$ 627,374.21
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/20/2006			11/15/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		7am-7pm			9am-5pm
Contact Phone #		248.240.0447			586.615.7566
Pager					586.615.3376
LICENSE #:		179226			179716
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		30 Net		Net 30 Days	

VENDOR NAME:		Commercial Mowing Services Inc		United Lawnscape Inc	
EXCEPTIONS:		None		N/A	
ACKNOWLEDGEMENT		Y or N	Yes	Yes	

VENDOR NAME:

Lawncrafters LLC	Michigan Turf Inc
163299	473350145

\$500.00 Check # -

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 86.34	\$ 101,705.1	\$ 95.00	\$ 111,906.2
2008	42.07	\$ 88.07	\$ 103,742.9	\$ 95.00	\$ 111,906.2
2009	42.07	\$ 89.83	\$ 105,816.1	\$ 95.00	\$ 111,906.2
			\$ 311,264.15		\$ 335,718.60
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 93.66	\$ 93,172.97	\$ 90.00	\$ 89,532.00
2008	41.45	\$ 95.53	\$ 95,033.24	\$ 90.00	\$ 89,532.00
2009	41.45	\$ 97.44	\$ 96,933.31	\$ 90.00	\$ 89,532.00
			\$ 285,139.52		\$ 268,596.00
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 76.65	\$ 41,979.67	\$ 95.00	\$ 52,029.60
2008	39.12	\$ 78.18	\$ 42,817.62	\$ 95.00	\$ 52,029.60
2009	39.12	\$ 79.74	\$ 43,672.00	\$ 100.00	\$ 54,768.00
			\$ 128,469.30		\$ 158,827.20
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 6.00	\$ 294.00	\$ 2.00	\$ 98.00
2008	49,000 SF	\$ 6.12	\$ 299.88	\$ 2.00	\$ 98.00
2009	49,000 SF	\$ 6.24	\$ 305.76	\$ 2.00	\$ 98.00
			\$ 899.64		\$ 294.00
ESTIMATED GRAND TOTAL: 2007			\$ 237,151.71	\$ 253,565.80	
2008			\$ 241,893.68	\$ 253,565.80	
2009			\$ 246,727.22	\$ 256,304.20	
ESTIMATED CONTRACT TOTAL:			\$ 725,772.61		\$ 763,435.80
SITE INSPECTION: Y/N		Yes			Yes
DATE		week of 11/12/06			11/19/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-6pm		8am-6pm	
Contact Phone #		248.866.8444		313.363.7293	
Pager				313.291.5502	
LICENSE #:		179803		C007000171 3A 3B	
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30 Days		30 Days	

VENDOR NAME:	Lawncrafters LLC	United Lawnscape Inc	
EXCEPTIONS:	Bid prices are contingent upon being awarded all 4 groups	Blank	
ACKNOWLEDGEMENT Y or N	Yes		Yes

VENDOR NAME:

Do-It-All Lawns capping Services LLC	Torre & Bruglio Inc
\$500.00 Check # - 375098631	20723486

**PROPOSAL:** Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
<b>GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres</b>					
YEAR	ACRES				
2007	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
2008	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
2009	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
			\$ 416,997.84		\$ 13,252,050.00
<b>GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES</b>					
YEAR	ACRES				
2007	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
2008	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
2009	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
			\$ 352,159.20		\$ 6,034,456.80
<b>GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES</b>					
YEAR	ACRES				
2007	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
2008	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
2009	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
			\$ 193,878.72		\$ 1,805,996.71
<b>GROUP #4 - ABANDON PROPERTIES - Various Locations</b>					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
2008	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
2009	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
			\$ 3,148.74		\$ 23.52
ESTIMATED GRAND TOTAL: 2007			\$ 322,061.50		\$ 7,030,842.34
2008			\$ 322,061.50		\$ 7,030,842.34
2009			\$ 322,061.50		\$ 7,030,842.34
ESTIMATED CONTRACT TOTAL:			\$ 966,184.50		\$ 21,092,527.03
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/13/2006			11/13/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		7am-7pm			7am-7pm
Contact Phone #		586.436.0206			248.672.8634
Pager		N/A			
LICENSE #:		None			180024
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Blank		Net 30	

VENDOR NAME:		Do-It-All Landscaping		Torre & Bruglio Inc	
		Services LLC			
EXCEPTIONS:		Blank		N/A	
ACKNOWLEDGEMENT		Yes		Yes	
Y or N					



May 27, 2009

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Approval of the Troy Downtown Development Authority's  
Proposed Fiscal Year 2009/10 Budget

The Downtown Development Authority (DDA) approved their proposed 2009/10 budget at the May 27, 2009 DDA meeting.

The City-captured tax rate of 9.28 mills, Oakland County 4.65 mills and Oakland County Community College. 1.58 mills was used in determining the DDA property tax revenue, based on a captured taxable value of \$221,718,465.

The DDA's proposed fiscal year 2009/10 budget is hereby submitted to City Council for their approval.



# Downtown Development Authority

## Proposed Annual Budget

### Fiscal Year July 1, 2009 – June 30, 2010



## Members

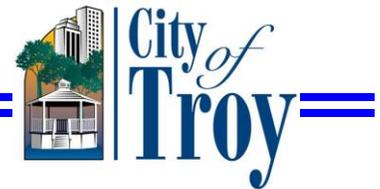
Al Aceves  
Stuart Frankel  
David R. Hay  
Michele Hodges  
Laurence G. Keisling  
William Kennis  
Alan M. Kiriluk, Chairman  
Daniel MacLeish  
Ernest C. Reschke

Louise E. Schilling  
Douglas J. Schroeder  
Harvey Weiss  
G. Thomas York

**Executive Director**  
Brian P. Murphy

**Secretary/Treasurer**  
John M. Lamerato



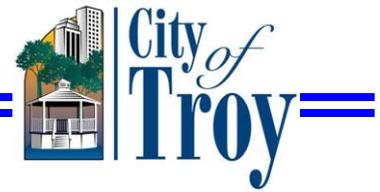


## **Introduction**

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998, February 7, 2000, August 5, 2002, December 16, 2002 and June 4, 2007.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy; to fund improvements contained in the Big Beaver Corridor Study and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.



**2009-10 Budget**

**Revenue**

Property Taxes	\$ 3,438,850
Investment Income	250,000
Re-appropriation of Fund Balance	<u>5,520,420</u>
<b>Total Revenue</b>	<b><u>\$ 9,209,270</u></b>

**Expenditures**

Administrative Expenses	\$ 250,000
Operating Expenses	250,000
Debt Service - Big Beaver Phase 2 & 3	1,193,000
Debt Service - MTF Bonds (Roch. Rd.)	231,000
Debt Service - Refund 1995 Dev. Bonds Series A	788,000
Debt Service - Community Center	1,166,000
Street Island Maint.	231,270
Corridor Study Improvements	5,000,000
Economic Development-MEGA Match	<u>100,000</u>
<b>Total Expenditures</b>	<b><u>\$ 9,209,270</u></b>

**Captured Taxable Value  
2009-10**

	<u>Real Taxable</u>	<u>Personal Taxable</u>	<u>Total Taxable</u>
1993 - Initial Value	342,302,000	86,976,530	429,278,530
2009 - Taxable Value	<u>529,452,075</u>	<u>121,544,920</u>	<u>650,996,995</u>
Captured Taxable Value	<u>187,150,075</u>	<u>34,568,390</u>	<u>221,718,465</u>

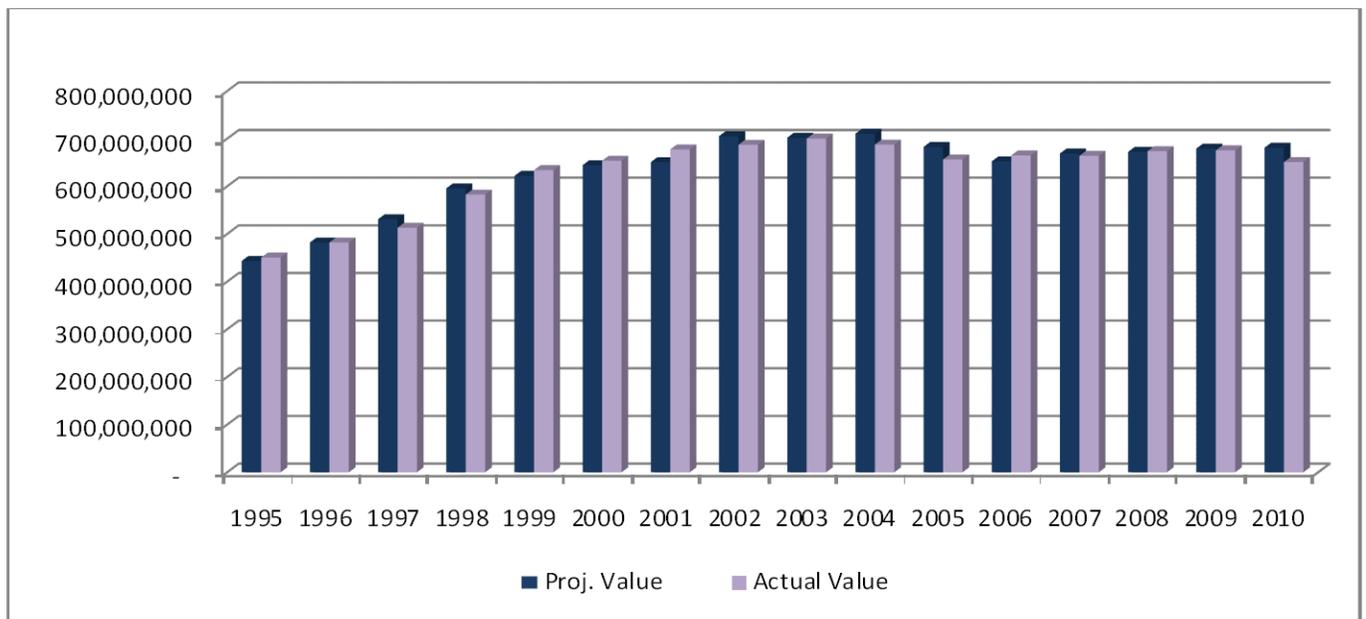
	<u>Oakland County</u>	<u>Oakland Comm. College</u>	<u>City of Troy</u>	<u>Total</u>
Millage Rates	\$ 4.65	\$ 1.58	\$ 9.28	\$ 15.51
Captured Yield	\$ 1,030,990	\$ 350,320	\$ 2,057,540	\$ 3,438,850



**Projected and Actual Captured Valuation  
May 1, 2009**

**Total DDA Base**

<b>Fiscal Year</b>	<b>Initial Valuation</b>	<b>Projected Valuation</b>	<b>Projected Captured</b>	<b>Actual Valuation</b>	<b>Actual Captured</b>
1995	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1996	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1997	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1998	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1999	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
2000	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2001	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2002	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2003	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2004	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2005	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2006	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270
2007	429,278,530	668,894,972	239,616,442	664,121,560	234,843,030
2008	429,278,530	672,433,613	243,155,083	673,838,080	244,559,550
2009	429,278,530	679,300,371	250,021,841	675,603,180	246,324,650
2010	429,278,530	681,089,262	251,810,732	650,996,995	221,718,465



This chart displays the projected and actual taxable value of the entire Downtown Development District.

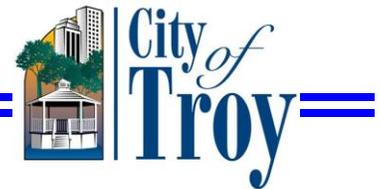


**Bond Debt Service  
Development Bonds, Series 2001**

**Big Beaver Phase 2 & 3  
Final Pricing**

Dated Date           07/19/2001  
Delivery Date       07/19/2001

<b>Period</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Debt Service</b>	<b>Annual Debt Service</b>
7/19/2001					
11/1/2001	\$ 605,000	4.00%	\$ 193,848.17	\$ 798,848.17	\$ -
5/1/2002			329,985.00	329,985.00	1,128,833.17
11/1/2002	545,000	4.00%	329,985.00	874,985.00	
5/1/2003			319,085.00	319,085.00	1,194,070.00
11/1/2003	565,000	4.00%	319,085.00	884,085.00	
5/1/2004			307,785.00	307,785.00	1,191,870.00
11/1/2004	590,000	4.00%	307,785.00	897,785.00	
5/1/2005			295,985.00	295,985.00	1,193,770.00
11/1/2005	615,000	4.00%	295,985.00	910,985.00	
5/1/2006			283,685.00	283,685.00	1,194,670.00
11/1/2006	640,000	5.00%	283,685.00	923,685.00	
5/1/2007			267,685.00	267,685.00	1,191,370.00
11/1/2007	670,000	4.00%	267,685.00	937,685.00	
5/1/2008			254,285.00	254,285.00	1,191,970.00
11/1/2008	700,000	4.10%	254,285.00	954,285.00	
5/1/2009			239,935.00	239,935.00	1,194,220.00
11/1/2009	730,000	5.00%	239,935.00	969,935.00	
5/1/2010			221,685.00	221,685.00	1,191,620.00
11/1/2010	770,000	5.00%	221,685.00	991,685.00	
5/1/2011			202,435.00	202,435.00	1,194,120.00
11/1/2011	805,000	4.40%	202,435.00	1,007,435.00	
5/1/2012			184,725.00	184,725.00	1,192,160.00
11/1/2012	850,000	5.50%	184,725.00	1,034,725.00	
5/1/2013			161,350.00	161,350.00	1,196,075.00
11/1/2013	895,000	5.50%	161,350.00	1,056,350.00	
5/1/2014			136,737.50	136,737.50	1,193,087.50
11/1/2014	945,000	5.50%	136,737.50	1,081,737.50	
5/1/2015			110,750.00	110,750.00	1,192,487.50
11/1/2015	1,000,000	5.50%	110,750.00	1,110,750.00	
5/1/2016			83,250.00	83,250.00	1,194,000.00
11/1/2016	1,055,000	5.00%	83,250.00	1,138,250.00	
5/1/2017			56,875.00	56,875.00	1,195,125.00
11/1/2017	1,110,000	5.00%	56,875.00	1,166,875.00	
5/1/2018			29,125.00	29,125.00	1,196,000.00
11/1/2018	1,165,000	5.00%	29,125.00	1,194,125.00	1,194,125.00
	<b>\$ 14,255,000</b>		<b>\$ 7,164,573.17</b>	<b>\$ 21,419,573.17</b>	<b>\$ 21,419,573.17</b>

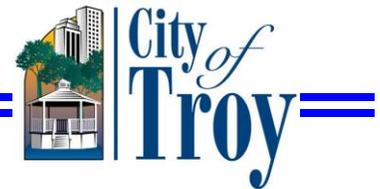


**Bond Debt Service  
Refunding Bonds, Series 2001  
Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)**

**Refunding Portion  
Final Pricing**

Dated Date           07/19/2001  
Delivery Date       07/19/2001

<b>Period</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Debt Service</b>	<b>Annual Debt Service</b>
7/19/2001					
11/1/2001	\$ 465,000	4.00%	\$ 132,448.42	\$ 597,448.42	\$ -
5/1/2002			224,432.50	224,432.50	821,880.92
11/1/2002	380,000	4.00%	224,432.50	604,432.50	
5/1/2003			216,832.50	216,832.50	821,265.00
11/1/2003	395,000	4.00%	216,832.50	611,832.50	
5/1/2004			208,932.50	208,932.50	820,765.00
11/1/2004	415,000	4.00%	208,932.50	623,932.50	
5/1/2005			200,632.50	200,632.50	824,565.00
11/1/2005	430,000	4.00%	200,632.50	630,632.50	
5/1/2006			192,032.50	192,032.50	822,665.00
11/1/2006	410,000	5.00%	192,032.50	602,032.50	
5/1/2007			181,782.50	181,782.50	783,815.00
11/1/2007	430,000	4.00%	181,782.50	611,782.50	
5/1/2008			173,182.50	173,182.50	784,965.00
11/1/2008	450,000	4.10%	173,182.50	623,182.50	
5/1/2009			163,957.50	163,957.50	787,140.00
11/1/2009	470,000	5.00%	163,957.50	633,957.50	
5/1/2010			152,207.50	152,207.50	786,165.00
11/1/2010	495,000	5.00%	152,207.50	647,207.50	
5/1/2011			139,832.50	139,832.50	787,040.00
11/1/2011	560,000	4.40%	139,832.50	699,832.50	
5/1/2012			127,512.50	127,512.50	827,345.00
11/1/2012	590,000	5.50%	127,512.50	717,512.50	
5/1/2013			111,287.50	111,287.50	828,800.00
11/1/2013	620,000	5.50%	111,287.50	731,287.50	
5/1/2014			94,237.50	94,237.50	825,525.00
11/1/2014	655,000	5.50%	94,237.50	749,237.50	
5/1/2015			76,225.00	76,225.00	825,462.50
11/1/2015	690,000	5.50%	76,225.00	766,225.00	
5/1/2016			57,250.00	57,250.00	823,475.00
11/1/2016	725,000	5.00%	57,250.00	782,250.00	
5/1/2017			39,125.00	39,125.00	821,375.00
11/1/2017	765,000	5.00%	39,125.00	804,125.00	
5/1/2018			20,000.00	20,000.00	824,125.00
11/1/2018	800,000	5.00%	20,000.00	820,000.00	820,000.00
	<b>\$9,745,000</b>		<b>\$4,891,373.42</b>	<b>\$14,636,373.42</b>	<b>\$14,636,373.42</b>



\$5,600,000

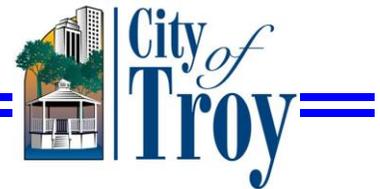
**Michigan Transportation Fund Bonds  
(Rochester Road)**

Schedule of Principal and Interest Requirements  
On a Fiscal Year Basis

<b>Fiscal Year Beginning July 1</b>	<b>Interest Due November 1</b>	<b>Interest Rate</b>	<b>Principal Due May1, Next</b>	<b>Interest Due May 1, Next</b>	<b>Total</b>
2000	\$ 205,343.70	- %	\$ 1,100,000	\$ 136,893.75	\$ 1,442,237.45
2001	110,768.75	4.75%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.75%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.70%	125,000	51,718.75	228,437.50
2004	48,718.75	4.80%	150,000	48,718.75	247,437.50
2005	45,043.75	4.90%	175,000	45,043.75	265,087.50
2006	40,668.75	5.00%	175,000	40,668.75	256,337.50
2007	36,293.75	5.00%	175,000	36,293.75	247,587.50
2008	31,918.75	5.00%	175,000	31,918.75	238,837.50
2009	27,456.25	5.10%	175,000	27,456.25	229,912.50
2010	22,950.00	5.15%	175,000	22,950.00	220,900.00
2011	18,356.25	5.25%	200,000	18,356.25	236,712.50
2012	13,006.25	5.35%	225,000	13,006.25	251,012.50
2013	6,875.00	5.45%	250,000	6,875.00	263,750.00
	<b>\$ 741,387.45</b>		<b>\$ 5,600,000</b>	<b>\$ 672,937.50</b>	<b>\$ 7,014,324.95</b>

Registrar/Transfer Agent – Old Kent Bank, Grand Rapids, Michigan

\*Dated date, February 1, 2000, first interest payment due  
November 1, 2000 – 9 months.



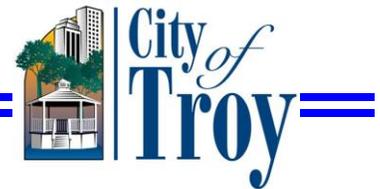
\$9,700,000

**Community Center Facilities Bonds, Series 2002**

Schedule of Principal and Interest Requirements  
On a Fiscal Year Basis

<b>Fiscal Year Beginning July 1</b>	<b>Principal Due November 1</b>	<b>Interest Rate</b>	<b>Interest Due November 1</b>	<b>Interest Due May 1, Next</b>	<b>Total Principal &amp; Interest Requirements</b>
2002	\$ -	- %	\$ -	\$ 236,433.33	\$ 236,433.33
2003	400,000.00	5.00%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.00%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.05%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.40%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.70%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.00%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.25%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.50%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.60%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.70%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.80%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.00%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.10%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.20%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.30%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.40%	18,700.00	0.00	868,700.00
	<b><u>\$9,700,000.00</u></b>		<b><u>\$1,787,412.50</u></b>	<b><u>\$1,846,520.83</u></b>	<b><u>\$ 13,333,933.33</u></b>

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan



\$4,025,000

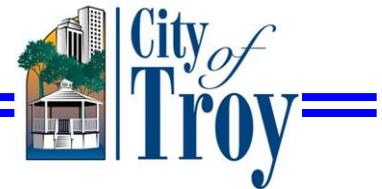
**Community Center Facilities Junior Lien Bonds, Series 2003**

Schedule of Principal and Interest Requirements  
On a Fiscal Year Basis

<b>Fiscal Year</b>	<b>Principal Due</b>	<b>Interest</b>	<b>Interest Due</b>	<b>Interest Due</b>	<b>Total Principal</b>
<b>Beginning</b>	<b>November 1</b>	<b>Rate</b>	<b>November 1</b>	<b>May 1, Next</b>	<b>&amp; Interest</b>
<b>July 1</b>					<b>Requirements</b>
2003	\$ -	0.00%	* \$ 59,984.38	\$ 71,981.25	\$ 131,965.63
2004	75,000.00	2.50%	71,981.25	71,043.75	218,025.00
2005	100,000.00	2.50%	71,043.75	69,793.75	240,837.50
2006	100,000.00	2.50%	69,793.75	68,543.75	238,337.50
2007	125,000.00	2.50%	68,543.75	66,981.25	260,525.00
2008	150,000.00	2.50%	66,981.25	65,106.25	282,087.50
2009	200,000.00	3.00%	65,106.25	62,106.25	327,212.50
2010	200,000.00	3.00%	62,106.25	59,106.25	321,212.50
2011	250,000.00	3.15%	59,106.25	55,168.75	364,275.00
2012	300,000.00	3.30%	55,168.75	50,218.75	405,387.50
2013	325,000.00	3.45%	50,218.75	44,612.50	419,831.25
2014	350,000.00	3.60%	44,612.50	38,312.50	432,925.00
2015	400,000.00	3.75%	38,312.50	30,812.50	469,125.00
2016	450,000.00	4.25%	30,812.50	21,250.00	502,062.50
2017	500,000.00	4.25%	21,250.00	10,625.00	531,875.00
2018	500,000.00	4.25%	10,625.00	0.00	510,625.00
	<b>\$ 4,025,000.00</b>		<b>\$ 845,646.88</b>	<b>\$ 785,662.50</b>	<b>\$ 5,656,309.38</b>

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

\*Dated date, June 1, 2003, first interest payment due  
November 1, 2003 – 5 months.



**Table 1  
Downtown Development Authority Bonds**

Schedule of Projected Taxable Values  
(Actual through 2009)

<b>Year</b>	<b>Total Real</b>	<b>Total Personal</b>	<b>Total Real &amp; Personal</b>	<b>Initial Assessed Value</b>	<b>Captured Taxable Value</b>
1993	342,342,400	86,936,130	429,278,530	429,278,530	-
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	538,571,100	125,550,460	664,121,560	429,278,530	234,843,030
2007	546,229,050	127,609,030	673,838,080	429,278,530	244,559,550
2008	548,608,230	126,994,950	675,603,180	429,278,530	246,324,650
2009	529,452,075	121,544,920	650,996,995	429,278,530	221,718,465
2010	532,099,335	121,544,920	653,644,255	429,278,530	224,365,725
2011	534,759,830	121,544,920	656,304,750	429,278,530	227,026,220
2012	537,433,630	121,544,920	658,978,550	429,278,530	229,700,020
2013	540,120,800	121,544,920	661,665,720	429,278,530	232,387,190
2014	542,821,400	121,544,920	664,366,320	429,278,530	235,087,790
2015	542,821,400	121,544,920	664,366,320	429,278,530	235,087,790
2016	542,821,400	121,544,920	664,366,320	429,278,530	235,087,790
2017	542,821,400	121,544,920	664,366,320	429,278,530	235,087,790
2018	542,821,400	121,544,920	664,366,320	429,278,530	235,087,790

2010 thru 2014 has a 0.5% increase in Real, and a 0% increase in Personal Property value.  
 2015 thru 2018 has no increase in Real or Personal Property value.  
 Assumes no new development in the district.

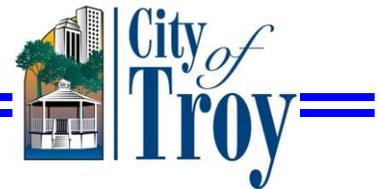


**Table 2  
Downtown Development Authority Bonds  
\*(Actual through 2009)**

Schedule of Impact on Taxing Jurisdictions

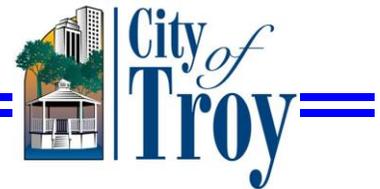
<b>Year</b>	<b>(TV after 1994) in District</b>	<b>Assessed Value</b>	<b>(TV after 1994) in District</b>	<b>College 1.5800</b>	<b>Oakland 4.6500</b>	<b>(9.48 &lt; 2002) 9.2800</b>	<b>Annual Capture</b>
1993	429,278,530	* 429,278,530	- *	\$ -	\$ -	\$ -	\$ -
1994	450,682,090	* 429,278,530	21,403,560 *	34,246	99,527	202,906	336,678
1995	482,321,290	* 429,278,530	53,042,760 *	84,868	246,649	502,845	834,362
1996	513,251,790	* 429,278,530	83,973,260 *	134,357	390,476	796,067	1,320,899
1997	582,784,390	* 429,278,530	153,505,860 *	245,609	713,802	1,455,236	2,414,647
1998	634,117,140	* 429,278,530	204,838,610 *	327,742	952,500	1,941,870	3,222,112
1999	653,782,621	* 429,278,530	224,504,091 *	359,207	1,043,944	2,128,299	3,531,450
2000	677,550,840	* 429,278,530	248,272,310 *	397,236	1,154,466	2,353,621	3,905,324
2001	687,261,110	* 429,278,530	257,982,580 *	412,772	1,199,619	2,445,675	4,058,066
2002	700,292,970	* 429,278,530	271,014,440 *	433,623	1,260,217	2,561,086	4,254,927
2003	687,610,440	* 429,278,530	258,331,910 *	413,331	1,201,243	2,441,237	4,055,811
2004	656,443,260	* 429,278,530	227,164,730 *	363,464	1,056,316	2,146,707	3,566,487
2005	664,930,800	* 429,278,530	235,652,270 *	372,331	1,095,783	2,226,914	3,695,028
2006	664,121,560	* 429,278,530	234,843,030 *	371,052	1,092,020	2,219,267	3,682,339
2007	673,838,080	* 429,278,530	244,559,550 *	386,404	1,137,202	2,269,513	3,793,119
2008	675,603,180	* 429,278,530	246,324,650 *	389,193	1,145,410	2,285,893	3,820,495
2009	650,996,995	* 429,278,530	221,718,465 *	350,315	1,030,991	2,057,547	3,438,853
2010	653,644,255	429,278,530	224,365,725 *	354,498	1,043,301	2,082,114	3,479,912
2011	656,304,750	429,278,530	227,026,220 *	358,701	1,055,672	2,106,803	3,521,177
2012	658,978,550	429,278,530	229,700,020 *	362,926	1,068,105	2,131,616	3,562,647
2013	661,665,720	429,278,530	232,387,190 *	367,172	1,080,600	2,156,553	3,604,325
2014	664,366,320	429,278,530	235,087,790 *	371,439	1,093,158	2,181,615	3,646,212
2015	664,366,320	429,278,530	235,087,790 *	371,439	1,093,158	2,181,615	3,646,212
2016	664,366,320	429,278,530	235,087,790 *	371,439	1,093,158	2,181,615	3,646,212
2017	664,366,320	429,278,530	235,087,790 *	371,439	1,093,158	2,181,615	3,646,212
2018	664,366,320	429,278,530	235,087,790 *	371,439	1,093,158	2,181,615	3,646,212
				<b>\$ 8,376,240</b>	<b>\$ 24,533,633</b>	<b>\$ 49,419,841</b>	<b>\$ 82,329,715</b>

2010 thru 2014 has a 0.5% increase in a Real and a 0% increase in Personal Property value.  
 2015 thru 2018 has no increase in Real or Personal Property value.  
 Assumes no new developments in the district.



**Annual Debt Requirements**

<b>Year Ending June 30,</b>	<b>Refunding Bonds 2001</b>	<b>Big Beaver Phase 2 &amp; 3</b>	<b>MTF Bonds Roch. Rd.</b>	<b>Comm. Center 2002</b>	<b>Comm. Center Jr. Lien 2003</b>	<b>Amount of Annual Interest</b>	<b>Total</b>
2010	470,000	730,000	175,000	575,000	200,000	1,221,754	3,371,754
2011	495,000	770,000	175,000	600,000	200,000	1,125,274	3,365,274
2012	560,000	805,000	200,000	600,000	250,000	1,026,192	3,441,192
2013	590,000	850,000	225,000	625,000	300,000	914,614	3,504,614
2014	620,000	895,000	250,000	650,000	325,000	786,621	3,526,621
2015	655,000	945,000	-	700,000	350,000	648,953	3,298,953
2016	690,000	1,000,000	-	725,000	400,000	515,814	3,330,814
2017	725,000	1,055,000	-	775,000	450,000	376,638	3,381,638
2018	765,000	1,110,000	-	800,000	500,000	231,600	3,406,600
2019	800,000	1,165,000	-	850,000	500,000	78,450	3,393,450
	<b>\$ 6,370,000</b>	<b>\$ 9,325,000</b>	<b>\$ 1,025,000</b>	<b>\$ 6,900,000</b>	<b>\$ 3,475,000</b>	<b>\$ 6,925,910</b>	<b>\$34,020,910</b>



**Five -Year Budget Projection  
May 1, 2009**

	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
<b>Revenue</b>					
Property Taxes	\$ 3,479,900	\$ 3,521,170	\$ 3,562,640	\$ 3,604,320	\$ 3,646,210
Re-appropriation Fund Balance	380,100	473,430	556,760	545,010	312,130
Investment Income	200,000	150,000	100,000	100,000	75,000
<b>Total</b>	<b>\$ 4,060,000</b>	<b>\$ 4,144,600</b>	<b>\$ 4,219,400</b>	<b>\$ 4,249,330</b>	<b>\$ 4,033,340</b>
<b>Expenditures</b>					
Operating Expenses	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
Administrative Expense	255,000	260,000	265,000	270,000	276,000
Street Island Maintenance	236,000	240,600	245,400	250,330	255,340
<b>Debt Service</b>					
Big Beaver Phase 2 & 3	1,195,000	1,193,000	1,197,000	1,194,000	1,194,000
MTF Rochester Road	222,000	237,000	252,000	264,000	-
Refund Series 'A'	788,000	828,000	830,000	826,000	826,000
Community Center	1,164,000	1,186,000	1,230,000	1,245,000	1,282,000
<b>Total - Debt Service</b>	<b>\$ 3,369,000</b>	<b>\$ 3,444,000</b>	<b>\$ 3,509,000</b>	<b>\$ 3,529,000</b>	<b>\$ 3,302,000</b>
Available for Projects	-	-	-	-	-
<b>Total Expenditures</b>	<b>\$ 4,060,000</b>	<b>\$ 4,144,600</b>	<b>\$ 4,219,400</b>	<b>\$ 4,249,330</b>	<b>\$ 4,033,340</b>
Captured TV	202,188,550	183,244,540	164,868,850	147,044,420	129,754,740
Captured Tax Rate	\$ 15.51	\$ 15.51	\$ 15.51	\$ 15.51	\$ 15.51
Estimated Fund Balance	\$ 4,599,480	\$ 4,126,050	\$ 3,569,290	\$ 3,024,280	\$ 2,712,150
Debt Service in Relation To Property Taxes	96.8	97.8	98.5	97.9	90.6

### **Tax Increment Procedure**

Tax increment revenue to be transmitted to the DDA is generated when the current taxable value of all properties within a development area exceeds the initial assessed value of the properties. The initial assessed value is defined in Act 197 as the assessed value of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the ordinance is adopted. The current assessed value refers to the assessed value of all properties, real and personal, within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current taxable value exceeds the initial assessed value, including real and personal property, is defined as the “captured taxable value.” The tax increment revenue transmitted to the DDA results from applying the total tax levy of taxing units within the development area to the captured taxable value.

Increases in assessed values within a development area which result in the generation of tax increment revenues, can result from any of the following:

- a. Construction of new development occurring after the date establishing the “initial assessed value.”
- b. Construction of new rehabilitation, remodeling alterations, or additions accruing after the date establishing the “initial assessed value.”
- c. Increases in property values which occur for any other reason.

Tax increment revenues transmitted to the DDA can be pledged for debt service on general obligation tax increment bonds issued by the municipality or tax increment revenues bonds issued by the DDA.

If bonds are to be sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. In addition, the estimated annual debt service owed on bonds issued by the municipality may not exceed 80% of the estimated annual tax increment revenues. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. Any tax increment revenues collected in excess of the 80% measure described in Table 2 of the Development Plan will be used to pay current debt service on any bonds issued under the Plan. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty years.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the prospective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan.

A Regular Meeting of the Troy City Council was held Monday, May 18, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Mayor Pro Tem Howrylak gave the Invocation and the Pledge of Allegiance to the Flag was given.

### **ROLL CALL:**

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

### **CERTIFICATES OF RECOGNITION:**

---

#### **A-1 Presentations:**

- a) On behalf of the City of Troy and Troy City Council, Mayor Louise Schilling presented a service commendation to Linda Thielfoldt of *Homes for Our Troops* in appreciation of their contribution and service to the community.
- b) Museum Manager Loraine Campbell provided a ten minute presentation in regard to the development plans for the Troy Museum and the Historic Village.

### **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-2 (File Number Z-736)**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from Dan DeYonker, Associate Broker of ReMax First on behalf of the petitioner and the following members of the public:

Cathy Killian - Oppose

Resolution

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-2, 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-2; and

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

**Vote on Resolution to Postpone C-1 Rezoning Application – Harlan Shopping Plaza (File Number Z-736)**

Resolution #2009-05-157

Moved by Beltramini

Seconded Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item C-1 *Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-2 (File Number Z-736)* until the petitioner is present.

Yes: All-7

**MOTION CARRIED**

**POSTPONED ITEMS:**

---

D-1 No Postponed Items

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

Gary R. McGillivray, Oakland County Commissioner for District 24

Marvin Reinhart

Audre Zembrzuski

**REGULAR BUSINESS:**

---

E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Historic District Commission; and Historic District Study Committee**

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

(b) **City Council Appointments**

Resolution #2009-05-158

Moved by Howrylak

Seconded by Eisenbacher

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: All-7

**MOTION CARRIED**

---

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

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

**(b) City Council Nominations**

Resolution #2009-05-159

Moved by Howrylak

Seconded by Beltramini

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

**Historic District Commission**

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

Doris Schuchter Historical Society Recommendation

Term Expires 05/15/2012

Yes: All-7

**MOTION CARRIED**

---

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

Resolution #2009-05-160

Moved by Kerwin

Seconded by Fleming

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: All-7

#### **MOTION CARRIED**

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

Council Member Broomfield departed at 9:05 PM.

The meeting **RECONVENED** at 9:10 PM.

---

**E-4 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**

Resolution #2009-05-161a

Moved by Kerwin

Seconded by Beltramini

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 up to \$121,825.00 for fixtures.

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

**MOTION CARRIED**

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

Resolution #2009-05-161b  
Moved by Kerwin  
Seconded by Beltramini

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

**MOTION CARRIED**

---

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

Resolution #2009-05-162  
Moved by Beltramini  
Seconded by Kerwin

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

### **MOTION CARRIED**

---

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

Resolution #2009-05-163  
Moved by Beltramini  
Seconded by Kerwin

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

### **MOTION CARRIED**

---

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

Resolution #2009-05-164  
Moved by Eisenbacher  
Seconded by Kerwin

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

**MOTION CARRIED**

**CONSENT AGENDA:**

---

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

Resolution #2009-05-165  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-7 which is removed at the request of City Management.

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

**MOTION CARRIED**

---

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

---

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

Resolution #2009-05-165-F-2

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 corrected.

---

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

Resolution #2009-05-165-F-3

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

Resolution #2009-05-165-F-4a

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**

Resolution #2009-05-165-F-5

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**

Resolution #2009-05-165-F-6a

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**

Resolution #2009-05-165-F-6b

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 Approval of Recognition as a Nonprofit Organization Status – Mark Wolodkowicz, President and Program Director for Free Desire, Inc. – Removed at the request of 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**

Resolution #2009-05-165-F-8

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 Council Comments Advanced:**

Council Member Beltramini complimented staff in regard to keeping the city's ordinances ahead during these difficult times. She explained that unlike other communities, Troy is able to allow development such as filmmaking because the ordinances are already in place.

Council Member Beltramini reported that the Michigan Municipal League's most recent issue of *The Review* includes a readiness check list for economic development. She thought it might be interesting to include the list as City Council prepares for next year's budget issues because she believes it is the business community that gives the city its pin money so to speak. Council Member Beltramini realizes that the interests of the citizens always comes first, but also believes economic development is necessary. She explained due to the large vacancy rate and the decrease in property values in Troy, the city is steadily losing revenue.

Mayor Pro Tem Howrylak noted that Acting City Manager Szerlag indicated that City Management has not received formal direction from City Council in regard to potential changes to the City Charter. Mayor Pro Tem Howrylak suggested that City Council provide direction by way of a resolution to refer the amendments to the Charter Revision Committee.

Council Member Kerwin believes that the proposed City Charter amendments merit comment, but not during Council Comments. She suggested that this item be brought forward as a study item at City Council's next meeting.

Acting City Manager Szerlag indicated that the item will be included on City Council's next agenda as a study item and he will include all previous memoranda. He added that he will also add any questions City Council may have to enhance the report as well.

Council Member Kerwin appreciated the inclusion of the *Master Land Use Plan* document and the *Tenets of Smart Growth* in City Council's agenda packet. She explained as City Council was layering in and looking at the rezoning, they had a complete birds eye view as to where they are going as a city and the kinds of steps they are taking to get there.

Mayor Schilling asked whether City Council should take action on the Waters Consulting Group, Inc. brochure that was laid on the table by City Attorney, Lori Bluhm in regard to the city manager recruitment.

Lori Bluhm, City Attorney replied that she would like feedback from City Council by tomorrow if possible because time is short and the brochure needs to get out this week.

Council Member Beltramini does not like the red on the brochure because she does not believe it sends a positive message.

Brian Murphy, Assistant City Manager/Economic Development Services advised that red is the signature color for Waters Consulting Group, Inc.

Mayor Pro Tem Howrylak stated with all due sincerity, that shortly after he was elected in 2000 he wore a political button to a city council meeting and that the Mayor and former Mayor took

him aside individually and kindly told him that council members try to stay apolitical. Mayor Pro Tem Howrylak continued by stating that he thought it was good advice and he has lived by that philosophy for nine years. However, Mayor Pro Tem Howrylak was dismayed at the Firefighters Appreciation Banquet when the Mayor, as an official representing City Council and the City, was essentially recruiting city council candidates from the firefighter's body. Mayor Pro Tem Howrylak defends the Mayor's right to do that on her own volition and on her own time, but believes when the Mayor is representing City Council, she is speaking for all of them as a body. He continued by stating that it would be inappropriate for City Council to put forth a resolution to ask anyone to run against someone else for city council. Therefore, Mayor Pro Tem Howrylak would appreciate the Mayor keeping her recruitment of candidates for any political office and especially for candidates for this body outside of official business.

## 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

Noted and Filed

---

### J-2 Department Reports:

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

Noted and Filed

---

### 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

Noted and Filed

---

### 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

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 9:38 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

**PROCLAMATION TO HONOR  
MELINDA WEINGART  
2008 POLICE OFFICER OF THE YEAR**

**WHEREAS, Officer Melinda Weingart** has been a member of the Troy Police Department since 2003 when she was hired in the Patrol/Operations Division and Traffic Safety Unit. She is currently assigned to the Operations Division Patrol Shift 3; and

**WHEREAS,** Her selection was based on her commitment to both the department and the community, as well as her superior performance, hard work, enthusiasm and dedication to duty, as well as her commitment to providing the best service to the residents of Troy; and

**WHEREAS, Officer Weingart** has continuously shown her bravery in the face of danger – in February 2008 she performed CPR on a non-responsive citizen; In April 2008 she performed an arrest for Operating While Intoxicated 2<sup>nd</sup> Offense where she confiscated a loaded handgun, marijuana and open intoxicants; and she interrupted two suspects in the process of committing a Larceny from an Automobile; and

**WHEREAS, Officer Weingart** always acts promptly to assist other officers and follows through on all her case investigations. In 2007, her thoroughness resulted in the apprehension of a suspect in a Criminal Sexual Conduct incident and an arrest in a Home Invasion; and

**WHEREAS, Officer Weingart** received the Mothers Against Drunk Drivers (MADD) award for Excellence in the Enforcement of Drinking and Driving Laws for 2004, 2005, 2006, 2007 and 2008. She holds the Troy Police Department's record for yearly Operating While Intoxicated arrests, with a five year total of 272; and

**WHEREAS, Officer Weingart** goes above and beyond the call of duty displaying the ability to fulfill the diverse and numerous expectations of a Police Officer and is a tremendous asset to the Troy Police Department and the City of Troy;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer Melinda Weingart** on the occasion of being chosen **2008 Police Officer of the Year** by the Troy Police Department;

**BE IT FURTHER RESOLVED** that the City Council commends **Officer Weingart** for her leadership, dedication and commitment to providing the best possible service to the citizens of Troy and her fellow employees.

Presented this 1<sup>st</sup> day of June 2009.

**PROCLAMATION TO HONOR  
JESSICA MORSE  
2008 NON-SWORN POLICE DEPARTMENT  
EMPLOYEE OF THE YEAR**

**WHEREAS, Jessica Morse** has served the Troy Police Department since September 14, 1998 when she was hired as a Police Service Aide, working in the Communications and Lockup Sections. She is currently assigned to the Investigative Services Division Property Unit; and

**WHEREAS, Jessica** is being honored as the **2008 Non-Sworn Police Department Employee of the Year** for her outstanding performance, dedication to her position, professionalism, and commitment to providing the best service to the residents of Troy; and

**WHEREAS, Jessica** plays a key role in developing the relationship between the Troy Police Department and citizens of Troy by providing professional and helpful service as the first point of contact for citizens through her work in the Communications Section; and

**WHEREAS,** In November 2008, **Jessica's** technical and research abilities with the various Police Department electronic communications and records management systems caused her to identify the address of a heart attack victim who was unable to provide his location; and

**WHEREAS,** Despite the demands that come with the position and the technological abilities required, **Jessica** has continuously risen to each occasion providing assurance to citizens, thoroughly assessing each situation, and utilizing her skills to perform a service that is vital to the quality of life for our community; and

**WHEREAS,** In 2008, **Jessica** served as a Communications Training Officer, responsible for the in service training of new PSA's assigned to the Communications section. She also goes above and beyond by volunteering her time to assist with the annual Police Memorial Day Ceremony and assisting needy families during the holiday season by organizing the Communications Section's collection of gifts; and

**WHEREAS,** Through **Jessica's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Jessica Morse** on the occasion of being chosen **2008 Non-Sworn Employee of the Year by the Troy Police Department.**

**BE IT FURTHER RESOLVED** that the City Council commends **Jessica** for her leadership, dedication and commitment to providing the best possible service to the citizens of Troy and the Troy Police Department.

Presented this 1<sup>st</sup> day of June 2009.

**PROCLAMATION TO HONOR  
TONY PABIAN  
2009 FIRE FIGHTER OF THE YEAR**

**WHEREAS, Tony Pabian** has been a volunteer Fire Fighter since joining Troy's Fire Station 4 on October 14, 1985, more than 23 years ago; and

**WHEREAS,** His selection as **Fire Fighter of the Year** is due to his many years of dedication to the Troy Fire Department, having served with honor and dignity in all of his roles at the station, including leadership roles; and

**WHEREAS, Tony** has served as a Fire Fighter, Lieutenant, and Captain of Station 4. Additionally, Fire Fighter Pabian was selected as the Station Member of the Year for Station 4 in 1997; and

**WHEREAS,** In addition to being a committed and knowledgeable fire officer, **Tony** works tirelessly to develop and hone the skills of new firefighters within the department. He has volunteered to attend specialized training classes and then applies the knowledge gained to improve department operations and train other departments members; and

**WHEREAS, Tony** has represented Station 4 on the Safety Committee and the Firefighters Incentive Committee, and serves as Training Officer for his station. He is always willing to undertake special projects to improve department operations and capabilities as evidence by the leadership and effort he has provided to the rescue truck conversion project; and

**WHEREAS,** Through **Fire Fighter Tony's** leadership, commitment, hard work and countless hours of service, the Troy Fire Department has become even more efficient in its delivery of quality fire protection to the community;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fire Fighter Tony Pabian** on the occasion of being chosen **2009 Fire Fighter of the Year** by the Troy Fire Department.

**BE IT FURTHER RESOLVED** that the City Council commends **Tony** for his achievement, leadership and dedicated service to the citizens of Troy.

Presented this 1<sup>st</sup> day of June 2009.



## CITY COUNCIL ACTION REPORT

May 19, 2009

TO: John Szerlag, Acting City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Susan A. Leirstein, Purchasing Director  
Cathleen A. Russ, Library Director  
Steven A. Pallotta, Building Operations Director

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fire Alarm Panel Replacement Troy Public Library

### **Background**

- On May 7, 2009, bid proposals were received to replace the fire alarm panel of the Troy Public Library located at 510 West Big Beaver Road.
- The Troy Public Library fire alarm panel is the original fire alarm panel installed in 1982. The parts are obsolete and non-expandable.
- The Building Operations department has recently finished a five (5) year capital reserve project that encompasses the replacement of all HVAC equipment. With the replacement of the new HVAC equipment, smoke detectors were provided by code according to CFM of air delivery. With the existing fire alarm panel obsolete, and not expandable; the new smoke detectors could not be hard wired into the old fire alarm panel for notification of any alarms.
- In the Library Needs Assessment Study of 2007, it was recommended that the fire alarm panel be replaced, and the Youth Services area be retrofitted with a sprinkler system. This is the first phase of that multi-part project.
- Specifications to replace the fire alarm panel were developed by EAM Engineering Inc, of Troy Michigan. The specifications were reviewed by the Building Operations and Troy Fire departments.
- 57 vendors were notified via the MITN system with four (4) bid responses received. Two other vendors submitted proposals, but could not be considered; as they failed to meet bid surety requirements. Summit Electric, Inc of Troy, MI is the lowest acceptable bidder.
- Reference checks indicate previous customers are very satisfied with the work performed by Summit Electric, Inc who has been in business for 26 years.

### **Financial Considerations**

- Funding for this work is available in the Library Buildings and Improvements Capital Account #401.790.7975.900.

May 19, 2009

To: John Szerlag, Acting City Manager  
Re: Bid Award – Fire Alarm Panel Replacement Troy Public Library

### **Legal Considerations**

- ITB-COT 09-13, to replace the fire alarm panel at the Troy Public Library was competitively bid in accordance with City Charter and Code.
- The award is contingent upon contractor's submission of properly executed insurance certificates, bonds, and all other specified requirements.

### **Policy Considerations**

- Replacement will ensure long term life safety and property protection. (Outcome Statement I)
- Replacement of the fire alarm panel will provide long term stability to the City of Troy building infrastructure. (Outcome Statement II)

### **Options**

- City management and the Building Operations department recommend awarding a contract to replace the fire alarm panel at the Troy Public Library to the lowest acceptable bidder, Summit Electric, Inc of Troy, MI, who will complete the project for an estimated total cost of \$33,500.00, as detailed in the bid tabulation opened May 7, 2009.

Opening Date -- 5/07/09  
 Date Prepared -- 5/18/09

sl

CITY OF TROY  
 BID TABULATION  
 FIRE ALARM PANEL REPLACEMENT - Library

**ALTERNATE BID**

**BASE BID**

VENDOR NAME:	<b>Summit Electric, Inc.</b>	Wolverine Fire Protection	Wolverine Fire Protection
		Company	Company
CHECK #:	343785863	9096000879	9096000879
CHECK AMOUNT: 5%	<b>\$1,675.00</b>	\$2,750.00	\$2,750.00
<b>PROPOSAL: Fire Alarm Panel Replacement at the Troy Public Library</b>			
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$ 33,500.00</b>	\$ 43,577.00	\$ 44,074.00
<b>MANUFACTURED BY:</b>	<b>Gamewell</b>	Edward System Technologies	Gamewell
<b>MODEL:</b>	<b>600 Series</b>	10-500	600 Series
<b>Plus</b>	<b>Bid Bond</b>		
	<b>\$ 875.00</b>		
<b>INSURANCE:</b> Can Meet Cannot Meet	XX	XX	XX
<b>CONTACT INFORMATION</b>			
Hrs of Operation	8 AM to 5 PM	7 AM to 5 PM	7 AM to 5 PM
24 Hr Phone No.	248-689-0300	800-530-9006	800-530-9006
<b>SITE INSPECTION:</b> Y/N (Mandatory) Date	Yes 4/29/2009	Yes 4/29/2009	Yes 4/29/2009
<b>COMPLETION DATE:</b>	<b>June 20, 2009</b>		
Can Meet Cannot Meet	XX	XX	XX
<b>PROGRESS PAYMENTS</b>	Blank	Progress Monthly Net 30	Progress Monthly Net 30
<b>BIDDER QUESTIONNAIRE:</b> Y or N Attached	Yes	Yes	Yes
<b>PAYMENT TERMS:</b>	Net 30	Net 30	Net 30
<b>WARRANTY:</b>	<b>AS SPECIFIED</b>		
<b>EXCEPTIONS:</b>	Blank	Blank	Blank
<b>ACKNOWLEDGEMENT:</b> Y or N	Yes	No	No
<b>SCHEDULE OF VALUES:</b> Y or N	Yes	Yes	Yes
<b>ADDENDUM 1:</b> Y or N	No	No	No

**ATTEST:**

Diane Fisher  
 Eric Caloia  
 Steve Pallotta  
 Linda Bockstanz

**BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**

Susan Leirstein CPPB  
 Purchasing Director

Opening Date -- 5/07/09  
 Date Prepared -- 5/18/09

sl

CITY OF TROY  
 BID TABULATION  
 FIRE ALARM PANEL REPLACEMENT - Library

ITB-COT 09-13  
 Pg 2 of 2

VENDOR NAME:		Fire Systems of Michigan Inc.		
CHECK #:		1250567329		
CHECK AMOUNT:	5%	\$2,916.38		
<b>PROPOSAL: Fire Alarm Panel Replacement at the Troy Public Library</b>				
<b>COMPLETE FOR THE SUM OF:</b>		\$ 59,827.50		
<b>MANUFACTURED BY:</b>		Gamewell		
<b>MODEL:</b>		Alternate 7100 Series		
<b>INSURANCE:</b>	Can Meet Cannot Meet	XX		
<b>CONTACT INFORMATION</b>				
Hrs of Operation		8 AM to 5 PM (M-F)		
24 Hr Phone No.		313-255-0053		
<b>SITE INSPECTION:</b>	Y/N	Yes		
(Mandatory)	Date	4/29/2009		
<b>COMPLETION DATE:</b>		<b>June 20, 2009</b>		
	Can Meet Cannot Meet	XX		
<b>PROGRESS PAYMENTS</b>		Net 30 days		
<b>BIDDER QUESTIONNAIRE:</b>	Y or N	Yes		
	Attached			
<b>PAYMENT TERMS:</b>		Net 30 days		
<b>WARRANTY:</b>		<b>AS SPECIFIED</b>		
<b>EXCEPTIONS:</b>		Alternate - Gamewell FCI 7100 Series		
		2 Yr Maintenance Bond included (3 Yr not available)		
<b>ACKNOWLEDGEMENT:</b>	Y or N	Yes		
<b>SCHEDULE OF VALUES</b>	Y or N	Yes		
<b>ADDENDUM 1:</b>	Y or N	No		

DMS:

Simplex Grinnell Reason: Company check submitted, not acceptable - Bid surety requires cashier's check, certified check or money order as specified. Returned bid documents and check to Eric Kosche at time of bid opening.  
 Shaw Fire Detection Services (\$31,500) Reason: Company check submitted, not acceptable - Bid surety requires cashier's check, certified check or money order as specified. (Company not in attendance at bid opening, letter sent)



## CITY COUNCIL ACTION REPORT

May 18, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Pool Maintenance and Repair Services

### **Background**

- On June 4, 2007, Troy City Council approved a two-year contract for pool maintenance and repair on City pools (outdoor and indoor), excluding pumps, with two one-year options to renew. CC Res #2007-06-172-E4a
- This contract is for emergency and regular maintenance/repairs needed at the Troy Family Aquatic Center and Community Center Indoor Pool, excluding pumps, which is covered under another contract.
- B & B Pools and Spas of Livonia has agreed to renew the current contract under the same prices, terms and conditions until June 30, 2010.
- The Purchasing department conducted a market survey and determined no benefit would be derived from soliciting additional sealed bids at this time, as labor and material costs are expected to remain the same.
- Since 2001, B & B Pools and Spas has provided pool services and chemicals as needed. They continue to be reliable and trustworthy.
- Building operations also assists with the general maintenance and repair on the pools.

### **Financial Considerations**

- Funding for the maintenance and repair is available in the Parks and Recreation operating budgets for the Troy Family Aquatic Center (787.7802.070 and 787.7802.150), and Community Center (755.7802.070 and 755.7802.150).

### **Legal Considerations**

- ITB-COT 06-62, two-year requirements of pool maintenance and repairs for both indoor and outdoor pools with two (2) one-year options to renew was competitively bid, in accordance with City Charter and Code.

### **Policy Considerations**

- B & B Pools and Spas has the expertise to ensure general and emergency repairs are done to keep the facility in good working order. (Outcome Statement I)
- The services will ensure that equipment is up to date, which will provide the safest environment for community use. (Outcome Statement I)
- The repair and maintenance services ensure that the cost of repairs and maintenance are minimal and that they are made in a timely fashion to ensure limited closure to the public. (Outcome Statement II)
- The service will allow us to continue to repair and update equipment as needed to retain investment and attract additional customers. (Outcome Statement II)

May 18, 2009

To: John Szerlag, Acting City Manager  
Re: Exercise Renewal Option – Pool Maintenance and Repair Services

**Options**

- City management and the Parks and Recreation department recommend exercising the first of two one-year options to renew pool maintenance and repairs on City pools (outdoor and indoor), excluding pumps with B & B Pools and Spas of Livonia, MI, under the same prices, terms and conditions to expire June 30, 2010.

May 12, 2009

TO: Susan Leirstein  
Purchasing Director

FROM: Linda N. Bockstanz  
Associate Buyer

RE: MARKET SURVEY – Pool Maintenance & Repairs

CLEARWATER POOLS & SERVICE OF ANN ARBOR – Jeff Erkfritz (734) 669-8990

Jeff has indicated that prices for pool maintenance and repairs will be the same for their company. Emergency repairs and travel time also stay the same. Repair parts are somewhat level in costs. There are no new products or parts at this time.

Based upon the above comments, I respectfully recommend that the City accept the option to renew the pool maintenance and repair contract with the current vendor, B&B Pools and Spa based on market conditions that costs and materials are expected to stay the same.

CC: File

G:\Purchasing\Bid Award 08-09 New Format\Award Standard Purchasing Resolution 3 – MARKET SURVEY – PoolMtnce 05.09.doc



April 22, 2009

Attn: Mr. Bill Babcock  
B & B Pools and Spas  
29440 6 Mile Road  
Livonia, MI, 48152-3602  
Fax: (734) 522-0311

Dear Mr. Babcock:

The City of Troy entered into contract #20601054 OB with B & B Pools and Spas to provide two-year requirements to furnish all labor, tools, material, equipment, and supervision to perform service/maintenance and repair on the City of Troy Pools (1) outdoor and (2) indoor and mechanical systems, excluding pumps expiring June 30, 2009. This contract contained an option for two one-year renewal options under the same prices, terms and conditions as the original contract. If a new parts price list is to be submitted within the terms and conditions of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please fax this letter back to Ann Blizzard at Parks and Recreation indicating if B & B Pools and Spas wishes to renew this contract until June 30, 2010. The fax number is (248) 689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

**Check One:**

**B & B Pools and Spas is interested in renewing the contract under the same prices, terms, and conditions:**

**B & B Pools and Spas is not interested in renewing the contract:**

X Bill Babcock

Signed: Authorized Company Representative

Date: 5-7-09

Thank you,  
Ann Blizzard  
Parks and Recreation  
City of Troy

**MOTION CARRIED****POSTPONED ITEMS:**

---

**D-1 No Postponed Items****CONSENT AGENDA:**

---

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

Resolution #2007-06-172

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-9, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

---

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

Resolution #2007-06-172-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of May 21, 2007 be **APPROVED** as submitted.

---

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

Resolution #2007-06-172-E-3a

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:

- a) Boy Scout Troop 1702 – Celebrating 25 Years

---

**E-4 Standard Purchasing Resolutions**

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

Resolution #2007-06-172-E-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two-year requirements of pool maintenance and repairs for both indoor and outdoor pools at the Troy Family Aquatic Center and Community Center with two (2) one-year options to renew to the low bidder, B and B Pools and Spas of Livonia, MI, at rates contained in the bid tabulation opened March 27, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of June 30, 2009; 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.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Type ‘K’ Copper Tubing**

Resolution #2007-06-172-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** the contract to purchase Type “K” Copper Tubing to the low bidder SLC Meter Service, Inc. of Davisburg, MI, for an estimated total cost of \$79,170.00, at unit prices contained in the bid tabulation opened May 24, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Major Street Pavement Marking Program**

Resolution #2007-06-172-E-4c

WHEREAS, On August 1, 2005 two-year requirements of major street pavement marking with an option to renew for one additional year was awarded to the low bidder, P.K. Contracting, Inc. of Troy, MI (Resolution #2005-08-375-E-4b), and

WHEREAS, P.K. Contracting, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for one additional year to provide major street pavement marking with amended construction quantities with P.K. Contracting, Inc. of Troy, MI, under the same contract prices as the 2006/07 season to expire June 30, 2008.

**d) Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair**

Resolution #2007-06-172-E-4d

WHEREAS, On October 23, 2006 contracts to complete the concrete pavement repair program for 2006/07 with an option to renew for one (1) additional year was awarded to the three lowest bidders, Hard Rock Concrete, Inc. of Westland, Michigan for proposal A, A-1, Local Roads; Six-S, Inc. of Waterford, Michigan for proposal B – Major Roads; and Major Cement Company of Detroit, Michigan for proposal C – Industrial Roads at unit prices contained in the bid tabulation opened on October 10, 2006 (Resolution #2006-10-320-E4e); and

WHEREAS, All three contractors have agreed to exercise the one-year option to renew under the same prices, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts for one additional year to provide concrete pavement repair for 2007/08 with amended construction quantities with Hard Rock Concrete, Inc., Six-S, Inc. and Major



## CITY COUNCIL ACTION REPORT

May 24, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Pool Maintenance and Repair Services

### **Background**

- On March 27, 2007, bids were opened to provide two (2) years of maintenance and repair services for the Troy Family Aquatic Center and Community Center Pools (excluding pumps), with two (2) additional one (1) year options to renew.
- 72 Vendors were notified via the MITN system with two bidders responding.
- Services covered include emergency and regular repairs needed at the Troy Family Aquatic Center and Community Center Indoor Pool excluding pumps, which is covered under another contract.

### **Financial Considerations**

- Funds to provide these services are available in the 2007/08 Budget in the Troy Family Aquatic Center Accounts #787.7802.070 and #787.7802.150 and the Troy Community Center Accounts #755.7802.070 and #755.7802.150.

### **Legal Considerations**

- ITB-COT 06-62 for two (2) year requirements of pool maintenance and repairs for both indoor and outdoor pools at the Troy Family Aquatic Center and Community Center with two (2) one-year renewal options was competitively bid and opened with two bidders responding.
- All bidders were given the opportunity to respond with their level of interest in supplying pool maintenance and repairs at the Troy Family Aquatic Center and Community Center pools.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance and all other specified requirements.

### **Policy Considerations**

- The repair and maintenance bid ensures that the cost of repairs and maintenance are minimal and that they are made in a timely fashion to ensure limited closure to the public. (Goal II)
- The bid will ensure that equipment is up to date which will provide the safest environment for community use. (Goal I)
- The bid will allow us to continue to repair and update equipment as needed to retain investment and attract additional customers. (Goal III)

### **Options**

- City management and the Parks and Recreation Department recommend awarding a two (2) year contract for pool maintenance and repairs for both indoor and outdoor pools at the Troy Family Aquatic Center and

To: Phillip L. Nelson, City Manager  
Re: Bid Award – Pool Maintenance and Repair Services

**Options** continued

Community Center with two (2) one-year renewal options to the low bidder, B and B Pools and Spas, of Livonia, Michigan, at rates contained in the bid tabulation opened March 27, 2007, to expire June 30, 2009.

bg G:\Bid Award 06-07 NewFormat\Award Standard Purchasing Resolution 1 – PoolMtnce-Repairs05.07.doc

Opening Date -- 3/27/07  
 Date Prepared -- 4/17/07

CITY OF TROY  
 BID TABULATION  
 POOL MAINTENANCE & REPAIRS

VENDOR NAME:

**	<b>B &amp; B Pools &amp; Spa</b>	Clearwater Pools and	
		Service of Ann Arbor	

***PROPOSAL: FURNISH Two Year REQUIREMENTS OF POOL MAINTENANCE & REPAIRS FOR BOTH INDOOR AND OUTDOOR POOLS AT THE TROY FAMILY AQUATIC CENTER & COMMUNITY CENTER WITH Two-One Year RENEWAL OPTIONS***

EST QTY	ITEM	DESCRIPTION			
60 hrs	1	<b>Repair Service</b> Regular Time - Hour per Man (2 man crew)	\$	75.00	\$130.00/1st hour \$76.00/after 1st hour
40 hrs	2	<b>Emergency Repairs</b> Regular Time - Hour per Man Overtime: - Hour per Man Holiday Time - Hour per Man (2 man crew)	\$	75.00	\$ 76.00
				Blank	\$ 86.00
				Blank	\$ 112.00
	3	<b>Travel Time</b> Complete Repair Call		N/A	\$ 55.00
	4	<b>Repair Parts</b> Discount % Parts Price List Dated		Blank	Blank
				Blank	Blank
				Blank	Blank
		A Markup/Markdown		City will receive trade or sale price on all parts	15% Markup added
		SITE INSPECTION: Yes or No Date		Current supplier for City	No
		CONTACT INFORMATION: Hrs of Operation		8am - 5pm	M-Sat 8am-6pm
		Contact Number		734-427-3242	734-216-2503
		INSURANCE: Can Meet Cannot Meet Signed Y or N		XX	XX
				Yes	Yes
		TERMS:		30 Days	Net 30
		WARRANTY:		All Manufacturers	30 Days
		DELIVERY DATE (S)		As needed	Blank
		EXCEPTIONS:		None	Price is for normal maint & repairs. Major repairs & marcite problems can be worked out at sq ft price. Cal-Hypo feeders need to be worked on w/supplier of chemicals.
		ACKNOWLEDGEMENT: Y or N		Yes	Yes

NO BIDS:  
Professional Pool Techs

**\*\* DENOTES LOW BIDDER**

ATTEST:  
Barbara A. Pallotta  
Brian Goul  
Julie Hamilton

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



## CITY COUNCIL ACTION REPORT

May 15, 2009

TO: John Szerlag, Acting City Manager

FROM: Susan Leirstein, Purchasing Director  
Cindy Stewart, Community Affairs Director

SUBJECT: Standard Purchasing Resolution 3 – Exercise Renewal Option –  
Photographic Services

### **Background**

- On June 19, 2006, a three-year contract to provide Photographic Services with an option to renew for three additional years was awarded to Laura K. Freeman Photography of Dearborn, MI, the highest scoring respondent as a result of a best value process with a final weighted score of 88, at an estimated cost of \$24,070.00 per year, which includes insurance. (Council Resolution #2006-06-261-E4b).
- A best value approach addresses ability, experience, and quality issues leading to a successful contract and reduction in risk of poor service for high profile photographic work for such projects as informational brochures, the City's website, the Community Directory, Annual Report and *Troy Today*.
- A letter is attached from Laura K. Freeman Photography indicating their agreement to renew the contract for Photographic Services under the same terms and conditions as the original contract. Laura K. Freeman Photography is not seeking any price increases.
- Due to the best value process used in evaluating the request for proposal, a market survey was not done; since the City utilizes an evaluation process in which bidders are required to meet minimum specified requirements, along with a weighted score for samples of their work from similar projects.
- The City may terminate this contract with thirty (30) days written notice.

### **Financial Considerations**

- Funds are available from the Community Affairs Department operating budget, account #748.7901.
- Laura Freeman's pricing is less than ½ when compared to the other bidder.

May 15, 2009

To: John Szerlag, Acting City Manager  
Re: Exercise Renewal Option –Photographic Services

### **Legal Considerations**

- RFQ/RFP 06-22, Photographic Services was competitively bid as required by City Charter and Code; and opened with two bidders responding.

### **Policy Considerations**

- The Community Affairs Department produces a variety of documents with a multitude of purposes to communicate both internally and externally, and enhance the two-way flow of public information. Photos are used for the City's website, quarterly newsletter, departmental brochures, financial reports, press releases, community directory, economic resource guide, etc. (Goal IV)

### **Option**

- City management recommends the Troy City Council exercise the option to renew the three-year contract for Photographic Services with Laura K. Freeman Photography for an estimated total cost of \$24,070.00 per year, which includes \$1,000.00 for insurance under the same prices, terms and conditions to expire June 30, 2012.

*Laura K. Freeman Photography*  
5066 Maple, Dearborn MI 48126  
313-581-3655 · lkfrmn@mail.com

---

Cynthia Stewart  
Community Affairs  
City of Troy  
500 West Big Beaver Road  
Troy Michigan 48084

April 2<sup>nd</sup> 2009

Dear Cindy,

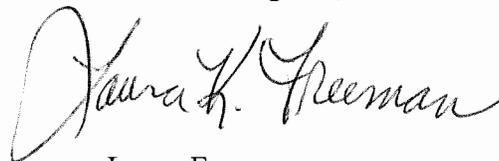
Laura Freeman Photography is pleased to extend our contract for photographic services with the City of Troy for another three year term beginning July 1, 2009 at the same price, terms and conditions as per RFP-COT 06-22 blanket order 2009-00000075.

Although there have been some increases in our printing, processing and travel costs, we are aware of the importance of holding the line on price increases to excellent customers like yourselves. Our relationship to the City of Troy is one we value highly and we are happy to offer your department consistent service at a dependable rate.

It has been a rewarding challenge producing the high quality photographs your excellent staff expects and deserves. Laura Freeman Photography is proud of the work we have collaborated on over the years, and looks forward to continuing to build upon those successes in the year to come.

Please feel free to contact me with any questions or comments you may have.

Warmest Regards,

A handwritten signature in cursive script that reads "Laura K. Freeman". The signature is written in black ink and is positioned above the printed name.

Laura Freeman

---

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

Resolution #2006-06-261-E-3

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:

- a) Parks and Recreation Month – July 2006
- 

**E-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – Michigan Municipal League (MML) 2006 Convention**

Resolution #2006-06-261-E-4a

RESOLVED, That those Council Members interested are **AUTHORIZED** to attend the 2006 MML Convention, September 27 – 29, 2006, in Marquette, Michigan in accordance with accounting procedures of the City of Troy.

- b) **Standard Purchasing Resolution 8: Best Value Award Photographic Services**

Resolution #2006-06-261-E-4b

RESOLVED, That a contract to provide three (3) year requirements of Photographic Services with an option to renew for three (3) additional years is hereby **AWARDED** to Laura Freeman Photography of Dearborn, MI, the highest scoring respondent as a result of a Best Value process, which the Troy City Council determines to be in the public interest at unit prices contained in the tabulation opened May 17, 2006, for an estimated cost of \$24,070.00 per year, which includes \$1,000.00 for insurance, with a contract expiration of June 30, 2009; and

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

- d) **Standard Purchasing Resolution 1: Award to Low Bidder Contract 06-5 Charnwood Hills Sanitary Sewer Phase I**

Resolution #2006-06-261-E-4d

RESOLVED, That Contract No. 06-5, Charnwood Hills Sanitary Sewer Phase I, be **AWARDED** to Tyger Excavating, Inc., 52188 Van Dyke, Suite 211, Shelby Township, MI 48316 at an estimated total cost of \$1,379,570.00; 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 such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost; and

---

June 9, 2006

To: John M. Lamerato, Acting City Manager

From: Jeanette Bennett, Purchasing Director  
Cindy Stewart, Community Affairs Director

Subject: **Agenda Item:** Standard Purchasing Resolution 8 – Best Value Award  
Photographic Services

---

### **RECOMMENDATION**

On May 17, 2006, two (2) proposals were opened for a three-year contract with an option to renew for three additional years to provide Photographic Services. It is respectfully recommended that a contract be awarded to **Laura Freeman Photography** of Dearborn, MI, the bidder providing the best value with a final weighted score of 88, at an estimated cost of \$24,070.00 per year, which included insurance. If approved by Council, this proposal shall be awarded to the recommended bidder contingent upon submission of proper proposal and contract documents, including insurance certificates and all other specified requirements.

Although Laura Freeman is the lowest total bidder, price is just one component in the “Best Value” approach to a Request for Proposal process. The award recommendation was based upon the vendor offering the best combination of a variety of factors, and not simply the lowest bidder meeting certain minimal requirements. A best value approach addresses ability, experience, and quality issues leading to a successful contract and reduction in risk of poor service for high profile photographic work for such projects as informational brochures, the Website, City Calendar/Annual Report and *Troy Today*.

### **BACKGROUND INFORMATION**

After completing the evaluation process, Laura Freeman Photography received the highest recommendations from the committee. In an effort to achieve the most positive image for our City publications and personnel working in the field, and supply the best service, proper quality at the right price; a best value approach was used to evaluate and award the contract.

Laura Freeman’s attributes include being reliable, prompt, professional, personable and effective in coaching subjects to achieve quality photos of people at events and in portraits. She is attentive to image content detail, flexible and willing to meet deadlines with or without extensive notice. All her equipment is in excellent operating condition. She is excellent in photographing a wide range of subject matter including but not limited to road construction, landscape, candid shots of people at events and activities, portrait, architecture, workplace activities and varied lighting conditions. She is able to work independently on multi-location assignments throughout the City. She has never disappointed our demands for deadlines, quality photography, delivery of prints, challenging multi-location requests. Laura has a full understanding of the multiple

June 9, 2006

To: John M. Lamerato, Acting City Manager  
Re: Bid Award – Photographic Services

**BACKGROUND INFORMATION** - continued

purposes for which photos are used (website, city calendar, quarterly newsletter, program and departmental brochures, financial reports, City facility artwork, news releases, etc.)

The effective date of the contract will be July 1, 2006, or upon City Council approval whichever is later, through June 30, 2009, with the option to renew the contract for an additional three (3) years.

**SELECTION PROCESS**

The Request for Proposal (RFP) documents were available from the City of Troy Purchasing department or through the Michigan Intergovernmental Trade Network (MITN) e-procurement website at [www.mitn.info](http://www.mitn.info).

The selection of the Photographic Services provider was based upon mandatory and weighted criteria including but not limited to compliance with proposal requirements, photographic samples, and price. Initially, if a bidder successfully passed all the mandatory requirements, the evaluation committee consisting of three City staff members evaluated the remaining bidders using a rating tool to review the photographic samples on a 100-point scoring scale. Prices were converted to a rating based upon one of the pricing tools that is acceptable to the National Institute of Governmental Purchasing. The equation used and the calculations are available in the Executive Summary attached. The final composite score was determined as follows—

50% Price  
40% Sample Photos Score  
10% Other  
  
100% = Total Average Weighted Score

**BUDGET**

Funds are available from the operating budget in the Community Affairs Department.

52 Vendors Notified via the MITN System  
33 Notices Distributed by Mail and E-mail  
2 Proposals Received

CITY OF TROY  
 TABULATION  
 PHOTOGRAPHIC SERVICES

Opening Date -- 5/17/06  
 Date Prepared -- 5/26/06

FIRM NAME:

**	<b>Laura K. Freeman</b>	Brendan Ross Photographer
	<b>Photography</b>	LLC

**PROPOSAL: TO PROVIDE THREE YEAR REQUIREMENTS OF PHOTOGRAPHIC SERVICES FOR THE CITY OF TROY WITH AN OPTION TO RENEW FOR THREE (3) ADDITIONAL YEARS**

VENDOR QUESTIONNAIRE (Yes or No)	Yes	Yes						
SAMPLES (Yes or No)	Yes	Yes						
ITEM	Est. Qty.	Description	Unit Price	Extension	Unit Price	Extension		
A.	55 Each	Half-Day Shoots	\$ 225.00	\$ 12,375.00	\$ 650.00	\$ 35,750.00		
B.	10 Each	Full-Day Shoots	\$ 400.00	\$ 4,000.00	\$ 1,000.00	\$ 10,000.00		
C.	130 Rolls	Develop 36 Exposure	\$ 10.00	\$ 1,300.00	\$ 25.00	\$ 3,250.00		
D.	130 Rolls	Roll of 4 x 6 reprints	\$ 30.00	\$ 3,900.00	\$ 14.50	\$ 1,885.00		
E.	120 Each	5 x 7 Enlargements	\$ 6.00	\$ 720.00	\$ 1.50	\$ 180.00		
F.	30 Each	8 x 10 Enlargements	\$ 10.00	\$ 300.00	\$ 7.50	\$ 225.00		
G.	5 Each	11 x 14 Enlargements	\$ 25.00	\$ 125.00	\$ 15.00	\$ 75.00		
H.	5 Each	16 x 20 Enlargements	\$ 40.00	\$ 200.00	\$ 28.50	\$ 142.50		
I.	6 Each	Albums per Specifications	\$ 25.00	\$ 150.00	\$ 55.00	\$ 330.00		
ESTIMATED GRAND TOTAL			**	\$ 23,070.00		\$ 51,837.50		
INSURANCE:	Can Meet				XX			
	Cannot Meet		XX	+\$1,000.00				
DELIVERY	Can meet schedule		XX		XX			
	Cannot meet but offers							
TERMS:			Blank		Blank			
EXCEPTIONS:			Blank		Blank			
ACKNOWLEDGEMENT:	Y or N		Yes		Yes			

\*\* DENOTES BEST VALUE PROPOSAL

ATTEST:  
 Laura Campbell  
 Susan Davis  
 Linda Bockstanz

Jeanette Bennett  
 Purchasing Director



## EXECUTIVE SUMMARY PHOTOGRAPHIC SERVICES

### STATISTICS:

- ◆ 52 Vendors notified via the MITN System
- ◆ 33 Notices were distributed by mail and e-mail to prospective bidders
- ◆ 2 responses were received
- ◆ Laura McGuire was the most qualified bidder by receiving the highest weighted score

**The following bidders submitted a proposal and received the indicated final scores:**

COMPANY	SCORE
Laura McGuire	88
Brendan Ross Photographer LLC	19.5

Attachments:

Weighted Final Scoring Including "Sample" Photo and Price Scoring  
Evaluation Process

## WEIGHTED FINAL SCORING PHOTOGRAPHIC SERVICES

### Final Score Calculation:

**50% x Price Score**  
**40% x Sample Photo Score**  
**10% x Other Score**

**100% Final Weighted Score**

\* In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100

### SAMPLE PHOTO SCORE:

Raters:	1	2	3	AVERAGE
Vendors:				
1. Laura McGuire	100	100	88	96
2. Brendan Ross Photographer LLC	68	64	68	66.67 = 67

### PRICING SCORES

Vendors:	FORMULA: $[1 - (\text{Proposal price} - \text{low price}) / \text{low price}] \times \text{available points}$
1. Laura McGuire	$[1 - (24,070 - 24,070) / 24,070 = 0 / 24,070 = 0] 1.0 \times 100 = 100$
2. Brendan Ross Photographer LLC	$[1 - (51,837.50 - 24,070) / 24,070 = -1.15] = -0.15 \times 100 = -15$

### FINAL WEIGHTED SCORE:

VENDORS:	Laura McGuire	Brendan Ross Photographer LLC
Score		
PRICE SCORE: (x .50) =	100 x .50 = 50	-15 x .50 = -7.5
SAMPLE PHOTO SCORE: (x .40) =	96 x .40 = 38.4 = 38	67 x .40 = 26.8 = 27
OTHER: (x .10) =	N.A.	N.A.
Final Score:	88**	19.5

Note: Raters did not assess "Other" points

\*\* HIGHEST RATED VENDOR – RECOMMENDED AWARD



## SELECTION PROCESS

### CRITERIA FOR SELECTION

The identified City Committee will review the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with qualifications criteria
- B. Completeness of the proposal
- C. Financial strength of the photographer
- D. Correlation of the proposals submitted to the needs of the City of Troy
- E. Any other factors which may be deemed to be in the City's best interest
- F. Evaluation Process

#### Phase 1: Qualifications Evaluation.

Bidders will be required to meet minimum established criteria in order to go to the second phase of the process. (Evaluation Sheet Proposal)

#### Phase 2: Sample Evaluation Process.

- o The City Committee will use a weighted scoring sheet to evaluate the required submitted samples.
- o Each Committee Member will calculate a weighted score.
- o The scores of the three Committee Members will be averaged into one score for each bidder for this phase of the process.

#### Phase 3: Price

Points for price will be calculated as follows:

##### **FORMULA:**

$$[1 - (\text{Proposal price} - \text{low price}) / \text{low price}] \times \text{available points}$$

#### Phase 4: Other

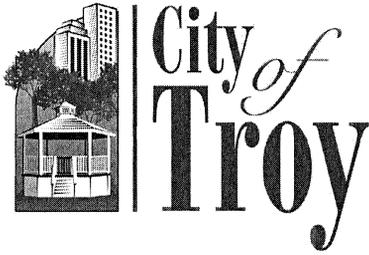
Proposals may be assessed "Other" points for items not specified, but for which the Evaluation Committee deems as outstanding.

#### Phase 5: Final Scoring and Selection

The highest final weighted scored will be the photographer recommended to the Troy City Council for Award.

50% x Price Score (100 pt. Base)	=
40% x Sample Photos Score (100 pt. Base)	=
10% x Other (100 pt. Base)	=
100%	Final Weighted Score

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.



## CITY COUNCIL ACTION REPORT

May 18, 2009

TO: Honorable Mayor and City Council

FROM: John Szerlag, Acting City Manager  
John M. Lamarato, Assistant City Manager/Finance & Administration  
Carol Anderson, Parks and Recreation Director

SUBJECT: Agenda Item: Medi-Go Service Agreement

### Background:

- Attached please find the annual agreement with Troy Medi-Go for 2009-2010. This agreement states that the City will fund Medi-Go \$180,000.00 or entire municipal and community credits transferred from SMART (whichever is more).
- The 2009-2010 budget includes estimated Troy Medi-Go funding. However, the entire amount of municipal and community credits received from SMART are transferred to Medi-Go. In 2008-2009, the amount was \$186,816.
- Municipal credits are state authorized funds that are given directly to the Suburban Mobility Authority for Regional Transportation (SMART) to be divided among every city, township and village in Oakland, Wayne and Macomb Counties on a per capita basis. Community credits are a direct result of the SMART millage that provides opt-in communities with additional funds. Troy's municipal and community credit dollars have been used to support the community based Troy Medi-Go Plus service. Medi-Go Plus provided over 13,600 rides to over 300 unique senior and disabled riders in 2008.

Financial Considerations:

- There is neither expense nor financial implications to the City for this program as long as municipal and community credits are received as anticipated.

Legal Considerations:

- There is no change to format and content of previous agreements with Medi-Go.

Policy Considerations:

- These funds must be used for local public transportation. Medi-Go provides door-to-door service and wheelchair accessible vehicles. For these reasons, Medi-Go is well suited for our frail elderly and disabled population. (Goal #1)

Options:

It is recommended that the City Council approve the agreement with Troy Medi-Go Plus authorizing funding, which is anticipated to be reimbursed with municipal and community credits from SMART.

**Where legal review is necessary:**

Approved as to Form and Legality: \_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

Prepared by Carla Vaughan

**AGREEMENT BETWEEN  
THE CITY OF TROY, MICHIGAN AND TROY MEDI-GO PLUS**

This agreement is made by and between the City of Troy, Michigan, a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter called "Troy", and Troy Medi-Go Plus, a Michigan non-profit corporation whose address is 3179 Livernois, Troy, Michigan 48083, hereinafter called "Medi-Go".

**PURPOSE**

To provide financial support from Troy to Medi-Go Plus for the purpose of maintaining a program to provide transportation service for senior citizens and physically handicapped residents of Troy, Michigan.

**MEDI-GO RESPONSIBILITIES**

Medi-Go shall provide the following services for senior citizens and physically handicapped individuals who are residents of Troy through the fiscal year, July 1, 2009, through June 30, 2010:

1. Provide four (4) passenger vans with handicapped lifts operating approximately forty (40) hours per week.
2. Provide experienced and properly licensed drivers to operate the passenger vans. Those drivers' traffic records shall be screened by Medi-Go to insure that those drivers have good driving records and will not be a threat to the users health, safety or welfare.
3. Arrange for storing the passenger vans.
4. Provide a central scheduling person to implement the transportation services.

**MEDI-GO FURTHER AGREES:**

1. To maintain fiscal records and files, including appropriate income and expense ledgers.
2. To permit an independent auditor representing Troy to audit accounts of income and expenses relating to Troy's contribution with findings to be submitted to Troy.
3. To comply with all state and local regulations covering the use of passenger vans.

4. To indemnify, save and hold harmless Troy, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees and legal expenses, which may arise from, be caused directly by or in any way relate to the service provided by, or any act or omission of Medi-Go or its officers, directors, employees, agents or volunteers.
5. To furnish information requested by Troy indicating the use of the service by the senior citizens and handicapped residents of Troy.
6. Prior to execution of this Agreement by Troy, Medi-Go shall furnish a copy of a certificate of insurance indicating coverage for general liability, automobile liability and workers' compensation liability. Medi-Go shall maintain insurance as set out in this paragraph during the term of this Agreement.
7. Medi-Go shall not assign this Agreement to any other individual or entity without Troy's prior approval.

**TROY'S RESPONSIBILITIES:**

1. Provide general fund payment of \$180,000.00 or entire municipal and community credits transferred from SMART (whichever is more) to be paid on or after July 1, 2009. (Intent is for Medi-Go to receive not less than \$180,000 total funding.)
2. Recognize Medi-Go's autonomy in determining its own personnel and operating policies.
3. Assist, if possible, in disseminating information about the service to senior citizens and handicapped residents of Troy.
4. Make available at the Troy Community Center information regarding the Medi-Go service.

**AGREEMENT PERIOD:**

This agreement is in full force and effect from July 1, 2009, through June 30, 2010.

**CONTRACT APPROVAL:**

**CITY OF TROY**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor Tonni Bartholomew, City Clerk

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

**TROY MEDI-GO**

By: Ron Ristau By: Dan P Mayville  
Ron Ristau, President Dan Mayville, Treasurer

Date: 5-18-09 Date: 5/15/09



# CITY COUNCIL ACTION REPORT

May 14, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Request to Abandon Part of an Original Sanitary Sewer Easement,  
 Troy Commons, LLC, Sidwell #88-20-22-477-062

## Background:

- In connection with the redevelopment of the northwest corner of Rochester and Big Beaver roads, part of an existing sanitary sewer requires abandonment to make way for the construction of a planned McDonald's restaurant facility.
- The City Engineering Department has reviewed the request and has no objection to the abandonment of part of the original easement as recorded in L6438, P8 of the Oakland County Register of Deeds.

## Financial Considerations:

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

## Legal Considerations:

- The format and content of this document is consistent with Quit Claim deeds previously granted by the City as part the process to abandon easements.

## Policy Considerations:

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

QUIT CLAIM DEED

Sidwell # 88-20-22-477-062  
Resolution #2009-06

The Grantor, **THE CITY OF TROY**, a Michigan municipal corporation, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **TROY COMMONS, LLC**, a Michigan limited liability company, Grantee, whose address is 1334 Maplelawn, Troy, MI 48084, the following described premises, a portion of a sanitary sewer that was previously recorded in L6438 P8, situated in the City of Troy, County of Oakland and State of Michigan:

PART OF LOTS 20 AND 24 OF THE PLAT "SUPERVISORS PLAT NO.9" AS RECORDED IN LIBER 46 OF PLATS, PAGE 41, OAKLAND COUNTY, MICHIGAN RECORDS, BEING PART OF THE SOUTHEAST QUARTER OF SECTION 22, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, S 88°5'28" E, 2170.55 FEET; THENCE N01°8'32" E, 33.00 FEET; THENCE N 13°02'04" E, 70.51 FEET; THENCE N 88°51'28" W, 5.93 FEET; TO THE POINT OF BEGINNING; THENCE S 13°58'04" W, 23.18 FEET, THENCE N 76°06'03" W, 16.00 FEET; THENCE N13°58'04" E, 162.00 FEET; THENCE S 76°06'03" E, 16.00 FEET; THENCE S13°58'04" W, 138.82 FEET TO THE POINT OF BEGINNING.

For the sum of One Dollar (\$ 1.00)  
Exempt under MCL 207.505(h)(i) and MSA 7.456 (5)(h)(i)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

By \_\_\_\_\_  
\* Louise E. Schilling, Mayor

By \_\_\_\_\_  
\* Tonni L. Bartholomew, City Clerk

STATE OF MICHIGAN            )  
COUNTY OF OAKLAND        )

The foregoing instrument was acknowledged before me the \_\_\_\_\_ is day of \_\_\_\_\_ 2009 by Louise E. Schilling, Mayor and Tonni L. Bartholomew, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

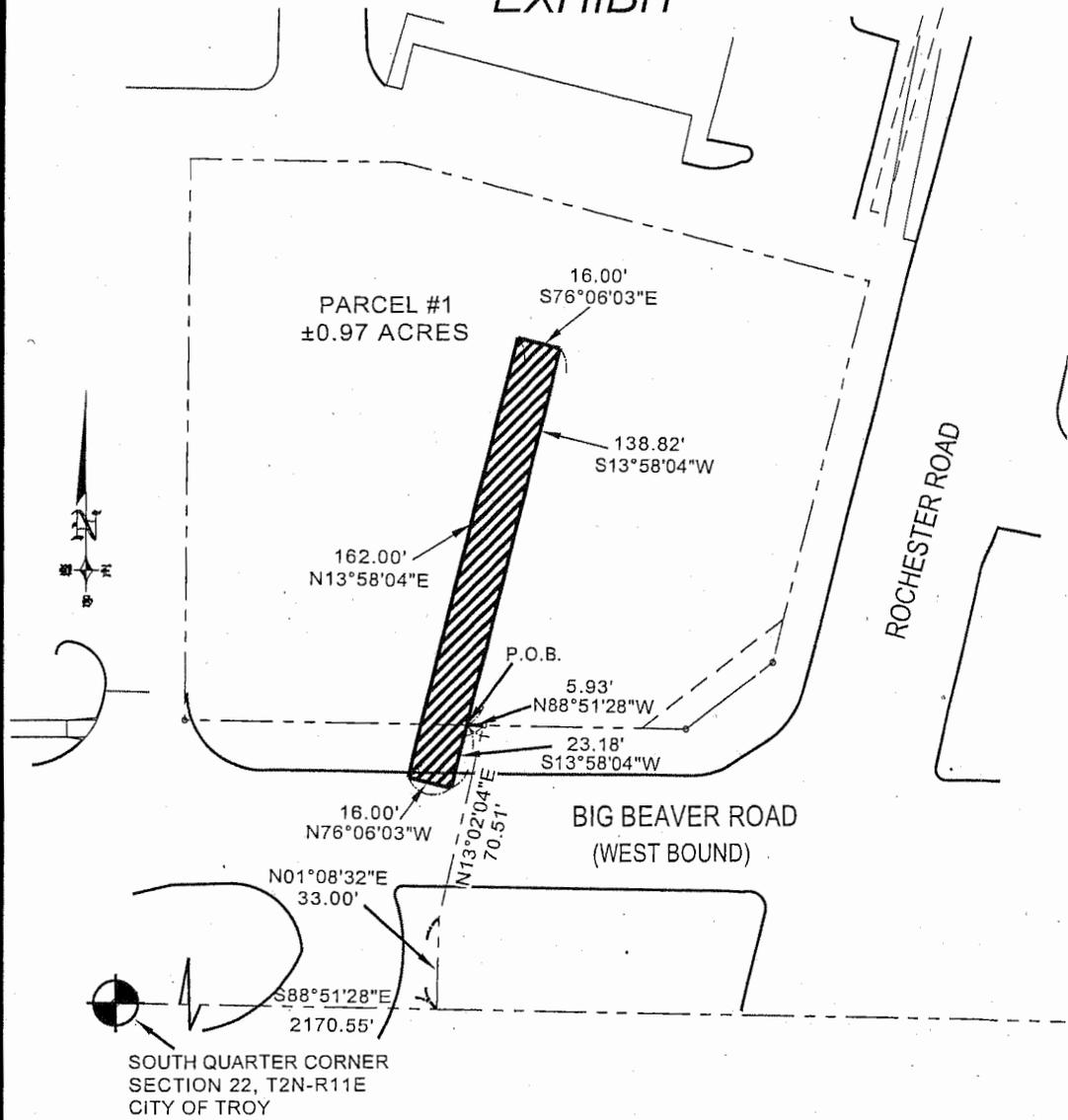
\_\_\_\_\_  
\*  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County, MI

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

Tax Parcel # 88-20-22-477-062 Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

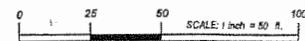
# ABANDONMENT EXHIBIT



**SANITARY SEWER  
 ABANDONMENT DESCRIPTION:**

PART OF LOTS 20 AND 24 OF THE PLAT "SUPERVISORS PLAT NO. 9", AS RECORDED IN LIBER 46 OF PLATS, PAGE 41, OAKLAND COUNTY, MICHIGAN RECORDS, BEING PART OF THE SOUTHEAST QUARTER OF SECTION 22, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 88 DEGREES 51 MINUTES 28 SECONDS EAST, 2170.55 FEET; THENCE NORTH 01 DEGREES 08 MINUTES 32 SECONDS EAST, 33.00 FEET; THENCE NORTH 13 DEGREES 02 MINUTES 04 SECONDS EAST, 70.51 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 28 SECONDS WEST, 5.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 13 DEGREES 58 MINUTES 04 SECONDS WEST, 23.18 FEET; THENCE NORTH 76 DEGREES 06 MINUTES 03 SECONDS WEST, 16.00 FEET; THENCE NORTH 13 DEGREES 58 MINUTES 04 SECONDS EAST, 162.00 FEET; THENCE SOUTH 76 DEGREES 06 MINUTES 03 SECONDS EAST, 16.00 FEET; THENCE SOUTH 13 DEGREES 58 MINUTES 04 SECONDS WEST, 138.82 FEET TO THE POINT OF BEGINNING.

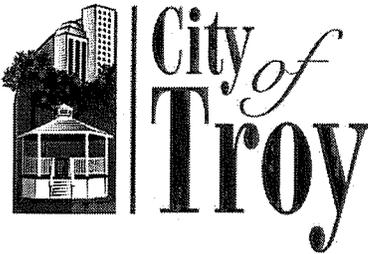


- - Found Survey Corner
  - - Set Survey Corner
- Sheet 1 of 1

## DIFFIN Development Consultants

CIVIL ENGINEERING • SURVEYING • CONSTRUCTION SERVICES  
 24353 TARA DRIVE, SOUTH LYON, MI 48178  
 PH: (248) 943-8244, FAX: (866) 690-4307  
 WEB: www.diffindevelopment.com

SANITARY SEWER ABANDONMENT	
MCDONALD'S BIG BEAVER & ROCHESTER TROY, MICHIGAN	
Date:	3-27-09
Drawn By:	WU
Approved By:	MD
Project No.:	080501
Drawing No.:	1



# CITY COUNCIL ACTION REPORT

May 26, 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 *pat*

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

Background:

- In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department is seeking authorization to make an unconditioned offer for the acquisition of the property at 3545 Rochester Road. As part of our negotiations the property owner will be given a written offer for the City of Troy to acquire both the real estate and fixtures, and the owner will have the option to retain the existing building and remaining land. 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 those claims will be forwarded to you in the future. This parcel is located at the southwest corner of Rochester and Colebrook in Section 22.

<u>PARCEL</u>	<u>SIDWELL</u>	<u>OWNERS</u>	<u>ESTIMATED COMPENSATION</u>
30	22-277-027	BG's, LLC	\$230,000 real estate \$ 60,000 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 \$230,000 for the acquisition of the real estate and an amount not to exceed \$60,000 for the acquisition of fixtures are justifiable amounts for this acquisition, based on the appraised values.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

Legal Considerations:

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

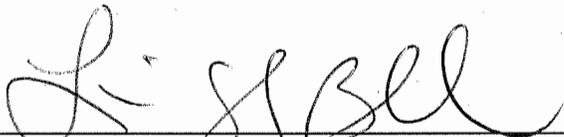
Policy Considerations:

- 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.

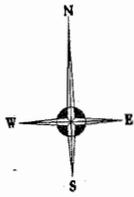
Approved as to Form:

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

# RIGHT OF WAY ACQUISITION

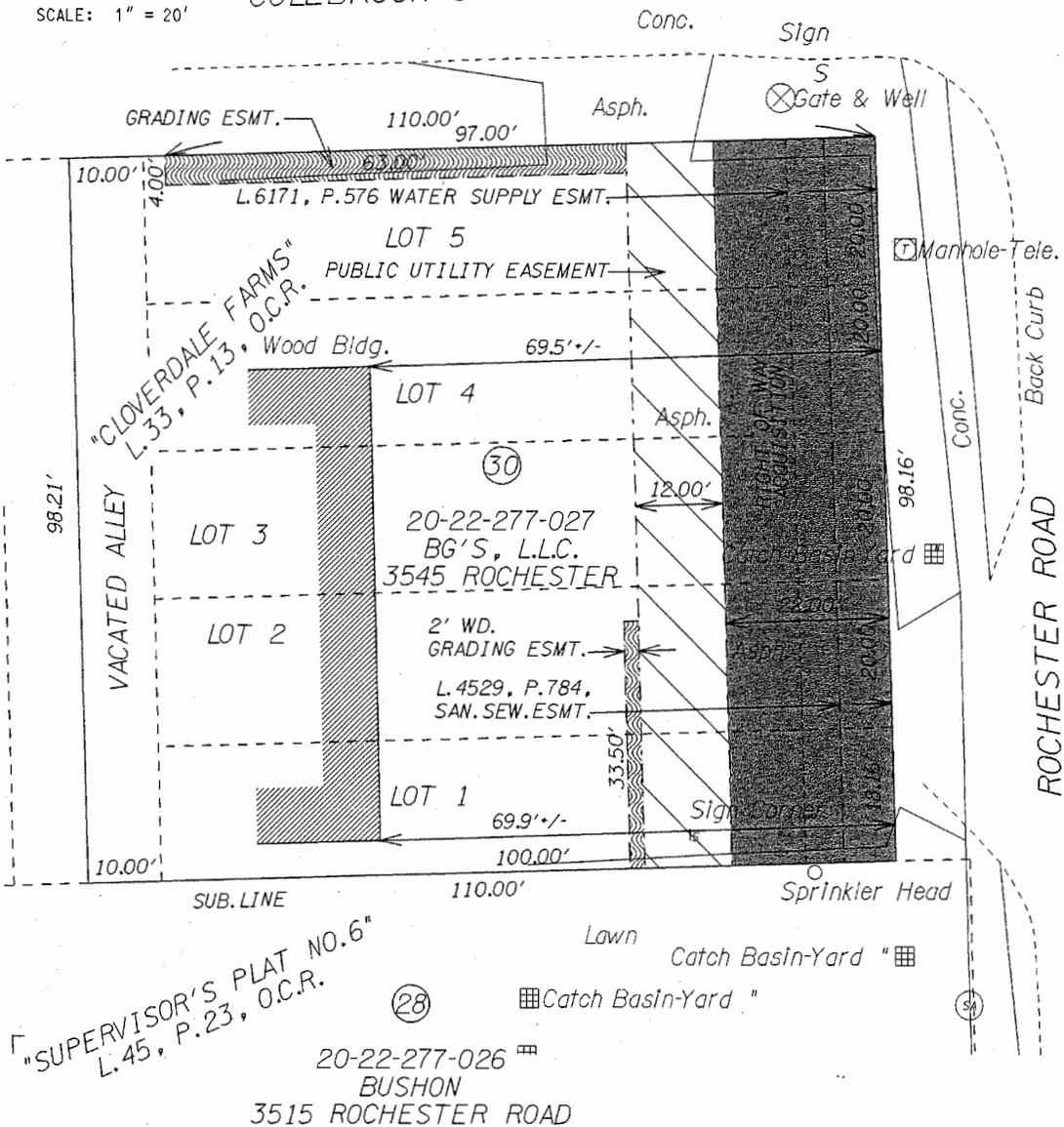
## EXHIBIT 'B' PARCEL 30

NOTE: DESCRIPTION TAKEN FROM RECORD.



SCALE: 1" = 20'

COLEBROOK STREET



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

20-22-277-026  
BUSHON  
3515 ROCHESTER ROAD

20-22-277-027  
BG'S, L.L.C.  
TOTAL AREA = 10,800 S.F.  
R.O.W. ACQUISITION = 2,160 S.F.  
REMAINDER = 8,640 S.F.  
PUBLIC UTILITY EASEMENT = 1,178 S.F.  
GRADING EASEMENT = 319 S.F.

R.O.W. ACQUISITION - [Shaded Box]  
UTILITY EASEMENT - [Diagonal Lines Box]  
GRADING EASEMENT - [Wavy Lines Box]

DESIGN FILE: F:\1999\19990476\19990476.dwg  
 USER NAME: dhrbort  
 QJUEJE - Nazim CPBMTIFF  
 CUR, TBL - T:\standards\user\gordon\vector\2\HFEW, TBL - T:\standards\user\gordon\vector\2\HFEW, TBL - T:\standards\user\gordon\vector\2\HFEW - 03-JAN-2008 14:46

REV. 01-03-08

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC.	SHEET NO. 2
DATE 10-08-07	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	OF 2
	P.O. BOX 824 48303-0824	



## CITY COUNCIL REPORT

DATE: May 26, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Public Hearing – Preliminary Development Plan Approval – BBK Mixed Use Project – Northeast corner of Big Beaver and Kilmer, Section 22, Currently Zoned PUD-10

A public hearing is scheduled for the June 15, 2009 City Council Regular meeting.

The applicant proposes a mixed-use Planned Unit Development (PUD) on the 2.553-acre parcel. The project includes 14 residential units and 19,226 gross square feet of retail. The applicant proposes sustainable elements such as a green roof system on the retail component.

At the December 15, 2008 Regular meeting, City Council granted Concept Development Plan (CDP) Approval of PUD 10. This approval had the effect of rezoning the property to PUD, approving the Concept Development Plan and PUD Agreement, and permitted the applicant to submit a Preliminary Development Plan (PDP).

The applicant submitted a Preliminary Development Plan as per Section 35.50.02. Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared the attached memorandum and report which summarize the project and recommends Preliminary Development Plan Approval. The report finds that the proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.

The Planning Commission recommended Preliminary Development Plan Approval of PUD 10 at the March 10, 2009 Regular meeting, provided six issues are resolved prior to submission to the Troy City Council. These six issues are as follows: (1) the six on-street parking spaces must be replaced on Kilmer Drive; (2) Tree Preservation Plan must be included in the site plan package; (3) landscape calculations must be provided on Sheet L-1; (4) executed landscaping easements must be submitted; (5) the drafting error in the PUD Agreement must be corrected (a mutual mistake incorrectly describing the square footage of the retail buildings); and (6) the applicant must meet with the residents concerning the use of their driveways as turn arounds. Subsequent to these meetings, the concerns of the residents are greatly reduced. The applicant addressed the six items required by the Planning Commission.

As noted, one of the recommendations made by the Planning Commission was for the applicant to submit executed easements for landscaping on the residential properties to the north of the project.

While acquiring these landscape easements, one of the abutting residential neighbors to the north indicated what they preferred instead of the proposed wall along the northern property line of the PUD. The applicant worked with the neighbor and the Planning Commission to design a combination wall and fence with common design elements as the buffer between the residents and the project. The Planning Commission held a public hearing on this item and approved the revision at the May 12, 2009 Regular meeting.

City Management recommends approval of the Preliminary Development Plan for PUD 10 as submitted.

Approved as to Form and Legality:

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

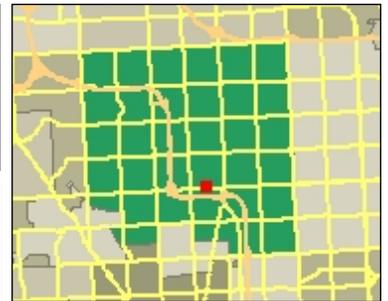
Attachments:

1. Maps.
2. Memorandum prepared by Carlisle/Wortman Associates, Inc., dated May 7, 2009.
3. Report prepared by Carlisle/Wortman Associates, Inc., dated March 5, 2009.
4. City Council minutes from the December 15, 2008 Regular meeting.
5. Planning Commission Minutes from the March 10, 2009 Regular meeting.
6. Planning Commission Minutes (draft) from the May 12, 2009 Regular meeting.
7. Amendment to PUD Development Agreement Correcting Typographical Error
8. Public comment.

Prepared by RBS/MFM

cc: Applicant  
Richard Carlisle, Carlisle/Wortman Associates  
File /PUD 10

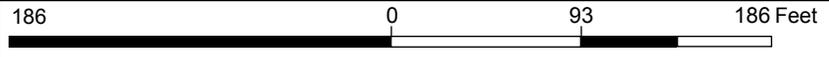
G:\PUD's\PUD 010 Big Beaver Kilmer\CC Reports\Announce CC Public Hearing 06 01 09.doc



**Legend**

- I-75
- Road Centerline**
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008**
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

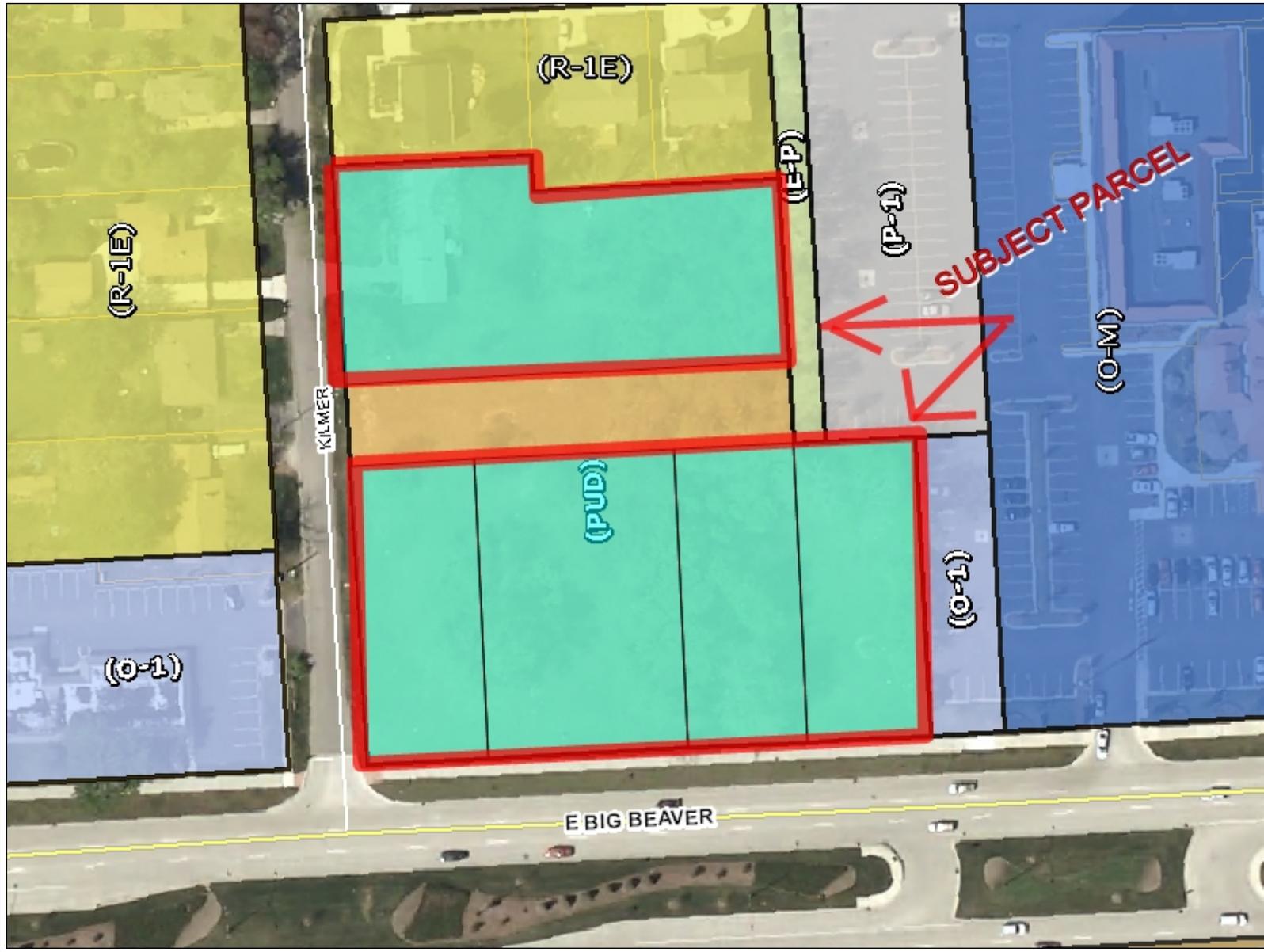
1: 1,115



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.

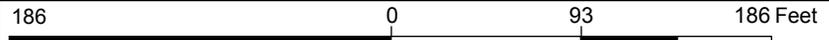
**Notes**  
 PUD 10 BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT, SECTION 22, ZONED PUD 10



**Legend**

- I-75
- 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 Dis
  - (R-EC) Residential Elder Care
  - (P-1) Vehicular Parking District
  - (H-S) Highway Service District
  - (M-1) Light Industrial District
  - (O-1) Office Building District
  - (O-M) Office Mid-Rise District
  - (OSC) Office Service Commercial I
  - (PUD) Planned Unit Development
  - (CR-1) One Family Residential Clu
  - (R-1A) One Family Residential Dist
  - (R-1B) One Family Residential Dist
  - (R-1C) One Family Residential Dist
  - (R-1D) One Family Residential Dist
  - (R-1E) One Family Residential Dist
  - (R-1T) One Family Attached Reside
  - (R-2) Two Family Residential Distri
  - (R-M) Multiple Family Residential I
  - (RM-1) Multiple Family Residential
  - (RM-2) Multiple Family Residential
  - (RM-3) Multiple Family Residential
- Hydrography Poly
- Hydrography Arc

1: 1,115



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**

PUD 10 BIG BEAVER KILMER PLANNED UNIT DEVELOPMENT, SECTION 22, ZONED PUD 10



**CARLISLE/WORTMAN ASSOCIATES, INC.**  
*Community Planners /Landscape Architects*

605 S. Main, Suite 1  
Ann Arbor, MI 48104  
734-662-2200  
fax 734-662-1935

6401 Citation Drive, Suite E  
Clarkston, MI 48346  
248-625-8480  
fax 248-625-8455

Date: March 5, 2009

## **Preliminary Development Plan Review For City of Troy, Michigan**

### **GENERAL INFORMATION**

<b>Applicant</b>	Landus Development
<b>Project Name:</b>	BBK Mixed Use Development PUD
<b>Plan Date:</b>	February 10, 2009
<b>Location:</b>	Northeast corner of Kilmer Road and Big Beaver Road
<b>Zoning:</b>	PUD
<b>Action Requested:</b>	<p>Planning Commission review and recommendation to the City Council for approval of the Preliminary Development Plan. The procedure for review and approval of a PUD is a three-step process:</p> <ul style="list-style-type: none"><li>• The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. The applicant was granted approval for the Concept Development Plan on December 15, 2008.</li><li>• The second step of the review and approval process is application for and approval of a Preliminary Development Plan (PDP) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission. This application represents a request for PDP approval.</li></ul>

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

**Required Information:** Provided.

## **PROJECT AND SITE DESCRIPTION**

We are in receipt of an application for preliminary development plan approval for the BBK Mixed Use Planned Unit Development. The project includes a mix of retail space in 3 buildings and 14 residential units. The project received Concept Development Plan approval on December 15, 2008 and is subject to a development agreement adopted by the City Council. The PUD option allows for a mix of uses and a higher density residential component than would otherwise be permissible at this location. Highlights of the project include walkable design, convenient access for pedestrians and cars, and integrated public common areas.

The 2.553 acre site is currently occupied by a vacant duplex, which will be removed. The project is proposed in two “phases,” although all underground and utilities work will be constructed in the first phase with the three commercial buildings. The residential buildings will be built as units are sold, through 2011.

In accordance with the development agreement, the retail component must include the following three structures: a 9,607 gross square feet retail building identified on the CDP plans as Building A, a 7,202 gross square feet building identified on the CDP plans as Building B, and a 1800 gross square feet stand alone drive thru fast food style restaurant, identified as Building C. The residential component shall consist of four 3-story buildings, comprised of up to fourteen total residential units on the north portion of the property. The PDP submittal is largely compliant with these requirements, although Building B is now 7,232 square feet, 20 square feet larger than what was approved, and Building C is 1860 square feet, 60 square feet larger than what was approved. The applicant does not have the option of increasing the size of these buildings beyond what was approved in the development agreement.

In addition to the enlarging of Buildings B and C, the applicant has also removed six of the approved on-street parking spaces on Kilmer Drive. These spaces are required by the development agreement and were shown on the approved CDP. The applicant does not have the option of removing these spaces without amending the CDP and development agreement.

The PDP includes additional sidewalks off-site, along the east side of Kilmer Drive, extending the existing sidewalks north to Hartland.

The narrative provided with the site plan mistakenly states that the current zoning of the property is O-1 and R1-E. This is incorrect. Given that the CDP has been approved, the current zoning is now PUD, and the development is now subject to all requirements of the development agreement approved as a part of the CDP approval granted in December of 2008. The narrative also continues to include language referring to the justification for the PUD request and the development concept. These elements are no longer necessary as the CDP request and PUD zoning has already been granted. The remaining elements of the review process deal with the site plan and its compliance with the approved development agreement and the zoning ordinance.

**Items to be Addressed:** Reduce the square footage of Buildings B and C to comply with the development agreement and CDP, and replace the six on-street spaces Kilmer Drive.

**AREA, WIDTH, HEIGHT, SETBACKS**

The site plan includes a small table titled “Zoning Information” on Sheet A-101. This table provides dimensional requirements for the original underlying zoning and the dimensions approved as part of the CDP. The dimensions shown on the PDP comply with those approved as part of the CDP. The table, however, does not identify the 0 foot setback along the east boundary for the residential component. This dimension was approved during the CDP process and should be reflected in the table.

	<u>Required:</u>	<u>Provided:</u>
<i>Lot Area</i>	N/A	2.553 acres
<b>Setbacks</b>		
<i>Big Beaver Frontage</i>	30 feet (O-1 District)	75 feet (retail building C), 76 feet (A and B)
<i>Kilmer Frontage</i>	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 6 feet from residential porches in R-1E portion and 10 feet from retail building A in the O-1 portion
<i>East Boundary</i>	20 feet (O-1 portion), 25 feet (R-1E portion)	Approximately 10 feet for retail building C, 0 feet for residential unit 4
<i>North Boundary</i>	25 feet (side yard setback) for the R-1E district	10 feet for residential unit 1
<b>Building Height</b>	Minimum of 3 stories for 80 percent of the project; setback requirements are tiered for building higher than 30 feet.	36 feet for the residential portion and 31.0 feet for the retail portion

**Items to be Addressed:** Identify the 0 foot setback along the east boundary for the residential component in the table on Sheet A-101.

## NATURAL RESOURCES

**Topography:** Existing topography is indicated on Sheet C-1. The site is nearly level, and slopes slightly toward the east.

**Woodlands:** There are no woodlands present on the site, although several large trees and several collections of smaller trees will be removed as part of the development. Please refer to the landscaping section of this report for more information about tree removal and preservation.

**Wetlands:** There are no wetlands on the site.

*Items to be Addressed: None.*

## BUILDING LOCATION AND SITE ARRANGEMENT

The building location and overall site layout are consistent with the approved CDP plan.

*Items to be Addressed: None.*

## PARKING, LOADING

The project is dependent upon a shared parking arrangement with the neighboring project and a series of on-street spaces on Kilmer Drive. For the retail portion of the project, 42 of the provided spaces are created through shared parking. Since the CDP approval, the applicant has reduced the number of provided spaces by removing six of the spaces on Kilmer Drive.

Although the applicant has now shown 18,699 square feet of retail, only 18,609 are permitted by the development agreement which limits the size of the three retail buildings to 9,607, 7,202, and 1,800 square feet respectively. The CDP and development agreement include the following parking requirements for the proposed project:

### Required by Development Agreement:

- Retail: 74 spaces provided on-site and 42 spaces provided in shared parking
- Residential: 25 garage and 16 visitor spaces, provided on-site and on-street along Kilmer Road.

However, the applicant is now providing only 35 residential spaces by removing six on-street spaces along Kilmer. These spaces are required by the development agreement and also serve to create a more pedestrian-friendly, urban feel to the project's Kilmer frontage. In all other respects the proposed PDP complies with the approved parking shown on the CDP.

*Items to be Addressed: Restore the six spaces on Kilmer Drive.*

## SITE ACCESS AND CIRCULATION

The proposed circulation plan remains the same as was approved during the CDP review process.

In order to reduce any potential conflicts associated with the southern-most driveway on Kilmer Road, an exit only driveway was selected. This approach will permit vehicles to exit the west portion of the lot if they are unable to find a parking space or leave the development when finished with their stay. The exit only design will restrict the ability of vehicles to enter the site from Kilmer while reducing concerns over safety and circulation on site. Emergency vehicles will be able to access to site via this driveway as well. The PDP includes an emergency vehicle circulation plan on Sheet C-5, demonstrating that a 43-foot ladder truck can be safely accommodated.

The north driveway on Kilmer is of a two-way design, to ensure that visitors to the site that live north of the project can access their neighborhood without travelling back to Big Beaver Road.

It is our understanding that the applicant will create restrictions on large vehicles to reduce the potential conflicts in this area of the site. We suggest that large delivery vehicles be restricted to the main east-west access drive on the north side of the retail buildings.

The applicant must also produce cross-access easements to allow for the use of the adjoining parking and circulation lanes to the east.

*Items to be Addressed: Provide documentation of cross access easements.*

## LANDSCAPING

A detailed landscape plan has been submitted. We have noted the following with regard to landscaping, as reviewed against the City of Troy Landscape Design and Tree Preservation Standards.

- Composition:** A variety of materials have been provided including deciduous, evergreen, and ornamental trees, and a wide variety of shrubs and varietals. Minimum dimensional (DBH and height) requirements for all proposed materials have been met.
- Greenbelt:** Landscaping and street trees are provided along the frontage of both roadways. The minimum requirement of one tree per 30 lineal feet of frontage has been met in both instances.
- Buffer/Screen:** The applicant is required to provide a screen wall and landscaping along the north boundary of the site. The required wall has been provided and is further enhanced by landscaping on both sides.
- Site Landscaping:** The applicant indicates in Sheet L-1 that site landscaping requirements are met in that more than 10 percent of the site is landscaped area. Sheet L-1

indicates that pedestrian amenities, walks, plazas, planters, and decorative elements may be included in such landscaped area. However, no more than 20 percent of the required landscaped area can be made up of non-living material. The applicant must provide calculations indicating that no more than 20 percent of the required landscape area is made up of the landscape elements described on Sheet L-1.

**Tree Preservation:** It is unclear if any of the existing trees on site fall within the 4 to 10 inch DBH range. Trees within this range are to be preserved. A tree preservation plan has not been included within the PDP submittal (although the landscape plans do show several trees that will be saved, no calculations are provided).

It is also important to note that the development agreement requires that prior to PDP approval; the applicant shall deliver to the City perpetual easement agreements by and between themselves and the three adjoining residential property owners, which easements shall allow them to install and maintain the landscape amenities depicted in sheet L-2 on the adjoining residential properties. Documentation of these easements must be provided.

**Items to be Addressed:** 1.) Provide landscaped area calculations confirming that minimum landscaping area has been provided and that no more than 20 percent of the required area is made up of non-living elements. 2.) Provide detailed tree preservation information. 3.) Provide documentation of landscaping easements.

## **GREEN BUILDING**

The development agreement requires that the project include, at a minimum, that the developer designs the retail component incorporating sustainable design techniques, acceptable to the City. The development agreement also requires that a LEED Accredited Professional, on behalf of the City, reviews the project to determine if the proposed measures achieve the intent of those originally referred to in the CDP. This letter constitutes the required LEED AP review, conducted by Zachary Branigan, LEED AP, of Carlisle/Wortman Associates. Green building measures identified in the CDP and referenced in the development agreement include:

- 1) Energy star roofing membrane (or other technique to reduce heat island effect, such as, but not limited to, a vegetated roof or other roofing product with a Solar Reflectance Index [SRI] rating of 78 or higher if designed at less than a 2:12 grade);
- 2) Operable clerestory windows (designed as part of a natural ventilation and daylighting strategy, or other elements designed to use natural light and ventilation);
- 3) Sun shading overhangs (used to effectively reduce cooling load in summer months while allowing for an increase in solar gain to naturally partially heat indoor spaces when the sun's angle is lower. The use of light shelves is also permissible if they achieve the same effect);
- 4) "Green" paving in certain parking areas (to reduce stormwater runoff and reduce heat island effect, or other similar measures accomplishing the same effect)

These elements have been included in the PDP submittal. The narrative also indicates that the project may include a variety of other green features including geothermal energy, advanced insulation techniques, LED lighting, natural materials, and high efficiency climate controls. Further, the site plan shows that the project will include rain water collection, a rain garden, bioswales, and vegetated roof garden areas composed of a 2 foot by 4 foot by 8 inch deep grid assembly.

*Items to be Addressed: None.*

## **LIGHTING**

A photometric plan has been provided. In no case does the light level exceed 0.1 footcandles at grade along the north boundary, adjacent the residential properties. Internally and at major access drives, light levels reach as high as 6.9 footcandles, but do not result in any nuisance light spill out of the parking areas or onto adjacent properties. Walkways and open spaces are adequately illuminated without excess light. Overall, light levels are relatively low for a project of this type, which should have a positive contribution in the form of energy savings and a reduction in potential nuisance light and glare.

*Items to be Addressed: None.*

## **FLOOR PLAN AND ELEVATIONS**

Floor plans and building elevations have been provided. The development agreement states that the elevations for the retail buildings shall be consistent with the elevations approved in the CDP, and that the elevations shall be brought back to the Planning Commission and City Council for review prior to granting of building permits.

*Items to be Addressed: None.*

## **RECOMMENDATIONS**

The Preliminary Development Plan is largely compliant with the approved Concept Development Plan and the development agreement, with several exceptions. We believe the compact, integrated design and complementary mix of uses included in this project will benefit the Big Beaver Corridor and the City of Troy. We also believe that after several minor changes addressing the concerns noted herein, and correcting the deviations from the development agreement, the project will be eligible for Preliminary Development Plan approval. However, given that the project as presented does not yet meet with terms of the development agreement and approved CDP, we recommend that the Planning Commission take no action on the request until such time as the applicant can revise the plans to restore the on-street parking spaces on Kilmer Drive, reduce the proposed square footage of Buildings B and C to comply with the development agreement, and address the minor additional comments noted herein

CARLISLE/WORTMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "R K Carlisle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Richard K. Carlisle, PCP

# 225-02-2902

RKC: zb



**CARLISLE/WORTMAN ASSOCIATES, INC.**

*Community Planners /Landscape Architects*

605 S. Main, Suite 1  
Ann Arbor, MI 48104  
734-662-2200  
fax 734-662-1935

6401 Citation Drive, Suite E  
Clarkston, MI 48346  
248-625-8480  
fax 248-625-8455

**MEMORANDUM**

**TO:** Mark Miller  
**FROM:** Zachary Branigan  
**DATE:** May 7, 2009  
**RE:** BBK PUD PDP Amendment

We are in receipt of a revised set of plans for a proposed amendment to the approved BBK Mixed-Use Development Planned Unit Development (PUD) Preliminary Development Plan (PDP). During the course of securing requires easements for off-site screening landscaping to the north, as required by a condition of the Planning Commission's recommendation of approval for the PDP, the applicant received a request from an adjacent homeowner that the proposed wall be replaced by a decorative fence.

As a result of this request, the applicant submitted a request for a modification to the original PDP to change the screen wall to a combination wall and fence. The applicant appeared before the Planning Commission at a workshop on April 28, 2009 to discuss the option before being placed on a formal Planning Commission meeting agenda.

At the April 28 workshop, the Planning Commission made a series of recommendations about the screening treatment to the applicant, and the adjacent homeowner appeared before the Planning Commission to express their concerns. As a compromise, the Planning Commission suggested the applicant carry the fence treatment west to the end of the second adjacent lot to the north, where a return in the originally proposed screen wall occurs. This was done to allow for a full screen wall treatment adjacent the approved parking area at the northeast corner of the project and the westernmost adjacent home to the north, where that homeowner has young children and desires a full wall treatment.

The Planning Commission discussed the quality of materials, landscape treatment, and design of the potential fence and wall. The applicant agreed with the Planning Commission's recommendations that the wall and fence piers would be identical in materials and design, and that the piers would be located at a frequency of about 12 feet apart. The applicant also discussed landscaping treatment along the fence and agreed that a suitable treatment would be installed which would allow the fence to be seen while complementing the masonry piers. This treatment would be similar and complementary to the more comprehensive landscaping treatment to be found adjacent the proposed wall.

We believe the application demonstrates compliance with the full recommendations of the Planning Commission. The applicant has taken measures to illustrate that the high-quality materials of the fence piers and wall will be identical, and that no piers will be greater than 12 feet apart in the fence section. Landscaping is appropriate and well designed. We believe this proposal meets the intent of the original screening requirement and will serve as a suitable transition from the high-density residential area to the adjacent homes. Therefore, we recommend that Planning Commission approve the applicant's request and forward its recommendation to the City Council that the Preliminary Development Plan be approved.



---

**CARLISLE/WORTMAN ASSOCIATES, INC.**  
**Zachary G. Branigan, LEED AP, AICP**  
**Associate**

# 225-02-2704

---

**C-3 Concept Development Plan Approval – BBK Mixed Use Project – Northeast Corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District**

The Mayor closed the Public Hearing after receiving comment from the petitioner and the public:

Gerald Savel-Opposed                      Kristen Sonnevile-Opposed    Kevin Douglass-Opposed

Resolution #2008-12-366

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, The petitioner Landus Development has requested Concept Development Plan approval, pursuant to article 35.50.01, for BBK Mixed-Use Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on November 11, 2008;

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated November 6, 2008 that recommends Concept Development Plan approval of BBK Mixed-Use Planned Unit Development;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parcels 88-20-22-383-001, -002, -003 & -006 and 88-20-22-382-012, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, SW 1/4 of Section 22

Commencing at the South ¼ corner of said Section 22; thence along the South line of said Section 22, N 88°40'00" W 165.42 ft.; thence N 01° 32' 14" E, 102.00 ft. to the North line of Big Beaver Rd. (102 ft. half width) and the point of beginning; thence along said North line, N 88°40'00" W, 272.73 ft. to the West line of "Replat of Out Lot A of Big Beaver Subdivision" (Liber 26, pg. 17, of Oakland County Records); thence along said West line and the West line of "Burgess Bungalow Subdivision" (Liber 46, pg. 34, of Oakland County Records), said line also being the East line of Kilmer Rd. (50 ft. width), N 01° 32' 14" E, 368.37 ft. to the North line of Lot 17 of Burgess Bungalow Subdivision; thence along said North line S 88°40'00" E, 122.88 ft. to the East line of said Lot 17; thence

along said East line S 01°32'14" W, 22.50 ft. to the North line of Lot 20 of Burgess Bungalow Subdivision; thence along said North lines of Lots 20, 21 and 22 of Burgess Bungalow Subdivision, S 88°40'00" E, 149.85 ft. to the East line of the aforementioned subdivision, said line also being the West line of "Willow Centre" O. C. C. P. No. 1272, as recorded in Liber 21524, pg. 591 of Oakland County Records; thence along said lines S 01°32'14" W, 162.50 ft. to the South line of said condominium; thence along said South line S 88°40'00" E, 75.20 ft. to the West line of said condominium; thence along said West line, S 01°32'14" W, 183.37 ft. to the aforementioned North line of Big Beaver Rd.; thence along said North line, N 88°40'00" W, 75.20 ft. to the Point of Beginning. Containing 2.546 acres more or less, subject to all easements and restrictions of record;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the subject parcel to PUD; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-010; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement and hereby **AUTHORIZES** the Mayor and City Clerk to execute the Planned Unit Development Agreement for BBK Mixed-Use Planned Unit Development on behalf of the City, a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the executed BBK Mixed-Use Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for BBK Mixed-Use Planned Unit Development and the petitioner is hereby permitted to submit Preliminary Development Plans pursuant to Article 35.50.02 of Chapter 39.

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

No: Howrylak

**MOTION CARRIED**

## PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 10) – Proposed Big Beaver and Kilmer Planned Unit Development Preliminary Development Plan Approval, Northeast Corner of Big Beaver and Kilmer, Section 22

Mr. Savidant gave a brief introduction.

Zak Branigan of Carlisle/Wortman Associates, Inc. briefly identified some issues addressed in the report prepared by Carlisle/Wortman. He addressed an administrative error in the PUD Development Agreement relating to the gross square footage of the three retail buildings. It is the recommendation of the Planning Consultant to recommend to City Council approval of the Preliminary Development Plan, with conditions that address the identified issues.

General discussion followed on:

- On-street parking.
- PUD Development Agreement.
- Executed easement for the three (3) residential parcels to the north.

The petitioner, Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh addressed the on-street parking spaces and related discussion that took place at the City Council meeting. He also addressed the cross access agreement and the easement for the three residential properties to the north for landscaping and maintenance purposes. Mr. Marsh said they have met with all the neighbors, inclusive of the three residential properties to the north.

David Hunter, Project Landscape/Civil Engineer, Professional Engineering Associates (PEA), 2430 Rochester Road, Troy, addressed rain gardens and sprinkling.

Andrew Donaher, Project Architect, Niagara Murano LLC, 470 N. Old Woodward, Birmingham, addressed roof gardens.

### PUBLIC HEARING OPENED

Jerome Ivan of 3101 Kilmer, Troy, was present. Mr. Ivan addressed concerns with the proposed on-street parking in relation to the turning radius for vehicles pulling from the residential driveways opposite the on-street parking.

### PUBLIC HEARING CLOSED

Discussion about the proposed on-street parking continued.

Mr. Forsyth called for a Point of Order and asked Mr. Ullmann to read the complete Resolution, which follows.

**Resolution # PC-2009-03----**

Moved by: Ullmann  
Seconded by: Sanzica

**WHEREAS**, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

**WHEREAS**, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Discussion on the motion on the floor.

It was determined to revise Condition #4 to specify that the easement is for the three residential properties to the north. Both the maker and supporter of the motion were in favor of the revision.

Discussion continued on the proposed on-street parking spaces.

Members Hutson, Strat and Schultz expressed opposition to the Resolution as proposed.

*(Resolution as amended on the floor.)*

**Resolution # PC-2009-03-027**

Moved by: Ullmann  
Seconded by: Sanzica

**WHEREAS**, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

**WHEREAS**, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easements for the three (3) residential properties to the north.

5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds.

Yes: Sanzica, Ullmann  
No: Edmunds, Hutson, Maxwell, Schultz, Strat, Tagle  
Absent: Vleck

### **MOTION FAILED**

There was general discussion about driveways being used as turnarounds. Mr. Branigan stated that every driveway in the City has the potential to be used for a turnaround.

### **Resolution # PC-2009-03-028**

Moved by: Hutson  
Seconded by: Strat

**WHEREAS**, The Planning Commission reviewed a Preliminary Development Plan for a Planned Unit Development, pursuant to Article 35.50.02, as requested by Landus Development for the BBK Mixed-Use Development Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22, within the O-1 and R-1E zoning districts, being approximately 2.546 acres in size; and

**WHEREAS**, City Council granted Concept Development Plan Approval for BBK Mixed-Use Development Planned Unit Development on December 15, 2008; and

**WHEREAS**, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated March 5, 2009 that recommends Preliminary Development Plan Approval of BBK Mixed-Use Development Planned Unit Development, with some conditions; and

**WHEREAS**, The proposed PUD meets the Standards for Approval set forth in Article 35.50.02.C; and

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.

4. Submit executed easement for landscaping on residential properties to the north of the project.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.

Yes: All present (8)

Absent: Vleck

**MOTION CARRIED**

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 10) – Amendment to the Preliminary Development Plan for the Big Beaver Planned Unit Development (P.U.D. 10), Northeast Corner of Big Beaver and Kilmer, Section 22, Big Beaver Kilmer Planned Unit Development Zoning District

Mr. Miller reviewed the status of the proposed Amendment to the Preliminary Development Plan (PDP) as relates to the screening and buffering treatment for the residential properties to the north. Mr. Miller reported City Management recommends approval of the proposed Amendment to the PDP.

Ryan Marsh of Landus Development, 32121 Woodward Avenue, Royal Oak, was present. Mr. Marsh stated that appropriate landscape easements have been executed and the neighbors are supportive of the new layout and design. He shared samples of the colored masonry proposed for the screening and buffering treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson commended the petitioner for being agreeable and malleable on this project.

Mr. Marsh said he appreciated the opportunity.

**Resolution # PC-2009-05-046**

Moved by: Edmunds  
Seconded by: Vleck

**RESOLVED**, On March 10, 2009, the Planning Commission recommended to City Council that Preliminary Development Plan Approval for BBK Mixed-Use Development Planned Unit Development be granted, subject to the applicant completing the following prior to the application going before City Council for consideration:

1. Replace the six on-street parking spaces on Kilmer Drive.
2. Provide tree preservation information.
3. Verify landscape area calculations.
4. Submit executed easement.
5. Prepare a proposed amendment to the PUD Development Agreement correcting the error related to the description of the gross square footage of Buildings B and C.
6. Address residents' concerns about their driveways being used for turnarounds; and,

**WHEREAS**, The abutting residents to the north of the subject property reviewed the Preliminary Development Plan and requested that the screening treatment along the northern property line be revised; and

**WHEREAS**, The applicant revised the Preliminary Development Plan, as requested by the abutting neighbors to the north of the subject property and based on input from the Planning Commission; and,

**WHEREAS**, The revised Preliminary Development Plan drawings include only the following:

Sheet A-101 Architectural Composite Plan – Proposed New Work  
Sheet C-2 Preliminary Site Plan  
Sheet L-2 Preliminary Landscape Plan  
Sheet L-3 Landscape Details

**BE IT FINALLY RESOLVED**, That the Planning Commission recommends to City Council that the screening treatment along the northern property line be revised as submitted.

Yes: All present (8)  
Absent: Strat

**MOTION CARRIED**

**AMENDMENT NO. 1 TO  
DEVELOPMENT AGREEMENT**

THIS AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT (“Amendment”) is made as of June \_\_\_, 2009, by and among Marsh BBK-Troy, LLC, a Michigan limited liability company (“Marsh”), Bostick Development L.C., a Michigan limited liability company (“Bostick”) (Marsh and Bostick shall individually and collectively be referred to herein as, the “Developer”), and City of Troy, a municipal corporation (the “City”).

**RECITALS:**

~~A.~~ WHEREAS, Marsh and Bostick, as successor to Dennis Bostick pursuant to a Quit Claim Deed dated January 28, 2009, and recorded on April 20, 2009 in Liber 41088, page 145, Oakland County Records, are the owners of certain real property situated in the City of Troy, County of Oakland and State of Michigan as more particularly described on the attached Exhibit A.

WHEREAS, Developer and the City entered into a Development Agreement dated December 15, 2008, and recorded on January 14, 2008, in Liber 40821, page 46, Oakland County Records (“Development Agreement”) regarding the planned unit development commonly referred to as the Kilmer Project.

~~B.~~ WHEREAS, Developer and City have agreed to amend the Development Agreement in accordance with the terms and conditions contained herein.

**AGREEMENT:**

NOW THEREFORE for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Capitalized terms not defined herein shall have the meaning ascribed to them in the Development Agreement.

2. The first full sentence on page 5 of the Development Agreement which begins “The retail component shall include” is hereby amended and restated in its entirety to read “The retail component shall include the following three (3) structures: a 9,607 gross square feet retail building identified on the submitted plans as Building A, a 7,232 gross square feet building identified on the



**Bostick Development L.C., a Michigan limited liability company**

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

Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_ the \_\_\_\_\_ of Bostick Development L.C., a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Print Name:  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires:  
Acting in the County of \_\_\_\_\_



POD #10  
BBK

**Kathy Czarnecki**

---

**From:** Denise Moilanen [denise@moilanenhome.com]  
**Sent:** Friday, April 24, 2009 9:59 PM  
**To:** Kathy Czarnecki  
**Subject:** Big Beaver Rd. & Kilmer site

City Council members:

As a homeowner in the subdivision of this planned development, I wish to voice my concern if the plaza is to be retail stores.

Not only would the construction create issues with traffic on Kilmer, afterwards the constituents would use our side streets as a means to avoid the traffic on Big Beaver.

We have many young families living very near to this property. Additional traffic through our sub would create a hazard to our children who need to ride their bicycles in the street due to no sidewalks.

In addition, if this plaza would house retail space, there are already numerous vacancies of strip malls in the very near vicinity and how many of these would remain vacant?

Please reconsider the re-zoning of the Big Beaver/Kilmer property for the well being of our families.

Thank you.

Respectfully,  
Denise Moilanen



## CITY COUNCIL REPORT

DATE: May 22, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 238) – Article 28 – Social Service Facilities in M-1

A public hearing is scheduled for the June 15, 2009 City Council meeting. The Planning Commission held a public hearing for this item at the April 28, 2009 Special/Study meeting and recommends approval of ZOTA 238.

City Management discussed this item with a person interested in utilizing a vacant industrial building for a social service agency. Presently social service agencies are considered assembly uses and therefore are permitted by right in the B-2 and B-3 zoning districts; they are not permitted in the M-1 Light Industrial District. Many vacant industrial buildings are suitable for reuse as social service facilities. Permitting social service agencies in M-1 improves marketability and potential reuse for industrial properties. The draft text amendment prohibits overnight stay in social service facilities in M-1.

City Management recommends approval of ZOTA 238.

Approved as to form and legality:

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

Attachments:

1. ZOTA 238 City Council Public Hearing Draft.
2. Minutes from April 28, 2009 Planning Commission Special/Study meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 238 Social Service Facilities in M-1\Announce CC Public Hearing 06 01 09.doc

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
CITY COUNCIL PUBLIC HEARING DRAFT  
ZOTA 238

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended to add a definition for Social Service Agency, to read as follows:

04.20.131A SOCIAL SERVICE FACILITY: A facility operated by an organization which provides products and services for citizens, including but not limited to training, counseling, health, or the distribution of food or clothing.

Section 3. Amendment to Article XXVIII of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to permit social service facilities by Special Use in the M-1 District, to read as follows:

28.00.00     ARTICLE XXVIII     M-1 LIGHT INDUSTRIAL DISTRICT

28.30.12 Social service facilities, subject to the following:

          A. Overnight stay is not permitted.

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

Section 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, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Louise Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

**PUBLIC HEARINGS**8. **PUBLIC HEARING - 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**

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL March 18, 2009

A meeting of the Downtown Development Authority was held on Wednesday, March 18, 2009 in the Council Boardroom, City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

**PRESENT:** Al Aceves  
Stuart Frankel (arrived @7:35 a.m.)  
Michele Hodges  
Larry Keisling  
William Kennis  
Alan Kiriluk  
Ernest Reschke  
G. Thomas York

**ABSENT:** David Hay  
Daniel MacLeish  
Louise Schilling  
Douglas Schroeder  
Harvey Weiss

**ALSO PRESENT:** Brian Murphy  
John Lamerato  
Lori Bluhm  
Mark Miller

**APPROVAL OF MINUTES**

Resolution: DD-09-04  
Moved by: Kennis  
Seconded by: Aceves

RESOLVED, that the minutes of the January 21, 2009 regular meeting be approved.

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

## **OLD BUSINESS**

- A. Design Guidelines Proposal – Presented by Zach Branigan of Carlisle Wortman Associates, Inc.

Resolution: DD-09-05

Moved by: Kennis

Seconded by: Aceves

RESOLVED, that the TDDA adopt the next phase of the Design Guidelines as proposed by Carlisle Wortman Associates, Inc. at an estimated cost of \$47,500.00.

Yeas: All (8)

Absent: Hay, MacLeish, Schilling, Schroeder, Weiss

## **NEW BUSINESS**

- A. Monthly Financial Report

Received and Filed

## **PUBLIC COMMENT**

None

## **MEMBER COMMENT**

None

**The meeting was adjourned at 7:45 a.m.**

**Next Meeting: April 15, 2009 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.**

---

Alan Kiriluk, Chair

---

John M. Lamerato, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 8, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:15 p.m.

**Trustees Present:** Mark Calice  
David Eisenbacher  
Thomas J. Gordon, II  
John M. Lamerato  
William R. Need (Ex-Officio) (Departed 2:00pm)  
Steve Pallotta  
Thomas Rosewarne

**Trustees Absent:** A. John Szerlag

**Minutes**

**Resolution # ER – 2009-4- 18**

Moved by Lamerato  
Seconded by Pallotta

RESOLVED, That the Minutes of the March 11, 2009 meeting be approved.

Yeas: All – 6  
Absent: Szerlag

**Other Business – Investment Policy Review**

**Resolution # ER – 2009-4- 19**

Moved by Pallotta  
Seconded by Gordon

RESOLVED, That the board amend the quality section of the Investment Policy to include a definition of investment grade.

Yeas: All – 6  
Absent: Szerlag

**Other Business – Rules of Procedures Manual**

The board will clarify the option writing authority at their next meeting.

**Investments**

---

**Resolution # ER – 2009-4- 20**

Moved by Lamerato  
Seconded by Pallotta

RESOLVED, That the board sell the following investments:

**Sell:** US Bancorp  
Fair Point Communications  
10,000 shares W.H. Brady  
8,000 shares Fastenal

Yeas: All – 6  
Absent: Szerlag

**Investments**

---

**Resolution # ER – 2009-4- 21**

Moved by Rosewarne  
Seconded by Pallotta

RESOLVED, That the board buy the following investments and sell the following options:

**Buy:** 5,000 shares Transocean  
12,000 shares Progress Energy  
2,000 shares Verizon  
5,000 shares Amedisys  
2,000 shares Rio Tinto  
5,000 shares Cliffs Natural Resources  
3,000 shares Monsanto

**Sell:** 30 Aug 30 Puts Caterpillar  
30 July 40 Puts Nucor

Yeas: All – 6  
Absent: Szerlag

**Public Comment**

---

No public Comment.

The next meeting is May 13, 2009 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:05 p.m.

---

Mark Calice, Chairman

---

John M. Lamerato, Secretary

JML/bt\Retirement Board\2008\4.08.09 – Minutes\_Final

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, April 21, 2009 in Council Chambers of the Troy City Hall.

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

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

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 17, 2009**

Motion by Courtney  
Supported by Clark

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

Yeas: All – 7

**MOTION TO APPROVE MINUTES CARRIED**

Motion by Courtney  
Supported by Clark

MOVED, to move Item #5, Urbancaal-Oakland Plaza, LLC 124 John R. (proposed address) for relief of the Ordinance to construct a new commercial building, (Sonic Restaurant) to the end of the agenda, Item #9, due to the fact that the Board feels this item will need more discussion than other items on the Agenda.

Yeas: All – 7

**MOTION TO MOVE ITEM #5 TO ITEM #9 CARRIED**

Mr. Stimac explained that the Item #4 would be corrected to indicate that a 6' high wall rather than a 4'-6" high wall is required along the north property line of the site, 1819 E. Big Beaver.

**ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4**

Motion by Lambert  
Supported by Clark

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

Yeas: All – 7

**MOTION TO APPROVE RENEWALS CARRIED**

**ITEM #3 – RENEWAL REQUEST. S.O.C. CREDIT UNION, 4555 INVESTMENT DR.**, for relief to maintain a landscaped berm in lieu of the 6’ high masonry-screening wall required along the south property line where the property abuts residential property.

MOVED, to grant S.O.C. Credit Union, 4555 Investment Dr., a three-year (3) renewal of relief to maintain a landscaped berm in lieu of the 6’ high masonry-screening wall required along the south property line where the property abuts residential property.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. DENNIS BOSTICK, TROY SPORTS CENTER, 1819 E. BIG BEAVER**, for relief of the Ordinance to provide a landscaped berm in place of the 6’ high wall required along the north property line.

MOVED, to grant Dennis Bostick, Troy Sports Center, 1819 E. Big Beaver, a three-year (3) renewal of relief to provide a landscaped berm in place of the 6’ high wall required along the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance will not have an adverse effect to surrounding property.

**ITEM #6 – APPROVAL REQUESTED. MAZIN & SENNICA NAFSU, 3769 MEADOWBROOK**, for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

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

This item appeared before this Board at the meeting of March 20, 2007 and was granted approval for one-year. That approval has now expired. The new plan shows

**ITEM #6 – con't.**

that the petitioner has extended the driveway on the north side of his home such that the vehicle is now proposed to be parked an additional 20' back from the front property line.

This item last appeared before this Board at the meeting of March 17, 2009 and the Board's authority to grant a renewal was questioned. Since that meeting it has been determined that the Ordinance does not address granting a renewal of a Commercial Vehicle appeal and therefore each request must be considered as a new request at a Public Hearing. The Building Department has sent out the appropriate notices to property owners within 300' of this site and also has published this notice in the Somerset Gazette.

Mr. Nafsu was present and stated that he is using this vehicle as a personal vehicle and if he could sell it he would. Mr. Nafsu also stated that he has spoken to his neighbors and they have given him their approval to keep this vehicle on the property. The vehicle is not visible when parked at the back of the property.

Mr. Bartnik asked if there was any way screening could be added on the east side of the house as the truck was very visible as he was heading west on Scottsdale.

Mr. Kovacs stated that he believes when the truck is parked at the back of the drive it is not visible and is not sure that additional screening would help.

Mr. Bartnik said that perhaps the owner could put a gate across the drive.

Mr. Courtney stated that he thought the truck was probably not parked at the back of the driveway and this is the reason it was visible to Mr. Bartnik. When the truck is at the back of the lot oncoming traffic cannot see the vehicle.

The Chairman opened the Public Hearing.

John Stier of 3785 Meadowbrook was present and stated that he lives right next door to the petitioner and has no objection to this vehicle. Mr. Stier believes that parking this vehicle at another location would cause a hardship for the petitioner. Mr. Stier is in favor of this request.

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

There are three (3) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs asked how long the apron was from the front of the house to the back.

Mr. Stimac stated that according to the plans provided by the petitioner it is approximately 45' from the front corner of the house to the rear of the driveway.

**ITEM #6 – con't.**

Mr. Lambert stated that he feels the petitioner meets the criteria listed in the application, especially B and C.

Motion by Clark  
Supported by Courtney

MOVED, to grant Mazin & Sennica Nafsu, 3769 Meadowbrook, approval under Section 43.74.00 to park a commercial vehicle outside on residential property for a period of two (2) years.

- Vehicle is to be parked at the rear of the driveway.
- Petitioner has met B and C of the criteria for approval.
- Vehicle will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT APPROVAL FOR TWO (2) YEARS CARRIED

**ITEM #7 – VARIANCE REQUESTED. CAMERON MITCHELL RESTAURANTS, 2915 COOLIDGE**, for relief of the Ordinance to construct a covered outdoor seating area with an 11' front setback where Section 30.20.03 requires a 30' front yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the ordinance to expand the outdoor seating area and install a new roof over the existing and new seating area at the existing Ocean Prime Restaurant. This property is located in the O-S-C (Office-Service-Commercial) Zoning District. Section 30.20.03 requires a 30' minimum front yard setback for buildings in the O-S-C Zoning District. The proposed new roof covering over the patio results in a front setback of 11' from the property line along Coolidge.

Mr. Kovacs asked if in the event the variance was granted, a stipulation could be made that would not permit this addition to be permanently enclosed.

Mr. Stimac stated that if it was the Board's preference that this was to remain a covered outdoor dining room area, a stipulation stating that should be made.

Mr. Bartnik asked if a temporary type of sheeting could be added to the sides of this outdoor seating area.

Mr. Stimac said that it depend on the decision of the Board, a stipulation could be made that this would remain a covered and unenclosed area.

Mark Knauer, President of Knauer Incorporated, was present and stated that Ocean Prime has been in this location for two years and the restaurant has improved this

**ITEM #7 – con't.**

corner of what was a parking lot. Originally they had planned to put the restaurant at the back of the lot and have parking surrounding it. The Planning Commission felt that this area would be enhanced by having the restaurant at the corner. Unfortunately due to the Michigan weather it is sometimes difficult to predict whether or not people can be seated outside. They have tried using umbrellas, and also make use of heaters, but people sitting outside are often uncomfortable.

Mr. Courtney asked how much seating was provided inside the restaurant.

Mr. Knauer said there were about 280 seats. Mr. Knauer also stated that they do not plan on adding any type of foundation or enclosing this area. Absent a variance, literal enforcement of the Ordinance would be unnecessarily burdensome.

Mr. Lambert stated that with Michigan weather he can certainly understand the need to cover this area.

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

There is one (1) written approval on file.

Mr. Kovacs stated that he does not want to see this space enclosed as part of the restaurant and would like strict language that would not allow for a foundation to be built.

Motion by Bartnik

Supported by Courtney

MOVED, to grant Cameron Mitchell Restaurants, 2915 Coolidge, relief of the Ordinance to construct a covered outdoor seating area with an 11' front setback where Section 30.20.03 requires a 30' front yard setback.

- This covered outdoor seating area will not be enclosed as a permanent seating area.
- Absent a variance the welfare of the guests would be adversely affected.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 – VARIANCE REQUESTED. DON TREFRY, TROYWOOD SHOPS, LLC, 3718-3734 ROCHESTER ROAD,** for relief of the Ordinance to alter an existing tenant space for a new 50-seat restaurant that will result in a parking requirement for this shopping center of 153 spaces per Section 40.21.00 where only 121 parking spaces are available.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter an existing tenant space at 3734 Rochester Road for a new 50-seat restaurant. The addition of a 50-seat restaurant to the other existing uses within the shopping center results in a required number of parking spaces of 153 per the requirements of Section 40.21.00 of the Troy Zoning Ordinance. The site plan submitted indicates that there are only 121 parking spaces available on the site.

Don Trefry, the representative of the property owners of Troywood Shops, LLC was present. Mr. Trefry passed out a site plan to the Board members showing how the spaces have changed. Pecar Home Theater has downsized from leasing 5,304 square feet to 2,758 square feet. The new restaurant coming in serves Indian Cuisine and 55% of their business is take-out. Most of the sit down dining would be in the evening when the other restaurants do not have the high volume of traffic they have at lunch time. Without a variance this space will probably remain vacant. Mr. Trefry also pointed out that from October 1990 to December 2002 152 parking spaces were required and there were only 121 available.

Mr. Kovacs asked why a variance was not required at that time.

Mr. Stimac stated that he would have to go back and research the records. The plans that were submitted to the City as part of this request indicate that Pecar Home Theater occupied 2,564 square feet. The plans submitted by the petitioner tonight indicate that the actual square footage is 2,758 square feet, which will require 154 parking spaces. The Board will have two (2) options regarding this request. This item can either be postponed so that the Building Department will have the opportunity to re-advertise this request; or the Board may grant a variance based on 32 parking spaces as advertised.

Mr. Courtney asked if the parking required is different now from what it was.

Mr. Trefry said that he did not think so. The focus is more on lunch than dinner.

Mr. Bartnik stated that he had never seen this parking lot full and did not feel this variance would be a problem.

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

There are no written approvals or objections on file.

**ITEM #8 – con't.**

Mr. Kempen asked if the petitioner knew what percentage of business was done between lunch and dinner.

Mr. Trefrey stated that take-out for lunch is the primary use for two of the restaurants in this strip mall. Mr. Trefrey believes that there is more traffic during the lunch hour rather than the dinner hour.

Motion by Bartnik  
Supported by Lambert

MOVED, to approve the request of Don Trefrey, Troywood Shops, LLC, 3718-3734 Rochester Road, relief of the Ordinance to alter an existing tenant space for a new 50-seat restaurant that will result in a parking requirement for this shopping center of 153 spaces per Section 40.21.00 where only 121 parking spaces are available.

- Variance is not contrary to public interest.
- Variance will not permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance is unnecessarily burdensome.
- Variance is approved for a reduction of 32 parking spaces.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

The Chairman called for a short recess at 8:27 P.M. The Board of Zoning Appeals meeting resumed at 8:32 P.M.

**ITEM #9 – (ITEM #5) - VARIANCE REQUESTED. URBANCAL-OAKLAND PLAZA, LLC, 124 JOHN R. (PROPOSED ADDRESS),** for relief of the Ordinance to construct a new commercial building. (Sonic Restaurant)

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

**ITEM #9 – con't.**

landscaping where Section 39.70.04 requires a minimum of 4,408 square feet of landscaping for a site this size.

This item first appeared before this Board at the meeting of March 17, 2009 and was postponed to allow the petitioner the opportunity to provide the Board members with the numbers of cars using the drive-thru an hour; the wait time involved; the total number of customers per hour; the percentage of business that goes through the drive through; and a traffic impact study of this area; and to allow the petitioner to determine if they can eliminate one drive from John R.

Mr. Kovacs asked a question regarding the traffic plan in this area.

Mr. Stimac stated that the requirement for a deceleration lane was something that was noted by the County and also identified by the City. Due to the fact that the amount of the land is narrower the use of a right turn lane and deceleration lane may require that the existing sidewalk be moved.

Mr. Kovacs asked what the length of a deceleration lane was and Mr. Stimac stated that he did not know.

Mr. Courtney stated that he had visited the other locations in Michigan and found that at the location in Macomb, customers used the entrance going into the Meijer parking lot rather than the entrance on Groesbeck. Mr. Courtney did not see a large backup of traffic at this location. Mr. Courtney would still like to see the entrance off of John R. closed at this location, which would also eliminate the need for a deceleration lane.

Mr. John Gaber, the attorney for Sonic Restaurants as well as a number of other representatives from Sonic were present. Mr. Gaber explained that they do need all of the variances and stated that they have kept their request to the minimum required. Due to the economy the retail center is hurting and this restaurant would bring in an influx of customers. Fast food restaurants are usually clustered together and if they cannot construct this restaurant no other reasonable use can be made of this property. Other efforts have been made to make use of this property and have failed. Literal enforcement of the Ordinance makes conformance unnecessarily burdensome.

Mr. Logan from Sonic Restaurants was present and stated that he is responsible for working with the new franchisees. He will be on-site for approximately two (2) weeks and will oversee the operation. Sonic has a program that not only coaches the new franchisees but also has a traffic control program. When determining the best traffic pattern the engineers go from the center of the store and determine how to direct traffic. There are several different plans that they work with.

Mr. Kovacs asked what type of traffic control plans would be used. The concern among Board members is the drive on John R.

**ITEM #9 – con't.**

Mr. Hornsby of Sonic restaurants stated that they are hoping to open this location in mid July. Traffic will drop off in August and September and they will have employees that will direct traffic so that their customers will be able to get in and out as quickly as possible. Mr. Hornsby also stated that they have new equipment coming in, which will increase the speed that food is prepared.

Mr. Kovacs asked what criteria was used to determine which stores were in the study sheets regarding wait time that were given to the Board.

Mr. Logan stated that he was unable to give out specific locations, but all of the stores listed had been opened within the last year.

Mr. Ullmann asked how they determine which stores to use for this study.

Mr. Logan said that the stores used were based on the amount of business they are predicting for this store.

Mr. Kovacs said that it appears that the wait time is between 3 and 4 minutes.

Mr. Kempen asked which states these stores were in.

Mr. Logan stated that they were in Ohio, Michigan, Kentucky and Tennessee.

Mr. Stimac asked if the wait times indicated were the times the vehicles arrived or ordered.

Mr. Logan stated that the wait times shown were from when the customer actually placed their order until they drive away from the window.

Mr. Stimac said that there are five waiting spaces between the window and where the order is taken, which would indicate that in some cases the wait time per car would be 30 seconds.

Mr. Hornsby said that there are opportunities when their staff can pull a vehicle around a vehicle that has a large order.

Mr. Kovacs asked what the ideal wait time was.

Mr. Logan said that 3 minutes at the drive through window and 3 ½ minutes at the drive-in is considered ideal.

Mr. Bartnik asked what type of on-site traffic control is available after the grand opening.

**ITEM #9 – con't.**

Mr. Logan stated that they keep staff on for as long as necessary and traffic control has been provided for as much as three or four weeks.

Mr. Ullmann expressed concern regarding the amount of landscaping space between John R and the sidewalk. Mr. Ullmann said that in his opinion there is not enough room for a deceleration lane.

David Hunter of PEA Associates was present and stated that the Road Commission does not require a deceleration lane and they are not planning to put one in. There is approximately 12' of space available and if they have to move the sidewalk they will.

Mr. Ullmann said that the sidewalk would come right up to the cars parked in the drive in and with only 5' there is not a lot of room for landscaping.

Mr. Hunter said that landscaping in this area may be impossible to put in, but is quite sure they do not have to have a deceleration lane.

Mr. Ullmann said that the setbacks have changed a number of times due to re-zoning and in his opinion the landscaping proposed is minimal.

Mr. Hunter said that there is approximately 20' of space near the driveway approach, which means there is probably 12' available from the sidewalk to the back of curb.

Mr. Ullmann said that the sidewalk will be right next to a deceleration lane. There is not more than 6' to 8' of space.

Mr. Hunter said that the sidewalk is about 5' from the curb.

The Chairman opened the Public Hearing.

Ben Cheshire, 5388 Ridge was present. Mr. Cheshire is the new franchisee for this location. Mr. Cheshire spent the last six weeks in Cincinnati training to operate this store. He worked at a store that has been opened for approximately 1 ½ years and stated that traffic control is a non-issue. A deceleration lane was not needed and customers could get to this location either through a drive at the front of the store or through an entrance at the back. This location will be the 7<sup>th</sup> store in Michigan. Sonic is a novelty and they will add the most landscaping they can. The Sonic in Clinton Township increased the business at the existing Meijers store by 15%.

Mike Lucci was present. Mr. Lucci stated that he owns sixteen (16) Burger King restaurants in Michigan including the one next door to this site. The property for this Burger King was purchased from Douglas Mossman. The lack of a deceleration lane in this area could cause a great deal of congestion at the corner of John R and Fourteen Mile. There are requirements by the City and people should comply with those

**ITEM #9 – con't.**

requirements. Mr. Lucci believes that the petitioner is trying to put too much on a small piece of property. There are other locations in Troy that this restaurant would be a better fit on. At the time the Burger King on Fourteen Mile was constructed they had requested a drive onto John R and were turned down.

Mr. Stimac asked Mr. Lucci if the City had turned them down.

Mr. Lucci explained that the entrance would have been too close to the gas station and the County did not want another curb cut in the area.

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

There is one (1) written objection on file. There are no approvals on file.

Mr. Bartnik asked if the owner or broker for this property was present.

A man from the audience came forward and stated that he is the Real Estate negotiator. He indicated that in his opinion a Sonic Restaurant would have the smallest impact on the traffic in this area.

Mr. Courtney asked who he worked for and he stated that he was working for the franchisee and was not the owner of the property.

Mr. Jeff Shostak representing Urbancal was present and stated that they had purchased the property in November 2007. They saw this piece of dirt as an opportunity. Times are tough and there are not a lot of businesses that want to build in Michigan.

Mr. Courtney stated that since Mr. Shostak has purchased the property, the economic climate has taken a downturn and this is not an ideal time to develop a piece of property. Mr. Courtney believes that when the economy picks up there will be other businesses that will want to expand.

Mr. Shostak stated that he believed the previous owner had attempted to sell or lease this property for a long time and was unable to do so. Sonic is a solution that will work for this area.

Mr. Kovacs asked how long this property has been vacant.

Mr. Stimac stated that he thought the current configuration of the property has been in place since the middle 80's.

Mr. Clark stated that he did not believe it was the Board's job to decide how this property is to be developed. This is a postage stamp size parcel and there are other

**ITEM #9 – con't.**

businesses that would fit and would not increase the amount of traffic. Mr. Clark stated that he believes this restaurant would cause a massive influx of vehicles and also thinks the petitioner is asking for an excessive amount of variances. Furthermore, Mr. Clark does not see this as a piece of dirt but considers it be a greenbelt. Fourteen Mile is at the border of Madison Heights and there are some businesses on the south side of the City that are not very well kept. Burger King is very well maintained. Mr. Clark stated that he has a problem with the number of variances requested and believes it is the job of this Board to protect the property owners in Troy.

Mr. Lucci stated that he believes 30% of the traffic will come in through Burger King. The existing roads are at a failure level and he is not only concerned about the increase of traffic on John R. but also about the access that emergency vehicles will have.

Mr. Clark stated that the drive into Oakland Plaza is very close and could be utilized.

Motion by Bartnik  
Supported by Lambert

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

- Variance is not contrary to public interest.
- Variances will not establish a permitted use in a Zoning District.
- Variances will not have an adverse effect to surrounding property.
- Absent a variance no other reasonable use can be made of the property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Variances are not excessive due to the size of the property.
- Practical difficulties result from the size and configuration of the property.
- Location of this property creates a practical difficulty as it is near the corners of Troy and Madison Heights.

Mr. Courtney stated that a deceleration might help.

**ITEM #9 – con't.**

A discussion began regarding the installation of a deceleration and the criteria required by the Oakland County Road Commission as John R is a county road. It was also stated that it was possible that when this item appeared before the Planning Commission as part of the consideration of the Special Use Approval, it may be determined that a drive on John R would have a detrimental effect to surrounding property.

Mr. Kovacs stated that the Planning Commission could also deny the Special Use Approval as this site would be both a drive through and drive in restaurant.

Mr. Stimac stated that the Planning Commission would look at the ability to safely get to and from this site as part of their consideration.

Mr. Kovacs stated he believes traffic congestion would only occur for the first few weeks this business is opened. Businesses have to keep people moving in and out, otherwise people will choose to go to another location. Mr. Kovacs expressed concern that if a deceleration lane was added the safety of pedestrians would be comprised and also that absent a variance no reasonable use can be made of this property.

Mr. Ullmann stated that he does not think this is the perfect site for this business as there is too much stuff put into too small a space. There is not sufficient space for a sidewalk and a deceleration lane and this is not the best use of this property. Mr. Ullmann further stated that this site should not be utilized to throw away landscaping. Six (6) variances are excessive and the driveway onto John R should be eliminated. There will be no landscaping with a deceleration lane and the petitioner should be able to find another site to build this restaurant.

Mr. Kovacs stated that he would like to see the concrete remain in one location rather than move it to another location. This area is mostly commercial and industrial and he does not see this as a concern.

Mr. Kempen said that he has some serious concern about the safety of the people in this area. Many times drivers use the Burger King entrance as a short cut to avoid the light at Fourteen Mile and John R and this will affect Burger King as well.

Mr. Bartnik disagreed and stated that there are various restaurants that line up against the curb and there is not a lot of pedestrian traffic. Concrete is on both sides of Fourteen Mile and the only opposition to this request is from a competing business. The population in Michigan is declining and he sees this restaurant as something positive.

Mr. Clark stated that he lives in this area and the Oakland Mall area is congested most of the year. It is only fair for each business to follow the rules. Mr. Clark stated that this

Board had asked the petitioners to come back with other options. There are a lot of cars that come through this area and Troy is the largest City in Oakland County. Mr. Clark believes that six (6) variances are excessive and also that the petitioners can find another space for this restaurant. There are other businesses that would fit on this parcel. The Planning Commission is encouraging property owners to add more landscaping.

Motion by Courtney

MOVED, to postpone the request of Urbanca-Oakland Plaza, LLC, 124 John R. (proposed address) for relief of the Ordinance to construct a new commercial building, (Sonic Restaurant), to the meeting of May 19, 2009.

- To allow the petitioner to come back to the Board with other options.

Motion dies due to lack of support.

Mr. Kovacs stated that he does believe there have been other businesses in Troy that have asked for a large number of variances. Mr. Kovacs also stated that a decision should be made on the type of variances proposed and not the total number of variances.

Mr. Lambert stated that there are definite traffic concerns and there are definite challenges as well with the number of variances requested. Mr. Lambert also stated that he is in support of this request as this is a commercial area, it would be a benefit to the adjoining property owners and it would have a positive effect on that part of Troy.

Mr. Clark asked how soon this petitioner could come back before this Board if this request was denied.

Mr. Stimac explained the deadline for the Board of Zoning Appeals.

Mr. Clark stated that he would be voting “no” on this request.

Mr. Courtney asked the petitioner if they would be willing to eliminate the driveway from John R.

Mr. Gaber stated that they cannot eliminate that driveway.

Vote on Mr. Bartnik’s motion to approve this request.

Yeas: 3 – Bartnik, Kovacs, Lambert  
Nays: 4 – Clark, Courtney, Kempen, Ullmann

MOTION TO APPROVE REQUEST FAILS – NO OTHER MOTIONS MADE BY THE BOARD

The Board of Zoning Appeals meeting adjourned at 10:17 P.M.

Matthew

---

Kovacs – Chairman

---

Pamela Pasternak, Recording Secretary



## CITY COUNCIL REPORT

May 20, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Final Reporting – BidNet On-Line Auction Services –  
April 2009

### Background

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

### Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for four (4) bicycles, three (3) lots of new miscellaneous clothing, miscellaneous scrapbook supplies, one (1) wet/dry flat iron, one (1) Kodak camera, two pairs (2) Cartier sunglasses, one set (1) Whelen sirens, one set (1) miscellaneous brackets, one (1) oak table, four (4) grey chairs, three (3) large boxes air masks, one (1) Epson camera, one (1) Epson printer, one (1) book/video rack, one (1) paper cutter, two (2) glass bottles, one (1) cookie press, one (1) large chalk board, one (1) sewing machine, one (1) piano style melodeon, one (1) popcorn popper, one (1) typewriter, one (1) printing furniture cabinet, and one (1) box of miscellaneous museum items that were auctioned on-line through BidNet, the City's e-procurement website during the month of April 2009.

May 20, 2009

To: John Szerlag, Acting City Manager

Re: Final Reporting – BidNet On-Line Auction Services – April 2009

Financial Considerations - continued

Final sale amounts and fees are listed below:

<b>SUMMARY</b>	<b>PROCEEDS</b>	<b>SUB-TOTAL</b>	<b>NET INCOME</b>
BidNet Auction	\$1,295.50		
<b>SUB-TOTAL:</b>		<b>\$1,295.50</b>	
	<b>FEES:</b>		
5% - Bicycles, air masks, sewing machine, cameras, & etc.	(\$63.84)		
<b>SUB-TOTAL:</b>		<b>(\$63.84)</b>	
Sales Tax +6% (Bicycles, air masks, cameras, & etc.):	\$77.73		
<b>SUB-TOTAL:</b>		<b>\$77.73</b>	
			<b>\$ 1,309.39</b>

Legal Considerations

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

Policy Considerations

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

Options

- To report final results of April 2009 auctions to the City management.
- No action required



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

**Report for the City of Troy, MI**

Detailed Report for Seller: ALL

Reported on 4/30/2009

From: 4/1/2009 To: 4/30/2009

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
<a href="#">4717</a>	4/22/2009	57.00	3.42	2.85	Sale	Magna Bicycle	Bockstanz
<a href="#">4720</a>	4/22/2009	116.00	6.96	5.80	Sale	Kent Bicycle	Bockstanz
<a href="#">4719</a>	4/22/2009	76.00	4.56	3.80	Sale	Roadmaster Bicycle	Bockstanz
<a href="#">4718</a>	4/22/2009	85.00	5.10	4.25	Sale	Motiv Bicycle	Bockstanz
<a href="#">4728</a>	4/23/2009	25.50	1.53	1.28	Sale	Wet/Dry Flat Iron	Bockstanz
<a href="#">4729</a>	4/23/2009	76.00	4.56	3.80	Sale	Kodax Camera	Bockstanz
<a href="#">4730</a>	4/23/2009	275.00	16.50	13.75	Sale	Sunglasses	Bockstanz
<a href="#">4722</a>	4/23/2009	25.00	1.50	1.25	Sale	Miscellaneous New Clothing - Lot 2	Bockstanz
<a href="#">4725</a>	4/23/2009	57.00	3.42	2.85	Sale	Miscellaneous Scrapbook Items	Bockstanz
<a href="#">4723</a>	4/23/2009	17.50	1.05	0.88	Sale	Miscellaneous New Clothing - Lot 3	Bockstanz
<a href="#">4721</a>	4/23/2009	81.00	4.86	4.05	Sale	Miscellaneous New Clothing - Lot 1	Bockstanz
<a href="#">4217</a>	4/27/2009	8.00	0.48	0.43	Sale	Motorola Contverta-Com Holders	Bockstanz
<a href="#">4017</a>	4/27/2009	5.00	0.30	0.25	Sale	Epson LQ870 Printer	Bockstanz
<a href="#">4289</a>	4/27/2009	33.00	1.98	1.65	Sale	Air Masks	Bockstanz
<a href="#">4310</a>	4/27/2009	22.72	1.36	1.14	Sale	Brackets, magnets, Rolatape, 2 Sirens	Bockstanz
<a href="#">4734</a>	4/27/2009	19.00	1.14	0.95	Sale	Black Spinner Rack	Bockstanz
<a href="#">4736</a>	4/27/2009	8.00	0.48	0.40	Sale	Four Gray Chairs	Bockstanz
<a href="#">4302</a>	4/27/2009	66.00	3.96	3.30	Sale	Whellen Sirens	Bockstanz
<a href="#">4732</a>	4/27/2009	46.00	2.76	2.30	Sale	Epson Digital Camera	Bockstanz
<a href="#">4735</a>	4/27/2009	41.77	2.51	2.09	Sale	Oak Table	Bockstanz
<a href="#">4739</a>	4/29/2009	2.50	0.15	0.13	Sale	Chalk Board	Bockstanz
<a href="#">4744</a>	4/29/2009	20.00	1.20	1.00	Sale	Miscellaneous Items - Lot A	Bockstanz
<a href="#">4748</a>	4/29/2009	5.50	0.33	0.28	Sale	Glass Bottles	Bockstanz
<a href="#">4737</a>	4/29/2009	5.00	0.30	0.25	Sale	Paper Cutter	Bockstanz
<a href="#">4740</a>	4/29/2009	11.50	0.69	0.58	Sale	Printing Furinture Cabinet	Bockstanz
<a href="#">4745</a>	4/29/2009	10.00	0.60	0.50	Sale	Popcorn Popper	Bockstanz
<a href="#">4738</a>	4/29/2009	16.00	0.96	0.80	Sale	Sewing Machine	Bockstanz
<a href="#">4741</a>	4/29/2009	47.51	2.85	2.38	Sale	Piano Style Melodeon	Bockstanz
<a href="#">4743</a>	4/29/2009	27.00	1.62	1.35	Sale	Lukken Maker	Bockstanz
<a href="#">4746</a>	4/29/2009	10.00	0.60	0.50	Sale	Typewriter	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$1,295.50	\$77.73	\$63.84	\$0.00	\$63.84	\$63.84

Troy Police Department  
Attention: Chief of Police Gary G. Mayer  
500 West Big Beaver Road  
Troy, Michigan 48024

Chief Mayer,

I am writing you today regarding one of your Police Officers, Craig Fitzpatrick. I was fortunate enough to recently attend the "Police Mountain Bike Training" from April 27th through May 1st, 2009 at the Macomb Community College Criminal Justice Training Center. Officer Fitzpatrick was one of the instructors of that class.

I have been a Police Officer for over 12 years, and have attended nearly 30 training classes since my academy graduation. This class was by far the best I have attended to date. What made it the best was the obvious dedication and professionalism shown by the instructors, Officer Fitzpatrick in particular. He taught by example, never asking us to do anything he himself would not do first. Officer Fitzpatrick showed a passion for law enforcement that is rare in seasoned veteran officers, who sometimes lose their drive over time.

Officer Fitzpatrick taught us with energy and enthusiasm. He showed an obvious commitment to the work we do, and an eagerness to pass along his knowledge. He motivated us when we were exhausted, and made us push ourselves harder. He rode along side of us, and did not coach us from the sidelines. He earned our respect.

I know that I am going to be able to put his training to use in the City of Warren, where I am a Police Officer. People are quick to criticize us and to make complaints, but seldom do we hear from them when an officer does something positive. Please thank Officer Fitzpatrick on behalf of our entire class for his dedication and hard work. He is no doubt one of the reasons that Troy remains one of the best and safest communities in our state. Thank you for your time.

Sincerely,



Gregory Booton

CITY MGR  
DIVISION COMMANDERS  
OFFICER FITZPATRICK

CRAIG -  
GOOD WORK.



Gary Mayer, Chief of Police  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

May, 14 2009

Reference: Forensic Hard Drive Recovery Assistance

Dear Chief Mayer:

Our fire department recently experienced a hard drive failure on our EMS Billing Clerks computer. This drive contained a large amount of important and valuable data that was, from our perspective, not recoverable.

As it turns out, one of our Fire Investigators, Byron Turnquist, informed us that he had a contact within the Troy Police Department, Detective Jim Mork, who had performed forensic hard drive recoveries in the past and that he might be able to provide us with some assistance. Investigator Turnquist contacted Detective Mork and shared with him our dilemma. Detective Mork offered to take a look at this hard drive for us and was ultimately able to recover its valuable data which is back in use today; and now backed up differently.

Please share our thanks with Detective Mork; his skill and service were greatly appreciated. His unique talents and abilities are indeed an asset to the Troy Police Department and the greater public service community.

Respectfully,



Jay Wiseman, Assistant Fire Chief

cc: file

JIM-  
YOUR TRAINING AND EXPERIENCE  
CONTINUES TO HELP OTHERS. GOOD  
WORK. Jay

CITY MGR  
DIVISION COMMANDERS  
OFFICER MORK

**Gary G Mayer**

**From:** Gary G Mayer  
**Sent:** Monday, May 18, 2009 8:02 PM  
**To:** Alan Thompson  
**Subject:** RE: Thanks

Mr. Thompson,  
 Thank you for you kind words. I am very glad that everything worked out well with your mother. I will pass along your praise to the officer.  
 Chief Gary Mayer

---

**From:** Alan Thompson [  
**Sent:** Monday, May 18, 2009 7:54 PM  
**To:** Gary G Mayer  
**Subject:** Thanks

Chief Mayer,

I just want to thank you and your department for checking on my mother, Violet Thompson who lives at [redacted] in Troy this afternoon. Mom is eighty-eight and although she is on a couple of bowling teams, I still call her each day just to check up. I live in Tinton Falls New Jersey and when I tried to call my mother at around 4:00 pm. Mom's phone had been busy for about an hour and a half and she did not answer her cell phone. I called the non-emergency number and the individual who answered told me that they would send someone out to check. As it turns out Mom was fine and she had inadvertently left a phone off the hook. The office who knocked on Mom's door introduced myself as "Mark" and was very kind and helped Mom find the phone that was not hung up. Mom called me and put Officer Mark on the line - he was very gracious and I just wanted to take the time to thank you and Officer "Mark" for your help.

Thanks,

Alan Thompson

Tinton Falls, NJ 07724

INCIDENT # 09-15379  
 PSA McPHAIL - CALL TAKER  
 P.O. MARK COLE - RESPONDED

PSA McPHAIL + P.O. MARK COLE -  
 THANKS FOR YOUR PROFESSIONAL  
 HANDLING OF THIS.  
 Gary Mayer

MANAGER'S OFFICE  
 DIVISION COMMANDERS  
 C.M. BRANDIMORE  
 FILES



**Ruth Johnson**  
**Oakland County Clerk/Register of Deeds**

www.oakgov.com/clerkrod

Elections Division

RECEIVED

MAY 18 2009

CITY OF TROY  
 CITY MANAGER'S OFFICE

May 14, 2009

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #09075 – BOARD OF COMMISSIONERS – SUPPORTS EDUCATING MOBILE TELEPHONE USERS TO STORE “IN CASE OF EMERGENCY” (“ICE”) LISTINGS ON THEIR DEVICES which was adopted by the Oakland County Board of Commissioners on May 7, 2009.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #09075 to the appropriate person. Thank you for your cooperation.

Sincerely,

Ruth Johnson  
 Clerk/Register of Deeds  
 County of Oakland

Enclosure (1)

**REPORT** (MISC. #09075)

May 7, 2009

BY: GENERAL GOVERNMENT COMMITTEE – Christine Long, Chairperson

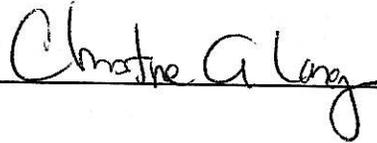
RE: **MR #09075 – BOARD OF COMMISSIONERS – SUPPORTS EDUCATING MOBILE TELEPHONE USERS TO STORE “IN CASE OF EMERGENCY” (ICE”) LISTINGS ON THEIR DEVICES**

To the Oakland County Board of Commissioners  
Chairperson, Ladies and Gentlemen:

The General Government Committee, having considered the above titled resolution on April 27, 2009, recommends that the resolution be adopted.

Chairperson, on behalf of the General Government Committee, I move the acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

  
\_\_\_\_\_

**GENERAL GOVERNMENT COMMITTEE**

Motion carried unanimously on a roll call vote with Potter, Capello and Hatchett absent.

Miscellaneous Resolution #09075

**BY:** Commissioner Shelley G. Taub, District #16

**RE: Board of Commissioners – Supports Educating Mobile Telephone Users to Store “In Case of Emergency” (ICE”) Listings on Their Devices**

**TO:** Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

**WHEREAS** there are over 215 million cell phone users in the United States today. Industry experts expect over 300 million users by 2010; and

**WHEREAS** the U.S. Centers for Disease Control and Prevention reported in 2006 that 300 million emergency room patients could not provide contact information because they were incapacitated; and

**WHEREAS** many individuals, including teenagers, leave the home each day without any identification or emergency contact information, yet carry a cell phone; and

**WHEREAS** a global campaign began in 2005 calling for individuals to program an “In Case of Emergency” contact (or **ICE** for short) into their mobile phones; and

**WHEREAS** the “ICE” telephone programming enables the first responders, such as paramedics, firefighters and police officers, to identify victims and contact their relatives or close friends in order to obtain important medical information; and

**WHEREAS** the American College of Emergency physicians recommends that people with cellular phones add "ICE" entries into their cell phone address books to assist medical professionals in notifying the person's emergency contacts and to obtain critical medical information when a patient arrives unconscious or unable to answer questions.

**WHEREAS** the process of programming an “ICE” contact in the memory of a cell phone is simple:

- (1) **CHOOSE** a responsible person.
- (2) **INFORM** this person that they are your emergency contact and then make sure they have on hand all of the information a medic might need: a list of the medications you are taking, all of your known allergies (especially to medications and food), and names and phone numbers of your doctors.
- (3) **ADD** this person's contact info into your cell phone using the heading/title ICE.

**NOW THEREFORE BE IT RESOLVED** that the Oakland County Board of Commissioners hereby recognizes the importance of educating mobile telephone users and emergency response personnel on how the “In Case of Emergency” (ICE) listing can be a source of valuable information in the case of an emergency.

**BE IT FURTHER RESOLVED** that the Oakland County Board of Commissioners urges the Oakland County departments, local public safety officials, hospitals and schools to participate in process of educating cell phone users on programming “ICE” numbers into their address books as a means to provide critical medical information.

**BE IT FURTHER RESOLVED** that the Oakland County Clerk is requested to forward copies of this adopted resolution to the Oakland County Executive, the Oakland County Sheriff, the Oakland County Health Division, Oakland County Intermediate School District, Oakland County's cities, villages and townships.

Chairperson, we move the adoption of the foregoing Resolution.

Shelley G. Taub  
Commissioner Shelley G. Taub  
District #16

Thomas F. Madolito  
Commissioner  
District # 4

[Signature]  
Commissioner  
District # [Signature]

[Signature]  
Commissioner  
District # 25

[Signature]  
Commissioner  
District # 1

Gary R. McGillicuddy  
Commissioner  
District # 24

[Signature]  
Commissioner  
District # 13

William Zeh  
Commissioner  
District # 22

Michael G. DeAngelis  
Commissioner  
District # 3

Tom Gremel  
Commissioner  
District # 11

[Signature]  
Commissioner  
District # 5

[Signature]  
Commissioner  
District # 19

Christine Alary  
Commissioner  
District # 7

[Signature]  
Commissioner  
District # 23

Walter McKinney  
Commissioner  
District # 10

[Signature]  
Commissioner  
District # 21

\_\_\_\_\_  
Commissioner  
District #

Resolution #09075

March 26, 2009

The Chairperson referred the resolution to the General Government Committee. There were no objections.

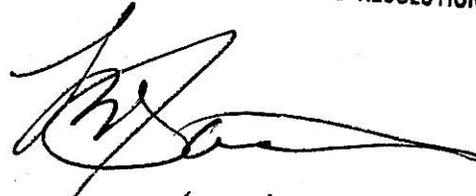
Moved by Middleton supported by Jackson the resolutions (with fiscal notes attached) on the Consent Agenda be adopted (with accompanying reports being accepted).

AYES: Burns, Capello, Coleman, Coulter, Douglas, Gershenson, Gingell, Gosselin, Greimel, Hatchett, Jackson, Jacobsen, McGillivray, Middleton, Nash, Potter, Runestad, Schwartz, Scott, Woodward, Zack, Bullard. (22)

NAYS: None. (0)

A sufficient majority having voted in favor, the resolutions (with fiscal notes attached) on the Consent Agenda were adopted (with accompanying reports being accepted).

I HEREBY APPROVE THE FOREGOING RESOLUTION

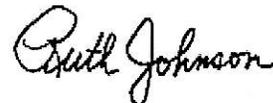


5/12/09

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on May 7, 2009, with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 7th day of May, 2009.



Ruth Johnson, County Clerk

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING  
FOR THE CUSTOMERS OF  
THE DETROIT EDISON COMPANY

RECEIVED

MAY 18 2009

CITY OF TROY  
CITY MANAGER'S OFFICE

CASE NO. U-14838-R

- The Detroit Edison Company is seeking Michigan Public Service Commission approval of the reconciliation of its Choice Incentive Mechanism for the period from January 1 through April 13, 2008.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747 for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- A public hearing in this matter will be held:

**DATE/TIME:** June 3, 2009, at 9:00 a.m.  
This will be a prehearing conference to determine future hearing dates and other procedural matters.

**BEFORE:** Administrative Law Judge Daniel E. Nickerson, Jr.

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the March 30, 2009 application of The Detroit Edison Company (Detroit Edison), which seeks the Commission's approval of the reconciliation of its Choice Incentive Mechanism for the period January 1 through April 13, 2008.

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

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 27, 2009. The proof of service shall indicate service upon Detroit Edison's attorney, Michael J. Solo, Jr., One Energy Plaza, Detroit, Michigan 48226.

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

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

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

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

May 6, 2009



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** May 22, 2009  
**SUBJECT:** Kendricks Lawsuit

---

Enclosed please find the order granting the Troy Police Department and Troy Police Officer Terry Harrison summary judgment in the *Christine Kendricks v. City of Troy et. al* lawsuit. Plaintiff Christine Kendricks filed a lawsuit against several individuals and entities including the "City of Troy Police Department" and "City of Troy Police Department Employee Officer Theresa Harrison." In her complaint, Kendricks alleged she was entitled to relief based on eight separate causes of action, which included claims that she had been deprived of constitutional rights and that she suffered from intentional and negligent infliction of emotional distress. The lawsuit was filed in the U.S. District Court for the Eastern District of Michigan, and assigned to Judge Bernard A. Friedman. Plaintiff claimed she suffered damages in excess of \$75,000 based on child protective proceedings initiated in the Oakland County Probate Court in March of 2001, when she was eleven years old. She alleged her removal from the custody of her parents was improper because of procedural errors that occurred in the Probate Court. She also claimed the foster homes and/or shelters that she was placed into were unfit and unsuitable. As a result, she claimed she suffered physical and emotional injuries. According to her complaint, the City of Troy Police Department, along with all the other defendants, "authorized, tolerated, permitted, ratified in the creation of policies, practices, and customs, establishing a de facto policy of deliberate indifference to individuals such as Plaintiff." She also claimed Officer Harrison threatened and harassed her to provide statements supporting allegations of child abuse against her father.

We filed our motion for summary judgment, requesting a dismissal of the lawsuit. This motion was based on several grounds, including the applicable statute of limitation, the *Rooker-Feldman* doctrine (the principle that federal courts cannot re-examine issues that were the subject of a prior state court case) and governmental immunity. All the other Defendants also filed motions seeking dismissal, including Oakland County Probate Court Judge Eugene Moore, Referee Twila Leigh, court appointed guardians Mark Bosler and Bernadine Trout, the Oakland County Prosecutor's Office, the Michigan Family Independence Agency, case worker Jacinda Kent-Jones, Children's Village, Wolverine Services and the Vista Maria child care organization. Under the Federal Rules of Procedure, a Magistrate Judge first reviews all pleadings filed in a motion for summary judgment, and submits a recommendation. The parties can then file any objections to this recommendation. The District Court Judge reviews the recommendation and any subsequent pleadings, and can reject, accept, and/or modify the Magistrate's recommendation. In this case, Judge Friedman adopted Magistrate Judge Donald A. Scheer's Report and Recommendation, and entered an Order on May 13, 2009 granting summary judgment to all Defendants.

As with all civil cases, Plaintiff has a right of appeal, which must be filed within 30 days of the dismissal. Appeals must be filed in the United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio.

If you have any questions concerning the above, please let us know.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTINE KENDRICKS,  
Plaintiff,

Case No. 08-15193  
HON. BERNARD A. FRIEDMAN

vs.

HON. EUGENE ARTHUR MOORE, et al.,  
Defendants.

---

**JUDGMENT**

The court has granted defendants' motion for summary judgment.

Accordingly,

IT IS ORDERED AND ADJUDGED that judgment be and is hereby granted for defendants and against plaintiff. Costs to be permitted in accordance with law.

DAVID J. WEAVER  
CLERK OF COURT

By: Carol L. Mullins  
Deputy Clerk

May 13, 2009

Approved: s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTINE KENDRICKS,  
Plaintiff,

Case No. 08-15193  
HON. BERNARD A. FRIEDMAN

vs.

HON. EUGENE ARTHUR MOORE, et al.,  
Defendants.

---

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation dated April 29, 2009. Objections were filed on May 11, 2009.

This Court had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons. Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Scheer's Report and Recommendation dated April 29, 2009, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Plaintiff's Motion to file a Second Amended Complaint is DENIED.

IT IS FURTHER ORDERED Defendants' respective Motions for Summary Judgment are GRANTED.

Dated: May 13, 2009  
Detroit, Michigan

S/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTINE KENDRICKS,

Plaintiff,

CIVIL ACTION NO. 08-15193

v.

DISTRICT JUDGE BERNARD A. FRIEDMAN  
MAGISTRATE JUDGE DONALD A. SCHEER

JUDGE EUGENE MOORE,  
MICHIGAN FAMILY INDEPENDENCE  
AGENCY, JACINDA KENT-JONES,  
MARK BOSLER, TROY POLICE  
DEPARTMENT, THERESA HARRISON,  
BERNADINE TROUT, TWILA  
LEIGH, OAKLAND COUNTY  
CHILDREN'S VILLAGE,  
VISTA MARIA, WOLVERINE  
SERVICES, and OAKLAND CO.  
PROSECUTOR'S OFFICE,

Defendants.

\_\_\_\_\_ /

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

RECOMMENDATION: Defendants' respective Motions to Dismiss and for Summary Judgment should be GRANTED, on the basis of the statute of limitations, the Rooker-Feldman doctrine, and absolute immunity.

\* \* \*

Plaintiff, proceeding pro se, filed an Amended Complaint, pursuant to 42 U.S.C. §§ 1983 and 1985, on December 18, 2008, against the above named defendants. This case arises out of child protective proceedings involving Plaintiff, who, while a minor, was removed from her parents' custody in 2001 and placed in foster care by the State of Michigan. She argues that the Oakland County Michigan probate court had no jurisdiction

to issue the “take into custody” order because her parents were not given notice of the hearing that resulted in her placement into state custody. Plaintiff further maintains that she did not receive proper care while in the custody of the state, and has suffered damages as result of being placed in foster care.

Plaintiff’s Amended Complaint lists eight causes of action. She alleged that the probate court did not have jurisdiction to place her in foster care (count I); that her federal civil rights protections under 42 U.S.C. §§ 1983 and 1985 were violated (counts II thru IV); and, that she suffered the intentional and negligent infliction of emotional distress (counts V & VI). She also claimed that the state’s actions were negligent (count VII), and breached the duty of “in loco parentis”. (count VIII).

Defendants filed separate Motions to Dismiss or for Summary Judgment in January 2009 (See Docket #8, #12, #17, #18, #36, #42, #44). They assert that the Amended Complaint should be dismissed based on the statute of limitations, the Rooker-Feldman doctrine, immunity, and failure to state a claim upon which relief may be granted. Plaintiff has not filed a response to the separate motions for summary disposition to date.

Plaintiff instead filed a motion on January 9, 2009, seeking leave to file a second amended complaint (Docket #30). Plaintiff stated that she wished to add new parties defendant based upon “new information important to the immediate resolution of this case.” Defendants filed separate responses to Plaintiff’s motion seeking to amend her complaint. They maintained that any amendment would be futile since all claims against them were time barred, or subject to dismissal based on the Rooker-Feldman doctrine and governmental immunity. Plaintiff filed a motion to Stay Proceedings on January 28, 2009, pending resolution of her request to amend her complaint (Docket #45).

### LEAVE TO AMEND

Leave of the court is required to amend a complaint after a responsive pleading has been served. Fed.R.Civ.P. 15(a). The decision to permit the amendment of a complaint is within the discretion of the court. Jet Inc. V. Sewage Aeration Sys., 165 F.3d 419, 425 (6<sup>th</sup> Cir. 1999). As Defendants correctly point out, this Court has the authority to deny Plaintiff's motion seeking to amend her complaint if such an amendment would be futile. Thiokol Corp. v. Department of Treasury, State of Michigan, Revenue, 987 F.2d 376, 383 (6<sup>th</sup> Cir. 1993). As outlined in detail below, Plaintiff's first Amended Complaint is subject to summary dismissal. Plaintiff's Motion to file a Second Amended Complaint should be DENIED, as every proposed amendment would be futile.

### ANALYSIS AND DISCUSSION

#### STATUTE OF LIMITATIONS

The First Amended Complaint should be dismissed for a number of reasons. The United States Supreme Court has directed federal courts to apply the single most analogous state personal injury statute of limitations to claims brought under 42 U.S.C. § 1983. Wilson v. Garcia, 471 U.S. 261, 276 (1985). The general three year statute of limitations for personal injuries and property damage contained in MCL 600.5805(8) is the uniform limitations period to be applied to civil rights claims in Michigan. Carroll v. Wilkerson, 782 F.2d 44, 45 (6<sup>th</sup> Cir. 1986); Hardin v. Straub, 490 U.S. 536, 540 (1989).

Plaintiff is seeking monetary damages for the time she spent in foster care as a minor. Plaintiff's cause of action accrued in March 2001, when she was initially placed in foster care. Since Plaintiff was a minor at the time of her placement, Michigan's tolling statute, MCL 600.5851(1), allowed her one year from the date she reached the age of 18

to file a lawsuit that would otherwise be barred by the applicable statute of limitation. Plaintiff was born on December 2, 1989, and so she had until December 2, 2008, to file suit. By waiting until December 18, 2008, Plaintiff's civil rights (counts I thru IV), emotional distress (counts V and VI), negligence (count VII) and breach of duty (count VIII) claims are all barred by Michigan's three year statute of limitation on personal injury actions and should be dismissed.

#### ROOKER-FELDMAN DOCTRINE

Even if Plaintiff had timely filed her suit, it would still be subject to summary dismissal. Plaintiff claims that the Oakland County Probate Court failed to notify her parents of the proceedings. She seeks federal court review of the orders issued by the state probate court placing her in foster care. However, Fed.R.Civ.P. 12(h)(3) provides that "[i]f the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action."

The United States Supreme Court has held that if a state court, acting judicially, has decided a matter, a federal court is barred as a matter of jurisdiction from reviewing what the state court has done. Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486, 103 S.Ct. 1303, 75 L.Ed. 2<sup>nd</sup> 206 (1983) ("United States District Courts . . . do not have jurisdiction . . . over challenges to state court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional. Review of those decisions may only be had in this Court.")

Gabhart v. Cocke County, Tennessee, 155 Fed.Appx. 867 (6<sup>th</sup> Cir. 2005), 2005 WL 3196601 (quoting Feldman, 460 U.S. at 486). The Rooker-Feldman abstention doctrine "stands for the simple . . . proposition that lower federal courts do not have jurisdiction to

review a case litigated and decided in a state court; only the United States Supreme Court has jurisdiction to correct state court judgments. Anderson v. Charter Township of Ypsilanti, 266 F.3d 487, 492 (6<sup>th</sup> Cir. 2001) (citing Gotfried v. Med. Planning Servs., 142 F.3d 326, 330 (6<sup>th</sup> Cir. 1998)).

A state probate court proceeding resulted in Plaintiff's removal from her parents' home and her placement into the custody of Michigan's foster care system. A judgment by this federal court calling into question that placement necessarily implies that the state court was wrong. "Where federal relief can only be predicated upon a conviction that the state court was wrong, it is difficult to conceive the federal proceeding as, in substance, anything other than a prohibited appeal of the state court judgment." Pennzoil Co. v. Texeco, Inc., 481 U.S. 1, 25 (1987) (Marshall, J. concurring). Thus, this Court is prevented from exercising jurisdiction in this matter, and all claims must be dismissed.

#### GOVERNMENTAL DEFENDANTS

Alternatively, the Amended Complaint is subject to summary dismissal because all of the named defendants are entitled to governmental, judicial or qualified immunity. There is no proper basis alleged in the Amended Complaint for a claim against the Michigan Family Independence Agency, the Troy Police Department, Oakland County Children's Village, or the Oakland County Prosecutor's Office. Section 1983 imposes liability on any "person" who violates an individual's federal constitutional or statutory rights. It is well-established that governmental agencies are not legal entities amenable to suit under § 1983. Monell v. NYC Department of Social Services, 436 U.S. 658, 694 (1978). Plaintiff's § 1983 claims against these defendants must, therefore, be dismissed. Her state law tort claims must also be dismissed, since Michigan law provides governmental agencies with

immunity as long as they were engaged in the exercise or discharge of a governmental function. See MCL 691.1407(1) and (2). Plaintiff does not allege that any of the governmental defendants here acted outside the scope of their statutory duties.

#### ABSOLUTE IMMUNITY

To the extent that Plaintiff seeks damages against judicial officers (Moore and Leigh) and court appointed guardians *ad litem* (Bosler and Trout), they are entitled to absolute immunity from damages for actions taken in the course of their duties in the judicial process. No immunity doctrine pertaining to individuals is more strongly established than that of judicial immunity. Sound policy concerns favor judicial immunity in suits for money damages to avoid impairment of the judicial process. Pierson v. Ray, 386 U.S. 547 (1967); Barnes v. Winchell, 105 F.3d 1111 (6<sup>th</sup> Cir. 1997).

Furthermore, Michigan law provides absolute immunity to child care organizations (Wolverine Services and Vista Maria) and their employees (Kent-Jones), who are involved in the placement and monitoring of children in foster care. Martin v. Children's Aid Society, 215 Mich App 88 (1996). Similarly, the Sixth Circuit has recognized that private child care organizations and their employees are absolutely immune from liability under federal civil rights statutes. Kurzawa v. Mueller, 732 F.2d 1456 (6<sup>th</sup> Cir. 1984).

#### QUALIFIED IMMUNITY

Plaintiff asserts that Troy Police Officer Theresa Harrison, the last remaining defendant, forcibly removed her from school in March 2001, before escorting her to Children's Village (Amended Complaint, paragraph 24). She claims that the police officer threatened and harassed her to provide statements supporting the allegations of child abuse against her parents (paragraph 80).

In an attached affidavit, Officer Harrison stated that she assisted the Family Independence Agency (FIA) with the enforcement order issued by the Oakland County Probate Court. That order directed that Plaintiff be taken into custody and transported to a sheltered care facility. Harrison denied ever threatening Plaintiff, and asserted that she acted within the scope of her police duties while investigating a child abuse complaint (See affidavit, attached to Defendant Harrison's Motion for Summary Judgment at Docket #17). Plaintiff has not responded to Harrison's affidavit.

Plaintiff essentially argues that Officer Harrison should be held liable because she verbally threatened and harassed her. The general rule is that mere threats, abusive language and verbal harassment are insufficient to state a constitutional claim for relief under § 1983. Ivey v. Wilson, 832 F.2d 950, 954-955 (6th Cir. 1987); Freeman v. Trudell, 497 F.Supp. 481 (E.D. Mich. 1980); Rahman v. Stephenson, 626 F.Supp. 886, 888 (W.D. Tenn. 1986). Moreover, governmental officials performing discretionary functions are shielded from liability for civil damages, in so far as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. Harlow v. Fitzgerald, 457 U.S. 800 (1982).

According to Defendant Harrison's uncontested affidavit, the police officer's contact with Plaintiff was limited to asking about skin bruises on her arm, transporting her to Children's Village, and then taking a statement from her as part of a child abuse case (See Affidavit at paragraphs 10, 26-28). Since there is no evidence that Officer Harrison violated any clearly established constitutional right of Plaintiff, all claims against her should be dismissed based on qualified immunity.

For the foregoing reasons, it is recommended that the Amended Complaint be dismissed for failure to state a claim upon which relief may be granted. Plaintiff's Motion for Leave to File a Second Amended Complaint should also be denied. Given these recommendations, Plaintiff's Motion to Stay Proceedings (Docket #45) should be denied as moot. The parties are advised that any objections to this Report and Recommendation must be filed with the Court within ten (10) days after they are served with a copy, or further appeal from Judge Friedman's acceptance thereof is waived.

s/Donald A. Scheer  
DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: April 29, 2009

---

### CERTIFICATE OF SERVICE

I hereby certify on April 29, 2009 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on April 29, 2009: **Christine Kendricks.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217



## CITY COUNCIL REPORT

May 21, 2009

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Proof of TIPS/TAMS Server Training

During the Troy City Council Hearing scheduled February 18, 2009, the following establishments were given notice to appear for a series of public hearings regarding liquor law violations of Sale to Minor (Compliance Test):

- Alibi Lounge (*date of violation October 11, 2008*)
- Bailey's Pub (*date of violation December 30, 2008*)
- Café Sushi (*date of violation October 2, 2008*)
- C. J. Mahoney's (*date of violation October 2, 2008*)
- Embassy Suites Hotel (*date of violation October 9, 2008*)
- Franco Café (*date of violation December 30, 2008*)
- Ocean Prime Restaurant (*date of violation December 30, 2008*)

The City Council, after due notice, recommended to the Michigan Liquor Control Commission that the seven above establishments, have their appropriate liquor licenses renewed with the stipulation that all employees be TIPS or TAMS trained and that the Licensees provide proof of training to the Troy Police Department within ninety (90) days.

All seven of the above establishments provided the Troy Police Department with proof of TIPS or TAMS training within the required 90 days.

# CLARK HILL

---

## MEMORANDUM

TO: Members, Birmingham City Commission and Troy City Council

FROM: Clark Hill Team

DATE: May 21, 2009

SUBJECT: Federal Update

---

We have prepared this memorandum in order to update the Cities of Troy and Birmingham on Clark Hill's work on your behalf in responding to developments at the federal level and our engagements with federal agencies and your Congressional Delegation.

### **Congressional Update**

We are pursuing two major initiatives at the Congressional level: 1) a \$7 million appropriations request from the Fiscal Year 2010 Transportation, Housing and Urban Development Bill and 2) a \$7 million request in the upcoming Transportation Reauthorization Bill. We have submitted both of these requests to Rep. Peters and Senators Levin and Stabenow.

Due to the fact that the House traditionally acts quicker than the Senate, we already know that Rep. Peters has submitted a \$2 million request for the Transit Center as a part of the annual appropriations process and a \$7 million request for the Transit Center to be included in the upcoming Transportation Reauthorization Bill.

The Senate Appropriations Committee's deadline for filing appropriations requests passed last Friday, May 15, but information has yet to be made public on all Senators' requests. However, we just learned from Senator Stabenow's staff that she has submitted a \$5 million request for the Transit Center.

On the issue of the Transportation Reauthorization Bill, the Senate Environment and Public Works Committee has not yet solicited individual requests from Senators' offices. However, based on our discussions with the offices of Senators Levin and Stabenow and the reception we have received, we are confident that our needs will be addressed in that chamber as well. And while these two requests are our top priorities at the Congressional level, we will be actively engaging your Delegation and soliciting their support for any additional federal funding opportunities the Cities pursue (see below).

### **EECBG**

We have been in contact with the U.S. Department of Energy regarding funds made available through the American Recovery and Reinvestment Act (stimulus bill) in the areas of energy

efficiency and greenhouse gas reductions, and have identified the Energy Efficiency and Conservation Block Grant (EECBG). There is an emphasis on the development of programs to promote energy efficiency over actual implementation of specific projects. However, we have determined that the Transit Center project is eligible for EECBG funding, but in order to receive these funds, the Cities must present hard facts about the energy efficiency savings and environmental benefits that would result from constructing the Transit Center. The State has been allocated \$19.6 million and Oakland County, \$4.88 million. Troy has been allocated \$921,100 while Birmingham is ineligible to receive direct assistance. We have put Birmingham city staff in touch with Oakland County to determine how best to access those dollars.

### **DOT Discretionary Grants**

On May 18, DOT announced the availability of \$1.5 billion in discretionary grant funding authorized in the stimulus bill earlier this year. The final rulemaking will be issued by June 17 and applications will be due September 15.

The primary focus of these grants will be on projects that produce long-term results and immediate and sustained job growth, while also improving the condition of existing transportation facilities and systems, the quality of living and working environments through livable communities, and energy efficiency and reducing greenhouse gas emissions. Based on these qualifications and the conversation with Transportation Secretary LaHood reported previously to the Birmingham City Commission by Commission Moore, we feel that the Transit Center is well positioned to receive this kind of assistance.

### **Private Sector**

The Chicago Amtrak office recently reached out to a number of Midwestern station managers and local officials to highlight private funding available for station improvements through the Transportation Lending Services Corporation (TLSC), which was founded in 2000 by the Community Transportation Association of America to supplement funding for community and public transportation development projects.

TLSC provides capital and operating money for transportation related projects that range in size from \$2,000 to \$2 million. While TLSC was founded primarily as a transit financing entity, it has recently expanded its reach to include intercity passenger rail depots. TLSC has access to several sources of low-interest government and private capital and is therefore, well positioned to offer low-cost financing for station improvement projects. We have provided TLSC contact information to the Cities' staff should either community choose to pursue this funding.



May 27, 2009

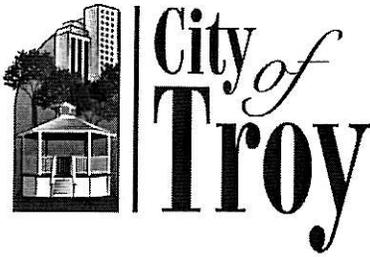
TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, Acting City Manager  
Brian P. Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Automation Alley Annual Audit

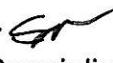
An informal request was made to Automation Alley for a copy of the Annual Audit report. City staff was directed to make a formal request.

A formal request has been made. Once we receive a copy of the Audit, we will provide the same to City Council.



May 26, 2009

TO: Brian P. Murphy, Asst. City Manager/Economic Development Services 

FROM: Steven J. Vandette, City Engineer   
Jennifer Lawson, Environmental Specialist 

SUBJECT: Status of Water Quality Sampling of Outfalls to Sandshores Lake & Proposed Ferry Drain Project with US Army Corps of Engineers

### **Water Quality Analysis:**

The Engineering Department to date has collected two sets of dry weather samples and two sets of wet weather samples (both during cold weather) at each of the 10 outfalls. Tests are being performed for e-coli and phosphorous to try to locate hotspots, determine the causes and develop an action plan to reduce this pollution. The results from the cold weather samples indicated relatively low levels of pollution. These results set the baseline from which to compare the results of the upcoming warm weather testing when e-coli and phosphorus levels typically increase.

### **Working with the ELV:**

Meeting with residents: Engineering staff met with David Diener, ELV President, on March 12, 2009 to communicate the results our testing and we received from him a wealth of knowledge that he has about the lakes, their condition and various testing and maintenance programs that the association has conducted over the years. Since then we have communicated with him by e-mail on an as needed basis. Most recently, we received a copy of the ELV homeowner's association newsletter, which highlights city efforts and describes a fish kill for Sandshores Lake that is planned for this month (see attached). Previously we received copies of water quality testing that they have done over the years, which contains numerous other test parameters that relate to water quality for recreation purposes, full body contact, etc.

Catch Basin Cleaning: The DPW has been cleaning catch basins in the ELV neighborhoods. The DPW has completed catch basin cleaning twice in the past two years (Fall 2007 & Spring 2009), which is more often than the City-wide program. The DPW will continue to clean the catch basins on a one-year rotation basis.

Fish Kill: At the end of May, ELV is planning a fish kill to address the Gizzard Shad infestation that they have experienced on Sandshores Lake.

According to a 1991 study by a consultant for the ELV, the green hue in some of the lakes was due in part to an out of balance fishery population. In 2008, ELV had a fishery evaluation, which concluded that Gizzard Shad, a non-native invasive fish species, made up 42% of the fishery.

But as stated in the newsletter, "Will killing the fish be the silver bullet we are looking for to solve the problem of recurring algae on Sandshores Lake? It will not, as it is not any one thing that will restore any body of water." Nevertheless, both the City and ELV are looking for some level of improvement to the lake after the fish kill.

ELV has all the permits and have notified the City of their actions. They are currently waiting for the water table to go down. ELV will also be working with the DPW staff to ensure that all overflow valves are closed, to not allow any of the chemically treated water to enter into the Ferry Drain.

### **City's Next Steps:**

The next round of water samples for the outfalls to Sandshores Lake will be taking place in late May, late June, mid July and late July. The samples will be collected twice during wet weather conditions and twice during dry weather conditions. The sample results typically take a week and a half to get back from the lab and a week or so are needed to do analysis on the results. Once these results are received and quantified, we plan to meet with Mr. Diener.

We also plan to work with the ELV to assess the Fish Kill program, and evaluate its success. Any data shared with the City will be added to our project file and analyzed upon completion of the water quality data analysis.

### **Ferry Drain Project:**

The Ferry Drain project is separate from the Sandshores Lake testing, but the drain itself is adjacent to portions of the Emerald Lakes subdivision and is the outfall for the lakes. Engineering staff and the US Army Corps of Engineers (USACE), in cooperation with the Oakland County Water Resources Commissioner's Office, are working to develop a restoration plan for the Ferry Drain. This project will be a demonstration project within the Clinton River Watershed Area of Concern (AOC) for the purposes of improving the fish/wildlife habitat and stream corridor. Upon completion of the USACE project, the City of Troy will receive a complete bid-ready set of plans and specifications to address sediment and habitat restoration in the 1.5 miles of the Ferry Drain from South Boulevard to Rochester Road. This project has several side benefits including stabilizing eroded stream banks, removing sediment and improving hydraulic characteristics of the Drain as it relates to Emerald Lakes.

Grant monies are paying for the plans and specifications with the City match provided in soft costs. A source for construction funding has not yet been identified.

The Scope of Work includes the following:

**Task 1 – Document Review:** The City of Troy will provide to the USACE all relevant hydraulic, geomorphologic, biologic and geotechnical reports previously conducted within the riparian corridor of the Ferry Drain

**Task 2 – Field Survey and Investigation:** This task will include survey, sediment rating, habitat analysis and biological assessment.

**Task 3 – Hydraulic and Sediment Modeling:** A hydraulic analysis will be completed to provide existing and proposed shear stresses in the Ferry Drain, which are essential in determining whether a proposed structure or restoration design will be washed out under extreme flood events. In addition, the USACE will develop a qualitative sediment budget and identify upstream sediment sources. The USACE will model the bankfull flow and compare the output with the identified bankfull indicators in the field.

**Task 4 – Conceptual Design:** The USACE will develop a conceptual plan for stabilizing the stream banks in the Ferry Drain. Vegetative and bio-engineering techniques will be preferred over armoring and other hard engineering designs. In addition to the conceptual design, an educational component, requiring the City of Troy to partner with the Clinton River Watershed Council will be completed, directed towards all landowners adjacent to the Ferry Drain.

**Task 5 – Final Design and Construction Documents:** The USACE will prepare final construction documents for the City of Troy that will be used for bidding and construction purposes.

**Task 6 – Construction Observation:** Upon request by the City of Troy, the USACE will be available to perform construction observation of the proposed design.

Please let me know if you have any questions.



## CITY COUNCIL REPORT

DATE: May 26, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Property Maintenance Issues Regarding Vacant Residential Properties

### Background:

- In the discussion of the Farmington Abandoned Residential Property Registration Ordinance at a previous City Council meeting there was discussion of the existing tools that we have in the current Troy Property Maintenance Ordinance to address potential issues regarding vacant, possibly foreclosed, residential structures in Troy. One of the examples cited was the instance of standing water in the basement due to the lack of connection to utilities. The following outlines the options for enforcement under such a condition.
- A condition of standing water in the basement could result in a number of violations of the Troy Property Maintenance Code.
  - The property would be in violation of Section PM-303.2 which requires that the measures be taken to prevent the accumulation of stagnant water within a structure.
  - The property would be in violation of Section PM-305.1 which requires that the interior of a structure and equipment shall be maintained in good repair, structurally sound and sanitary condition.
  - If the condition resulted in damage or deterioration of the walls, there would be a violation of Section PM-305.3 which requires all interior surfaces to be maintained in a good, clean and sanitary condition.
  - If the condition resulted in a mosquito problem then there would be a violation of Section PM-307.1 of the Code which requires structures be kept free of insect infestations.
  - If the condition resulted in damage to the mechanical or electrical systems then the property would be in violation of Sections PM-603.1 and PM-605.1 that require mechanical and electrical systems, respectively, be maintained in proper working order.
- In enforcing the provisions of the Property Maintenance Code we have four options to follow for remedies:
  - Issue a notice of violation and give the owner an opportunity in a reasonable time frame to make the corrections.

- Issue a Municipal Civil Infraction ticket and impose a fine for the violation.
  - Do the work ourselves and charge the owner for the work.
  - Have the building declared a Dangerous Building and order its demolition.
- Under each of these options the building could be “posted” as not being fit for occupancy until the violations are corrected and inspections approved.
- Approximately 91% of our property maintenance violations in 2008 were resolved after notifying the owner of the violation and giving them appropriate time to correct the violations.
- Municipal Civil Infractions are subject to the monetary penalties of Chapter 100 of the Troy City Code. We have also found success with the courts in postponing sentencing on a violation to give the responsible party the opportunity to correct the violations prior to the determination of the fine. As well, the judge or magistrate has the authority to issue a court order to correct the violations or be subject to being further found guilty of contempt of court.
- Up to this point in time, the City of Troy has not attempted to go into the home repair business by fixing derelict structures and charging the owners for the repairs. We have, on occasion, cut grass and weeds, removed trash and debris, or boarded up an open structure to eliminate a violation and then invoiced an owner for the expenses.
- The other opportunity for enforcement, if the condition of the structure is of such a nature to qualify, is to declare the structure a dangerous building and order that the building be demolished under the provisions of Chapter 82-B of the City Code. There is a rigorous process of notice, as well as, opportunities for appeal of this determination outlined within the Chapter.



## CITY COUNCIL REPORT

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Grand Opening of Library Café, Cup & Chaucer

### Background:

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

- The Grand Opening of the library's café will be on Monday, June 1, 2009, at 6:30 p.m.
- All city council members and city staff, as well as the general public, are invited to attend the Grand Opening on June 1, 2009.
- The café name is Cup & Chaucer. This winning entry was submitted by Mrs. Alanda Slusser of Troy, who has been invited to attend the Grand Opening and help cut the ribbon to open the café.



## CITY COUNCIL REPORT

Date May 7, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Referrals

### Background:

The City Council at their Regular meeting on Monday, April 20, 2009, identified the following potential Charter Revisions:

1. Increasing the time an Acting City Manager can serve prior to the appointment of a permanent City Manager to something more than the current 120-day period – Section 3.10 – City Manager; Appointment and Qualification
2. Annual Term of Mayor Protem – Section 3.7 – Election of Mayor Protem
3. Election of Mayor by the Council or in a manner other than directly by the electorate – Sections 3.7 Election of Mayor (new), 3.1 – City Council, 3.4 – Elective Officers and Terms of Office, 3.4.1 – Elective Officers Term Limitations, 3.5 Qualifications of Councilmen, and 3.6 - Compensation of Councilmen
4. Additional consideration of the process wherein a Council member chooses to run for an elected office other than their own – Section 6.2(g)
5. Requirement of the minimum number of Charter Revision Committee members present and voting to recommend items to Council.

City Administration has isolated the sections of the Charter governing each of Council's requested revisions.

The first and second items, increasing the term of an Acting City Manager and changing the term of the Mayor Protem, appear to be relatively simple amendments.

The third item, election of the Mayor, is governed or referenced in several Charter Sections. Several of the amendments are relatively minor in nature. The most significant amendment, the creation of a new section specifically providing for the election of a Mayor, is also fairly easy to create ballot language once City Council provides direction. The significant and perhaps unforeseen result of the elimination of the election of the Mayor directly by the electorate would require a tie-bar of the ballot questions to assure passage of all of the Sections before adoption. Additionally, it should be noted that the elimination of the Mayor's position as a direct elect position would also eliminate the two terms associated with the office, and thus reduce the potential terms for Council members who were seeking to serve in that capacity. The change could result in the elimination of

two four-year terms.

The fourth item, revisions to Section 6.2(g) has been discussed several times by the Council and the Charter Revision Committee. The proposed language for the recommended amendments is included. Section 6.2(g) could also potentially be impacted with the voter approved elimination of the current Mayoral election process.

Finally, the fifth item requiring a full complement of Charter Revision Committee members to vote on items recommended to the Council could have unforeseen restrictions. Council could, by resolution enact the same requirement.

Since City Council has not yet been provided with the potential impact of the Charter revision items discussed at the April 20, 2009 City Council Meeting, this memo is submitted prior to the compilation of statistics from other communities.

City Administration will prepare ballot wording upon receiving direction from Council. The wording can then be forwarded to the Charter Revision Committee for review and consideration.

The City Charter is the primary organizational document that was adopted over 50 years ago, and it should be changed only after deliberate consideration. City Administration respectfully requests that due to the gravity of any changes to the Charter, that Council formally approve a resolution to direct the Charter Revision Committee to review and recommend to Council possible Charter revision questions that would be submitted to the Troy voters.

### **Section 3.1 - City Council:**

The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be, elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

### **Section 3.4- Elective Officers and Terms of Office:**

The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

### **Section 3.4.1- Elective Officers Term Limitations:**

An elected member of the City Council shall not serve more than three terms as Councilperson. ~~The Mayor shall not serve more than two terms as Mayor.~~ Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

### **Section 3.5 - Qualifications of Councilmen:**

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

### **Section 3.6 - Compensation of Councilmen:**

Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

### **Section 3.7 - Election of Mayor:**

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

### **Section 3.7.5 - Election of Mayor Protem:**

The Council shall, at its first meeting in November, annually, ~~following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

**Section 3.10 - City Manager; Appointment and Qualification:**

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within \_\_\_\_\_  
\_\_\_\_\_ ~~one hundred and twenty (120)~~ days.

**Section 6.2 - Vacancies in Elective Office:**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.

**STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office ~~other than their own~~ except to succeed oneself, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120<sup>th</sup> day prior to the next General City Election.”?

YES \_\_\_ NO \_\_\_

**CHARTER REVISION COMMITTEE - Action of June 30, 2008:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.”?

YES \_\_\_ NO \_\_\_

Yes: Barno, Bliss, Kanoza, Wilsher  
No: Bernardi, Bloom  
Absent: Solomon

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE - Action of July 31, 2007:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES \_\_\_ NO \_\_\_

**COUNCILMEMBER HOWRYLAK’S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election”, be deleted in its entirety?

YES \_\_\_ NO \_\_\_

**STAFF PROPOSED AMENDMENT – March 5, 2009:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election

and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election.”?

YES \_\_\_ NO \_\_\_



## CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office

### Background:

- The Charter Revision Committee met on Friday, March 20, 2009, to review a possible amendment to the City Charter Section 6.2(g) - Vacancies in Elective Office. Attached is a draft copy of the minutes and agenda backup documentation from the meeting of March 20<sup>th</sup>.
- The Charter Revision Committee reviewed Section 6.2(g) of the Charter, as requested by City Council. The current Charter Section stipulates:
  - (g) *Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.*

The perceived concern with the above Charter requirement is the vacancy created by the resignation and the potential need for a Special Election to fill a vacant unexpired term. The following are possible scenarios that were discussed and considered in the drafting of the proposed amendment:

- Should a Councilmember resign mid-term to run for another office a two-year term would be created. This term could not be filled by candidates running for a four-year term. A Special Election would be required.
- Should a Councilmember resign at the completion of their term and there were sufficient candidates running to elect their successor, no Special Election would be required.
- Should a Councilmember resign at the completion of their term and if there are not enough candidates to fill all of the four-year terms, a Special Election could be required.
- Candidates may only run for any one elective office at a time (ie. a four-year term OR a two-year partial term).

The Charter Revision Recommendation is as follows:

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006  
Moved by Bliss  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher  
No: Bernardi  
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Placement of Charter Amendment Proposals on a ballot requires five affirmative votes. The deadline for all local questions must be forwarded to the Oakland County Clerk prior to September 4, 2009. August 31<sup>th</sup> would be the last meeting prior to the required submittal date. It is recommended that City Council take final ballot placement action prior to the Regular City Council meeting of at the August 3, 2009 to allow for adequate time to forward the item to the Governor and Attorney General's Office for approval of ballot placement.

Options:

- Option one: **APPROVE** the Charter Revision Committee's recommended amendment to Section 6.2(g) and direct staff to forward the proposed amendment on to the Governor's Office and the Oakland County Clerk for placement on the November 3, 2009 General Election ballot.
- Option two: **REFER** the proposed amendment to Section 6.2(g) back to the Charter Revision Committee for consideration of additional amendment.
- Option three: **TAKE NO ACTION.**

Attachments:

- Charter Revision Committee Minutes and Meeting Supporting Documentation

**CHARTER REVISION COMMITTEE RECOMMENDED MOTION TO SECTION 6.2(g):**

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That City Council **APPROVES** the placement of Section 6.2(g)-Vacancies to Elective Office as recommended by the Charter Revision Committee for placement on the November 3, 2009 General Election ballot as follows:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120<sup>th</sup> day prior to the next General City Election.”?

YES \_\_\_ NO \_\_\_

Yes:

No:

Absent:

**Proposed Charter Amendment (with track changes):**

**Section 6.2 - Vacancies in Elective Office:**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

**STRIKE**

- (g) ~~Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.~~

**INSERT**

- (g) Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective officer, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.

**Proposed Ballot Wording:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filling deadline of the municipal election.”?

YES \_\_\_ NO \_\_\_

A meeting of the Troy Charter Revision Committee was held March 20, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:15 PM.

**ROLL CALL:**

**PRESENT:** Maryann Bernardi, Daniel Bliss, Shirley Kanoza, Cynthia A. Wilsher  
**ABSENT:** Lillian Barno, Jerry E. Bloom, Mark Solomon  
**ALSO PRESENT:** City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

**RESOLUTION TO EXCUSE MEMBER:**

Resolution #CR-2009-03-004  
Moved by Wilshire  
Seconded by Bernardi

RESOLVED, That members Barno, Bloom, and Solomon be **EXCUSED** from the meeting of March 20, 2009.

Yes: Bernardi, Bliss, Kanoza, Wilsher  
No: None  
Absent: Barno, Bloom, Solomon

**MOTION CARRIED**

Member Kanoza requested that the minutes reflect a statement indicating that members should contact City staff in advance of the meeting to advise staff of their inability to attend meetings.

**APPROVAL OF MINUTES: March 5, 2009**

Resolution #CR-2009-03-005  
Moved by Bernardi  
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as corrected.

Yes: Bernardi, Bliss, Kanoza, Wilsher  
No: None  
Absent: Barno, Bloom, Solomon

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Member Wilshire reviewed her recollection of the history of the amendments to Section 6.2(g) of the Charter. She indicated that the intent of the amendment several years ago

was to remove the ability of candidates to position themselves and their friends on the ballot by resigning from their Council position when running for another elected position just before the filing deadline and prearranging for their friends to file for the unexpired portion of their term. She indicated the past discussion focused on the length of time required for the resignation period and that the Committee selected the 21 days as it appeared to give potential candidates notice of the vacancy and sufficient to gather signatures before filing. She noted that the recommendation to Council for placement of the proposed amendment on the ballot received unanimous approval from the committee.

Member Bernardi questioned if there was any history showing a need for the amendment prior to 1994. Was there a problem that initiated the amendment?

Member Wilshire indicated that she thought the amendment was tied to the introduction of term limits. Additionally, it was noted that the amendment to the Charter which eliminated the City Primary Election occurred along with the amendment to this section of the Charter and could have contributed to the perceived need for the proposed amendment.

City Attorney Bluhm referenced a communication she provided to the committee last year containing the history of the previous Charter amendment. She read from a portion of the minutes from 1983 which discussed the rationale for the change.

Discussion continued on the impact of the amendment and potential for calling a Special Election with the Charter as written. Members Wilshire and Kanoza indicated that they would rather see the time requirement for resignation be extended as proposed in the staff recommended amendment over the potential of a very expensive Special Election, especially when the cost to run a Special Election could potentially result in the elimination or lay-off of one or more City employees.

Member Bernardi indicated that she believes the proposal could result in more Special Elections. She questioned what this amendment does other than force a resignation.

**MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Resolution #CR-2009-03-006

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher

No: Bernardi

Absent: Barno, Bloom, Solomon

**MOTION CARRIED**

Member Kanoza voiced disappointment to the statement of “they can get it right this time” made by a Council member at the City Council Regular meeting the last time the Council discussed the proposed amendment to Charter Section 6.2(g). She noted that she has been on the Charter Revision Committee for many years. Member Kanoza stated that she has always tried to be very thorough and do her best as a Charter Revision Committee member. She believes that the Charter Revision Committee has always strived to serve the community in the best manner possible. She felt strongly that her remarks should be made part of the record.

**AUDIENCE PARTICIPATION: None.**

**ADJOURNMENT**

Resolution #CR-2009-03-007  
Moved by Wilshire  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Friday, March 20, 2009 be **ADJOURNED**.

Meeting **ADJOURNED** at 4:01 PM.

---

Daniel Bliss, Chair

---

Tonni L. Bartholomew, City Clerk

A meeting of the Troy Charter Revision Committee was held March 5, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:14 PM.

**ROLL CALL:**

**PRESENT:** Lillian Barno, Maryann Bernardi, Daniel Bliss, Mark Solomon – 3:14 PM  
**ABSENT:** Jerry E. Bloom, Shirley Kanoza, Cynthia A. Wilsher  
**ALSO PRESENT:** City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

**RESOLUTION TO EXCUSE MEMBER:**

Resolution #CR-2009-03-001  
Moved by Bliss  
Seconded by Bernardi

RESOLVED, That members Bloom, Kanoza, and Wilsher be **EXCUSED** from the meeting of March 5, 2009.

Yes: Barno, Bernardi, Bliss, Solomon  
No: None  
Absent: Bloom, Kanoza, Wilsher

**MOTION CARRIED**

**APPROVAL OF MINUTES: June 30, 2008**

Resolution #CR-2009-03-002  
Moved by Bernardi  
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of June 30, 2008 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Bliss, Solomon  
No: None  
Absent: Bloom, Kanoza, Wilsher

**MOTION CARRIED**

**SUNSHINE LAW: Review by City Attorney Bluhm**

City Attorney Bluhm provided the members a resource booklet and presented a brief overview of the Sunshine Laws.

**PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office**

Clerk Bartholomew briefly explained the Agenda packet materials.

Member Bernardi noted concern with requiring members of Council to resign their position in order to seek another City of Troy elected office. She questioned the potential of having individuals resigning and challenging an incumbent with the risk of ending up with no position on Council. She indicated concern with the potential of not having members of the public having their first run for office being that of Mayor and the possibility of creating elections for the position of the Mayor being uncontested elections.

Member Solomon questioned the impact of having no requirement to require a resignation prior to filing.

Member Bernardi indicated that there could be a vacancy should the individual be successful however if the candidate was not successful there would be no impact. She also noted that the current amendment was adopted back in 1994 and since 1955 there was never any problem that she could discover. She noted she contacted the City Attorney earlier in the day to inquire about the history of the amendment.

City Attorney Bluhm indicated that it appears that the amendment was proposed and adopted the same time as the amendment eliminating the primary and term limits.

Chair Bliss indicated concern with the absence of 3 Committee members for the discussion and input on the matter. He made a motion to postpone the motion.

**MOTION TO POSTPONE**

Resolution #CR-2009-03-003

Moved by Bliss

Seconded by Barno

RESOLVED, That the this item be **POSTPONED** until all members of the Charter Revision Committee be present for discussion.

Yes: Barno, Bernardi, Bliss,

No: Solomon

Absent: Bloom, Kanoza, Wilsher

**MOTION CARRIED**

Member Solomon voiced a parliamentary objection to the vote. He stated it was his belief that the Chair did not allow adequate time for him to consider the motion prior to asking for the question. He noted that he believes that it is ill-advised for a committee to operate on the premise that all members need to be present for action and questioned the intention of a quorum.

Member Bernardi noted that she would have voted differently had she be apprised of Member Solomon's concern prior to voting.

Member Bernardi made a motion to reconsider the motion and indicated that the vote was too rapid. She appreciated the comments of the Chair, but respects Member Solomon's comments and believed that the vote was too quick and that he should have had an opportunity to voice his concerns prior to the vote.

There was no second to the vote and discussion ended abruptly when Member Barno indicated she quit and left the meeting.

**ADJOURNMENT**

Meeting **ADJOURNED** at 4:19 PM due to a lack of quorum.

Clerk Bartholomew requested that members submit any other potential amendments to the Clerk for inclusion in the next meeting Agenda.

---

Daniel Bliss, Chair

---

Tonni L. Bartholomew, City Clerk

A meeting of the Troy Charter Revision Committee was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss and Vice-Chairman Bloom, Wilsher (longest serving member present) called the Meeting to order at 3:04 PM.

**ROLL CALL:**

**PRESENT:** Lillian Barno, Maryann Bernardi, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher  
**ABSENT:** Daniel Bliss, Jerry E. Bloom  
**ALSO PRESENT:** City Manager Phil Nelson, City Attorney Lori Bluhm

**RESOLUTION TO EXCUSE MEMBER:**

Resolution #CR-2008-05-001  
Moved by Bernardi  
Seconded by Kanoza

RESOLVED, That Bliss and Bloom be **EXCUSED** from the meeting of May 22, 2008.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss, Bloom

**MOTION CARRIED**

**APPROVAL OF MINUTES: Tuesday, July 31, 2007**

Resolution #CR-2008-05-002  
Moved by Kanoza  
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of Tuesday, July 31, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss, Bloom

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENTS:**

**SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Resolution #CR-2008-05-003

Moved by Kanoza

Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an amendment to Section 6.2(g) of the Troy Charter until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

**SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION**

Resolution #CR-2008-05-004

Moved by Kanoza

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an addition to Chapter 9.16 to the Troy Charter concerning Millage Rate Levy Limitations until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

**MOTION CARRIED**

**AUDIENCE PARTICIPATION: None.**

**ADJOURNMENT**

Resolution #CR-2008-05-005

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Thursday, May 22, 2008 be **ADJOURNED**.

Meeting **ADJOURNED** at 3:43 PM.

---

Cynthia A. Wilsher-Acting Chair

---

Lori G. Bluhm – City Attorney



# Memorandum

To: Members of the Troy Charter Revision Committee  
From: Lori Grigg Bluhm *LGB*  
Date: June 24, 2008  
Subject: Section 6.2(g) of the Troy Charter

---

On November 8, 1994, Section 6.2(g) was added to the Troy Charter. That section states:

*Any elective office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:*

*...  
(g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.*

Although this provision was not added to Troy's Charter until 1994, the Charter Revision Committee minutes reveal discussion of this topic on previous occasions, dating back to at least 1980. Initially, the proposed provisions required resignation from Council upon filing as a candidate for any other elected office. This was modified to require resignation only when running for another City elected office, and was likely based on the fact that the City elections were in April, and most other elections occurred in November. Rather than paraphrasing the rationale, I have included a copy of the Charter Revision Committee minutes from August 2, 1994, with the attached minutes of the February 1983 Charter Revision Committee meeting.

This Charter provision was revisited by the Committee in 2007. One of the concerns expressed at that time was the possibility that more than one Council member could run for Mayor, and requiring resignation of more than one Council member may cause difficulties in those matters where supermajority votes were required. At the July 31, 2007 Charter Revision Committee meeting, the following Charter Revision proposal was recommended to City Council:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-  
VACANCIES IN ELECTED OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their

own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election"?

Yes \_\_\_\_\_ No \_\_\_\_\_

This recommendation was forwarded to City Council. A copy of the August 20, 2007 City Council minutes is attached. At that time, there was some Council support to modify the ballot question to call for a deletion of the Charter provision. However, this proposal did not have the required five affirmative votes to place the question on the ballot, and the matter was therefore referred back to the Charter Revision Committee. The language considered by City Council is as follows:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-  
VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "*Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election*", be deleted in its entirety?

Yes \_\_\_\_\_ No \_\_\_\_\_

The deadline for City Council to approve the language of any ballot question for the November 2008 election is on or before the **August 25, 2008** City Council meeting.

Please let me know if you have any additional questions on this matter.

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Tuesday, August 2, 1994 in the Lower Level Conference Room at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:45 p.m.

PRESENT: Lillian Barno  
Elio Eusebi  
Shirley Kanoza  
Donald W. Ruff  
Cynthia Wilsher

ALSO PRESENT: Peter A. Letzmann, City Attorney

ABSENT: Daniel H. Bliss  
Mark Solomon

\* \* \* \* \*

MINUTES

Moved by Kanoza  
Supported by Ruff

RESOLVED, That the minutes of the meeting of June 21, 1994 be approved.

Yeas: All-5  
Absent: Bliss, Solomon

VACANCIES IN ELECTIVE OFFICE

The Charter Revision Committee reviewed the additional information provided by the City Attorney on other cities that require a member of Council to resign if they become a candidate for any other elective office and make their recommendation based on the following reasons:

Because it is in the best interests of the citizens of the City of Troy that its elected officials concentrate on the office to which they are elected; and

Because it is in the best interests of the citizens of the City of Troy to prevent divisiveness among its elected officials; and

Because it is in the best interests of the citizens of the City of Troy to elect its council members rather than appoint them as a result of obtaining other city elected office; and

Because it is in the best interests of the citizens of the City of Troy to avoid the potential costs of special elections as a result of a council member becoming a candidate for another city elected office; and

D-1

Because it is in the best interest of the citizens of the City of Tr to have the maximum openness in the opportunity to run for elect office.

Moved by Ruff  
Seconded by Eusebi

RESOLVED, That the Charter Revision Committee hereby recommends to the City Council that they place the attached Charter Amendment on the ballot on the November 8, 1994 election and the ballot question shall read as follows:

"Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council at least ten (10) days prior to the filing deadline of the municipal election."

Yeas: All-5  
Absent: Bliss, Solomon

NEXT MEETING

The next meeting is scheduled at the call of the Chairman.

\* \* \* \* \*

The meeting was adjourned at 8:50 p.m.

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
Auburn Hills		X	
Berkley		X	
Birmingham		X	
Bloomfield Hills		X	
Clawson	X		
Farmington		X	
Ferndale	X		
Lathrup Village	X		
Madison Heights	X		
Northville	X		
Novi		X	
Oak Park	X		
Pleasant Ridge		X	
Pontiac		X	
Rochester		X	
Rochester Hills		X	
Royal Oak	X*		Only if the elected position is within city government
Southfield	X		

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
Auburn Hills		X	
Berkley		X	
Birmingham		X	
Bloomfield Hills		X	
Clawson	X		
Farmington		X	
Ferndale	X		
Lathrup Village	X		
Madison Heights	X		
Northville	X		
Novi		X	
Oak Park	X		
Pleasant Ridge		X	
Pontiac		X	
Rochester		X	
Rochester Hills		X	
Royal Oak	X*		Only if the elected position is within city government
Southfield	X		

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Wednesday, February 23, 1983 in Conference Room "A" at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:40 P.M.

PRESENT: John Barno  
John Classen  
Elio Eusebi  
Arthur Molinar  
Donald W. Ruff

ABSENT: Arnold Blythe  
Peter Treboldi

#####

MINUTES

The minutes of the meeting of January 23, 1983 were received and placed on file.

CHARTER STUDY

Motion by Molinar  
Supported by Ruff

RESOLVED, That the proposal be taken from the table for action at this time, and that it be inserted into the main body of the minutes.

Yeas: All-5

\*\*\*\*\*

A PROPOSED AMENDMENT OF THE CITY CHARTER

INTRODUCTION

(NOTE: In the following text the pronouns "he", "his", or "himself" shall be used with reference to particular candidates or members involved, but the intention that these pronouns shall refer to both males and females is explicit.)

The Charter Revision Committee, in its ongoing review of the City's Charter, is aware of what it considers a weakness in provisions dealing with qualifications as a candidate for the office of Mayor as such qualifications would relate to incumbent members of the Council.

As the situation now stands, should an incumbent member of the council win election as Mayor, assumption of said office would create a vacancy on the council which would require a special election to return the Council to its proper level of membership. In addition, such a special election would be an unwelcome, burdensome, and we hold, unnecessary, expense to the taxpayers.

From an historical perspective, the present citation by this committee of the above mentioned problem is not new, having been drawn to the Council's attention in several past instances. In order that the Charter will not continue to remain silent on this matter, we resubmit our statement of concern together with the following development and suggestions toward a satisfactory procedure that should become incorporated within the Charter.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

- b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.
- c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

- a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

\*\*\*\*\*

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:

- (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the minutes at the time of the absence;
- (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

Section 6.7 Filling Vacancies in Elective Office:

Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

#####

The meeting was adjourned at 9:14 P.M.

#####

EXPOSITION AND SUGGESTED PROCEDURE

Resolution of this problem appears to be concerned with the following areas

1. Qualification for Candidacy for the office of Mayor for the City of Troy would require an incumbent Council member to resign his position on the Council.
2. A method of replacing the resigned incumbent must be devised, and the capacities and limitations of the interim Council member should be defined.
3. Certain deadlines, or other time constraints must be achieved in order to effectuate Items 1 and 2 above.
4. The entire procedure must be conducted in such a way as to insure maximum opportunity of the voting public to participate in the selection of the members of the Council.

We now deal with these items with expansion and detail:

Item 1

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than Four O'Clock P.M. of the twenty-eighth (28) day preceding the third Monday of February of each year. (see Charter section 7.9)

Should a Council member choose to become a candidate for other public office that would eventually require vacating of the Council seat, he shall be required to resign his Council seat no later than the filing deadline dates for such office, or a date no later than that required in the preceding paragraph.

Item 2

The resigned incumbents seat on the Council shall be filled in the following manner, duration of office limited and limitations of office defined as follows:

- a. The Mayor and remaining Council members shall elect an interim Council member from a list of interested persons who are at the time qualified members in good standing of the various Boards and Committees currently serving the Council in advisory capacities.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

- b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.
- c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

- a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

\*\*\*\*\*

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:

- (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the minutes at the time of the absence;
- (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

Section 6.7 Filling Vacancies in Elective Office:

Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

#####

The meeting was adjourned at 9:14 P.M.

#####

**POSTPONED ITEMS:**

---

**D-1 Resolution to Refer Charter Revision – Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee**

Pending Resolution

Moved by Howrylak

Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

**Vote on Resolution to Amend Pending Resolution by Substitution**

Resolution #2007-08-245

Moved by Broomfield

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution by **SUBSTITUTING** it in its entirety with the following language:

*RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-08-234, as it appears below:*

---

**F-5 Charter Revision Committee Recommendation – Amendment to the Troy City Charter Section 6.2(g) – Vacancies in Elective Office**

*Resolution #2007-08-234*

*Moved by Lambert*

*Seconded by Broomfield*

*RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:*

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

*Shall Section 6.2 (g) of the City of Troy Charter, which provides that “Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election”, be deleted in its entirety?*

YES \_\_\_ NO \_\_\_

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

**MOTION FAILED**

Yes: All-7

**MOTION CARRIED**

**Proposed Substitute Amendment Resolution for Resolution #2007-08-234**

Resolution  
Moved by Broomfield  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

**Vote on Amendment to Proposed Substitute Resolution for Resolution #2007-08-234**

Resolution #2007-08-246  
Moved by Broomfield  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** proposed Substitute Amendment Resolution for Resolution #2007-08-234 by inserting:

"RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:"

Prior to:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Yes: Broomfield, Fleming, Howrylak, Lambert, Beltramini

No: Stine, Schilling

**MOTION CARRIED**

**Vote on Amended Substitute Resolution**

Resolution #2007-08-247

Moved by Broomfield

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 (g) of the City of Troy Charter, which provides that "Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election", be deleted in its entirety?

Yes: Fleming, Howrylak, Lambert, Broomfield

No: Stine, Schilling, Beltramini

**MOTION CARRIED**

**Vote on Substitute Amendment Resolution for Resolution #2007-08-247**

Resolution #2007-08-248

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Substitute Resolution 2007-08-247 in its entirety as follows:

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

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

**MOTION CARRIED**

**Vote on Main Resolution as Amended by Substitution**

Resolution #2007-08-249  
Moved by Howrylak  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office* to the Charter Revision Committee for further review.

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

**MOTION CARRIED**

**CONSENT AGENDA:**

---

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

Resolution #2007-08-250-E-1a  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-4a which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

---

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

---

**E-4 Standard Purchasing Resolutions**

**b) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract Bentley Systems, Inc.**

Resolution #2007-08-250-E-4b